

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of March 5, 2002

1. CALL TO ORDER:

The meeting was convened at 5:01 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. Kendall.

4. MINUTES OF PREVIOUS MEETING: None.

5. MAYOR'S REPORT:

Mr. Harry Kieling, Municipal Manager, advised the Assembly members that Mayor Wuerch was in Washington D C attending a conference on federal funding. Mr. Kieling announced the Multi-Cultural Diversity Award for Group was won by Municipal Light and Power, and Michael Livingston, APD, won for Individual.

6. ASSEMBLY CHAIR'S REPORT:

Chairman Traini, along with Assembly members, Ms. Shamburg, Mr. Tremaine and Mr. Van Etten would be attending the National League of Cities meeting in Washington, D.C.

7. COMMITTEE REPORTS: None.

8. ADDENDUM TO AGENDA:

Mr. Tremaine moved, to amend the agenda to include the addendum items.
Seconded by 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:

Ms. Fairclough moved, to approve all items remaining on the consent agenda.
Seconded by Ms. Taylor, as amended.

- A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS: None.
- B. RESOLUTIONS FOR ACTION - OTHER:
 - 1. Resolution No. AR 2002-74, a resolution of the Anchorage Municipal Assembly **supporting a long-range fiscal plan** this year that ensures a stable future for all Alaskans by promoting affordable state and local tax levels and adequate state and local services, Assemblymembers Von Gemmingen, Tesche, Van Etten, Shamberg, Tremaine, Traini, Fairclough, and Taylor. **(addendum)**
 - 2. Resolution No. AR 2002-75, a resolution of the Anchorage Municipal Assembly **supporting Senate Bill No. 337**, "An Act relating to eligibility for an exemption from municipal property taxes for certain seniors and disabled veterans," Assemblymembers Fairclough, Kendall, Shamberg, Taylor, Tremaine, Traini, Van Etten, and Von Gemmingen. **(addendum)**
 - 3. Resolution No. AR 2002-76, a resolution of the Anchorage Municipal Assembly **supporting House Bill No. 430**, "An Act imposing a surcharge on fines imposed for misdemeanors, infractions, and violations and authorizing disposition of estimated receipts from that surcharge; and creating the Juvenile Justice Grant Fund in order to provide financial assistance for the operation of youth courts," Assemblymembers Tremaine, Shamberg, Taylor, Tesche, Traini, Van Etten, and Sullivan. **(addendum)**
- C. BID AWARDS:
- D. NEW BUSINESS:
 - 1. Assembly Memorandum No. AM 240-2002, request for approval of Amendment No. 1 to the contract for professional services with **Anchorage Convention and Visitors Bureau** extending

the contract for one year through December 31, 2002, for \$6,000,000, Cultural and Recreational Services. **(addendum)**

E. INFORMATION AND REPORTS:

- 1. Information Memorandum No. AIM 21-2002, Election Data Processing Review Board appointments (Jerry Gipson, Peter Hjellen, Thomas E. Edwards), Municipal Clerk. **(addendum)**

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

- 1. Ordinance No. AO 2002-56, an ordinance of the Anchorage Assembly amending Anchorage Municipal Code Title 11 by adding a new chapter requiring certain commercial passenger airlines operating within the Municipality of Anchorage to keep the public informed of their **bereavement policy** and providing a penalty for failure to comply with the requirements, Assemblymember Clementson. P.H. 3-19-02.

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

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

NAYES: None.

10. **REGULAR AGENDA:**

- A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS:
- B. RESOLUTIONS FOR ACTION - OTHER:
- C. BID AWARDS:
- D. NEW BUSINESS:
- E. INFORMATION AND REPORTS:
- F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

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

- 11A. Ordinance No. AO 2002-49, an ordinance amending the Anchorage Municipal Code to enact provisions for the **levy, collection, enforcement and implementation of a special economic development room tax** dedicated to funding a new civil and convention center consistent with the ballot proposition in Anchorage Ordinance No. 2002-48 and the use of the special economic development tax funds derived therefrom, Finance Department; Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Van Etten, and Von Gemmingen.

- 1. Assembly Memorandum No. AM 165-2002.
- 2. Ordinance No. AO 2002-49(S), an ordinance amending the Anchorage Municipal Code to enact provisions for the levy, collection, enforcement and implementation of a special economic development room tax dedicated to funding a new civil and convention center consistent with the ballot proposition in Anchorage Ordinance No. 2002-48 and the use of the special economic development tax funds derived therefrom, Finance; Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Van Etten, and Von Gemmingen. **(LAID ON THE TABLE)**

(CARRIED OVER FROM 2-26-02)

Ms. Clementson moved, to adopt AO-2002-49(S).
seconded by Ms. Fairclough,
and it passed without objection,

- 11B. 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 AND 2-26-02)

Mr. Van Etten moved, to approve AR 2002-28.
Seconded by Mr. Tremaine,
and it passed without objection,

- 11C. 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 AND 2-26-02)

Ms. Clementson moved, to postpone AO 2001-182 to April 9, 2002.
Seconded by Ms. Taylor,
and it passed without objection,

Chairman Traini recessed the Assembly at 5:48 p.m. for executive session. and reconvened at 6:30 p.m.

Mr. Sullivan moved, to keep the tapes of the executive session
 seconded by Ms. Von Gemmingen, permanently confidential.
 and it passed without
 objection,

12. APPEARANCE REQUESTS:

A. **Theresa Nangle Obermeyer, Ph.D.**, regarding the total amount of attorneys’ fees paid to Wohlforth, Vassar, Johnson, and Brecht to write the total of nine (9) bonds on the Regular (4) and Special (5) Elections ballot April 2, 2002 for \$155,605,000 plus the Bed Tax Revenue Bond.

THERESA NANGLE OBERMEYER discussed the amount of attorney’s fees to Wohlforth, Vassar, Johnson, and Brecht for nine bonds for a total of \$155,605,000 plus the Bed Tax Revenue Bond. The two ringleaders of the Permanent Fund Board were Eric Wohlforth and Wilson Condon and controlled the \$25,000,000,000. Eric Wohlforth is the vice chair of the Permanent Fund Board and past Commissioner of Revenue. Wilson Condon is the past Attorney General and current Commissioner of Revenue. She hoped everyone realized that the Alaska Permanent Fund had \$25,000,000,000. She provided Norm Holthouse’s personal service contract. Attorney General Bruce Botello was investing in Exxon rather than prosecuting them. Exxon had not paid the attorneys or the fishermen in the Exxon Valdez incident that occurred 13 years ago. She was an American and believed that nothing could get better until we understood that. We needed to look at what was going on, especially conflicts of interest. We needed to watch the money stream. She believed the Permanent Fund Board would be holding a meeting on March 27 and 28 in Anchorage and encouraged everyone to attend. She noted the Permanent Fund Board was not confirmed by the Legislature. The greatness of our nation is a system of checks and balances, which does not exist where we live. She related it to the foxes watching the chicken coop. She felt the Legislature should decide who was on the Permanent Fund Board. The citizens of Alaska owned the Permanent Fund. She requested Municipal Attorney Bill Greene to supply Eric Wohlforth’s contract to show how much he was paid in attorney’s fees.

13. CONTINUED PUBLIC HEARINGS:

Ms. Fairclough moved, to change the order of the day to take up item
 seconded by Ms. Taylor, 13K AO 2002-7.
 and it passed with Ms. Clementson
 objecting,

13K. 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.
 (CARRIED OVER FROM 2-26-02)

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, to adopt AO 2002-7.
 seconded by Mr. Tesche,

Ms. Fairclough noted that AO 2002-7 was a necessary change to the planned community. The Planning and Zoning Commission, as well as the Assembly, asked Eklutna not to bring AO 2002-7 before them again. The Outlet Mall in the Chugiak/Eagle River area fell through. Eklutna had an enormous amount of money invested in the infrastructure of that property and was waiting for the development of the Outlet Mall. AO 2002-7 would allow them to utilize the property for residential development. She urged a yes vote.

Question was called on the motion to adopt AO 2002-7 and it passed:

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

The Assembly then returned to consider items 13A AO 2002-9; 13B AR 2002-23; and 13C AR 2002-68.

13A. 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.
 (CONTINUED FROM 2-26-02)
 13B. 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.

(CONTINUED FROM 2-26-02)

- 13C. 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, Assemblymember Tesche.
1. Resolution No. AR 2002-68(S), 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 Shelter on municipal property~~, Assemblymember Tesche. **(LAID ON THE TABLE)**
- (CARRIED OVER FROM 2-26-02)

Chairman Traini opened the public hearings on 13A AO 2002-9, 13B AR 2002-23 and 13C AR 2002-69 and asked if anyone wished to speak.

RANDY SMITH said he was the president of the Mountain View Community Council and chairman of the Mountain View Patrol. He supported AR 2002-68(S), which asked very directly and pointedly for a comprehensive, independent professional evaluation of what was happening in the community with the homeless and inebriate problems. As an adjoining Community Council area concerned about the impact of homeless people on the community, he previously provided numerous reasons why he felt this needed to be done. We have a unique opportunity to do the right thing. We needed to realize that what we were doing for the homeless and inebriates was not efficient and impacted the community. He begged the Assembly to come up with a comprehensive plan to evaluate the issue. The new shelter would be a 40-year plan. We need to take responsibility and encourage input and positive information on how to solve the problem.

DAN O'CONNOR spoke in support of the resolutions. A number of years ago he found himself financially challenged, which resulted in his homelessness. Having nowhere else to go, he went to the Brother Francis Shelter. He was intrigued by the care the staff showed towards their guests. He felt he should contribute and was added to the staff by the founder, Brother Bob Eaton. Mr. O'Conner was at the Brother Francis Shelter for a short time and then moved on. Two years after he left the shelter, he went down to visit a friend who was working there. He had not been there for a long time and was impressed by what he did not see. Many of the residents of the shelter had moved into housing and improved their lives as a result of the care they received from the staff. He did not believe that improving the shelter would increase the population of the shelter. He was a member of the Steering Committee for Stand Down, which was an annual event for homeless veterans. The Brother Francis Shelter worked closely and increased their cooperation with the Veterans Administration as far as pointing out benefits for the residents of the shelter. He thanked the Assembly in advance for their unanimous support of the resolutions.

MARK DUNN said he was a current resident of the Brother Francis Shelter. He had been at the shelter on and off since 1991. He felt it was unfeasible to move the shelter to a different location. There was a new \$500,000,000 jail two blocks away. Fire and emergency services were two to three minutes away and could quickly respond to the shelter. Beans Café was right across the street. The Brother Francis Shelter has a great staff that really cares about the homeless population. He would like to see a new shelter built in the same location. Many of the homeless people that go to the shelter are not drunks or dope addicts. He understood the concerns from the citizens of Mountain View. He noted that there were no houses or families in the immediate area. He was encouraged by the community's support of the Brother Francis Shelter.

