

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of June 5, 2001

1. CALL TO ORDER:

Assembly Chairman Dick Traini convened the meeting at 5:10 p.m. 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, Cheryl Clementson.

Absent: None.

3. PLEDGE OF ALLEGIANCE:

The pledge was led by Mr. Tremaine.

4. MINUTES OF PREVIOUS MEETING:

A. Regular Meeting, December 12, 2000

Mr. Tremaine moved, to approve the minutes of December 12, 2000.
seconded by Ms. Taylor

Question was called on the motion to approve the minutes of December 12, 2000 and it passed without objection.

5. MAYOR'S REPORT:

Mayor Wuerch commented on the clean-up effort, noting the amount of trash collected this year during the week of clean-up was 20% under the tonnage of the previous year. He indicated 1,400 loads of trash, equating to 300 tons, had been collected by citizens and brought to the transfer station or landfill using free certificates. Those certificates remain valid until next year's clean-up. He announced the activation of the Treasury web page on the Internet at www.muni.org/treasury.

6. ADDENDUM TO AGENDA:

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

Chair Traini read the addendum items.

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

7. CONSENT AGENDA:

Ms. Von Gemmingen moved, to approve the consent agenda as amended.
seconded by Ms. Fairclough

A. BID AWARDS:

1. Assembly Memorandum No. AM 480-2001, recommendation of award to HDR Alaska, Inc. for providing professional engineering services for the rehabilitation of the C-5-7 **Campbell Lake Sewer Trunk** for the Municipality of Anchorage, Water and Wastewater Utility (RFP 20-P065) (\$365,000), Purchasing.
2. Assembly Memorandum No. AM 499-2001, recommendation of award to H. Watt & Scott, Inc. for 2001 **Merrill Field Improvements - Orca Street Roof Improvements** for the Municipality of Anchorage, Merrill Field Airport (ITB 21-C014)(\$314,151), Purchasing.
3. Assembly Memorandum No. AM 508-2001, recommendation of award to Pruhs Corporation for 2001 **Merrill Field improvements**, relocate taxiways Echo, Foxtrot, Golf & Hotel and Security Improvements, Phase IV for the Municipality of Anchorage, Merrill Field Airport (ITB 21-C015)(\$825,031.01).
4. Assembly Memorandum No. AM 517-2001, recommendation of award to Hot Wire Electric, Inc. for miscellaneous **construction services - signal and lighting improvements** for the Municipality of Anchorage, Traffic Department (ITB 21-C011)(\$500,000), Purchasing.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2001-107, an ordinance amending Anchorage Municipal Code Chapter 4.60 to **create the Girdwood Valley Advisory Commission** and define its purpose and municipal obligations, Municipal Attorney. *public hearing 7-10-01* 6-19-01.

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

2. Ordinance No. AO 2001-115, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code subsection 21.50.320M., provided for in AO 2001-80 as amended and approved by the Assembly on May 8, 2001, regarding exterior **signs for large retail establishments**, Assemblymember Kendall. ~~public hearing 6-19-01~~.
 - a. Assembly Memorandum No. AM 485-2001.

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

3. Ordinance No. AO 2001-118, an ordinance amending Anchorage Municipal Ordinance AO 2001-80 by changing the effective date on the prohibition of certain exterior **signs for large retail establishments**, Assemblymember Kendall. ~~public hearing 6-19-01~~.
 - a. Assembly Memorandum No. AM 492-2001.

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

4. Ordinance No. AO 2001-116, an ordinance amending Anchorage Municipal Code of Regulations Section 21.20.002 to provide for a new fee for a **certificate of nonconforming encroachment**, (Planning and Zoning Commission Case 2001-029) Planning. ~~public hearing 6-19-01~~ 7-10-01.
 - a. Assembly Memorandum No. AM 490-2001.

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

5. Ordinance No. AO 2001-117, an ordinance amending Anchorage Municipal Code Sections 21.10.025, 21.30.110, and 21.55.040 to allow **dimensional encroachments of existing structures** constructed prior to January 1, 1986, to encroach into required zoning setbacks for yards, except for those encroachments which are determined to be a life/safety hazard, (Planning and Zoning Commission Case 2001-007) Planning. ~~public hearing 7-10-01~~.
 - a. Assembly Memorandum No. AM 491-2001.

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

6. Resolution No. AR 2001-159, a resolution of the Municipality of Anchorage providing for a revision of the **Anchorage School District financial plan** for FY 2001-2002, Anchorage School District. ~~public hearing 6-19-01~~.
 - a. Assembly Memorandum No. AM 466-2001.
7. Ordinance No. AO 2001-119, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the borrowing from the State of Alaska Drinking Water Fund of an amount not to exceed \$1,548,450 for the purpose of financing a portion of the costs of the **Loop Water Transmission Main** Phase IV and the **Thunderbird Heights Water Upgrade** projects in the Municipality, and providing for related matters, Water & Wastewater Utility. ~~public hearing 6-19-01~~.
 - a. Assembly Memorandum No. AM 494-2001.

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

8. Resolution No. AR 2001-169, a resolution of the Municipality of Anchorage accepting when tendered three million four hundred fifty thousand dollars (\$3,450,000) from the Federal Aviation Administration Airport Improvement Program Grant and appropriating said grant and two hundred thirty thousand dollars (\$230,000) from Airport retained earnings to Merrill Field's Capital Improvement Fund for **primary airport access road, gravel/ski runway and Phase 5A Security Improvement Projects and revising the 2001 Merrill Field Capital Improvement Budget** (581), Merrill Field Airport. ~~public hearing 6-19-01~~.
 - a. Assembly Memorandum No. AM 509-2001.

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

9. Resolution No. AR 2001-170, a resolution of the Municipality of Anchorage appropriating three million seventy-four thousand one hundred sixty-six dollars (\$3,074,166) from the MOA Trust Reserve Fund Balance (731) as a **contribution to the MOA Trust Fund** (730), Finance. ~~public hearing 6-19-01~~.
 - a. Assembly Memorandum No. AM 510-2001.
10. Resolution No. AR 2001-171, a resolution approving the **Arlene Street Water Main Extension** and providing for assessment of benefited properties at time of service connection, Water & Wastewater Utility. ~~public hearing 7-10-01~~.
 - a. Assembly Memorandum No. AM 514-2001.
11. Resolution No. AR 2001-165, a resolution of the Municipality of Anchorage appropriating one million fifty-seven thousand nine hundred seventy-one dollars (\$1,057,971) as a grant from Alaska Housing Finance Corporation (AHFC) to the State Categorical Grants Fund (231), Health and Human Services Department, for the **Weatherization Assistance Program**. ~~public hearing 6-19-01~~.
 - a. Assembly Memorandum No. AM 487-2001.
12. Resolution No. AR 2001-166, a resolution of the Anchorage Assembly appropriating two million two hundred thousand dollars (\$2,200,000) of anticipated interest earnings from the jail revenue bond investment to the Anchorage Metropolitan Police Service Area Capital Improvement Program

- fund (451) for costs related to the construction of the **Anchorage Jail**, Office of Planning, Development and Public Works. *public hearing* 6-19-01.
- a. Assembly Memorandum No. AM 488-2001.
13. Resolution No. AR 2001-176, a resolution of the Municipality of Anchorage appropriating five hundred fifty thousand dollars (\$550,000) from the Areawide Fund (101) Balance to the Anchorage Fire Department 2001 Operating Budget to provide additional support to the 2001 interagency **spruce bark beetle fire mitigation program**, Chair of the Assembly at the request of the Mayor. *public hearing* 6-19-01. **(addendum)**
14. Ordinance No. AO 2001-120, an ordinance of the Anchorage Assembly reaffirming the Assembly's legislative intent with respect to application of AMC 21.50.320(M) to pole signs, rotating signs, and flashing **signs to be erected in new or reconstructed large retail establishments**, Assemblymember Tesche. *public hearing* 6-19-01. **(addendum)**
15. Ordinance No. AO 2001-121, an ordinance amending Anchorage Municipal Code Chapter 3.30 to provide for **alternate working schedules**, Employee Relations. *public hearing* 6-19-01. **(addendum)**
- a. Assembly Memorandum No. AM 525-2001.
16. Resolution No. AR 2001-178, a resolution **protesting the renewal of the beverage dispensary-tourism liquor license for Spenard Paradise Inn** (license No. 1139); transmitting notification of violation of conditions to the State Alcoholic Beverage Control Board; and finding the continued operation of the licensed premise to be a public nuisance, Assemblymembers Von Gemmingen, Sullivan, Traini, Shamberg, Taylor and Van Etten. *public hearing* 6-19-01. **(LAID ON TABLE)**

Action on this item was considered later in the meeting. See Unfinished Agenda item 15.C.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 2001-162, a resolution of the Municipality of Anchorage appropriating fifty thousand dollars (\$50,000) as a contribution from industry members of the Port Fuel Tank Task Force to the areawide general (101) fund to fund a **public health and safety hazard study** of the Port, Finance.
- a. Assembly Memorandum No. AM 478-2001.
2. Resolution No. AR 2001-163, a resolution of the Anchorage Municipal Assembly **recognizing and honoring John W. Sadusky for his 23 years of service** with the Municipality of Anchorage, Assemblymembers Clementson, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen.

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

3. Resolution No. AR 2001-164, a resolution authorizing the granting of **tax refund** as a result of manifest clerical error on real property account 050-781-03, Finance.
- a. Assembly Memorandum No. AM 486-2001.
4. Resolution No. AR 2001-167, a resolution supporting the Municipality's list of projects proposed for funding from the **Federal Coastal Impact Assistance Program (CIAP)**, Planning.

