

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of February 12, 2002

1. CALL TO ORDER:

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

2. ROLL CALL:

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

3. PLEDGE OF ALLEGIANCE:

Chairman Traini introduced Tom Morgan, Executive Director of the Armed Services, YMCA; Senior Airman Brian Hamilton, Airman of the Year; Specialist William Kinner, Soldier of the Year; Petty Officer First Class John C. Koning, Jr., Sailor of the Year; Staff Sergeant Edward A. Lewis, Marine of the Year; Specialist Jonathan L. Lotten, Army National Guard Soldier of the Year; Staff Sergeant Tad E. McCully, Air National Guard Airman of the Year; Second Class Thad M. Wanger, Coast Guard Enlisted Person of the Year, Boatswain Mate.

The pledge was led by Tom Morgan, Executive Director of the Armed Services, YMCA.

4. MINUTES OF PREVIOUS MEETING: None.

5. MAYOR'S REPORT:

Mayor Wuerch gave a slide presentation on the Firewise Program, which was started in 2001 to provide public information and awareness. Brush fires and illegal burns decreased over 50 percent from 365 in 1999 and 325 in 2000, to only 128 in 2001. Structural fires decreased significantly from 751 in 1999 and 762 in 2000, to only 268 in 2001. There was a large monetary loss in 1998 with the loss of the Russian Jack School and several multi-dwelling units. We are holding the line on structural dollar values, but we had a substantial reduction in the number of incidents. He applauded the Fire Department for their fire safety, prevention and inspection efforts. He applauded the citizens of Anchorage, who had truly become fire wise.

6. ASSEMBLY CHAIR'S REPORT:

Chairman Traini noted that they had a full agenda and asked the Assemblymembers to limit their comments to five minutes during the debate portion of the meeting.

7. COMMITTEE REPORTS: None.

8. ADDENDUM TO AGENDA:

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

Chairman Traini read the addendum items.

Mayor Wuerch requested the introduction of two Assembly ordinances:

Chairman Traini read Assembly ordinance AO 2002-50. "An ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of One Million Five Hundred Thousand and no/00 Dollars (\$1,500,000) of general obligation bonds of the Municipality of Anchorage to pay the costs of public safety (police protection) and related capital improvements in the Anchorage metropolitan police service area at an election in and for the Municipality of Anchorage on April 2, 2002."

Chairman Traini read Assembly ordinance AO 2002-51. "An ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of Three Million Four Hundred Ninety Thousand and no/00 Dollars (\$3,490,000) of general obligation bonds of the Municipality of Anchorage to pay a portion of the costs of an emergency operations center, costs of acquiring ambulances and the costs of public safety site restoration in the Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 2, 2002."

Ms. Von Gemmingen, Ms. Fairclough and Mr. Sullivan joined in introducing AO 2002-50 and AO 2002-51. Public hearings on these documents were scheduled for February 26, 2002.

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

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

9. CONSENT AGENDA:

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

9A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

1. Resolution No. AR 2002-41, a resolution of the Anchorage Municipal Assembly **recognizing and honoring David Levy for his service and leadership** as Executive Director of the Anchorage Equal Rights Commission, Assemblymembers Clementson, Fairclough, Kendall, Taylor, Tesche, Traini, Tremaine, Shamberg, Van Etten, and Von Gemmingen.

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

2. Resolution No. AR 2002-42, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Senior Patrol Officer Dennis M. Rogers for his 23 years of service** with the Anchorage Police Department, Assemblymembers Clementson, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen.

9B. RESOLUTIONS FOR ACTION - OTHER

1. Resolution No. AR 2002-48, a resolution correcting a **manifest clerical error** in Assembly Resolution No. 2001-335, Legal Department.
 - a. Assembly Memorandum No. AM 185-2002.
2. Resolution No. AR 2002-49, a resolution approving construction of the **Olympus Subdivision Sanitary Sewer Extension** (AWWU File S01-038) and providing for the eventual assessment against benefited properties, Water and Wastewater Utility.
 - a. Assembly Memorandum No. AM 186-2002.
3. Resolution No. AR 2002-51, a resolution of the Anchorage Municipal Assembly making a site available on public lands to the **Simonian Little League** for youth baseball in 2004, Assemblymember Tesche.
 - a. Assembly Memorandum No. AM 196-2002.

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

4. Resolution No. AR 2002-52, a resolution of the Anchorage Municipal Assembly supporting the **establishment of a Regional Transportation Steering Committee**, Assemblymember Tesche.
5. Resolution No. AR 2002-53, a resolution of the Anchorage Municipal Assembly supporting the **establishment of a Regional Transportation Advisory Board** between the Municipality of Anchorage and the Matanuska-Susitna Borough, Assemblymember Tesche.
6. Resolution No. AR 2002-54, a resolution of the Anchorage Municipal Assembly **encouraging the Anchorage School District to address the overcrowding at Chugiak-Eagle River High School** for the school year beginning 2002-2003 and to implement a remedy that will provide the best educational benefit for all the students of Anchorage, Assemblymembers Fairclough, Taylor, Traini, Shamberg, Tesche, Tremaine, Van Etten, and Von Gemmingen.
7. Resolution No. AR 2002-55, a resolution of the Anchorage Municipal Assembly **supporting SCS CSHB 4 (JUD)**, "An Act relating to the offenses involving operating a motor vehicle, aircraft, or watercraft while under the influence of an alcoholic beverage or controlled substance; relating to the implied consent to take a chemical test; relating to registration of motor vehicles; relating to presumptions arising from the amount of alcohol in a person's breath or blood; and providing for an effective date," Assemblymembers Fairclough, Clementson, Taylor, Tesche, Shamberg, Sullivan, and Traini. **(addendum)**

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

8. Resolution No. AR 2002-56, a resolution of the Anchorage Municipal Assembly **supporting CS for House Bill No. 298 (L&C)**, "An Act relating to authorizing the Alaska Railroad Corporation to lease land for a period of up to 55 years," Assemblymembers Fairclough, Clementson, Sullivan, Tesche, Traini, Tremaine, and Van Etten. **(addendum)**

9C. BID AWARDS

1. Assembly Memorandum No. AM 167-2002, recommendation of award to American Linen and Sand Lake Cleaners for **uniform rental/** furnishing **entryway mats** and **laundry services** on an "as needed" basis to the Municipality of Anchorage, Purchasing Department (ITB 21-B108) (\$260,000).

9D. NEW BUSINESS

1. Assembly Memorandum No. AM 168-2002, **Platting Board reappointments** (Gloria Shriver, Tamas Deak), Mayor's Office.

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

2. Assembly Memorandum No. AM 169-2002, **Zoning Board of Examiners and Appeals appointments** (Dean Karcz, Kenneth Walch), Mayor's Office.

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

3. Assembly Memorandum No. AM 170-2002, **Equal Rights Commission appointment** (Susan Brady), Mayor's Office.

4. Assembly Memorandum No. AM 171-2002, **Heritage Land Bank Commission appointments** (James Cantor, Robert Teachworth, Mary Chouinard), Mayor's Office.
5. Assembly Memorandum No. AM 172-2002, **School Budget Advisory Commission appointment** (Carol Heyman), Mayor's Office.
6. Assembly Memorandum No. AM 173-2002, **Senior Citizens Advisory Commission reappointments** (William Lester, Eva Kopacz), Mayor's Office.
7. Assembly Memorandum No. AM 174-2002, **Veterans Affairs Commission appointment** (Dan Sullivan), Mayor's Office.
8. Assembly Memorandum No. AM 175-2002, **Women's Commission reappointment** (Deborah Gomez), Mayor's Office.
9. Assembly Memorandum No. AM 190-2002, 2002/2003 Liquor License Renewals: **Downtown Deli & Café (#327)**, **Skippers #314 (#1589)**, **Skippers #315 (#1762)** - Restaurant/Eating Place & **The Lions Den (#658)** -Beverage Dispensary-Tourism (Downtown, Spenard, Turnagain, Bayshore/Klatt & Taku/Campbell Community Councils), Clerk's Office.
10. Assembly Memorandum No. AM 191-2002, 2002/2003 Liquor License Renewals: **Benihana (#4161)**, **The Board Room (#2699)**, **La Mex-Diamond (#3807)** -Beverage Dispensary; **Tito's Gyros (#4062)**, **Pizza Olympia (#888)**, **Golden Phoenix Restaurant (#1361)** - Restaurant/Eating Place; **BPO Elks Lodge #1351 (#358)**, **VFW Post 9978 (#1203)** - Club; **Al's Alaskan Inn (#10)** - Beverage Dispensary-Tourism (Downtown, Spenard, Taku/Campbell, South Addition, Sand Lake & Northeast Community Councils), Clerk's Office.
11. Assembly Memorandum No. AM 192-2002, 2002/2003 Liquor License Renewal: **Fred Meyer #656 (#4160)** - Package Store (Abbott Loop Community Council), Clerk's Office.
12. Assembly Memorandum No. AM 193-2002, 2002/2003 Liquor License Renewal: **Fraternal Order of Eagles #4207 (#3439)** – Club (Abbott Loop Community Council), Clerk's Office.
13. Assembly Memorandum No. AM 194-2002, **Woodshed Lounge (#1244)** – Transfer of Ownership for beverage dispensary liquor license (Downtown Community Council), Clerk's Office.
14. Assembly Memorandum No. AM 195-2002, Rock U (#2456) – Transfer of ownership, transfer of location, name change and restaurant designation permit to **Applebee's II (#4173)** for a beverage dispensary liquor license (Northeast Community Council), Clerk's Office.

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

15. Assembly Memorandum No. AM 176-2002, proprietary purchase of **library network services** from OCLC/WLN for the Municipality of Anchorage, Department of Cultural and Recreation Services (\$48,000), Purchasing.
16. Assembly Memorandum No. AM 177-2002, proprietary purchase with Culter-Hammer for fabrication of a **15KV, non-segregated phase bus duct for Unit #5** to the Municipality of Anchorage, Municipal Light and Power (\$34,384.77), Purchasing.
17. Assembly Memorandum No. AM 178-2002, recommendation of award to R&M Consultants, Inc. to provide **professional engineering services** for the annual inspection of the Port of Anchorage facilities for the Municipality of Anchorage, Port of Anchorage (\$220,000) (RFP 21-P063), Purchasing.
18. Assembly Memorandum No. AM 179-2002, change order #1 to Contract No. C-212505, **People Mover Customer Service Center/Assessment Area Tenant Improvements** (\$80,296.55), Purchasing.
19. Assembly Memorandum No. AM 180-2002, proprietary purchase to **rebuild a Cat D9R dozer** from NC Machinery Company for the Municipality of Anchorage, Solid Waste Services (\$705,716), Purchasing.
20. Assembly Memorandum No. AM 181-2002, approval to expend 2002 funds for the **operation of the William A. Egan Civic and Convention Center** (\$730,000), Cultural and Recreational Services.

(Clerk's Note: Ms. Clementson asked that the record reflect her "no" vote on this item.)

21. Assembly Memorandum No. AM 182-2002, approval to enter into grant agreements with **The ARC of Anchorage** (\$108,900), **NorthEast Community Center** (\$144,430), and the **Boys and Girls Club of Greater Anchorage – Mt. View Rec. Ctr.** (\$275,000), Cultural and Recreational Services.
22. Assembly Memorandum No. AM 183-2002, contract amendment No. 6 to Cullips Excavating, Inc. for construction of **Kincaid Park Access Road, Phase I, Bus Access and Bus Facilities, Chalet to NSC Bunker**, Contract No. C-201691, Project No. 94-29 (\$148,900), Project Management and Engineering.
23. Assembly Memorandum No. AM 184-2002, contract amendment No. 6 to Cullips Excavating, Inc. for construction of **Raspberry Road Upgrade – Kincaid Park Entrance to Kincaid Park Elementary School**, Contract No. C-201495, Project No. 97-14 (\$108,000), Project Management and Engineering.
24. Assembly Memorandum No. AM 150-2002, grant agreement with Greater Anchorage, Inc. to support the **2002 Fur Rendezvous Winter Festival** (\$42,187.50), Municipal Manager's Office.

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

9E. INFORMATION AND REPORTS: None.

9F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

1. Ordinance No. AO 2002-16, an ordinance approving the Anchorage School District's disposal by **demolition of the current Denali Elementary School building**, Anchorage School District. P.H. 2-26-02.

a. Assembly Memorandum No. AM 84-2002.

2. Ordinance No. AO 2002-31, an ordinance **repealing and reenacting Title 23 of the Anchorage Municipal Code** to adopt the 2000 editions of the following codes and enacting local amendments thereto: Administrative, Building, Mechanical, Plumbing, Fire, Existing Buildings, Residential, Building Construction Contractor Requirements, Fire Protection Service Outside Service Areas, Energy Conservation, School Relocatables, Safety Code for Elevators and Escalators, Electrical Code, Mobile Aircraft Shelters, Grading, and Fuel Gas Code, Department of Development Services. P.H. ~~3-19-02~~ 4-16-02.
 - a. Assembly Memorandum No. AM 124-2002.

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

3. Ordinance No. AO 2002-34, an ordinance authorizing an equal value land exchange between Heritage Land Bank (HLB) and the State of Alaska, Department of Environmental Conservation (DEC) of 3.995 acres within HLB Parcel 3-032 and 6.00 acres of DEC land, both located in Section 34, Township 13 North, Range 3 West, to the immediate south and west of the intersection of Tudor Road and Boniface Parkway in Anchorage, to facilitate **DEC construction of a seafood and food safety laboratory**, Heritage Land Bank. P.H. ~~2-26-02~~ 3-19-02.
 - a. Assembly Memorandum No. AM 188-2002.

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

4. Ordinance No. AO 2002-35, an ordinance amending the zoning map and providing for the rezoning of approximately 3.69 acres from B-3SL (General Business District with Special Limitations) to R-4SL (Multiple-Family District with Special Limitations) for **Town Square Subdivision, Lot 5**; generally located at the southeast corner of DeBarr and Lake Otis Parkway (Airport Heights Community Council) (Planning and Zoning Commission Case 2001-151), Planning Department. P.H. 3-19-02.
 - a. Assembly Memorandum No. AM 189-2002.
5. Resolution No. AR 2002-50, a resolution of the Municipality of Anchorage appropriating \$1,379,340 of 2002 tax revenues from the Chugiak, Birchwood, Eagle River Rural Road Service Area (CBERRRSA) Mill Levy Fund (119) to the CBERRRSA Capital Improvement Program Mill Levy (419) for **road and drainage capital improvement projects**, Street Maintenance. P.H. 2-26-02.
 - a. Assembly Memorandum No. AM 187-2002.
6. Ordinance No. AO 2002-36, an ordinance of the Anchorage Municipal Assembly granting **final approval of a conditional use for a business Planned Unit Development (PUD) Master Site Plan** in accordance with AO 2001-24(S), The Alaskan Village Subdivision, Block 1, Lots 32 thru 45 and Block 2, Lots 20 thru 47 and a portion of the NE 1/4, NW 1/4 of Section 24, T13N, R3W, S.M., AK, Assemblymembers Clementson and Taylor. P.H. ~~2-26-02~~ 3-12-02. (**addendum**)

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

7. Ordinance No. AO 2002-48, an ordinance submitting to the qualified voters of the Municipality of Anchorage at the Special Municipal Election April 2, 2002, a ballot proposition approving a **special economic development room tax** dedicated to funding a new civic and convention center, Finance Department; Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Van Etten, and Von Gemmingen. P.H. 2-26-02. (**addendum**)
 - a. Assembly Memorandum No. AM 164-2002.
8. Ordinance No. AO 2002-49, an ordinance amending the Anchorage Municipal Code to enact provisions for the **levy, collection, enforcement and implementation of a special economic development room tax** dedicated to funding a new civil and convention center consistent with the ballot proposition in Anchorage Ordinance No. 2002-48 and the use of the special economic development tax funds derived therefrom, Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Van Etten, and Von Gemmingen. P.H. 2-26-02. (**addendum**)
 - a. Assembly Memorandum No. AM 165-2002.

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

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

10. REGULAR AGENDA:

10A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS:

- 10A1. Resolution No. AR 2002-41, a resolution of the Anchorage Municipal Assembly **recognizing and honoring David Levy for his service and leadership** as Executive Director of the Anchorage Equal Rights Commission, Assemblymembers Clementson, Fairclough, Kendall, Taylor, Tesche, Traini, Tremaine, Shamberg, Van Etten, and Von Gemmingen.