In response to Mr. Tesche, Mr. Dunn said the location of the shelter next to the jail was a deterrent and there were more police patrols in the area because of the proximity to the jail. Emergency services were also close to the shelter and could respond quickly.

DOREY TOLSON said she had been a Fairview resident for almost 20 years. She had been active with the Fairview Community Patrol for nine years. She noted that there were many people who had been residents of the Brother Francis Shelter for the entire time that she had been on the Fairview Community Patrol. They stayed there for 30 days, went to the Anchorage Rescue Mission and then returned to the Brother Francis Shelter. You could follow the path that the residents took from Brother Francis Shelter to Beans Café and up to the liquor stores in Fairview. In the evening they either get picked up by CSP or end up back at Brother Francis Shelter. She would like to see the Brother Francis Shelter moved someplace other than Fairview. There were numerous sex offenders who listed the Brother Francis Shelter as their place of residence.

COLENE BICKFORD said she represented the U.S. Department of Housing and Urban Development. She urged the Assembly to approve the resolution to allow the homeless and housing providers to move forward with the effort to rebuild the shelter. HUD is a funding agency. No federal resources come without strings. One of the requirements of the Municipality of Anchorage's Planning Department was to develop a consolidated planning process. A big part of the process was evaluating homeless needs and the continuum of the care process. Action plans were part of the process and could not be approved by the U.S. Department of Housing and Urban Development unless it went through a public process. The community had free access to the process, including input into changes that needed to be made in the delivery of public resources that assist homeless people. She encouraged the Assembly to separate the need for the community to evaluate the affects of public inebriates or other issues from the need to rebuild the shelter. Part of their responsibility was to carry out the grant that was appropriated through Senator Stevens' office to the HUD Bill for the rebuild, which was another scrutiny that Catholic Social Services and the other partner agencies had to go through to get the funding to rebuild the shelter.

In response to Mr. Tesche, Ms. Bickford said the studies included strategies for addressing neighborhood impacts from shelters. The intent of the consolidated planning process was to evaluate housing, homelessness, community and economic development issues within a community and to assist with resolving issues, problems or barriers to things like affordable housing or homelessness. She would not characterize the consolidated planning process as a study to the extent that the outreach arm that the Municipality used to communicate with the communities throughout Anchorage surfaced as an issue or concern. The Municipality had the responsibility of responding to those needs. There was an opportunity for communities to raise those issues through the existing process.

Mr. Tesche said the concern that the Assembly needed to address was the claim that the issues had been studied to death. He questioned if the community had taken a hard look at what strategies might be available to address neighborhood impacts to make it easier to address the needs of the clients in neighborhoods where new facilities needed to be built.

In response to Mr. Tesche, Ms. Bickford said they had an existing process that communities could use to address neighborhood impacts. The Planning Department would have a role in evaluating the impacts on neighborhoods. The study of the impacts of public inebriates in communities was not within the boundaries of the consolidated planning process or the sole responsibility of Catholic Social Services. That was something everyone within the community wanted to have resolved. Emergency shelters for the homeless were within the boundaries of the Municipality and there was an existing process in place.

J.D. LIGMAN spoke about his association with the Brother Francis Shelter. He arrived at the shelter two and a half years ago as a homeless person. He was accepted by the Brother Francis Shelter as a volunteer and hired as a full-time employee. The location of the shelter, for his needs, was completely adequate to get to the Neighborhood Health Center, the Veterans Administration, Veterans' Outreach, APA and other resources. The homeless at the shelter do not have cars and either walk or use the bus system. The staff at the shelter was wonderful. The problem with the shelter was the lack of space. They needed room for operating areas, storage, the clinic and the staff. The drop in attendance at the shelter would mean that people would no longer have to sleep on the floor two inches apart. He felt they needed the new shelter to be placed in the planned location.

LEON DEFRATIS spoke on behalf of the people who had to leave the shelter because they had already stayed in the shelter for 30 days. People cannot get their lives together in 30 days when it took many tragedies for them to end up on the streets. It was bad people that caused them to be distrustful and it would take trusting organizations and honest people to get them to trust again. He felt the shelter should be rebuilt to accommodate at least 500 homeless people with a program that they could run themselves. This would be a way for the homeless people to develop a sense of responsibility and get back on their feet. The shelter was not just a place to sleep, but provided protection for the homeless. Homelessness is a part of life in every city. The city should consider this a priority and help resolve the issue. Anyone could end up on the streets. The shelter was not just for the people who were currently experiencing life crisis, but also for the future generations who might experience problems. He prayed that someday they could all pull together and put more meaning into the organizations that claimed to help minorities and needy people. He was grateful for where they were today by working together. He thanked the Assemblymembers who wanted to help the homeless and showed his appreciation by bettering himself today.

MIKE HUELSMAN asked the Assembly to conduct an objective review of the social service delivery system that dealt with chronic homeless people. He felt there was more that could be done for the homeless and a review would help provide efficient and effective services. He used to be a Health and Human Services planner. In 1991 and 1992, they conducted a comprehensive study and developed new directions to take as far as dealing with the homeless. Some of the drafts that were being presented by the Brother Francis Shelter showed the progress that the community made because of those changes. He felt it was time to conduct another review, because they were considering a 40-year lease. He felt they needed to review what had been done in the last 10 years, what had been successful and what problems remained. The impact on neighborhoods was a big problem that needed to be looked at.

DOUG VOGUE said he was a member of the Brother Francis Advisory Board. He has been a west Anchorage resident since 1975. The Municipality had the opportunity to donate the parcel of land for the Brother Francis Shelter. The current facility was a barn with some insulation and they made it work as a homeless shelter since 1982. At the last meeting there was concern about the traffic being a threat to pedestrians, but the traffic pattern in the area was simple and had lights that broke up the flow. There are steel barriers on the north side of 3rd Avenue, which protect the pedestrians. Another issue was the current site was zoned industrial and some felt the shelter should be moved to a non-industrial area. Litter and potential theft were problems with the clientele that the Brother Francis Shelter serves. There was also a potential to observe public inebriation and indecent exposure in the area. The homeless clientele include psychiatric disabled persons, alcoholics, convicted people, abused people and addicted people and felt industrial property was more appropriate for the shelter than residential. He felt the proposed location was the best option for the shelter.

In response to Ms. Von Gemmingen, Mr. Vogue said the problems were consistent with the clientele that the Brother Francis Shelter served and were an unavoidable consequence of a large homeless population. Without incarceration, it would be difficult to prohibit certain forms of behavior that were a consequence of not being socially well adjusted. The problems would remain whether the shelter were built in an industrial area or another area. The policies of the Brother Francis Shelter were delicately put together over time to have an affirmative affect on the clientele at the facility.

Municipal Manager Harry Kieling noted that Anchorage Police Chief Monegan and several other people met with the Brother Francis Shelter last week. They were looking at the idea of an Adopt a Highway program to get the clients to help clean up the part of town around the shelter.

JIM BREOTTI said he lived at 522 East 3rd Avenue for about five years, which was directly up the street from the Brother Francis Shelter. He operated a bed and breakfast out of his home for one year. Five years ago he was advised not to purchase a house in that neighborhood because of the homeless shelter and the Native hospital. He went against the realtor's suggestion and purchased the property. He has had a good experience and no problems with the homeless population, no break-ins or anything else associated with homeless people. The homeless people have been good neighbors. He was

impressed by the community's support of the homeless people and the shelter. When he moved into the area it was run down, but the neighbors have worked very hard to improve it. He did not feel it was an issue having the homeless shelter in his neighborhood. If the Municipality supported the upkeep of the shelter and supported him as a resident and a taxpayer, he was happy and willing to have the homeless shelter as a neighbor.

In response to Mr. Van Etten, Mr. Breotti said he supported Ms. Von Gemmingen's suggestion that the neighbors and the shelter should work together to keep the area clean. Brother Francis Shelter should have a contact person for the community to contact. He was in support of people working together and helping each other. He would be willing to participate in a joint effort to keep the area clean.

JIM CLARK asked the Assembly to support the rebuild of the Brother Francis Shelter, because the shelter was very old. He recalled when the shelter was on 4th Avenue. There was room available for approximately 150 residents at that time. Currently there was room for 350 residents at the shelter. The residents are being fed, bedded, and counseled for alcoholism and drug abuse. The homeless people would have to find somewhere else to live if the shelter was not rebuilt. Mr. Clark was the lone survivor in his family and would have no one to turn to. Under the Geneva Convention, prisoners of war that bore arms against the United State's soldiers were treated better than homeless citizens were. The homeless population was still citizens of the United States and voters.

PERRY INGRAHAM said he was a former guest of the Brother Francis Shelter. The shelter gave a lot back to the community. There are people who work at the shelter that walk around looking for individuals in distress. On any given night of the week, they may pull an individual out of a snow bank. In the summertime we have people who walk around picking up trash in the neighborhood. We take care of the vacant lot next door. People assume that the homeless do not give anything back to the community, but we do a lot for the community.

STAN said he would have died many times had it not been for the Brother Francis Shelter. The shelter hauled him out of snow banks and gave him a place to sleep. He believed the Brother Francis Shelter did a wonderful job of taking care of and watching over the homeless people in Anchorage. If the shelter were to be closed, the homeless people would still be in Anchorage and would just sleep somewhere else.

RUTH MOULTON emphasized that most people were not interested in closing the shelter. They were interested in mitigating the impacts on the neighborhood. There were comments made that there were plans to clean up around the shelter. Fairview has the lowest vehicle ownership in the city and many people use the bus system. Fairview no longer has bus shelters. The widespread impact on the neighborhood had not been studied. People involved in the continuum of care studies have been aware for years that there are neighborhood impacts, because of the complaints. There have been impacts on the schools. Impacts in the Mountain View area have been testified to. We know there are impacts off of Tudor Road. The issue was not the high percentage of the homeless, but the chronic homeless who were damaged mentally and physically from years of substance abuse. She felt that group and the problems they caused had not been adequately addressed. There needed to be an independent evaluation of the impact on Anchorage with the support of those who served the homeless and those impacted by the homeless.