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

- a. Assembly Memorandum No. AM 489-2001.
5. Resolution No. AR 2001-168, a resolution of the Municipality of Anchorage providing for the appropriation of a grant totaling twenty thousand, six hundred eighty-eight (\$20,688) dollars from the State of Alaska, Department of Education to the State Categorical Grant Fund (231), Cultural and Recreational Services Department for the **Net Lender Reimbursement Program**.
- a. Assembly Memorandum No. AM 501-2001.
6. Resolution No. AR 2001-172, a resolution approving the **Arlene Street Sanitary Sewer Main Extension** and providing for assessment of benefited property at time of service connection, Water & Wastewater Utility.
- a. Assembly Memorandum No. AM 515-2001.
7. Resolution No. AR 2001-173, a resolution to establish the delinquent dates for the first and second half of yearly **business personal and personal property tax payments** for tax year 2001, Finance.
- a. Assembly Memorandum No. AM 516-2001.
8. Resolution No. AR 2001-174, a resolution of the Anchorage Municipal Assembly approving expenditure of funds for **legal fees** and appropriating \$4,660 from Areawide General Fund (101) balance to the Department of Assembly, Assembly Chairman Traini.
- a. Assembly Memorandum No. AM 520-2001.
9. Resolution No. AR 2001-175, a resolution of the Anchorage Municipal Assembly urging the Alaska Legislature to allow the public to use its downtown parking lot for **evening and weekend parking**, Assemblymember Tesche. **(addendum)**

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

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 471-2001, **Wings 'n' Things** (License No. 2046) – 2001/2002 Renewal for a Restaurant/Eating Place Liquor License (Downtown Community Council), Clerk's Office
2. Assembly Memorandum No. AM 472-2001, **Ah Sa Wan Restaurant** (License No. 2998) – Transfer of Location and Application for a Restaurant Designation Permit for a Beverage

- 1 Dispensary Liquor License (Campbell Park & University Area Community Councils), Clerk's
2 Office
- 3 3. Assembly Memorandum No. AM 473-2001, **Max's Mountain Bar & Grill** (License No. 3188) –
4 Transfer of Ownership for a Beverage Dispensary Liquor License (Girdwood Community Council),
5 Clerk's Office.
- 6 4. Assembly Memorandum No. AM 474-2001, **Panda Express** (License No. 3711) – Transfer of
7 Ownership and Application for a Restaurant Designation Permit for a Restaurant/Eating Place
8 Liquor License (Taku/Campbell Community Council), Clerk's Office.
- 9 5. Assembly Memorandum No. AM 475-2001, **Oriental Garden** (License No. 4050) - Transfer of
10 Ownership for a Restaurant/Eating Place Liquor License and Application for a Restaurant
11 Designation Permit (Spenard Community Council), Clerk's Office.
- 12 6. Assembly Memorandum No. AM 476-2001, 2001/2002 Liquor License Renewals: **PJ's** (Papa
13 Joe's) #826, **Asia Garden** #83, **Garcia's Cantina** #2275, **Gallo's Mexican Rest. #2** (#3572),
14 **Blues Central/Chef's Inn** #217, **Club Paris** #258, **Inlet Towers Suites** #3083, **Hong Kong**
15 **Restaurant** #525, **Holiday Inn/Conversations** #519 (*Beverage Dispensary*); **Williams Express**
16 **#3973**, **Costco Wholesale #63** (#3149), **Costco Wholesale #10** (#2020), **In & Out Bush Liquor**
17 **#1** (#156), **In & Out Bush Liquor #2** (#688) (*Package Store*); **Brown Bear Saloon & Motel**
18 **#1987**, **International Airport Lounge** #1798 (*Beverage Dispensary Tourism*); **VFW Post #9785**
19 **(#1204)**, **Frat. Order of Eagles #4174** (#3031) (*Club*); **K & L Distributors** #1510, **K & L**
20 **Beverage Co.** #3964 (*Wholesale*); **Denali Winery** #3776 (*Winery*); **Glacier Brew House** #3985
21 (*Brewpub*); **Cyrano's Crepes & Books** #2724, **Jewel Lake Pizza & Tea Garden** #1805,
22 **Residence Inn by Marriott** #3934, **Bird Ridge Café & Bakery** #3723, **Yamaya Restaurant**
23 **#3728**, **Jass Alley** #3269, **Tiffany's Café & Catering** #3392, **Pizza Man** #1533, **Tidewater Café**
24 **#3193**, **Arigato Japanese Restaurant** #2662, **Kumagoro** #2276 (*Restaurant/Eating Place*);
25 (Spenard, Bayshore/Klatt, Taku/Campbell, Eagle River, Downtown, South Addition, Turnagain
26 Arm, Sand Lake, Russian Jack, Fairview, Portage Valley, Campbell Park Community Councils),
27 Clerk's Office.
- 28 7. Assembly Memorandum No. AM 477-2001, **Spenard Paradise Inn** (License No. 1139) -
29 2001/2002 Renewal for a Beverage Dispensary - Tourism Liquor License (Spenard Community
30 Council), Clerk's Office.

31
32 Ms. Von Gemmingen requested this item be considered on the Regular Agenda. See item 8.D.

- 33
- 34 8. Assembly Memorandum No. AM 479-2001, amendment to lease with L Street Investments for
35 **office space for the Office of the Municipal Attorney, Prosecution Division** to extend term one
36 (1) year and increase rent from \$1.37 per square foot to \$1.55 per square foot, Municipal Attorney.
- 37 a. Assembly Memorandum No. AM 479-2001(A), amendment to lease with L Street
38 Investments for **office space for the Office of the Municipal Attorney, Prosecution**
39 **Division** to extend term one (1) year and increase rent from \$1.37 per square foot to \$1.55
40 per square foot, Municipal Attorney. (**addendum**)
- 41 9. Assembly Memorandum No. AM 481-2001, change order No. three to purchase order No. 201739
42 with Unwin, Scheben, Korynta, Huettle, Inc. (USKH) to provide **Professional**
43 **Architectural/Engineering services** for capital improvement projects for the Municipality of
44 Anchorage, Merrill Field Airport (\$33,180).
- 45 10. Assembly Memorandum No. AM 482-2001, proprietary purchase of **chlorination disinfecting**
46 **equipment** from U.S. Filter/Stranco Products for the Municipality of Anchorage, Water &
47 Wastewater Utility (\$60,889), Purchasing.
- 48 11. Assembly Memorandum No. AM 483-2001, proprietary purchase of **waste disposal crawler**
49 **tractor** from NC Machinery for the Municipality of Anchorage, Solid Waste Services (\$378,675),
50 Purchasing.
- 51 12. Assembly Memorandum No. AM 484-2001, proprietary purchase of ProLaser III **hand held laser**
52 **speed guns** from Kustom Signals, Inc. for the Municipality of Anchorage, Police Department
53 (\$45,110), Purchasing.
- 54 13. Assembly Memorandum No. AM 493-2001, change order No. 1 to Purchase Order 210142 with
55 Weissler Media Services for providing **advertising services** to the Municipality of Anchorage,
56 Police Department (\$31,000), Purchasing.

57
58 Ms. Taylor requested this item be considered on the Regular Agenda. See item 8.D.

- 59
- 60 a. Information Memorandum No. AIM 62-2001. (**addendum**)
- 61 14. Assembly Memorandum No. AM 495-2001, proprietary purchase of **Global Positioning Satellite**
62 **(GPS) simulcast/digital path equipment** upgrade from Motorola Communications, Inc. for the
63 Municipality of Anchorage, Traffic Department (\$88,765.20), Purchasing.
- 64 15. Assembly Memorandum No. AM 496-2001, change order No. 1 to vendor contract 21WWU127
65 with M-W Drilling for providing **well maintenance and repair services** to the Municipality of
66 Anchorage, Water & Wastewater Utility (\$30,000), Purchasing.
- 67 16. Assembly Memorandum No. AM 497-2001, the **sunset** of Board of Building Regulation Examiners
68 and Appeals, Heritage Land Bank Advisory Commission, Anchorage Women's Commission, Solid
69 Waste Commission and the Mt. View Community Recreation Center Advisory Commission,
70 Municipal Clerk's Office.
- 71 17. Assembly Memorandum No. AM 498-2001, proprietary purchase of **three motor graders** from
72 Construction Machinery, Inc. (CMI) for the Municipality of Anchorage, Department of Facility
73 Management, Fleet Services (\$475,032), Purchasing.

74
75 Mr. Tremaine requested this item be considered on the Regular Agenda. See item 8.D.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40
- 41
- 42
- 43
- 44
- 45
- 46
- 47
- 48
- 49
- 50
- 51
- 52
- 53
- 54
- 55
- 56
- 57
- 58
- 59
- 60
- 61
- 62
- 63
- 64
- 65
- 66
- 67
- 68
- 69
- 70
- 71
- 72
- 73
- 74
- 75
18. Assembly Memorandum No. AM 500-2001, change order No. 8 to purchase order 82944 with RCC Consultants, Inc. for additional needs analysis and recommendations for the **Mobile Data System** for the Municipality of Anchorage, Anchorage Police Department (\$20,000), Purchasing.
19. Assembly Memorandum No. AM 502-2001, change order No. 1 to Purchase Order 210458 with the Gale Group for proprietary purchase of additional **library materials** for the Municipality of Anchorage, Department of Cultural & Recreational Services (\$60,000), Purchasing.
20. Assembly Memorandum No. AM 503-2001, change order No. 4 to Purchase Order 71829, with Health South Primary Care Associate, Inc., for providing **physical examinations** on an “as required” basis for the Municipality of Anchorage, (\$118,830), Employee Relations.
21. Assembly Memorandum No. AM 504-2001, change order No. 1 to Purchase Order 20EMP382 with Law Enforcement Psychological Services, Inc. to provide **psychiatric and psychological services** to the Municipality of Anchorage, Anchorage Police and Fire Departments (\$20,000), Employee Relations.
22. Assembly Memorandum No. AM 505-2001, change order No. 1 to Purchase Order 20EMP383 with David J. Sperbeck, Ph.D. to provide **psychiatric and psychological services** to the Municipality of Anchorage, Anchorage Police and Fire Departments (\$20,000), Employee Relations.
23. Assembly Memorandum No. AM 506-2001, change order #1 to Contract No. C-210095, **Above Ground Tank Overfill Prevention** Upgrade, Facility & Fleet Management (\$10,900).

