

**MUNICIPALITY OF ANCHORAGE****ANCHORAGE ASSEMBLY**

Minutes for Regular Meeting of February 26, 2002

**1. CALL TO ORDER:**

The meeting was convened at 5:02 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:**

The pledge was led by Mr. Sullivan.

**4. MINUTES OF PREVIOUS MEETING:** None.**5. MAYOR'S REPORT:**

Mayor Wuerch said the Anchorage caucus meeting was held on Saturday. At the meeting he spoke about supporting the millennium projects concept of investing for the future through capital bonding for capital projects, the port and supporting the community dividend. The millennium projects and the community dividend would help close the fiscal gap, because they do not use the cash pool to fund special programs. We asked for meaningful actions to strengthening our enforcement of DUIs and DWIs. We specifically mentioned the graduated penalties for extreme blood alcohol content. We would like to enhance the DUI confiscation forfeiture law of vehicles for people driving with court ordered suspended licenses. Joe Murdy and Development Services have succeeded in implementing the next phase of the e-government with e-permitting. Contractors are now able to draw their permits and get plan review comments online. Mayor Wuerch commended Joe Murdy for his leadership. At the Chamber of Commerce luncheon there was concern about the excessive number of departures from the Anchorage Police Department. We lost ten police officers from December 1, 2001 to February 28, 2002. Nine of the police officers completed their years of service and retired. The other police officer was hired away. In the same time period last year, we had nine departures from the Anchorage Police Department. Mayor Wuerch recently welcomed the new employees at the orientation program and was pleased to meet five new police officer candidates. They would be attending the next academy and were licensed public safety officers from other jurisdictions. He commended Chief Monegan's new recruiting program, which made the merits and benefits of working in Anchorage available to many.

**6. ASSEMBLY CHAIR'S REPORT:**

Chairman Traini introduced Kim Fitka of Fred Meyers. Kim Fitka said Fred Meyers had a long tradition of community involvement. They believed in being good neighbors and working together to help the community. She presented the Anchorage Parks and Recreation Department with a check for \$5,000 to support the Simonian Little League. She presented a grant from the Fred Meyer Foundation of \$10,000 to the Food Bank of Alaska to support their education outreach program. Marsha Banks accepted the grant on behalf of the Food Bank of Alaska and thanked the Fred Meyer Foundation for their support.

Chairman Traini thanked Fred Meyers for their involvement in the community and Ms. Fairclough for her efforts in coordinating this event.

Mr. Tesche presented Kim Fitka with a baseball cap from the Simonian Little League as a token of their appreciation of Fred Meyers' contribution.

Ms. Fairclough noted that Fred Meyers had other ongoing community projects including \$75,000 for a roadway project in the Chugiak/Eagle River area that was above and beyond the transportation impact analysis study. They have taken over the bike safety program for the upcoming summer. Fred Meyers has also made contributions to various local booster clubs. She asked the Assembly to formally thank Fred Meyers for their contributions to the community.

Chairman Traini said they would introduce a resolution to thank Fred Meyers for their contributions at the next Assembly meeting. He noted that Ms. Clementson felt there was a problem with the notice for the upcoming general election and that would be addressed later in the meeting at 10:30 p.m.

**7. COMMITTEE REPORTS:** None.**8. ADDENDUM TO AGENDA:**

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

Chairman Traini read the addendum items.

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

## 9. CONSENT AGENDA:

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

### A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

1. Resolution No. AR 2002-58, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Sergeant Barry H. Reid for his 20 years of service** with the Anchorage Police Department, Assembly members Clementson, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen.
2. Resolution No. AR 2002-59, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Lieutenant Sidney F. Maxwell for his 17 1/2 years of service** with the Anchorage Police Department, Assembly members Clementson, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen.
  - a. Resolution No. AR 2002-59(S), a resolution of the Anchorage Municipal Assembly recognizing and honoring Lieutenant Sidney F. Maxwell for his 17 1/2 years of service with the Anchorage Police Department, Assembly members Clementson, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen. **(addendum)**

### B. RESOLUTIONS FOR ACTION - OTHER

1. Resolution No. AR 2002-65, a resolution of the Municipality of Anchorage providing for the appropriation of \$5,491 from donations to the Miscellaneous Operational Grants Fund (261), Cultural and Recreational Services Department, for the purchase of **library books and materials** for the BP Wish List Program, Cultural and Recreational Services/Library.
  - a. Assembly Memorandum No. AM 203-2002.

Mr. Van Etten requested this item be considered on the Regular Agenda. See item 10B1.

2. Resolution No. AR 2002-66, a revision to the 2001 General Government Operating Budget appropriating \$1,300 from revenue received from the U.S. Equal Employment Opportunity Commission as **reimbursement to the Equal Rights Commission** for travel to and attendance at the FY 2001 EEOC – FEPA Training Conference, Equal Rights Commission.
  - a. Assembly Memorandum No. AM 204-2002.
3. Resolution No. AR 2002-67, a resolution of the Anchorage Municipal Assembly appropriating the sum of \$917 from the interest accrued on the Local Law Enforcement Block Grant (241-4655G) to the Federal Categorical Grants Fund (241) for the purpose of funding **police programs and activities**, Anchorage Police Department.
  - a. Assembly Memorandum No. AM 205-2002.
4. Resolution No. AR 2002-68, a resolution of the Anchorage Municipal Assembly directing an independent and comprehensive evaluation to determine the most effective programs for addressing **homelessness** and reducing the impact of such programs on nearby neighborhoods and the community at large before a long term lease is approved for relocation of the Brother Francis Shelter on municipal property, Assembly member Tesche.

Ms. Von Gemmingen requested this item be considered on the Regular Agenda. See item 10B2.

5. Resolution No. AR 2002-69, a resolution of the Anchorage Municipal Assembly supporting enactment of State legislation adopting a **constitutional limit on the rate of state income, sales, and use taxes imposed as part of a State fiscal plan**, Assembly member Tesche.

Ms. Von Gemmingen requested this item be considered on the Regular Agenda. See item 10B3.

6. Resolution No. AR 2002-70, a resolution of the Anchorage Municipal Assembly **making a site in the vicinity of Ruth Arcand Park available to the Simonian Little League** in 2004, Assembly members Shamberg, Von Gemmingen, Fairclough, Taylor, Clementson, and Van Etten. **(addendum)**

Ms. Shamberg requested this item be considered on the Regular Agenda. See item 10B4.

7. Resolution No. AR 2002-71, a resolution of the Municipality of Anchorage supporting and approving the use of a **project labor agreement** in the construction of the proposed new Egan Civic and Convention Center, Legal Department. **(addendum)**
  - a. Assembly Memorandum No. AM 217-2002.

### C. BID AWARDS

1. Assembly Memorandum No. AM 206-2002, recommendation of award to Sea Coast Construction Company, Inc. for **North C Street Ship Creek Bridge Erosion Control Improvements** for the Municipality of Anchorage, Project Management and Engineering Department (ITB 22-C001) (\$119,910.11), Purchasing.

### D. NEW BUSINESS

1. Assembly Memorandum No. AM 207-2002, **Election Commission appointment** (Norma Sullivan), Mayor's Office.

2. Assembly Memorandum No. AM 208-2002, **Mt. View Community Recreation Center Advisory Commission appointments** (Pastor John Beyers, Jean Palinski), Mayor's Office.
3. Assembly Memorandum No. AM 209-2002, **Public Facilities Advisory Commission appointments** (Paul Bauer, Jr., Diane Kaplan), Mayor's Office.

Mr. Van Etten requested this item be considered on the Regular Agenda. See item 10D1.

4. Assembly Memorandum No. AM 210-2002, **Veterans Affairs Commission appointments** (Howard Dash, William Wolter, Lois Hansen), Mayor's Office.
5. Assembly Memorandum No. AM 211-2002, **Anchorage Water & Wastewater Commission appointment** (Larry Houle), Mayor's Office.
6. Assembly Memorandum No. AM 212-2002, **Executive Appointment**: Joseph W. Murdy – Director of Development Services (Policy & Program Director), Employee Relations Department.
7. Assembly Memorandum No. AM 218-2002, 2002/2003 Liquor License Renewals: **A-K Korral** (#859) Beverage Dispensary Liquor License & **A-K Korral** (#2875) Beverage Dispensary Duplicate Liquor License (University and Tudor Community Councils), Clerk's Office.
8. Assembly Memorandum No. AM 219-2002, **Golden China Restaurant** (#3608) – Transfer of Ownership for a Restaurant/Eating Place Liquor License (Spenard Community Council), Clerk's Office.
9. Assembly Memorandum No. AM 220-2002, 2002/2003 Liquor License Renewal: **Haute Quarter** (#4075) Restaurant/Eating Place Liquor License (Eagle River Community Council), Clerk's Office.
10. Assembly Memorandum No. AM 221-2002, **Tempura Kitchen** (#1125) – Transfer of Ownership for a Restaurant/Eating Place Liquor License and Application for a Restaurant Designation Permit (Spenard Community Council), Clerk's Office.
11. Assembly Memorandum No. AM 222-2002, **Taj Mahal** (#4177) – New Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Russian Jack and Mt. View Community Councils), Clerk's Office.
12. Assembly Memorandum No. AM 223-2002, 2002/2002 Liquor License Renewals: **Anchorage Marriott Hotel** (Tourism #3945), **Chair 5 Restaurant** (#3263), **Great Wall Restaurant** (#3060), **Hideaway Club** (#512), **Mad Myrna's** (#857), **Ole's Pub** (#1320), **Rice Bowl** (#2973), **Restaurante Orso** (#4012) - Beverage Dispensary; **Golden China Restaurant** (#3608), **La Casita Del Mar** (#2965), **Peking Palace** (#1691), **Phillips International Inn** (#3645), **Sushi Garden** (#3405), **Ski & Benny Pizza** (#3277) - Restaurant/Eating Place; **Fred Meyer-Diamond #071** (#3906), **Fred Meyer-DeBarr** (#4108), **Party Time Plaza Liquor** (#1701) - Package Store (Government Hill, Northeast, Huffman/O'Malley, Mt. View, Spenard, Fairview, Bayshore/Klatt, Sand Lake, Campbell Park, Taku/Campbell, Girdwood, Downtown Community Councils), Clerk's Office.
13. Assembly Memorandum No. AM 224-2002, 2002/2003 Liquor License Renewals: **Crossroads Lounge** (#286), **Crossroads Lounge Dart Pub** (Duplicate #2244), **Hacienda Mexican Restaurant** (#3508), **Gallo's Mexican Restaurant** (#2833), **Eddie's Sports Bar** (#3596), **Indian House** (Tourism #553), **La Cabana Mexican Restaurant** (#629), **Los Arcos Restaurant** (#3953), **Moose's Tooth Pub & Pizzeria** (#2971), **Polar Bar** (#901), **Ramada Inn Hotel of Anchorage** (Tourism #3795), **Ramada Inn Hotel of Anchorage** (Tourism Duplicate #3796), **Red Robin Burger & Spirits Emporium #3-'B' Street** (#3685) - Beverage Dispensary; **Chinatown Restaurant** (#3836), **Elmer's Pancake & Steak House** (#2723), **Golden Gate Restaurant** (#3883), **Guido's Pizza** (#2636), **Kaze** (#2296), **Marx Bros. Café at the Museum** (#4008), **Pizza Hut #11-Diamond** (#2935) - Restaurant/Eating Place; **C&D Liquor #3-Bragaw** (#1561), **Diamond Liquor** (#2808), **Downtown Wine & Spirits** (#3322), **Indian House Liquor Store** (#1992) - Package Store; **Eagle River Lions Club** (#2808) - Club (Campbell Park, Abbott Loop, Fairview, Northeast, Taku/Campbell, Bayshore/Klatt, Turnagain Arm, Spenard, Government Hill, North Star, University Area, Downtown, Mt. View, Russian Jack, Rogers Park, Eagle River Community Councils), Clerk's Office.

Ms. Clementson requested this item be considered on the Regular Agenda. See item 10D2.

14. Assembly Memorandum No. AM 213-2002, change order No. 2 to purchase order 211049 with Blue Cross Blue Shield of Alaska to provide **medical, dental, vision and audio benefits and claims administration** for the Municipality of Anchorage, Employee Relations Department (\$26,400,000), Purchasing.

Ms. Von Gemmingen requested this item be considered on the Regular Agenda. See item 10D3.

15. Assembly Memorandum No. AM 214-2002, proprietary purchase for furnishing **carbon rings** from Kaydon Ring & Seal, Inc. for the Municipality of Anchorage, Municipal Light and Power (\$45,120), Purchasing.
16. Assembly Memorandum No. AM 215-2002, recommendation of award to Reynolds Consulting, Inc. to provide **services for Anchorage Water and Wastewater Customer Information System modifications** for the Municipality of Anchorage, Anchorage Water and Wastewater (RFP 21-P061) (\$610,000), Purchasing.
17. Assembly Memorandum No. AM 216-2002, amendment No. 5 to contract for professional plan review services with Degenkolb Engineers for the **Anchorage International Airport Concourse "C" Project**, Purchase Order 202240 (\$50,000), Development Services Department.

Mr. Tremaine requested this item be considered on the Regular Agenda. See item 10D4. Ms. Fairclough asked the record reflect her “no” vote on this item.

18. Assembly Memorandum No. AM 227-2002, proposed amendment No. 5 to HDR Alaska, Inc., professional services contract for **Westchester Lagoon Dam analysis, and Chester Creek watershed planning and management**, Project #01-05 (\$100,000), Project Management & Engineering.

Ms. Fairclough asked the record reflect her “no” vote on this item.

19. Assembly Memorandum No. AM 228-2002, proprietary purchase with Joe Hayes Legislative Consultants for professional **lobbying services** for the Municipality of Anchorage, Municipal Light and Power (\$40,000), Purchasing.

Mr. Tesche requested this item be considered on the Regular Agenda. See item 10D5.

20. Assembly Memorandum No. AM 229-2002, proprietary purchase with GE Capital I-Sim LLC for the acquisition of a **driver-training simulator** for the Municipality of Anchorage, Risk Management Division (\$60,000), Purchasing. **(addendum)**

Chairman Traini requested this item be considered on the Regular Agenda. See item 10D6.

21. Assembly Memorandum No. AM 235-2002, sole source contract with Diebold Election Systems for **printing ballots** (NTE \$108,000), Municipal Clerk. **(addendum)**

E. INFORMATION AND REPORTS

1. Information Memorandum No. AIM 16-2002, **contracts awarded between \$50,000 and \$100,000 through formal competitive processes** for the month of January 2002, Purchasing.
2. Information Memorandum No. AIM 17-2002, **Sole Source Procurement Report** for the month of January 2002, Purchasing.
3. Information Memorandum No. AIM 18-2002, **contracts awarded for the Anchorage Jail Project in excess of \$50,000** through cooperative agreement with the State of Alaska for the month of January 2002, Purchasing.

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

1. Ordinance No. AO 2002-33, an ordinance determining and approving the total amount of the **annual operating budget of the Anchorage School District for its fiscal year 2002-2003** and determining and appropriating the portion of the Assembly approved budget amount to be made available from local sources, Anchorage School District. P.H. ~~3-12-02~~ 3-19-02.
  - a. Assembly Memorandum No. AM 163-2002.

Mr. Tremaine requested this item be considered on the Regular Agenda. See item 10F1.