Ms. Clementson moved, to approve AR 2002-41.
 seconded by Ms. Taylor,

Ms. Taylor read the resolution.

David Levy noted that he had worked with many dedicated and hardworking employees at both the Commission and the Municipality, which he felt was due to the efforts of the Mayor in creating a talented workforce. He reiterated the importance

of the Anchorage Equal Rights Commission to prevent and define discrimination within our community. He encouraged the Assembly and the Administration to continue supporting the efforts of the Anchorage Equal Rights Commission.

Ms. Taylor thanked Mr. Levy for his commitment to equal rights. She noted that Mr. Levy would be deeply missed by a variety of people within the community. She hoped Mr. Levy would remain involved, because they needed his valued opinions and experience in the area of equal rights.

Ms. Clementson thanked Mr. Levy for his special gift of educating and reaching out to people. She did not feel there had been many people who had been able to do a job equal to that of Mr. Levy.

Mr. Sullivan noted that Mr. Levy was the new general manager for Paratransit Services.

Question was called on the motion to approve AR 2002-41 and it passed without objection.

10B. RESOLUTIONS FOR ACTION - OTHER:

10B1. Resolution No. AR 2002-51, a resolution of the Anchorage Municipal Assembly making a site available on public lands to the **Simonian Little League** for youth baseball in 2004, Assemblymember Tesche.

a. Assembly Memorandum No. AM 196-2002.

Mr. Sullivan moved, to postpone indefinitely AR 2002-51.
seconded by Mr. Kendall,

Mayor Wuerch acknowledged that over the years the Assembly had set forth, under law and practice, the process for commitments of land. The Simonian Little League followed this process for two and a half years. With the help of the staff, they examined 33 sites and developed recommendations. The recommendations went before the duly appointed boards and commissions and several public hearings were held. The matter was now before the Assembly for a decision. The resolution recycles the process with some restrictions, including restricting the use of the Bicentennial Park land. Mayor Wuerch felt AR 2002-51 should be postponed indefinitely and the issue addressed later in the agenda. He noted the resolution did not allow them to begin building the ball fields this summer. The issue had been reviewed many times and a decision needed to be made. He felt AR 2002-51 only clouded the issue and was not a realistic alternative.

Ms. Fairclough took the chair.

Mr. Traini said he supported the motion to postpone AR 2002-51 indefinitely. He felt the resolution was nothing more than the Assembly trying to dump the problem on the Mayor. The Assembly heard many hours of public testimony. Three polls were conducted and there had been numerous editorials in the newspaper. The people felt the Assembly should deal with this issue in a timely manner. Postponing AR 2002-51 indefinitely would force the Assembly to deal with the matter later in the meeting.

Mr. Tesche noted he was the sponsor of AR 2002-51. He felt the resolution was well explained in the memorandum, which was sent to the clerk's office in a timely manner for the Assembly's review. This issue did not affect his district directly, but it affected other areas of Anchorage. He attempted to resolve the issue through a series of negotiations, which did not result in an agreement. He offered AR 2002-51 as his best effort to bring this matter to closure. He noted that there were eleven Assemblymembers and one Mayor who all understood the need for ball fields for the Simonian Little League. The Assembly understood that the Simonian Little League needed help obtaining ball fields, but there were disagreements as to the best way to solve the problem. He asked the Simonian Little League to be patient as the Assembly found the best place for the ball fields. Good sportsmanship was a lesson learned in Little League baseball. Part of good sportsmanship was playing hard and supporting your teammates, but it did not include calling people names. Some adults had not learned the art of good sportsmanship. Calling people names would only distract from the issue that needed to be resolved. The Assembly was committed to finding ball fields for the Simonian Little League in 2004 and he asked everyone to focus on that task.

Mr. Kendall said he had a conflict of interest, because he played Little League as a child.

Ms. Shamberg thanked Mr. Tesche for working so hard on the resolution in an attempt to find a meaningful and healthy way to resolve the problem. She reiterated that no one was working against the children, but they were trying to find a sound, healthy and fiscally responsible way to steward their lands while providing for the children. They were all on the same team in trying to insure that the children had ball fields in 2004.

Mr. Traini noted that if AR 2002-51 was not postponed indefinitely then the next motion would be to approve the resolution and that would be the death knoll for the Simonian Little League. He felt AR 2002-51 had to be postponed indefinitely.

Ms. Fairclough moved, to substitute and postpone AR 2002-51, and to take it up with
seconded by Ms. Shamberg, item 11A AO 2001-174, later in the agenda.

Mayor Wuerch stressed that the process in AR 2002-51 would not allow ball fields to be built this season. He felt the resolution would simply recycle the same process with the exception of removing the Bicentennial Park land from consideration. He noted that the Assembly made the rules, which were followed by the public, the boards and the commissions. He felt the Assembly needed to make a decision.

Mr. Traini was opposed to postponing AR 2002-51 until later in the agenda. He felt the Assembly needed to deal with the issue.

Mr. Kendall pointed out that the public process had started when Mayor Mystrom was in office, which was over two years ago. AR 2002-51 was asking the Assembly to start the process over, which would be another, two to three year process. He felt that was highly inappropriate.

Mr. Traini took the chair.

Question was called on the motion to substitute and postpone AR 2002-51, and to take it up with 11A AO 2001-174, later in the agenda and it passed:

AYES: Von Gemmingen, Fairclough, Tesche, Shamberg, Tremaine, Clementson.

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

(Clerk's Note: Items AR 2002-51 and AO 2001-174 were taken up later in the evening at 7:00 p.m. under 11A.)

- 10B2. Resolution No. AR 2002-55, a resolution of the Anchorage Municipal Assembly **supporting SCS CSHB 4 (JUD)**, "An Act relating to the offenses involving operating a motor vehicle, aircraft, or watercraft while under the influence of an alcoholic beverage or controlled substance; relating to the implied consent to take a chemical test; relating to registration of motor vehicles; relating to presumptions arising from the amount of alcohol in a person's breath or blood; and providing for an effective date," Assemblymembers Fairclough, Clementson, Taylor, Tesche, Shamberg, Sullivan, and Traini. **(addendum)**

Ms. Shamberg moved, to approve AR 2002-55.
seconded by Mr. Tremaine,

Chairman Traini, Mr. Sullivan, and Ms. Shamberg asked to be added as co-sponsors of AR 2002-55.

Ms. Fairclough said this was an effort to support the local legislators in their work in Juneau. She asked other Assemblymembers to add their names as co-sponsors.

Mr. Van Etten moved, to take up items 11A AO 2001-174, and B3 AR 2002-51,
seconded by Ms. Taylor, at 7:00 p.m.

Ms. Fairclough felt the Assembly needed to take care of the bond issues before taking up AO 2001-174 and AR 2002-51.

Ms. Clementson noted that item 11A AO 2001-174, was at the end of the consent agenda and would probably be addressed before 7:00 p.m.

Mr. Van Etten withdrew his motion.

Question was called on the main motion to approve AR 2002-55 and it passed without objection.

10C. BID AWARDS: None.

10D. NEW BUSINESS:

- 10D1. Assembly Memorandum No. AM 168-2002, **Platting Board reappointments** (Gloria Shriver, Tamas Deak), Mayor's Office.

Ms. Fairclough moved, to postpone AM 168-2002 until February 26, 2002,
seconded by Ms. Clementson, to allow for a 10-day public comment period.
and it passed without objection,

- 10D2. Assembly Memorandum No. AM 169-2002, **Zoning Board of Examiners and Appeals appointments** (Dean Karcz, Kenneth Walch), Mayor's Office.

Ms. Fairclough moved, to postpone AM 169-2002 until February 26, 2002,
seconded by Mr. Tremaine, to allow for a 10-day public comment period.
and it passed without objection,

Mayor Wuerch acknowledged the appointments confirmed by the Assembly. Susan Brady, Equal Rights Commission; James Cantor, Robert Teachworth and Mary Chouinard, Heritage Land Bank Commission; Carol Heyman, School Budget Advisory Commission; William Lester, Eva Kopacz, Senior Citizens Advisory Commission; Dan Sullivan, Veterans Affairs Commission; and Deborah Gomez, Women's Commission. Mayor Wuerch thanked all the citizens who were appointed.

- 10D3. Assembly Memorandum No. AM 195-2002, Rock U (#2456) – Transfer of ownership, transfer of location, name change and restaurant designation permit to **Applebee's II** (#4173) for a beverage dispensary liquor license (Northeast Community Council), Clerk's Office.

Ms. Shamberg moved, to approve AM 195-2002.
seconded by Ms. Fairclough,

Ms. Shamberg said it was her understanding that the Rock U liquor license was technically no longer a viable license and should have expired under the current regulations. She felt Applebee's should acquire a different liquor license.

Ms. Clementson moved, to postpone AM 195-2002 to be addressed with
seconded by Mr. Tremaine, item 14.L. AR 2002-40.

Ms. Clementson put the petitioner's representative on notice that this license had not been operated in over two years. This was one of the two licenses that were housed at Klondike Kate's, which was the only conditional use license that the

Assembly had ever revoked. There were over 140 beverage dispensary licenses, but by population we should only have 81. The beverage dispensary licenses existed because of grandfather rights. The State Alcoholic Beverage Control (ABC) Board had continued to give them waivers. She pointed out that Applebee's was not located at 6119 Old Seward Highway, which was the former home of Klondike Kate's. The conditional use permit has not operated in two years and should have expired. She stressed that Applebee's should find a different liquor license.

Question was called on the motion to postpone AM 195-2002 to be addressed with item 14L AR 2002-40 and it passed

- 10D4. Assembly Memorandum No. AM 150-2002, grant agreement with Greater Anchorage, Inc. to support the **2002 Fur Rendezvous Winter Festival** (\$42,187.50), Municipal Manager's Office.

Mr. Sullivan moved, to approve AM 150-2002.
seconded by Ms. Fairclough,

Mr. Sullivan said the Assembly had passed a resolution encouraging the Parking Authority to work with the Fur Rendezvous to keep the carnival at its traditional location, which had been successfully negotiated. He noted that the Fur Rendezvous was run by a non-profit organization, but it was part of the city. He appreciated the Municipality's continued support of the Fur Rendezvous.

Question was called on the motion to approve AM 150-2002 and it passed without objection.

- 10E. INFORMATION AND REPORTS: None.
10F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

- 10F1. Ordinance No. AO 2002-31, an ordinance **repealing and reenacting Title 23 of the Anchorage Municipal Code** to adopt the 2000 editions of the following codes and enacting local amendments thereto: Administrative, Building, Mechanical, Plumbing, Fire, Existing Buildings, Residential, Building Construction Contractor Requirements, Fire Protection Service Outside Service Areas, Energy Conservation, School Relocatables, Safety Code for Elevators and Escalators, Electrical Code, Mobile Aircraft Shelters, Grading, and Fuel Gas Code, Department of Development Services. P.H. ~~3-19-02~~ 4-16-02.
a. Assembly Memorandum No. AM 124-2002.

Mr. Sullivan, Ms. Fairclough, and Ms. Von Gemmingen joined in introducing AO 2002-31. The public hearing was scheduled for April 16, 2002.

Mayor Wuerch noted that AO 2002-31 was a technical issue and a work session would be scheduled.

- 10F2. Ordinance No. AO 2002-34, an ordinance authorizing an equal value land exchange between Heritage Land Bank (HLB) and the State of Alaska, Department of Environmental Conservation (DEC) of 3.995 acres within HLB Parcel 3-032 and 6.00 acres of DEC land, both located in Section 34, Township 13 North, Range 3 West, to the immediate south and west of the intersection of Tudor Road and Boniface Parkway in Anchorage, to facilitate **DEC construction of a seafood and food safety laboratory**, Heritage Land Bank. P.H. ~~2-26-02~~ 3-19-02.
a. Assembly Memorandum No. AM 188-2002.

Ms. Shamberg, Ms. Fairclough, and Mr. Tremaine joined in introducing AO 2002-34. The public hearing was scheduled for February 26, 2002.

Ms. Shamberg questioned if it was possible to co-locate this facility with ASI, the new seafood facility on Raspberry Road.

In response to Ms. Shamberg, Mayor Wuerch said ASI was privately owned and this was a facility for the State Department of Environmental Conservation. He felt it would be difficult to negotiate an agreement between a private investor and a state agency. He felt the Assembly needed to approve the land transfer for this purpose. ASI was partially financed by the Alaska Industrial Development Agency, but that ownership would diminish over time and would ultimately become a private enterprise. Mayor Wuerch said the administration could provide more details on the ownership of ASI.

Ms. Shamberg noted that the State had a substantial investment in the ASI facility, which was a large facility that was under utilized. Due to the economic situation, she felt the possibility of co-locating the DEC seafood and food safety laboratory at the ASI plant was worth exploring.

Mr. Sullivan moved, to postpone the public hearing on AO 2002-34 to
seconded by Mr. Tremaine, March 19, 2002.

Ms. Clementson noted that the State facility would be located next to the State health lab, which was just constructed at Boniface and Tudor. They would be moving the current lab from Palmer into the Anchorage area. She felt this would be a reasonable location given its proximity to the State health lab.

Question was called on the motion to postpone the public hearing on AO 2002-34 to March 19, 2002 and it passed without objection.

- 10F3. Ordinance No. AO 2002-36, an ordinance of the Anchorage Municipal Assembly granting **final approval of a conditional use for a business Planned Unit Development (PUD) Master Site Plan** in accordance with AO 2001-24(S), The Alaskan Village Subdivision, Block 1, Lots 32 thru 45 and Block 2, Lots 20 thru 47 and a portion of the NE 1/4, NW 1/4 of Section 24, T13N, R3W, S.M., AK, Assemblymembers Clementson and Taylor. P.H. ~~2-26-02~~ 3-12-02. (**addendum**)

Ms. Clementson, Mr. Tremaine, and Ms. Shamberg joined in introducing AO 2002-36. The public hearing was set for February 26, 2002.

Ms. Clementson moved,
seconded by Mr. Tremaine,

to postpone the public hearing on AO 2002-36 to
March 12, 2002.

Ms. Clementson noted AO 2002-36 would go to the Planning and Zoning Commission on March 4, 2002. It had been scheduled for February, but the Community Council requested a postponement. The introduction was to meet the ordinance that they had. At that time, the Assembly changed the required submittal for the Alaska Village Mobile Home Park from December 31, 2001 to February 15, 2002. The Assembly promised Ms. Clementson that it would be dealt with before she left the Assembly on April 16, 2002.

Question was called on the motion to postpone the public hearing on AO 2002-36 to March 12, 2002 and it passed:

(Clerk's Note: The clerk noted that items AO 2002-48, and AO 2002-49, did not have public hearing dates on the addendum.)

- 10F4. Ordinance No. AO 2002-48, an ordinance submitting to the qualified voters of the Municipality of Anchorage at the Special Municipal Election April 2, 2002, a ballot proposition approving a **special economic development room tax** dedicated to funding a new civic and convention center, Finance Department; Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Van Etten, and Von Gemmingen. P.H. 2-26-02. **(addendum)**
- a. Assembly Memorandum No. AM 164-2002.

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

to set the public hearing date on AO 2002-48 for 2-26-02.

- 10F5. Ordinance No. AO 2002-49, an ordinance amending the Anchorage Municipal Code to enact provisions for the **levy, collection, enforcement and implementation of a special economic development room tax** dedicated to funding a new civic and convention center consistent with the ballot proposition in Anchorage Ordinance No. 2002-48 and the use of the special economic development tax funds derived therefrom, Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Van Etten, and Von Gemmingen. P.H. 2-26-02. **(addendum)**
- a. Assembly Memorandum No. AM 165-2002.

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

to set the public hearing date on AO 2002-49 for 2-26-02.

