

# MUNICIPALITY OF ANCHORAGE

## ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of March 19, 2002

### 1. CALL TO ORDER:

The meeting was convened at 5:03 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.  
Absent: Clementson (excused).

### 3. PLEDGE OF ALLEGIANCE:

The pledge was led by Security Captain Brian Slack.

### 4. MINUTES OF PREVIOUS MEETING: None.

### 5. MAYOR'S REPORT:

Mayor Wuerch commented on the amount of snow removal that was necessary due to the heavy snowfall. They had been removing snow from the downtown area during the daytime, which was usual. He was disappointed in the State's response to the snowfall. The four lane roads were typically maintained by the State and one could see the difference in the maintenance. We are nearing our goal of 1,000 graduates from the AWARE Academy with 820 graduates to date. Bug Wars would be an exercise led by the Department of Health and Human Services and Municipal Physician Dr. Bruce Chandler. The Bug War exercise would include a presidential declaration that small pox was rampant across the country as the result of a terrorist release in Salt Lake City. The exercise would give the participating agencies and organizations the opportunity to explore what actions they would take if such an event occurred. The Assembly packet contained the agreement with the School District and Superintendent Carol Comeau that was executed last week. We are prepared to move forward with the financial advisors to insure the superior bond rating of the Greater Municipality would be upheld this year. Mayor Wuerch would personally bring that message to the San Francisco financial community this Spring.

### 6. ASSEMBLY CHAIR'S REPORT:

Mr. Tremaine said four Assemblymembers attended the National League of Cities in Washington, D.C. They had the opportunity to meet with Assemblymembers and Mayors from around the country and visit with the Congressional delegation. They had a chance to meet with the three lobbying firms. The meeting was informative and they learned how municipal practices were done in other cities and municipalities across the nation both large and small. He was grateful for the opportunity to participate in the National League of Cities and hoped they would participate in future events.

The Municipal Clerk said absentee balloting started this morning at 10:00 a.m. It would run weekdays from 10:00 a.m. to 6:00 p.m., Saturdays from 10:00 a.m. to 5:00 p.m. and Sunday from 12:00 noon to 5:00 p.m. They would be closed on Easter Sunday and at 2:00 p.m. on April 1, 2002. The location of the absentee balloting was at the Dimond Center next to KB Toy Store. The election precinct locator number was 269-8683. After entering a social security or voter identification number, the system would identify a person's voting precinct location.

Mr. Van Etten appreciated the fact that they received the bond information sheets in their packets. He asked why the dollar amounts were not placed next to the line items.

In response to Mr. Van Etten, Mayor Wuerch said they seldom put the dollar amounts between line items on a bond information sheet. If a project were overrun they would go into default and have to go back to the voters. They kept the information sheets general and attempted not to overstate the commitments so the public knew what they were getting, but it did not lock the City into a no-win situation.

Ms. Von Gemmingen said an editorial entitled the "Fiscal Follies" acknowledged the Kenai Peninsula Borough's Assembly for their resolution to support fiscal sense in the Legislature, which the Anchorage Assembly had often done. She read a passage from the editorial. "So local governments and school boards have a clear and direct interest in fixing this problem, they ought to be fighting together for it in Juneau. The fact that they have not united dramatically and powerfully to demand a change yet means that they are still forced to come separately as supplicants at the table of legislators who hold the reins and resist the change." She thought it was interesting that they had not heard about what the Anchorage Assembly and the Alaska Municipal League had been doing. The school boards have been working on this for a long time as well. She pointed out that they would be in Juneau on April 3 and 4, 2002 for the Legislative Conference and felt that would be a good time to have their voices heard.

Chairman Traini noted that the Assemblymembers should be receiving the information from the National League of Cities. Mr. Tremaine will be put on one of the Policy Steering Committees. Chairman Traini is on the Board of Directors of the Western Municipal Conference. He thought it would be interesting as Alaska started to move into the different organizations. They met as a group of large cities, which was the first time this organization came together. They anticipated solidifying it at the Salt Lake meeting in December. The buy-in population was 250,000. Anchorage was with the biggest cities in the United States. Chairman Traini is on the Planning Committee for the December meeting in Salt Lake City and would welcome suggestions of topics to be discussed.

7. **COMMITTEE REPORTS:** None.

8. **ADDENDUM TO AGENDA:**

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

Chairman Traini read the addendum items.

Question was called on the motion to amend the agenda to include the addendum items and it passed:

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

NAYS: None.

9. **CONSENT AGENDA:**

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

A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS:

B. RESOLUTIONS FOR ACTION - OTHER:

1. Resolution No. AR 2002-72, a resolution **appointing election officials for the Regular and Special Elections of April 2, 2002**, Municipal Clerk.
2. Resolution No. AR 2002-79, a resolution of the Municipality of Anchorage providing for the appropriation of \$2,234 from donations and \$5,000 from the Rasmuson Foundation to the Miscellaneous Operational Grants Fund (261), Cultural and Recreational Services Department, for the purchase of **library books and materials** and the purchase of library books for the Loussac Children’s Literature Collection, Cultural and Recreational Services/Library.
  - a. Assembly Memorandum No. AM 246-2002.
3. Resolution No. AR 2002-80, a resolution for the Municipality of Anchorage appropriating \$47,720 from Eagle River-Chugiak Park and Recreational Service Area Fund Balance (162) as a contribution to the Eagle River-Chugiak Park and Recreational Service Area Capital Improvement Fund (462) for **capital improvements to Loretta French Development Project, Loretta French Park Equestrian Center and other capital projects in the Eagle River-Chugiak Area**, Cultural and Recreational Services.
  - a. Assembly Memorandum No. AM 270-2002.
4. Resolution No. AR 2002-81, a resolution authorizing the granting of tax refund as a result of **manifest clerical error on Real Property Account 010-141-11-002**, Finance.
  - a. Assembly Memorandum No. AM 271-2002.
5. Resolution No. AR 2002-88, a resolution requesting **FY 2003 safe communities funding** from the Department of Community and Economic Development, Office of Management and Budget.
  - a. Assembly Memorandum No. AM 302-2002.
6. Resolution No. AR 2002-86, a resolution of the Anchorage Municipal Assembly revising the 2002 General Government Operating Budget by appropriating the sum of \$20,160 from Areawide General (101) Balance to the Department of Assembly to provide funding for a **contract amendment to the Independent Financial Audit**, Assemblymember Von Gemmingen.
  - a. Assembly Memorandum No. AM 298-2002.
7. Resolution No. AR 2002-85, a resolution of the Anchorage Municipal Assembly supporting **House Bill No. 317**, “An Act relating to stalking and amending Rule 4, Alaska Rules of Civil Procedure, and Rule 9, Alaska Rules of Administration,” Assemblymembers Taylor, Tesche, and Von Gemmingen.
8. Resolution No. AR 2002-87, a resolution of the Anchorage Municipal Assembly supporting **HB 498**, “An Act expressing legislative intent regarding privately operated correctional facility space and services; relating to the development and financing of privately operated correctional facility space and services; authorizing the Department of Corrections to enter into an agreement for the confinement and care of prisoners in privately operated correctional facility space; and providing for an effective date,” Assemblymember Fairclough.

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

9. Resolution No. AR 2002-91, a resolution of the Anchorage Municipal Assembly supporting **Senate Bill 347**, “An Act relating to taxation,” Assemblymember Von Gemmingen. **(addendum)**
10. Resolution No. AR 2002-92, a resolution of the Anchorage Municipal Assembly supporting enacting of State legislation allowing issue of **serial caterers’ permits** for periodic events such as the First Friday Gallery Walk involving the serving of alcoholic beverages, Assemblymembers Taylor, Tesche, Shamberg, Traini, Tremaine, Van Etten, and Von Gemmingen. **(addendum)**

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

C. BID AWARDS:

1. Assembly Memorandum No. AM 247-2002, recommendation of award to Pacific Asphalt, Inc. for 2001 **miscellaneous Americans with Disabilities Act (ADA) sidewalk improvements** for the Municipality of Anchorage, Project Management and Engineering Department (ITB 22-C003) (\$150,140), Purchasing.
2. Assembly Memorandum No. AM 261-2002, recommendation of award to Consolidated Enterprises, Inc. for **Anchorage Senior Center expansion design/build** for the Municipality of

- Anchorage, Project Management & Engineering Department (ITB 22-C002) (\$1,927,926), Purchasing.
3. Assembly Memorandum No. AM 262-2002, recommendation of award to Alaska Truck Center for furnishing a **5-7 yard diesel dump truck** to the Municipality of Anchorage, Facility and Fleet Maintenance Department (ITB 22-B005) (\$124,898), Purchasing.
  4. Assembly Memorandum No. AM 263-2002, recommendation of award to various vendors for providing **water treatment chemicals** to the Municipality of Anchorage, Water and Wastewater Utility (ITB 22-B001) (\$871,020.60), Purchasing.
- D. NEW BUSINESS:
1. Assembly Memorandum No. AM 288-2002, **Platting Board appointment** (Ellen McKay), Mayor's Office.
  2. Assembly Memorandum No. AM 289-2002, **Building Board appointment** (Terry Bolton), Mayor's Office.
  3. Assembly Memorandum No. AM 290-2002, **Equal Rights Commission reappointment** (Rosalie Sandoval), Mayor's Office.
  4. Assembly Memorandum No. AM 291-2002, **Housing and Neighborhood Development Commission appointments** (Elise Huggins, M. Diane Johnson, Deborah Luper), Mayor's Office.
  5. Assembly Memorandum No. AM 292-2002, **Library Advisory Board appointment** (Kate Fariday), Mayor's Office.
  6. Assembly Memorandum No. AM 293-2002, **On-Site Wastewater System Technical Review Board appointments** (Christopher Allard, Joel Neimeyer), Mayor's Office.
  7. Assembly Memorandum No. AM 294-2002, **Public Facilities Advisory Commission appointment** (Devery Prince), Mayor's Office.

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

Ms. Von Gemmingen and Ms. Shamberg asked the record reflect their "no" vote on this item.