2. Ordinance No. AO 2002-37, an ordinance amending Anchorage Municipal Code Subsection 4.60.180.A. **to change the number of Animal Control Advisory Board members from 9 to 7**, Health and Human Services. P.H. ~~3-12-02~~ 3-19-02.
  - a. Assembly Memorandum No. AM 201-2002.
3. Ordinance No. AO 2002-52, an ordinance amending the zoning map and providing for the rezoning of approximately 0.437 acres from R-2A (Two-Family District with Special Limitations) to R-2M SL (Multiple Family District) with Special Limitations for **McCaughey Subdivision, Block 1, Lot 1**; generally located at the southeast corner of East 68th Avenue and Stella Place (Abbott Loop Community Council) (Planning and Zoning Commission Case 2001-106), Planning Department. P.H. 4-16-02.
  - a. Assembly Memorandum No. AM 202-2002.
4. Ordinance No. AO 2002-53, an ordinance approving the rezoning of 17.5 acres from R-9 (Rural Residential) Zoning District to R-6 (Suburban Residential-Large Lot) for a portion of **NW 1/4, Section 13, T12N, R3W, S.M.**, generally located on the south east corner of Hillside Drive and Beacon Hill Drive (Hillside East Community Council) (Planning and Zoning Commission Case 2001-198), Planning Department. P.H. 4-16-02.
  - a. Assembly Memorandum No. AM 226-2002.
5. Ordinance No. AO 2001-94, an ordinance amending Anchorage Municipal Code Title 21 to **increase the allowable maximum sign viewing area for churches and schools** from 20 square feet to 50 square feet for signs abutting collector streets or greater, to increase the number of signs per church or school to one sign for each street frontage, and to permit signs for schools to be illuminated or lighted, Assembly member Kendall. P.H. ~~4-23-02~~.
  - a. Assembly Memorandum No. AM 415-2001.
  - b. Ordinance No. AO 2001-94(S), an ordinance amending Anchorage Municipal Code Chapter 21.45 by moving two rows from the sign matrix into a new subsection; increasing the allowable maximum sign viewing area for churches and schools from 20 square feet to 40 square feet for signs abutting collector streets or greater; and adding a new subsection to Anchorage Municipal Code 21.45.160, Signs, to increase the number of signs per church or school to one sign for each qualifying street frontage (Planning and Zoning Commission Case 2001-091), Planning Department.
    - c. Assembly Memorandum No. AM 225-2002.
    - d. Information Memorandum No. AIM 19-2002.

Mr. Tesche requested this item be considered on the Regular Agenda. See item 10F2.

6. Resolution No. AR 2002-61, a resolution of the Municipality of Anchorage accepting and appropriating (\$3,102,832) **State of Alaska 2001 legislative grants** to Anchorage School District per Senate Bill 29, Office of Management and Budget. P.H. ~~3-12-02~~ 3-19-02.
  - a. Assembly Memorandum No. AM 197-2002.
7. Resolution No. AR 2002-62, a resolution of the Municipality of Anchorage appropriating \$104,500 as a grant to the State Categorical Grants Fund (231), Department of Health and Human Services, from the Alaska Department of Transportation and Public Facilities to fund an **Air Quality Public Awareness Campaign**, Health and Human Services. P.H. ~~3-12-02~~ 3-19-02.
  - a. Assembly Memorandum No. AM 198-2002.
8. Resolution No. AR 2002-63, a resolution of the Municipality of Anchorage appropriating \$12,173,762 as a grant to the State Categorical Grants Fund (231), Department of Health and Human Services, from the Alaska Department of Education and Early Development to fund the **Day Care Assistance Program**, Health and Human Services. P.H. ~~3-12-02~~ 3-19-02.
  - a. Assembly Memorandum No. AM 199-2002.
9. Resolution No. AR 2002-64, a resolution authorizing the Municipality of Anchorage, Public Transportation Department to file for a Federal Transit Administration Section 5303 Metropolitan Planning Program grant, enter into a Transfer of Responsibilities Agreement in the amount of \$209,116 with the Department of Transportation and Public Facilities, State of Alaska, and to appropriate these funds along with \$52,279 for required local matching funds from the Public Transportation Department’s 2002 Operating Budget to the State Categorical Grants Fund (231) for financing of the **Transit Planning Program**, Public Transportation Department. P.H. ~~3-12-02~~ 3-19-02.
  - a. Assembly Memorandum No. AM 200-2002.
10. Ordinance No. AO 2002-38, an ordinance of the Anchorage Municipal Assembly continuing or reestablishing the **Regulated Vehicle Safety Advisory Committee** pursuant to Anchorage Municipal Code Section 4.05.150, Legal Department. P.H. ~~3-12-02~~ 3-19-02. **(addendum)**
  - a. Assembly Memorandum No. AM 233-2002.
11. Ordinance No. AO 2002-39, an ordinance of the Anchorage Municipal Assembly continuing or reestablishing the **Public Safety Advisory Commission** pursuant to Anchorage Municipal Code Section 4.05.150, Legal Department. P.H. 4-9-02. **(addendum)**
  - a. Assembly Memorandum No. AM 234-2002.
12. Ordinance No. AO 2002-54, an ordinance of the Municipality of Anchorage amending Chapter 3.85, Anchorage Municipal Code, relating to the **Police & Fire Retirement System**; providing additional definitions; clarifying the powers of the Board of Trustees granted in AO2000-65; providing for the direct payment of expenses; providing for staffing and compensation of System employees as determined by the Board; providing for procurement of professional services; providing for an amendment to the makeup of the Disability Committee; providing for addition of language relating to cost-of-living adjustments inadvertently deleted; providing clarification concerning child support orders; providing for compliance with the Internal Revenue Code; providing for codification; providing for severability; providing an effective date, Assembly members Traini and Tesche. P.H. 3-19-02. **(addendum)**
  - a. Assembly Memorandum No. AM 236-2002.
13. Ordinance No. AO 2002-55, an ordinance amending Anchorage Municipal Code Section 27.20.110 to **sunset the Girdwood Public Safety Board** at the end of its current member’s terms and reestablishing the Girdwood Board of Supervisors as the elected Board of Supervisors for all Girdwood Valley Service Area services, Legal Department. P.H. 3-19-02. **(addendum)**
  - a. Assembly Memorandum No. AM 237-2002.

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

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

Mayor Wuerch noted the following appointments: Norma Sullivan, Election Commission; Pastor John Beyers and Jean Palinski, Mt. View Community Recreation Center Advisory Commission; Howard Dash, William Wolter and Lois Hansen, Veterans Affairs Commission; Larry Houle, Anchorage Water & Wastewater Commission; and Joseph Murdy, Executive Appointment.

Ms. Von Gemmingen thanked Sergeant Barry Heid and Lieutenant Sidney Maxwell for their many years of police service in the Municipality of Anchorage.

**10. REGULAR AGENDA:**

- 10A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS: None.
- 10B. RESOLUTIONS FOR ACTION - OTHER:
  - 10B1. Resolution No. AR 2002-65, a resolution of the Municipality of Anchorage providing for the appropriation of \$5,491 from donations to the Miscellaneous Operational Grants Fund (261), Cultural and Recreational Services Department, for the purchase of **library books and materials** for the BP Wish List Program, Cultural and Recreational Services/Library.
    - b. Assembly Memorandum No. AM 203-2002.

Mr. Van Etten moved, to approve AR 2002-65.

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

Mr. Van Etten noted that the Friends of the Library donated \$5,491 to Cultural and Recreational Services for the purchase of library books and materials for the BP Wish List Program.

Cultural and Recreational Services Director Jim Posey said 15,463 items had been purchased since 1987, representing a value of over \$350,000.

10B2. Resolution No. AR 2002-68, a resolution of the Anchorage Municipal Assembly directing an independent and comprehensive evaluation to determine the most effective programs for addressing **homelessness** and reducing the impact of such programs on nearby neighborhoods and the community at large before a long term lease is approved for relocation of the Brother Francis Shelter on municipal property, Assembly member Tesche.

Ms. Von Gemmingen moved, to combine AR 2002-68 with item 14G,  
seconded by Mr. Tesche, AO 2002-9 later in the meeting.  
and it passed without  
objection,

(Clerk’s Note: This item was addressed later in the meeting. See combined with item 14G.)

10B3. Resolution No. AR 2002-69, a resolution of the Anchorage Municipal Assembly supporting enactment of State legislation adopting a **constitutional limit on the rate of state income, sales, and use taxes imposed as part of a State fiscal plan**, Assembly member Tesche.

Ms. Von Gemmingen moved, to approve AR 2002-69.  
seconded by Mr. Tesche,

Ms. Von Gemmingen said she would be voting no on AR 2002-69. She did not feel the issue pertained directly to the Anchorage Assembly.

Ms. Clementson noted that the City had not handled its own business in a timely manner. There were problems with the special election, which would be held in conjunction with the regular election. The Assembly did not like the idea of the Legislature or the School Board passing resolutions advising them on issues. She recommended a no vote.

Mr. Tesche said the Municipality had a tradition of providing advice and commentary to the State Legislature on behalf of the citizens of Anchorage for the last 25 years. Various proposals in the Legislature addressing the state budget would have significant impacts on the Municipality of Anchorage in terms of spending and tax policy. He felt it was incumbent upon the Assembly to speak to this important issue on behalf of the citizens. Anchorage has a historical perspective to offer. A tax cap was passed in our local home rule charter almost 20 years ago. It was very controversial at the time, but has had the very positive affect of moderating tax increases. The State legislation resembled the Municipality’s tax cap and the Legislature might benefit from our views and experiences. He urged a yes vote on AR 2002-69.

Mr. Kendall felt that voting yes on AR 2002-69 would be voting to implement an income tax, because the resolution spoke about placing a limit on income taxes. He felt the resolution subtly indicated that the Assembly supported an income tax. He urged a no vote.

Ms. Fairclough concurred with Mr. Kendall. She felt this should go before the Legislative Committee in a meeting instead of on the floor first.

Mr. Van Etten said the Legislative Committee was a committee of the whole. He urged a yes vote on AR 2002-69.

Ms. Fairclough felt it would be helpful to have the sponsor of the legislation, as well as those opposed, speak to the Assembly. She preferred to set the matter aside and move it to committee to allow time for more information and recommendations.

Mr. Tesche referenced the memorandum from the sponsor of the legislation, Eric Croft. The memorandum discussed the issue in detail and had been available to the Assembly members. He recommended a yes vote.

Question was called on the motion to approve AR 2002-69 and it passed:

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

10B4. Resolution No. AR 2002-70, a resolution of the Anchorage Municipal Assembly **making a site in the vicinity of Ruth Arcand Park available to the Simonian Little League** in 2004, Assembly members Shamberg, Von Gemmingen, Fairclough, Taylor, Clementson, and Van Etten. (**addendum**)

Ms. Von Gemmingen moved, to postpone action on AR 2002-70 until April 9, 2002.  
seconded by Ms. Shamberg,

Ms. Von Gemmingen said AR 2002-70 was a backup resolution that would effectively conclude the Bicentennial/Simonian Little League issue. A bond for \$1,600,000 for Little League ball fields would be introduced later in the meeting. If the

bond package failed and there was no backup plan, the Simonian Little League would not get the parkland they needed to build fields. The Municipality owns Ruth Arcand Park and it had the necessary infrastructure and would work closely with Springhill Elementary School. The sponsors of AR 2002-70 believed this would be the best alternative if the bond failed. She noted that AR 2002-70 would not be voted on until after the election.

Question was called on the motion to postpone action on AR 2002-70 to 4-9-02 and it passed with Mr. Tremaine objecting.

Mr. Kendall felt it would be appropriate to hold a public hearing on the proposed site selection.

Mr. Sullivan noted that the professional group that studied this issue did not select the Ruth Arcand Park as a site. He felt a public hearing was appropriate due to the number of user groups in the area. He did not feel the public hearing would delay the process.

10C. BID AWARDS: None.

10D. NEW BUSINESS:

10D1. Assembly Memorandum No. AM 209-2002, Public Facilities Advisory Commission appointments (Paul Bauer, Jr., Diane Kaplan), Mayor's Office.

Mr. Van Etten moved, seconded by Mr. Sullivan, and it passed with one objection, to divide the question on AM 209-2002, between the two appointments.

Mr. Van Etten moved, seconded by Ms. Shamberg, and it passed without objection, to approve the appointment of Diane Kaplan to the Public Facilities Advisory Commission, AM 209-2002.

Mr. Van Etten moved, seconded by Mr. Sullivan, to postpone action on the appointment of Paul Bauer, Jr., to the Public Facilities Advisory Commission until after the April election, AM 209-2002.

Mr. Van Etten said Paul Bauer, Jr. was a candidate for the Municipal Assembly. If Mr. Bauer were elected to the Municipal Assembly, someone else would have to be appointed to the Public Facilities Advisory Committee at a later date.

Mr. Kendall objected to postponing the appointment of Paul Bauer to the Public Facilities Advisory Commission. Mr. Bauer has faithfully served on the Commission for the last three years. Mr. Bauer would have to resign from the Commission if he were elected to the Municipal Assembly, but he should not be denied his opportunity to serve on the Public Facilities Advisory Commission.

Mayor Wuerch pointed out that a year ago the Assembly was concerned that appointments and reappointments were taking too long and there were boards and commissions that were unable to meet quorum calls. We worked diligently to recruit qualified and willing candidates to serve. Mr. Bauer was willing to be reappointed to the Public Facilities Advisory Commission and would resign if he were elected to the Municipal Assembly. Mayor Wuerch asked the Assembly to confirm Mr. Bauer to the Public Facilities Advisory Commission.

Ms. Clementson said other candidates had been members of boards and commissions in the past. Not reappointing Mr. Bauer could cause a shortage on the board. She did not feel there would be any harm in reappointing Mr. Bauer to the Public Facilities Advisory Commission.

Mr. Van Etten withdrew his motion to postpone the appointment of Mr. Bauer to the Public Facilities Advisory Commission until after the April election. Mr. Sullivan withdrew his second of the motion.

Ms. Clementson moved, seconded by Mr. Van Etten, and it passed without objection, approve AM 209-2002, the appointment of Paul Bauer, Jr. to the Public Facilities Advisory Commission.

10D2. Assembly Memorandum No. AM 224-2002, 2002/2003 Liquor License Renewals: Crossroads Lounge (#286), Crossroads Lounge Dart Pub (Duplicate #2244), Hacienda Mexican Restaurant (#3508), Gallo's Mexican Restaurant (#2833), Eddie's Sports Bar (#3596), Indian House (Tourism #553), La Cabana Mexican Restaurant (#629), Los Arcos Restaurant (#3953), Moose's Tooth Pub & Pizzeria (#2971), Polar Bar (#901), Ramada Inn Hotel of Anchorage (Tourism #3795), Ramada Inn Hotel of Anchorage (Tourism Duplicate #3796), Red Robin Burger & Spirits Emporium #3-'B' Street (#3685) - Beverage Dispensary; Chinatown Restaurant (#3836), Elmer's Pancake & Steak House (#2723), Golden Gate Restaurant (#3883), Guido's Pizza (#2636), Kaze (#2296), Marx Bros. Café at the Museum (#4008), Pizza Hut #11-Diamond (#2935) - Restaurant/Eating Place; C&D Liquor #3-Bragaw (#1561), Diamond Liquor (#2808), Downtown Wine & Spirits (#3322), Indian House Liquor Store (#1992) - Package Store; Eagle River Lions Club (#2808) - Club (Campbell Park, Abbott Loop, Fairview, Northeast, Taku/Campbell, Bayshore/Klatt, Turnagain Arm, Spenard, Government Hill, North Star, University Area, Downtown, Mt. View, Russian Jack, Rogers Park, Eagle River Community Councils), Clerk's Office.

Ms. Clementson moved, to approve AM 224-2002.

seconded by Mr. Van Etten,

Ms. Clementson said there had been some significant problems with the Gallo's Mexican Restaurant liquor license in the past. She distributed copies of past violations.

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

to divide the question on AM 224-2002 by  
dividing out Gallo's Mexican Restaurant (#2833).

Ms. Clementson moved,  
seconded by Mr. Van Etten,  
and it passed without  
objection,

to approve AM 224-2002 with the exception  
of Gallo's Mexican Restaurant (#2833).

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

to postpone the liquor license renewal of Gallo's  
Mexican Restaurant (#2833) AM 224-2002, until  
March 19, 2002.

Ms. Clementson asked the Assembly to review the previous State Alcoholic Beverage Control (ABC) Board and liquor law violations to determine whether they were egregious enough to show a pattern.

Chairman Traini asked the Municipal Clerk to notify the applicant for the Gallo's Mexican Restaurant liquor license, specifically requesting attendance at the Assembly meeting on March 19, 2002.

In response to Ms. Fairclough, Ms. Clementson said the violations were from 1998 and possibly 1999. The violations involved staying open late, turning off the lights, shootings in the parking lot and other violations.