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

24. Assembly Memorandum No. AM 507-2001, amendment No. 1 to the professional services agreement with CRW Engineering Group for 2000 term contract for **professional engineering services** in the amount of \$55,000, Anchorage Water & Wastewater Utility.
25. Assembly Memorandum No. AM 511-2001, **Veterans Affairs Commission appointments** (Chuck Achberger, Michael Sheehy, Maarten Vermaat), Mayor's Office.
26. Assembly Memorandum No. AM 512-2001, **Memorial Park Cemetery Advisory Commission appointment** (Rev. Paul Everett), Mayor's Office.
27. Assembly Memorandum No. AM 513-2001, **Mt. View Community Recreation Center Advisory Commission appointment** (Lisa Martinez), Mayor's Office.
28. Assembly Memorandum No. AM 518-2001, proprietary services contract with American Planning Association for **developing a staff review manual and training services** for the Municipality of Anchorage, Office of Planning, Development and Public Works (\$38,500), Purchasing.

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

29. Assembly Memorandum No. AM 519-2001, change order No. 2 to Purchase Order 202483 with American LaFrance Medicmaster for furnishing two **medic ambulances** for the Municipality of Anchorage, Fire Department (\$129,962), Purchasing.
30. Assembly Memorandum No. AM 521-2001, Community Development Block Grant (CDBG) **grant award for United Way of Alaska** for program year (PY) 2000, Planning Department.

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

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 59-2001, **Bar Violations/Quarterly Report** - First Quarter/2001 (Crazy Horse), Police Department.
2. Information Memorandum No. AIM 60-2001, report of Project Management & Engineering's **construction contract amendments**, Office of Planning, Development and Public Works.
3. Information Memorandum No. AIM 61-2001, First Quarter 2001 **Fiscal Reports** for Municipal Utilities/Enterprise Activities.

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

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

8. REGULAR AGENDA:

A. BID AWARDS:

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2001-107, an ordinance amending Anchorage Municipal Code Chapter 4.60 to **create the Girdwood Valley Advisory Commission** and define its purpose and municipal obligations, Municipal Attorney. *public hearing 7-10-01 6-19-01.*

Mr. Tremaine moved, to postpone introduction to June 19, 2001.
seconded by Ms. Clementson
and it passed without objection

2. Ordinance No. AO 2001-115, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code subsection 21.50.320M., provided for in AO 2001-80 as amended and

approved by the Assembly on May 8, 2001, regarding exterior **signs for large retail establishments**, Assemblymember Kendall. ~~public hearing 6-19-01.~~
a. Assembly Memorandum No. AM 485-2001.

Mr. Tesche moved, to introduce AO 2001-115.
seconded by Mr. Kendall

Mr. Tesche moved, to postpone AO 2001-115 indefinitely.
seconded by Mr. Tremaine

Mr. Tesche noted similar legislation was before the assembly two weeks previous and that was postponed indefinitely. He stated he had authored AO 2001-120, which would resolve a number of enforcement issues raised by the administration. He felt the issue of pole signs could be best dealt with during the public hearing on AO 2001-111.

Question was called on the motion to postpone indefinitely and it passed:

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

3. Ordinance No. AO 2001-118, an ordinance amending Anchorage Municipal Ordinance AO 2001-80 by changing the effective date on the prohibition of certain exterior **signs for large retail establishments**, Assemblymember Kendall. ~~public hearing 6-19-01.~~
a. Assembly Memorandum No. AM 492-2001.

Mr. Tesche moved, to introduce AO 2001-118.
seconded by Mr. Tremaine

Mr. Tesche moved, to postpone AO 2001-118 indefinitely.
seconded by Mr. Tremaine

Mr. Tesche indicated he wished to postpone this item for the same reasons as the previous item.

Mr. Kendall felt there had not been adequate public hearing on this item.

Question was called on the motion to postpone indefinitely and it passed:

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

4. Ordinance No. AO 2001-116, an ordinance amending Anchorage Municipal Code of Regulations Section 21.20.002 to provide for a new fee for a **certificate of nonconforming encroachment**, (Planning and Zoning Commission Case 2001-029) Planning. ~~public hearing 6-19-01~~ 7-10-01.
a. Assembly Memorandum No. AM 490-2001.

Ms. Fairclough moved, to introduce AO 2001-116.
seconded by Mr. Tesche
and it passed without objection

Ms. Fairclough moved, to change the date of the public hearing to July 10, 2001.
seconded by Mr. Tremaine
and it passed without objection

5. Ordinance No. AO 2001-117, an ordinance amending Anchorage Municipal Code Sections 21.10.025, 21.30.110, and 21.55.040 to allow **dimensional encroachments of existing structures** constructed prior to January 1, 1986, to encroach into required zoning setbacks for yards, except for those encroachments which are determined to be a life/safety hazard, (Planning and Zoning Commission Case 2001-007) Planning. ~~public hearing 7-10-01.~~
a. Assembly Memorandum No. AM 491-2001.

Ms. Fairclough moved, to introduce AO 2001-117 and set for public hearing on July 10, 2001.
seconded by Mr. Tesche
third by Mr. Tremaine
and it passed without objection

Mr. Van Etten agreed to work with Chair Traini and the Planning Department to schedule a work session on AO 2001-116 and AO 2001-117.

7. Ordinance No. AO 2001-119, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the borrowing from the State of Alaska Drinking Water Fund of an amount not to exceed \$1,548,450 for the purpose of financing a portion of the costs of the **Loop Water Transmission Main** Phase IV and the **Thunderbird Heights Water Upgrade** projects in the Municipality, and providing for related matters, Water & Wastewater Utility. ~~public hearing 6-19-01.~~
a. Assembly Memorandum No. AM 494-2001.

Mr. Van Etten moved, to introduce AO 2001-119 and set for public hearing on June 19, 2001.
seconded by Ms. Von Gemmingen
third by Ms. Fairclough

Mr. Van Etten asked which section of the water transmission system was Phase IV. Anchorage Water and Wastewater Utility General Manager Mark Premo responded Phase IV connects two tanks at approximately Tudor (Bicentennial Park).

8. Resolution No. AR 2001-169, a resolution of the Municipality of Anchorage accepting when tendered three million four hundred fifty thousand dollars (\$3,450,000) from the Federal Aviation Administration Airport Improvement Program Grant and appropriating said grant and two hundred thirty thousand dollars (\$230,000) from Airport retained earnings to Merrill Field’s Capital Improvement Fund for **primary airport access road, gravel/ski runway and Phase 5A Security Improvement Projects and revising the 2001 Merrill Field Capital Improvement Budget** (581), Merrill Field Airport. *public hearing* 6-19-01.
a. Assembly Memorandum No. AM 509-2001.

Mr. Tremaine moved, to introduce AO 2001-169 and set for public hearing on June 19, 2001.
seconded by Ms. Fairclough
third by Mr. Tesche

Mr. Tremaine asked whether these funds were the same as the approximately \$1 million in expenditures approved for Merrill Field in items 7.A.2 and 7.A.3. The administration responded these funds were grants that were expected to be offered within the next month and were not the same as those previously approved.

C. RESOLUTIONS FOR ACTION:

2. Resolution No. AR 2001-163, a resolution of the Anchorage Municipal Assembly **recognizing and honoring John W. Sadusky for his 23 years of service** with the Municipality of Anchorage, Assemblymembers Clementson, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen.

Mr. Kendall moved, to adopt AR 2001-163.
seconded by Ms. Fairclough
and it passed without objection

Mr. Van Etten read AR 2001-163 and Mr. Kendall presented to Mr. Sadusky. Mr. Sadusky thanked the Assembly.

Mr. Sullivan moved, to suspend the rules to consider AR 2001-160, acted upon by the
seconded by Ms. Fairclough Assembly at the May 22, 2001 meeting.

Resolution No. AR 2001-160, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Sergeant Paul A. Godwin for his 28 years of service** with the Anchorage Police Department.

Mr. Sullivan read AR 2001-160 and Mr. Tesche presented to Officer Godwin. Officer Godwin thanked the Assembly.

4. Resolution No. AR 2001-167, a resolution supporting the Municipality's list of projects proposed for funding from the **Federal Coastal Impact Assistance Program** (CIAP), Planning.
a. Assembly Memorandum No. AM 489-2001.

Mr. Van Etten moved, to approve AR 2001-167.
seconded by Mr. Tremaine, and
it passed without objection,

Mr. Van Etten asked how this impacts Comprehensive Plan goals and strategies and when the funding might be expected. Planning Department Wetlands Coordinator Thede Tobish replied most of the projects were aligned with the Comprehensive Plan and funding was expected after July 2001.