8. Assembly Memorandum No. AM 295-2002, **Senior Citizens Advisory Commission appointment** (Brenda Brown), Mayor's Office.
9. Assembly Memorandum No. AM 296-2002, **Sister City Commission appointments** (Leo Bustad, James Cunningham), Mayor's Office.
10. Assembly Memorandum No. AM 297-2002, **Women's Commission appointment** (Joyce Courtney), Mayor's Office.
11. Assembly Memorandum No. AM 300-2002, **Solid Waste Advisory Commission appointment** (Robert Chaney), Mayor's Office.
12. Assembly Memorandum No. AM 275-2002, **Fred Meyer (#4078)** – Transfer of Location for a Package Store Liquor License (Spenard and Rogers Park Community Councils), Clerk's Office.
13. Assembly Memorandum No. AM 276-2002, **Ole's Pub (#1320)** – Transfer of Ownership, Transfer of Location, Name Change to **Boston Pizza (#4180)** & Application for a Restaurant Designation Permit for a Beverage Dispensary Liquor License (Spenard and North Star Community Councils), Clerk's Office.
14. Assembly Memorandum No. AM 277-2002, **Dynasty (#4181)** – New Restaurant/Eating Place Liquor License & Application for a Restaurant Designation Permit (Government Hill Community Council), Clerk's Office.
15. Assembly Memorandum No. AM 278-2002, 2002/2003 Liquor License Renewals: **Last Frontier Bar (#135)** & **Red Robin Burger & Spirits Emporium #2-Diamond Blvd. (#3304)** - Beverage Dispensary (Northeast, Taku/Campbell & Bayshore/Klatt Community Councils), Clerk's Office.
16. Assembly Memorandum No. AM 279-2002, 2002/2003 Liquor License Renewals: **Clarion Suite Hotel/Choice Picks Restaurant (#3851)** – Beverage Dispensary Tourism; **Oaken Keg Spirit Shop #520- Penland Pkwy. (#1358)** - Package Store (Downtown, Mt. View & Airport Heights Community Councils), Clerk's Office.
17. Assembly Memorandum No. AM 280-2002, 2002/2003 Liquor License Renewals: **Red Robin Spirits & Emporium-Penland Pkwy. (#2267)**, **Panhandle Bar (#825)**, **Trophy Lounge (#1697)**, **Tips Bar (#1142)**, **Westcoast International Inn (Tourism) (#67)**, **Steve's Sports Bar & Grill (#1566)**, **Turnagain House (#2805)** - Beverage Dispensary; **Jack Sprat (#1632)**, **Jen's Restaurant Bodega & Gallery (#2783)**, **Gengiskhan Mongolian BBQ (#3821)**, **Siam Cuisine (#3084)**, **Sacks Café & Restaurant (#3977)**, **Southside Bistro (#3278)**, **Sub Station Restaurant (#2664)**, **Yen King (#2930)**, **Thai Town Restaurant (#3155)**, **Fu-Do Chinese Restaurant (#2668)**, **Pizza Hut #2-Benson Blvd. (#3712)**, **Pizza Hut #3-Muldoon Rd. (#3595)**, **Pizza Hut #7-Old Glenn Hwy. (#1709)** - Restaurant/Eating Place; **Specialty Imports (#3549)** - Wholesale; **Tesoro Sports Centre/BlueLine Pub (#3968)** - Recreational Site; **Trader Jim's (#2385)** - Package Store (Eagle River, Girdwood, Spenard, Taku/Campbell, Campbell Park, University Area, Airport Heights, Mt. View, Downtown, Turnagain, Turnagain Arm, Bayshore/Klatt, Old Seward/Oceanview, Northeast, Tudor, Abbott Loop Community Councils), Clerk's Office.
18. Assembly Memorandum No. AM 281-2002, 2002/2003 Liquor License Renewals: **Alyeska Prince Hotel Aurora (#3445)**, **Alyeska Prince Hotel Seven Glacier (Duplicate) (#3446)**, **Alyeska Prince Hotel Sitzmark Bar (Duplicate) (#3447)** - Beverage Dispensary-Tourism; **Anna's Place (#3571)**, **Black Angus Meat Market (#132)** - Beverage Dispensary; **Alaska Salmon Chowder House (#3434)** - Restaurant/Eating Place; **Anchorage Curling Club (#3187)** - Club; **Brown Jug-Independence Park (#1941)**, **Brown Jug-Tudor (#1174)**, **Brown Jug-Bragaw (#169)**, **Brown Jug-Chilkoots (#318)**, **Brown Jug-Diamond/Old Seward (#3886)**, **Brown Jug-Fireweed (#395)**, **Brown Jug-N. Lights (#1967)**, **Brown Jug-Warehouse (#1461)**, **Brown Jug-Minnesota (#1072)**, **Brown Jug-Mt. View (#759)**, **Brown Jug-Spenard (#114)**, **Brown Jug-Muldoon (#3371)**, **Brown Jug-Diamond (#3372)** - Package Store (Girdwood, Spenard, North Star, Downtown, Government Hill, Abbott Loop, University Area, Campbell Park, Russian Jack, Bayshore/Klatt, Taku/Campbell & Mt. View Community Councils), Clerk's Office.

19. Assembly Memorandum No. AM 282-2002, 2002/2003 Liquor License Renewals: **Solstice Café** (#847), **Harry's Restaurant** (#323), **Max's Bar & Grill** (#3188), **North Slope Restaurant** (#1949), **Crazy Horse** (#720), **Crazy Horse Too** (#1078), **Humpy's Great Alaskan Alehouse** (#3427), **Club Oasis** (#1625), **Billik Inn** (#122), **Coach House** (Tourism) (#1036), **Days Inn** (Tourism) (#2152) - Beverage Dispensary; **Villa Nova Restaurant** (#1608), **New Cauldron** (#2767), **La Scala** (#2099), **Kodiak Kafe & Dinner House** (#3679), **Imperial Palace** (#2010), **China Garden** (#227), **Uncle Joe's Pizzeria** (#3847), **Snow City Café** (#3831), **Korea House** (#1866), **Harley's Old Thyme Café** (#2583), **Oriental Garden** (#4050), **Chris's Mixed Grill** (#3429) - Restaurant/Eating Place; **Anchorage Cold Storage** (#3996), **West Coast Distributing** (#1548) - Wholesale; **Dimond Bowl** (#2869) - Recreational Site; **Oasis Liquor** (#1626), **Billik Inn** (#123) - Package Store; **The Theatrical Lounge** (#3443), **American Legion Post 34** (#3690) - Club (Downtown, Spenard, Girdwood, Eagle River, Fairview, Northeast, Campbell Park, Taku/Campbell, Rogers Park, Sand Lake, Mt. View, Abbott Loop & Bayshore/Klatt Community Councils), Clerk's Office.
20. Assembly Memorandum No. AM 283-2002, 2002/2003 Liquor License Renewal: **Alaska Marketplace** (#2000) – Package Store Liquor License (Eagle River Community Council), Clerk's Office.
21. Assembly Memorandum No. AM 284-2002, 2002/2003 Liquor License Renewal: **Shangai Grand Chinese Restaurant** (#3825) – Restaurant/Eating Place Liquor License (Spenard Community Council), Clerk's Office.
22. Assembly Memorandum No. AM 285-2002, 2002/2003 Liquor License Renewal: **Circle S Liquors** (#235) – Package Store Liquor License (Birchwood Community Council), Clerk's Office.
23. Assembly Memorandum No. AM 286-2002, 2002/2003 Liquor License Renewal: **Borealis Brewery** (#3592) – Brewery Liquor License (Downtown Community Council), Clerk's Office.
24. Assembly Memorandum No. AM 287-2002, Top of the Moment (#431) – Transfer of Location & Name Change to **Soraya's** (#4182) for a Beverage Dispensary Liquor License (Downtown Community Council), Clerk's Office.
25. Assembly Memorandum No. AM 301-2002, **Applebee's II** (#4173) – Application for a Restaurant Designation Permit for a Beverage Dispensary Liquor License (Northeast Community Council), Clerk's Office.
26. Assembly Memorandum No. AM 239-2002, **Anchorage School District Six-Year Capital Improvement Program**: July 1, 2002 through June 30, 2008, Anchorage School District.

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

27. Assembly Memorandum No. AM 248-2002, proprietary purchase of **computer software maintenance and telephone technical support** from Tiburon, Inc. for the Municipality of Anchorage, Anchorage Police Department (APD) (\$121,659), Purchasing.
28. Assembly Memorandum No. AM 249-2002, recommendation of award to Anchorage Neighborhood Housing Services in partnership with Cook Inlet Housing Authority and Shiloh Community Development, Inc. to provide **project management services to coordinate volunteer labor** for the Municipality of Anchorage, Community Development Division (RFP 22-P004) (\$240,760), Purchasing.
29. Assembly Memorandum No. AM 250-2002, proprietary purchase of **computer software maintenance/support** from Compuware Corporation for the Municipality of Anchorage, Information Technology Department (ITD) (\$79,044), Purchasing.
30. Assembly Memorandum No. AM 251-2002, proprietary purchase of **computer software license renewal and hardware usage & maintenance services** from International Business Machines, Inc. (IBM) for the Municipality of Anchorage, Management Information Systems Department (\$720,000), Purchasing.
31. Assembly Memorandum No. AM 252-2002, proprietary contracts to various suppliers to support **power generation operations** for the Municipality of Anchorage, Municipal Light and Power (\$350,000), Purchasing.
32. Assembly Memorandum No. AM 253-2002, change order No. 2 to purchase order 212615 with Noodlum Equities for **leased office space for the Muldoon/Alaska Job Center** for the Municipality of Anchorage, Planning Department (\$99,450), Purchasing.
33. Assembly Memorandum No. AM 254-2002, change order No. 2 to the Center for Employment Education and Mila, Inc. for providing **industry specific/customized training programs** for the Municipality of Anchorage, Planning Department (\$115,020), Purchasing.
34. Assembly Memorandum No. AM 255-2002, cooperative purchase of **traffic paint & reflective glass beads** from TMT Pathway, LLC for the Municipality of Anchorage, Traffic Department (\$100,024.30), Purchasing.
35. Assembly Memorandum No. AM 256-2002, proprietary purchase with Dimond Center LLC for **security guard services at the People Mover Transit Center** for the Municipality of Anchorage, Public Transportation Department (\$32,240), Purchasing.

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

36. Assembly Memorandum No. AM 257-2002, approving change order No. 6 to Alaska Pollution Control, Inc. contract (Purchase Order No. 0000202146) increasing the contract amount by \$95,000 for a total amount not to exceed \$229,000 for the Campbell Airstrip Limited Road Service Area (LRSA), Municipality of Anchorage, Street Maintenance Department for budget year 2002 **annual road maintenance**.
37. Assembly Memorandum No. AM 258-2002, change order No. 12 to purchase order 9924232 with Alaska Pollution Control, Inc. for **annual road maintenance services to the Glen Alps Road Service Area** for the Municipality of Anchorage, Street Maintenance Department (\$145,000).
38. Assembly Memorandum No. AM 259-2002, change order No. 6 to purchase order 201371 with H.R. Redmond Company, Inc. for **annual road maintenance services to the Girdwood Valley Service Area** for the Municipality of Anchorage, Street Maintenance Department (\$100,000).