10D3. Assembly Memorandum No. AM 213-2002, change order No. 2 to purchase order 211049 with Blue Cross Blue Shield of Alaska to provide **medical, dental, vision and audio benefits and claims administration** for the Municipality of Anchorage, Employee Relations Department (\$26,400,000), Purchasing.

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

to approve AM 213-2002.

Ms. Von Gemmingen said the Municipality originally had a 10-month contract with Blue Cross/Blue Shield of Alaska from March 1 through December 31, 2001. The original cost was \$16,900,000 and was increased to \$18,000,000. Annualizing that into a 12-month contract, the cost would have been \$21,700,000 for 2001. The increase was almost \$4,700,000 or 21.6 percent. She did not know why the cost of the health insurance had increased so much. She acknowledged that health insurance was one of the benefits of being employed by the Municipality of Anchorage, but the increase in the cost was substantial.

In response to Mr. Sullivan, Employee Relations Director David Otto said they budgeted for an increase of \$3,500,000, a 13-percent increase, but the increased amount was \$4,500,000, a 17.43-percent increase. The actual increase in the cost would be about \$365,000, because they had absorbed part of that through corrected accruals on AMEA, JCC and Flex. The increased insurance costs were caused by trends, inflation in the cost of medical care in Alaska and the actual claim rates. The increased insurance rates in Alaska averaged about 20 percent for 2002. There was a 13-percent increase on the hospital/doctor costs and about a 28-percent increase in prescriptions.

In response to Ms. Clementson, Mr. Otto said three-quarters of the increase was paid for by the employees through payroll deductions.

Question was called on the motion to approve AM 213-2002 and it passed:

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

NAYS: Clementson.

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

10D4. Assembly Memorandum No. AM 216-2002, amendment No. 5 to contract for professional plan review services with Degenkolb Engineers for the **Anchorage International Airport Concourse "C" Project**, Purchase Order 202240 (\$50,000), Development Services Department.

Mr. Tremaine moved,  
seconded by Mr. Tesche

to approve AM 216-2002.

Mr. Tremaine pointed out that this contract had been before the Assembly many times in the last year and a half. It started out as a \$30,000 contract, but was now a \$590,000 contract.

In response to Mr. Tremaine, Mayor Wuerch said the State of Alaska would reimburse the cost of the contract.

Mr. Tremaine recommended approval of AM 216-2002.

Question was called on the motion to approve AM 216-2002 and it passed with Ms. Fairclough objecting.

10D5. Assembly Memorandum No. AM 228-2002, proprietary purchase with Joe Hayes Legislative Consultants for professional **lobbying services** for the Municipality of Anchorage, Municipal Light and Power (\$40,000), Purchasing.

Mr. Tesche moved, to approve AM 228-2002.  
seconded by Ms. Clementson,

In response to Mr. Tesche, Purchasing Officer Bart Mauldin said he did not believe the Municipality of Anchorage had competed lobbying type contracts. They had either been of a proprietary nature to the administration or before the Assembly for approval. The revisions instituted in Title VII stated that all lobbying contracts would come before the Assembly regardless of dollar amount. Title VII requires competitive source selection for lobbying contracts. This contract was being offered as a proprietary contract as set out in the departmental memorandum from Mr. Scott dated February 12, 2002. Justification for selection of this vendor, without competitive bidding, should be contained in the memorandum.

Mr. Tesche said he did not find any evidence in the memorandum from Mr. Scott that the contractor was uniquely qualified to the exclusion of the other lobbyists registered in Juneau. The code required some form of competitive source selection.

In response to Mr. Tesche, Mr. Scott, General Manager of Municipal Light and Power, said they had another lobbyist in that role for years and discussed the contract with him. Mr. Hayes had a special relationship with some of the key people involved in matters actively in front of the Legislature, which no other lobbyist in Juneau had to his knowledge. There were no written proposals to other lobbyists, but the previous lobbyist would confirm their conversation. Mr. Scott confirmed that he had been active in the legislative lobbying process in Juneau since his appointment. The memorandum references the lead lobbyist for the Municipal Light and Power as Mr. Hayes. Previous general managers of Municipal Light and Power had worked with the legislature in conjunction with their lobbyists and that would continue. Mr. Scott would continue to do Municipal Light and Power business as well as business not related to Municipal Light and Power. The hours spent on the non-Municipal Light and Power business would be charged to a separate code. Last year they did not separate those costs, because they believed the time was incidental to those activities.

In response to Mr. Tesche, Mr. Hayes said he also lobbied for the City of Nome, Matanuska Telephone Association, and the City of Kotzebue.

Mr. Tesche felt the Municipal code might be out of line in calling for competitive procurement on lobbying contracts, but that was the letter of the law. He would vote no on AM 228-2002.

Chairman Traini agreed that the Municipal code might need to be changed. He felt selecting a lobbyist was an art.

In response to Ms. Clementson, Mr. Scott said none of the issues Mr. Hayes would be lobbying for would be illegal, inappropriate or unethical. Mr. Scott discussed some of the deregulation issues that might come up.

Ms. Clementson cautioned that if restructuring or deregulation issues came up that the Assembly should be briefed and given an opportunity to provide input before a position was taken.

Question was called on the motion to approve AM 228-2002 and it passed:

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

Mr. Sullivan requested a written opinion from the [Municipal Attorney Bill Greene](#), regarding what recommendation they would make in terms of changes to the Municipal code or whether or not the action they just took was legal.

10D6. Assembly Memorandum No. AM 229-2002, proprietary purchase with GE Capital I-Sim LLC for the acquisition of a **driver-training simulator** for the Municipality of Anchorage, Risk Management Division (\$60,000), Purchasing. **(addendum)**

Ms. Shamberg moved, to approve AM 229-2002.  
seconded by Mr. Tremaine,

In response to Chairman Traini, Municipal Manager Harry Kieling said they were still determining the location of the driver-training simulator. They would like to place it in a location that would be available 24 hours a day to get the maximum use out of it. They were considering the Dimond Data Center as a possible location. They had an agreement between the departments within the Municipality that would use the driver-training simulator. Risk Management would ultimately pay for the driver training simulator and allocations would be made to the departments based on their predicted usage. The various departments had money in their budget to pay for the cost of utilizing the simulator. The direct cost would be for procurement. They did not anticipate any additional costs for personnel. The initial training costs was included in the contract.

Mr. Tesche spoke in favor of AM 229-2002. He thanked the Administration, the City Manager and Mr. Smith for bringing this forward. He felt this was a good example of a proactive and positive step to reduce employee injuries and accidents involving Municipal vehicles.

In response to Mr. Van Etten, Mr. Kieling said optimal use of the driver training simulator would be 24 hours a day and they would try to schedule time for non-Municipal people who had a need or interest in using the driver training simulator.

Mr. Van Etten said they discussed using the driver-training simulator for training to deter red light running at the Assembly work session.

Question was called on the motion to approve AM 229-2002 and it passed without objection.

10E. INFORMATION AND REPORTS: None.

10F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

- 10F1. Ordinance No. AO 2002-33, an ordinance determining and approving the total amount of the **annual operating budget of the Anchorage School District for its fiscal year 2002-2003** and determining and appropriating the portion of the Assembly approved budget amount to be made available from local sources, Anchorage School District. P.H. ~~3-12-02~~ 3-19-02.
  - b. Assembly Memorandum No. AM 163-2002.

Mr. Tremaine, Ms. Shamberg, and Ms. Von Gemmingen joined in introducing AO 2002-33. The public hearing was scheduled for March 12, 2002.

In response to Chairman Traini, Municipal Attorney Bill Greene said several years ago the Municipal code was changed to spell out precisely when and how the School District budget was to be submitted. The budget was to be submitted to the Assembly on the first Monday in March. The code said an ordinance was to be submitted with the budget. The code also specified the title of the ordinance. The code directed the Municipal Clerk to consider the ordinance as automatically introduced and set for public hearing the second Tuesday after the first Monday. The budget and the ordinance had not been submitted to the Municipal Clerk, but the title would give notice that it would come up for public hearing on March 12, 2002.

Chairman Traini asked Mayor Wuerch to provide the Assembly with comments on the School District’s budget when it came forward.

In response to Mr. Tremaine, Mayor Wuerch said the Municipal code did not permit the School District to submit the budget until March 4, 2002.

- 10F2. Ordinance No. AO 2001-94, an ordinance amending Anchorage Municipal Code Title 21 to **increase the allowable maximum sign viewing area for churches and schools** from 20 square feet to 50 square feet for signs abutting collector streets or greater, to increase the number of signs per church or school to one sign for each street frontage, and to permit signs for schools to be illuminated or lighted, Assembly member Kendall. P.H. ~~4-23-02~~.
  - a. Assembly Memorandum No. AM 415-2001.
  - b. Ordinance No. AO 2001-94(S), an ordinance amending Anchorage Municipal Code Chapter 21.45 by moving two rows from the sign matrix into a new subsection; increasing the allowable maximum sign viewing area for churches and schools from 20square feet to 40 square feet for signs abutting collector streets or greater; and adding a new subsection to Anchorage Municipal Code 21.45.160, Signs, to increase the number of signs per church or school to one sign for each qualifying street frontage (Planning and Zoning Commission Case 2001-091), Planning Department.
  - c. Assembly Memorandum No. AM 225-2002.
  - d. Information Memorandum No. AIM 19-2002.

Mr. Tesche moved, to postpone action on AO 2001-94 for six months.  
seconded by Mr. Van Etten,

Mr. Tesche questioned the relationship between AO 2001-94 and the ongoing review and preparation of the Sign Ordinance by the Municipal administration. It was his understanding that the Administration has gone out on a contract with a private provider to draw up a new Sign Ordinance. He felt it would be better public policy to defer action on AO 2001-94 and coordinate those two efforts to avoid the creation of more non-conforming signs.

In response to Mr. Tesche, Mayor Wuerch said it would be a long time before they saw the final Sign Ordinance. The administration supported AO 2001-94.

Ms. Clementson noted that this issue had been before the Assembly at least two times. She felt that any church that felt they needed multiple lighted signs in a residential neighborhood was probably large enough to apply for a rezone.

Ms. Clementson moved, to substitute the motion to postpone action on  
seconded by Ms. Von Gemmingen, AO 2001-94 indefinitely.

Mr. Tesche concurred with Ms. Clementson’s motion to substitute and postpone action on AO 2001-94 indefinitely.

Mr. Kendall noted that the ordinance had been introduced and this was a re-introduction of the S version of the ordinance. The ordinance was postponed both times it came before the Assembly, which he felt had been a deliberate action to avoid addressing the issue. He felt it was highly inappropriate to postpone an ordinance at introduction.

Ms. Clementson said the ordinance had not been postponed indefinitely, but the Assembly voted it down. The issue was discussed extensively in the past. The attempt to upgrade it to an arterial street was defeated. The churches could apply for PLI zoning. She felt the Assembly had dealt with the issue and clearly felt it was inappropriate. She did not think it was a good idea for the Assembly to waste time on this issue again.

Mr. Kendall pointed out that they had a favorable recommendation from the Planning and Zoning Commission and the Administration.

Mr. Sullivan said the ordinance was postponed two years ago, because they were waiting for the rewrite of the Sign Ordinance, but they still did not know when a comprehensive Sign Ordinance would be coming forward. He felt the Assembly should review the issue and he would support the introduction of AO 2001-91.

Chairman Traini said he saw no need to postpone AO 2001-94 indefinitely and would vote against the motion. He felt it was time for the Assembly to deal with the issue.

Question was called on the motion to postpone action on AO 2001-94 indefinitely and it passed:

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

**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; AMENDED & CARRIED OVER FROM 2-12-02)

Ms. Clementson moved, to postpone action on AO 2001-174 indefinitely.  
seconded by Mr. Tesche,

Ms. Clementson said a resolution was approved at the last Assembly meeting, which Mayor Wuerch vetoed. They did not vote on the motion to override the mayoral veto. They have had several meetings with Mayor Wuerch and he proposed supporting the acquisition of the Lore Road Park site for \$1,600,000 as a stand-alone bond and indefinitely postponing the approval of the amendment to the master plan for Bicentennial Park. She urged support of the plan.

Mr. Tesche spoke in favor of the motion. He had authored the earlier resolution that was passed by a vote of 8 to 3 by the Assembly and was vetoed by Mayor Wuerch. He did not intend to bring that resolution back in an effort to override the Mayor’s veto.

Mr. Tremaine said postponing an ordinance did not close the issue. He would vote no to indefinitely postpone action on AO 2001-174.

Mr. Sullivan said he would vote against postponing AO 2001-174 indefinitely. The Assembly did not know what the voters would do and he felt it was good public policy to have more than one option available as a backup plan. The conditions could change significantly with the lack of voter approval of the bond and this could become a viable option.

Mr. Van Etten said he would vote no to postpone AO 2001-174 indefinitely. He would rather see the Assembly take the action and repeat the action that was taken at the previous meeting.

Question was called on the motion to postpone action on AO 2001-174 indefinitely and it failed:

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

Ms. Fairclough took the chair.

Ms. Von Gemmingen moved, to postpone action on AO 2001-174 to the end of the  
seconded by Ms. Clementson, meeting.

Question was called on the motion to postpone action on AO 2001-174 to the end of the meeting and it failed:

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

Chair Fairclough gave the history of AO 2001-174. Chair Fairclough noted a motion to adopt AO 2001-174, as amended, was pending on the floor.

Chair Fairclough noted a second motion to amend AO 2001-174, made by Mr. Kendall and seconded by Mr. Traini at the 2-12-02 meeting was pending and still on the floor. The proposed motion to amend reads: “to replace Section 3 with the 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.” Chairman Traini had offered a friendly amendment to the motion to replace “Section 3” with “Section 2” on advice of legal counsel and the friendly amendment was accepted by Mr. Kendall.

Both motions were still on the floor.

Mr. Kendall moved, to postpone action on AO 2001-174 to April 9, 2002.  
seconded by Mr. Sullivan,

Mr. Traini said they postponed the decision on the Ruth Arcand Park to April 9, 2002. Depending on the voters’ decision, he felt this would be a viable option and would support the motion to postpone.

Mr. Van Etten said the Assembly had heard public testimony indicating that there were two very diametrically opposed sides to the idea of adding ball fields in Bicentennial Park. The Assembly has made many compromises over the years. He did not feel leaving the amendment to the Bicentennial Park plan on the table until April 9, 2002 was compromising. The public has voiced their opinion that they do not want us to consider that as an alternative. We have numerous alternatives available, including the site proposed by Ms. Shamberg and the alternatives outlined in the report prepared by Land Design North.

Mr. Sullivan felt this option should be left on the table just in case all the other options failed. If the bond were to fail, the only option that could be completed in a timely manner was Ruth Arcand Park. They had not investigated that location in depth, but the Bicentennial Park had two and a half years of investigation and was recommended through the public process. Having more than one option was good policy and he would support the motion to postpone.

Mr. Tesche spoke against the motion. The Assembly has been dealing with the issue for a long time. He felt they should focus on the Mayor’s alternative, which was to locate the ball fields on Lore Road.

Question was called on the motion to postpone action on AO 2001-174 to April 9, 2002 and it failed:

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

Chair Fairclough re-stated that Mr. Kendall’s motion to amend the amendment to AO 2001-174 was still on the floor from the 2-12-02 meeting. The motion reads as follows: to amend AO 2001-74 to replace section 2 with the following language. “Section 2. 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. Tesche recommended a no vote on the amendment to AO 2001-174.

Mr. Van Etten requested clarification from Chair Fairclough that they were voting on Mr. Kendall’s amendment that said this ordinance would be effective if, and only if, the proposition in AO 2002-29 failed to pass in the April 2, 2002 election.

Chair Fairclough confirmed the language of the proposed amendment.

Mr. Kendall felt it was important that they did not limit themselves to one option. He urged a yes vote.

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

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

Chair Fairclough again noted that a motion to adopt AO 2001-174 as amended was on the floor from the 2-12-02 meeting.

Question was called on the main motion to adopt AO 2001-174 as amended and it failed:

Chairman Traini took the chair.