JAY SULLIVAN said he and his partner recently purchased the property adjacent to the Brother Francis Shelter. They had fences that protected their property. When they were remodeling the building, there was a gentleman who slept on the stoop every morning. He happened to be the same man that was run over by a vehicle and died. He was concerned about the traffic impact on the homeless, because it was a commercial area. He noted that Anchorage had medical facilities and other resources in the midtown area. The city has property on Tudor Road across from the Native hospital and close to Providence hospital. It seemed many of the homeless people had medical issues. He felt the homeless people would be better served being closer to medical facilities. He did not understand why they were forcing a treatment and rehabilitation center, which the shelter was, into a commercial industrial area with heavy traffic. He questioned why the Assembly was not researching better locations for the shelter. He felt the Brother Francis Shelter was a wonderful facility, but in a bad location. The reason the shelter was in its present location was because nobody wanted the shelter in his or her backyard. He felt the shelter should be placed in a location that would best help the homeless people. He asked the Assembly to look at other alternatives to provide better care to the homeless population.

In response to Chairman Traini, Mr. Jay Sullivan said he was aware that there was a shelter on Tudor Road, but he did not feel it was big enough.

Ms. Clementson pointed out that there were more fatalities on Tudor Road than on 3rd Avenue. The fatality that Mr. Sullivan referenced occurred on 4th Avenue and the man was not a homeless person.

In response to Ms. Clementson, Mr. Jay Sullivan said the victim of the fatality must have been homeless, because he was sleeping on their stoop. He purchased his building knowing that the shelter was there. He did not feel the shelter was zoned properly or in the best location.

KARLENE JACKSON said she was the executive director for Catholic Social Services, which was a non-profit corporation. Their mission was to insure that everyone in the community had a place to be and could be the best person that they are. She was concerned about the comments referring to the homeless people as "these people." We are these people. What the Assemblymembers do should be about we, the people, and what Catholic Social Services does was about we, the people. There have been a lot of comments about Brother Francis Shelter not being a good neighbor and the multiple issues that the residents of the shelter dealt with. Homelessness is one issue imbedded in a million other issues that include transportation, housing, jobs, mental health and substance abuse. Chairman Traini had to educate people tonight on appropriate behavior in the Assembly chambers. Homeless people often have to be educated on appropriate behavior as a neighbor, because they have not lived in that context before. The Brother Francis Shelter works on those types of issues. Part of our goal is helping people to live in the community in a safe way. There have been many studies, but studies do not solve problems. We need to put actions with the studies. Catholic Social Services is involved in the continuum of care. They work with both the public and private sectors and individuals that are dealing with these types of issues. Catholic Social Services knows that if the

Brother Francis Shelter were moved the issue of homelessness would not go away. You can find homeless people dealing with their issues anywhere in Anchorage, but they have been forced out of neighborhoods and into the downtown area. The shelter was built in that location, because that was where the homeless people that needed help were. She encouraged the Assembly to support the rebuild of the shelter in its current location.

KAREN PARKS said she had been a member of the Case Management Team at Brother Francis Shelter for almost five years in Native services. Their supervisor, Michelle Peters, regretted that she could not be present at the meeting, because she was in San Diego checking out the operation and supportive services of the Saint Benson DePaul Shelter. Michelle Peters has been the case management supervisor at the shelter for almost seven years and wanted to respond to some of the issues raised at the meeting last week. In 1996, the shelter staff was asked to give input towards a new building by identifying some of the sub-groups they served. The initial discussions were quoted by their opponents as a reason to separate the sub-groups from the general population and develop smaller shelters throughout the community. Others have already responded to the cost and space issues, but there were other reasons that were a bad idea. This was not realistic, because people did not fit into neat little groups. This was particularly true of the chronic homeless population. At which of these scattered sites would a mentally ill, drug addicted sex offender stay? What about the developmentally disabled, alcoholic female? A congregate shelter would still be needed. Ten to fifteen percent of case management assistance was provided to people who were not staying at the shelter, with most of our help going towards preventing them from needing to stay at the shelter. While many are former clients, others end up at the shelter after being told by three or four agencies to go somewhere else. There was nothing more frustrating than having to ask for help over and over and being sent all over town and ending up with no help. The shelter cannot always provide people with what they needed, but we can give definitive answers towards connecting with the appropriate agencies. This knowledge comes from serving a variety of people and would be lost with specialization. The Brother Francis Shelter was the best example of a community where both white and blue-collar workers, the mentally ill, the public inebriate and others from virtually all walks of life felt welcome in the same place. You do not integrate people into the community by slapping a label on them and telling them which shelter they should be in. This community already has shelter services to meet the special needs of families, runaways and abused women. There are established programs serving substance abusers, the mentally ill, the developmentally disabled and others. Many of the chronic homeless have either turned down or burned their bridges with these other services.

In response to Ms. Von Gemmingen, Ms. Parks said the shelter was divided into male and female sections. They have separate bathrooms and laundry facilities. The interaction would mainly be in the dining room. They have people who frequently monitor the male and female areas. The elderly and physically disabled people were a separate category. Those who are able to take care of themselves were welcome at the shelter. Those who could not take care of themselves were placed in assisted living.

DWAYNE HARRIS said he had been a case manager at the Brother Francis Shelter for three years. In the fall of 1993, the shelter began tracking clients through a computerized database. Since that time, over 12,000 individuals have checked into the shelter. In 1996, case management services were expanded and continually evolved to better serve the population. They have grown from a program able to provide only information and referral to one that provides intensive case management services, often to those that other agencies cannot serve. Since 1992, there has been a 55 percent decline in the number of chronic homeless persons using the shelter for more than 60 days and an 80 percent decline in the number of chronic homeless persons using the shelter for more than 100 days. In 2001, four case managers provided assistance to over 1,000 individuals ranging from passing out bus tokens, guardianships and everything in between. While we take every opportunity to connect clients with existing services, many do not fit or are not willing to adapt to meet the eligibility criteria. The Brother Francis Shelter welcomes everyone. We focus on helping people find and maintain housing regardless of whether they drink or are engaged in mental health or other services. The number of homeless people with addictions and mental illness was much smaller than in the community at large. In 2000, 85.5 percent of the clients discharged through case management services had not returned to the shelter 90 days after discharge. In light of that information, he urged the Assembly to approve the land lease for the rebuild of the Brother Francis Shelter.

JOE BRIDGES said he used to be a resident at the Brother Francis Shelter. When he was at the shelter they had a meeting to discuss the rebuild of the shelter. He pointed out that the residents of the shelter could be utilized to build the shelter, but they were proposing to bring in outside people. The homeless people would not go away. He pointed out that many people were just one paycheck away from being homeless. People need to have a place to receive the services they need in order to get cleaned up and go to work. He was on the streets because he was an alcoholic, but the shelter was there to help him. He felt everyone deserved a chance.

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 2002-9.
seconded by Ms. Shamburg,

Mr. Tesche said the Brother Francis Shelter was built in 1983 as an emergency shelter to handle the clear and present emergency in the neighborhood that dealt with 250 homeless people every night for a number of months. For the past 20 years the shelter has generally done a good job providing a place for the homeless. He was convinced that the shelter was doing well in its present location with new programs, facilities and the cooperation of other neighborhood groups. He felt it represented good public policy to make the facility immediately available to the Catholic Social Services organization. He would support AO 2002-9.

Ms. Fairclough reviewed some documents provided by Heritage Land Bank Director George Cannelos, regarding the process that had been taken in response to allegations and requests for the Assembly to slow the process down. The subject property has been in the Heritage Land Bank's inventory since its inception in 1983 and it has been used as an emergency homeless shelter. The shelter currently is obsolete and expensive to maintain. Over the past two years, Catholic Social Services sought Municipal and community support for replacement of the Brother Francis Shelter. The administration strongly approves and supports this project as evidenced in a June 15, 2001 letter from the Municipal Manager to Archbishop Hurley. The Municipality has followed an extensive process to confirm the merits of the project and suitability of the present site. The

municipal engineer and the municipal attorney's office investigated concerns of environmental contamination and concluded hydrocarbon contamination levels were not detrimental to the project. The Planning Department coordinated all aspects of the HUD construction grant to Catholic Social Services with the Department of Housing and Urban Development. The Department of Health and Human Services affirmed that the proposed location, size, scope and program of the Brother Francis Shelter offered the best solution for providing emergency shelter to the Anchorage homeless. The Heritage Land Bank has conducted two properly noticed public hearings and recommends this ground lease to the Assembly for approval. During the process, Heritage Land Bank coordinated with all other Municipal agencies, the applicants and service providers and provided two opportunities for the public to comment and testify. The Heritage Land Bank recommends a 40-year lease in order for the applicants to comply with the federal grant requirement for a long-term site control.

Ms. Von Gemmingen felt this was a difficult issue. Her main concern were the complaints that the Brother Francis Shelter was not a good neighbor or responsive to the community. She urged the people who ran the shelter, as well as those who lived there, to participate in a committee of the Fairview Community Council to resolve some of those issues.

Mr. Kendall said some people had suggested moving the Brother Francis Shelter to another location or having multiple shelters. He felt there would be a greater impact if they placed the shelter in a commercial building at Northern Lights and Minnesota or in a residential area. He noted that the closest residential area near the existing shelter was at 3rd Avenue and Gambell. He agreed that the homeless population had a tremendous impact on Anchorage and the Assembly needed to look at the operation of the shelter to see how it impacted the neighborhood. He would support AO 2002-9.

Ms. Clementson said she understood the impacts and concerns of the neighbors. She felt they needed to have a more comprehensive study on the delivery of services. The Municipality did not run the Rescue Mission, which was nearly as large as the Brother Francis Shelter. The Rescue Mission accommodates 100 people every night and there were significant pedestrian-related problems along Tudor Road. The delivery of services includes how to accommodate people and how to keep them safe. She pointed out that there was nowhere in the community that they could assure the safety of 100 people coming in and out of a shelter. The shelter existed in its current location, people were used to it and knew how to get there. There are other facilities throughout Anchorage that meet different needs. She did not see where the Assembly had any choice but to extend the ground lease, but they could ask for a study on the delivery of services. She discussed the contamination issue. The map showed the location of the boring and monitor wells that had been done in the area and where the former tanks and test pits were located. They heard testimony from the municipal attorney and the municipal engineer regarding the very small amount of contamination that was found and they felt that they had control over the situation. She felt each of the resolutions should be approved.

Chairman Traini said he lived about a mile and a half from the Rescue Mission and his neighborhood was impacted by a similar facility. He would support AO 2002-9.

Question was called on the motion to adopt AO 2002-9 and it passed:

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

NAYS: None.

Mr. Tesche moved, to approve AR 2002-23.
seconded by Mr. Tremaine,

Mr. Tesche said AR 2002-23 would appropriate \$160,000 from the Heritage Land Bank's general fund for the purpose of environmental assessments, soil removal and demolition of the existing facility. This was in essence a contribution from the Heritage Land Bank for this process. He felt this was a wise use of public funds and recommended approval of AR 2002-23.

Question was called on the motion to approve AR 2002-23 and it passed:

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

NAYS: None.