39. Assembly Memorandum No. AM 260-2002, approval of 2002 grants to **non-profit parks and recreation service providers**, Cultural and Recreational Services (\$171,290).
40. Assembly Memorandum No. AM 264-2002, proprietary purchase for providing **book leasing services** from McNaughton Book Service to the Municipality of Anchorage, Department of Cultural and Recreational Services (\$109,225), Purchasing.
41. Assembly Memorandum No. AM 265-2002, proprietary purchase to Cardinal Health Company for furnishing **medical supplies** to the Municipality of Anchorage, Department of Health and Human Services (\$75,000), Purchasing.
42. Assembly Memorandum No. AM 266-2002, change order No. 2 to purchase order 210402 with Envirotec Systems Corporation for the **operation of a vehicle referee facility** for the Municipality of Anchorage, Department of Health and Human Services (\$76,500), Purchasing.
43. Assembly Memorandum No. AM 267-2002, change order No. 3 to purchase order 21MIS194 with CompuCom Systems, Inc. for furnishing **IBM computer hardware, software and service** to the Municipality of Anchorage, Purchasing Department (\$120,000), Purchasing.
44. Assembly Memorandum No. AM 268-2002, change order No. 1 to purchase order 214311 with Pacific Utility Equipment Company to provide a **4x4 telescopic aerial truck** to the Municipality of Anchorage, Municipal Light and Power (\$173,080), Purchasing.
45. Assembly Memorandum No. AM 269-2002, sole source **membership with Electric Power Research Institute** for the Municipality of Anchorage, Municipal Light and Power (ML&P) (\$309,375), Purchasing.
46. Assembly Memorandum No. AM 299-2002, contract amendment No. 3 to professional services contract with KPMG LLP for the **2001 Independent Financial Statement Audit**, Assemblymember Von Gemmingen.
47. Assembly Memorandum No. AM 304-2002, proprietary purchase with URS Consultants, Inc. for professional services related to the **Girdwood Dump Remediation Project** for the Municipality of Anchorage, Solid Waste Services Department (\$307,233), Purchasing.
48. Assembly Memorandum No. AM 305-2002, amendment No. 1 to 2001 **professional landscape architectural services** contract with Land Design North, Inc., RFP 21-P018 (\$100,000), Project Management and Engineering.
49. Assembly Memorandum No. AM 307-2002, proprietary services contract award to Integrated Utilities Group, Inc. for providing a **Water Cost of Service Study** for the Municipality of Anchorage, Water and Wastewater Utility (\$75,000), Purchasing.
50. Assembly Memorandum No. AM 308-2002, change order No. 9 to purchase order 82944 with RCC Consultants, Inc. for additional needs analysis and recommendations for the **Mobile Data System** for the Municipality of Anchorage, Anchorage Police Department (\$24,000).
51. Assembly Memorandum No. AM 309-2002, amendment No. 2 to 2001 professional **structural engineering services** contract with USKH, Inc., RFP 21-P018 (\$100,000), Project Management and Engineering.
52. Assembly Memorandum No. AM 310-2002, 2002-grant agreement with Alaskans for Litter Prevention and Recycling for the **rebate of backhaul wharfage shipping fees** (\$25,025), Solid Waste Services.
53. Assembly Memorandum No. AM 311-2002, amendment No. 2 to purchase order 00009916060 for the professional engineering services contract with Montgomery Watson Harza (MWH) Americas, Inc. for the **utility-wide SCADA (Supervisory Control and Data Acquisition) and Communications Base design project** for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (\$3,230,633).

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 22-2002, **Sole Source Procurement Report** for the month of February 2002, Purchasing.
2. Information Memorandum No. AIM 23-2002, Internal Audit Report 2002-2 – **Procurement Card Program, Purchasing Department**, Internal Audit.
3. Information Memorandum No. AIM 24-2002, Internal Audit Report 2002-3 – **2001 Parts Inventory, Public Transportation Department**, Internal Audit.
4. Information Memorandum No. AIM 25-2002, **contracts awarded between \$50,000 and \$100,000 through formal competitive processes** for the month of February 2002, Purchasing.
5. Information Memorandum No. AIM 28-2002, Municipality of Anchorage General Government and School District Memorandum of Agreement to maintain general fund balances in support of the **Municipality's bond rating**.
6. Information Memorandum No. AIM 29-2002, United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, **Local 367 Status Report** to the Anchorage Municipal Assembly.
7. Information Memorandum No. AIM 30-2002, AMC 3.70.090.B. **Bargaining Status Report**, Employee Relations. **(addendum)**
8. Information Memorandum No. AIM 31-2002, **Lathrop Sewer Upgrade Project** – Pending Contract Change Order, Water and Wastewater Utility. **(addendum)**

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2002-57, an ordinance authorizing the conveyance of interest described as the **North Ten Feet (N 10') of the East Thirty Feet (E 30') of Lot 1, Block 1, Raspberry Subdivision** to Chugach Electric Association, Inc., Tax #014-082-27, Project Management and Engineering. P.H. 4-9-02.
  - a. Assembly Memorandum No. AM 243-2002.
2. Ordinance No. AO 2002-58, an ordinance of the Municipality of Anchorage creating Street Reconstruction Special Assessment District 1SR02, **Street Reconstruction for Warwick Drive**, and determining to proceed with proposed improvements therein, Project Management and Engineering. P.H. 4-23-02.
  - a. Assembly Memorandum No. AM 244-2002.

3. Ordinance No. AO 2002-59, an ordinance of the Municipality of Anchorage creating Special Assessment District 2R02, **Street Upgrades to Falling Water Drive and White Water Circle**, and determining to proceed with proposed improvements therein, Project Management and Engineering. P.H. 4-23-02.
  - a. Assembly Memorandum No. AM 245-2002.
4. Ordinance No. AO 2002-60, an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code 21.15.134 to provide for **platting of commercial tracts that include large retail establishments**, Assemblymember Tesche. ~~PUBLIC HEARING DATE TO BE DETERMINED.~~

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

5. Ordinance No. AO 2002-61, an ordinance indefinitely reauthorizing AO No. 2001-58 regarding telephonic **participation and voting of Assembly members** under Anchorage Municipal Code Subsection 2.30.070.H. and providing amendments thereto, Assembly Chair Traini. P.H. 4-9-02.
6. Resolution No. AR 2002-78, a resolution of the Municipality of Anchorage appropriating \$190,000 of unappropriated Cash Pool Interest revenues earned on the Chugiak, Birchwood, Eagle River Rural Road Service Area (CBERRRSA) Mill Levy Fund (419) to the CBERRRSA Capital Improvement Program Mill Levy Fund (419) for **budget year 2002 road and drainage capital improvement projects**, Street Maintenance. P.H. 4-9-02.
  - a. Assembly Memorandum No. AM 242-2002.
7. Resolution No. AR 2002-82, a resolution of the Municipality of Anchorage appropriating \$2,772,352 from the Equipment Maintenance Internal Service Operating Fund (601), to the Equipment Maintenance Internal Service Capital Fund (606) for the purpose of purchasing **vehicles and equipment**, Property and Facility Management. P.H. 4-9-02.
  - a. Assembly Memorandum No. AM 272-2002.
8. Resolution No. AR 2002-83, a resolution of the Anchorage Municipal Assembly appropriating the sum of \$250,000 from **seized and forfeited monies** awarded from criminal narcotics cases by the U.S. Drug Enforcement Agency, to the Police Investigation Fund (257) for use by the Anchorage Police Department. P.H. 4-9-02.
  - a. Assembly Memorandum No. AM 273-2002.
9. Resolution No. AR 2002-84, a resolution of the Municipality of Anchorage appropriating the sum of \$144,180 from the State of Alaska, Department of Transportation & Public Facilities, Division of Statewide Planning Highway Safety Office and \$16,020 as a contribution from the 2002 Anchorage Police Operating Budget, Anchorage Metropolitan Police Service Area Fund (151) to the State Categorical Grants Fund (231) for the **DUI .08 Under 21 Enforcement Program**, Anchorage Police Department. P.H. 4-9-02.
  - a. Assembly Memorandum No. AM 274-2002.
10. Resolution No. AR 2002-89, a resolution confirming and levying assessments for the sewer special improvements within **Levy-Upon-Connection (LUC) Roll 02-S-1**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility. P.H. 4-9-02.
  - a. Assembly Memorandum No. AM 303-2002.
11. Resolution No. AR 2002-90, a resolution confirming and levying assessments for the sewer special improvements within **Levy-Upon-Connection (LUC) Roll 02-S-2**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility. P.H. 4-9-02.
  - a. Assembly Memorandum No. AM 306-2002.
12. Ordinance No. AO 2002-62, an ordinance **establishing the Commission on Racial and Ethnic Diversity** and providing for its membership, duties and responsibilities, Office of Equal Opportunity. P.H. 4-23-02. **(addendum)**
  - a. Assembly Memorandum No. AM 312-2002.

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

13. Ordinance No. AO 2002-63, an ordinance amending Anchorage Municipal Code Title 21 by amending the R-5 (Rural Residential District) Zoning District Subsection 21.40.070.D. to **allow off street parking spaces and structures as conditional uses**, Assemblymember Von Gemmingen. ~~PUBLIC HEARING DATE TO BE DETERMINED.~~ **(addendum)**
14. Ordinance No. AO 2002-64, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Title 21 by amending Chapter 21.50.090, **Conditional Use Standards-Junkyards**, to eliminate the requirement for traffic access, Assemblymember Shamberg. ~~PUBLIC HEARING DATE TO BE DETERMINED.~~ **(addendum)**
  - a. Assembly Memorandum No. AM 313-2002.

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

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

Ms. Von Gemmingen moved, to approve an unnumbered resolution.  
 seconded by Mr. Tremaine,

Ms. Von Gemmingen read the unnumbered resolution. A resolution of the Anchorage Municipal Assembly supporting committee substitution for House Bill 27, Judiciary Committee; an act relating to the licensure and registration of individuals who perform home inspections, relating to home inspection requirements for residential loans purchased or approved by the Alaska Housing Finance Corporation, relating to civil actions by and against home inspectors and providing for an effective date.

Question was called on the motion to approve the unnumbered resolution and it passed with Mr. Tremaine objecting.