AYES: Sullivan, Traini, Kendall.  
NAYS: Von Gemmingen, Taylor, Van Etten, Fairclough, Tesche, Shamberg, Tremaine, Clementson.  
(Clerk’s Note: Vote was by verbal roll call. No vote card prepared.)

Mr. Van Etten moved, for immediate reconsideration of AO 2001-174.  
seconded by Mr. Tremaine,

Mr. Van Etten urged a no vote.

Question was called on the motion for immediate reconsideration of AO 2001-174 and it failed:

AYES: Sullivan, Traini, Fairclough, Clementson.  
NAYS: Von Gemmingen, Taylor, Van Etten, Tesche, Shamberg, Tremaine.  
(Clerk’s Note: Mr. Kendall was out of the room at the time of the vote.)

11B. 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; RECONSIDERED & POSTPONED FROM 2-12-02)

Mayor Wuerch said the appointments to the Housing and Neighborhood Development Commission was erroneous and would be resubmitted.

Ms. Fairclough moved, to postpone AM 144-2002 indefinitely.  
seconded by Ms. Taylor,

and it passed without objection,

- 11C. Assembly Memorandum No. AM 168-2002, Platting Board reappointments (Gloria Shriver, Tamas Deak), Mayor’s Office.  
(POSTPONED FROM 2-12-02)

Ms. Fairclough moved, to approve AM 168-2002.  
seconded by Mr. Tesche,  
and it passed without objection,

- 11D. Assembly Memorandum No. AM 169-2002, Zoning Board of Examiners and Appeals appointments (Dean Karcz, Kenneth Walch), Mayor’s Office.  
(POSTPONED FROM 2-12-02)

Ms. Fairclough moved, to approve AM 169-2002.  
seconded by Mr. Tremaine,  
and it passed without objection,

- 11E. Resolution No. AR 2002-28, a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages (Beverage Dispensary License) conditional use in the I-1 District for a restaurant per AMC 21.40.200.B.1.k., generally located on Independence Park Subdivision, Tract 1B-1; at 1811 Abbott Road (Abbott Road and East 88th Avenue) (**Chili’s Grill and Bar Restaurant**) (Case 2002-027), Planning Department.
  - 1. Assembly Memorandum No. AM 88-2002.  
(CARRIED OVER FROM 1-29-02)

(Clerk’s Note: Item AR 2002-28 was carried over to the 3-5-02 meeting.)

- 11F. Ordinance No. AO 2001-182, an ordinance amending the zoning map and providing for the rezoning of approximately 9.54 acres from B-3 SL (General Business District with Special Limitations) to B-3 SL (General Business District with Special Limitations) for a portion of **Section 24, T13N, R3W, S.M., AK**, generally located south of DeBarr Road and on the east side of Muldoon Road, for the purpose of allowing tire repair, wheel alignment and brake service as permitted uses (Northeast Community Council) (Planning and Zoning Commission Case 2001-027), Planning Department.
  - 1. Assembly Memorandum No. AM 899-2001.  
(CARRIED OVER FROM 12-18-01; CONTINUED FROM 1-8-02; CARRIED OVER FROM 1-29-02)

(Clerk’s Note: Item AO 2001-182 was carried over to the 3-5-02 meeting.)

**12. APPEARANCE REQUESTS:**

12A. VIKKI MADSEN said she was a member of the Fairview Community Council, although she was not speaking in that capacity. She lives on the hill above the Sullivan Arena. When she purchased her home a number of years ago, they could not hear the sound from Mulcahy Stadium. Four years ago the amplifier systems were changed and they went from not being able to hear it to not being able to escape it. She could be in her home with the doors and windows closed and she could hear who was playing what base over her television set. There was no way to get away from the level of the sound. The noise has destroyed the peace and quiet of their neighborhood, made serene gardening impossible and kept her children awake at night. She has multiple sclerosis and needs to nap in the afternoon, which was impossible on the weekends due to the noise. They have considered renting a motel room just to get some rest. The noise often begins on Friday afternoon and goes until 11:00 p.m. The Mulcahy Stadium does not seem to be abiding by the Sound Ordinances, because the noise frequently goes past 10:00 o’clock in the evening. On Saturday it starts in the morning and goes until 10:00 or 11:00 o’clock at night. They have been awakened as early as 8:00 o’clock on a Sunday morning by the noise. This does not occur at every game, but it depends on who is running the soundboard and how high they turn it up. When they turn it up on high, it literally echoes off of the surrounding buildings. She contacted the Department of Cultural Services and Recreation and they told her to call the Anchorage Police Department. She called the Anchorage Police Department to report the noise and they told her to call Anchorage Parks and Recreation. Anchorage Parks and Recreation told her to call the individual renters of the ball fields, which she had done. Mr. Tesche introduced the solution of replacing the sound system, which they felt was viable. The sound systems were old and outdated. The new sound systems were site specific and would allow everyone to enjoy the game without impacting the neighborhood. Mr. Tesche suggested that the users of the ball fields could participate in the funding, which was estimated at \$50,000 for each site. The noise was an ongoing problem that had not been resolved. She encouraged the Assembly to help the neighborhood rectify the problem before the start of the new season.

In response to Mr. Tesche, Ms. Madsen said she had lived in the area for seven years. The noise problems began four years ago. When they first moved into the area, you could hear a murmuring sound in the distance, but it was not clearly audible. They were aware that there was a ball field with a sound system when they moved into the neighborhood, but the noise was not a problem at that time. She felt her property values had been decreased due to the noise. The Parks and Recreation Department said the amplifiers had been replaced and that accounted for the noise. It was her understanding that the sound equipment at Mulcahy Stadium was at least 20 years old and many of the speakers were 20 to 30 feet in the air. She worked with the Health Department and they asked the City to lower and point the speakers towards the ground. They have tried a number of things, but with no resolution of the problem. The Parks and Recreation Department told her to call the Health Department. The Health Department said they did not have the funds or the manpower to monitor a sound system on the weekends. It has become clear that there were no sanctions or penalties in place for those renting the ball fields that violate the noise ordinances.

In response to Ms. Clementson, [Municipal Attorney Bill Greene](#) said the 311 systems would give them the ability to take the action necessary to address the problem by funneling the question to the appropriate department. He felt the appropriate department to contact would be Parks and Recreation.

In response to Ms. Clementson, Cultural and Recreational Services Director Jim Posey said two summers ago the equipment was re-calibrated in an attempt to keep the setting below 3. The speakers are old and the amplifiers are new. The system installed in 1998 actually boosts the sound system over the ability of the speakers and causes problems when the system was set at 5 or 6. He and his staff have spent many weekends addressing the problem. They have elected to update the system and are currently working on the specifications. They hoped to have the new system installed before the upcoming season began.

In response to Mr. Tesche, Mr. Posey said he received Mr. Tesche's letter of January 14, 2002 and they would respond.

Mr. Tesche formally requested that staff be asked to implement the solution proposed by Mr. Posey to install a new sound system before the new season began.

Chairman Traini asked Mr. Tesche to use the normal written process to make that request.

Mr. Tesche objected. He followed the written process on January 14, 2002 with his letter to Mr. Posey. He would like an immediate answer, on the record, that this would be done. He was concerned that Ms. Madsen had to put up with the sound problem for the last three years.

Mayor Wuerch said he would reply to Mr. Tesche's request in writing.

In response to Ms. Von Gemmingen, Mr. Tesche said he had proposed an amendment to the capital budget to replace the sound system at Mulcahy Stadium, which was vetoed by the current administration. He thought a similar action might have taken place with respect to the operating budget.

12B. [PAUL R. STANG](#) said he lived at 524 East 15th Terrace and he was able to attend the ball games whether he wanted to or not. The noise occurs early in the morning and late at night. When he was a child the rule was not to make noise until 9:00 o'clock in the morning and stop at 9:00 p.m. at night.

In response to Mr. Van Etten, Mr. Stang said previously he lived in the Washington, D.C. area and his wife had lived in New York City and this noise was louder than both of those areas by a large margin.

12C [KAY LINTON](#)

(Clerk's Note: This item was considered later in the meeting. See item 14B.)

(Clerk's Note: Chairman Traini advised 13A AO 2002-29 and 13B AO 2002-30 would be considered together.)

### 13. CONTINUED PUBLIC HEARINGS:

- 13A. [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 ball fields, 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.
1. Assembly Memorandum No. AM 159-2002.
  2. Information Memorandum No. AIM 14-2002.
  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 ball fields, 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.
  4. Ordinance No. AO 2002-29(S-1), 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 ball fields, 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. (CONTINUED FROM 2-5-02; CARRIED OVER FROM 2-12-02)
- 13B. [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.

1. Ordinance No. AO 2002-30(S), 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 AND 2-12-02)

Chairman Traini opened the public hearing and asked if anyone wished to testify on AO 2002-29 and AO 2002-30 and their (S) versions.

BOYD MORGANTHALER said he represented the Anchorage District Soccer Federation. He asked the Assembly to consider that the Simonian Little League question was only the tip of the iceberg. The 2020 Comprehensive Plan projected a 40 percent growth over the next 20 years and we would need to add more than 100 ball fields. We should be adding 10 ball fields a year for the next 10 years just to keep up with the projected growth. The Simonian issue was not adding new ball fields, but replacing the four fields that were lost. We need to face the ball field shortage and buy, acquire or designate land for the ball fields. About a third of the Municipality's parkland inventory is in Kincaid Park, which is a world-class cross-country ski area and would not make very good ballparks. Bicentennial Park was just taken off the list of options. Effectively two-thirds of the inventory has been deleted. Of the remaining land, there is not enough room to build 100 new ball fields in the next 20 years. He urged the Assembly to acquire new properties for ball fields. Right behind the Simonian Little League there were many other groups that need ball fields.

Mr. Van Etten invited Mr. Morganthaler to participate in developing an acquisition strategy for acquiring active sports recreation lands with the Planning Department as they rewrite the Area wide Parks Plan.

Mr. Tremaine pointed out that there were still lands in Bicentennial Park that were controlled by the Bureau of Land Management and were designated to be active sports fields.

Mr. Morganthaler said he was hopeful that the Campbell tract would become available. They needed a large complex of a dozen soccer fields.

TOM McGRATH said they were talking about removing land that was zoned for residential development from the inventory. Most of the really good land in Anchorage had already been built on and we needed to protect the good land that was left. The 2020 Comprehensive Plan has been discussed for many years. The inventory of land suitable for building was low in Anchorage. He questioned how the Assembly could consider taking eight acres of land that could be built on out of the inventory for ball fields. We need to consider the highest and best use of all the land in Anchorage. There is 4,800 acres of park available in the Bicentennial Park in the Bureau of Land Management lands. He felt the Mulcahy Stadium should be moved to the Lower Hillside area. He felt it was ridiculous to take this amount of money off the tax roles.

Chairman Traini closed the public hearing on AO 2002-29 and AO 2002-30 and their (S) versions.

Chairman Traini recessed the meeting at 7:04 p.m. and reconvened at 7:28 p.m.

Mr. Tesche moved, to reinstate the meeting of March 5, 2002.  
seconded by Ms. Fairclough,  
and it passed without  
objection,

Ms. Fairclough moved, to cancel the meeting of March 12, 2002.  
seconded by Mr. Van Etten,  
and it passed without  
objection,

Chairman Traini noted that the Assembly would not be taking up 14L AO 2001-158, the animal control Title 17 issue tonight, because they just received the S-1 version. That issue would be taken up on March 5, 2002 meeting.

(Clerk's Note: The Assembly then returned to consider 13A AO 2002-29(S) and 13B AO 2002-30(S).

Mr. Tesche moved, to adopt AO 2002-29(S-1).  
seconded by Ms. Von Gemmingen,

Ms. Von Gemmingen felt AO 2002-29(S-1) was a good compromise to the Simonian Little League discussion. She felt this would be a good location for the ball fields and urged a yes vote on the ordinance. The Simonian Little League was named after Art Simonian, because he allowed them to play on his property for 25 years. The Simonian Little League has to move, because Mr. Simonian sold the property. She thanked Art Simonian for offering his land to the Simonian Little League for so many years.

Mr. Tremaine said he would like to see the sketches of the proposed ball fields before voting on the issue.

Mayor Wuerch said the parcel of land bordered the south and west edges of Whisper Faith Kovach Park, which was currently a soccer field. There would be three small ball fields for the younger children and a larger field for the intermediate players. The four ball fields would fit on the parcel of land. The parking plan would be a dedicated right-of-way for purposes of parking vehicles.

Mr. Tremaine reviewed the sketch of the proposed ball fields. The drawing indicated that the right-of-way for the parking was in question on the parcel to the northwest, but he felt that could be worked out with the owner. The sketch indicated that four ball fields could be built on the parcel of land. Having reviewed the sketch, he would be willing to support the ordinance.

Mr. Tesche spoke in favor of AO 2002-29(S-1). He applauded Mayor Wuerch for bringing the proposed site forward.

In response to Mr. Tesche, Mayor Wuerch said there were 33 sites examined by the selection process. There had also been some unsolicited proposals to sell or trade for acquisition of other lands. Each of the proposals were considered. In order to plant grass this season, we need to have a site before the Assembly in time to bond. They could not bring a new site as a bonded acquisition nor could they bring a land trade that had to do with municipal land, because of the jurisdiction of the boards and commissions. He felt this was the only workable proposal. The site at Whisper Faith Kovach Park would take some good engineering to fit all the ball fields, because it would be a tight fit. This proposal was doable and achievable in the time frame. The proposal was before the Assembly in a timely manner that would allow them to put the ballot question before the voters. The first step in building ball fields was to plant the grass. While the grass is growing, you work with the user groups to work out the final details of who will build what and what volunteer efforts and contributions are available. Provided the larger park bond passes the voters, there would be \$600,000 available. There was \$100,000 of an earlier park bond that could be reallocated to this project. We also have another year, because we do not need the money for the fences, dugouts, backstops and pitchers’ bullpens until the summer of 2003. The time crunch was getting the grass seed in the ground this summer.

Ms. Shamberg moved, seconded by Mr. Van Etten, and it passed without objection, to amend AO 2002-29(S-1) to delete line 16, “alternative to Far North Bicentennial Park ball fields” and line 22, “rather than at Far North Bicentennial Park.”

In response to Ms. Fairclough, Ms. Shamberg said leaving the language in the ordinance could mislead people to believe that if the ball fields were not built at the Whisper Faith Kovach Park then they would be built at Bicentennial Park and that might influence their decision improperly.

Ms. Clementson moved, seconded by Mr. Tremaine, and it passed without objection, to amend AO 2002-29(S) to replace the subtitle to read “Replacement fields for the Simonian Little League.”

Mr. Tesche recommended the Assembly adopt AO 2002-29(S-1) as amended.

Mr. Van Etten recommended the Assembly adopt AO 2002-29(S-1) as amended. He looked forward to this being the first step in the acquisition strategy for active sports and recreational fields.

Chairman Traini said he hoped the public supported AO 2002-29(S-1). The issue had been a long and treacherous issue and had split the Assembly. He felt they needed to unify, as a city, behind the Simonian Little League. He noted that the children needed to have ball fields by 2004.

Question was called on the motion to adopt AO 2002-29(S-1) as amended and it passed:

AYES: Sullivan, Von Gemmingen, Taylor, Van Etten, Traini, Fairclough, Tesche, Shamberg, Tremaine, Clementson.  
NAYS: None.  
(Clerk’s Note: Mr. Kendall was out of the room at the time of the vote.)

(Clerk’s Note: Item 13B AO 2002-30 was carried over to the 3-5-02 meeting)

13C. Assembly Memorandum No. AM 103-2002, Employee Relations Board appointment (DouglasMills), Mayor’s Office.  
(CONTINUED FROM 2-12-02)

(Clerk’s Note: Item 13C AM 103-2002, was carried over to the 3-5-02 meeting.)

13D. 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.  
(CONTINUED FROM 2-12-02)

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, seconded by Ms. Taylor, to approve AR 2002-31.