9. Resolution No. AR 2001-175, a resolution of the Anchorage Municipal Assembly urging the Alaska Legislature to allow the public to use its downtown parking lot for **evening and weekend parking**, Assemblymember Tesche. **(addendum)**

Ms. Taylor moved, to approve AR 2001-175.
seconded by Mr. Tesche, and
it passed without objection,

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

D. NEW BUSINESS:

7. Assembly Memorandum No. AM 477-2001, **Spenard Paradise Inn** (License No. 1139) - 2001/2002 Renewal for a Beverage Dispensary - Tourism Liquor License (Spenard Community Council), Clerk's Office.

Ms. Von Gemmingen moved, to approve AM 477-2001.
seconded by Mr. Sullivan

Anchorage Police Department Chief Walter Monegan indicated a special enforcement effort was applied to this establishment in response to concerns from area residents. Several violations were administered to the owner. He reported on the number of calls for service experienced annually at this establishment in 1998 through 2001 to date. Mr. Sullivan confirmed through Chief Monegan, that there were approximately 100 complaints in the last two years and 36 to date in 2001 at this 10-room motel with a lounge.

Ms. Von Gemmingen indicated the last day the Assembly could protest this liquor license would be June 18, 2001. The State Alcoholic Beverage Control (ABC) Board meets in mid-July and she had been told by the Department of Law that, if a resolution was introduced by three members of the Assembly with grounds for protest specified and with 14-day notice to the licensee and to the community council involved, a public hearing could be scheduled before the Assembly exercised or waived its right to protest the renewal of the license. Municipal Attorney Bill Greene stated the statute is clear that the Board is prohibited from considering protests after the 60-day period, so a June 19, 2001 date for the public hearing would not be timely

Ms. Von Gemmingen moved, to postpone AM 477-2001 to later in the agenda.
seconded by Mr. Sullivan

Ms. Clementson understood House Bill 69, which was passed last year, allowed local governing bodies to protest a license at any time. Mr. Greene stated the Assembly also had the ability to protest a license by January 31st.

Question was called on the motion to postpone until later in the meeting and it passed without objection.

Action on this item was considered later in the meeting. See Unfinished Agenda item 15.D.

13. Assembly Memorandum No. AM 493-2001, change order No. 1 to Purchase Order 210142 with Weissler Media Services for providing **advertising services** to the Municipality of Anchorage, Police Department (\$31,000), Purchasing.
a. Information Memorandum No. AIM 62-2001. (**addendum**)

Ms. Taylor moved, to approve AM 493-2001.
seconded by Ms. Fairclough

Ms. Taylor thanked the administration for being pro-active in recruiting applicants to the Anchorage Police Department.

Ms. Clementson noted this item had been approved not to exceed \$29,000 and asked how the amount had increased to \$60,000. Anchorage Police Department Chief Walter Monegan explained he had grossly under estimated the cost of this program, which had only recently been initiated.

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

17. Assembly Memorandum No. AM 498-2001, proprietary purchase of **three motor graders** from Construction Machinery, Inc. (CMI) for the Municipality of Anchorage, Department of Facility Management, Fleet Services (\$475,032), Purchasing.

Mr. Tremaine moved, to approve AM 498-2001.
seconded by Ms. Clementson

In response to Mr. Tremaine, Fleet Services Division Manager Sam Provenzano, said the fund certification, identifying a year 2000 capital fund, was accurate.

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

23. Assembly Memorandum No. AM 506-2001, change order #1 to Contract No. C-210095, **Above Ground Tank Overfill Prevention** Upgrade, Facility & Fleet Management (\$10,900).

Mr. Tesche moved, to approve AM 506-2001.
seconded by Mr. Tremaine

Mr. Tremaine thought the cost of this project seemed excessive. Mr. Provenzano explained the items involved in this project.

Question was called on the motion to approve AM 506-2001 and it passed without objection.

28. Assembly Memorandum No. AM 518-2001, proprietary services contract with American Planning Association for **developing a staff review manual and training services** for the Municipality of Anchorage, Office of Planning, Development and Public Works (\$38,500), Purchasing.

Mr. Van Etten moved, to approve AM 518-2001.
seconded by Ms. Von Gemmingen

Mr. Van Etten asked how the Assembly might benefit from this contract with the American Planning Association. Planning Department Director Sue Fison explained a symposium was being planned to which anyone would be invited, including planners around the state. She explained the American Planning Association was partnering in this effort, contributing

1 \$32,000. An outcome of this project will be training for municipal staff, board and commission members, Assembly
2 members, and the public in the form of a manual. There is also an intent to develop best practices for case packet review.
3
4 Question was called on the motion to approve AM 518-2001 and it passed without objection.
5
6 30. Assembly Memorandum No. AM 521-2001, Community Development Block Grant (CDBG) **grant**
7 **award for United Way of Alaska** for program year (PY) 2000, Planning Department.
8
9 Ms. Clementson moved, to approve AM 521-2001.
10 seconded by Mr. Tremaine
11
12 Ms. Clementson had understood this was approved with the passage of the Consolidated Plan. Community Development
13 Division Manager Beverly Jones explained the allocation for this project was approved with the Consolidated Plan; however,
14 this addresses the specific amount of the project.
15
16 Question was called on the motion to approve and it passed without objection.
17
18 E. INFORMATION AND REPORTS: None
19
20 Mr. Tesche moved, to change the order of the day and consider item 9.E, AR 2001-146.
21 seconded by Ms. Taylor
22 and it passed without objection
23
24 Resolution No. AR 2001-146, a resolution of the Anchorage Municipal Assembly requiring **study of safety,**
25 **environmental, and community planning issues prior to approval of a rail loop project at the Port of**
26 **Anchorage**, Assemblymembers Tesche, Abney, Traini, Tremaine, and Van Etten.
27 1. Information Memorandum No. AIM 50-2001, AR 2001-146; Attachment - Background
28 information on the Williams Petroleum Rail Loop Project, Assemblymember Tesche.
29 (POSTPONED FROM 5-8-01; CARRIED OVER FROM 5-22-01)
30
31 Mr. Tesche moved, to postpone AR 2001-146 indefinitely.
32 seconded by Ms. Taylor
33
34 Mr. Tesche announced an agreement had been reached between the neighborhood of Government Hill through its community
35 council and Williams Alaska Petroleum that resolved a long-standing dispute over bulk fuel storage tanks by phasing out the
36 removal of three tanks in exchange for the cooperation of the neighborhood in connection with the rail loop project.
37
38 Question was called on the motion to postpone AR 2001-146 indefinitely and it passed without objection.
39
40 Clerk's Note: The Assembly then took up appearance requests.
41
42 **10. APPEARANCE REQUESTS:**
43
44 A. Jeff Jessee
45
46 Mr. Jessee withdrew his request to appear.
47
48 B. **Matthew Moon:** concerning the annual status of Anchorage Youth Court and its Bar Association.
49 **(addendum)**
50
51 Matt Moon, former president of the Anchorage Youth Court (AYC), presented information on the AYC's Bar Association
52 and the benefits to members from their participation in the AYC Bar Association. He responded to inquiries from several
53 Assembly members.
54
55 Mayor Wuerch read the appointments to the Veteran's Affairs Commission, the Memorial Park Cemetery Advisory
56 Commission, and to the Mountain View Community Recreation Advisory Commission.
57
58 Department of Public Transportation Director Bob Kniefel presented the results of the 7th annual All Alaska Bus Rodeo
59 competition and presented awards to Ms. Clementson and Mr. Traini.
60
61 **9. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS:**
62
63 A. Assembly Memorandum No. AM 467-2001, expenditure of Assembly funds - approval by Assembly:
64 **Board of Adjustment legal fees-Eagle Crossing** (NTE \$10,000), Assembly Chair Traini.
65 **(CARRIED OVER FROM 5-22-01)**
66
67 Ms. Fairclough moved, to approve AM 467-2001.
68 seconded by Mr. Tremaine
69
70 Question was called on the motion to approve AM 467-2001 and it passed:
71
72 AYES: Fairclough, Sullivan, Von Gemmingen, Taylor, Van Etten, Traini, Kendall, Shamberg, Tremaine, Clementson.
73 NAYS: None.
74
75 (Clerk's Note: Mr. Tesche was out of the room at the time of the vote.)
76

- 1 B. Resolution No. AR 2001-139, a resolution of the Anchorage Municipal Assembly **directing the**
2 **Administration to complete a major update of the Anchorage Bowl Long-Range Transportation Plan**
3 by May 1, 2002, Assemblymember Fairclough.
4 1. Assembly Memorandum No. AM 424-2001, AR 2001-139; Traffic Department.
5 (CARRIED OVER FROM 4-24-01)
6

7 Chair Traini gave the history of the resolution and noted no motion was pending.
8

9 Ms. Fairclough moved, to approve AR 2001-139.
10 seconded by Ms. Clementson
11

12 Ms. Fairclough indicated the Long Range Transportation Plan (LRTP) was approved approximately 60 days previous with
13 the understanding that data from the 1990 Census was being used and that 2000 Census data would be available to undertake
14 an update. Planning Department Director Sue Fison indicated the Census data available is population count, but other Census
15 information will not be available until September 2002.
16

17 Ms. Von Gemmingen moved, to amend to change the date to May 1, 2003.
18 seconded by Mr. Sullivan
19

20 Ms. Von Gemmingen noted that the Glenn Highway MIS, Seward Highway MIS, and East Anchorage Transportation Study
21 were underway that would be significant parts of the LRTP update.
22

23 Ms. Taylor spoke against the amendment, noting that Ms. Fairclough serves on the AMATS Policy Committee and was
24 aware of the need to complete this update expeditiously.
25