Mayor Wuerch said they had been actively recruiting citizens willing to serve on boards and commissions. There were almost 600 citizens who gave up their time to serve their fellow citizens. He acknowledge Ellen McKay, Platting Board; Terry Bolton, Building Board; Rosalie Sandoval, Equal Rights Commission; Elise Huggins, M. Diane Johnson and Deborah Luper, Housing and Neighborhood Development Commission; Kate Fariday, Library Advisory Board; Christopher Allard and Joel Neimeyer, On-Site Wastewater System Technical Review Board; Brenda Brown, Senior Citizens Advisory Commission; Leon Bustad and James Cunningham, Sister City Commission; Joyce Courtney, Women’s Commission; Robert Chaney, Solid Waste Advisory Commission. Mayor Wuerch thanked each of the appointees for serving the City.

- 15. Assembly Memorandum No. AM 288-2002, Platting Board appointment (Ellen McKay), Mayor’s Office.

Mr. Tremaine moved, for reconsideration of AM 288-2002.  
 seconded by Mr. Tesche,  
 and it passed without  
 objections,

Mr. Tremaine noted the appointment to the Platting Board was supposed to be postponed for a 10-day public hearing.

Mr. Tremaine asked to be registered as a “no” vote on the unnumbered resolution that was moved for approval by Ms. Von Gemmingen and approved by the Assembly. He had not had time to read the resolution.

**10. REGULAR AGENDA:**

- A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS: None.
- B. RESOLUTIONS FOR ACTION - OTHER:

- 1. Resolution No. AR 2002-87, a resolution of the Anchorage Municipal Assembly supporting **HB 498**, “An Act expressing legislative intent regarding privately operated correctional facility space and services; relating to the development and financing of privately operated correctional facility space and services; authorizing the Department of Corrections to enter into an agreement for the confinement and care of prisoners in privately operated correctional facility space; and providing for an effective date,” Assemblymember Fairclough.

Ms. Fairclough said she brought AR 2002-87 forward to the Assembly, because it was listed on the 2002 Legislative priority list that the Assembly unanimously approved.

Ms. Fairclough moved, to postpone AR 2002-87 indefinitely.  
 seconded by Mr. Tesche,  
 and it passed without  
 objections,

- 2. Resolution No. AR 2002-92, a resolution of the Anchorage Municipal Assembly supporting enacting of State legislation allowing issue of **serial caterers’ permits** for periodic events such as the First Friday Gallery Walk involving the serving of alcoholic beverages, Assemblymembers Taylor, Tesche, Shamberg, Traini, Tremaine, Van Etten, and Von Gemmingen. **(addendum)**

Mr. Sullivan moved, to approve AR 2002-92.  
 seconded by Ms. Von Gemmingen,

Mr. Sullivan said he had some concerns with AR 2002-92. Dealing with alcoholic beverages was a very serious trust within the community. He was not sure the people of the First Friday Gallery Walk were trained to serve alcohol or prepared to go through the TAM training. He felt the Assembly should consider this issue further.

Ms. Taylor said the Assembly had spent thousands of hours discussing alcohol issues and the resolution was not taken lightly.

Mr. Tesche said the issue had come up as to whether or not these types of activities could lawfully take place without catering permits. He felt Title 4 indicated that these types of activities required a permit under State law before they could continue. Title 4 indicated that the current regulatory scheme would not necessarily allow these activities to take place, particularly under the existing catering permit statutes. In conversations with the executive director of the State Alcoholic Beverage Control (ABC) Board, the theoretical possibility of an amendment to State law that would specifically authorize issue of a serial catering permit appeared feasible provided such permits were issued in the same fashion that catering permits were currently issued. The State Alcoholic Beverage Control (ABC) Board was scheduled to consider this matter, in concept, at its next meeting. The suggestion arose that if the Assembly indicated its interest in seeing something go forward, they could make that expression of support and the State Alcoholic Beverage Control (ABC) Board might be interested in working with the Assembly on this matter. Between now and that time, he and Ms. Taylor would draft a concept proposal that could be reviewed by the State Alcoholic Beverage Control (ABC) Board. The purpose of the ordinance was not to make a change in how the Assembly did business, but was the first step towards resolving an issue downtown.

Mr. Sullivan said most of the Assembly’s discussions on alcohol had been to increase the restrictions and not to make it easier for those without a license to sell alcohol. He thought it was great that the State Alcoholic Beverage Control (ABC) Board would be reviewing the issue, but he felt it was inappropriate to pass a resolution urging them to change State law before they had the opportunity to review the issue. He would like to have the State Alcoholic Beverage Control (ABC) Board’s recommendations before passing a resolution. While the resolution speaks to the downtown galleries, a serial

caterer’s permit could be used by others who would want equal rights. He did not feel the Assembly should sanction the ability to obtain caterer’s permits more easily. He would not support AR 2002-92.

Mr. Tesche said Municipal Attorney Bill Greene had an intriguing view of Title 4. He understood the Law Department’s opinion to be that these events could take place under the existing catering permit statute.

In response to Chairman Traini, Mr. Greene said there was a possibility of having multiple conditional uses.

Mr. Tesche said in light of the fact that multiple conditional uses were a possibility, he asked the State Alcoholic Beverage Control (ABC) Board to look into that particular issue with the Attorney General’s office.

Mr. Tesche moved, to postpone AR 2002-92 until April 16, 2002,  
seconded by Ms. Taylor, to allow time for a written opinion from the  
Attorney’s office.

Mr. Kendall said Anchorage had struggled with many difficult alcohol issues over the years. They decided to eliminate happy hours, because they did not want drinks sold at a reduced rate for a limited amount of time. He was concerned that this was a happy hour at an art gallery where they gave the drinks away. He would prefer to postpone AR 2002-92 indefinitely.

Question was called on the motion to postpone AR 2002-92 until April 16, 2002 and it passed with Mr. Kendall objecting.

C. BID AWARDS: None.

D. NEW BUSINESS:

- 1. Assembly Memorandum No. AM 294-2002, Public Facilities Advisory Commission appointment (Devery Prince), Mayor’s Office.

Mr. Tremaine moved, to approve AM 294-2002.  
seconded by Ms. Shamberg,

Mr. Tremaine said he received communication regarding Devery Prince, which he did not disclose. He recommended a no vote on AM 294-2002.

Mr. Tesche said he would be a no vote on AM 294-2002 for the same reasons expressed by Mr. Tremaine.

Mr. Kendall felt the reasons for not appointing someone to a voluntary board or commission should be stated.

Mayor Wuerch said several Assemblymembers had requested a postponement so they could discuss the issue. He pointed out that the nomination had been changed several times. He was not aware of the reasons for not approving Devery Prince to the Public Facilities Advisory Commission. He suggested postponing AM 294-2002 to allow the staff and the Assemblymembers time to discuss the issue.

Ms. Fairclough moved, to postpone AM 294-2002 to April 16, 2002.  
seconded by Mr. Kendall,  
and it passed with Mr. Tremaine  
objecting,

Mr. Kendall requested a detailed explanation of the duties of the Public Facilities Advisory Commission from the administration.

- 2. Assembly Memorandum No. AM 239-2002, Anchorage School District Six-Year Capital Improvement Program: July 1, 2002 through June 30, 2008, Anchorage School District.

Mr. Kendall moved, to approve AM 239-2002.  
seconded by Ms. Fairclough,

Mr. Kendall moved, to postpone AM 239-2002 until April 9, 2002.  
seconded by Ms. Fairclough,

Mr. Kendall said he just received the document and would appreciate the time to review it.

Question was called on the motion to postpone AM 239-2002 until April 9, 2002 and it passed without objections.

- 3. Assembly Memorandum No. AM 256-2002, proprietary purchase with Dimond Center LLC for **security guard services at the People Mover Transit Center** for the Municipality of Anchorage, Public Transportation Department (\$32,240), Purchasing.

Ms. Von Gemmingen moved, to approve AM 256-2002.  
seconded by Ms. Fairclough,

Ms. Von Gemmingen moved, to amend AM 256-2002 to change the fund  
seconded by Mr. Van Etten , certification to 3808-101-6400-0000-000-2002-640000.  
and it passed without  
objections,

Question was called on the motion to approve AM 256-2002 as amended and it passed without objections.

E. INFORMATION AND REPORTS: None.

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2002-60, an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code 21.15.134 to provide for **platting of commercial tracts that include large retail establishments**, Assemblymember Tesche. ~~PUBLIC HEARING DATE TO BE DETERMINED.~~

Mr. Tesche, Mr. Tremaine and Ms. Taylor joined in introducing AO 2002-60. The public hearing was scheduled for May 21, 2002.

In response to Mr. Tesche, Mayor Wuerch said they would be dealing with both the Platting Board and the Planning and Zoning Commission and he felt it would be fair to give them both a chance to look at it. He suggested scheduling the public hearing for May 21, 2002.

Ms. Fairclough moved, to reconsider AO 2002-59,  
seconded by Mr. Kendall,

2. Ordinance No. AO 2002-59, an ordinance of the Municipality of Anchorage creating Special Assessment District 2R02, **Street Upgrades to Falling Water Drive and White Water Circle**, and determining to proceed with proposed improvements therein, Project Management and Engineering. P.H. 4-23-02.
  - a. Assembly Memorandum No. AM 245-2002.

Ms. Fairclough said she and Mr. Kendall received notification from the homeowner on L-10, B-5. Their access was to Park Drive in the River View Subdivision. They did not believe they would receive service benefits. She and Mr. Kendall needed to move to have it taken off the rolls or have information provided to substantiate why they should be included.

Chairman Traini noted that AO 2002-59 was set for introduction and a public hearing was scheduled for April 23, 2002.

3. Ordinance No. AO 2002-62, an ordinance **establishing the Commission on Racial and Ethnic Diversity** and providing for its membership, duties and responsibilities, Office of Equal Opportunity. P.H. 4-23-02. (**addendum**)
  - a. Assembly Memorandum No. AM 312-2002.

Ms. Taylor, Mr. Van Etten and Ms. Fairclough joined in introducing AO 2002-62. The public hearing was scheduled for April 23, 2002.

Ms. Taylor requested an Assembly work session for AO 2002-62. A number of people have expressed concern regarding duplication of effort and the goals and missions of the Commission on Racial and Ethnic Diversity.

4. Ordinance No. AO 2002-63, an ordinance amending Anchorage Municipal Code Title 21 by amending the R-5 (Rural Residential District) Zoning District Subsection 21.40.070.D. to **allow off street parking spaces and structures as conditional uses**, Assemblymember Von Gemmingen. ~~PUBLIC HEARING DATE TO BE DETERMINED.~~ (**addendum**)

Chairman Traini set the public hearing for AO 2002-63 for May 21, 2002.