Question was called on the motion to approve AR 2002-31 and it passed:

Ms. Fairclough moved, seconded by Mr. Kendall, for immediate reconsideration of AR 2001-31

Question was called on the motion for immediate reconsideration of AR 2002-31 and it failed:

AYES: None.  
 NAYS: Sullivan, Von Gemmingen, Taylor, Van Etten, Traini, Fairclough, Kendall, Tesche, Shamberg.  
 (Clerk’s Note: Mr. Tremaine and Ms. Clementson were out of the room at the time of the vote.)

- 13E. 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 AMC21.40.180.D.8., for **Applebee’s Restaurant**, located on Lot3, KT 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.
  - 2. 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.
 (AR 2002-40 WAS CONTINUED FROM 2-12-02; AM 195-2002 WAS CARRIED OVER FROM 2-12-02)

(Clerk’s Note: Item AR 2002-40 was carried over to the 3-5-02 meeting.)

- 13F. Ordinance No. AO 2001-101, an ordinance of the Anchorage Assembly amending Anchorage Municipal Code Chapter 21.20 establishing a procedure and standards for creation, elimination, and alteration of zoning **overlay districts** and amending Anchorage Municipal Code Section 21.35.020 establishing a definition of overlay district, Assembly member Tesche.
  - 1. Assembly Memorandum No. AM 439-2001.
  - 2. Ordinance No. AO 2001-101(S), an ordinance of the Anchorage Assembly amending Anchorage Municipal Code Chapter 21.20 establishing a procedure and standards for creation, elimination, and alteration of zoning overlay districts and amending Anchorage Municipal Code Section 21.35.020 establishing a definition of overlay district, Assembly member Tesche.
  - 3. Information Memorandum No. AIM 109-2001, Planning and Zoning Commission recommendation for an ordinance amending Anchorage Municipal Code Chapter 21.30 allowing for procedures in creating zoning overlay districts, and adding a new definition to Anchorage Municipal Code Section 21.35.020, establishing a definition for the overlay district, Planning Department.
 (CONTINUED FROM 8-28-01, 9-25-01, 10-23-01, 12-18-01, AND 1-8-02)

(Clerk’s Note: Item AO 2002-101 was carried over to the 3-5-02 meeting.)

**14. NEW PUBLIC HEARINGS:**

Chairman Traini combined items 14A AO 2002-48, and 14B AO 2002-49.

- 14A. 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; Assembly members Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Van Etten, and Von Gemmingen.
  - 1. Assembly Memorandum No. AM 164-2002.
  - 2. Ordinance No. AO 2002-48(S), 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; Assembly members Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Van Etten, and Von Gemmingen. (**addendum**)
  - 3. Assembly Memorandum No. AM 238-2002.
- 14B. 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 there from, Finance Department; Assembly members Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Van Etten, and Von Gemmingen.
  - 1. Assembly Memorandum No. AM 165-2002.

Chairman Traini opened the public hearing and asked if anyone wished to testify on 14A AO 2002-48, and 14B AO 2002-49.

WILSON HUGHES said he was the co-chairman of the Anchorage Civic and Convention Center Yes Organization. He introduced their treasurer, Chris Walling. Mr. Walling was also a member of the Mayor’s Civic and Convention Center Task Force. Several members of their group and supporters were in attendance. The Anchorage Civic and Convention Center Yes Organization is a 501(c4) organization funded by private contributions and supervised by a board of directors. The organization is diverse and spread across the community. About 1.4 million visitors came to Alaska in 2000. The bed tax revenue in 2000 generated \$10,800,000 with 50 percent going to the general fund and 50 percent going to visitor promotion through the Anchorage Convention and Visitors Bureau. Tourism added more jobs to our economy than any other industry since 1990. Convention delegates come to Anchorage before and after the regular visitor season. The convention industry books three to five years out by adding stability to the visitor industry. Conventioneers return to Alaska on vacation and spend additional money on that trip. Delegates spend an average of \$830 per convention. With the growth cap on the current facility, we will plateau in the year 2005. The current center limits our ability to pursue multiple smaller and larger conventions. No property tax revenue has gone into the Egan Center. The Egan Center is not equipped

for large trade shows and user groups struggle for space. Currently we are in the category of 1,000 to 19,000 square feet. We could go all the way to 60,000 square feet with the new facility, which shows the potential market and the availability.

Mr. Hughes asked the Assembly to seriously consider two items. He asked to have the sentence “Property taxes shall not be used to finance the acquisition, construction or operation of the new Civic and Convention Center” up to where it would be read before the yes/no question. He asked the Assembly to place this on the ballot for the April 2, 2002 election.

In response to Ms. Clementson, Mr. Hughes said the numbers they provided were from the report from the Mayor’s Task Force. Relative to the activity beyond 2010, he could only speak to the operation of the Egan Center. Over time the Egan Center has been able to substantially reduce the operating deficit. Most centers throughout the country operate with some deficit. It is the combination of economic impacts to the community that makes a civic and convention center work for a community. For the historical operation of the Egan Center, the \$730,000 allocation had come from the City’s share of the bed tax.

Ms. Clementson said the City’s share of the bed tax went into the general fund, as do the property taxes. The Assembly cannot dedicate funds from the City’s portion of the bed tax. The only portion of the bed tax revenues that could be dedicated was whatever the Assembly did tonight and the voters approved and the 50 percent that already goes to tourism per the Charter.

In response to Ms. Clementson, Mr. Hughes said it was his understanding that the historical background of the ordinance of the bed tax had been that a portion of it had been dedicated to visitor promotion and a portion of it had gone into the general fund. An allocation of the \$730,000 had historically come from the City out of the general fund.

Ms. Von Gemmingen said there was a section that said if the bonds for the construction of a new convention center were not issued prior to January 1, 2008, the special economic development room tax should automatically expire on such date. The taxes collected from this special tax, but not used as dedicated, shall be deposited into the Municipality of Anchorage trust fund. She noted that was missing from the slide that was shown.

Chairman Traini referenced AO 2002-48 (S). He read the last paragraph. If bonds for construction of a new convention center are not issued prior to January 1, 2008, the special economic development room tax shall automatically expire on such date. The taxes collected from this special tax, but not used as dedicated, shall be deposited in the Municipality of Anchorage trust fund.

Mr. Hughes said they were not proposing to eliminate that portion of the ordinance. They were proposing to move lines 22 and 23 of AO 2002-48 (S) above the yes/no question.

CHRIS WALLING, Anchorage Civic and Convention Center Yes Organization treasurer, said the Mayor’s Task Force that did the initial site feasibility study was a public process. They believe the public process would continue after the ballot issue came forward in terms of the site selection. Their organization was site neutral. They felt the concept was appropriate for the community. He urged the Assembly to put this ballot proposition before the voters. The decision on April 2, 2002, would not pick a site, but provided the opportunity to move forward. The Mayor’s Task Force came up with two principal recommended sites and an alternative site. The study indicated that in the initial years of operations there would be an operating deficit of the facility. Currently an allocation of the bed tax of \$730,000 was made to the Egan Center. In the initial years, something in addition to that allocation might be necessary for the new center. There are potential revenues available to offset that deficit. The present bed tax and proposed increases, the increase of the economic development tax, revenue bonds that would be used to fund the building of the center and additional funds from delegates that would be coming to Anchorage and generating additional bed tax would fund the additional operating expense of the center in its initial years. The center is important to the community. We can diversify the economy. It means new jobs, new delegates, new bed tax revenues and \$51,000,000 in additional revenue enhancement and direct spending in the community by delegates. There would be \$1,200,000 of additional property tax revenues coming from the additional co-development of private facilities that would come along with the center. Visitor taxes and not property taxes would fund the new center. This initiative would be concept approval and putting a funding mechanism in place. We would have two or three years of the tax in place to determine what the ultimate cost of the center would be and the potential funding sources. Beyond the revenue bonds and the savings from the bed tax, there are other possible sources of funds to complete the construction of the center.

Mr. Van Etten felt the term “Municipality of Anchorage Trust Fund” should be clarified.

In response to Mr. Van Etten, Mayor Wuerch said the amendments to the trust maintain the name MOA Trust, but the word fund should not be capitalized, because it was a description and not a title.

KAY LINTON said 25 years ago three men decided to build a hotel at 36th and New Seward Highway, which was on the corner of Earl Norris’ Howling Dog Farm. They wanted to build a hotel that would be a home away from home for the outlying areas. All three of the men are now dead. She was the widow and felt she needed to say something about this. She had no corporation or hotel chain behind her. She was concerned with the location of the proposed center. She had attended many conventions and she was not against the convention center. She did not like the fact that they were asking her to pay for it. She was outside the big area, but she wanted to be right in the middle of the action. She was concerned, because the downtown hotels were always full and she got the leftovers. She felt they were doing their share with the 8 percent bed tax and did not feel it should be raised. She felt the hotels that were full were the ones that should pay the additional tax. With all the advertisements, the committee keeps indicating that we will be having an election on April 2, 2002 for this convention, but it is not a done deal. She felt they were putting the cart before the horse. She asked the Assembly to consider the smaller hotel owners in their decision. She did not feel that higher taxes should be imposed on the hotels that were not near the convention center.

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

Mr. Tesche moved, to adopt AO 2002-48(S).  
seconded by Mr. Sullivan,

Mr. Tesche moved, to amend AO 2002-48(S) to remove the  
seconded by Mr. Sullivan, capitalization from the word “fund.”  
and it passed without  
objection,

Mr. Tesche moved, to amend AO 2002-48(S) to move lines  
seconded by Mr. Sullivan, 22 and 25 to lines 19 and 20 just before the yes/no question  
and make the text bold and a separate paragraph.

(Clerk’s Note: No action taken on this amendment.)

In response to Mayor Wuerch, Municipal Attorney Bill Greene said the law department did not recommend that a portion of the ballot proposition be printed in bold, because it elevated a particular portion of the ballot proposition over the other portions.

Mr. Tesche withdrew his amendment as it relates to bold facing.

In response to Chairman Traini, Mr. Greene said they recommended that the yes/no question was immediately following the question posed whenever possible.

In response to Ms. Clementson, Mayor Wuerch said if they limited it to revenue bonds funded by the revenue stream, as compared to general obligation bonds that were paid by the revenue stream, there was a penalty and higher interest to be paid. We could not issue general obligation bonds without approval of the voters, as well as the fact that the facility cost more than \$1,000,000.

Ms. Clementson asked why the ballot stated property taxes would not be used to finance the acquisition, construction or operation of the new convention center if they were talking about coming back with general obligation bonds in the future. General obligation bonds are paid for by property taxes.

Mayor Wuerch said they still needed to discuss how that would be done. The question was what mechanisms were available. They were only dealing with the question of a bed tax. The reason the statement about property taxes was put on the ballot was the advocates of this initiative found that was the most commonly asked question and they wanted to make it clear that property taxes would not be used to finance the acquisition, construction or operation. It was clearly the position of the administration that no property taxes would go into building the facility.

In response to Ms. Clementson, Mayor Wuerch said the bed tax would be the revenue stream. He could not answer whether or not the general obligation bonds would be funded by the bed tax, because that needed to be discussed with bond counsel. The portion of the bed tax that comes to the City goes into the general fund. Anything that was taken out of the general fund to support a convention center was a draw on that cash pool and the only way to make that up was with property taxes. We wanted to make it clear that the convention center either paid for itself or there would be a draw on somebody else’s bed tax, but the property taxes would not be drawn on. The question of whether the revenue bonds would be limited was a policy question. Inserting the word “revenue” was acceptable to the administration and the sponsors of the new convention center.

Ms. Clementson moved, to add the word “revenue” before bonds  
seconded by Mr. Van Etten, to line 25 of AO 2002-48(S).  
and it passed with  
Ms. Fairclough objecting,

Ms. Clementson said she needed a clarification on the word “operation.” She felt the way to handle that would be to add a subsection to the enabling ordinance that said the eight-percent bed tax that was collected shall be used first to pay the annual subsidiary of operation of the convention center and the remaining 50 percent shall be split 50/50 between the Municipality for the promotion of tourism. That would make it clear that the money for the operation of the convention center would not be co-mingled with property taxes, but would be paid first. Those involved would have added incentive to keep the subsidy down. The Assembly could not tell the voters that the operational money was not going to come out of the property taxes.

In response to Ms. Clementson, Mayor Wuerch said they could refine the implementing ordinance at a later date. The deadline tonight was to get the bond questions on the ballot. AO 2002-49 had some language that talked specifically to Ms. Clementson’s concerns.

Ms. Clementson said she did not understand how they could legally add the words “or operation” when the operation costs were coming out of the subsidy, which were co-mingled funds with property taxes. She questioned how they could track through the general government-operating budget to determine what money went to what place. The money that goes to the City from the bed tax was co-mingled with everything else. She felt there would legally be a problem with the wording unless they had a specific mechanism of separating the funds from the bed tax. She felt they should understand whether the word “operation” was legal wording.

In response to Ms. Clementson, Mayor Wuerch said the necessary language would be added to the implementing ordinance. He asked the Assembly to keep the words “acquisition, construction or operations” on the ballot question, because it was very important to get public support for that.

In response to Ms. Shamberg, Municipal Attorney Bill Greene said they had not looked at whether or not Alaskans could be exempt from the proposed bed tax.

Mr. Tesche agreed with Mayor Wuerch that it was critical to keep the language intact in the proposition that said property taxes would not be used to finance the acquisition, construction or operation of the new civic and convention center. He recommended a yes vote on AO 2002-48(S).

Question was called on the motion to adopt AO 2002-48(S) as amended and it passed:

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

Mr. Tesche moved, for immediate reconsideration of AO 2002-48(S) as amended.  
 seconded by Mr. Tremaine,

Mr. Tesche recommended a no vote.

Question was called on the motion for immediate reconsideration of AO 2002-48(S) as amended and it failed:

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

Mr. Tesche moved, to adopt AO 2002-49.  
 seconded by Ms. Fairclough,

Ms. Clementson moved, to amend AO 2002-49 Page 2, Line 24, to add a subsection F to read “The site selection and design process for the new convention center shall be via competitive proposal.”  
 seconded by Mr. Tremaine,

Ms. Clementson said the amendment would clarify that there was no site or specific design and it would be an open and competitive process.

Mr. Sullivan said there was an extensive process that eliminated many sites because of fatal flaws and red zones.

Mayor Wuerch said they would have to go through a very competitive process for the site selection and the construction methodology and design. He supported the amendment to AO 2002-49.

Ms. Clementson moved, to amend AO 2002-49 to add section G,  
 seconded by Mr. Tremaine, to read: “The eight percent bed tax collected shall be used first to pay the annual subsidy for operation of the convention center and 50 percent of the remaining collection shall be expended for the promotion of tourism.”

Ms. Clementson said the amendment would insure that no property taxes were used for the operation of the convention center.

Mitch Gravo said he was speaking on behalf of the Anchorage Convention and Visitors Bureau and the major hotels in Anchorage. The amendment was a major policy decision and shift. The current policy was that the first four percent went to the City and the bed tax allocation went to the Egan Center. The next four percent went to promoting conventions and tourism. The amendment was a substantial change from the current agreement, which had been in existence for 20 years. If they were going to build a 280,000 square foot convention center then the Anchorage Convention and Visitors Bureau would need every single dollar of the four percent to promote and fill the new convention center. He strongly suggested postponing the amendment until the industry had an opportunity to testify on the issue.

Bruce Bustamonte said they had not been prepared to discuss the proposed amendment. They were looking at the economic development tax for the new convention center. Looking at compromising tourism promotion was a violation of an agreement that had been in place for 25 years. It was the visitor industry that came to the City asking to have the bed tax raised from five percent to eight percent, because prior to that only one percent was allocated to tourism promotion with the agreement that the additional three percent would be added for tourism promotion.

Ms. Clementson pointed out that the version of the ordinance that the public saw did not have the sentence “Property taxes shall not be used to finance the acquisition, construction or operation of the new civic and convention center.” This was the first opportunity for the Assembly members to address the bond proposition. When she first brought up the issue, no one disagreed with it. She reiterated that the amendment would assure the taxpayers that the money would not come from property taxes and that the money was going for the promotion of tourism by helping to pay for the convention center.