26 Mr. Sullivan felt it was appropriate to amend the date for the LRTP update, given the ongoing work on several major studies.
27

28 Office of Planning, Development and Public Works Director Craig Campbell supported the amendment, explaining a normal
29 update of the Plan would be 2004 and he felt a deadline of 2002 would result in a product the Assembly would not want to
30 endorse.
31

32 In response to Mr. Van Etten's question if a deadline of 2003 aligned with the transportation model update Mr. Wilber had
33 previously discussed with the Assembly, Mr. Campbell replied in the affirmative.
34

35 Ms. Fairclough expressed disappointment and explained she had understood when she supported the approval of the LRTP
36 that used 1990 Census data that a new LRTP using 2000 Census data would be forthcoming in approximately 12-18 months,
37 and that as an AMATS Policy Committee member she had been unaware of the need to use Census data that would not be
38 available until 2002.
39

40 Mr. Campbell indicated he had not been part of the discussion referred to by Ms. Fairclough. He indicated that May 1, 2002
41 would be unrealistic to develop an updated LRTP.
42

43 In response to Ms. Clementson. Ms. Fison replied that the transportation-related data would not be available until September
44 2002.
45

46 After brief discussion, Mayor Wuerch indicated the AMATS Policy Committee had recently reviewed the details of the East
47 Anchorage Transportation Study, part of which are two origin/destination surveys.
48

49 Mr. Tremaine and Mr. Van Etten indicated they had been unaware of the need for additional 2000 Census data in order to
50 complete the update of the LRTP and would not support the amendment.
51

52 Question was called on the motion to amend AR 01-139 and it failed:
53

54 AYES: Sullivan, Von Gemmingen, Traini, Kendall, Clementson.
55 NAYS: Fairclough, Taylor, Van Etten, Tesche, Shamberg, Tremaine.
56

57 Ms. Fairclough moved, to amend to change the date to December 31, 2002.
58 seconded by Ms. Clementson
59

60 Question was called on the motion to amend AR 01-139 and it passed:
61

62 AYES: Fairclough, Sullivan, Von Gemmingen, Taylor, Van Etten, Traini, Kendall, Tesche, Shamberg, Tremaine, Clementson.
63 NAYS: None.
64

65 Question was called on the motion to approve AR 01-139 as amended and it passed:
66

67 AYES: Fairclough, Taylor, Van Etten, Traini, Tesche, Shamberg, Tremaine, Clementson.
68 NAYS: Sullivan, Von Gemmingen, Kendall.
69

70 The meeting recessed at 6:40 p.m. and reconvened at 7:10 p.m.
71

- 72 C. Assembly Memorandum No. AM 208-2001, Port of Anchorage Tariff Revisions-**New Port of Anchorage**
73 **Terminal Tariff No. 5**, Port of Anchorage.
74 1. Information Memorandum No. AIM 25-2001, Recommended Port of Anchorage Tariff Revisions-
75 New Port of Anchorage Terminal Tariff No. 5, Port of Anchorage.

2. Assembly Memorandum No. AM 208-2001(A), Port of Anchorage Tariff Revisions-**New Port of Anchorage Terminal Tariff No. 5**, Port of Anchorage.

3. Information Memorandum No. AIM 25-2001(A), Recommended Port of Anchorage Tariff Revisions-New Port of Anchorage Terminal Tariff No. 5, Port of Anchorage.
(POSTPONED FROM 2-27-01 AND 3-27-01; CARRIED OVER FROM 4-17-01, 4-24-01, AND 5-8-01; POSTPONED FROM 5-15-01)

Action on this item was considered later in the meeting. See after AO 01-98 below.

D. Ordinance No. AO 2001-55, an ordinance of the Anchorage Assembly amending Anchorage Municipal Code Section 14.60.030 to provide a civil fine schedule for Sections 8.35.020 (Sale of Drug Paraphernalia), 8.35.025 (Possession of Drug Paraphernalia) and 8.35.030 (Penalty; Additional Remedies) and providing for the **forfeiture of drug paraphernalia**, Legal Department.

1. Assembly Memorandum No. AM 190-2001.
(POSTPONED FROM 3-20-01; CARRIED OVER FROM 4-17-01, 4-24-01, 5-8-01, 5-15-01, & 5-22-01)

Action on this item was considered later in the meeting. See Unfinished Agenda item 15.A.

E. Resolution No. AR 2001-146, a resolution of the Anchorage Municipal Assembly requiring **study of safety, environmental, and community planning issues prior to approval of a rail loop project at the Port of Anchorage**, Assemblymembers Tesche, Abney, Traini, Tremaine, and Van Etten.

1. Information Memorandum No. AIM 50-2001, AR 2001-146; Attachment - Background information on the Williams Petroleum Rail Loop Project, Assemblymember Tesche.
(POSTPONED FROM 5-8-01; CARRIED OVER FROM 5-22-01)

Action on this item was considered earlier in the meeting. See after item 8.E. Information and Reports.

F. Assembly Memorandum No. AM 428-2001, recommendation of award to Alaska Truck Center for furnishing **three cab and chassis with 10/12 yard end dumps** to the Municipality of Anchorage, Water and Wastewater Utility (ITB 21-B029) (\$261,225), Purchasing.
(POSTPONED FROM 5-15-01)

Action on this item was considered later in the meeting. See Unfinished Agenda, item 15.B.

Mr. Kendall moved, to change the order of the day to hear items 11.A, AO 01-98
seconded by Mr. Tesche and 9.C, AM 208-01
and it passed without objection

Ordinance No. AO 2001-98, an ordinance amending Anchorage Municipal Code Section 3.30.172 to **classify executive positions**, Employee Relations.

1. Assembly Memorandum No. AM 418-2001.
(CONTINUED FROM 5-22-01)

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 2001-98.
seconded by Ms. Fairclough

Question was called on the motion to adopt AO 2001-98 and it passed.

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

(Clerk’s Note: Ms. Von Gemmingen was out of the room at the time of the vote.)

Assembly Memorandum No. AM 208-2001, Port of Anchorage Tariff Revisions-**New Port of Anchorage Terminal Tariff No. 5**, Port of Anchorage.

1. Information Memorandum No. AIM 25-2001, Recommended Port of Anchorage Tariff Revisions-New Port of Anchorage Terminal Tariff No. 5, Port of Anchorage.

2. Assembly Memorandum No. AM 208-2001(A), Port of Anchorage Tariff Revisions-**New Port of Anchorage Terminal Tariff No. 5**, Port of Anchorage.

3. Information Memorandum No. AIM 25-2001(A), Recommended Port of Anchorage Tariff Revisions-New Port of Anchorage Terminal Tariff No. 5, Port of Anchorage.
(POSTPONED FROM 2-27-01 AND 3-27-01; CARRIED OVER FROM 4-17-01, 4-24-01, AND 5-8-01; POSTPONED FROM 5-15-01)

Chair Traini gave the history of the memorandum and noted no motion was pending.

Mr. Kendall moved, to approve AM 208-2001(A).
seconded by Mr. Sullivan

Port Commission Chair Gene Serels gave background and explanation for the proposed tariff revisions.

Question was called on the motion to approve AM 208-2001(A) and it passed:

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

Mr. Van Etten moved, to change the order of the day to consider item 11.B, AO 00-97.
seconded by Ms. Taylor,
and it passed.

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

10. APPEARANCE REQUESTS

Appearances were heard earlier in the meeting. See after AR 01-146.

11. CONTINUED PUBLIC HEARINGS:

- A. Ordinance No. AO 2001-98, an ordinance amending Anchorage Municipal Code Section 3.30.172 to **classify executive positions**, Employee Relations.
1. Assembly Memorandum No. AM 418-2001.
(CONTINUED FROM 5-22-01)
- Item 11.A. was considered earlier in the meeting. See after AR 01-139.
- B. Ordinance No. AO 2000-97, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Subsection 21.15.005 B. regarding **public hearing notices for Title 21 provisions** (Planning and Zoning Commission Case 2000-121), Assemblymember Sullivan.
1. Assembly Memorandum No. AM 573-2000.
2. Information Memorandum No. AIM 92-2000, AO 2000-97; amending AMC 21.15.005 B, Public Hearing Notices, Community Planning and Development.
(POSTPONED FROM 8-15-00, 8-29-00, 12-19-00; PUBLIC HEARING WAS RE-OPENED 1-23-01)

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

ED EARNHART, representing the Federation of Community Councils (FCC), stated the delegates to the FCC had voted several times over a number of years requesting that the time period related to public hearing notices be extended to 35 days. He indicated adjustments had been made several times based on insufficient notice to community councils. He felt community councils could be constituted in such a way that they could meet over the summer months, which would also address this concern.

CAROL FRIES, representing the Rabbit Creek Community Council, expressed support for the proposed ordinance, which would better coincide with the council's monthly meeting schedule. She thanked the Planning Department for developing the online notification system and Mayor Wuerch for strong support of the website.

Ms. Shamberg commented on the active nature of the Rabbit Creek Community Council.

In response to questioning by Mr. Tesche, Ms. Fries indicated the Council had an executive committee that addresses issues that arise on an emergency basis; however, she felt it should be used judiciously and that the full membership should formulate a position on a particular item whenever possible. Mr. Tesche understood a 35-day notice period was uncommon, to which Ms. Fries indicated it was her experience that a 30-day period was typical.