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

- 11A. Ordinance No. AO 2001-174, an ordinance amending the **Updated Far North Bicentennial Park Master Plan** to allow development of active recreation sports fields at the designed community park site located in the southwest corner of Far North Bicentennial Park, Project Management and Engineering Department.
1. Assembly Memorandum No. AM 874-2001.
(CONTINUED FROM 11-20-01 AND 12-11-01; PUBLIC HEARING CLOSED 12-18-01 CARRIED OVER FROM 12-18-01; POSTPONED FROM 1-15-02; CARRIED OVER FROM 1-29-02)
- 9B3. Resolution No. AR 2002-51, a resolution of the Anchorage Municipal Assembly making a site available on public lands to the **Simonian Little League** for youth baseball in 2004, Assemblymember Tesche.
- a. Assembly Memorandum No. AM 196-2002.

(Clerk's Note: Items 11A and 9B3 were considered together. See after item 12.B.)

- 11B. Ordinance No. AO 2002-14(S), an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of not to exceed \$44,720,000 of General Obligation Bonds of the Municipality of Anchorage to pay the **costs of educational capital improvements** in the Municipality of Anchorage at an election in and for the Municipality of Anchorage on April 2, 2002, Anchorage School District.
1. Assembly Memorandum No. AM 82-2002(A).
(POSTPONED FROM 2-5-02)

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

to postpone AO 2002-14(S) indefinitely.

- 11C. Ordinance No. AO 2002-24, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$3,900,000 of General Obligation Bonds of the Municipality of Anchorage to pay the **costs of public safety (police protection) and related capital improvements** in the Anchorage Metropolitan Police Service Area at an election in and for the Municipality of Anchorage on April 2, 2002, Office of Management and Budget.
1. Assembly Memorandum No. AM 153-2002.
2. Information Memorandum No. AIM 14-2002, background information on the Administration's proposed General Obligation Bonds, Office of Management and Budget. **(addendum)**
3. Ordinance No. AO 2002-24(S), an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$3,900,000 of General Obligation Bonds of

the Municipality of Anchorage to pay the costs of public safety (police protection) and related capital improvements in the Anchorage Metropolitan Police Service Area at an election in and for the Municipality of Anchorage on April 2, 2002, Office of Management and Budget.

(addendum)

(POSTPONED FROM 2-5-02)

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

to postpone AO 2002-24 indefinitely.

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

to postpone AO 2002-24(S) indefinitely.

- 11D. Ordinance No. AO 2002-25, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$7,200,000 of General Obligation Bonds of the Municipality of Anchorage to pay the **costs of fire protection and related capital improvements in the Anchorage Fire Service Area** and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 2, 2002, Office of Management and Budget.
1. Assembly Memorandum No. AM 154-2002.
 2. Information Memorandum No. AIM 14-2002. **(addendum)**
 3. Ordinance No. AO 2002-25(S), an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$7,200,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of fire protection and related capital improvements in the Anchorage Fire Service Area and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 2, 2002, Office of Management and Budget. **(addendum)**

(POSTPONED FROM 2-5-02)

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

Mr. Tesche moved,
seconded by Ms. Shamborg,
and it passed without
objection,

to postpone AO 2002-25 and AO 2002-25(S)
until February 26, 2002.

- 11E. Ordinance No. AO 2002-28, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$1,090,000 of General Obligation Bonds of the Municipality of Anchorage to pay the **costs of an emergency operations center and costs acquiring ambulances in the Municipality of Anchorage** and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 2, 2002, Office of Management and Budget.
1. Assembly Memorandum No. AM 155-2002.
 2. Information Memorandum No. AIM 14-2002. **(addendum)**

(POSTPONED FROM 2-5-02)

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

to postpone AO 2002-28 and AO 2002-28(S) indefinitely.

- 11F. Ordinance No. AO 2002-26, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$960,000 of General Obligation Bonds of the Municipality of Anchorage to pay the **costs of parks and recreation and related capital improvements in the Eagle River-Chugiak Parks and Recreation Service Area** and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 2, 2002, Office of Management and Budget.
1. Assembly Memorandum No. AM 156-2002.
 2. Information Memorandum No. AIM 14-2002. **(addendum)**
 3. Ordinance No. AO 2002-26(S), an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$960,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of parks and recreation and related capital improvements in the Eagle River-Chugiak Parks and Recreation Service Area and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 2, 2002, Office of Management and Budget. **(addendum)**

(POSTPONED FROM 2-5-02)

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

Ms. Fairclough moved, to reopen the public hearing on AO 2002-26 and
seconded by Mr. Tesche, postpone until February 26, 2002.
and it passed without
objection,

- 11G. Resolution No. AR 2002-13, a resolution of the Anchorage Assembly adopting recommendations to be forwarded to the Anchorage Metropolitan Area Transportation Study (AMATS) Policy Committee regarding an **amendment to FFY 2001-2003 Transportation Improvement Program (TIP)**, Traffic Department.
1. Assembly Memorandum No. AM 29-2002.
(CONTINUED FROM 1-15-02; CARRIED OVER FROM 1-29-02)

Ms. Fairclough moved, to approve AR 2002-13.
seconded by Mr. Van Etten,

Question was called on the motion to approve AR 2002-13 and it passed:

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

NAYS: None.

Ms. Fairclough moved, for immediate reconsideration on AR 2002-13.
seconded by Mr. Tremaine,

Ms. Fairclough urged a no vote.

Question was called on the motion for immediate reconsideration of AR 2002-13 and it failed:

AYES: Fairclough, Clementson.

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

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

- 11H. Assembly Memorandum No. AM 118-2002, Urban Design Commission appointments (James Dougherty, Bill Puckett, Blasé Burkhart, Joanne Mitchell), Mayor's Office.
(POSTPONED FROM 1-29-02)

Mr. Tesche moved, to approve AM 118-2002.
seconded by Ms. Fairclough,
and it passed without
objection,

Mayor Wuerch noted that James Dougherty, Bill Puckett, Blasé Burkhart and Joanne Mitchell had just been appointed to the Urban Design Commission. He thanked them for their volunteer efforts.

- 11I. **NOTICE OF RECONSIDERATION:** Assembly Memorandum No. AM 144-2002, Housing and Neighborhood Development Commission appointments (Kip Knudson, M. Diane Johnson), Mayor's Office.
(APPROVED 2-5-02; NOTICE OF RECONSIDERATION WAS GIVEN BY MS. CLEMENTSON 2-6-02)

Ms. Clementson moved, to approve the reconsideration of AM 144-2002.
seconded by Ms. Von Gemmingen,

Mayor Wuerch supported the request for reconsideration and urged a yes vote. They had learned that one of the named candidates had since changed their mind and did not want to serve.

Question was called on the motion to approve the reconsideration of AM 144-2002 and it passed without objection.

Ms. Clementson moved, to postpone AM 144-2002 to February 26, 2002.
seconded by Ms. Von Gemmingen,
and it passed without
objection,

12. APPEARANCE REQUESTS:

- 12A. **Mountain View Community Council**, concerning the lack of "over 24 hour" vehicle removal from the right-of-ways for proper snow removal.

RANDY SMITH said he was president of the Mountain View Community Council and chairman of the Mountain View Patrol. He referenced the problem of vehicles being dumped on their streets, non-enforcement of parking in residential areas for vehicles that were there longer than 24 hours and the inherent problem this caused the community as far as snow removal. The problem existed in Mountain View and other areas in Anchorage. He had been involved in Mountain View for over 15 years. The problem was ongoing and needed to be addressed and solved through innovative programs, which would include reviewing how other winter cities in the United States deal with the problem. They had made numerous suggestions and Mountain View had worked diligently with the Anchorage Police Department, Right-of-Way Enforcement and the community service officers to address the problem. When the graders plowed the streets, they had dozens of vehicles in the neighborhood that hampered the effective removal of snow in their community. This blocks the sidewalks and makes it unsafe for young people to use the sidewalks so they use the streets to walk to and from school. He referenced a letter dated January 23, 2000 to the Anchorage Police Department requesting a five-fold enforcement action in the Mountain View area.

They asked to have the no parking zones on the east and west streets enforced. Mountain View did not allow parking on either side of the east or west streets for snow removal and snow storage purposes. They ask to have the over 24-hour parking enforced for snow removal and the red tagging of 72 hour violations by citing and towing vehicles out of the area. They asked to have junk car removal enforced, which was the white tag program to remove junk cars within the community. They also asked to have the no parking on sidewalks enforced. They continued to ask for this support, but they were not getting it. He asked for the Assembly's support in addressing the problems to do something positive to help all of Anchorage.

Mr. Tesche thanked Mr. Smith for taking the time to testify before the Assembly. Mr. Tesche said he did not appreciate the lack of action from the municipal government. He urged Mr. Smith to meet with Municipal Manager Kieling to find out what new efforts might be underway to address the issue.

12B. **Theresa Nangle Obermeyer, Ph.D.**, regarding bonded indebtedness in light of Alaska Permanent Fund of \$25,000,000,000.00 (\$25 Billion).

THERESA NANGLE OBERMEYER said there were a handful of people that literally had \$25,000,000,000. Most of us were working people and shied away from discussions of this amount of money. The citizens are paying a law firm to write up all of the bonds, but one of their partners was the mastermind on the Permanent Fund Board. The two major people in charge of this were Wilson Condon, Commissioner of Revenue, and Eric Wohlforth. Wilson Condon had hundreds of people working for him. Eric Wohlforth had chaired the Permanent Fund Board and had attorneys writing up the bonded indebtedness issue. She thought it was unbelievable. She wanted to say this to the public and provide documents so they could see what was happening. Eric Wohlforth chairs the Audit Committee. Melphine Evans used to chair the Audit Committee. Ms. Evans used to work for Alyeska, which was over 50 percent owned by British Petroleum. She felt it was a real message that Eric Wohlforth was now chairing the Audit Committee. Unless the citizens understood this, there would never be any changes and they would continue to have these billions of dollars. They want us to think that we are not supposed to get a dividend. She did not want the dividend, but she wanted common courtesy and respect.

(Clerk's Note: The Assembly then returned to consider item 11A, Old Business and Unfinished Action on Public Hearing Items. Chairman Traini noted that item 11A AO 2001-174, would be considered with item 9B3 AR 2002-51.)

- 11A. Ordinance No. AO 2001-174, an ordinance amending the **Updated Far North Bicentennial Park Master Plan** to allow development of active recreation sports fields at the designed community park site located in the southwest corner of Far North Bicentennial Park, Project Management and Engineering Department.
1. Assembly Memorandum No. AM 874-2001.
(CONTINUED FROM 11-20-01 AND 12-11-01; PUBLIC HEARING CLOSED 12-18-01 CARRIED OVER FROM 12-18-01; POSTPONED FROM 1-15-02; CARRIED OVER FROM 1-29-02)
 - 9B3. Resolution No. AR 2002-51, a resolution of the Anchorage Municipal Assembly making a site available on public lands to the **Simonian Little League** for youth baseball in 2004, Assemblymember Tesche.
 - b. Assembly Memorandum No. AM 196-2002.

Ms. Fairclough took the chair.

Mr. Tesche moved, to approve AR 2002-51.
seconded by Mr. Van Etten,

In response to Ms. Shamberg, Chair Fairclough noted that AO 2001-174 was not on the floor.

In response to Chair Fairclough, Ms. Clementson said AO 2001-174 and AR 2002-51 could not be incorporated together.

Mr. Tesche urged approval of AR 2002-51.

Mr. Traini urged the Assembly to vote no on the approval of AR 2002-51 for the reasons he stated earlier in the meeting.

Ms. Clementson felt this issue was cut and dry, although fairly controversial. She noted that it had been difficult to determine the most valid points, because there had been so much dueling testimony. From a public policy perspective, there was nothing worse than not being able to get information upon which to base your decision. She reviewed some new information that she received in the last couple of weeks. Until a week ago, she had planned to vote to put the ball fields in Bicentennial Park, but she no longer believed that was the best solution. The issue was tearing the community apart and no one would be happy regardless of the solution. When she first reviewed AR 2002-51, she had not been impressed. She felt site 31, which was adjacent to Springhill and Hanshew Middle School, would be a more appropriate location for the Simonian Little League ball fields. Site 31 had available parking; a better transportation system, developed roads, similar topography and the cost of development would be similar. She did not feel that the Municipality had enough information on site 31, but the information existed. The portion of land that could be developed was uplands and not wetlands. She felt there would be fewer impacts by following the proposal and considering site 31. Site 31 could be developed immediately. She noted that the Assembly did not set the guidelines for which sites should be considered. Normally she struggled to uphold the process, but in this case she felt there was a better choice available. Site 31 was recommended by the public, but was not originally chosen. She would vote in favor of AR 2001-51.

Mr. Kendall said it was a rare day that he and the Anchorage Daily News agreed on anything. He read an editorial from the Anchorage Daily News. "The dispute over whether to build Simonian Little League fields in the Far North Bicentennial Park has generated enough bad blood to fuel a season of bench clearing brawls. The Anchorage Assembly should decide Tuesday to amend the park plan to build the fields in the southwest corner of the park, including a neighborhood park, and settle the issue. Some alternatives look logical and attractive, especially Mr. Simonian's interest in the swap for up to 28 acres. But the problem here is that the solution is a promise, not a done deal." Mr. Kendall noted that AR 2002-51 was a promise, not a done deal. The city owns the land at Bicentennial Park. Mr. Kendall said he reviewed the Far North Bicentennial Plan of 1975 and 1985. Both of the original plans called for ball fields in Bicentennial Park. The ball fields were supposed to be on the Bureau of Land Management property along the access road. The administration had talked to the Bureau of Land

Management about implementing the plan to no avail. The administration reviewed many sites. He felt the Assembly was doing a great disservice to those who worked on the plan over the years. Many people had stated that nothing should be built in Bicentennial Park, but they ignored the existing master plan. A neighborhood park could be built right where they wanted to build the ball fields without Assembly approval. The argument to leave the Bicentennial Park in a pristine condition did not work, because the master plan called for ball fields and neighborhood parks in Bicentennial Park. He felt AR 2002-51 would direct the administration to begin the process over. The administration had looked at over 30 sites and determined that this was the best location. Mr. Kendall felt this was the best location, because it called for a private/public partnership to build the park. The Municipality had put forth funds for the park. The Little League had promised a lot of time and effort to build the ball fields. The Operating Engineers, the National Guard and many other groups were on the tentative list to volunteer to work on the park. The project had already been delayed for several months while the Assembly contemplated what should be done. He felt the Assembly should put politics aside and vote for the Little League. Delaying the issue any further would prevent the Little League from having ball fields by 2004.

Mr. Van Etten noted that the Assembly had made many compromises over the years including the airport and the Turnagain bog and Klatt bog issues. The Assembly had come to resolutions that did not make everyone happy, but people realized that both sides had contributed to a workable solution. He discussed the Girdwood Plan and the process they had gone through. Everyone realized that they compromised, sacrificed and eventually came together. He felt AR 2002-51 would allow everyone to get something they needed. If AR 2002-51 were not adopted then they would have a camp of winners and a camp of losers, which was not consistent with the historical work of the Assembly. He urged the Assembly to follow the lead that they had given themselves and vote in support of AR 2002-51. The Assembly was committed to providing new fields for the Simonian Little League by 2004. He felt the best way to accomplish that, to the greatest good of the community, was by voting to approve AR 2002-51.

Mayor Wuerch said the comment had been made that the Bicentennial Park location was not affordable. They had roughly \$500,000 available from prior park bonds for the Abbott Loop area. He referenced the engineer's comments on site 31, which had a 100-foot elevation difference from side to side and would need considerable excavation. He felt a reevaluation process would come up with different solutions, but would not allow for the ball fields to be built this year.

In response to Mayor Wuerch, Mr. Tesche said AR 2002-51 did not address whether or not the Mayor's choice needed to come back before the Assembly. The resolution simply referred the Mayor back to the existing provisions of the Anchorage Municipal Code. He referred Mayor Wuerch to legal counsel. The intent of AR 2002-51 was that the law should be followed as it would for any other project.

Mayor Wuerch noted that section five of the resolution indicated that the outcome of any reevaluation would have to come back before the Assembly.

Mr. Tesche, as sponsor of AR 2002-51, clarified that there was no intent in the resolution to require Assembly approval of the site ultimately determined by the Mayor if it was not already a requirement of the Anchorage Municipal Code.

Mayor Wuerch noted that if it was the will of the Assembly to reevaluate the selection then they should do that with the realization that the cost would be denying the children the opportunity to play unimpeded through the following years. He did not feel the process of reevaluation could be concluded in time to build the ball fields this summer. He noted that if the Assembly decided to reevaluate the issue, the reevaluation should continue to look at all the possibilities. He felt that excluding 4,000 of the Bicentennial Park was an onerous exception.