Bruce Bustamonte noted that when the bed tax allocation was first established for the operation of the Egan Center it was predicated off of the City’s share of the bed tax. The formula used was 12.5 percent of the 4 percent that was collected. The formula was in place until 1999 when the amount was capped at \$730,000. It was his understanding that it was bed tax money that was allocated for the operation of the Egan Center.

Mayor Wuerch felt the Assembly should have a work session on the implementing ordinance, because there were some substantive issues that Ms. Clementson had properly raised. He felt the visitor industry should be brought to the table to work out the language of the ordinance. The language on the bond ballot question was clear and said no property taxes were to be used. They needed to insure that it was the operable and workable payback mechanism so the revenue bonds could be sold in the marketplace. He suggested postponing the issue and scheduling an Assembly work session.

Ms. Clementson moved, to postpone AO 2002-49 until 3-5-2002.  
seconded by Ms. Fairclough,  
and it passed with  
Mr. Tesche objecting,

Chairman Traini set an Assembly work session from 12:00 to 1:30 p.m. on March 5, 2002 to discuss AO 2002-49.

In response to Mr. Tesche, Mr. Bustamonte did not feel postponing AO 2002-49 would do irreparable harm to the ballot proposition. It had been made clear that property taxes would not be used for the acquisition, construction or operation of the new convention center. He pointed out that the Anchorage Convention and Visitors Bureau only spent \$270,000 of the \$730,000 bed allocation and the City received \$81,000,000 of direct and indirect spending by conventioners last year.

In response to Chairman Traini, Municipal Attorney Bill Greene said he saw no problem with postponing AO 2002-49 until March 5, 2002.

- 14C. 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.
  - 1. Assembly Memorandum No. AM 230-2002, AO 2002-50; \$1,500,000 Anchorage Metropolitan Police Service Area Bond Proposition; April 2, 2002 Election, Office of Management and Budget.

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

Ms. Clementson moved, to adopt AO 2002-50.  
seconded by Mr. Tesche,

Ms. Clementson noted that this was \$1,500,000 to move an existing impound yard 500-600 feet. The impound yard was currently on land owned by the Municipality behind the old Public Works building. Part of the reason for moving the impound yard was it was perceived as an eye soar. She displayed some pictures and described the surrounding area. She did not believe the impound yard was an eye soar from the street. They would be moving the impound yard 500-600 feet on land that was next to the Police Department and zoned PLI so that it would become an accessory use for the Police Department. She questioned if they really needed to ask the voters to spend \$1,500,000 to move the impound yard. She felt they should leave it where it was. She recommended a no vote.

Ms. Shamberg concurred with Ms. Clementson. We have a tremendous amount of needs and a shortage of money. She could not see asking the voters to support moving a lot when the Assembly could adjust the zoning and the impound yard could stay where it was. She recommended a no vote.

Mayor Wuerch noted that a zoning change for the impound yard could be a viable alternative, but the Assembly would have to approve the zoning change.

Question was called on the motion to adopt AO 2002-50 and it failed:

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

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

- 14D. 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.
  - 1. Assembly Memorandum No. AM 231-2002, AO 2002-51; \$3,490,000 Areawide Bond Proposition, April 2, 2002 Election, Office of Management and Budget.

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

Ms. Clementson moved, to adopt AO 2002-51.  
seconded by Ms. Fairclough,

Ms. Clementson said she had researched the 311 system. She would be moving to reduce the cost of the bond by \$635,000. The bond would still include \$94,000 to equip the Fire Department dispatch located in the Emergency Operations Center. The 311 system had some valid ideas. We do not currently have a needs analysis. The 311 system would not solve any problems. We already have phone numbers to call and people within the departments to answer the public’s questions. She contracted several people in her research of the 311 system. The first question they asked was about the needs analysis, the user’s analysis or what problem we were trying to solve. We need to know what problem we are trying to solve before we know how to solve it. They also asked about our implementation plan, which we do not have yet. We need to determine which model we are going to follow, because they all have pros and cons. One model would be

assigning tracking numbers when people called into the 311 system. We could do that with our current system by assigning tracking numbers when people called into the Mayor's office. The previous administration said they had a tracking system, but it was either inadequate or not being used. Another model would be where people would call into the 311 center and the person taking the call would immediately dispatch a work order. The problem with that model was that people who were not part of the department would be assigning tasks. They would be reorganizing priorities without having any direct budgetary control or fiduciary responsibility within the department. All those issues needed to be addressed in the implementation plan, which we do not have. We need to determine what the costs are, what problems we are trying to solve and what method we want to use to fix the problems. The executive summary on the 311 system said by mid 2001 there would be 14 cities ranging in size from Bethel, Alaska to Los Angeles, California that had call centers in place. The attachment points out that San Carlos, California was the only city in California that had an operational 311 system. All of the cities are in different phases. Some have grants to install the 311 system and some are in the process of bringing them online. She felt they had the cart before the horse. The Assembly was asking the voters to increase the tax cap by \$417,000 a year for additional operation costs for the Emergency Operations Center without having a needs analysis or an implementation plan.

Ms. Clementson moved,  
seconded by Ms. Shamberg,

to amend AO 2002-51 to reduce the amount of the  
bond to \$2,854,000.

Ms. Fairclough said this was an issue that had come up since September 11, 2001, as far as being reactive instead of proactive in case of another emergency. While we are very prepared, we have people working overtime in the dispatch centers with calls that are coming into them inappropriately. The 311 system was not meant to redirect calls to the various departments, but a tool to educate people where to call for life safety issues and other municipal issues. During an actual crisis, everyone calls 911 when they have a problem. The 311 system would separate those calls so 911 could directly and appropriately send response teams for life safety issues. The primary purpose of the 311 system was to separate and educate the community between life crisis issues and other issues that people in authority could answer. There are two different grants being applied to the project for a total of \$100,000. The taxpayers would contribute \$417,000, Anchorage Police Department grant money from the Department of Justice would contribute \$500,000 and the COPS grant would contribute \$500,000 to implement the project. She felt this was a life safety issue and would not support the amendment.

Mr. Van Etten spoke in favor of the amendment. He felt the lack of detailed justification was a good reason for the Assembly not to ask the voters to take on the additional tax burden. He noted that it had been 38 years since the Alaska earthquake, which was 13,770 days. He questioned days they had emergencies in the 13,770 days since the earthquake. He questioned the statistical probability of a disaster that would indicate an urgent need to install the 311 system. The federal government was proposing to cut \$8,000,000,000 from federal transportation dollars. Many people are supporting Don Young in requesting \$1,000,000,000 to \$2,000,000,000 to build a bridge across the inlet. The federal government was cutting money from federal transportation, because they were putting money into homeland defense. He felt they should apply for federal money to implement the 311 system.

Mr. Tesche opposed the amendment for three reasons. He felt the 311 system could be planned and developed by the administration as they worked on it. The impetus, the September 11 attack on our country, was still relatively short and painful in our memory. The 311 system gives the Assembly and the public an additional measure of accountability for the administration on responding to citizens' complaints and issues.

Mr. Tremaine opposed the amendment and supported the main motion. It disturbed him that the 311 system was brought forward so quickly, but the 911 system was overworked. This would add money in the OMB budget to have more emergency operators for issues other than police and fire, which constitutes over half of the calls. He felt it would make the entire system work better.

Ms. Shamberg spoke in favor of the amendment. She did not object to the 311 system concept. The concept was very new and there were only eight cities in the United States that had implemented the system. The reason the 911 operators were so overburdened was they were unable to hire enough operators and they burned out quickly, because it was a very stressful job.

Ms. Clementson said the 311 system would provide two call takers, which were not emergency call takers. The Police Department would still answer the 911 calls. The volume of 911 calls had remained constant for several years. There was not a prolonged spike in the number of calls after the September 11, 2001 incident. The call takers for the 311 system would work from 7:00 a.m. to 11:00 p.m. to answer routine questions. She noted that there was not a big demand for this in the evening hours. She looked through the national newspapers for articles on the 311 systems since the September 11th incident and there were not any. The 311 system was not the national system for solving this issue. We need a business plan before we go forward with the 311 system. She visited the Emergency Operations Center on Monday to look at how it was setup during a crisis situation. They have six non-emergency call take centers and ten emergency call take centers. The five emergency call take centers for the Fire Department need operational computers, which was still in the bond. She noted that this would be a very substantial increase in the tax cap. The money would be going for two non-emergency call takers, a systems analyst and a supervisor. She did not feel they were ready for this step yet.

Ms. Taylor thanked Ms. Clementson for all the research she did on the 311 system. She would support the amendment.

Mayor Wuerch felt the issue had been mischaracterized. The reality was the Emergency Operations Center, for contingency purposes and routine operations, needed to equip the call taker capability. There was no way for the citizens to call into the center effectively, efficiently and do it well. They would be going after a federal grant for the 311 system software, consulting, training and the integration of the system. Aside from that, the bond equips the workstations with consoles. No matter what number we dial for emergency calls, we still need the workstations. This was a public safety issue and the next step in making the Emergency Operations Center responsive to the citizens. We do not have an effective case management system for people to call into the Emergency Operations Center. Regardless of what number you call, the command center needs a good call in capability. He asked the Assembly to reconsider their position on the issue. The

bond does not buy 311 system software, but it buys the workstations by which we can accept incoming calls and properly route them and handle the mass to take the burden off of the 911 system.

In response to Mr. Sullivan, IT Director Mr. Michael Callahan said they would do a soft rollout to make the public aware of the 311 systems. Rather than having a grandiose advertising campaign, they would start small and then scale up. The advertising campaign would start with press interviews a couple of months after the center was up and operating. As you get each new capability added into the center, you would have a press rollout. The funding for the advertising was minimal, because they would not do a big advertising campaign.

The Municipality visited Hampton, Virginia and Austin, Texas and saw their 311 centers in action. The way they rolled it out to the public was with minimal advertising. They visited Chambers of Commences, Rotary Clubs, Lions Clubs and various other organizations. The 311 concept had many facets and we would like to make sure that the citizens have a comprehensive understanding. Hampton, Virginia found that they only had to do very minimal advertising. The people were so satisfied with the system that word of it spread word of mouth. They currently receive 700 calls a day.

Ms. Taylor said most of the businesses that relied on word of mouth advertising generally went out of business. She felt a soft rollout would not be effective.

In response to Ms. Clementson, Mr. Callahan said he was part of the team working on the implementation plan. His specific responsibility was the technical basis for how the system would work. The Municipal staff has been working on the implementation plan for two months. They were unable to contract until the money was appropriated.

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

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

Question was called on the main motion to adopt AO 2002-51 and it passed:

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

Ms. Fairclough moved, for immediate reconsideration of AO 2002-51.  
seconded by Mr. Sullivan,

Ms. Fairclough urged a no vote.

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

AYES: Taylor, Van Etten, Shamberg, Clementson.  
NAYS: Sullivan, Von Gemmingen, Traini, Fairclough, Tesche, Tremaine.  
(Clerk’s Note: Mr. Kendall was out of the room at the time of the vote)

- 14E. 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.
  - 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. (POSTPONED FROM 2-5-02)

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

THERESA OBERMEYER said she had an appearance request earlier in the month regarding the issue of bonded indebtedness. We live in the wealthiest state in the United States, a state that has a \$25,000,000,000 permanent fund. She felt the members of the permanent fund were only enriching their private bank accounts.

Ms. Fairclough noted that Ms. Obermeyer was not speaking to the issue at hand.

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

Mr. Tesche moved, to adopt AO 2002-25(S).  
seconded by Ms. Fairclough,

Ms. Fairclough urged a yes vote.

Mr. Tesche moved, to amend AO 2002-25(S) to change page 2,  
seconded by Mr. Van Etten , section 3, line 4 to read “a special election.”

and it passed without objection,

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

to amend AO 2002-25(S) to change page 3,  
line 6 and 7 to read “the proposition at the special  
election on April 2, 2002.”

Question was called on the motion to adopt AO 2002-25(S) as amended and it passed:

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

NAYS: None.

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

Ms. Fairclough moved,  
seconded by Mr. Tremaine,

for immediate reconsideration of AO 2002-25(S) as  
amended.

Ms. Fairclough urged a no vote.

Question was called on the motion for immediate reconsideration of AO 2002-25(S) as amended and it failed:

AYES: None.

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

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

14F. 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.

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.  
(POSTPONED 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. Fairclough moved,  
seconded by Mr. Tremaine,

to adopt AO 2002-26(S).

In response to Ms. Fairclough, Mr. Tremaine asked for some time to work on the wording on an amendment that would be proposed.

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

to amend AO 2002-26(S), page 2, section 3, line 5,  
to read, “a special election is held.”

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

to amend AO 2002-26(S), section 5, line 9,  
to read, “proposition at the special election  
on April 2, 2002.”

Ms. Fairclough said the legal department could not provide the bond language that they used last year.

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

to amend AO 2002-26(S) to make lines  
23 through 25 bold.

Ms. Fairclough urged a yes vote on AO 2002-26(S) main motion as amended.

Question was called on the main motion to adopt AO 2002-26(S) as amended and it passed:

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

NAYS: None.

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

Ms. Fairclough moved,

for immediate reconsideration of AO 2002-26(S)

seconded by Mr. Tremaine,

as amended.

Ms. Fairclough urged a no vote on reconsideration of AO 2002-26(S).

Question was called on the motion for immediate reconsideration of AO 2002-26(S) as amended and it failed:

AYES: None.

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

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

Chairman Traini then returned to 14G AO 2002-9, 14H, AR 2002-23 and 9B4, AR 2002-68.

- 14G. Ordinance No. AO 2002-9, an ordinance of the Municipality authorizing the Heritage Land Bank to execute a ground lease for less than fair market value between the Municipality of Anchorage and Catholic Social Services for a **replacement structure for the Brother Francis Shelter** on HLB Parcel 4-021 and amending the 2002 HLB Capital Budget.
1. Assembly Memorandum No. AM 73-2002.
  2. Information Memorandum No. AIM 15-2002, replacement Brother Francis Shelter site preparation funding, Heritage Land Bank.
- 14H. Resolution No. AR 2002-23, a resolution of the Municipality of Anchorage Assembly appropriating \$160,000 from the Heritage Land Bank General Fund (221) to the Heritage Land Bank Capital Fund (421) for **environmental assessment, soil removal and facility demolition on HLB Parcel #4-021**, (Brother Francis Shelter), and amending the 2002 General Government Capital Improvement Budget and amending the 2002-2007 General Governmental Capital Improvement Program Budget, Heritage Land Bank.
1. Assembly Memorandum No. AM 57-2002.
  2. Information Memorandum No. AIM 15-2002.
- 9B4. Resolution No. AR 2002-68, a resolution of the Anchorage Municipal Assembly directing an independent and comprehensive evaluation to determine the most effective programs for addressing **homelessness** and reducing the impact of such programs on nearby neighborhoods and the community at large before a long term lease is approved for relocation of the Brother Francis Shelter on municipal property, Assembly member Tesche.

Chairman Traini continued the public hearing and asked if anyone wished to testify on 14G AO 2002-9, 14H AR 2002-23 and 9B4 AR 2002-68.

CHUCK ZOBLA spoke in favor of the resolution to approve the lease for the Brother Francis Shelter. He asked the Assembly to vote no on the resolution to pursue further studies. He has been an Anchorage resident for 30 years. He has supported the Brother Francis Shelter since it opened in 1982. He has been a board member for the last nine years. He asked everyone in the audience that supported the Brother Francis Shelter to stand to show their support. The process for the new shelter began well over two years ago. The Brother Francis Shelter moved into the old equipment shed 20 years ago and that remains their current location. The staff has done a tremendous job of utilizing the building, but the building was in bad shape when they first moved into it and there was nothing left. They felt it was time to provide their guests with a place to sleep when they were at the most disadvantaged times of their lives. The programs implemented over the last several years were working. In 1992, their capacity, which was 240 people a night, exceeded the capacity 197 days a year. Since 1993 their census was down over 43 percent on an average nightly basis. Last year the four staff case members discharged 354 individuals through the programs and they only had 16 percent return. This is an exceptional result of what our people are doing on behalf of our most disadvantaged citizens. Our group also works in conjunction with several other programs. The Brother Francis Shelter has been under continual scrutiny and surveillance from the entire community for the last 20 years. The location has worked for us. We have had many community council meetings. We currently have the funding in place for the majority of the construction. Further delays could cause us to lose some of the funding, which could be disastrous. He felt it was time to move on and get the shelter built. He urged the Assembly to support the lease and vote against the proposed delay in process.