5. Ordinance No. AO 2002-64, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Title 21 by amending Chapter 21.50.090, **Conditional Use Standards-Junkyards**, to eliminate the requirement for traffic access, Assemblymember Shamberg. PUBLIC HEARING DATE TO BE DETERMINED. (**addendum**)
  - a. Assembly Memorandum No. AM 313-2002.

Chairman Traini set the public hearing for AO 2002-64 for May 21, 2002.

Ms. Fairclough congratulated fellow Eagle River resident Deborah Luper for her appointment to the Housing and Neighborhood Development Commission.

6. Ordinance No. AO 2001-136, an ordinance amending the zoning map and providing for the rezoning from approximately 2.5 acres from PLI (Public Lands and Institutions District) to R-3 SL (Multi-Family Residential District with Special Limitations) for **T14N, R2W, Section 11, Lot 59, S.M., A.K.**, generally located between VFW Road and Eagle River Road (Eagle River Valley Community Council) (Planning and Zoning Commission Case 2001-011), Planning Department.
  1. Assembly Memorandum No. AM 628-2001.  
(CONTINUED FROM 9-11-01, 10-23-01, AND 1-8-02)

Ms. Fairclough moved, to postpone AO 2001-136 for six months,  
seconded by Mr. Kendall,

Ms. Fairclough noted that the attorney for Eklutna, Incorporated requested a six month postponement to resolve some legal issues on the rezone.

Question was called on the motion to postpone AO 2001-136 for six months and it passed without objections.

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

- A. Assembly Memorandum No. AM 224-2002, 2002/2003 Liquor License Renewal: **Gallo’s Mexican Restaurant (#2833)** - Beverage Dispensary, Clerk’s Office.  
(QUESTION OF APPROVAL WAS DIVIDED OUT AND POSTPONED FROM 2-26-02)

Chairman Traini gave the history of AM 224-2002 and noted no motion was on the floor.

Mr. Tesche moved, to approve AM 224-2002.  
seconded by Ms. Von Gemmingen,

Ms. Von Gemmingen said the Taku Community Council voted to approve AM 224-2002.

Mr. Kendall said Ms. Clementson referred to a situation at Gallo’s Mexican Restaurant that occurred in 1998. The Assembly had discussed the issue with the owner at the time of the license renewal in 1998 and he did not feel they needed to talk about it again.

In response to Mr. Tesche, Mr. Gallo’s attorney said there had been no employee convictions for any violation of Title 4 and there were no administrative procedures pending before the State Alcoholic Beverage Control (ABC) Board.

Question was called on the motion to approve AM 224-2002 and it passed.

- B. **NOTICE OF RECONSIDERATION: 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 79<sup>th</sup> 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 79<sup>th</sup> 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.  
(POSTPONED INDEFINITELY 3-5-02; NOTICE OF RECONSIDERATION WAS GIVEN BY MR. TESCHE 3-5-02)

Chairman Traini gave the history of AO 2002-30 and noted a motion to postpone indefinitely was on the floor.

Mr. Tesche said the purpose of reconsidering AO 2002-30 was to bring it back before the Assembly to substitute AO 2002-30(S). He recommended approval of AO 2002-30(S), which was the implementation ordinance that was prepared by the Mayor and the Department of Law to make the Lore Road alternative happen for the Simonian ball fields in the event the ballot proposition passed. The administration concurred with substituting AO 2002-30(S).

Mr. Tesche moved, to substitute AO 2002-30(S) for AO 2002-30.  
seconded by Ms. Von Gemmingen,  
and it passed without objections,

Mr. Tesche moved, to approve AO 2002-30(S).  
seconded by Mr. Van Etten,

Question was called on the motion to approve AO 2002-30(S) and it passed:

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

NAYS: None.

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

Mr. Tesche moved, to postpone AO 2002-30 indefinitely.  
seconded by Ms. Fairclough,  
and it passed without objections,

The meeting recessed at 5:51 p.m. and reconvened at 6:29 p.m.

**12. APPEARANCE REQUESTS (SHALL BEGIN NO EARLIER THAN 6:00 P.M. AND NO LATER THAN 7:00 P.M.):**

- A. **Theresa Nangle Obermeyer, Ph.D.**, regarding School Board.

THERESA NANGLE OBERMEYER said the truth cut across everything that went on. The legislators would be at the Chugiak Senior Center on Saturday at 4:00 p.m. She encouraged everyone to attend to help the legislators, because they could not do everything by themselves. She commented on the current leadership of the Anchorage School Board. She was running for a non-partisan public office. We live in a place where School Boards and Assemblies were very weak, because of term limits, recalls and run-offs. She resented that, because it was about a bunch of lawyers that put things on ballots and got them through. Peggy Robinson was elected in February of 1993. Debbie Ossiander was appointed before Peggy Robinson, but Debbie Ossiander had an extra year, which she did not understand. Peggy Robinson said she wanted to become a principal. Where is the advocacy for our children? She was running for the School Board to advocate for children.

She did not believe that Rita Holthouse should be allowed to run for the School Board in 1997, because her husband sat at Bob Crystal’s right hand. Rita Holthouse was allowed to run and was put on the School Board. She has since been reelected. Her husband retired on June 30, 2001 and received a sole source contract. People lead by example. She pointed out that she was running against two licensed attorneys for the School Board seat.

Mr. Sullivan asked Ms. Obermeyer not to bring campaign literature into a public building in the future.

**13. CONTINUED PUBLIC HEARINGS (SHALL BEGIN NO EARLIER THAN 6:00 P.M. AND NO LATER THAN 7:00 P.M.):**

Ms. Fairclough moved, to change the order of the day to take up item  
seconded by Ms. Taylor, 14.B, AR 2002-77.  
and it passed without  
objections,

- A. Resolution No. AR 2002-77, a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages conditional use in the B-3 District for a package store license per AMC 21.40.180.D.8. for **Fred Meyer, Inc.**, located on proposed Tract 1D, Northgate Business Park (Case S-10837); generally located on the northeast corner of Northgate Drive and Old Glenn Highway (Chugiak Community Council) (Case 2002-060), Planning Department.
  - 1. Assembly Memorandum No. AM 241-2002.

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

MARY LOFTON said she was the corporate director of community relations for Fred Meyer stores. They were seeking a conditional use permit for a package liquor store at the proposed Chugiak/Eagle River Fred Meyer store to be located at the corner of Old Glenn Highway and Northgate Drive. The Municipal Planning Department recommended approval on Assembly Memorandum 241-2002 in the planning staff analysis. The proposed activity was compatible with the existing and planned land use in surrounding neighborhoods and the intent of its use district. There were no issues with the concentration of licenses, because there were no other package liquor stores within 1,000 feet. The Department of Health and Human Services had not found any negative comments or impacts from the proposed conditional use permit. Their plan was to buy and move the Alaska Marketplace license in Eagle River to their new location. The population base served was primarily the same. The Alaska Marketplace store was closed and the company was in bankruptcy. The sale of the license to Fred Meyer had the bankruptcy court’s approval. Their license transfer application was submitted to the State Alcoholic Beverage Control (ABC) Board today and would come before the Assembly in the next couple of months. The new Fred Meyer would provide one-stop shopping convenience. The liquor store would be inside the building that also housed groceries, apparel, home, garden and jewelry items. This would not be a free standing liquor store or a gas-and-go. The liquor store would have its own controlled entrance from the interior of the store in the main building with no direct access from the outside. They have met with three nearby community councils and the Chugiak/Eagle River Chamber of Commerce. No community council opposed the permit and they had letters of support from the Eagle River Community Council and the Chamber of Commerce, which were provided in the Assembly’s packet. The conditional use permit would fit the Chugiak/Eagle River Comprehensive Plan, which encouraged new jobs, the introduction of businesses that serve local residents and the growth of the business district. Fred Meyer was a responsible operator and they took their responsibilities very seriously. Training, testing and security measures were at the forefront. They followed State mandated TAM training for their employees. They augment the TAM training with quarterly training and testing on the law and Fred Meyer’s strict policies. Their registers were pre-prompted to ask for proof of age on alcohol sales. If the customer looked younger than 27, the cashier had to enter the driver’s license and other proof of age identification before the sale could be rung up. They had a zero tolerance for employees that violate that law and their policies. They had a strict security system in their liquor stores with cameras on each isle, each register, in the cooler and in the stockroom. They keep the security tapes for a minimum of 60 days. They also had in-house security that patrolled the interior of the store and lighted parking lots. Fred Meyer was a responsible operator. Their application for the conditional use permit met the standards of the Municipal code as evident in the Planning Department’s analysis findings and recommendations.

JIM YERRIGAN said he was the current president of the Eagle River Chamber of Commerce. The Chamber of Commerce reviewed this issue closely and supported the application. They did not view this as adding another liquor license to Eagle River, but transferring the existing license from the Alaska Marketplace over to Fred Meyer.

JODY SPILECKI said she lived in Eagle River. She supported Fred Meyer moving into the community. She felt the package liquor store would be a nice convenience for shopping in Eagle River.

DICK ROSTEN said he represented Fred Meyer. He noted there was a typographical error in both the title and section one of AR 2002-77. The applicant was Fred Meyer of Alaska, Inc. and not Fred Meyer, Inc.

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

Ms. Fairclough moved, to approve AR 2002-77.  
seconded by Mr. Kendall,

Ms. Fairclough urged approval of AR 2002-77 as quickly as possible. Fred Meyer had been an excellent addition to our community. They have supported us in many activities and were willing to work with the community on safety issues that were of concern to several community councils. They have committed to run a safety program for the bike trail safety issue. She encouraged a yes vote on AR 2002-77.

Mr. Kendall moved, to amend AR 2002-77 to change Fred Meyer, Inc.  
seconded by Mr. Sullivan, to Fred Meyer of Alaska, Inc. throughout the  
resolution, except for the title.

**(Clerk’s Note: Part of meeting not on record on Tape 1, Side A)**

Mr. Sullivan said he attended the grand opening of the South Anchorage Fred Meyer and felt it was a fantastic addition to the community. He was impressed by Fred Meyer’s commitment to the community in supporting various non-profit organizations, which was a great example for the corporate community. He welcomed their increased presence in Anchorage.

Ms. Shamberg concurred that the new South Anchorage Fred Meyer store was a wonderful facility, but she hoped the future Fred Meyer stores would leave a little more natural vegetation in the area.