Mr. Sullivan moved,
seconded by Mr. Kendall,

to amend AR 2002-51, Page 2, Line 1, to delete Item E, which reads, "the site should not be located within Bicentennial Park."

Mayor Wuerch felt a fair and impartial reevaluation based on new facts would include the capability to evaluate all locations, including Bicentennial Park.

Mr. Tesche noted that the resolution indicated that Bicentennial Park would not be considered as a location for the ball fields. The purpose of that requirement was to put the controversy to rest. There were references to the opinion polls and articles in the newspaper. About 140 people testified before the Assembly and two-thirds testified against the use of Bicentennial Park. He was not trying to say who was right or wrong. They had a number of sites that had been made available to them in the private sector for trade, as well as a number of sites on existing municipal land, other than Bicentennial Park. He felt the issue could be resolved by providing the ball fields for the Simonian Little League on other municipal land by 2004. They did not need to rip the community apart by putting the ball fields in Bicentennial Park, because they had other options. The purpose of the resolution was to allow the Assembly to heal the community and proceed with a solution that would allow for the ball fields by 2004 without continuing the controversy over the use of Bicentennial Park. He recommended a no vote on the amendment to the AR 2002-51.

Mr. Tremaine supported building the ball fields on the Bureau of Land Management's land as called for in the Bicentennial Park plan. He offered a friendly amendment to the motion. "The site shall not be located on the non-Bureau of Land Management land within Bicentennial Park."

Mayor Wuerch declined acceptance of Mr. Tremaine's friendly amendment. They had correspondence from the Bureau of Land Management stating they would not allow ball fields to be built on the land. There were other places within Bicentennial Park that might be appealing. The Assembly would be taking away 25 percent of the public parkland that could be used for ball fields by eliminating Bicentennial Park as a choice. He urged acceptance of the amendment to AR 2002-51.

Mr. Kendall read from the Updated Far North Bicentennial Park Plan dated May 14, 1985. "The Municipality will have to work with the Bureau of Land Management in formulating an agreement whereby this vicinity can be used in meeting softball, soccer, rugby and related sports needs of the community." He noted that the Bureau of Land Management signed off on the land use agreement in 1985. The Bureau of Land Management was not cooperating, so the Mayor did the next best thing by moving the proposed ball fields to the area where the community park was indicated. He noted that a community

park could be built without the concurrence of the Assembly. He felt it was unreasonable to negate years of work on the Far North Bicentennial Park plan with one Assembly resolution without a public hearing.

Mr. Sullivan read appendix C, the executive summary that talked about the Bureau of Land Management's reluctance to vacate the property. "In 2000, BLM conducted a public process and solicited public comment on their proposal to extend their withdrawal of the 730-acre Campbell track for an additional 20 years. Over 435 people and organizations publicly expressed their support for extending the withdrawal. There were only two dissenters. Public support was overwhelming in favor of extending the withdrawal, because the public wanted Campbell track to be managed for a natural, open space." He felt it was inaccurate and misleading to characterize this as an apparent reluctance on the part of BLM to vacate property, because it was clearly their mandate and supported by the public.

Question was called on the motion to amend AR 2002-51 and it failed:

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

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

Ms. Von Gemmingen, speaking to the main motion to approve AR 2002-51, noted that in her six and a half years on the Assembly, she had never received as many e-mails, letters, phone calls or stops on the street about a particular issue as she had with the Bicentennial Park plan. She was bothered by the backbiting comments she heard on this issue. The rhetoric had been loud and oftentimes contentious. She noted that everyone seemed to have an opinion on this issue. The ball fields in Bicentennial Park would not affect her life or the life of her family, but she understood that it would affect tens of thousands of people in this generation and future generations. She referenced the Bicentennial Master Plan, page 13. In 1985, the Anchorage Assembly adopted the current Far North Bicentennial Park Master Plan. It called for three active recreation areas. One was at the northeastern corner of the tract, one was the area retained by the Bureau of Land Management, and the third area was in the southwestern corner of the tract. The size of these areas is approximately 100 acres, 590 acres and 290 acres, respectively. At first glance, this appears to be more than adequate acreage for active recreational facilities within the park. However, these areas included a substantial amount of preservation wetlands and the majority of the land retained by the Bureau of Land Management. The plan says the road system to the north of the roadway offers an excellent opportunity to provide sports fields and court facilities within the park. The former aircraft storage pads would be used as a basis from which athletic fields should be developed. In doing so, clearing of forested areas would be minimized and clusters of athletic fields could be provided to the general public. Surrounding neighborhoods would not be adversely affected. What was envisioned in the plan? A wide variety of sports on a programmatic basis, including softball, soccer, football and other sports requiring large, open, and level areas. The original plan was that the Bureau of Land Management would phase out, but that did not happen. She suspects that the ball fields would be located there today if the Bureau of Land Management had not done an end-run around the original plan and extended their stay. She wished the community had unified and talked to the Bureau of Land Management and their congressmen to prevent the lock-up of this area. It definitely needed a community discussion. She did not recall receiving a notice of the hearings. She could not support a change to the Bicentennial Park Master Plan. She supported Ms. Shamberg's suggestion of the land behind Springhill Elementary School and Ruth Arcand Park, which was site 31. She hoped site 31 would be a win-win solution for everyone.

Mr. Traini did not feel AR 2002-51 should be passed. Mr. Traini read an e-mail he received from Greg Maggie, a professional engineer, regarding site 31. "Besides the clearing and grubbing requirements of any undeveloped site, site 31 would require more cut and fill than site 15, which would significantly add to the development cost for community park and ball fields. It will also significantly change the landscape behind these schools. Also, there appears to be a potential problem with site 31 shaped to deficient layout, easy access, adequate parking for proposed Abbott Loop Community Park and for ball fields to comply with Municipal requirements. Besides these site requirements, the proposed development would need to be compatible with the current site requirements of both schools. In sum, site 31 is not a good site for the proposed Abbott Loop/Simonian Community Park. The Land Design North report was correct in ruling out site 31 from further consideration and not being recommended." Mr. Traini read a passage from the Land Design North report. "The report specifically analyzed the site that was located directly east of the northern parking lot of Hanshew Middle School. This site was clearly not suited for development for ball fields and parking lots. The site that has been identified through the Municipal Assembly is located north of site 31 in an area east of Springhill Elementary School and Abbott Loop Community Church. This location was ruled out in the analysis for a number of reasons, each of which I will discuss. In summary, I would be very careful about moving forward with the selection of a site in Ruth Arcand Park. There are many unknowns regarding wetland site conditions, all to potentially host delay problems that are of concern to the Simonian Little League. Most importantly, it may cause serious conflicts with the equestrian community. This may in essence, be moving conflicts from one place to another and pitting yet one more recreation group against the existing mix." Mr. Traini felt that if the Assembly approved AR 2002-51, they would eliminate the Simonian Little League.

Ms. Shamberg pointed out that they were all working to find the best location for the ball fields. The site that she had investigated was slightly north of the site that Land Design North investigated. She did not know why that hilly and swampy area was ever considered. Directly north of that site was 20 acres of clear land that had less than a ten-percent grade. The land was behind Springhill Elementary School and Abbott Loop Christian Center. There was room for additional parking if needed. A civil environmental engineer looked at the property, as well as a number of other people. The soils were considered alluvial and gravel and there would not be a tremendous amount of site preparation. They would not have to build an overpass for the children, because one already existed. They would not have to extend or widen the road, because there was currently a four-lane road. The school superintendent said she would be thrilled to have the ball fields located there, because the schools would have access to them during the school year. The Assembly had been asked to work with the School District to save the taxpayers money and avoid unnecessary development of lands. She felt this was an excellent site that would support four ball fields and a soccer field. The site would not interfere with the existing trails and no user groups would be displaced.

In response to Ms. Shamberg, Mr. Tesche said it was his intent that any sites immediately adjacent to the area could be considered. Exhibit A, municipal land currently available for relocation of the ball fields, could reference any municipal sites.

Ms. Shamberg listed some of the additional virtues of site 31. The site would not impact the neighbors with noise. It already had water for maintaining the fields and bike trails. She felt site 31 would save the taxpayers a great deal of money and represented good stewardship of our lands.

Mr. Tesche said the Mayor had given the impression that there was a project on the shelf for the ball fields at Bicentennial Park, but later he indicated that there was very little information available. They did not have a design for the proposed park. They did not have a budget, but only a cost estimate from Land Design North. They did not have a firm contribution from the Simonian Little League. The regulatory approvals had not even been identified. It was his understanding that the construction of the ball fields was not in the capital improvement program of the Municipality, which presented a process issue. Most importantly, they did not have the money. The Land Design North estimate for the ball fields in Bicentennial Park was \$1,500,000. Assuming that they used the \$500,000, which could only be used in conjunction with the construction of a community park, they would still be \$1,000,000 short. One of the benefits of AR 2002-51 was the requirement to handle this project like any other project by preparing a project budget and identifying the sources of money before construction began. He was saddened by the attitude that it was impossible to do this project by 2004. He questioned what had happened to the “can do Alaskan spirit” that the community used to have. He noted that he had worked for Mayor Sullivan, who was a man that could move projects through the system with the will of the community and the support of the Assembly. The projects he had moved through the system included the Performing Arts Center, the library, the museum, the sports arena and the coastal trail. He felt the community needed to pull together and look at section one of the resolution, which said the Municipality shall make a site available on public lands for relocation of the Simonian Little League field by no later than the summer of 2004. He felt they needed to put on their Simonian hats and get the job done.

Mr. Kendall noted that one of Mayor Wuerch’s campaign promises had been to find better ways to do things with less money. Mayor Wuerch has found a way to do this project with a public/private partnership. He felt the Assembly had held up the project by wasting three or four months deliberating on the issue. The Assembly wanted the administration to do further study of the issue, but they just spent two and a half years studying it. The Planning and Zoning Commission and the Parks and Recreation Commission has approved this. He felt approving AR 2002-51 would delay the Simonian Little League and jeopardize building the ball fields by 2004. He noted that the three months a year that he had played Little League had been some of his fondest and most cherished memories of his childhood. He urged the Assembly to support the Little League.

Ms. Von Gemmingen moved,
seconded by Mr. Van Etten,

to call the question on AR 2002-51.

Question was to call on the motion to call the question on AR 2002-51 and it failed:

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

NAYS: Clementson, Sullivan, Traini, Kendall, Shamberg.

(Clerk’s Note: Vote requires 8 aye votes to pass.)

Mr. Van Etten moved,
seconded by Mr. Tesche,
and it failed with
six objections.

to set AR 2002-51 for time certain at 8:00 o’clock.

(Clerk’s Note: No vote card was provided. Roll call by Chair Fairclough was verbal with the objecting Assemblymembers unnamed.)

Chairman Traini took the chair.

13. CONTINUED PUBLIC HEARINGS:

- 13A. Ordinance No. AO 2002-10, an ordinance amending Anchorage Municipal Code Section 6.50.060 to **define the MOA Trust Fund** (730) as an endowment and implement a controlled spending policy for future annual dividends, Finance.
1. Assembly Memorandum No. AM 122-2002.
 2. Information Memorandum No. AIM 11-2002, Joint Resolution from Budget Advisory Commission and Investment Advisory Commission defining the MOA Trust Fund as an Endowment, Finance.
- (CONTINUED FROM 1-29-02; CARRIED OVER FROM 2-5-02)
- 13B. Ordinance No. AO 2002-11, an ordinance submitting to the qualified voters of the Municipality of Anchorage at the next regular election a **ballot proposition to amend Charter Section 13.11 to define the MOA Trust Fund** (730) as an endowment and implement a controlled spending policy for future annual dividends, Finance.
1. Assembly Memorandum No. AM 123-2002.
 2. Information Memorandum No. AIM 11-2002.
- (CARRIED OVER FROM 2-5-02)

Chairman Traini combined 13A and 13B and opened the public hearings on AO 2002-10 and AO 2002-11 and asked if anyone wished to speak.

(Clerk’s Note: Chairman Traini recessed the meeting at 7:01 p.m. and reconvened at 7:22 p.m.)

Chairman Traini introduced the members of Troop 186: Chris Watson, Star; Alex Radford, First Class; Shawn Purallen, First Class; Tyler Anderson, First Class; Kelly Martin, First Class; and Curtis Bronson, First Class.

(Clerk’s Note: Chairman Traini advised the public that 11D AO 2002-25, 11F AO 2002-26, 13H AO 2002-30, 14B AO 2002-46, and 14A AO 2002-45, and/or their appropriate S versions, would be continued to February 26, 2002. The full text of the proposed ordinances would be available at the Municipal Clerk’s office. Those wishing to testify may wait until February 26, 2002 in order to review the full text of the ordinances prior to testifying. Chairman Traini read the ordinances.)

Ms. Clementson moved,
seconded by Ms. Taylor,
and it passed without
objection,

to postpone items 14I AM 103-2002, 14J AR 2002-31,
and 14K AR 2002-34, and 14L AR 2002-40 to
February 26, 2002.

The Assembly then returned to consider items 13A AO 2002-10, and 13B AO 2002-11. Chairman Traini noted that the public hearing was open on both ordinances and asked if anyone wished to testify.

DAN MOORE noted two experts from Juneau, Eric Wohlforth, Board Member of the Permanent Fund, and Michael O'Leary, Consultant for the MOA Fund and the Permanent Fund, would like to testify via the telephone.

ERIC WOHLFORTH said he had been a member of the Permanent Fund Board of Trustees for seven years. During most of those seven years, they had advanced the proposition of turning the payout formula into an endowment payout formula. Two years ago they took the unusual step of taxing registrations. To achieve the endowment formula would require a Constitutional amendment. They were hopeful that the Legislature would pass their bill by a two-thirds vote so they would have the opportunity to vote on the Constitutional amendment. The endowment payout formula would include a five-percent market value formula based on an average market value of the preceding year for inflation proofing. It would assure a payout on a national basis and protected the fund. This was the same formula used by other endowment funds. He urged the Assembly's favorable consideration of the ordinance.

MICHAEL O'LEARY said he was an investment consultant with the firm Calland Association, who advises on the investment policy for the trust fund. He associated himself with the remarks of Mr. Wohlforth. A cap should be put on the spending at a reasonable level so that over the long-term there was assurance that the trust would grow at a sufficient rate to preserve its purchasing power. Their analysis found that five percent was about as high as you could go and keep the principal objective of maintaining the long-term purchasing power of the corpus. The allocation policy for the trust contemplates 60 percent in equities and 40 percent in bonds, which produces an expected return of eight percent. After inflation, it would be just under three percent. That would be consistent with maintaining the purchasing power of the fund.

In response to Mr. Tesche, Mr. O'Leary noted it was a difficult time to invest. They were thinking about the optimal policy for a fund with a perpetual life. The existing approach carried the risk of distributions being too high should the market have a single good year. The earnings, in excess of the amount needed to inflation proof, would be available for spending. He did not feel there was a perfect answer. He felt it made sense to begin now, because the economy was beginning to stabilize.

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

Ms. Fairclough moved,
seconded by Mr. Van Etten,

to adopt AO 2002-10.

Ms. Clementson said she was on the Assembly when they tried to sell ATU and establish the trust fund and the reserve fund was supposed to feed the trust fund. Charles Wohlforth stated in his letter that the approach they had taken had not been the best approach. The reserve fund would be depleted long before they were able to meet the original goals. Politically speaking, she felt this was the prudent thing to do, although it was not very popular. She felt it would be in the best interest of the Municipality to adopt AO 2002-10.

In response to Ms. Clementson, Chief Fiscal Officer Kate Giard said the dividend would take a step down from \$9,400,000 to \$7,000,000 over two years. They would stabilize the Municipality's use of the dividend at \$7,000,000 and there would be \$6,000,000 left in the reserve. They anticipated the bond ordinance would pass the voters in April and go into affect immediately.

In response to Mr. Tesche, Ms. Giard felt this change would be the best use of the MOA trust fund. If they used the projection of the reserve to cover dividends, in case the MOA trust did not generate enough income, there would be a revenue shortfall. If the current market conditions remained, in 2003 there would not be enough money in the MOA reserve to pay dividends and they would look to other revenue sources to cover the dividends.