Mr. Tesche moved, to approve AR 2002-68(S).
seconded by Mr. Tremaine,

Mr. Tesche said he originally drafted AR 2002-68 at the request of the Fairview Community Council. He felt their request for a comprehensive, independent evaluation of the operations was valid and deserved consideration by the Assembly. The proposed AR 2002-68(S) had only one section, which he read into the record. "There shall be a comprehensive, independent evaluation to consider and determine the most effective means to address the primary needs of the chronic homeless and public inebriates. The evaluation shall contain an action plan to reduce the impacts of the chronic homeless and public inebriates on nearby neighborhoods and on the community at large. The evaluation shall be completed within six months." AR 2002-68(S) does not require or state that the evaluation would have to take place before the lease of the new land for the Brother Francis Shelter or its construction. AR 2002-68(S) addressed two issues. The delivery of services meant the quality, nature and care of services provided in the community in the congregate shelter for the homeless and the chronic inebriate. The neighborhood impacts would be addressed by AR 2002-68(S). This type of evaluation would have relevance under the new comprehensive plan. A year ago the Assembly passed a new 2020 Comprehensive Plan with the goal of promoting the availability of housing opportunities for the homeless and persons with special needs and to distribute throughout the Municipality residential facilities that were supported by government agencies and operated for health, social services or correctional purposes. To the degree the evaluation called for in the substitute resolution was done professionally and independently, the measures they looked at and the action plan would give them clues as to what they could do in other neighborhoods throughout the city where new facilities might be located to address future needs. He felt the evaluation was

long overdue and good public policy. The evaluation would not impede the construction of the new Brothers Francis Shelter. He urged support of AR 2002-68(S).

In response to Chairman Traini, Mr. Tesche agreed that this was a citywide problem. The purpose and intent of the substitute resolution was to look at this issue on a citywide basis.

Mr. Kendall offered a friendly amendment to AR 2002-68(S), line 11, to place a period after the word “large” and delete the rest of the sentence. Mr. Tesche accepted Mr. Kendall’s friendly amendment.

In response to Ms. Fairclough, Mr. Tesche said he deliberately left the funding language vague, because he was in the process of contacting a number of entities with the possibility that they may assist in the funding. He had tentatively received a commitment from the University of Alaska to conduct the evaluation. He wanted to get a scope of services worked through with the university, a proposed budget and then they would do fundraising within the community. He would like the evaluation to be done independently in the private sector and not a government mandated study. As required by the codes, he would bring back appropriate measures, if necessary, for any municipal funding that might be required. The organizations that he contacted were involved in treatment, housing and other issues and were enthusiastic when approached on the issue.

Ms. Fairclough said she was involved in the evaluation of the Smoke Free Workplace for Anchorage ordinance and the one-year time period was not enough time to accomplish their goals. She felt they needed more than six months to accomplish the evaluation and suggested 18 months. The statistics from the State government usually lagged three to six months. If you wanted one-quarter’s worth of validated information from any kind of statistical perspective, you would need 18 months to two years.

Mr. Tesche said it would be easy to bring back a subsequent amendment to AR 2002-68(S) if it turned out that it would take longer than six months to complete the evaluation.

Ms. Fairclough moved, seconded by Mr. Kendall, and it passed without objection,	to amend AR 2002-68(S), line 49, to change “six months” to “18 months.”
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Mr. Tesche accepted Ms. Fairclough’s amendment as a friendly amendment.

In response to Ms. Fairclough, Municipal Manager Harry Kieling suggested studying the issue before passing the resolution. He did not know whether six months or 18 months would be sufficient to complete the evaluation.

Mr. Sullivan said he and Ms. Von Gemmingen served on the Midtown Inebriate Task Force. They discovered that the traditional solutions were not working and an independent look at these issues might be necessary. He was concerned that the administration had not had a chance to look at the resolution in this context. He would like the administration to come back to the Assembly on April 9, 2002 with a memorandum outlining their position in terms of how they could be involved, what studies had already been conducted and the timeframe they anticipated this could be accomplished.

Mr. Sullivan moved, seconded by Mr. Kendall,	to postpone AR 2002-68(S) until April 9, 2002.
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Mr. Tesche noted this was a serious problem in the community. He felt AR 2002-68(S) was simple, straightforward and clear. The resolution focused on an evaluation of delivery of services and neighborhood impacts. He did not believe they needed a study in the administration to determine how they wanted to do the evaluation. If the administration determined it would be impossible for the evaluation to be completed in 18 months, he was confident they would bring that forward. He would vote against the motion to postpone AR 2002-68(S).

Mr. Tremaine noted that an action plan did not mean you accomplished your goal, but it indicated how the goal would be accomplished. He felt six months was enough time to accomplish the evaluation. He would vote against the motion to postpone AR 2002-68(S).

Mr. Kendall reminded the Assembly that the first resolution Mr. Tesche put forth related directly to the timing of the construction and lease of the Brother Francis Shelter. AR 2002-68(S) addressed the larger problem of the impact of homeless people on the entire community. He did not feel the administration had a reasonable amount of time to react. He felt it would be worthwhile to give the administration time to study the resolution and provide the Assembly with an adequate response.

Mr. Sullivan said his move to postpone AR 2002-68(S) was not meant to delay or kill the action, because he felt it was well intended. The Assembly needed to work in a cooperative process with the administration on this effort. The best way to work cooperatively would be to give the administration time to provide a thoughtful review of the resolution and come back with suggestions on a timeframe. Health and Human Services had many resources that could be applied to this issue and should be given time to help plan the action. He was concerned about the funding of the evaluation and postponing the resolution would give Mr. Tesche time to come back to the Assembly with a more definitive program of what the university would be providing or alternate funding streams. He urged the Assembly to postpone AR 2002-68(S) until April 9, 2002.

Question was called on the motion to postpone AR 2002-68(S) until April 9, 2002 and it failed:

AYES: Sullivan, Fairclough, Kendall.

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

In response to Ms. Von Gemmingen, Mr. Tesche said it was his intention that the University of Alaska students and staff would work on the evaluation under the direction of the Chancellor or Dr. Bernie Seagull.

Ms. Von Gemmingen pointed out that students would be cycling through the University of Alaska during the 18 months and suggested that 9 months would be more appropriate for the evaluation.

Ms. Von Gemmingen moved, seconded by Ms. Taylor, to amend AR 2002-68(S), line 49, to change 18 months to 9 months.

Ms. Von Gemmingen withdrew her amendment to AR 2002-68(S). Ms. Taylor withdrew her second of the amendment.

Ms. Fairclough spoke in opposition to the motion to amend AR 2002-68(S). She pointed out that it had not been confirmed that the University of Alaska, Anchorage would perform the information gathering for the evaluation. The administration would have to coordinate the process and monitor the independent study to insure the questions were answered appropriately. She felt nine months was too short a time period.

Ms. Taylor concurred with Ms. Von Gemmingen. She did not feel they needed to study the issue to death. She felt they should set a goal of nine months and try to meet that goal. They could amend the document if nine months was not a sufficient amount of time.

Mr. Tesche said he would support the amendment to AR 2002-68(S).

Mr. Kendall pointed out that Mr. Tesche had not brought forward a signed resolution or letter from the University of Alaska. He felt there needed to be a more formal process if Municipal dollars were going to be spent on the evaluation. The formal process would take two to three months to get through the administration, which would take up part of the study time. In another three months the University would be in summer session. He did not see how the evaluation could be accomplished so quickly.

Ms. Fairclough said she would like to see the evaluation completed in nine months, but working with committees and accumulating data to support comprehensive analysis took more time. You cannot set a parameter of time and then change it inside a committee or a study. If the study cannot be completed within the time limit then they would come back with inferior data or data that was less substantiated in a much smaller timeframe. Statistical data from the federal government and the state was not available except outside of quarters or year periods. You would not get a comprehensive, independent evaluation in nine months. She urged the Assembly not to approve the amendment to AR 2002-68(S).

In response to Chairman Traini, Jewel Jones noted the new title of the resolution was directing the study to determine the most effective programs for addressing homelessness, which would be a major accomplishment. She noted that the evaluation would include information from every human service and social service agency that provided services related to homelessness. She did not know if the evaluation could be accomplished in nine months. She wanted the Assembly to be aware that the evaluation study would be a very large issue.

Ms. Von Gemmingen withdrew her amendment to AR 2002-68(S). Ms. Taylor withdrew her second of the amendment.

Mr. Van Etten said a short time period for the evaluation was put into the resolution to insure that there was accountability within reasonable memory. He felt any period of time would be arbitrary, but he supported a short period of time so that the Assembly could keep track of the evaluation.

Question was called on the motion to approve AR 2002-68(S) as amended and it passed:

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

NAYS: None.

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

Ms. Fairclough suggested having the Public Safety Committee, the Police Chief and Health and Human Services get together to address the neighborhood issues prior to the 18 months or the request for proposal process.

Mr. Tesche moved, seconded by Mr. Tremaine, for immediate reconsideration of AR 2002-68(S) as amended.

Mr. Tesche urged a no vote.

Question was called on the motion for immediate reconsideration of AR 2002-68(S) as amended and it failed:

AYES: None.

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

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

- 13D. 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, 2-12-02, AND 2-26-02)

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, to postpone AO 2002-30 indefinitely.
seconded by Mr. Van Etten,
and it passed without
objection,

The meeting recessed at 8:27 p.m. and reconvened at 8:40 p.m.

13E. Assembly Memorandum No. AM 103-2002, Employee Relations Board appointment (Douglas Mills), Mayor’s Office.
(CONTINUED FROM 2-12-02; CARRIED OVER FROM 2-26-02)

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

Mr. Kendall moved, to approve AM 103-2002.
seconded by Ms. Fairclough,

Question was called on the motion to approve AM 103-2002 and it passed:

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

13F. 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.
(CARRIED OVER FROM 2-26-02)

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 approve AR 2002-45.
seconded by Ms. Fairclough,

Question was called on the motion to approve AR 2002-45 and it passed:

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

13G. 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.
(CARRIED OVER FROM 2-26-02)

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

Mr. Kendall moved, to approve AR 2002-50.
seconded by Ms. Fairclough,

Question was called on the motion to approve AR 2002-50 and it passed:

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

13H. Resolution No. AR 2002-40, a resolution of the Anchorage Municipal Assembly approval a conditional use for an alcoholic beverages conditional use in the B-3SL District for a beverage dispensary use/license per AMC 21.40.180.D.8. for **Applebee’s Restaurant**, located on Lot 3, K T Square Subdivision; generally located on the north side of DeBarr Road between Creekside Street and Muldoon Road (Northeast Community Council) (Case 2002-031), Planning Department.
1. Assembly Memorandum No. AM 125-2002.