In response to Ms. Shamberg, Mary Loften said she would advise the development department about the concern of the lack of vegetation. The proposed Eagle River site did not currently have much vegetation, but they would be planting vegetation in various areas, including the plaza, picnic and bus stop shelter areas.

Question was called on the motion to approve AR 2002-77 as amended and it passed:

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

Mr. Sullivan moved, to change the order of the day to take up item 13.B,  
seconded by Ms. Von Gemmingen, AR 2002-60.  
and it passed without  
objections,

- B. Resolution No. AR 2002-60, a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages (Beverage Dispensary License) conditional use in the B-3 District for a restaurant per AMC 21.40.180.D.8. generally located on Blueberry Lake Subdivision, Lot 3, Block 5 at 2830 C Street (**Boston Pizza Restaurant**) (Case 2002-047), Planning Department.
  1. Assembly Memorandum No. AM 166-2002.  
(CARRIED OVER FROM 2-26-02)

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

TOM McGRATH said he was chairman of the Spenard Community Council. They discussed the issue of Boston Pizza on March 6, 2002. They felt Boston Pizza would be a good member of the community. They anticipated hiring 100 people to operate the restaurant. The Spenard Community Council passed a resolution asking the Assembly to oppose the conditional use permit, given their long-standing moratorium of new liquor licenses coming into the Spenard Community Council area. Spenard currently had 43 beverage dispensary licenses, 43 restaurant licenses, 19 package stores, 6 club licenses and one recreation site license. They would like to see an existing license utilized, although it was their understanding that one was not available. The Spenard Community Council passed a resolution against AR 2002-60.

In response to Chairman Traini, Mr. McGrath said the vote of the Community Council was 8 to 1 against the conditional use permit.

DON McMILLAN said he was the owner and manager of the new Boston Pizza in Spenard. He would be willing to answer any questions the Assembly had.

In response to Mr. Van Etten, Mr. McMillan said Boston Pizza was a family orientated, sports theme restaurant. They estimated 70 percent food and 30 percent alcohol based on other Boston Pizza restaurants in similar locations. Boston Pizza was a 36-year-old company with 160 restaurants throughout Canada and the United States.

In response to Mr. Tremaine, Mr. McMillan said the liquor license was obtained from Larry Kiezer, former owner of Ollie’s Pub. The Assembly had already approved the liquor license transfer.

In response to Mr. Sullivan, Mr. McMillan said Boston Pizza was similar to an Applebee’s Restaurant or Olive Garden. The Northstar Community Council was not opposed to the conditional use permit. They anticipated hiring about 130 people based on the history of the other restaurants. They conduct an extensive in-house training for the staff to meet their standards and policies. The responsible service of alcohol was very important to Boston Pizza. They would have managers in each department and on the property at all times and security cameras in place. Boston Pizza had a ground lease for their location on C Street and Northern Lights. Arby’s was the owner of the land and indicated that landscaping would be done this spring.

In response to Mr. Van Etten, Mr. McMillan said Boston Pizza was slated to open five to six restaurants in Alaska. Fairbanks was scheduled for construction in May of 2002. They were looking at two locations in Anchorage and possibly one in Eagle River or Wasilla. He would be willing to come before the Assembly prior to or concurrent with obtaining a building permit for additional Boston Pizza locations.

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

Mr. Sullivan moved, to approve AR 2002-60.  
seconded by Ms, Von Gemmingen,

Mr. Sullivan felt it was interesting that with the longstanding policy of the Spenard Community Council opposing new liquor licenses, the Assembly wanted to satisfy the needs of the local community. He felt they needed to keep in mind that this was the central business district. One of the things that made a central business district attractive was upscale restaurants and entertainment opportunities. He noted that he would not vote for another conditional use permit if a company built the restaurant before coming to the Assembly for a liquor license. He would support AR 2002-60.

Mr. Tremaine said he would vote in favor of AR 2002-60. He concurred with Mr. Sullivan’s comment about building first and obtaining a liquor license second. He had no problem voting down a liquor license if a building was already built, just as

he had no problem telling a person they had to tear down their house because they built it in the wrong place and violated zoning.

In response to Ms. Von Gemmingen, Municipal Attorney Bill Greene said he did not know of any reason why a person could not apply for a conditional use permit as soon as they owned the land.

In response to Chairman Traini, Mr. Greene said he would provide the framework for codifying the process by April 9, 2002 outlining the process for a person to obtain a conditional use permit before constructing a building.

Mr. Tesche noted that the restaurant builders were comparatively sophisticated American businessmen coming into Alaska to expand their operations. They knew the risks they were taking in building a facility designed for sale and service of alcoholic beverages before obtaining a license from the local governing body. He was not intimidated by the fact that if they choose to delay the process of asking for an alcoholic beverage permit, they might not get the permit. He noted Boston Pizza was not in the central business district, but about 28 blocks away. There was a section in the new 2020 Comprehensive Plan that required the Assembly to proceed with standards for the location of new uses involving alcoholic beverages. The Spenard Community Council had legitimately raised this question for years. He formally requested that the Department of Law, working with the Department of Health and Human Services, the Health Commission and the Planning and Zoning Commission, provide the Assembly with recommendations for specific standards, especially on density and location, for new uses involving alcoholic beverages.

Question was called on the motion to approve AR 2002-60 and it passed:

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

Ms. Fairclough moved, to change the order of the day to take up items  
seconded by Mr. Van Etten, 14.C, 14.D, 14.E and 14.F.  
and it passed without  
objections,

- C. Resolution No. AR 2002-61, a resolution of the Municipality of Anchorage accepting and appropriating (\$3,102,832) **State of Alaska 2001 legislative grants** to Anchorage School District per Senate Bill 29, Office of Management and Budget.
  - 1. Assembly Memorandum No. AM 197-2002.

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

Ms. Fairclough moved, to approve AR 2002-61.  
seconded by Mr. Van Etten,

Question was called on the motion to approve AR 2002-61 and it passed:

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

- D. Resolution No. AR 2002-62, a resolution of the Municipality of Anchorage appropriating \$104,500 as a grant to the State Categorical Grants Fund (231), Department of Health and Human Services, from the Alaska Department of Transportation and Public Facilities to fund an **Air Quality Public Awareness Campaign**, Health and Human Services.
  - 1. Assembly Memorandum No. AM 198-2002.

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

Ms. Fairclough moved, to approve AR 2002-62.  
seconded by Mr. Kendall,

Question was called on the motion to approve AR 2002-62 and it passed:

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

- E. Resolution No. AR 2002-63, a resolution of the Municipality of Anchorage appropriating \$12,173,762 as a grant to the State Categorical Grants Fund (231), Department of Health and Human Services, from the Alaska Department of Education and Early Development to fund the **Day Care Assistance Program**, Health and Human Services.
  - 1. Assembly Memorandum No. AM 199-2002.

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

Ms. Fairclough moved, to approve AR 2002-63.  
seconded by Ms. Shamberg,

Question was called on the motion to approve AR 2002-63 and it passed:

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

Clerk’s Note: Mr. Kendall and Mr. Sullivan were out of the room during the vote according to vote card.

- F. Resolution No. AR 2002-64, a resolution authorizing the Municipality of Anchorage, Public Transportation Department to file for a Federal Transit Administration Section 5303 Metropolitan Planning Program grant, enter into a Transfer of Responsibilities Agreement in the amount of \$209,116 with the Department of Transportation and Public Facilities, State of Alaska, and to appropriate these funds along with \$52,279 for required local matching funds from the Public Transportation Department’s 2002 Operating Budget to the State Categorical Grants Fund (231) for financing of the **Transit Planning Program**, Public Transportation Department.
  1. Assembly Memorandum No. AM 200-2002.

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

SHELLY EDWARDS said she lived in Anchorage and rode the People Mover. She supported AR 2002-64, because she depended on the bus service.

ELLIE JOHNSON said she worked at the Anchorage International Airport, which was ten percent of the employment for the City of Anchorage. She hired many employees who could not get transportation to the airport. She had to turn away 50 percent of the people who wanted a job, because they could not get to the airport to work. She did not understand why there was no year round bus service to the airport when 10 percent of the residents worked there. She felt bus service was a very important issue for the lower income people who did not own vehicles.

In response to Mr. Tremaine, Ms. Johnson agreed that transit riders tended to be over 50 percent minorities with less than a \$35,000 income and no vehicles. She tried to hire people off of welfare, but they were not able to get transportation to work. About 70 percent of the employees at the airport were minorities that lived in low-income areas and depended on bus transportation.

Mayor Wuerch said there was an excellent vanpool program available that would provide a door-to-door service for a nominal cost.

In response to Mr. Van Etten, Ms. Johnson said she owned the business that ran six restaurants at the Anchorage International terminal. The business was minority owned and the majority of her employees were minorities. She had been there for eleven years and had a contract for another four years. The vanpool service was not affordable to her employees. There were other employers at the airport that had similar problems. Some of the employees walk five miles a day to get to work.

DAN WARING said he lived in Fairview, which was a low-income neighborhood. He asked the Assembly and the Mayor to increase funding for transit. Fairview did not have a large business district.

Chairman Traini asked Mr. Waring to return to the Assembly meeting when they did the first quarter budget revision to address these problems.

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

Ms. Fairclough moved, to approve AR 2002-64.  
seconded by Mr. Tremaine,

In response to Mr. Van Etten, Mr. Kniefel said the Transit Planning Program was the federal funding source that provided for the Planning Division work, which included planning for the route restructure, providing money for the staffing and performance measures.

Question was called on the motion to approve AR 2002-64 and it passed:

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

- G. 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; CONTINUED FROM 3-5-02)

VALERIE JOKELA spoke for the Chugiak Dog Musher Association, a non-profit organization with the mission of promoting the sport of dog mushing with emphasis on care and training. They had a history of existence since the 1950s and had maintained the Beach Lake trail system for the past 50 years. Their membership was composed of approximately 200 members, 150 of which were over 18 years of age. They had a junior arm of the club that was ages 5 to 17. They viewed dog mushing as a family oriented lifestyle. The sport assisted many youth to stay focused and set goals for their future. Dog care at this level taught personal responsibility. They reviewed Title 17(S-1) and acknowledged the hard work that volunteer citizens and animal groups contributed, along with the Animal Control Advisory Board. They had a few concerns with Title 17. The concept of chronic animal control was a selective enforcement issue. This needed to be removed from Title 17 and put back and addressed under Title 15, the environmental protection ordinance. It should be addressed and treated like any other form of permitted noise. With this form of noise singled out, it would be okay for her neighbor to start up and operate a domestic power tool between the hours of 7:00 a.m. and 10:00 p.m. with no time limits as long as it did not exceed certain decibel levels. It would not be okay for her animals to vocalize for greater than seven minutes during the same time frame. If the goal was to target a single animal that was tied up in someone's backyard in a densely populated subdivision and received very little human contact and attention, it should be put under cruelty to animals. After listening to the public testimony on February 26 regarding chronic noise from Mulcahy Stadium, the door was opened for public appearances about animal noise during events around the Municipality. They proposed the following exception: where noise was intentionally provoked, prompted by stray animals or wildlife that came onto private property, prompted by fireworks or sirens, and where noise was prompted by trespassers at animal events and dog parks within the Municipality. As written, a dog was excused from biting a trespasser, but not for barking at one.