In response to Mr. Tesche, Ms. Giard said under current market conditions there would not be adequate earnings in the MOA trust fund to support the \$9,400,000 dividend. Under the new endowment approach, they anticipated that there would be a dividend from the MOA trust of \$7,000,000, which would be approximately five percent of the market value anticipated by March 31, 2003. If they did not pass the ordinance, they would face a \$9,000,000 shortfall for the 2003 budget. If they passed the ordinance, they would have \$7,000,000, which was \$2,000,000 less than what was used in 2002. Under the endowment approach, the proposal would be to take the difference from the MOA reserve to bring them back to \$9,000,000. The recommendation was reflected in the chart that showed the overall long-term performance of the funds with the exception that the dividend was projected at \$9,400,000 next year and the administration would propose a step down.

Mayor Wuerch said Ms. Giard had accurately reflected the Municipality's intention. They would not have numbers available until the budget cycle, but they would like to see a step down. They would not advocate going all the way to \$9,400,000, because that would postpone the pain. He felt it would be better to take a stair step approach to normalizing their efforts.

Mr. Tesche said they would be drawing down the reserve fund to maintain stability on the budget until such time as the dividends caught up to the \$9,400,000.

In response to Mr. Tremaine, Ms. Giard said they wanted to provide enough flexibility so up to five percent could be taken, but even in a good year they would not take more than five percent. Five percent would be the cap for the good years. When they had a poor return on their investments, the Assembly and the administration could propose a lesser amount. Approximately 25 percent of the treasurer's time was dedicated to his fiduciary responsibility on managing the MOA trust and those costs would be allocated to the fund. They would not be significant in relation to the fund as a whole and would probably be less than \$35,000 a year.

Ms. Fairclough thanked Ms. Giard and Mayor Wuerch for providing leadership to the City of Anchorage as well as the State of Alaska. Approximately a year ago the Assembly sat in front of Clark Gruening and listened to the state roll out what they thought the Permanent Fund Board needed to do to preserve the dividend program. She pointed out that this was modeled after that program. She felt they needed to do this for practical and economical reasons, as well as to sustain money that they had already invested in the city that would produce future revenues.

Question was called on the motion to adopt AO 2002-10 and it passed:

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

NAYS: None.

Ms. Fairclough moved, for immediate reconsideration of AO 2002-10.
seconded by Mr. Tremaine,

Ms. Fairclough urged a no vote.

Question was called on the motion for immediate reconsideration of AO 2002-10 and it failed.

AYES: None.

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

Ms. Fairclough moved, to adopt AO 2002-11.
seconded by Ms. Clementson,

Question was called on the motion to adopt AO 2002-11 and it passed:

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

NAYS: None.

Ms. Fairclough moved, for immediate reconsideration of AO 2002-11.
seconded by Mr. Tremaine,

Ms. Fairclough urged a no vote.

Question was called on the motion for immediate reconsideration of AO 2002-11 and it failed:

AYES: Clementson.

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

Ms. Fairclough noted that she and Mr. Van Etten would be meeting with AMATS on Thursday and 14K AR 2002-34, needed to be completed prior to that time.

Mr. Van Etten moved, to reconsider postponing 14K AR 2002-34, and address it
seconded by Ms. Fairclough, later in the agenda.
and it passed without
objection,

- 13C. Ordinance No. AO 2002-21, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$39,730,000 of General Obligation Bonds of the Municipality of Anchorage to pay the **costs of road, storm drainage and related capital improvements** in the Anchorage Roads and Drainage Service Area at an election in and for the Municipality of Anchorage on April 2, 2002, Assemblymembers Taylor, Clementson, and Fairclough. **(TO BE SUBMITTED)**
(CARRIED OVER FROM 2-5-02)

Chairman 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 postpone indefinitely AO 2002-21.
seconded by Ms. Taylor,
and it passed without
objection,

Ms. Fairclough moved, to combine items 13D AO 2002-23 and 14D AO 2002-41.
seconded by Ms. Taylor,
and it passed without
objection,

- 13D. Ordinance No. AO 2002-23, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$34,730,000 of General Obligation Bonds of the Municipality of Anchorage to pay the **costs of road, storm drainage and related capital improvements** and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs in the Anchorage Roads and Drainage Service Area at an election in and for the Municipality of Anchorage on April 2, 2002, Office of Management and Budget.
1. Assembly Memorandum No. AM 160-2002.
 2. Information Memorandum No. AIM 14-2002. **(addendum)**

3. Ordinance No. AO 2002-23(S), an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$34,730,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of road, storm drainage and related capital improvements and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs in the Anchorage Roads and Drainage Service Area at an election in and for the Municipality of Anchorage on April 2, 2002, Office of Management and Budget. **(addendum)**

(CARRIED OVER FROM 2-5-02)

14D. Ordinance No. AO 2002-41, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$39,730,000 of General Obligation Bonds of Municipality of Anchorage to pay the costs of **road, storm drainage and related capital improvements** and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs in the Anchorage Roads and Drainage Service Area at an election in and for the Municipality of Anchorage on April 2, 2002, Assemblymembers Taylor, Clementson, and Fairclough.

1. Assembly Memorandum No. AM 137-2002.
1. Ordinance No. AO 2002-41(S), an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$39,730,000 of General Obligation Bonds of Municipality of Anchorage to pay the costs of road, storm drainage and related capital improvements and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs in the Anchorage Roads and Drainage Service Area at an election in and for the Municipality of Anchorage on April 2, 2002, Assemblymembers Taylor, Clementson, and Fairclough. **(addendum)**
3. Assembly Memorandum No. AM 162-2002.

Chairman Traini opened the public hearings on AO 2002-23 and AO 2002-41 and asked if anyone wished to speak. There was no one, and he closed the public hearing.

Ms. Fairclough moved, to adopt AO 2002-41.
seconded by Mr. Sullivan,

Mayor Wuerch explained the difference between AO 2002-41 and AO 2002-41(S). In the S version of AO 2002-23, which was the Administration's proposal, they added \$2,600,000 for the Muldoon Town Center road right-of-way acquisition, but AO 2002-41 raised that amount to \$5,000,000. Normally the city purchased a 60-foot right-of-way. They felt it would be appropriate to purchase a wider right-of-way, because the town center was such an important concept for future development. The \$2,600,000 was for a 100-foot right-of-way, which the developer had agreed with. AO 2002-41 proposed a 150-foot right-of-way, which would be two and a half times what was normally purchased. He felt AO 2002-23 should be approved.

Ms. Fairclough withdrew her motion to adopt AO 2002-41.

Ms. Fairclough moved, to adopt AO 2002-23(S).
seconded by Ms. Clementson,

In response to Ms. Fairclough, Office of Management and Budget Director Cheryl Frasca said AO 2002-23 included the Muldoon acquisition.

In response to Mr. Tremaine, Chairman Traini said the project in Muldoon had not gone through the six-year general government capital improvement program. It had not been subject to internal review or the public process. They would require an amendment to the CIP when the funds were appropriated.

In response to Mr. Tremaine, Mayor Wuerch said they were satisfied that the public was in support of the town center plans. The Muldoon town center would be the first and they wanted it to succeed. They had a number of meetings with the developers and the Assemblymembers from that neighborhood. The 2020 Plan was the foundation and basis for this. He felt they were in good stead.

Ms. Clementson noted that the Muldoon project had undergone the traditional public process. This was the first town center and they were determining exactly what the process would be. The concept had been presented to the Assembly during the site selection process. The Community Council and the Planning and Zoning Commission had reviewed it. They did not know exactly where the right-of-way would be, but they had a general concept.

Mr. Sullivan said \$1,800,000 of the funds would come from the Aero Drive extension to West 40th Avenue, which was Turnagain Community Council's number one priority. It was his understanding that there had been some slow downs on that project due to right-of-ways, wetlands and other problems.

Mayor Wuerch assured Mr. Sullivan of their commitment to keep Aero Drive high on the priority list. They had originally programmed it for design, acquisition and construction in the same year, but that did not work well. Normally they did the design and right-of-way acquisition one year and construction the following year.

Ms. Von Gemmingen reiterated that Aero Drive was a public safety issue to allow safe access to Lake Hood Elementary School. She felt this project should be a priority until it was accomplished.

Ms. Taylor noted that the bond referenced the Muldoon right-of-way acquisition, which was contained on the draft sheet of the projects under Anchorage Roads and Drainage Service Areas. The fact sheet referred to the project and it was their expectation that it would be part of the bond.

In response to Ms. Fairclough, Capitol Budget Officer Tim Rogers said the Muldoon right-of-way acquisition was included in the Assembly memorandum that went with the ordinance and would also be included in the fact sheet.

In reference to Mr. Van Etten, Mayor Wuerch said they had been trying to improve the traffic around the Loussac Library for years. Much of the traffic flowed from the parking lot of the post office adjacent to the library. With the success in developing the Cuddy Midtown Park, there was pressure to streamline the traffic flow so the park users had a place to go and traffic could get in and out of the library without adding to the congestion.

In response to Mr. Van Etten, Mayor Wuerch said the Cuddy Midtown Park design had not included parking in an attempt to keep the costs down. There were future plans to provide parking with the acquisition of land to the southeast of Cuddy Midtown Park, but it was too early to incorporate that into the master plan.

In response to Mr. Van Etten, Cultural and Recreational Services Director Jim Posey said the master plan for the Cuddy Midtown Park would be developed within two years, which was part of the requirement from the Planning and Zoning Commission.

In response to Ms. Clementson, Mr. Rogers said they had submitted a state grant request that would allow them to design some parking in the area. If the Assembly wanted to amend the bond proposals, he suggested they should do it now rather than later. The amendment would entail reducing the amount of the bond by the corresponding amount.

In response to Mr. Van Etten, Mayor Wuerch reviewed the development of the park plan. At the work session he had discussed eliminating the traffic underneath the external steps on the south side of the library, which was a safety issue. Once they had another access to the parking lot, they could do that. With the concept of closing the underpass road, they could use some land to the southeast of the library for parking. Their intent was to create special parking for parents with small children. They would be developing that in the next set of plans to improve accessibility and safety for the library.

In response to Mr. Van Etten, Mr. Rogers said they had a grant request before the state to provide funding for construction of parking. The design was currently being worked on.

In response to Mr. Van Etten, Mayor Wuerch said they would not be eliminating any of the handicapped parking spaces that were currently available. They would be adding additional parking spaces on the south side of the road for carloads of children.

Mr. Van Etten moved,
seconded by Ms. Clementson,

to amend AO 2002-23(S) to delete \$500,000 from the bond in reference to the 40th Avenue access improvements, Denali Street to Loussac Library parking lot.

Ms. Von Gemmingen opposed the motion to amend AO 2002-23(S) to delete \$500,000 from the bond. She felt an adequate roadway would be a benefit. She noted that people who did not live or work in the area did not realize how difficult it was to get around in that area.

Mr. Van Etten said he appreciated Ms. Von Gemmingen's concern for adequate access, but he did not see this as part of the overall plan.

In response to Mr. Van Etten, Mayor Wuerch said on September 5, 2001 the capital improvement program was approved with the project listed as number 11 on the priority list. This would be an entrance to a parking lot and they did not anticipate adding a traffic light. He felt deleting this project would be breaking faith with the many people who had worked so hard to develop the Cuddy Midtown Park. He encouraged the Assembly to vote no on the motion to amend AR 2002-23(S) to delete the \$500,000 from the bond.

Ms. Fairclough urged the Assembly to vote no on the motion to amend AO 2002-23(S). She did not feel they should piecemeal the bond.

Ms. Clementson noted that this was a \$500,000 project for 40th Avenue access improvements from Denali Street to the Loussac Library parking lot and not 40th Avenue all the way from Denali Street to B Street. Those were two separate projects. It was the supporters of the Midtown Park who had alerted her to the concern of the back driveway to the Loussac Library. It was viewed as a piecemeal approach. Mr. Posey said they were a year and a half from the final Midtown Park master plan, but the road would already be in place. It was not being discussed as part of the master plan, but it was being piecemealed. She urged a yes vote, unless there was a way to redefine the amount of money to take out the Loussac Library access road and leave in the 40th Avenue part.

Mr. Tremaine noted that the CIP for 2002-2007 talked about Denali Street to the Loussac Library parking lot. The draft explanation page included the 40th Avenue access improvements to Denali Street and Credit Union Drive to B Street. Mr. Tremaine would be voting yes to amend AO 2002-23(S) until they had a plan.

Ms. Shamberg noted that all the people who had contacted her to promote the Midtown Park had asked the Assembly to purchase the additional parcel of land before it disappeared, but no one had asked her to build a road.

Question was called on the motion to amend AO 2002-23(S) and it passed:

AYES: Taylor, Van Etten, Tesche, Shamberg, Tremaine, Clementson.

NAYS: Sullivan, Von Gemmingen, Traini, Fairclough, Kendall.

Chairman Traini noted that before the vote on AO 2002-23(S) as amended, they would need adjusted dollar amounts. Administration indicated that it would take them about ten minutes to do the recalculations.

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

to postpone AO 2002-41(S) indefinitely.

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

to postpone AO 2002-41 indefinitely.

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

to postpone AO 2002-23 indefinitely.

(Clerk's Note: Chairman Traini continued AO 2002-23(S) until later in the meeting. See after items 13E, 13F, and 14E combined.)

Chairman Traini combined items 13E AO 2002-22, 13F AO 2002-27 and 14E AO 2002-47.

- 13E. Ordinance No. AO 2002-22, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$8,930,000 of General Obligation Bonds of the Municipality of Anchorage to pay the **costs of parks and recreation and related capital improvements in the Anchorage Parks and Recreation Service Area** and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 2, 2002, Assemblymember Tremaine.
1. Assembly Memorandum No. AM 157-2002.
 2. Ordinance No. AO 2002-22(S), an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$8,930,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of parks and recreation and related capital improvements in the Anchorage Parks and Recreation Service Area and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 2, 2002, Assemblymember Tremaine. **(addendum)**
 3. Assembly Memorandum No. AM 161-2002.
- (CONTINUED FROM 2-5-02)
- 13F. Ordinance No. AO 2002-27, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$8,330,000 of General Obligation Bonds of the Municipality of Anchorage to pay the **costs of parks and recreation and related capital improvements in the Anchorage Parks and Recreation Service Area** and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 2, 2002, Office of Management and Budget.
1. Assembly Memorandum No. AM 158-2002.
 2. Information Memorandum No. AIM 14-2002. **(addendum)**
 3. Ordinance No. AO 2002-27(S), an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$8,330,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of parks and recreation and related capital improvements in the Anchorage Parks and Recreation Service Area and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 2, 2002, Office of Management and Budget. **(addendum)**
- (CONTINUED FROM 2-5-02)
- 14E Ordinance No. AO 2002-47, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska the question of the issuance of \$8,930,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of **parks and recreation and related capital improvements** both in the Anchorage Parks and Recreation Service Area and the Girdwood Valley Service Area, and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs, at an election in and for the Municipality of Anchorage on April 2, 2002, Assemblymember Tremaine.

Chairman Traini opened the public hearings on AO 2002-22, AO 2002-27 and AO 2002-47 and asked if anyone wished to speak.

CHRISTIE ROSENBERG hoped the Assembly would put the larger bond on the ballot and add some money to help the Simonian Little League with their ball field project. The \$600,000 that the Municipality had identified as being available for that project would not be sufficient. She felt the bond was necessary, but not large enough.

SHEILA HOWELL said she was a member of the Northeast Community Council. They would like to see the funds for the Nunaka Valley project reallocated to the eastside for pocket park acquisitions. She felt additional money should be allocated to the Simonian Little League project. The Eagle Scouts could provide volunteer work to enhance the use of the money for the parks. The Combat Engineers at Fort Richardson and different squadron volunteer programs for east Anchorage could also help. If they could get the land then they could get their parks.

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

Mr. Sullivan moved,
seconded by Mr. Van Etten,

to adopt AO 2002-27.

In response to Mr. Sullivan, Cultural and Recreational Services Director Jim Posey said the Nunaka Valley project had caused quite a bit of controversy. They sent the project back to the Community Council for additional guidance and they talked to Ms. Taylor. They would need to regroup on the safety improvement that they had been working on for the last three years to rectify the slope of the hill and interaction between the ball players in the area. They were willing to take the project back to the Community Council and the Parks and Recreation Board until they resolved how much of the 2000 bond money

was going to be used for the project. If the question could not be resolved, they would not expend any of the 2002 bond money on the project. The original allocation for the project had been \$200,000 and they had approximately \$180,000 left.