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 AND CARRIED OVER FROM 2-27-02; AM 195-2002 WAS CARRIED OVER FROM 2-12-02 AND 2-26-02)

Chairman Traini ruled that item 13H AR 2002-40, would be addressed later in the meeting at 9:30 p.m. See after item 13J.

- 13I. 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.
(CARRIED OVER FROM 2-26-02)

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

TRACEY WHITMAN said she represented Electrical Construction and Consulting. They were desperately trying to get one of their pieces of property rezoned so they could break ground and replace the building that burned down two years ago. She urged the Assembly to vote yes on AO 2002-3.

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 2002-3.
seconded by Ms. Fairclough,

Mr. Tremaine said AO 2002-3 was the rezone of one lot from R-5 to I-1, which was in a transition neighborhood. The neighborhood had mobile homes, houses and businesses.

In response to Mr. Tremaine, Mr. Weaver said they did not believe this would be spot zoning, because it was contiguous with the larger I-1 zoned area. Part of the requirements of the zoning was that the property would be platted with two other parcels that were I-1 zoned.

Mr. Tremaine pointed out that this parcel was right in the middle of the proposed town center. He did not feel that industrial property belonged in a town center. There was a case scheduled to be heard last night before the Planning and Zoning Commission to turn several lots at the other end of the street from residential to business. He felt the Assembly would be unwise to rezone property to industrial uses right where they wanted to put the town center. He felt they should slow down and wait until they did the overlay districts and the town center plan. He would vote against AO 2002-3.

Mr. Van Etten said the Abbott Loop Community Council opposed the rezone three times in the past few years for the same reasons that Mr. Tremaine mentioned. He urged a no vote on AO 2002-3.

Ms. Fairclough noted that the Planning Department opposed the project, but now the administration and the Planning and Zoning Commission were supporting the project. In 1999, the Assembly opposed the project. She read a portion of the statement by Mary Autor on page 6 of the Planning and Zoning Commission meeting of July 9, 2001. "The property is located on a residential street and it is the sight of an illegal industrial use and has located its offices in a residential mobile home. This property has access to few full utilities, however it is served by a community well and septic." She pointed out that they were currently in violation and using the property illegally. If the Assembly approved the rezone then Land Use Enforcement would not continue charging them with that violation. If the Assembly did not approve the rezone then they would be in violation and would need to move. She referenced page 22 of the packet where Land Use Enforcement verified yard setback requirements and asked for a submittal of an as-built survey. If the Assembly were to approve the rezone, the consequence of it would be that the existing mobile homes would be made a non-conforming use of the structure under AMC 21.55.050. She referenced page 23 of the packet The construction operators were asked to submit a parking layout to Land Use Enforcement to comply with AMC 21.45.080. Those recommendations were further elaborated on page 24 of the packet. She read a passage from John R. Springer, the senior transportation planner, from page 26. "Transportation Planning has concerns regarding the ability of this small lot, approximately 8,700 square feet, to accommodate the onsite parking and circulation demands of a business. A proposed site plan would be helpful." She referenced the comments from the neighbors on page 62 of the packet. "The building burned down two years ago. They have been operating on this lot and surrounding lots in a manner that has created a large eye sore in the neighborhood." She noted that the Assembly had previously dealt with this issue and voted against it. She would not support the rezone, because it was a residential neighborhood.

Mr. Kendall said the area was in transition. The R-5 zone was completely surrounded by B-3 and I-1 properties. The movement of one lot from R-5 to I-1 district would have a minimal overall long-term impact. There have been historical industrial uses in the area, as well as historical use of mobile homes in the area. In relation to the overlay district or the neighborhood plan, one more lot either way would not make a difference. He felt the applicants were trying to comply with the rules. They were willing to go forward with a petition to rezone the property. There were conditions that they would have to follow for this to be implemented. He felt the Assembly should approve AO 2002-3.

Ms. Von Gemmingen felt this was an extremely difficult case. The Planning and Zoning Commission said the Community Council opposed the rezoning noting it would legitimize an industrial non-conforming use and would set a poor precedent. The electrical business, outdoor storage of large equipment, transformers, spools of cable and trash were not conducive to the surrounding neighborhood. Snow was pushed out into the road. The petitioner allowed his outdoor storage to spill over onto the right-of-way. The Planning and Zoning Commission also said this was a small rezoning that would improve the area. She was undecided on how she would vote on AO 2002-3.

Mr. Sullivan said the Planning and Zoning Commission approved the rezone unanimously. The Planning and Zoning Commission spoke about the town center concept. They said given the small lots and the residential character of this area it was unlikely the town center would encompass the petitioned site. There would be special limitations that would insure that the property was properly maintained. Section 6 of the Planning and Zoning Commission's findings said the neighborhood was slowly evolving into other uses that would likely evolve into light industrial. The Assembly needed to keep in mind that on the outskirts of the town centers there would be business and industrial zones. The intended use for the petitioned site was for employee parking and storage. He would support AO 2002-3 based on the recommendations of Planning and Zoning's unanimous decision.

Ms. Shamberg spoke in opposition to AO 2002-3. This was a neighborhood of residential mobile homes. If she lived in the neighborhood, she would not appreciate the Assembly rezoning the parcel as industrial. She did not believe the neighborhood should be spot rezoned in this manner.

Mr. Kendall said he supported AO 2002-3.

Tracey Whitman responded to some of the Assembly's concerns. Ms. Whitman said they owned the other two parcels of land adjacent to the property, which were zoned I-1. They went before the Zoning Commission to replat this piece of property. They were in the process of taking steps to create a land buffer. She provided pictures of the parcel of land in question.

In response to Ms. Von Gemmingen, Ms. Whitman said she had pictures that showed where they stored their equipment.

Mr. Tremaine referenced page 5 of the packet, which was an aerial photograph. To the south was the new Fred Meyer store, to the southeast was a church, to the west was a subdivision, to the southwest was Van Guard Drive, to the west was the new Chili's restaurant and an ice rink and to the north was light and heavy industrial. This would be the only place available for a town center.

Mr. Tesche said he would be voting against AO 2002-3 for the reasons expressed by Ms. Shamberg and Mr. Tremaine.

Mr. Sullivan felt they needed to keep the intent of the rezone in mind. The adjoining lots were already light industrial and there were plans to build a permitted warehouse on those properly zoned lots. This lot would be used as a parking lot.

Mr. Van Etten said this property sat almost directly on a line from the Fred Meyers store to the proposed new Safeway store. The Planning Department identified those two areas as essentially being the outer limits of the circle for the Abbott Loop area town center. He did not feel the Assembly should alter the zoning status of the land at this time. The four-day planning process for the Abbott Loop town center area was scheduled for April 8-11, 2002 and there would be an intensive planning process for the entire region. He felt this would be an inappropriate action and one that the Assembly had voted down in the past. He urged a no vote on AO 2002-3.

Mr. Sullivan said the Planning Department was helping to develop the town centers. He noted that the commission that worked directly with the Planning Department passed this unanimously, which indicated that they found this would not be in violation of any future plans or town center plans and fit within the overall character of the neighborhood. This would simply be parking for an existing I-1 permitted use next door.

Ms. Fairclough referred to the July 9, 2001 meeting. "The property is located on a residential street and it is the site of an illegal industrial use." We will be looking at a human impact study for redevelopment of mobile home areas. She referenced page 13 of the packet, which stated that the department did not support the rezoning at this time.

Mr. Kendall referenced the pictures provided by Ms. Whitman. There had been a fire that destroyed the business located on the property. The applicants had certain grandfather rights as long as the business was intact, but they had to conform to the current zoning for the rebuild. The applicant needed to have this lot rezoned to allow for parking for the building on the industrial lot. He felt this was a minor amendment to the plan and would have no affect on the town center. He did not feel the Assembly could hold up all development until the town center plans were done. He felt the Assembly should have compassion and vote in favor of AO 2002-3.

Question was called on the motion to adopt AO 2002-3 and it failed:

AYES: Sullivan, Von Gemmingen, Kendall, Clementson.

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

- 13J. 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.
 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.
(CARRIED OVER FROM 2-26-02)

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

MIKE WALSH said he was the head of the Animal Control Advisory Board. For the last three and a half years they have been involved in a rewrite of Title 17, the animal control law. During this process they have taken public input and held public hearings. The Board members reviewed approximately 300 different ordinances from across the United States. They worked with animal clubs and Friends of Pets. They gave presentations at various community councils. They have done community outreach by attending events such as Pet Appreciation Day. They established a website for public comments on Title 17. They worked very closely with the staff. They were proposing a compromise. We deal with very emotional issues when we deal with animal control laws. The Board has tried to look at the facts behind the issues and make a determination of the best course. They had one disagreement with AO 2001-158, which came down to money. They specifically looked at the hearing process. They would like to have a shorter period, but there were budget constraints that caused them to have a longer one. They would like to see the animal cruelty law in the animal control section of the code that deals with criminal, but currently it was in Title 8. They would like to see a change in how we investigate animal cruelty laws. Animal cruelty is the beginning of antisocial behavior and they wanted to put a greater emphasis on investigating animal cruelty.

In response to Ms. Shamberg, Mr. Walsh said in the current Title 17 they had a dedicated part-time animal control-hearing officer. A couple of years ago they combined all the hearing officers and had one hearing officer for a lot of things that they heard. The fact that they had one hearing officer for many issues caused an extensive period of time before hearings. They have suggested cutting that period of time, specifically as it related to impounded animals. Money comes into the issue, because you have to train an animal control officer to investigate animal cruelty laws. The initial training costs were approximately \$40,000.

In response to Ms. Von Gemmingen, Mr. Walsh said they changed the code in 1997-1998. One of the problems that they had was that they were not investigating animal cruelty charges in a manner that allowed the cases to be prosecuted. They moved that responsibility over to the police department, but animal cruelty was not a priority for police officers. The reason it costs \$40,000 for the training was because they had to teach the investigative skills and how to properly collect the evidence needed to prosecute the case. The animal control officers have to be sent to classes for the additional training.

COLETTE RAVINET said she worked in Anchorage as a pediatric physical therapist. When she was not at work, her passion, energy and time was spent with animals, especially in the area of animal rescue. She was concerned about the cruelty to animal's section being taken from Title 17 and being put under Title 8.55 where it would not be a high priority. Her life was changed when she worked out in the bush and witnessed so much cruelty to animals. In her current job, she drives around Anchorage all day long and she sees cruelty to animals in Anchorage. She asked the Assembly to please put the cruelty to animal's section back under Title 17.