In response to Mr. Van Etten, Ms. Jokela said they had other concerns under section 17.05.100.E, including the LV process. If an animal was euthanized before all appeals and decisions had been made, the Municipality would be liable to compensation at fair market value. They recognized this protected the Municipality from mistakes taking place, but it was in conflict with 17.25.070.B, which addressed when it was appropriate to euthanize. They needed to insure that hearing and appeal processes were exhausted before an animal was euthanized in error. There was no provision making it mandatory for neighbors to attempt to work out animal noise before it got to the point of sworn testimony of two or more persons or one person where additional evidence was provided. Additional evidence needed to be defined. It implies that neighbors could keep a book on someone without their knowledge. Some people disliked animals and could use this as a tool to harass animal owners.

In response to Mr. Van Etten, Ms. Jokela said she would provide a proposed flow chart to the Assembly. The flow chart would help someone that was issued a NOV to understand the process.

SUE WIRTH said she was a cat and dog lover and a volunteer with the Alaska Humane Society. She had a few problems with the way Title 17 was written. She provided an article from Animal People Magazine, which discussed compliance with dog and cat licensing. Their survey concluded that compliance was very low both for cats and dogs throughout the United States. They believed cat licensing would be ineffective and cost prohibitive. Most cat owners kept their pets indoors, but 99 percent of dogs went outdoors. She felt cat licensing would create a vicious circle of noncompliance, which would deter people from obtaining rabies shots for their animals. Section 17.15.060 on page 27 limited the number of animals a person could own. According to the article in Animal People, there has been no evidence that those types of provisions have worked, because they were very difficult to enforce. The only purpose for it was for backyard breeders and boarders, which should be reflected in Title 17 rather than setting limits on the number of pets a person could own. They wondered how animal litter licensing would be effective or help the animals. Many people rescued cats, took care of litters in their homes and tried to find homes for them. She questioned how the proposed fee would help. She and the Alaska Humane Society would like to see animal cruelty put back into Title 17.

In response to Ms. Von Gemmingen, Ms. Wirth said she felt people would not take in cats if they were asked to pay \$15.00 a year for a license. Many people do not let their cats go outdoors, but others just do not care. She paid for the control and care of animals being picked up by Animal Control by volunteering her time to the Alaska Humane Society.

CHRIS LONGAGO said she was against cat licensing. Her main problem with cat licensing was the high degree of noncompliance nationwide. Cat licensing was not working around the country and would not work in Anchorage. Raising the cost of adopting a cat from Animal Control to cover licensing would increase the costs of maintaining the animals, because people would get free kittens out of the paper instead. She did not feel cat licensing was enforceable. She was a Buddhist and their first precept was to do no harm to other beings. She could not support a policy that led to more euthanasia and suffering. She would support cat licensing when the shelter was turned into a no-kill shelter. No-kill shelters have succeeded in many other states and she encouraged Anchorage to consider that as an option.

JOE ANDREIS spoke in opposition to any form of cat licensing

CAROL JENSEN said she would submit her proposed amendments to the Assembly in a more detailed and legal format. She passed out results from research she conducted. Over the last 12 years, she contacted approximately 10 to 12 different animal control agencies across the country in every geographical area. She discussed their fees, fines, cat licensing, dog licensing and how things worked. There was a low compliance rate and effectiveness of cat licensing in some communities. Other communities did not even bother with it, because they did not believe it would be effective. She felt the hearing process needed to be shortened. Four to six months for an impounded animal waiting to go through the appeal process was excessive and there were remedies for that. It was imperative for the ordinance to have every cost spelled out. The public and the Assembly needed to know how much it would cost to adopt or reclaim an animal. They needed to know if it was going to be over \$100 or \$130, which would price the animals right out of the market. Any time Animal Control failed to adopt an animal out, their costs were maintained or increased and the revenue reduced. Anything that decreased the adoption or redemption rate would increase the costs. She discussed early spaying and neutering. She compiled averages from the veterinary clinics in Anchorage and would supply that information to the Assembly. She would like to see the early spay/neuter provision removed. Ten veterinary clinics in Anchorage would not do early spaying/neutering, nine would do it only with doctor approval and five would do it if the animal was over four months of age. The fees and fines were the same for dogs and cats at Animal Control with the exception of boarding, which was \$2.00 less for cats and there was a \$10 difference in the spay/neuter deposit. Every other cost and fee was exactly the same, yet the majority of the Animal Control's time was spent on dog-related problems. Cats that go outside to defecate, bury it. Dogs leave big piles everywhere. If you

priced the animals out of the market, the costs would increase and the revenues would decrease. The taxpayer would end up paying more for animal control.

In response to Mr. Tesche, Ms. Jensen said she would provide her prepared amendments to Mr. Tremaine.

KATIE NOLAN said she was a local dog owner. She thanked Mr. Van Etten on his e-mail newsletter to the community, which was a valuable service and appreciated. She thanked the Assembly for their attention to the Title 17 revision. The document was far from perfect, but it was much better than what they had been dealing with. She should not have to pay attention to the 55 mile an hour speed limits, because she was a really good driver. She should not have to buy car insurance, because she had never had an accident. She questioned if that was fair or whether everyone needed to take responsibility for the community. The cat numbers at Animal Control were tragic. The dog community has worked with Animal Control in education, rescue programs and licensing. The dog adoption numbers were the highest in the nation, partly because of the responsibility that the purebred dog community accepted. She felt it was time for the cat community to step up and acknowledge that a seven percent return number on cats was not good. She felt the cat community needed to take responsibility. She purchased car insurance even though she was a good driver, just as she purchased a license for her dogs and cats, even though she was a responsible pet owner. It was not only her responsibility to provide for her own pets, but to provide for the 1,500 cats that we are killing every year because no one would take responsibility for them. She felt Title 17 was a good provision, even though there were things she would like to see changed. The barking limits were workable. She liked the fact that there were no animal limits. She noted that responsible ownership did not have anything to do with the number of animals that you own, but the responsibility you placed on them. She hoped everyone would be a responsible animal owner regardless of the type of animals they owned.

In response to Mr. Sullivan, Ms. Nolan said she did not understand the early spay/neuter or the early rabies provisions. She felt animals should not receive rabies shots until they were at least four months old and preferably six months old. The Animal Control Advisory Board created the definition of a hearing officer. She felt the hearing officer should be knowledgeable with Title 17 and its intentions.

JENINE BROWN said she co-owned and operated Jewel Lake Boarding Kennels and West Anchorage Veterinary Clinic. They have served Anchorage's pets for the past 20 years. She was opposed to cat licensing. The adoption fee increase would ultimately cause the death of more cats and less revenue to the City due to decreased adoption numbers. It was said that cats needed to pay their fair share. Cats occupy one small room in a multi million dollar, several thousand square foot facility. It cost only a fraction of what it would cost to house, feed, clean, euthanize and cremate a cat versus a dog. Animal Control officers were not called out to respond to barking cats, cats chasing children on bikes or viscous attacks. People that were already breaking the law by letting their cats run loose were less likely to buy a license. It was also very dangerous for a cat to wear a collar and a tag. To purchase a license you must show proof of a current rabies vaccination. Her biggest concern was that in the past several attempts to institute cat-licensing clients have said they would stop vaccinating against rabies, therefore setting up the community for a possible rabies epidemic. As required by law, veterinary clinics must submit copies of their rabies certificates to Anchorage Animal Control. We are seeing more dog and cat owners who decline rabies so the City would not know how many pets they had. They were fearful that they would be forced to get rid of their pets or move to the Valley to comply with zoning regulations. The San Francisco SPCA was one of the most respected and well-known humane organizations in the country and has put out a position paper opposing cat licensing. They listed all the reasons why it was ineffective, expensive and caused more cats to be killed. She provided a copy of the position paper to the Assembly. She noted that 10.7 percent of the cats were reclaimed at Animal Control, which was much higher than other places in the country. She supported Carol Jensen's proposed amendments to Title 17.

GREG GEITZ said he was a former two-term member of the Animal Control Advisory Board and a practicing veterinarian in Anchorage. He was opposed to cat licensing. He and his staff encouraged clients in the general public to adopt from Animal Control on a daily basis. They often heard that the cost of adoption was too high. By adding a license fee, a microchip insertion fee and a microchip registration fee, the animal would be priced out of the adoption market. Although the registration fee of \$15 was mailed in by the owner, it was part of the adoption consideration as the microchip was useless without being nationally registered. Cats currently adopted from Animal Control were issued a rabies tag, which was a good means of identification. Most owners would not put a collar and a rabies tag on their cat and would not be likely to put on a license tag. Tagging the cat would do nothing to keep it from roaming, breeding or becoming a neighborhood nuisance; only education would solve these issues. He asked the Assembly to take his concerns seriously, because the lives of the animals, the reputation of Animal Control and the City's adoption revenue depended on it. He hoped the Assembly would address the proposed amendment to shorten the quarantine period. He felt the enforcement of animal cruelty should be moved back to Animal Control instead of the Anchorage Police Department. The micro chipping would increase the cost of adopting pets. He offered micro chipping to his clients, because it was an added source of identification although the system was not worked out nationally. He took one of his chips to another clinic a few weeks ago and they could not read it, because they used a different micro chipping company. The purpose of the microchip or the license was to reunite the pet with the owners, but they would not be useful if everyone could not read the chips.