Mr. Tremaine moved, to substitute AO 2002-22(S).
seconded by Ms. Von Gemmingen,

In response to Mr. Tremaine, Ms. Frasca said the difference between AO 2002-22 and AO 2002-22(S) was to address the dual majority issue.

Mr. Kendall noted that not all the Assemblymembers had a copy of AO 2002-22(S).

The meeting recessed at 8:31 p.m. and reconvened at 8:35 p.m.

In response to Mr. Kendall, Mr. Tremaine said it was his intention that the addition of the \$600,000 would be for the development of replacement fields for the Simonian Little League based upon public comment.

Ms. Taylor and Mr. Tesche urged the Assemblymembers to vote in favor of the substitution.

Question was called on the motion to substitute AO 2002-22(S) and it passed:

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

Ms. Taylor said the people within Nunaka Valley were concerned about the amount of traffic that went through to the ball fields. The neighborhood was concerned about speeding and near misses. She did not feel the additional money was needed for Nunaka Valley Park. What they needed was the acquisition of additional pocket parks, which had been on the Community Council's list for about eight years. They did not want to lose the money, but the additional funds for Nunaka Valley Park were not necessary at this time.

Ms. Fairclough said she attended the Northeast Community Council meeting. Of the 50 people in attendance, not one said they wanted the Nunaka Valley Park improved. She supported Ms. Taylor in the pocket park idea. The people at the Community Council meeting wanted to know why the Nunaka Valley Park was gaining so much momentum and they did not want it. She did not feel the Assembly should improve a park that the neighborhood did not want improved.

Mr. Tremaine moved, to amend AO 2002-22(S), AM 157-2002, line 10,
seconded by Mr. Van Etten, to replace the words "so that additional, currently unspecified
and it passed without projects" with "for the further development of replacement
objection, fields for the Simonian Little League."

Ms. Taylor moved, to amend AO 2002-22(S), per the fact sheet, to remove
seconded by Ms. Fairclough, "Nunaka Valley Park, play field parking and paving" and
substitute "pocket park acquisition in east Anchorage."

Ms. Taylor noted the Community Council desired this change. Pocket park acquisition had been on their CIP for more than eight years.

In response to Mr. Tesche, Mr. Posey said the improvements to the Nunaka Valley Park were the results of a four and a half year process where the users came before the Community Council and Parks and Recreation and wanted to resolve some issues concerning the safety of the sledding hill and separating the various ball users so there was no conflict. The members of the Community Council had changed over the years. They were willing to help resolve the safety issue and work with the various users to see what problems they were still having. There was currently a safety concern about traffic in the area.

Mr. Tesche said he would be voting in favor of the amendment.

Ms. Taylor pointed out that with the \$200,000 that was approved several years ago and the additional \$250,000 they would be allocating \$450,000 to improve a sledding hill, which she felt was excessive. She felt the funds should be reallocated per the amendment to suit the purposes of the community.

Ms. Von Gemmingen felt the wording of the amendment was too restrictive and suggested the wording "for the purpose of parks and park acquisitions in northeast Anchorage" so the money could be reallocated in case something happened.

Ms. Clementson offered a friendly amendment to change the word "pocket" to "neighborhood." She felt that east Anchorage needed additional neighborhood parks due to their density.

Ms. Von Gemmingen supported the change from "pocket parks" to "neighborhood parks."

Ms. Taylor accepted the friendly amendment to change the wording of the amendment from "pocket parks" to "neighborhood parks."

Mr. Van Etten pointed out that neighborhood parks had a specific connotation. There were specific defining characteristics to a neighborhood park, which could be just as restrictive as the term pocket parks.

In response to Ms. Taylor, Dave Garner, Project Management Engineering, said a neighborhood park was usually five to ten acres. He felt the language should read "general parks for east Anchorage" to provide the most flexibility.

Ms. Clementson said they were talking about small parks that might only be a couple of lots in size. They had the money available to acquire the lots, but for some reason they were not doing that. They envisioned small parks that would be an acre or less.

Chairman Traini felt the word “pocket parks” would be more appropriate for the amendment.

Ms. Taylor rejected the friendly amendment and asked to have the original wording reinstated to say “pocket parks.”

Mr. Sullivan felt the word “pocket parks” was appropriate. He read the definition of neighborhood parks from the Anchorage Parks, Greenbelt and Recreational Facility Plan of 1985. Neighborhood parks had features that included play apparatus, multipurpose courts, free play areas, play fields for baseball, soccer, and passive recreation areas, family picnic areas and was usually associated with elementary schools.

Question was called on the motion to amend AO 2002-22(S) and it passed:

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

NAYS: None.

Mr. Tremaine urged a yes vote on AO 2002-22(S).

Mr. Sullivan supported AO 2002-22(S) since the amendment specifically determined how the money was to be used. He had not supported the vague language, because he did not feel they should pass bonds that were unspecific.

Ms. Taylor moved,
seconded by Ms. Fairclough,

to amend AO 2002-22(S), the fact sheet, to add the words
“and signage” after “Goose Lake Park, phase II development,
picnic area, play field and playground improvements.”

Ms. Taylor said the public felt Goose Lake Park would get more use if it had better signage. They felt the park was neglected because people did not know it was there. The concession vendor in the park had expressed a desire for better signage.

Question was called on the amendment to AO 2002-22(S) and it passed:

(Clerk’s Note: No vote card was provided. Chairman verbally announced that it passed.)

Ms. Fairclough moved,
seconded by Ms. Von Gemmingen,
and it passed without
objection,

to postpone AO 2002-22 indefinitely.

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

to postpone AO 2002-47 indefinitely.

Question was called on the main motion to adopt AO 2002-22(S) as amended and it passed:

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

NAYS: None.

The Assembly then returned to consider item 13D AO 2002-23(S).

Ms. Clementson noted that Mr. Jim Lamson, Project Management and Engineering, had some new information regarding capital matching grants.

Jim Lamson, Project Management and Engineering, said in September when the Assembly approved the 70/30 Program, there was a 70/30-matching grant for Cuddy Family Midtown Park access improvements. They were doing this as a companion with the 40th Avenue south access to the Loussac Library in anticipation of being able to construct it this summer. Meetings had been held with the Midtown Park Committee. They developed two options, one showing 27 parking spaces and the other showing 54 parking spaces. If the amendment to delete the \$500,000 for 40th Avenue access to the library were approved, it would also take out the matching grants for the Capital 70/30 Program. He advised the Assembly that the project was ready to start this summer.

In response to Ms. Clementson, Mr. Lamson said they met with the Midtown Park Committee. They developed two options for the committee, but had not reviewed the options with them yet.

Chairman Traini said the amount of AO 2002-23(S) needed to be changed to read \$34,230,000 instead of \$34,730,000 due to the amendment.

Mr. Tremaine moved,
seconded by Ms. Fairclough,

to change AO 2002-23(S) to read “\$34,230,000” instead
of “\$34,730,000.”

Ms. Clementson moved,
seconded by Mr. Kendall,

to substitute the motion to reconsider the amendment to
AO 2002-23(S).

Ms. Clementson did not feel the road to the library had undergone adequate discussion. Ms. Clementson requested some time to review the pictures of the road provided by Mr. Lamson.

(Clerk’s Note: This item was considered later in the meeting. See after the meeting reconvened at 9:28 p.m.)

Ms. Fairclough moved, to postpone AO 2002-27 indefinitely.
seconded by Mr. Tesche,
and it passed without
objection,

Ms. Fairclough moved, to take up items AO 2002-29, and AO 2002-30,
seconded by Mr. Tremaine, after item AO 2001-174.
and it passed without
objection,

Ms. Fairclough moved, to postpone AO 2002-27(S) indefinitely.
seconded by Mr. Tremaine,
and it passed without
objection,

- 13G. Ordinance No. AO 2002-29, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$4,500,000 of General Obligation Bonds of the Municipality of Anchorage to pay the **costs of acquiring and developing ballfields, and related capital improvements**, on Tract B1, Seventh Subdivision and the NE 1/4 NE 1/4 NW 1/4 of Section 8, Anchorage Alaska, consisting of approximately 18.6 acres located on the south side of Lore Road east of Sandlewood Place and north of East 79th Avenue and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 2, 200, Office of Management and Budget.
1. Assembly Memorandum No. AM 159-2002.
 2. Information Memorandum No. AIM 14-2002. **(addendum)**
 3. Ordinance No. AO 2002-29(S), an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$4,500,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of acquiring and developing ballfields, and related capital improvements, on Tract B1, Seventh Subdivision and the NE 1/4 NE 1/4 NW 1/4 of Section 8, Anchorage Alaska, consisting of approximately 18.6 acres located on the south side of Lore Road east of Sandlewood Place and north of East 79th Avenue and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 2, 2002, Office of Management and Budget. **(addendum)**
- (CONTINUED FROM 2-5-02)
- 13H. Ordinance No. AO 2002-30, an ordinance authorizing and directing the **acquisition and development of Tract B1, Seventh Subdivision and the NE 1/4 NE 1/4 NW 1/4 of Section 8, Anchorage, Alaska**, consisting of approximately 18.6 acres located on the south side of Lore Road east of Sandlewood Place and north of East 79th Avenue as an alternative to the use of Far North Bicentennial Park as a recreational and ball fields site, subject to voter bond approval and compliance with applicable land use regulations. (CARRIED OVER FROM 2-5-02)

(Clerk's Note: See earlier in the evening for 13G AO 2002-29 and 13H AO 2002-30 after 11A AO 2002-174.)

14. NEW PUBLIC HEARINGS:

- 14A. Ordinance No. AO 2002-45, an ordinance submitting to the qualified voters of the Municipality of Anchorage at the Regular Municipal Election April 2, 2002, a ballot proposition approving a **special economic development room tax** dedicated to funding a new convention center, Finance Department.
1. Assembly Memorandum No. AM 126-2002.

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

Ms. Fairclough moved, to postpone indefinitely AO 2002-45.
seconded by Mr. Tremaine,
and it passed without
objection,

- 14B. Ordinance No. AO 2002-46, an ordinance amending the Anchorage Municipal Code to enact provisions for the **levy, collection, enforcement and implementation of a special economic development room tax** dedicated to funding a new convention center consistent with the ballot proposition in Anchorage Ordinance No. 2002-45 and the use of the special economic development tax funds derived therefrom, Finance Department; Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Van Etten, and Von Gemmingen.
1. Assembly Memorandum No. AM 127-2002.

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

Ms. Fairclough moved, to postpone indefinitely AO 2002-46.
seconded by Mr. Sullivan,
and it passed without
objection,

In response to Ms. Von Gemmingen, Deputy Municipal Attorney Dennis Wheeler said due to the changes in the ballot proposition, the cross references and the fact that they were going to introduce a new ordinance, it would be easier to redraft the implementation ordinances at the same time.

In response to Mr. Tesche, Chairman Traini said postponing AO 2002-46 meant the Assembly was deciding that there would be a special election as a means of curing the problems with the ordinances.

- 14C. Ordinance No. AO 2002-40, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of not to exceed \$46,570,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of **educational capital improvements** in the Municipality of Anchorage at an election in and for the Municipality of Anchorage, on April 2, 2002, Assemblymember Tremaine.
1. Assembly Memorandum No. AM 136-2002.

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

CAROL COMEAU said after the public meeting last week in Girdwood, there was no question that the community wanted the remediation for the playground rather than capping the playground as the URS consultants recommended. Everyone agreed that the playground needed to be fixed this summer and would need to be funded through AO 2002-40. They hoped the Municipality would manage this project, because they had the necessary expertise.

Chairman Traini said he appreciated the Anchorage School District's willingness to work with Girdwood on this issue. They had a valid concern about chemicals leaking out of the ground. He felt the only way to permanently resolve the problem was to remove the problem.

In response to Mr. Tremaine, Mayor Wuerch said they agreed in principal that this bond fund would be transferred to the project management and engineering part of the Municipality for execution of the project. They would be underwriting the cost in advance on a reimbursable basis for the design work that needed to be done immediately. They would be gambling that the public would support this. They would fund the design work out of the Solid Waste Services enterprise fund. If the vote approved the bond, Solid Waste Services would be reimbursed. He felt this was an excellent solution to a difficult problem. They wanted to have the project done before the start of the next school year.

JULIA JONAS said she currently served as a member of the Girdwood Board of Supervisors. In the last year she served as a member of a four-person task force dubbed the Girdwood Action Team. She thanked the Assembly, the Administration and the School District for listening to their community and addressing their concerns. It was rewarding to know that when you worked through a process

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

Mr. Tremaine moved, to adopt AO 2002-40.
seconded by Mr. Tesche,

Mr. Tremaine said he was not excited about enlarging a school proposed bond, but felt this was necessary for the health of the community. He thanked the School District, the Administration and the Board for coming forward with this issue. He felt this was a beautiful example of everyone working together for the common good.

Question was called on the motion to adopt AO 2002-40 and it passed:

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

NAYS: None.

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

Ms. Taylor moved, for immediate reconsideration of AO 2002-40.
seconded by Ms. Fairclough,

Ms. Taylor urged a no vote.

Question was called on the motion for immediate reconsideration of AO 2002-40 and it failed:

AYES: None

NAYES: Sullivan, Von Gemmingen, Taylor, Traini, Fairclough, Tesche, Shamberg.

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

The meeting recessed at 9:13 p.m. and reconvened at 9:28 p.m.

The Assembly then returned to reconsider item 13D AO 2002-23(S).

Ms. Clementson moved, to reconsider the amendment to AO 2002-23(S), the deletion
seconded by Mr. Sullivan, of \$500,000 for the 40th Avenue access improvements, Denali Street to the Loussac Library parking lot.

Ms. Clementson referenced a drawing supplied by Mr. Lamson. The drawing indicated the 54 parking spaces proposed for the Midtown Park. The money for the project would come from a matching grant from the state in the amount of \$350,000. Last year the Assembly approved the list and would lose the money if it were changed. She would be willing to reconsider her vote, because the matching grant was tied to the bond money for this project. She urged a yes vote on reconsideration.

Mr. Van Etten concurred with Ms. Clementson.

Question was called on the motion to reconsider the amendment to AO 2002-23(S) and it failed:

AYES: None.

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

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

Question was called on the motion to amend AO 2002-23(S) and it failed:

AYES: None.

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

Question was called on the main motion to adopt AO 2002-23(S) and it passed:

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

NAYS: None.

Ms. Fairclough moved,
seconded by Mr. Tremaine,

for immediate reconsideration of AO 2002-23(S).

Ms. Fairclough urged a no vote.

Question was called on the motion for immediate reconsideration of AO 2002-23(S) and it failed:

AYES: None.

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

- 14D. Ordinance No. AO 2002-41, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$39,730,000 of General Obligation Bonds of Municipality of Anchorage to pay the costs of **road, storm drainage and related capital improvements** and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs in the Anchorage Roads and Drainage Service Area at an election in and for the Municipality of Anchorage on April 2, 2002, Assemblymembers Taylor, Clementson, and Fairclough.
1. Assembly Memorandum No. AM 137-2002.
 2. Ordinance No. AO 2002-41(S), an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$39,730,000 of General Obligation Bonds of Municipality of Anchorage to pay the costs of road, storm drainage and related capital improvements and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs in the Anchorage Roads and Drainage Service Area at an election in and for the Municipality of Anchorage on April 2, 2002, Assemblymembers Taylor, Clementson, and Fairclough. **(addendum)**
 3. Assembly Memorandum No. AM 162-2002.

(Clerk's Note: This item was combined with AO 2002-23 and was postponed indefinitely. See after 13D.)

- 14E. Ordinance No. AO 2002-47, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska the question of the issuance of \$8,930,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of **parks and recreation and related capital improvements** both in the Anchorage Parks and Recreation Service Area and the Girdwood Valley Service Area, and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs, at an election in and for the Municipality of Anchorage on April 2, 2002, Assemblymember Tremaine.

(Clerk's Note: This item was heard earlier in the evening. See under item 13E and 13F combined.)