ANNELIESE TSCHANNEN spoke on behalf of the Rotweiler Club of Alaska. She was currently a member of the Rotweiler Club of Alaska and the past president. She was the owner and exhibitor of a three-year-old Rotweiler. She also had three cats in her home. She supported the Animal Control Advisory Board's recommended changes to Title 17. She urged the Assembly to support the needed changes to the animal cruelty provision, including moving those from Title 8 to Title 17. The recent case in Sterling where approximately 64 dogs were rescued after being found in deplorable living conditions clearly demonstrates the need for more effective and enforceable animal cruelty laws. She was pleased that the new version contained no limit laws. She urged all the Assemblymembers to focus on supporting and enforcing responsible ownership ordinances. Limit laws fail to address the real issues. The real issue is one of responsible ownership. An irresponsible owner of one pet can impact the health, safety and esthetic value of community, while a responsible owner of ten pets may never be noticed. People hoping to evade limit laws may avoid getting their animals properly immunized, threatening public health and safety as well as the health and safety of their animals. Limit laws would adversely affect responsible fanciers who rescue unwanted animals. They would also adversely affect responsible breeders. Responsible breeders make a serious commitment to improving their breeds by instituting breeding programs designed to reduce structural and genetic faults. They are committed to finding responsible homes for their pets and require strict adherence to certain health and training requirements. They take great care to educate puppy buyers and the general public alike for the entire life of the animal and not just until the check clears the bank. Strongly enforced animal cruelty, animal control and nuisance regulations are better ways of addressing these issues. She and other dog fancies and pet owners recognized the special obligation that they have not only to their pets, but also to the community. They support cleanup ordinances, leash laws, nuisance laws and other reasonable regulations that insure dogs and owners are respected members of the community. She urged the Assembly to support the recommended changes by the Animal Control Advisory Board.

MIKE FROST said he was the president of the Shetland Sheepdog Club of Anchorage. He was also a member of two other local dog clubs and one national breed club. He has lived in Anchorage since 1975. He was glad that Title 17 did not have limits on the number of animals people may own, as long as they take care of them properly. The number of animals has nothing to do with being a responsible pet owner. He had two cats that were never allowed outdoors. He also had multiple dogs, which were not left outdoors all day to bark. When the dogs do bark, he verbally calls them down and brings them in. His dogs were never outside before 7:00 a.m. or past 10:00 p.m. He was a responsible pet owner with multiple animals. He had a neighbor that had one dog that barked continuously all hours of the day and night. That one dog caused more disturbances than all of his animals combined. He felt it was time for cat owners to be held to the same standard as dog owners. There are more cats running loose in our neighborhoods than there are dogs. Those cats tend to use flower and vegetable gardens, as well as gravel driveways, as litter boxes. He was more than willing to pay license fees for all of his animals, including his cats. He supported the S-1 version of Title 17.

MELINDA PIASKOWSKI asked the Assembly to consider the S-1 version of Title 17 with the exception of animal cruelty laws. She lives in Mountain View. At two separate times she has seen neighbors physically abusing their animals and literally punching their dogs. Her first thought was to call Animal Control, but she was told to call the Anchorage Police

Department. She called the Anchorage Police Department, but it was not a high priority for them and it should not be for them. She felt animal cruelty laws would carry more weight if they were in Title 17 instead of Title 8.

The Assembly then returned to consider item 13H AR 2002-40.

- 13H. Resolution No. AR 2002-40, a resolution of the Anchorage Municipal Assembly approval a conditional use for an alcoholic beverages conditional use in the B-3SL District for a beverage dispensary use/license per AMC 21.40.180.D.8. for **Applebee's Restaurant**, located on Lot 3, K T Square Subdivision; generally located on the north side of DeBarr Road between Creekside Street and Muldoon Road (Northeast Community Council) (Case 2002-031), Planning Department.
1. Assembly Memorandum No. AM 125-2002.
 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 AND CARRIED OVER FROM 2-27-02; AM 195-2002 WAS CARRIED OVER FROM 2-12-02 AND 2-26-02)

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

SHEILA showed pictures of the area surrounding Applebee's Restaurant. She pointed out how many schools were in the surrounding area. There were already an abundance of liquor licenses in the area. She agreed that Mr. Pargeter had the right to serve liquor, but she would like the license restricted to only serving liquor after 4:00 p.m., because of its proximity to so many schools. We need to look harder at how we are allowing liquor licenses to proliferate in and around walking areas for our children.

DAN COFFEY introduced Mr. Pargeter. The land use issues, concentration issues and the standards relative to conditional use had been addressed in the application. This property was in the proposed Muldoon town center. The land fronts on DeBarr Road. According to the terms of the conditional use concept and town centers this is an area where there should be a concentration of commercial services. All of the criteria associated with the 2020 Plan have been incorporated into this. When the plan was first proposed, the configuration on the lot was the reverse of what it is today with the parking in the front and the building in the back. The Community Council requested that the building be moved to the front of the lot with the parking in the back so it would orient toward what may or may not be the town center plan. That was done at a considerable cost of about \$70,000. There have been three meetings with the Community Council. They also discussed the food service/alcohol service ratios, including specific ratios over the lunch hour of 90 percent food and 10 percent liquor. Those criteria were met. The Community Council wanted a minimum amount of seating at the bar area, which was agreed to be no more than 18 seats. The vote at the Community Council was 27 to 10 in favor of the application. The analysis in the documents indicate that there are 10 beverage dispensary licenses including one restaurant and nine bars. Mr. Pargeter's operation is absolutely a restaurant. He felt placing Applebee's in Muldoon would make it a nicer place. There were also employment and other economic gains and benefits. Mr. Pargeter has been in Anchorage for decades and has operated numerous liquor-licensed establishments including Duke's, Applebees, the Kayak Club and others. Mr. Pargeter has a very good record as an operator. This application has been in front of the Assembly since December. As a result of that lengthy period of time and the multiple continuances that have occurred, the 60 days afforded for protest of transfer of ownership or location of the license expired on February 28, 2002. At this point only the conditional use application was before the Assembly.

In response to Mr. Tesche, Mr. Pargeter said hard liquor service was part of the dining experience. When a majority of the people go out for an evening meal, they would like to have an alcoholic beverage. Applebee's was not a bar, but a restaurant. Anchorage restaurants without liquor beverage services were seldom successful.

In response to Mr. Tesche, Mr. Coffey noted that the only residential property near the location was to the west. The location was surrounded by commercial property and not residential.

In response to Mr. Tesche, Mr. Pargeter felt limiting liquor service to after 4:00 p.m. would affect the lunch experience. A patron should be allowed to have a glass of beer with their hamburger at lunchtime.

In response to Mr. Tesche, Mr. Coffey said there was a clear definition between what constitutes hard spirits and beer and wine. The alcohol content in the provisions of Title 4 defines hard liquor.

In response to Mr. Tesche, Mr. Pargeter said limiting the hours of alcohol service would limit everything operationally. It would be a nightmare from their advertising perspective, which was done nationally. There were 1,500 Applebees nationwide and this would be the only one that did not serve liquor until 4:00 p.m. He would prefer not to have that limitation put on the restaurant. One of their popular items was the frozen fruit drinks, which were currently advertised on the menu.

In response to Ms. Clementson, Mr. Pargeter said they had a computer program that told them exactly what percentage of alcohol was served and that condition would be very easily enforced.

In response to Ms. Shamborg, Mr. Coffey said the reason Anchorage had too many liquor licenses was because in 1986 the State Legislature doubled the requirement. In 1986 we were on the verge of having more liquor licenses issued, but they did not want more so they increased the ratio from one liquor license per 1,500 people to one liquor license per 3,000 people. We have gradually been coming down to the new standard. In 1998 the Assembly had every right to revoke the conditional use and protest the renewal of the license that was at the Sawmill Club. This was not the license that was used at Klondike Kates, but assigned to the downstairs facility. The Assembly revoked the conditional use of the liquor license based on illegal activities, but there were no actions taken to either protest or condition the liquor license. When an operators goes to

the State Alcoholic Beverage Control (ABC) Board to see if there is a valid license available and the city has not protested, conditioned or objected to waivers on the license then one would assume the liquor license was valid.

In response to Mr. Sullivan, Mr. Coffey felt people who worked the night shift and had their dinner during the daytime were entitled to the same dining experiences as other people, which would include the service of alcoholic drinks. The reason they agreed to a modification was because of their concern that at that time of day there was the possibility that there would be school children present.

In response to Mr. Sullivan, Mr. Pargeter said there was 1.5 ounces of alcohol in the frozen drinks and the large beers had about 3.5 ounces of alcohol, but the alcohol in the frozen drinks were a different proof and stronger than the beer.

In response to Mr. Sullivan, Mr. Coffey said an ounce of hard liquor in the range of 80- to 100-proof was the equivalent of a glass of wine or one 12-ounce beer.

Ms. Clementson pointed out that the Assembly was not notified when a waiver was applied for at the State Alcoholic Beverage Control (ABC) Board.

In response to Ms. Clementson, Mr. Coffey said the last time the Rock U licensed was operated was in 1999. The liquor license was waived for the first time in 2000 and a waiver was obtained for 2000 and 2001. The license, in addition to the waivers, had been renewed twice in that period of time. Until a license is transferred from a location the State Alcoholic Beverage Control (ABC) Board would show the previous address as the location of the license with no conditional use. It is of no consequence in terms of what the affect of the operation or the non-operation of a license is. To use the conditional use vehicle to say well we missed the opportunity to protest the transfer of this license and therefore we are going to deny a conditional use because we have objections to the license was inappropriate.

GEORGE KAKUS said he was a Muldoon resident. He participated on the Northeast Community Council and was president of the Federation of Community Councils, but would be speaking on his own behalf. He felt Applebees was a step up for Muldoon and one of the first building blocks for the town center. Having Applebees flourish in Muldoon would encourage other businesses to come into the area and possibly push out some of the other businesses of less repute. The Community Council agreed to support Mr. Pargeter's participation in the neighborhood.

In response to Ms. Taylor, Mr. Kakus said he has been a member of the Community Council for about 14 years. He agreed with the terms that were negotiated with the Community Council.

ANSELIE PHILLIPS said she was with the Northeast Community Council. She had a couple of questions for Mr. Coffey and Mr. Pargeter. There were a few areas that were a little different than what they thought they agreed to. They agreed that the bar would have a fixed seating of 18, including the liquor closet. In the restaurant there were 18 seats around the bar, but the entire bar area had 64 seats. The Community Council would like clarification on that issue.

JINX REEVE said she lived near the other Applebees restaurant. They take their out of town guests there for lunch. Some of the people they take to Applebees are retired and may want to have one of the fabulous blended fruit drinks. She noted that Applebees was an upscale, family style restaurant that allowed adults to come and choose to drink during the afternoons. Generally the average person had one or two drinks. They had not seen any adverse reaction in their neighborhood from Applebees. They ate at Applebee's more than the other restaurants in the area, because they enjoyed the menu and the blended drinks.