In response to Mr. Van Etten, Ms. Fries remarked on the technical difficulties sometimes encountered in using the municipal website, making it a not fully reliable notice system. Mr. Van Etten noted there is essentially a three-part notice to community councils: heads-up, initial, and public hearing notice. Ms. Fries indicated this system would work in theory, but not always in practical experience.

CHERYL SHROYER, representing the Oceanview/Old Seward Community Council, expressed strong support for a 35-day public hearing notice period in order to allow opportunity for community input.

THOMAS JOHN MILLER, secretary of the Girdwood Board of Supervisors, but speaking on his own behalf, supported the proposed ordinance. He suggested there be a sunset clause on the ordinance. He further suggested there be email notification of issues, that the municipal website be accepted with all Internet browsers, and that this ordinance address Title 22, which applies to Girdwood.

Mr. Miller responded positively to a question from Mr. Van Etten whether a list server would be a viable mechanism to achieve e-mail notification. Mr. Miller also responded positively to a question from Mr. Tesche whether the 21-day notice period had disenfranchised the residents of Girdwood in terms of their participation in the public process.

TIM STEVENS, resident on Elmore and steering council member for the Huffman/O'Malley Community Council, spoke in favor of the proposed ordinance. He emphasized the need for residents to discuss the development of the community, which he felt was best facilitated through the forum of a community council.

DAVID PAPERMAN, operations manager of the Federation of Community Councils (FCC), read a letter from John Steiner, president of the Eagle River Valley Community Council in support of the ordinance and explaining the need for it. Speaking

on his own behalf, Mr. Paperman commended the municipality for the creation of the municipal website and supported the concept of a list server, as suggested by Mr. Van Etten.

Mr. Van Etten asked if there were specific resources available to train community councils in dealing with planning and zoning issues. Mr. Paperman indicated the FCC conducts a number of educational programs regarding aspects of local government. An Anchorage Handbook was last published in 1983 and is scheduled for revision. In response to Mr. Van Etten, Mr. Paperman indicated the FCC would be interested in the possibility of conducting citizen training academies, but wished to ensure they were formatted such that attendance would be strong.

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

Mr. Sullivan moved, to adopt AO 2000-97.
seconded by Ms. Fairclough

Mr. Sullivan supported the ordinance as it would allow sufficient opportunity for all community councils to provide input into public issues. He remarked on the fact that the community councils are included in the Anchorage Municipal Charter and, as such, their involvement in the decision-making process was required.

Mr. Sullivan moved, to amend line 26 to delete “effectively immediately” and insert “90
seconded by Mr. Kendall days after passage and approval.” (October 1, 2001)

Ms. Shamberg understood the proposed ordinance may be inconvenient for the administration, but supported the ability for community councils to stay informed and express their positions.

Question was called on the motion to amend AO 2000-97 and it passed without objection.

Ms. Fairclough moved, to amend to insert a new Section 2 and renumber Section 3;
seconded by Ms. Clementson the new section to include a sunset provision clause of
and it passed without objection December 31, 2002.

Question was called on the motion to amend AO 00-97 and it passed:

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

Office of Planning, Development and Public Works Director Craig Campbell stated the administration did not object to this ordinance because of additional work, but rather because it would add time to the development process. The administration felt this was a Draconian answer to a small problem. He felt the current practice was adequate.

Ms. Clementson remarked on rewriting of the Heritage Land Bank regulations, which had a 45-day public notification period, but to which there was very little response. She noted that projects of interest are followed closely, so she did not believe this extended time period for public notification was required. She feared those who would be impacted by this ordinance were likely not aware of it as they had not come to testify at this hearing.

Mr. Tesche noted this ordinance was proposed in recognition of its effect on land use decisions. He commented on the fact the development community was not present to testify, although the ordinance had been under consideration for approximately one year. On the other hand, community councils had voiced strong support and the ordinance appeared to address a problem.

Ms. Fairclough asked why platting and planning and zoning notices were not run concurrently. Planning Department Director Sue Fison explained not all cases go to both bodies for review. There is also a process before the Urban Design Commission, in some cases. She indicated her concern was that this ordinance would affect all cases that go before the four regulatory commissions, some of which are relatively non-controversial. She believed this ordinance would slow the process. She noted that petitioners do not submit their petitions electronically, so they cannot currently be transmitted by email; the Department planned to work to address this during the next year. She further noted that providing immediate notification upon filing of a petition could result in the public contacting Planning staff before staff had an opportunity to review the petition. Mr. Campbell indicated that, when possible, platting and planning and zoning notices were run concurrently.

Ms. Von Gemmingen moved, to amend to delete [35 days] and insert “28 days.”
seconded by Ms. Clementson

Ms. Von Gemmingen felt a notice period of 35 days could negatively impact both the development community and the Planning Department, therefore, she proposed a period of 28 days.

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

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

Ms. Clementson objected to processing a plat prior to a change to the underlying zoning on a property as it circumvented the public process.

Question was called on the motion to adopt AO 2000-97 as amended and it passed:

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

Mr. Sullivan moved, to change the order of the day to consider 12.F.
seconded by Ms. Von Gemmingen

Mr. Tremaine did not support this motion, noting the number of individuals from Girdwood to testify on item 11.C.

Question was called on the motion to change the order of the day and it failed:

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

Mr. Van Etten moved, to immediately reconsider AO 2000-97.
seconded by Ms. Taylor

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

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

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

- C. Ordinance No. AO 2001-88, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code 21.40.117 to **modify parking requirements in the New Girdwood Townsite**, Assemblymember Tremaine.
 - 1. Assembly Memorandum No. AM 522-2001. **(addendum)**
(CARRIED OVER FROM 4-17-01)

Action on this item was considered later in the meeting. See after item 12.F.

12. NEW PUBLIC HEARINGS:

- A. Ordinance No. AO 2001-111, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Ordinance AO 2001-80 as amended and approved May 8, 2001, by **changing the effective date on the prohibition of pole signs, rotating signs and flashing signs for large retail establishments**, Assembly Vice-Chair Fairclough.
 - 1. Assembly Memorandum No. AM 469-2001.

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

SHERMAN ERNOUGH, representing the Alaska Sign Association, spoke in support of the ordinance.

Ms. Clementson asked whether a list had been prepared of the signs being addressed by this ordinance, to which Mr. Ernough replied he could provide that information.

Through questioning by Mr. Tesche, Mr. Ernough confirmed that issues of concern about the application of the ordinance were largely addressed by AO 2001-120 and that this ordinance would be an interim measure.

In response to Mr. Sullivan, it was indicated that pole signs for large retail establishments comprise approximately 40 percent of the business of local sign businesses.

In response to Mr. Kendall, it was explained there was a two-week to four-week turnaround from the time a sign is requested to installation; furthermore, summer months are busiest.

Mr. Sullivan asked whether a deadline of August 6, 2001 was adequate to accomplish work that was underway, to which a positive response was given.

In response to a question from Ms. Shamberg whether there was considerably less revenue related to a pole sign versus a pole sign, it was indicated the work related to a pole sign was greater, but the difference in relative revenue was not. She also confirmed through the speakers that conversion of pole signs to monument signs was possible and that a definition was needed for monument signs.

Ms. Fairclough understood there may be a concern that the number of pole signs would increase, if additional time was allowed for installation, but she had made it clear to the Association that this ordinance would simply allow work that was underway to be completed, not new work to be initiated. She believed the Assembly may wish written confirmation of the work that was currently underway.

TOM BRIAN and DAVE MABIUS were two gentlemen with Mr. Ernough and one of them offered to assist in writing the sign ordinance.

CAROLINE BOLAR urged the Assembly to do whatever was necessary to stop the proliferation of unattractive signage.

REINHART RICKELSON, owner of Super Signs, explained he was encountering problems with a wall sign. Office of Planning, Development and Public Works Director Craig Campbell indicated a wall sign was a permitted use. Mr. Rickelson indicated a municipal employee with Mr. Campbell’s office was currently reviewing the sign, which was to be mounted on the wall of the Carrs Mall at Huffman.

In response to an inquiry from Ms. Clementson, Assistant Municipal Attorney Dennis Wheeler explained there had been concern that the new ordinance may result in signs being considered as a remodel and, therefore, required to undergo site plan review, but it had been clarified this was not the case. He was uncertain this information had been communicated to all relative departments.

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 2001-111.
seconded by Mr. Kendall

Ms. Fairclough felt this was a prudent ordinance that would allow work currently underway to be completed. Mr. Sullivan and Mr. Kendall asked to be listed as co-sponsors of the ordinance.

Mr. Tesche moved, to amend line 19 to delete [August 6, 2001] and insert a date of June 19, 2001.
seconded by Ms. Clementson

Mr. Tesche believed AO 2001-120 would reaffirm the Assembly's intent with regard to the issues that had been expressed in the hearing on this matter.

Ms. Fairclough moved a substitute date of July 6, 2001, but the motion died due to lack of a second.

Ms. Fairclough noted ten sign companies were represented at this hearing, but there were twenty-nine sign companies in the Municipality. Her amendment was intended to allow physical notification of all sign companies. She noted there were other issues, such as changing signage for franchise operations, that were also affected and she wished to allow sufficient time for those issues to be considered.

Mr. Tremaine understood the date in question was a deadline for signs for which a deposit could be documented prior to May 9, 2001. He suggested the ordinance could be amended so the effective date on the prohibition on pole signs, rotating signs, and flashing signs for large retail establishments would be for signs for which a deposit to purchase prior to May 9, 2001 is documented to the Planning Department.

Ms. Clementson felt the ordinance was not clear without this language; she was also concerned with what liability might be associated with trying to contact all sign companies, but failing to do so.