- 14F. Ordinance No. AO 2002-42, an ordinance submitting at the April 2, 2002 municipal election, a ballot proposition to the qualified voters residing in the **East Denaly Subdivision, namely Block 1, Lots 1-25** which are not presently within the Eagle River Street Light Service Area, to create a new street light service area designated the East Denaly Subdivision Street Light Service Area, and, upon voter approval, amending Anchorage Municipal Code Section 27.30.700 to consolidate the East Denaly Subdivision Street Light Service Area with the existing Eagle River Street Light Service Area, Street Maintenance Department.
1. Assembly Memorandum No. AM 138-2002.

Chairman 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,
seconded by Ms. Fairclough,

to adopt AO 2002-42.

Question was called on the motion to adopt AO 2002-42 and it passed:

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

NAYS: None.

Ms. Fairclough moved,
seconded by Ms. Taylor,

for immediate reconsideration of AO 2002-42.

Ms. Fairclough urged a no vote.

Question was called on the motion for immediate reconsideration of AO 2002-42 and it failed:

AYES: None.

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

- 14G. Ordinance No. AO 2002-43, an ordinance submitting to the qualified voters residing in the **Mountain Park Estates Limited Road Service Area** and residing in a portion of Chicadee Slopes Subdivision, namely Lots 1A, 1B, 2, 3, 4A, 4B and 5, a portion of Straley Subdivision, namely Lots 1-3 and 8-10, a portion of Tengberg Subdivision, namely Tract B-1, a portion of Garretson Subdivision, namely Lots 1-3, a portion of Harold Miller Subdivision, namely Lot 4, a portion of Greenbrook Subdivision, namely Block 4, Lots 10-14 and Block 5, Lot 1, Tax Parcel #017-432-37-000-02, Tax Parcel #017-432-36-000-02, Tax Parcel #017-432-35-000-02 and Tax Parcel #015-231-19-000-02 and amend Anchorage Municipal Code Section 27.30.700 at the Regular Municipal Election, April 2, 2002, a ballot proposition to change the boundaries of said service area by including a portion of Straley Subdivision, namely Lots 1-3 and 8-10, a portion of Tengberg Subdivision, namely Tract B-1, a portion of Garretson Subdivision, namely Lots 1-3, a portion of Harold Miller Subdivision, namely Lot 4, a portion of Greenbrook Subdivision, namely Block 4, Lots 10-14 and Block 5, Lot 2, Tax Parcel #017-432-37-000-02, Tax Parcel #017-432-36-000-02, Tax Parcel #017-432-35-000-02 and Tax Parcel #015-231-19-000-02 and, upon voter approval amending Anchorage Municipal Code 27.30.700, Street Maintenance Department.
1. Assembly Memorandum No. AM 139-2002.

Chairman 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,
seconded by Ms. Fairclough,

to adopt AO 2002-43.

Question was called on the motion to adopt AO 2002-43 and it passed:

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

NAYS: None.

Ms. Fairclough moved,
seconded by Mr. Tesche,

for immediate reconsideration of AO 2002-43.

Ms. Fairclough urged a no vote.

Question was called on the motion for immediate consideration of AO 2002-43 and it failed:

AYES: None.

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

- 14H. Ordinance No. AO 2002-44, an ordinance submitting to the qualified voters residing in the **Villages Scenic Parkway Limited Road Service Area** a portion of Paradise Valley Subdivision, namely Block 1, Lots 1-21 and Block 2, Lots 1-4, 5A and 7-20 at the Regular Municipal Election on April 2, 2002, a ballot proposition to change the boundaries of Villages Scenic Parkway Limited Road Service Area by including a portion of Paradise Valley Subdivision, namely Block 1, Lots 1-21, and Block 2, Lots 1-4, 5A, and 7-20 and amending Anchorage Municipal Code 27.30.700, Street Maintenance Department.
1. Assembly Memorandum No. AM 140-2002.

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

In response to Mr. Tremaine, Deputy Municipal Attorney Dennis Wheeler said he would need more time to review whether there was an obligation to put this on the ballot or if it was at the Assembly's discretion. The charter said the Assembly, by ordinance, should adopt the procedures for creating, altering and abolishing the service areas. It did not speak to whether or not the Assembly, by ordinance, could prevent petitioners from gaining access to the ballot. Mr. Wheeler said he would need to access the opinions on file and review the charter minutes, which would take several hours.

Ms. Fairclough moved,
seconded by Mr. Tremaine,

to postpone action on AO 2002-44 until February 26, 2002.

Mr. Kendall said there were 15 people who had signed the petition to have this put on the ballot and a few e-mails from people who did not want it on the ballot. He needed to hear more information regarding why it should not be put on the ballot.

Chairman Traini referenced exhibit A. He read the statement from Linda Heim, the election coordinator. "I verified residency of the signors of the attached petition and find the petition to be sufficient and in accordance with the AMC."

In response to Ms. Von Gemmingen, Ms. Fairclough said both Paradise Valley and Villages Scenic Parkway neighborhoods would vote on the issue.

In response to Ms. Clementson, Mr. Wheeler said the Assembly would have to postpone AO 2002-44 indefinitely and reintroduce an identical ordinance, except for changing the word regular to special in the title

Ms. Clementson pointed out that the Assembly would have to take action on this item tonight if it was to appear on the general election.

Mr. Tremaine recommended withdrawing the motion to postpone AO 2002-44 until February 26, 2002, postpone it indefinitely and introduce for hearing on February 26, 2002 an unnumbered ordinance with the same title, except the title should read “At a special election on April 2, 2002.”

Mayor Wuerch referenced the Assembly memorandum, which said both the Street Maintenance Department and the Village Scenic Parkway LRSA Board of Supervisors recommended against putting AO 2002-44 on the ballot.

Ms. Fairclough withdrew her motion to postpone AO 2002-44 until February 26, 2002.

Mr. Kendall noted that they had received a petition from the residents to join another limited road service area. The Clerk certified that the signatures were valid. He felt they should let the voters decide the issue.

Ms. Clementson concurred with Mr. Kendall.

In response to Mr. Sullivan, Mayor Wuerch said the administration had recommended approval of AO 2002-44. When you have a qualifying number of signatures, the proper thing to do would be to let it be resolved by the voters. He noted that this would be a contested issue in the neighborhood.

In response to Mr. Sullivan, Mr. Wheeler said there were 34 residents in each of the areas.

Mr. Sullivan moved, to adopt AO 2002-44.
seconded by Mr. Kendall,

Question was called on the motion to adopt AO 2002-44 and it passed:

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

NAYS: Shamberg, Tremaine.

Mr. Kendall moved, for immediate reconsideration of AO 2002-44.
seconded by Mr. Sullivan,

Mr. Kendall recommended a no vote.

Question was called on the motion for immediate reconsideration of AO 2002-44 and it failed:

AYES: Shamberg, Tremaine, Clementson.

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

Ms. Clementson moved, to change the order of the day to consider item 11.I,
seconded by Ms. Von Gemmingen, Notice of Reconsideration: Assembly Memorandum
and it passed without No. AM 144-2002.
objection,

- 14I. Assembly Memorandum No. AM 103-2002, Employee Relations Board appointment (Douglas Mills), Mayor's Office.

(Clerk's Note: Chair Traini advised this item would be carried over to the 2-26-02 meeting.)

- 14J. Resolution No. AR 2002-31, a resolution approving Amendment #4 (\$240,760) of the 2000 Action Plan of the Municipality of Anchorage, a component of the **2000-2002 Housing and Community Development Consolidated Plan**, Planning Department.
1. Assembly Memorandum No. AM 92-2002.

(Clerk's Note: Chair Traini advised this item would be carried over to the 2-26-02 meeting.)

- 14K. Resolution No. AR 2002-34, a resolution recommending approval of an amendment to the Long-Range Transportation Plan to include a **Knik Arm Crossing Study Area**, Traffic Department.
1. Assembly Memorandum No. AM 119-2002.

This item addressed earlier in the meeting and postponed until February 26, 2002. Ms. Fairclough moved for reconsideration of AR 2002-34 and it was approved. See after vote on AO 2002-10 and AO 2002-11, 13A and 13B.

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

Ms. Fairclough moved, to approve AR 2002-34.
seconded by Mr. Tremaine,

Ms. Fairclough urged a yes vote.

Ms. Clementson said she worked in the Knik Arm Crossing project office in 1983. She did the drawings for the public study. The recommendation of that project was not to build it. They did not feel it saved the travel time that they were looking to save. The motivation is different than it was then. We are not looking at more developable land, which would not help Anchorage's tax base. It would not help our tax base to open land that had far fewer restrictions for development than Anchorage currently has. It would not encourage in-fill within our tax structure and our available land. She was not sure that asking the Federal Government and people who lived in other states to pay for a project that we were not willing to pay for was a wise way for us to ask for funds. This would be the largest capital project in the world, as well as the most difficult. We have tremendous fluctuations in tides and ice flows. This was an extremely expensive project and would have to be a toll bridge. The projected tolls would be much higher than the tolls at the Whittier Tunnel and people were objecting to those. She felt this would be a bridge to nowhere. She urged a no vote on AR 2002-34.

Ms. Shamberg concurred with Ms. Clementson. She felt it was a grandiose project. She thought there were better ways to spend the money.

Ms. Fairclough said it was her understanding that the Assembly had passed a regional cooperative agreement with the Matanuska-Susitna area and this was one of the priorities listed that the Assembly chose to support. The Assembly understood that federal money would be used on the project. We wanted them to dust off the project to determine if there were new engineering techniques that would make the project feasible.

Mr. Van Etten said the Assembly passed a joint resolution with the Matanuska-Susitna Borough Assembly in support of moving this project ahead for future study. He felt it was important to realize that in order for this to be considered, it had to be on the Assembly's Long-Range Transportation Plan. It was also important to realize that because of the magnitude of the project, all other transportation alternatives, including ferries, commuter rail and improved Glenn Highway access, would have to be included as part of the study.

Mr. Sullivan said he supported AR 2002-34. The Assembly approved the joint resolution with the Matanuska-Susitna Borough. Twenty years was a long time. The population of Anchorage has doubled. We are anticipating more growth in the next twenty years. He felt they needed to look at additional land base, because existing neighborhoods had repeatedly said they did not want in-fill. He noted that Anchorage was an attractive place to live. This could provide options in terms of commercial and business development that people did not want in their neighborhoods. He was not convinced that this would have to be a toll bridge. A lot of the variables had changed over the last twenty years.

Mr. Tesche felt it was appropriate to partner with the Matanuska-Susitna Borough in this study. He concurred with Mr. Van Etten that a project of this magnitude would require review of a number of alternate transportation modes, which might be very helpful. He would be supporting AR 2002-34.

Ms. Shamberg said she would retract her objections to AR 2002-34 if the Assembly had indeed made a commitment with the Matanuska-Susitna Borough.

Question was called on the motion to approve AR 2002-34 and it passed:

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

NAYS: Clementson.

Ms. Fairclough moved, for immediate reconsideration of AR 2002-34.
seconded by Mr. Tremaine,

Ms. Fairclough urged a no vote.

Question was called on the motion for immediate reconsideration of AR 2002-34 and it failed:

AYES: Clementson.

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

- 14L. Resolution No. AR 2002-40, a resolution of the Anchorage Municipal Assembly approval a conditional use for an alcoholic beverages conditional use in the B-3SL District for a beverage dispensary use/license per AMC 21.40.180.D.8. for **Applebee's Restaurant**, located on Lot 3, K T Square Subdivision; generally located on the north side of DeBarr Road between Creekside Street and Muldoon Road (Northeast Community Council) (Case 2002-031), Planning Department.
1. Assembly Memorandum No. AM 125-2002.

(Clerk's Note: Chair Traini advised this item would be carried over to the 2-26-02 meeting and considered with item 10D3, AM 195-2002.)

Ms. Fairclough moved, to change the order of the day to introduce AR 2002-57.
seconded by Mr. Tesche,
and it passed without
objection.

(Clerk's Note: This item was considered under 16C AR 2002-57.)

The Assembly then returned to item 9.B.3, AR 2002-51.

Ms. Fairclough took the chair.

Mr. Sullivan noted that AR 2002-51 had been submitted in an attempt to resolve a difficult issue. He applauded the general intent of the resolution, but felt it came too late in a very long process. He felt people had good arguments on both sides of the issue. One of the objections to using Bicentennial Park for the ball fields was that a single user group would be utilizing the land. He did not concur with that, because they had single user groups throughout the park. He did not feel the current users would be prohibited from their activities if the ball fields were built in Bicentennial Park. The only users who were currently excluded were the active recreational field users. The park plan contemplated field use, although not in this location. The Bureau of Land Management's mandate was to maintain that land and the response they received from the community enforced that mandate. He noted that Art Geuss had dedicated many years of service as chair of the Parks and Recreation Commission. He testified that it had been discussed and concluded that along the perimeter of the park was an appropriate location for active field type uses. He was impressed by Mr. Geuss's testimony that the 25 acres of Bicentennial Park made sense. He reviewed the definition of a community park. He noted that the same issues had been discussed for Kincaid Park. He felt the changes had improved Kincaid Park. He noted that the additional park would improve Bicentennial Park and would allow more users to access the park, as well as the trailheads. He agreed with Mr. Tesche that they had many options, which had been considered over several years. The conclusion was that a community park in Bicentennial Park would be an asset to the community. He noted that any parkland that they considered would affect different user groups. Mr. Sullivan would not support AR 2002-51.

Mr. Van Etten pointed out that while many people put effort into researching and documenting the site in Ruth Arcand Park, that was only one of at least five options. AR 2002-51 did not restrict itself to that location. There was significant evidence to indicate that there was a usable site near Service High School. There were three sites that had been proposed during the process for land trades. He noted that there were a variety of options available. We can equate this to labor relations. You cannot walk away from labor relations and you cannot always get what you want. Labor relations is a two-way street that requires give and take from both sides. The city just had one of its most successful round of labor negotiations in the past few months, which was entirely based on a principal called interest based bargaining. If this entire process had been conducted on the same principals of interest based bargaining, we would be in a very different position today. AR 2002-51 creates another opportunity for interest based bargaining to be utilized. He urged the Assemblymembers to vote in favor of AR 2002-51.

Mr. Tremaine said they were presented with a number of options in this alternative. They added \$600,000 to the bond package for further development of the Simonian Little League ball fields. He felt AR 2002-51, as a policy statement, said they were not prepared to change the Bicentennial Park plan, but they wanted replacement ball fields for the Simonian Little League. There were other options that were found acceptable by the study. There was enough money and volunteer efforts to make the ball fields happen. He had visited the land offered by Art Simonian, which was level and large enough to build two or three ball fields. He had a background as a habitat biologist and could say that fields could be built on the land. The Lore Road site proposed by the Mayor was a good site. The other options are lands that are already owned by the Municipality. The Ruth Arcane Park plan stated that there should be playing fields between Hanshew Middle School and Springhill Elementary School and the plan would not have to be changed if that site was chosen. He felt AR 2002-51 would send the message to the community that the Assembly was willing to listen and work on compromises. He would vote in favor of AR 2002-51.

Ms. Shamberg reassured Mr. Sullivan that she had spoken with the equestrian community and they would be meeting with them to discuss the proposed site 31. She spoke with Mr. Manser and he, like the other parents, simply wanted their children to have a place to play Little League in 2004. Mayor Wuerch said he would work to expedite the project if site 31 was chosen. She would continue to work to insure that site 31, if chosen, would get through the process and become a reality.

Ms. Taylor said she did not have children who played Little League, but her brother had played Little League for a number of years. She thanked the Assembly for their sincere consideration of this issue. She specifically thanked Mr. Tesche for coming up with AR 2002-51. She challenged the Friends of Bicentennial Park to come to the table to work with Ms. Shamberg and her committee to assist them in insuring that the Simonian Little League had ball fields. She would be supporting AR 2002-51.

Chairman Traini took the chair.

Question was called on the motion to approve AR 2002-51 and it passed:

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

NAYS: Sullivan, Traini, Kendall.

Mr. Tesche moved,

for immediate reconsideration of AR 2002-51.

seconded by Mr. Van Etten,

Mr. Tesche recommended a no vote.

Question was called on the motion for immediate reconsideration of AR 2002-51 and it failed:

AYES: Sullivan, Traini, Kendall, Clementson.