ROD McCOY said he was president of the Northeast Community Council. Dan Coffey's representation regarding the agreement that was negotiated between Applebees and the Community Council was accurate. The Community Council and Applebees came to the agreement of 18 seats in the bar area, but there was a different interpretation of what constituted the bar area. There are 18 fixed seats around the bar, but 64 seats in the bar section. The Community Council was appreciative of the fact that Applebees was able to change the position of their restaurant to better comply with the Muldoon town center.

Mr. Tremaine moved,
seconded by Mr. Kendall,
and it failed,

to extend the public hearing until 12:00 midnight.

MARK BEGICH felt Applebees would add value to the Muldoon area. He was born and raised in east Anchorage. He felt a restaurant of this caliber would be a plus to any area of Anchorage. He was confident that Mr. Coffey would insure that the liquor license was a legal license, because if the license were not legal then Mr. Pargeter would sue Mr. Coffey to recover all costs necessary for the license, aggravation and process. He did not question the legality of the liquor license. Applebees has met the multiple conditions that the Community Council put on them and would be a nice addition to Muldoon. He hoped the Assembly would recognize that the liquor license was legal and Applebees was a needed addition to the Muldoon area. He noted that Mr. Pargeter had run multiple operations in Anchorage and had not had any problems. He encouraged the Assembly to support the new liquor license and development in the Muldoon area.

TIM POTTER said he seldom spoke in favor of liquor establishments or the sale of liquor. He has known Mr. Pargeter for 20 years as a friend and a businessperson. Mr. Pargeter has met his obligations and has been a straight shooter. Mr. Pargeter was one of his favorite businesspersons in the community. He was familiar with the Muldoon town center and felt Applebees would be a positive addition. Often the good operators or businesses are more closely scrutinized than the operators or businesses that are not so good. The good operators seem to be held to a higher standard, because they were willing to be held to a higher standard. He referenced the package liquor license that was put in at Lake Otis and Northern Lights, which was based upon the grandfather rights of a certain conditional use. The grandfather rights were somehow miraculously extended to the entire square footage of what was previously a shopping store and a liquor store and that was approved. The site was across from Wendler Junior High School and across from a real neighborhood. He felt Applebees would be positive

addition to the Muldoon area. If we reward and embrace the good operators and businesses, it would make it harder for the operators and businesses that do not do a good job in this community.

JIM GOWEN said he used to be a teacher at Wendler Junior High School. If he had his choice between Applebees, an ice cream parlor or a hamburger stand across from the school, he would choose Applebees. He was not worried about the fact that there were schools in the neighborhood. He noted that most people who came out of Applebees came out sober. He felt Applebees was a good restaurant and would be a benefit to the Muldoon area.

TIM SULLIVAN said he was the program coordinator for the Weed and Seed East Anchorage Program. He supported Applebees in the Muldoon area. He felt it would be a great economic boom to the area. The Assembly had very little control over the liquor license, but they had ultimate control over the conditional use permit. Muldoon has a plan and the Weed and Seed initiative is that plan. A compass survey done by the Muldoon community in 1997 to 1999 came up with figures that showed that out of 800 respondents, liquor licenses were their biggest fear. The next result of the survey was no increases in liquor licenses in the Muldoon area. He felt there was a particular fault with the concept of community councils in that there was no clear registration of people attending the meeting. The Municipality has come up with the analysis of police action and characteristics of reported domestic violence in Anchorage, which was a ten-year study. He found fault with the Health and Human Services Department for not finding fault with this application. The Muldoon area accounts for 20 percent of the domestic violence cases in Anchorage and 10 percent of the population. Sixty percent of those domestic violence cases involved alcohol. He suggested a condition on the petitioner to pursue more diligently the purchase of a liquor license in the area. The Muldoon area was currently allotted eight liquor licenses and currently there were ten in operation. He felt the petitioner needed to make an effort to obtain a license within the area.

In response to Mr. Tesche, Mr. Sullivan said the Muldoon area was allotted eight liquor licenses under the theory that the prescribed northeast community area was 23,000 people and there should be 3,000 people per liquor license. The citation was contained on page 12 and read, "The 1996 population area of the Northwest Council area is 23,541." He attended the Community Council meeting. He noted that there was not a verification process that insured that the people attending the Community Council meetings lived or worked in the area. The Community Council turned it down at the first meeting. It came up for reconsideration and the Community Council passed it. He did not believe a vote of 27 to 10 was a full representation of the community when the compass survey of 800 residents of the community fully talked about no additional liquor licenses in the area.

In response to Ms. Clementson, Mr. Sullivan said the strategy of the Weed and Seed Program was no increase in liquor licenses in the Muldoon area. They were successful in defeating one last year, which was a package store that attempted to move into the area. He did not feel a net increase in the amount of liquor licenses was in the best interest of the community.

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

Mr. Kendall moved, to approve AR 2002-40.
seconded by Mr. Van Etten,

Mr. Tesche said there were concerns with respect to the legality of the liquor license. The issue before the Assembly was ultimately a land use issue. The Assembly was not called on to look at the appropriateness of the transfer of the license, but whether or not the property should be given a conditional use permit for sale and service of alcoholic beverages. From a land use standpoint, the testimony, the nature of the uses of the surrounding area, the relative compatibility of the proposed use with the proposed town center project, and the apparent willingness of the owner to work with the people responsible for building the town center, tipped in favor of the application as far as a conditional use permit. He was not convinced that restrictions should be put on the time of day the alcoholic beverages could be sold, because there was a carefully negotiated agreement worked out between the relative community council and the applicant. He noted that a democratic society considered the majority vote as a decision of the Community Council. The Community Councils were not the supreme soviets, but representatives of neighborhoods. He saw no reason to second guess the Community Council on this issue. He would support approval of AR 2002-40.

Ms. Clementson said the conditional use came before the Assembly predicated on getting the Rock U liquor license. She commended Applebees for being responsive to the Community Council. She noted that the liquor license was not about the individual running the establishment. The Rock U liquor license was a part-time license operating in the basement of the Sawmill Club, which was Klondike Kates. That was the only liquor license in the history of the city that they had been taken to court to revoke the conditional use permit, because both licenses were operating in violation of the conditional use permit. She understood that the same operator would not hold the liquor license, but she was concerned that it was the Rock U license. She did not believe those were separate issues. Not every packet that comes before the Assembly for a conditional use permit had a liquor license specified, which gave her the liberty to discuss it and link them together. She referenced page 12 of the packet and noted that both documents came to the Assembly on February 12, 2002 and not in December of 2001. It talked about the fact that the State Alcoholic Beverage Control (ABC) Board used the figures of one license per 3,000 people, which allows 81 beverage dispensary licenses, but we currently have 149 in operation. The Northeast Community Council should have eight licenses, but there are ten beverage dispensary licenses currently operating and nine of them are bars that sell more alcohol than food. That is the Weed and Seed designated community and it encompasses the Muldoon town center. The Weed and Seed designated community was a competitive process. They went through many processes to look at the crime, substance abuse and alcohol issues in the community. The Weed and Seed designation was based on those criteria and strategies that were developed. The designation has very specific boundaries and goals that were signed off by the state and accepted by the federal government. We received federal grant funding in order to do something about the problem. Each of the four committees had a strategy that said no more liquor licenses. The time may not be right for Applebees to have the Rock U liquor license. We are not only bringing another liquor license into that community, but we are taking a license that has been in a drawer for two and a half years and reactivating it. The Assembly had no responsibility to insure that the person who owns a liquor license maintains their financial investment. She was concerned about reactivating a liquor license and putting it into a community that already had more liquor licenses per capita than it should have. The Weed and Seed

designation has four identified strategies that have been accepted by the city of not bringing more liquor licenses into the area.

In response to Ms. Taylor, Mr. Coffey said they attempted to purchase other liquor licenses in the Muldoon area. They called every other licensee in the area. They had one interested party and made an offer that was \$50,000 over the current market price. They repeated that offer three or four times and could not get a response from the licensee.

In response to Ms. Taylor, Mr. Pargeter said the clientele of Applebees was 24 to 49 years old, families and children. The average ticket price for a patron at Applebees was \$11.00. The average price of a drink was about \$4.00 or \$4.50. There are 18 seats around the bar as requested by the Community Council. The entire restaurant has 198 seats. The layout of the restaurant was the standard Applebee’s format.

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

to amend AR 2002-40 to reflect Mr. Coffey’s memo dated March 5, 2002, page 2, line 23, to read:
“In addition to design and construction of the horseshoe shaped bar as depicted on the floor plan and is actually constructed is such that no more than 18 barstools can be accommodated at the Horseshoe Bar. Any change in the size of the Horseshoe Bar, which results in any additional seating being accommodated at the Horseshoe Bar, shall require a modification to the conditional use permit.”

Mr. Kendall disclosed a conflict of interest. His wife worked for Mr. Pargeter many years ago. Mr. Pargeter has run very nice restaurants and had been a good operator over the years. He felt the operator of the liquor license was important to consider. He felt the Assembly should support AR 2002-40 and be thankful that Mr. Pargeter was getting the liquor license and not somebody else. He felt the Applebees Restaurant would be a benefit to the Muldoon community. The other liquor licenses in Muldoon were bunched up between 1st Avenue and 6th Avenue on Muldoon Road and were some of the oldest liquor licenses in Anchorage. He felt competition would go a long way towards improving the neighborhood. He would support AR 2002-40.

Ms. Von Gemmingen noted this was a land use issue and not a liquor license issue. The Assembly needed to concentrate on the conditional use permit. She felt Applebees had been a very good neighbor in the midtown area and would be a positive addition to the Muldoon area. She would support AR 2002-40.

In response to Mr. Sullivan, Mr. Pargeter said they took the risk of building the restaurant before the conditional use permit was approved.

In response to Mr. Sullivan, Mr. Coffey felt they needed to codify the permitting process. Generally a person purchases a liquor license and when they file it with State Alcoholic Beverage Control (ABC) Board they are advised that they need a conditional use permit, which starts the process. He agreed that the conditional use permit should be the beginning of the process. In the past, restaurants with food service in the range of 80 percent has had relatively few problems in relocating themselves, because we would all like to see restaurants with 80 percent food services instead of bars.

Ms. Fairclough said she would support AR 2002-40. The Community Council was supportive of Applebees. The operator was of a high caliber. She felt a restaurant with 80 percent food services would be a benefit to the area. The population numbers discussed were from 1996. The comprehensive planning effort and the census data indicated that east Anchorage was the fastest growing community and she did not see a breakdown of the Northeast Community Council’s new population. She felt Applebees would be a viable and good business that would set a new benchmark for operations of liquor licenses in the Muldoon area.