ALLEN LEVY said he was a trustee of the Board of Catholic Social Services. He spoke on behalf of the Brother Francis Shelter rebuild. The City and Catholic Social Services have a long history dating back 20 years of partnering together to address the needs of the homeless. The partnership has been productive in working to address the persistent problem of homelessness. He urged the Assembly to approve the ordinance authorizing the Heritage Land Bank to lease the current Brother Francis Shelter site to Catholic Social Services for the construction of the new shelter. HUD and Cook Inlet Housing Authority have committed with Catholic Social Services to build the new facility. The viability of financing was predicated on a 40-year long-term lease. He commented on the City's discontinuing the utility and maintenance support for the shelter facility. He urged the Assembly to reconsider the City's role in this partnership. The issue was not whether additional funding could be found for these costs, but the City needed to remain a partner at the current levels. He asked the City to continue to participate in this partnership, which was a unique public/private partnership that everyone had benefited from in the past. They understood that the City would not own the new facility and therefore could not pay utilities and maintenance, but they urged them to consider how the Municipality could commit to maintaining its future support at the current \$80,000 to \$90,000 level.

In response to Mr. Tesche, Mr. Levy said it was his understanding that the funding for the utilities would remain in the budget as long as the shelter was being operated in the existing facility. The proposed lease agreement has not incorporated that funding source. If the arrangement for the new shelter was approved, the City would withdraw its support for the utilities.

In response to Mr. Tesche, Mayor Wuerch said they were still negotiating whether or not the City would support the utilities for the new facility. The proposal put forth indicates that other funding sources should be found for the operation of a building that was not owned by the City.

Mr. Tesche felt the City should continue its historic commitment to provide the utilities for the Brother Francis Shelter.

Ms. Clementson said the City would not own the proposed building and she felt it was fair that they did not continue to pay the utilities. She noted that the City would be giving the Brother Francis Shelter a 40-year lease and would expend a couple million dollars for site remediation. She felt the City was contributing by providing the land and the remediation.

In response to Ms. Clementson, Mr. Levy said they were asking the City to maintain their partnership with Catholic Social Services and contribute to the program even if they were not contributing to the maintenance, insurance and facility costs.

In response to Ms. Clementson, Larry Houle said the Heritage Land Bank would pay for the environmental cleanup. It was a Municipal issue and would be a problem whether they used the land or not. Their activity on the site would only be prompting the cleanup at an earlier date. Catholic Social Services was a volunteer group and they raised \$4,600,000 to build an improvement for the City, which would house their homeless. For the sake of getting the lease and the construction program going this year, they felt they could come back at a later date to deal with the utility issue, which they felt would place an undue burden on the program.

In response to Mr. Sullivan, Mr. Houle said it was his understanding that the spill was contained on the Brother Francis Shelter site and the surrounding problems, if there were any, would be solved by the cleanup of the uphill spill. He did not know the details of the cleanup.

In response to Mr. Sullivan, Municipal Attorney Bill Greene said the City could not legally pay the utilities on a building that was not owned by the City.

Mayor Wuerch said the real issue was whether or not the Assembly and the administration wanted to commit to providing a grant of that size to operate a building that was not owned by the Municipality. Another consideration was continuing a grant after having taken on the environmental cleanup, doing all the site preparation and entering into a dollar a year 40-year lease.

Mr. Sullivan agreed with Mr. Houle that the cleanup of the land would have to be done anyway and he was not sure that was a direct benefit to the Brother Francis Shelter.

In response to Ms. Von Gemmingen, Jeff Beales, program director of the Brother Francis Shelter, said the new facility would be approximately 20,000 square feet. The building would be a much more esthetically pleasing building than what they currently had. Once they had a site approved, they would go into the design process and would bring those plans back to the Assembly.

In response to Mr. Tesche, Mr. Beales said he was not familiar with the site plan review process. It was his understanding that a conditional use permit would be required, because they would be locating the new facility on a separate parcel. Once they had a secured site, they would start the design process. Once they had the design process to a certain percentage of completion, they would bring the plan to Planning and Zoning Commission for approval and the conditional use permit issue would be discussed at that point.

In response to Mr. Tesche, Mr. Houle said the conditional use permit was part of the contract that they would enter into with the architect that was chosen through a competitive process. It would be incumbent upon the architect to move the conditional use process forward. He could not imagine starting the process until the conditional use permit was in place. They would keep the existing facility occupied while they built the new facility. There would actually be two structures onsite and at a later date the older structure would be demolished.

In response to Mr. Tesche, Mr. Beales said he did not know what they would do with the 40-year lease if they did not obtain the conditional use permit. He felt they had an excellent group of people working on the project. Catholic Social Services has done an excellent job of preparing for this project. They would not do anything that would jeopardize the project, waste resources or cause any undue stress on the community.

Ms. Clementson pointed out that the conditional use permit had to be in place prior to obtaining the building permit.

Mr. Van Etten noted that the lease stated that the lease should be void if Catholic Social Services was unable to obtain the conditional use permit for a homeless and transient shelter.

GEORGE LORETO said he was on the Board of Beans Café. They were strongly in favor of rebuilding the Brother Francis Shelter in the current location. They believed that a dispersal of the homeless throughout the city would be more humane and effective, but they were concerned about the cost. There are economies of scale in using one building, which was run efficiently by the existing staff and could not be duplicated for what was currently being paid. He felt the fact that the money for the new shelter had been raised at no cost to the Municipality was under-appreciated. We have a declining rate of contributions to non-profit organizations across the country after the events of September 11, 2001. The funding is in place and we need to take advantage of it now. In the late 1980s, he was asked to participate in a survey of the homeless in Anchorage. He spent several weeks interviewing homeless people in all of the various shelters throughout Anchorage. This issue has been studied to death. The Brother Francis Shelter was doing an outstanding job. Catholic Social Services should be commended on the facility that they operate. The idea that the utility support would be withdrawn because they had enough gumption to go out and get their own funding was ludicrous. He felt the project should go forward with increased participation by the Municipality. He urged the Assembly to support the Brother Francis Shelter.

In response to Mr. Tesche, Mr. Loreto said he was not familiar with the 2020 Comprehensive Plan as it interfaces with the Brother Francis Shelter.

In response to Mr. Tremaine, Mr. Loreto said the hospital had been very proactive in providing the necessary transportation for medical care. He did not believe that transportation to the hospital, the Brother Francis Shelter or Beans Café had been a problem.

In response to Ms. Fairclough, Mr. Loreto said he did not know if Beans Café would benefit by being located next to the proposed Brother Francis Shelter. The closing of the Brother Francis Shelter for cleanup and the opening of Beans Café were coordinated so the homeless had a place to sit. Beans Café was a great daycare shelter. We occasionally have medical professionals come to Beans Café to provide services. He felt the co-location aspect was geometric and an all around benefit. The Brother Francis Shelter serves dinner and Beans Café serves breakfast, lunch and snacks throughout the day. He noted that a kitchen was a tremendous expense when cooking for 300 people. Having four units would not cut that expense. Having everything done in one place was the best way to proceed. If the housing units were moved without the food service then you would require people to spend time on the bus system just to be able to eat or you would have to have kitchens in each location. He felt the present system was extremely efficient.

In response to Mr. Tesche, Mr. Loreto said it was his observation that the current system worked. He could not anticipate what would be needed in the next 40 years.

RONALD LEEVA said he opposed the lease and supported Mr. Tesche's resolution. He passed out a resolution from the Knights of Columbus. He read a section from the resolution. "Therefore be it resolved that with the spirit of responsible stewardship that the project be required to proceed with due process and due diligence in site selection and alternative methodology in dealing with the homeless issue in our community. And that it further be resolved that the Board of Brother Francis Shelter present for public review and input before requesting authorization of a site, a lease, payment of the utilities, and accurate fact finding independent study showing need, site selection alternatives and methodology of dealing with housing in the issues of the homeless. Voted and unanimously passed the 11th day of December, 2001." Catholic Social Services has done a great job addressing the homeless, but they do not have unanimous support. There are many issues to be addressed such as site selection and location. He felt they should move slowly. It was false that they would lose the money. The HUD money was available for five years. They have no plan or road map. He used to be a neighbor of the Brother Francis Shelter, but he had turned into an adjacent property owner because of the environmental issues. The legal issues would lead to multiple suits. This lease violates the 2020 Comprehensive Plan. There would be a suit by the ACLU on discrimination, because we would be housing a minority group adjacent to a heavy industrial lot. We are treating the homeless like junk cars. An environmental suit would be filed. Through Mr. Keiling's letter to the Archbishop, the City has assumed responsibility of the cleanup. Another issue was the separation of church and state.

In response to Ms. Clementson, Mr. Leeva described some of the property contamination issues. The contamination level on his property had gone up because of the wells. The property behind the Brother Francis Shelter was contaminated and they believed it had leached over to what was formerly Mr. Blackard's property. Municipal Light and Power was going to purchase that property, but did not because of the contamination. The Heritage Land Bank would provide the money to discover the amount of contamination under the shelter, but that would be done after the new shelter was built. He felt the contamination should be left alone, because it would dissipate over time. If the contamination was disturbed and leached out to the neighbors, Mr. Keiling had made a commitment to clean it up in its entirety. The Heritage Land Bank was only willing to provide \$160,000 towards the cleanup efforts, but it would take more than that.

In response to Ms. Clementson, Municipal Attorney Bill Greene said Mr. Leeva implied that there was migration from the contaminated Municipal sites to other non-Municipal sites, which they strongly disputed. The question of contamination migration was presently in litigation. The litigation was still in the discovery stage.

In response to Mr. Tesche, Mr. Greene said the claim of the litigation was that contaminants had gone from the Municipal property to adjoining properties, which was disputed by the City. As they understand the allegations of the plaintiffs, the contamination came from two different Municipal sites on the uphill side of First Avenue on the same plateau level as the Brother Francis Shelter. We do know that there is contamination on the Brother Francis Shelter site. We also know that there is some contamination on the uphill side of another Municipal site to the west. The question was whether the contamination had migrated to adjoining private properties. There is some hydrocarbon contamination on the Brother Francis Shelter site and a plan for the cleanup of that site.

In response to Mr. Tesche, Municipal Engineer Holton said there had been quite a bit of drilling on the parcel and in adjacent areas. Knowing that the Brother Francis Shelter was going to be built and understanding that the Municipality would probably be responsible for any cleanup, they obtained the location and extent of the footprint for the new building and specifically explored for contamination under that footprint. It was determined that there was only one location that had petroleum contaminates above the cleanup required level and that location was remediated. They believed they might encounter additional small pockets of contaminated materials during the excavation, but they did not believe it was extensive. They have estimated the cost for the cleanup and incorporated it into the ordinance.

In response to Ms. Shamberg, Mr. Leeva said he had a salvage auction yard next door to the Brother Francis Shelter and he was the auctioneer for the City. He did not believe the shelter belonged in this location. He had been tolerant of the shelter's economic affect on his business, because he was Catholic. He was ashamed that the shelter would have \$4,600,000 and not go through the due process of site selection to look for alternative locations to give the people dignity, care and compassion. He had reservations about answering how the shelter would affect his business. If he said it negatively affected his business, no other area of the community would want the shelter, but it had affected his business negatively. People do not want to come to his location, because of the element that the shelter draws in large numbers. The people at the shelter are often unmanageable. It was the imagery that caused the negative view of the homeless. In the ten years that he had been their neighbor, he never complained. As the adjacent property owner and a neighbor, he felt they had a huge negative affect on his business. He believed it affected his business in terms of hiring employees, people bringing him business and people do not feel secure in storing their items in the storage portion of his business. He did not have economic numbers to show how his business had been impacted.

DARYL HESS said he was a 37-year resident of Anchorage. He has lived in Fairview for the last 15 years. As a resident of Fairview and a member of the Community Council Board, he appreciated what the Brother Francis Shelter has done for the community. He was proud to live in Fairview and what they had done in their community. The Brother Francis Shelter had been a big part of cleaning up the Fairview area. Fifteen years ago there were public inebriates sleeping in his hallway and in the park. He can now go days at a time without seeing homeless people in the streets. You judge a society by how they treat those at the lower rungs of the social ladder. He was proud of the way Anchorage treated the homeless population. He felt there was a sense of urgency in replacing the Brother Francis Shelter, because the structure was old and needed to be replaced. People have talked about dividing the shelter in various locations. In any urban environment, the homeless and the public inebriates live in an urban city center. He noted that Mr. Leeva knew he was buying a business located next to a homeless shelter. The clients that are being served at the Brother Francis Shelter on a daily basis had been cut in half over the last ten years. The area was cleaner than it had been in the last 20 years. He pointed out that there were a lot of dedicated volunteers at the Brother Francis Shelter and he felt Anchorage needed to support them.

LOTTIE MICHAEL said she grew up in the Brother Francis Shelter neighborhood and she was familiar with the east end of the downtown area. She owned commercial property in that area and had been a property owner and taxpayer before the Brother Francis Shelter was there. She has served on the Servant Board for the Brother Francis Shelter since 1994. She encouraged the Assembly to support the shelter. She felt it was every citizen's responsibility to support the people that needed it the most. She did not see a problem with the property values in the area. She sells commercial real estate and has done a lot of business in that end of the downtown area. She encouraged the Assembly to support the Brother Francis Shelter.

Mr. Tremaine moved, to extend the Assembly meeting.  
seconded by Mr. Tesche,  
and it passed with  
Mr. Sullivan and Mr. Kendall  
objecting,

(Clerk's Note: 9 votes to extend with 2 objections.)

DAVID OLSON said he recently purchased a property directly across the street from the Brother Francis Shelter. He noted that 3rd Avenue had the highest density of tractor-trailer traffic in Anchorage and there was a three-land road. He did not know how people with disabilities could manage to get up and down the hill, especially in the wintertime. He felt the Assembly was doing a disservice to the homeless community by keeping the shelter in its current location, because it was a dangerous area for people to be walking in. He did not feel a shelter was suitable in a heavy industrial district.

(Clerk's Note: Items 14G, 14H, and 9B4 continued after item 14I.)

(Clerk's Note: Ms. Clementson requested the following election issue be brought before the Assembly.)

Chairman Traini said the Assembly would discuss Ms. Clementson's issue with the election.

Ms. Clementson said it came to her attention that the maps posted on the Municipality's website depicting Assembly boundaries were incorrect. Planning Department Director Sue Fison acknowledged that there were several maps on the Municipality's website that were incorrect and she said the maps were corrected on Friday. The legal department said the maps were not all corrected on Friday and there are still both correct and incorrect maps. She felt the Assembly had a problem. They have an Assembly election coming up and she had heard from two people that had looked at the Municipality's website and came away with the wrong boundaries.

Chairman Traini pointed out that many people do not have access to the web, which was why the Assembly did not use the web as an official point of information for the City of Anchorage.

Municipal Attorney Bill Greene said the official documents were maintained in the Municipal Clerk's office. The clerk's office was the official repository for all Municipal documents, except for certain contracts held by purchasing and certain real estate matters held by either Heritage Land Bank or Real Estate Services.

Mayor Wuerch said they started an assessment of the condition of their website several weeks ago. There are about 5,000 pages on their home site. They realized that it had grown. There are multiple sites for the Assembly member districts. He was embarrassed to say that most of them were incorrect. They would be changing their software this spring. One of the built-in safeguards in the future would be an internal search engine that would highlight these types of inconsistencies. When you check on one topic, you will get all the references to that topic and you can verify one against the other to insure they are correct. We cannot currently do that. Even with 70 percent of the homes in Anchorage having access to the web, it was still a supplemental tool. The Assembly acted properly and timely to establish the districts. It was the clerk's responsibility to run the election and establish the time schedule for candidate to file. The correct information has been provided from the clerk's office. There could be injured parties, but he felt the chances were remote. He apologized to the Assembly and the citizens of Anchorage for not catching the error in the maps.