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

Mayor Wuerch said the charter provided a provision for a mayor to veto resolutions provided the veto was in writing and cited reasons. In anticipation of the outcome, he prepared a veto of AR 2002-51. He felt this was entirely the wrong direction and delivered no answer to the applicants. He felt AR 2002-51 would prevent them from meeting the deadline. They had too many procedural processes to comply with. He would do his very best to expedite a solution if the veto was overridden. He felt there were some truly onerous provisions in section three that said the Simonian League must provide equivalent funding and maintenance. We heard testimony from several Assemblymembers that they expected the fields to be multi-use and the maintenance should not be the responsibility of the Little League. He felt the 4,000 acres in the Bicentennial Park should not be excluded from consideration, nor should it be limited to those that were preselected for examination as required by the resolution.

Mr. Tesche noted that the Assembly had anticipated a veto of AR 2002-51 by the Mayor.

Mr. Tesche moved, to override the mayoral veto of AR 2002-51.
seconded by Mr. Van Etten,

Mr. Tesche said he was disappointed that the Mayor had chosen to use the heavy hand of the veto. He noted that the Assembly could, and should, override the veto in order to put this matter behind them and get this issue out of the legislative arena and back into the hands of the Mayor's project managers, planners and parks people to get the project going. This issue has been before the Assembly for several months. We have a workable resolution that sets out a process that insures that there is money for this project. We addressed the issue of funding by putting a ballot proposition together that would encourage all park user groups to get behind a single ballot proposition and insure its passage. He thought they had a way to insure that the fields were available by the spring of 2004. The Assembly was told repeatedly in the negotiations that the Simonians were willing to provide in-kind contributions from a number of organizations both public and private. AR 2002-51 gives the Simonians the opportunity to honor those commitments and bring forward one-third of the cost of building the fields. He felt that was appropriate given the substantial amount of public resources that were being contributed to the project. There would have to be a project construction plan, which could be prepared by the Municipal administration. He did not see anything onerous in a requirement for the Little League to maintain the ball fields and necessary facilities once they were built. That was something that the Little League not only offered, but also insisted on, during the course of the negotiations. That was the same thing that was done with the other Little League ball fields in Anchorage. He urged the Assembly to override the Mayor's veto.

Mr. Kendall said the Simonian Little League had agreed to maintain the ball fields no matter where they were built. The problem was AR 2002-51 did not create a location for the ball fields, but only asked for further studies. The Little League went through the process and the site at Bicentennial Park was chosen. He acknowledged that there were other options available. He would not support the override of the Mayor's veto. He felt the Assembly needed to provide a solution and not further delays. He did not believe it would be possible to meet the deadline for ball fields in 2004 if the Assembly continued to delay the issue.

Mr. Tremaine said he was disappointed in the Mayor, because he was saying that he could not build the ball fields by 2004, but Mr. Tremaine knew he could. At a work session in November, Ms. Clementson had asked for some information, which Mr. Tremaine received today after requesting it again. They provided the Municipality of Anchorage Parks and Beautification Historical Partnership from 1989 to 1998 in response to how much other people had contributed. Abbott O'Rabbit Little League sports facilities from 1989 to 1998 contributed \$1,020,000 in-kind and the Municipality contributed \$585,000. The Anchorage Sports Association contributed dollar for dollar during the same period. Anchor Town Softball received \$40,000 of Municipal funds. The Nunaka Valley received \$32,000 of Municipal funds. City View Little League contributed dollar for dollar. He felt asking for a 30 percent contribution from the Simonian Little League was reasonable and they would probably receive 50 percent. It was a government project and labor on a dollar for dollar basis would be counted as Davis-Bacon wages. Mr. Posey had stated that they could not build the ball fields until 2005 and it would have to be built through the private sector. The Mayor said the same thing by putting forward a \$4,500,000 bond package. He said it had to be a turnkey operation to have it done in time. He also said that if the Little League put in the fields in Bicentennial Park, which was projected at \$1,500,000 that we could do it with \$600,000, which would be a 60 percent match from the Simonian Little League. He pointed out that there were at least six options available. They were saying, as a policy statement, that they did not want the ball fields in Bicentennial Park, but they would do everything they could to insure that the fields were built by 2004. In his conversations with Mr. Art Simonian, he said he could probably get another year's extension for the ball fields on the existing land as part of a deal to trade for his property. He felt the Assembly needed to override the Mayor's veto of AR 2002-51 so the Mayor could move forward in finding a solution.

Ms. Clementson said she was not prepared to vote on a veto tonight. She needed to look more at what had been said tonight. This was the most contentious issue that this particular Assembly had ever seen. She felt Ms. Shamberg's proposal made a lot of sense. She felt the time should be taken to see if Mr. Simonian could indeed get an extension, as well as for the Mayor to get more information from Ms. Shamberg. She was not aware the Mayor was going to veto as soon as the vote was done. She was not prepared to vote on a veto override tonight, so the veto is going to be overridden unless it is withdrawn – the veto to override - because she was going to vote to override tonight simply because there is too much information here. She was not prepared to vote on it now, and if she were forced to vote on it then she would vote yes to override. She asked the maker of the motion to withdraw the motion.

Chairman Traini asked Ms. Clementson if she was going to vote "no to not override" or "yes to override". Ms. Clementson responded that she would vote yes to override if she had to vote on it right now. Chairman Traini then restated Ms. Clementson's intent to vote to override the Mayor, which was opposite of what she was saying. Ms. Clementson stated her fatigue and clarified that she would vote to uphold the Mayor. She requested that the Assembly not vote on this item right now.

Mr. Van Etten said the Bicentennial Park site build out cost was projected by Land Design North to be \$1,600,000. Mr. Posey said the city had \$600,000 available. Given the earlier scenario, that would have required \$1,000,000 of in-kind contributions from the Little League. At various public meetings, they have had representatives from Associated General Contractors and other private companies, as well as statements from the Simonian Little League and the regional leadership, that there would be significant in-kind contributions. The Assembly had asked that the other parties involved in the process cooperate as well. He felt it was very apparent that the Friends of Bicentennial Park had been willing to cooperate in many different ways and he felt they would be willing to provide in-kind assistance to the Simonian Little League. He noted that they were all committed to building the ball fields by 2004. There are a variety of options for sites. There are tentative commitments from a variety of individuals and organizations for in-kind services. Mr. Rick Pettet from Abbott O'Rabbit said he personally could see to it that armies were mobilized. He felt the action should be finished tonight so they could put the issue to rest and make progress on building the ball fields by 2004.

Mr. Tesche said he was disappointed that they had reached the stage where they had to decide whether or not this issue would be ended or delayed to the next meeting. He did not look forward to the discourse that would happen within the community in the next two weeks or what the tabloids would say about this action. He was disappointed that the Assembly had found themselves at this point and had concerns about how long it would take the Assembly to resolve this issue.

Mr. Tesche moved, to postpone the motion to override the mayoral veto on AR 2002-51 until February 26, 2002.

In response to Mr. Tesche, Mayor Wuerch said the Assembly had 21 days to consider this action and there would be no problems delaying the veto. He noted items AR 2002-13, and AM 118-2002, pertained to this and could be postponed until February 26, 2002. He encouraged the Assembly to support the motion to postpone the override of the mayoral veto until February 26, 2002.

Mr. Tesche withdrew his motion to override the mayoral veto of AR 2002-51. Mr. Van Etten withdrew his second of the motion.

Mr. Kendall moved, to adjourn the meeting.
seconded by Mr. Sullivan,

Ms. Von Gemmingen said before the meeting was adjourned, the Assembly needed to insure that they had taken care of everything for the special election.

In response to Chairman Traini, Deputy Municipal Attorney Dennis Wheeler said the Assembly had completed everything they needed to complete for the special election.

In response to Ms. Von Gemmingen, Mr. Wheeler said if the Assembly took up AR 2002-51 on February 26, 2002, they would have to make some amendments to the body to indicate that it was for the special election. The title was broad enough so that they did not have to postpone indefinitely and reintroduce a new ordinance. They would simply make amendments to an S version.

Question was called on the motion to adjourn the meeting and it failed:

AYES: Sullivan, Traini, Kendall, Clementson.

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

The Assembly then returned to consider item 11A AO 2001-174.

Mr. Tesche moved, to postpone AO 2001-174 indefinitely.
seconded by Mr. Van Etten,

Mr. Tesche yielded to Ms. Fairclough.

Ms. Fairclough moved, to adopt AO 2001-174.
seconded by Mr. Tremaine,

Ms. Fairclough took the chair.

Ms. Shamberg moved, to amend AO 2001-174, page 1, lines 27 and 29,
seconded by Mr. Tremaine, to change the word “should” to “shall” on both pages.

In response to Mr. Traini, Ms. Shamberg said the purpose of changing the word “should” to “shall” was the neighbors were concerned about maintaining the forest buffer in the area if ball fields were built. AO 2001-174 currently did not mandate that the buffer be retained. If the wording was changed to “shall” then it would mandate that the buffer be maintain.

Mayor Wuerch concurred with Ms. Shamberg.

In response to Mr. Traini, Ms. Shamberg said she did not support AO 2001-174, but if it should pass then she wanted the word “shall” to be substituted.

In response to Mr. Traini, Mr. Posey said the Planning Department had proposed the word “should.” The word “shall” meant there would be a buffer. It had always been part of the plan to build a buffer.

Mr. Sullivan said one of the commitments the Assembly made when they went through the process and said this could be a community park was to insure that there would be a significant buffer. He supported the amendment.

Question was called on the motion to amend AO 2001-174 and it passed without objections.

Mr. Sullivan pointed out that AO 2001-174 represented almost three years of work by virtually every body that they empowered with making these kinds of decisions. He felt AO 2001-174 represented a good piece of work and worth supporting.

Mr. Kendall moved, to amend AO 2001-174 to replace section 3 with the
seconded by Mr. Traini, following language. “Section 3. This ordinance shall be effective if, and only, if, the proposition in AO 2002-29 fails to pass or the S versions fail to pass in the April 2, 2002 election.”

Mr. Kendall said he did not want the Simonian Little League to be left out if the Assembly decided to put the bond package on the ballot and it failed.

Mr. Tesche spoke in opposition to the amendment. The amendment assumes that the ballot proposition 2002-29 would be placed before the electorate and was fatally flawed in terms of its drafting. This was the linkage that had long been sought by some people between the \$4,500,000 bond proposition and the automatic amendment to the Bicentennial Park plan. He felt

this was bad public policy for a number of reasons. It essentially holds the park hostage and provides a win-lose situation for the various interest groups involved. He would vote against the amendment.

Mr. Traini offered a friendly amendment to the motion to replace “Section 3” with “Section 2” on advice of legal counsel.

Mr. Kendall accepted Mr. Traini’s friendly amendment.

Mr. Traini felt they needed to amend AR 2001-174, because they had not dealt with the bond issue yet. He and Mr. Tesche were involved in meetings with the Friends of Bicentennial Park and the Simonian Little League. The linkage was brought up many times, but not by the Simonian Little League. He felt they needed to amend AR 2001-174 in the event they passed the bonds then the linkage would be there. The bonds could go forward and they would not have to redo this later. Mr. Sullivan said they heard many comments that we were deficient in parkland and more parkland should be purchased in this area. A proposal was put forward to buy more parkland in this area and if it were not successful then it would be wise to have a backup plan.

Mr. Tremaine said a rationale person’s thinking would say why would I tax myself \$4,500,000 when we would have baseball fields whether or not it passed. Only irrational people would vote for the bond package. This was not about ball fields for children. That offer was given to the Mayor and he vetoed it. This was now solely about whether or not to use Bicentennial Park. This was solely about ignoring the wishes of thousands of constituents and had nothing to do with ball fields, because the ball fields were guaranteed no matter what happened.

Mr. Van Etten moved, to call the question on the motion to amend AO 2001-174.

Mr. Traini took the chair. Chairman Traini ruled that they would vote on the motion to call the question.

Question was called on the motion to call the question on the motion to amend AO 2001-174 and it failed:

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

NAYS: Sullivan, Traini, Kendall, Clementson.

(Clerk’s Note: 8 votes required to pass.)

15. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS: None.

16. SPECIAL ORDERS:

- 16A. Ordinance No. AO 2002-50, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$1,500,000 of General Obligation Bonds of the Municipality of Anchorage to pay the **costs of public safety (police protection) and related capital improvements in the Anchorage Metropolitan Police Service Area** at an election in and for the Municipality of Anchorage on April 2, 2002, Office of Management and Budget.
- 16B. Ordinance No. AO 2002-51, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$3,490,000 of General Obligation Bonds of the Municipality of Anchorage to pay a portion of the **costs of an emergency operations center and costs acquiring ambulances and the costs of public safety site restoration in the Municipality of Anchorage** and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 2, 2002, Office of Management and Budget.
- 16C. Resolution No. AR 2002-57, a resolution **calling a special election in and for the Municipality of Anchorage on April 2, 2002** for the purpose of voting on ballot propositions, Assembly Chair Traini.
The Anchorage Assembly Resolves:
 - Section 1. The Assembly hereby calls a special election in and for the Municipality of Anchorage to be held on April 2, 2002 for the purpose of voting on ballot propositions.
 - Section 2. Pursuant to Anchorage Municipal Code 28.110.020.
 - (1) The Municipal Clerk shall publish notice of such special election on or before March 12, 2002;
 - (2) The Municipal Clerk will mail applications for ballot packages beginning on March 1, 2002;
 - (3) The Municipal Clerk will accept applications for ballot packages and mail the same not later than Friday, March 28, 2002.
 - (4) The date on which an application for a ballot package to be voted in the Municipal Clerk’s office (The Dimond Center In-Person Polling Place) is no later than April 1, 2002 prior to 2:00 p.m.
 - (5) April 11, 2002 is the date upon which all mail-in ballots must be received by the Municipal Clerk to qualify for inclusion in the election tabulation.
 - Section 3. This resolution shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Municipal Assembly this 12th day of February 2002.

Mr. Tesche moved, to approve AR 2002-57.
seconded by Ms. Fairclough,

Ms. Fairclough read a note from the Municipal Clerk. “I’m returning to City Hall to work on Accu-vote setup. Bond counsel will e-mail me all approved ballot propositions tomorrow morning. I have heard from our Global official tonight. (1) Accu-vote will not support two separate elections when using two separate ballots on the same day. (2) Global advises not to use two ballots for any one election. (3) We are trying to get all election issues, candidates and bond propositions for the regular and special elections on one ballot, both sides. Given the size of the two Anchorage School District propositions, it is difficult to fit. They’re going back to the office and trying to see if they can use smaller font, additional columns or bond

council edits. However, we need a legal opinion that we can combine the two elections on one ballot. Further, the issues on the ballot may be mixed between front and back.”

In response to Ms. Fairclough, Deputy Municipal Attorney Dennis Wheeler said they were aware of the question and would be working with the Clerk’s office to make it work.

Mr. Tesche said the Assembly was seeking a written, legal opinion from both the city attorney and bond council that addressed the two issues. The issues are whether we can combine the regular and the special elections onto a single ballot and whether the issues on the ballot can be mixed between front and back. The Assembly has been confronted with a difficult problem in how to deal with the elections. They received the oral advice from both bond counsel and the city attorney that this particular solution of a special election would solve the problem. The Assembly needed to have this advice in writing so they could rely on it.

In response to Mr. Tesche, Mr. Wheeler said the deadlines were worked out with the Deputy Clerk and the Municipal Attorney. It was his recollection that they coincided with the regular election dates.

In response to Mr. Wheeler, the Clerk said whenever possible, they would be having the notice of bond indebtedness and the notice of polling places at the same time. There would have to be a special election notice just for the special election.

Question was called on the motion to approve AR 2002-57 and it passed with Ms. Clementson objecting.

- 17. UNFINISHED AGENDA: None.
- 18. AUDIENCE PARTICIPATION: None.
- 19. ASSEMBLY COMMENTS: None.
- 20. EXECUTIVE SESSIONS: None.
- 21. ADJOURNMENT:

Mr. Van Etten moved,
seconded by Mr. Sullivan,

to adjourn the meeting.

Chairman Traini adjourned the meeting at 10:59 p.m.

Chairman

ATTEST:

Municipal Clerk

Date Minutes Approved: August 6, 2002
GM:cmw

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