Ms. Taylor said she would support AR 2002-40. In the past she had voted against liquor licenses in the Muldoon area, particularly bars and package stores. She felt Applebees was different because it was a nice restaurant. One of the complaints from the Muldoon residents was that they had to go across town to get to a nice restaurant. She felt the owner would be a good operator and supportive of the community.

Mr. Tremaine said 9.7 percent of the community lived in the Muldoon area. If you removed the duplicate liquor licenses, there were 130 beverage dispensary licenses, making 12.6 liquor licenses proportionate for the population in that area. He felt the area was grossly under-served by businesses that served more food than liquor. A good business would give an economic incentive for other good neighbors to move into the area. He felt this was a good land use decision and would support AR 2002-40.

Question was called on the motion to approve AR 2002-40 as amended and it passed:

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

NAYS: Clementson.

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

Ms. Fairclough moved,
seconded by Mr. Tremaine,

for immediate reconsideration of AR 2002-40 as amended.

Ms. Fairclough urged a no vote.

Question was called on the motion to reconsider AR 2002-40. as amended and it failed:

AYES: None.

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

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

The Assembly then returned to the public hearing on item 13J AO 2001-158.

SALLY JOHNSON said she was speaking on behalf of the Anchorage Animal Clubs Coalition, which was formed to work on Title 17. She had attended many of the Animal Advisory Board meetings and Assembly meetings dealing with Title 17. After hundreds of hours of work the Coalition put in working with the Animal Advisory Board and Animal Control, they were supporting Title 17, except for Title 8 and animal cruelty. They felt animal cruelty should be put back into Title 17. She felt the police did a good job, but animal cruelty would be a low priority. She urged the Assembly to put animal cruelty back into Title 17.

In response to Mr. Tremaine, Ms. Johnson said the Coalition reviewed the S-1 version, which had animal cruelty under Title 8 instead of Title 17. She agreed that the language of the S-1 version was improved, but they would like to see animal cruelty placed back under Title 17.

JEAN WYLIE said she was on the Board of the Alaska Humane Society. The Alaska Humane Society operated a no kill shelter for cats. They had more than 175 cats and had placed nearly 200 cats in homes in the last four months. She suggested the following test for each ordinance in Title 17. Does it work to the benefit of the animals? Currently there was no provision for the enforcement of humane treatment of animals and investigations of suspected cruelty. It was in Title 8. This issue was too important to ignore. Psychiatrists have documented links between cruelty to animals and cruelty to people. We cannot afford to let cruelty to animals to go unenforced. Cruelty to animals was too low of a priority for the Anchorage Police Department. Animal Control is the first line of defense for cruelty to animals. The Alaska Humane Society firmly believes that all adopted animals should be spade or neutered to reduce the suffering of unwanted animals. They alter all adult cats and would like to see early spading and neutering. They did not know of any veterinarian that would do early spading and neutering. The ordinance in Title 17 specifies the age of the animal and nothing else. There should be a minimum weight and health requirement. A kitten is less than two pounds. A parasite-infested animal is not a good candidate for early spading and neutering. In that case, the kitten should be released to a home unaltered. Making sure an animal has vaccinations and is altered is applauded, however Title 17 adoption fees were prohibitive. The Alaska Humane Society charges a flat adoption fee of \$75. They do not recover the money they had invested in the cat. Title 17 should have a flat adoption fee and provide the services that produce a good pet. The adoption fee was not a purchase price, but a commitment on the part of the adopter to value the pet. Cat licensing is an example of a well-intentioned ordinance that will have negative affects on cats when you consider the other requirements for \$100 license to have more than three animals. Some people already avoid rabies shots so Animal Control would not find out how many animals they had. She recommended micro chipping rather than tags, because only 50 percent of cats keep their tags.

In response to Ms. Taylor, Ms. Wylie said she opposed cat licensing, because the test did not do anything for cats. The only argument for cat licensing was that it would return a stray cat to its owner. Owners released most of the cats that went into Animal Control or other shelters. She felt it would cost more to administer the program than they would collect in fees.

Ms. Taylor moved,
seconded by Mr. Tesche,
and it passed with Mr. Kendall
objecting,

to extend the meeting to allow four more people
to testify.

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

DONYA IDE said she was a director at Alaska's Cats, which was a cat club in Anchorage. They had issues with Title 17. Title 17 was a very emotional issue. They had eleven points that were specifically detailed, which they would appreciate the Assembly reading. Alaska's Cat Club was a non-profit club dedicated to those who loved cats within Alaska. Their group includes lovers of household pets, as well as pedigree cats. She reviewed a few of the eleven points provided by Alaska's Cats. They asked that the definition of multi animal facility and the related licensing requirements be broken out by species and the limits be based on species and not an arbitrary numbers such as four. Each species has different care requirements and to assign the same number of limit requirements to cats, ferrets and rabbits as to dogs and horses was inappropriate and ludicrous. They believe the low arbitrary number would discourage people capable of adopting and caring for five or more cats from doing so. It would place an unnecessary licensing burden on those who care for five or more cats or multiple animal homes within Anchorage. Worst of all, they felt it would only increase the number of abandoned pets in Anchorage when people learned of the requirement. There are no surveys of the Anchorage communities that can identify the estimated numbers of households that would be affected by this. The City cannot know the cost of administering this and would face serious budget shortfalls if they tried to fairly enforce it across the community. They would like to eliminate cat licensing. They believed cats were indoor animals and they educate the public to that end. Cats cannot be humanely kept outdoors year round. We know there are irresponsible owners who allow their cats to roam free outside, contrary to existing leash laws. They insisted that existing leash laws be enforced within the Municipality and that the Animal Control contractor worked to educate the public on the existence of the law. She had two cats that were leash trained and she walked them. She saw dogs and cat running around, which affected her animals that were on leashes. She asked the Assembly to read through the provided statement, because there were several other points that were very important to them.

JACKI DAPKUS said she was the president of Alyeska Canine Trainers. Alyeska Canine Trainers has been a dog-training club in Anchorage since 1986. They currently had about 80 members. They offer dog obedience classes to the general public, as well as to competition dogs. They train at least 700 dogs and their owners each year. They are committed to the community and the well-behaved dog. They have the opportunity to participate in a number of public events and educate the public about the appropriate behavior of dogs. They have participated in the Anchorage Animal Clubs Coalition and support the revised Title 17. They were in support of the disagreement that the Anchorage Animal Clubs Coalition had with the

cruelty to animals being in Title 8 and they would like to have it moved to Title 17. That would give the animal cruelty regulation more easy access, it would be easier to understand and have a higher priority in reacting to animal cruelty cases. Alyeska Canine Trainers was happy to see that the current revision did not have a limit on the number of animals that a responsible pet owner could have. It was not the number of pets one owned, but how one cared for them. The Alyeska Canine Trainers supported the revision of Title 17.

In response to Ms. Fairclough, Municipal Attorney Bill Greene said the ordinance specifically spoke about amending Title 17 and there was a question on whether or not they could change Title 8 under this ordinance.

In response to Mr. Tremaine, Mr. Greene said they could change Title 17 and then go back and remove the animal cruelty language from Title 8 as a separate action.

NEIL KOENIGER said he was a member of the Municipal Animal Control Advisory Board, but he was speaking on his own behalf. He supported the Assembly passage of AO 2001-158(S-1). The proposed changes were a significant improvement over the current Title 17. The changes provide for an animal control law that was fair, more objective and more enforceable than what they currently had. He suggested two changes to the proposed ordinance. Return the animal cruelty penalty provisions currently in Title 8 to Title 17. The public testimony following the introduction of the original ordinance last August unanimously supported this change. The provisions need to be in our animal control laws where people can find them and they should not be buried as obscure parts of the penal code. The citizens need an avenue to address them through a public process, which the current placement precludes. They also need to be placed where they are an enforcement priority. The statistics provided by the administration at the February 12, 2002 work session indicate that was not currently the case. These laws are important to people who care about animals.

Municipal Manager Harry Kieling discussed the comprehensive study on the affects of neighborhoods from homelessness and public inebriates that was discussed earlier in the meeting. He felt the comprehensive study was a good idea, but he reiterated the city's concern over the scope. If they were not careful about describing the objectives, they would collectively face the very real danger of failure. Carlene Jackson spent four years writing her Ph.D. thesis on a similar topic. It was his understanding that Mr. Tesche would pursue the funding possibilities, because there was no money available at this time for the study. Mr. Tesche would be negotiating or pursuing a contract with the University of Alaska, Anchorage to do the research. The next step would be outlining the process through the Public Safety Committee, which would include the administration and people like Catholic Social Services and other organizations that had an interest.

In response to Mr. Kieling, Mr. Tesche thanked Mr. Kieling for his enthusiasm and support of the exciting venture that they were about to embark upon. He committed that they would work carefully with all of the affected interest groups. They understood there was no money available for the study, but they would find the money through other means. They would handle this in a cooperative and careful fashion with everyone concerned.

- K. 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.
(CARRIED OVER FROM 2-26-02)

(Clerk's Note: This item addressed earlier in the meeting. See item 13.)

- L. 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.
(CARRIED OVER FROM 2-26-02)

(Clerk's Note: This item was carried over to the 3-10-02 meeting. No action taken.)

- M. Ordinance No. AO 2001-101, an ordinance of the Anchorage Assembly amending Anchorage Municipal Code Chapter 21.20 establishing a procedure and standards for creation, elimination, and alteration of zoning **overlay districts** and amending Anchorage Municipal Code Section 21.35.020 establishing a definition of overlay district, Assemblymember Tesche.
1. Assembly Memorandum No. AM 439-2001.
 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, Assemblymember 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; CARRIED OVER FROM 2-26-02)

(Clerk’s Note: This item was carried over to the 3-10-02 meeting. No action taken.)

- 14. **NEW PUBLIC HEARINGS:**
- 15. **BOARD OF ADJUSTMENT/ASSEMBLY APPEALS:**
- 16. **SPECIAL ORDERS:**
- 17. **UNFINISHED AGENDA:**
- 18. **AUDIENCE PARTICIPATION:** None.
- 19. **ASSEMBLY COMMENTS:** None.
- 20. **EXECUTIVE SESSIONS:**
 - A. **Pending Litigation** (AR 2002-45).
(CARRIED OVER FROM 2-26-02)

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

to adjourn into executive session to take up pending litigation
AR 2002-45.

Chairman Traini recessed the Assembly at 5:48 p.m. for executive session. and reconvened at 6:30 p.m.

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

to keep the tapes of the executive session
permanently confidential.

21. ADJOURNMENT:

Chairman Traini adjourned the meeting at 11:29 p.m.

Chairman

ATTEST:

Municipal Clerk

Date Minutes Approved:, 2002

GM:cmw