In response to Mr. Tesche, Municipal Attorney Bill Greene said the Municipal code dealing with elections did not reference the web as a source of information. The code said very little in terms of the maps. The code does not specifically say that the maps would be maintained in the clerk's office, but that was the repository for all actions of the Assembly. While there are several different locations on the Municipality's web page that generally have incorrect maps, the correct maps are also on the Assembly's homepage and posted on the wall of the clerk's office. He was not aware of any errors in terms of the paper maps available in the clerk's office.

In response to Mr. Tesche, Planning Department Director Sue Fison said the maps on the website were very small maps. They would typically send people to the clerk's office for the detailed map. The maps on the website were incorrect, but accurate maps were available at the clerk's office.

In response to Mr. Tesche, Mr. Greene said the alleged error in the mapping available on the website had not deterred anyone from voting in the Municipal election that he was aware of.

In response to Mr. Tesche, Mayor Wuerch said the mayor's office had not received any calls or complaints from citizens who wanted to be candidates. They had serious concerns over the issue and they were embarrassed by the fact that their homepages were not updated. He felt the remedy was the shift to the new software, which would occur this spring. The short-term fix was to correct or remove the maps on the website.

In response to Mr. Tesche, Mr. Greene said the erroneous maps on the websites would be removed as of 6:00 o'clock tonight. They would preserve the website as it stood for reference, but it would not be accessible to the public. The correct maps would replace the incorrect maps.

Mr. Tesche felt the administration and the Mayor should be commended for their efforts in pushing the Municipality forward in e-government. He hoped this did not deter the Mayor and his staff from going ahead with the project. We have been advised that there was an error on the website, which has been corrected and additional efforts would be taken to minimize the possibility of this happening in the future. He saw no evidence to suggest that any voter had been deterred in the exercise in their right to vote. He saw no evidence suggesting that any individual had been effectively denied the right to participate in the election. He was concerned that unknown persons had brought up the allegation and he discounted the credibility of those allegations. He felt no error had been made that would require the Assembly to take an additional action with respect to the election.

Ms. Clementson said there were no devious allegations being made. She brought the concern to the attention of the Assembly, because they had inappropriate maps posted on the website. She notified the law department of this 96 hours before the maps were taken off of the website. She felt they should be outraged. We keep hearing about voter apathy nationwide. We are a government of the people, by the people and for the people. If the government has apathy then the people are going to have apathy. We will be having a special election on the same day as the regular election, because we did not get items in on time. Now we are having an election for six Assembly seats, three of which are uncontested. Two of the Assembly seats have one challenger and the other seat has four challengers. Legally speaking we may not have a problem, but the question is whether we are doing the correct and morale thing. When you spend government money to post a website and it is inaccurate, it does make a difference. We did not publish a detailed map in the Daily News. She felt this was a significant issue of keeping the public informed and trust in government. When you go to a government website and you see a map, you should not have to investigate whether or not it is correct. She pointed out that the map she picked up in the legal department was the map the Assembly voted on. The new maps are all in color and the red lines in the key box say Assembly districts, but it is the old Assembly districts. She questioned how someone would know whether they had the new or the old maps if they picked up these maps. She noted that if they gave the wrong notification for public hearings, the Assembly would not have the same response and the public hearing would be postponed. The issue was not about people being able to vote, but whether or not everyone who was interested in running for office had access to the correct information. Without going to the clerk's office you should be able to get a general idea from your government sponsored website. This was not done on purpose, but the correct information was not available. There is voter candidate and government apathy.

In response to Chairman Traini, Ms. Clementson said she did not think anyone did this on purpose. She thought the Assembly should run an ad in the newspaper with the correct boundaries to find out if they had harmed anyone. They were assuming that they had not harmed anyone and the burden of proof was on the public to prove that they had been harmed. She questioned how the public would know that they had the wrong information. As the government that sets the rules, we have a responsibility to make sure that it is right.

Mr. Kendall said he went back to a computer in the room and pulled up the website to view the map. The maps were not big enough to see specific boundaries. He noted that the Chugiak/Eagle River area was depicted on all the Municipal maps as a small block off the edge of Muldoon. He asked to have the Chugiak/Eagle River area depicted in a realistic manner.

Mr. Sullivan felt Ms. Clementson had raised a very good point that the Assembly should take seriously. The disenfranchisement of any potential candidate was a serious manner. He felt most candidates would do a little preliminary investigation before picking up the papers at the clerk's office to file. If they received the wrong information from a government sponsored website then they might not take the next step and go down to the clerk's office.

In response to Mr. Sullivan, Ms. Clementson felt they should find out whether or not there were people who were disenfranchised.

Mr. Sullivan felt a potential remedy to the issue would be to publish the correct map and extend the period for filing due to misinformation being provided.

In response to Mr. Sullivan, Mr. Greene did not recommend extending the filing period. The code provides the timeframes. While we recognize that there was misinformation because of the erroneous maps, we do not have any material evidence that potential candidates were misled. It would be an extraordinary remedy to obviate the current code provisions without more evidence. If someone stated that they had been interested in being a candidate and was misled by the maps, we would do an investigation to determine the validity of those claims.

Mr. Tesche pointed out that if they were to consider the remedy of extending the filing period, they would have to delay the election. Delaying the election would have to be done by an ordinance presented by the Assembly, which could raise a number of issues. He felt the extraordinary remedy of delaying the election was not an option in light of the lack of evidence. He felt the only remedy a person who felt aggrieved had was to take the matter to court.

## 1. Assembly Memorandum No. AM 84-2002.

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

Mr. Tesche moved, to adopt AO 2002-16.  
seconded by Ms. Fairclough,

Question was called on the motion to adopt AO 2002-16 and it passed:

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

NAYS: None.

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

The Assembly then returned to consider items 14G AO 2002-9, 14H AR 2002-23 and 9B4, AR 2002-68, Brother Francis Shelter.

MARK KUPPLES said he was the general partner of the enterprise, which owns seven real estate parcels within three blocks of the Brother Francis Shelter, including a single residence, apartments, warehouses, and office and retail space. With the exception of one, all the parcels were purchased in the 1950s, which was before the Brother Francis Shelter was in that location. He read all the pertinent documents related to the rebuild of the shelter. He did not find any relevant discussion of the impact of the shelter on the adjacent community or businesses in the area. The Fairview Community Council passed a resolution in December requesting the Municipality to address these very issues, which he supported. Since opening in 1983, no comprehensive independent study has been done to justify the existence of the Brother Francis Shelter in the present location or its configuration. Given the fact that we are about to enter into a 40-year lease agreement, he felt it was incumbent upon everyone to take the time to discuss the issue and get a good idea of the impact and whether it was relevant to have a homeless shelter in a warehouse district and adjacent to a jail. The Mayor's memorandum on this issue states "The Brother Francis Shelter works proactively on issues of trash, beautification, public inebriation, drug use and crime in the neighborhood." It further states that trash was monitored and picked up regularly. The facts are that in 18 years he had never been contacted by a representative of Catholic Social Services, the current director Jeff Beales, or any other member of the Brother Francis Shelter to determine what the impact had been on his businesses in the immediate area. His businesses are confronted with loitering, broken beer bottles, human wastes, break-ins to vehicles and vacant properties as an ongoing problem. He urged the Assembly not to support the resolution. He felt they needed more time to discuss the issue.

LARRY HOULE, a volunteer on the Brother Francis Shelter Advisory Board, spoke in favor of the shelter. He acknowledged the problems to be overcome by the Shelter and urged the Assembly to build a new shelter.

MAJOR KATRINA GRUNDLE, Director of the McKinnel House, which the Salvation Army runs for homeless families, spoke in favor of building a new shelter. In response to Mr. Tremaine, Major Grundle responded the location of the shelter was reasonable.

BETH PORTERFIELD, Chair of the Alaska State Coalition on Housing and Homelessness, urged the support of the Assembly in the rebuilding of the Brother Francis Shelter. In response to Mr. Tesche, who questioned if the Brother Francis Shelter was helping get the homeless and the chronic inebriate out of the system or simply warehousing bodies without providing treatment, Ms. Porterfield responded the Shelter was bringing people back into the system.

DAN LORING suggested a slowing down and reevaluation of a 40-year lease and further study. He stated he did not support a 40-year lease and was in support of Mr. Tesche's resolution.

CLAIRE SYBORN spoke in support of Mr. Tesche's resolution and that giving a 40-year lease to Brother Francis Shelter was premature in view of the fact that we do not know a lot of details. She supports the Brother Francis Shelter and tries to help the residents. In response to Mr. Van Etten, Ms. Syborn expressed her primary concern was better management of the people.

EMORY CUPPLES spoke against the 40-year lease arrangement. He suggested closing the Brother Francis Shelter and the Beans Café to end the problem.

ANNETTA LEEVA, an adjacent property owner supported Mr. Tesche's resolution. She suggested searching for other creative ways to solve the homeless problem.

FRANCES, a resident of the shelter, spoke in support of a new shelter building. In response to Mr. Tremaine, questioned if the location worked and she replied yes.

JEFF BEALES said the people in favor of halting the lease and studying the issue further had not asked the homeless people what they wanted. When the Catholic Social Services started this project, the first thing they determined was what was best for the homeless people. They needed the shelter in that location, because it was near services that helped the homeless people get back on their feet, such as Beans Café, Job Service, well coordinated transportation, the Anchorage Neighborhood Health Center and other services. This area is one of the few places in town that the homeless are welcomed. They are often kicked out of other areas, but they feel comfortable in this area of town. He felt the real urgency of the project was the fact that the shelter was falling apart.

In response to Mr. Sullivan, Mr. Beales said they considered the old Native hospital as a possible location. Catholic Social Services and Brother Francis Shelter raise the money, but they relied on the Municipality to provide the land, facility maintenance and utility costs. When they approached the Municipality for land, they were only given this site as an option, which they were very pleased with. Landscaping for the proposed shelter was a high priority. One of the requirements for

the bid proposals for the architect and design services was the addition of landscape architecture. They were looking forward to taking a not so appealing portion of Fairview and making it beautiful.

In response to Mr. Van Etten, Mr. Beales did not feel the traffic issues were any worse than in other part of town. It had been suggested that we move the shelter to land owned by the Archdiocese of Anchorage over at International and C Street. The traffic at the current location was much safer than that area of town. People have the perception that homeless people are poor wretches that cannot take care of themselves or cross the street. Predominately the people they serve are strong and can take care of themselves. He felt accidents were relatively low given the amount of pedestrian traffic they had in that area. The 40-year lease was part of the requirements of the HUD money. They were not interested in enabling homelessness or creating clients, but their ultimate goal would be to close the homeless shelter when it was no longer needed.

In response to Mr. Tesche, Mr. Beales said there was a traffic related death in that area within the last few months. The individual was not inebriated. He asked the Anchorage Police Department if there had been similar incidents and they could not recall any in the last 20 years.

Chairman Traini noted that items 14G AO 2002-9, 14H AR 2002-23 and 9.B4 AR 2002-68, Brother Francis Shelter, would be continued to the next meeting.

- 14J. Resolution No. AR 2002-45, a resolution of the Municipality of Anchorage appropriating \$75,000 from AWWU's 2002 Water Operating Budget Fund (540) and \$75,000 from AWWU's 2002 Wastewater Operating Budget Fund (550) to pay **personnel litigation costs and expenses**, Legal Department.
1. Assembly Memorandum No. AM 134-2002.

(Clerk's Note: Item AR 2002-45 carried over to the 3-5-02 meeting.)

- 14K. 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.
1. Assembly Memorandum No. AM 187-2002.

(Clerk's Note: Item AR 2002-50 carried over to the 3-5-02 meeting.)

- 14L. Ordinance No. AO 2001-158, an ordinance amending all of Title 17, regulating the **care and control of animals** within the Municipality, including but not limited to adoption, impound, euthanasia, licensing, immunization, quarantine, administration, fees, fines and penalties, and other matters, Health and Human Services.
1. Assembly Memorandum No. AM 748-2001.
  2. Ordinance No. AO 2001-158(S), an ordinance amending all of Title 17, regulating the care and control of animals within the Municipality, including but not limited to adoption, impound, euthanasia, licensing, immunization, quarantine, administration, fees, fines and penalties, and other matters, Health and Human Services.
  3. Assembly Memorandum No. AM 232-2002.
  4. Information Memorandum No. AIM 20-2002, Title 17 revisions, Health and Human Services. **(addendum)**
  5. Ordinance No. AO 2001-158(S-1), an ordinance amending all of Title 17, regulating the care and control of animals within the Municipality, including but not limited to adoption, impound, euthanasia, licensing, immunization, quarantine, administration, fees, fines and penalties, and other matters, Health and Human Services. **(LAID ON THE TABLE)**

(Clerk's Note: Item AO 2002-158 carried over to the 3-5-02 meeting.)

- 14M. Resolution No. AR 2002-60, a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages (Beverage Dispensary License) conditional use in the B-3 District for a restaurant per AMC 21.40.180.D.8. generally located on Blueberry Lake Subdivision, Lot 3, Block 5 at 2830 C Street (**Boston Pizza Restaurant**) (Case 2002-047), Planning Department.
1. Assembly Memorandum No. AM 166-2002.

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

to postpone action on AR 2002-60 to the 3-19-02 meeting.

- 14N. Ordinance No. AO 2002-3, an ordinance amending the zoning map and providing for the rezoning of approximately 8,910 square feet from R-5 (Rural Residential District) to I-1 SL (Light Industrial District) with Special Limitations for **Moorehand Subdivision, Tract 3A, Lot 4B**; generally located between East 88th Avenue and Abbott Road on the east side of Golovin Street (Abbott Loop Community Council) (Planning and Zoning Commission Case 2001-087), Planning Department.
1. Assembly Memorandum No. AM 10-2002.

(Clerk's Note: Item AO 2002-3 carried over to the 3-5-02 meeting.)

- 14O. Ordinance No. AO 2002-7, an ordinance amending the PC (Planned Community District) Zone for Tract 1 and a portion of Tract 7, Powder Ridge Subdivision (Plat 98-80) to **modify the Master Development Plan and design standards for Development Area "O" adopted by AO 94-235(S-1) (As Amended)**

**(As Corrected 5/4/95) and for Development Area “P” As Amended by AO 2000-143(S-2)**, generally located southwest of the North Eagle River Interchange of the New Glenn Highway in Eagle River, within portions of Sections 35 and 36, T15N, R2W, S.M., Alaska (Birchwood Community Council) (Planning and Zoning Commission Case 2001-103), Planning Department.  
1. Assembly Memorandum No. AM 28-2002.

(Clerk’s Note: Item AO 2002-7 carried over to the 3-5-02 meeting.)

- 14P. Ordinance No. AO 2002-8, an ordinance amending the zoning map and providing for the rezoning of approximately 0.13 acres from R-3 (Multi Family Residential District) to I-1 (Light Industrial District) for **Third Addition Subdivision, Block 23B, Lot 5A**, generally located on the northeast corner of 15th Avenue and Orca Street (Fairview Community Council) (Planning and Zoning Commission Case 2001-152) Planning Department.
  - 1. Assembly Memorandum No. AM 56-2002.

(Clerk’s Note: Item AO 2002-8 carried over to the 3-5-02 meeting.)

- 15. **BOARD OF ADJUSTMENT/ASSEMBLY APPEALS: None.**
- 16. **SPECIAL ORDERS:**
  - A. The **Regular Assembly Meeting of March 5, 2002** was reinstated; the **Regular Meeting of March 12, 2002** was canceled.
- 17. **UNFINISHED AGENDA: None.**
- 18. **AUDIENCE PARTICIPATION: None.**
- 19. **ASSEMBLY COMMENTS: None.**
- 20. **EXECUTIVE SESSIONS: None.**
  - A. **Pending Litigation** (AR 2002-45).

21. **ADJOURNMENT:**

Mr. Kendall moved, to adjourn the meeting,  
seconded by Mr. Van Etten,

The meeting adjourned at 11:59 p.m.

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Municipal Clerk

Date Minutes Approved: \_\_\_\_\_, 2002

GM:cmw