Mr. Kendall felt there was unjustified concern that numerous signs would be erected prior to enactment of the prohibition on pole signs, rotating signs, and flashing signs. He felt sign companies should be given adequate time to adjust to the proposed change in legislation and supported a 60-day period.

Ms. Shamberg did not believe a date of June 19, 2001 would negatively affect sign companies, given that pole mounted signs could be converted into monument signs.

Ms. Von Gemmingen wished to ensure the intent of this ordinance would be clarified as Mr. Tremaine had suggested.

Ms. Fairclough reiterated her opposition to the amendment. Mr. Tesche reiterated his belief that AO 2001-120 would address the issues of concern that had been expressed.

Mr. Sullivan spoke against the amendment, noting there was no guarantee that AO 2001-120 would be adopted on June 19, 2001 or that there would be no legal complications with the implementation of that ordinance, if adopted. He suggested AO 2001-120 could contain language that rendered AO 2001-111 null and void when AO 2001-120 was adopted.

Mr. Tremaine supported the amendment because it would minimize the amount of time during which new signs of these types could be generated. He asked whether the amendment language he had suggested could be enforced.

Assistant Municipal Attorney Dennis Wheeler responded the concern would be whether the title of the ordinance was broad enough to incorporate the signs to which it would apply. It was his judgment that the title limited action to establishing a date, but did not address which signs could take advantage of that date.

Question was called on the motion to amend the date to June 19, 2001 and it passed:

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

NAYS: Fairclough, Sullivan, Kendall.

Mr. Tesche felt this ordinance was necessary and supported its adoption, as amended.

Ms. Von Gemmingen asked whether this ordinance would allow a pole mounted sign to be ordered after passage of the ordinance, but prior to the date established in the ordinance. Mr. Wheeler replied that any sign would be entitled to receive a permit prior to June 19, 2001. Ms. Von Gemmingen felt it was not the intent of the Assembly to extend the May 8, 2001 date to June 19, 2001.

Mr. Tesche agreed the ordinance before the body did not contain express prohibitions against pole signs, rotating signs, or flashing signs, regardless of whether or not the facility was a large retail establishment. He believed the intent was to limit the original ordinance to new large retail establishments.

Mr. Tremaine did not support the ordinance, believing any signs that were currently underway would be addressed during consideration of AO 2001-120.

Question was called on the motion to adopt AO 2001-111 as amended and it passed:

AYES: Fairclough, Sullivan, Traini, Kendall, Tesche, Clementson.

NAYS: Von Gemmingen, Taylor, Van Etten, Shamberg, Tremaine.

Mr. Tesche moved, to immediately reconsider AO 2001-111.
seconded by Ms. Fairclough

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

AYES: Von Gemmingen, Shamberg, Tremaine, Clementson.

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

- B. Ordinance No. AO 2001-82, an ordinance authorizing the **sale of properties foreclosed** by the Municipality for delinquent taxes and/or special assessments, Heritage Land Bank/ Real Estate Services.
1. Assembly Memorandum No. AM 392-2001.

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 adopt AO 2001-82.
seconded by Ms. Taylor

Question was called on the motion to adopt AO 2001-82 and it passed.

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

NAYS: None.

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

- C. Ordinance No. AO 2001-103, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the borrowing from the State of Alaska Clean Water Fund of an amount not to exceed \$3,858,570 for the purpose of **financing a portion of the costs of the Chester Creek Trunk Project** in the Municipality, and providing for related matters, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 442-2001.

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 adopt AO 2001-103.
seconded by Ms. Taylor

Question was called on the motion to adopt AO 2001-103 and it passed.

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

NAYS: None.

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

- D. Ordinance No. AO 2001-104, an ordinance of the Anchorage Municipal Assembly extending the existing lease between the Municipality of Anchorage as lessor and Totem Ocean Trailer Express, Inc. as lessee on **Transit Area "D" Port of Anchorage Subdivision** pursuant to an exercised renewal option by Totem Ocean Trailer Express, Inc., Port of Anchorage.
1. Assembly Memorandum No. AM 443-2001.

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

Mr. Van Etten moved, to adopt AO 2001-104.
seconded by Ms. Von Gemmingen

Question was called on the motion to adopt AO 2001-104 and it passed.

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

NAYS: None.

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

- E. Ordinance No. AO 2001-106, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 3.87.030.D. to provide appropriate **job classification for current plan administrator of the Police and Fire Retiree Medical Funding Program**, Employee Relations.
1. Assembly Memorandum No. AM 463-2001.

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 adopt AO 2001-106.
seconded by Ms. Shamberg

Question was called on the motion to adopt AO 2001-106 and it passed.

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

NAYS: None.

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

- F. Ordinance No. AO 2001-113, an ordinance amending the effective date of AO 99-37 which amended the zoning map and provided for the rezoning from R-3 (Multiple-Family Residential) to R-4/SL (Multiple-Family Residential District with Special Limitations) for the **Tract 2E, Toyon Subdivision**, generally located on the east side of the New Seward Highway and North Abbott Road, Assemblymember Sullivan.
1. Assembly Memorandum No. AM 524-2001. (**addendum**)

Mr. Sullivan declared a potential conflict of interest, indicating he did work for the previous petitioner for this rezoning in 1999, prior to his service as an Assemblymember. That individual was deceased. Chair Traini ruled Mr. Sullivan had no conflict of interest.

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

JIM DAWES, representing the petitioner, explained the family understood the property was zoned to R-4 and did not realize it was necessary to file written material to effect the rezoning. He explained the owner had expected to return to Anchorage to proceed with plans to build a hotel on this site, unfortunately he took ill and died.

Mr. Sullivan understood the original plans for this property were a residential and possibly a hotel. Mr. Dawes thought the new owner planned primarily residential development.

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

Mr. Sullivan moved, to adopt AO 2001-113.
seconded by Ms. Von Gemmingen

Mr. Sullivan believed this was a housekeeping item that confirmed a rezoning heard and approved by both the Planning and Zoning Commission and Assembly in 1999. In response to Mr. Tesche's question asked whether a particular development was contemplated when this rezoning was originally approved, Mr. Sullivan explained the proposal was mixed development of a hotel and condominiums. He understood the buyer of the property planned residential development.

Mr. Tesche noted there was no staff recommendation on this rezoning.

Mayor Wuerch indicated this was not a new request for rezone, but rather for a delay in the effective date, which was supported by the administration.

Mr. Tremaine moved, to postpone this matter for two weeks to allow staff analysis of the
seconded by Ms. Shamberg requested rezoning,
and it was withdrawn.

Mr. Sullivan indicated the new owner will be required to submit a site plan for review by the Planning and Zoning Commission. He supported the request to extend the effective date on an already approved petition to rezone.

Ms. Clementson did not support postponement of this matter.

Mr. Van Etten indicated he was involved with the community council when a rezoning request came forward in 1999 for B-3 to allow a hotel; the council recommended a rezoning to R-4.

Ms. Von Gemmingen felt a postponement was not needed.

Mr. Tesche withdrew his amendment.

Question was called on the motion to adopt AO 2001-113 and it passed.

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

NAYS: None.

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

The Assembly then returned to Item 11.C., AO 01-88 scheduled under continued public hearings.

- Ordinance No. AO 2001-88, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code 21.40.117 to **modify parking requirements in the New Girdwood Townsite**, Assemblymember Tremaine.
1. Assembly Memorandum No. AM 522-2001. (**addendum**)
- (CARRIED OVER FROM 4-17-01)

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 2001-88.
seconded by Mr. Tesche

Mr. Tremaine supported the ordinance, which would address parking requirements in the downtown business district of Girdwood and was in compliance with plans for development of that area.

Mr. Tremaine moved, to amend line 30 by inserting the words: This clause shall sunset four years from the date of implementation.
seconded by Mr. Tesche

Mr. Tremaine indicated this amendment supported the recommendation of the Girdwood Board of Supervisors and the Land Use Committee of that body.

Question was called on the motion to amend AO 01-88 and it passed:

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

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

Question was called on the motion to adopt AO 2001-88 as amended and it passed.

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

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

13. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS: None.

14. SPECIAL ORDERS:

- A. Assembly Memorandum No. AM 465-2001, Zoning Board of Examiners and Appeals appointment (Burke Wick), Mayor’s Office. (POSTPONED FROM 5-22-01)

Clerk’s note: Assembly action on AM 465-2001 was postponed to 6-19-01 to permit a 10-day public comment period pursuant to AMC 21.10.010.B.

- B. **Assembly Reorganization. (addendum)**

This item was considered later in the meeting. See Unfinished Agenda 15.E.

- C. Resolution No. AR 2001-178, a resolution protesting the renewal of the beverage dispensary-tourism liquor license for Spenard Paradise Inn (license No. 1139); transmitting notification of violation of conditions to the State Alcoholic Beverage Control Board; and finding the continued operation of the licensed premise to be a public nuisance, Assemblymembers Von Gemmingen, Sullivan, Traini, Shamberg, Taylor and Van Etten. *public hearing* 6-19-01. **(LAID ON TABLE)**

This item was considered later in the meeting. See Unfinished Agenda 15.C.

15. UNFINISHED AGENDA

- A. Ordinance No. AO 2001-55, an ordinance of the Anchorage Assembly amending Anchorage Municipal Code Section 14.60.030 to provide a civil fine schedule for Sections 8.35.020 (Sale of Drug Paraphernalia), 8.35.025 (Possession of Drug Paraphernalia) and 8.35.030 (Penalty; Additional Remedies) and providing for the **forfeiture of drug paraphernalia**, Legal Department.
1. Assembly Memorandum No. AM 190-2001.
(POSTPONED FROM 3-20-01; CARRIED OVER FROM 4-17-01, 4-24-01, 5-8-01, 5-15-01, & 5-22-01)

Chair Traini gave the history of the ordinance and noted no motions were pending. He indicated the Assembly had wished to refer this matter to the Mayor’s Public Safety Commission.

Mr. Tesche moved, to refer AO 2001-55 to the Mayor’s Public Safety Commission
seconded by Mr. Tremaine for a recommendation.

Mr. Tesche felt it was appropriate for the Assembly to receive a recommendation from the Mayor’s Public Safety Commission on this proposed ordinance.

Ms. Clementson recalled the Police Chief had spoken before the Assembly and indicated the need for this ordinance.

Mayor Wuerch noted the public hearing had been held in this matter and, although he had no objection to sending this to the Mayor’s Public Safety Commission, he was uncertain what would be gained by doing so. He suggested an alternative would be to not approve the ordinance and re-introduce it at some time in the future. He commented on the need for the ordinance and noted the Anchorage School District had a major work session on crime in the schools earlier in the week where problems with drug and tobacco use were discussed.

Ms. Clementson felt, if the matter was postponed, a new public hearing should be held.

Mr. Tesche remarked on the narrow scope of the proposed ordinance and indicated he wished to refer the ordinance to the Mayor's Public Safety Commission to review whether the laws and remedies with respect to drug paraphernalia were appropriate, and in particular, whether there was a need for an expanded civil remedy such as proposed in AO 2001-55.

Ms. Taylor echoed Mr. Tesche's concerns and supported his proposal to refer to the Mayor's Public Safety Commission.

Ms. Clementson suggested either postponing the matter indefinitely to allow the Mayor's Public Safety Commission to review the matters outlined by Mr. Tesche, or refer it to that body with the same instructions and hold a new public hearing on their recommendation.

Mayor Wuerch suggested, in the absence of Police Chief Monegan, that the ordinance be postponed for two weeks and a determination be made whether the Mayor's Public Safety Commission had reviewed it.

Mr. Tesche moved, to postpone AO 2001-55 for two weeks for verification of whether it
seconded by Mr. Kendall had been reviewed by the Mayor's Public Safety Commission.
and it passed without objection

Ms. Von Gemmingen moved, to immediately reconsider AO 2001-113, item 12.F
seconded by Mr. Sullivan

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

AYES: Clementson

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

- B. Assembly Memorandum No. AM 428-2001, recommendation of award to Alaska Truck Center for furnishing **three cab and chassis with 10/12 yard end dumps** to the Municipality of Anchorage, Water and Wastewater Utility (ITB 21-B029) (\$261,225), Purchasing.
(POSTPONED FROM 5-15-01)

Chair Traini gave the history of the memorandum and noted no motion was pending.

Ms. Clementson moved, to approve AM 428-2001.
seconded by Mr. Sullivan

Question was called on the motion to approve AM 428-2001 and it passed:

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

NAYS: None.

- C. Resolution No. AR 2001-178, a resolution **protesting the renewal of the beverage dispensary-tourism liquor license for Spenard Paradise Inn** (license No. 1139); transmitting notification of violation of conditions to the State Alcoholic Beverage Control Board; and finding the continued operation of the licensed premise to be a public nuisance, Assemblymembers Von Gemmingen, Sullivan, Traini, Shamberg, Taylor and Van Etten. *public hearing* 6-19-01. **(LAID ON TABLE)**

Ms. Von Gemmingen moved, to introduce AR 2001-178 for public hearing on June 19, 2001.
seconded by Mr. Sullivan
third by Mr. Kendall

Ms. Von Gemmingen noted this was the third time this establishment had been before the Assembly during her tenure and she felt it was important to give the public a forum to express their concerns. She requested a time certain be provided for this hearing.

Chair Traini stated the time certain would be 8:00 p.m. on the 19th.

Assemblymembers Traini, Sullivan, Shamberg, Clementson, Van Etten, and Taylor were added as co-sponsors.

Assistant Municipal Attorney Dennis Wheeler explained the resolution was drafted in such a way to address violation issues; adjustment may be needed to the resolution after the public hearing.

Ms. Clementson suggested an email from Tom McGrath be entered into the record.

In response to Mr. Tesche's concern that this resolution would be heard by the Assembly one day after the protest period expired, Assistant Municipal Attorney Wheeler indicated the state statute prohibits the State Alcoholic Beverage Control (ABC) Board from considering a protest not within the 60-day window. However, there were other protest provisions in the second year of a license, as well as the ability to take action for violations of conditions imposed by the Municipality, and the ability to send a matter to the ABC Board when there are allegations of violation of state law.

Mr. Tesche suggested there possibly be a special meeting of the Assembly so as to file a timely protest to the ABC Board.

Ms. Clementson noted the requirement to give a 14-day notice to the applicant.

Ms. Von Gemmingen suggested the public hearing could be held and, if necessary, the mid-term date of January be considered; or the municipal nuisance law could be applied.

D. Assembly Memorandum No. AM 477-2001, Spenard Paradise Inn (License No. 1139) - 2001/2002
Renewal for a Beverage Dispensary - Tourism Liquor License (Spenard Community Council), Clerk's
Office.

Ms. Von Gemmingen moved, to approve AM 477-2001.
seconded by Ms. Fairclough

Mr. Kendall moved, to amend at line 37 by inserting the words: “Approval of this
memorandum will protest the 2001-2002 renewal for a beverage
dispensary license in the above establishment.”
seconded by Ms. Fairclough

Assistant Municipal Attorney Dennis Wheeler indicated the AMC 2.30.120 requires that the Assembly schedule and conduct
a public hearing before exercising its right to protest. Therefore, if the language of the amendment was given to the ABC
Board, it may be found arbitrary and capricious in the absence of a public hearing.

Mr. Kendall noted there were documented violations. Mr. Wheeler indicated the ABC Board had contact with the licensee’s
representative, but he had no knowledge whether or not the violations had been resolved.
Ms. Clementson asked whether a resolution could be adopted indicating the Assembly anticipated it may exercise a protest
after a public hearing, but would be unable to hold a public hearing prior to the expiration of the 60-day period.

Mr. Wheeler explained the state statute requires the protest and the reasons behind it be submitted within the 60-day period.

Ms. Clementson understood HB 69 gave the Assembly the ability to protest any license at any time. Mr. Wheeler understood
that bill allowed the Municipality to impose and enforce conditions and report violations of those conditions to the ABC
Board.

Mr. Kendall noted the resolution stated the Assembly does protest the license. Mr. Wheeler clarified the resolution was
prepared in anticipation of what the Assembly may make as findings.

Mr. Sullivan felt the Assembly should avail itself of other mechanisms available to address the issue of concern; he noted this
matter would likely be back before the Assembly within a short period of time.

Ms. Von Gemmingen noted an elderly gentleman owns this property and has the conditional use on the property.

Mr. Kendall withdrew his amendment.

Question was called on the motion to approve AM 477-2001 and it passed:

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

E. **Assembly Reorganization. (addendum)**

Mr. Tesche moved, to reaffirm the previous action of the Assembly in electing
seconded by Ms. Taylor Dick Traini as Chair and Anna Fairclough of Vice Chair of the
Anchorage Assembly.

Question was called on the motion to reaffirm and it passed:

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

16. **AUDIENCE PARTICIPATION:**

TERESA OBERMEYER appeared before the Assembly and remarked on recent events that were negatively affecting her
four children. She commented on several documents she had supplied to the Assembly. She asked that the Assembly focus on
the legal costs associated with change orders.

Ms. Clementson explained the Assembly had no jurisdiction or authority on the issues of concern Ms. Obermeyer had
presented to it. She suggested she could save the expense of copying voluminous materials for the Assembly.

17. **ASSEMBLY COMMENTS:**

Ms. Clementson noted Terry Martin had provided information on re-apportionment for review by the Assembly. She thanked
her sponsors on the Tour for Cure.

Mr. Tremaine commented on consulting work he had done in Kodiak related to expenditure of sea lion fishing restriction
mitigation funds. He remarked that economic disasters throughout the state affect Anchorage.

Ms. Fairclough stated a retreat for the Assembly was scheduled for 11:00 a.m. on Friday. She noted the last day of school
would be June 6, 2001 and the Anchorage School District had requested parents/volunteers be available at bus stops to
prevent vandalism.

Mr. Van Etten invited members of the Assembly to the Fourth Annual Anchorage Waterways Council Ship Creek legislative float scheduled for July 11, 2001 at 6:30 p.m.

Ms. Taylor encouraged members to attend the trip described by Mr. Van Etten. She commended Mr. Tesche for his work to reach an agreement between the residents of Government Hill and Williams Petroleum. Ms. Taylor commended Bill Bobrick for his work balancing his commitment to the community with the commitment to his client, Williams Petroleum.

Ms. Von Gemmingen reminded members of the Doo Dah Parade scheduled for June 16, 2001 at noon in Spenard

Mr. Sullivan asked Public Safety consider the downtown parking issue that was postponed to August 2001, particularly whether downtown enforcement could be achieved without significant cost to the Police Department, such as meter monitors.

Chair Traini distributed a copy of AO 2001-108, a re-written version of AO 2000-160. He stated this matter would be scheduled on the agenda for the June 19, 2001 meeting.

18. EXECUTIVE SESSIONS: None.

19. ADJOURNMENT:

The meeting adjourned at 10:00 p.m.

Chairman Dick Traini

ATTEST:

Municipal Clerk

Date Minutes Approved: _____, 2001

VMC/kds