LYNDA BARBER-WILTSE said she was an active member of the Anchorage dog community and her national breed club. She participated in many of the performance events. She had instructed general public obedience classes at Alyeska Canine Trainers from its inception in 1986. The motto at their dog club used to be TEDIA, which stood for "train every dog in Anchorage." In the obedience classes, she emphasized responsible dog ownership. She had a facility license since 1992, which has been renewed every two years. She had a cat and several birds. She supported the revised Title 17, which represented a comprehensive process. Even though the ordinance was not perfect, it was moving in the right direction. She liked the fact that it streamlined some of the processes, talked about multi year licensing, took care of and gave definition to some of the areas that had been left unclear. It also recognized off-leash training. Some of the performance events she participated in would not be possible within the city limits if she had to have a leash on her dog at all times. She felt there were some changes needed to Title 17. Animal cruelty laws needed to be moved back into Title 17. She felt the Police Department needed to focus on other things. She commended the Assembly on the absence of pet limit laws. A few weeks ago the Assembly deliberated on an issue involving Fire Lake and placing limits on the number of dogs a person could own. The recurring theme she heard was about neighbors that had one or two dogs that were not controlled. Limiting the number of dogs would not solve the problem, but correct enforcement of Title 17 would solve the problem. She encouraged the Assembly to vote in favor of the revised version of Title 17.

In response to Ms. Taylor, Ms. Barber-Wiltse said she had not evaluated dog parks, although she had read about them. She was a breeder and her dogs responded to voice commands.

SUE STRIEBICH said she was speaking on behalf of Siberian Husky Club of Anchorage, Alaska. Their club stood behind the Anchorage Animal Coalition. They were pleased to see that the proposed Title 17 did not include limits on the number of animals a person could own as long as they could care for them properly including responsible housing, medical and food. They would like to have the animal cruelty laws moved back into Title 17 to prioritize animal cruelty issues with the appropriate agency. They agreed with the Title 17 (S-1) version, because it appeared to create equal treatment for dog and cat owners. They agreed to setting up dog parks. They felt both dogs and cats should be licensed. On any given day there were approximately 160 animals cared for at Animal Control. On March 8, 2002, there were 47 cats, 40 dogs and 10 miscellaneous. In 2001, there were animal trap issues. Out of those animal traps there were 301 refunds on cat traps and only 19 on dog traps. They felt the numbers made a statement. In 2001, the total cats received in was 3,445 and dogs were 4,924. The number of dogs and cats received at Animal Control were similar. They urged the Assembly to approve cat licensing to start putting the responsibility where it belonged, which was with the dog and cat owners alike.

CHARLOTTE PHELPS said she was opposed to cat licensing. She was a responsible pet owner and her cats never went outside. They had their rabies shots, immunizations and were spayed or neutered. If one of her pets escaped, she would recover it immediately. She felt licensing cats would result in many animals being killed, because people would not be willing to pay the additional fees. Responsible pet owners take care of their animals and have them under control. People who are not responsible pet owners do not care. It was not appropriate to penalize responsible pet owners who keep their animals under control. She quoted the daughter of a former Assemblymember, “Daddy, why do we have to pay a license fee so my cat can run up and down my hallway?” Her animals never left her house unless they were in a carrying cage. She felt it was inappropriate to penalize the responsible pet owners for the failures of people who let their animals run wild.

HERMANN RUESS said he came to Anchorage in 1956. He questioned the necessity of cat licensing. The City of Anchorage already had the name and shot records of his three cats. His veterinarian had copies of the rabies shots, which included the name of the cat and the owner. Their cats had their rabies shots as well as microchips. His cats were house cats. One cat came from the Animal Shelter, one from a veterinarian’s office and another from his daughter. He used to have five cats, all of which reached the age of 18 to 23 years without cat licenses. It was the veterinarian’s responsibility to check the pets for their health. A license tag hanging around his pet’s neck did not improve its health. The cat could choke on the license if it got tangled up. At the last meeting Mike Walsh from the Animal Control Advisory Board stated that it would cost \$40,000 to train a cat catcher. The Anchorage Daily News reported that city police officers were retiring early with full benefits and then being rehired. This would save the City \$10,000 for officers, because they would not have to be trained. He questioned if goats, fish or parakeets would be the next to be licensed. He felt this was intended to invent new positions and obtain money to hire civil service employees by charging the cat owners of Anchorage. He noted that his property appraisal increased 38 percent in one year. He felt the administration should realize that the cost of hiring City employees were too high, unnecessary and a waste of taxpayers’ money. He urged the Assembly to defeat the cat tax.

In response to Mr. Tesche, Mr. Ruess said his cats were kept indoors and it was nobody’s business how many cats he owned.

MARY BRITTON said she was pleased with the main change to animal care and control. The staff and volunteers seemed to be caring people. She trusted that the errors or omissions would be dealt with by those caring people. She felt pet owners were like drivers in the sense that we all think we are pretty good at it. The difference between wisdom and foolishness was wisdom had limits. The purpose section of Title 17 said it was to promote public health and safety and “encourage” responsible pet ownership. She felt that should be changed to “promote” responsible pet ownership. The large issues were due to irresponsible pet ownership. Animal Control was a subsidy program for irresponsible pet owners. Responsible pet owners were willing to pay their share of the burden to educate the irresponsible pet owners to provide humane care for their animals. She asked the Assembly to put animal cruelty enforcement back into Title 17. Animal Control had the time and expertise to deal with these issues. The training costs were the same whether a police officer or an animal control officer were trained. It was her understanding that most of the Animal Control officers were former law enforcement people. She felt Title 17 needed more teeth to allow successful actions on cruelty issues. She would like to see a differential fee in the spay/neuter fees for licensing. The ASPCA strongly recommended differential fees for neutered and whole pets. She felt it should cost more to license a pet that was not neutered. She felt Title 17 referencing dog parks should be similar to the Juneau laws that required people to carry dog pickup tools. She felt litter licenses should be reduced. Three litters were beyond reason for accidental things. People with litter licenses should also have a breeder’s license.

DORY CARLSON said she had been a purebred dog owner in Anchorage since 1977. In the last few years she took on the added advantage of being a boarding kennel owner and a professional dog trainer. Title 17 was not perfect, but it was close. Animal cruelty needed to be moved from Title 8 to Title 17. In her dealing the Community Patrol she knew animal cruelty was a low priority with the police. Two Animal Control officers should be trained to investigate animal cruelty. She felt \$40,000 in training would be justified if they could prevent a situation in Anchorage like the one that recently occurred in Sterling. She felt cat licensing was necessary. She did not own a cat, because she had seven dogs. Micro chipping would be sufficient and the cat would not have to wear a collar. The cat owners would only have to pay \$15 and the cat would be licensed for three years. Anyone having more than three cats should have a cattery license, which would have a set fee. The micro chipping was more efficient and humane. Her dogs had microchips, which she does at her boarding kennel. Any dog that she sold included a microchip. Loose cats were a bigger problem in her neighborhood than dogs. A cat with a microchip could be returned to their owners. If the owner of a micro-chipped animal did not register the chip, the manufactures of the microchip would contact the person who installed the chip when the animal was found. The installer of the microchips kept records of the serial numbers placed in animals, which would allow the owner to be located. She would like to see the level three and four dogs have the microchip numbers available to boarding kennels and trainers. She had two incidents at her kennel where a dog has been abandoned. If she had advanced knowledge that the dog had a history of aggressiveness, she would be forewarned and would know what to do with the dog.

VALERIE JOHNSTON said she had been a pet owner in Anchorage since the mid 1970s. She opposed cat licensing. Anchorage faced a problem with loose cats, but licensing was not the solution. We currently have leash laws, which was the appropriate solution as well as education. Education efforts from the contractors have not been effective. There are many other methods of educating the public that would be cheaper to fund and more effective than implementing cat licensing. We have two universities with adult education programs. The contractor could partner with the university to get ideas and

solutions to some of the problems, as well as look considering other effective health education campaigns that have been conducted. Only through education will we teach responsible pet care. You cannot effectively legislate responsible pet care. She asked the Assembly to remove the Municipal tracking of the rabies certificates in 17.30.030. The rabies vaccination law was a state law for prevention and abatement purposes. The city was not charged with enforcing state laws and should not fall into that trap. This was a duplication of effort at the Municipal level. It would be government redundancy and inefficiency to enforce it at both levels. The result of implementing rabies tracking at the Municipal level would result in people not vaccinating their animals. Some dog owners were not vaccinating their dogs for rabies, because they wanted to avoid the dog fancier's license that was currently in place. This would set a dangerous precedent for people not vaccinating their animals for rabies. Like cat licensing, rabies tracking only increased the cost to the city and taxpayers and did not solve animal control problems. The number of animals in the multi animal license provision was too low. People do not want government oversight of the animals in their own home.

CATHY HOLLAND said she was an Anchorage homeowner and dog owner. She spoke in favor of dog parks, which were a great benefit to senior citizens and people with disabilities. It often forced them to get out and exercise even when they did not want to.

In response to Ms. Taylor, Ms. Holland said it was her experience that the people who went to dog parks tended to be very responsible pet owners. Most of them have been through basic obedience classes and their pets were under voice command. She had not had any problems at dog parks with animals fighting.

JACK McCANN supported the dog parks in Title 17. He thanked the Assembly for adding dog parks, because it was a needed recreational area for dog owners, as well as other recreational users. Dog parks attracted responsible dog owners who generally went through obedience classes with their pets. He felt dog parks would be a benefit to Anchorage. The dog parks not only benefited the dogs, but also the people who own them. He referenced a booklet published by the National Recreation and Park Association, which had many statistics on lack of liability cases. In 1995 they did a study that showed there were no court cases involving animals biting people or other dogs. A follow-up indicated that since 1995 there had been one incident and the dog owner took full responsibility.

RICHARD JOHNSON said he was a cat owner, cat fancier and a member of Alaska Cats. Alaska Cats was the primary club for cat owners in Anchorage. While Title 17 (S-1) was admirable compared to what we have, there are still problems. He provided a written statement that outlined 13 points that he would like to Assembly to review. He spoke to the issue of dealing with cats and other animals as service animals. The current ordinance primarily addressed service animals as dogs. Service animals were not just dogs, but included birds, monkeys, ferrets, rabbits and cats. Any animal that affected the health and well being of a person with a disability was a service animal according to the Americans with Disabilities Act. He referenced a website from the Department of Justice, which included information on service animals. There was no national certification of service animals. The Department of Justice and the law itself specifically prohibited certification as a requirement. There was a limitation of animals, because the multi animal license effectively limited the people who rescued and cared for animals. The limitation of four animals was an arbitrary figure. Each animal required its own specific space and care requirements.

In response to Mr. Sullivan, Mr. Johnson said at a meeting of the Animal Control Advisory Board he specifically requested the working document after it came back from legal. He was advised that he could not have a copy of it. He offered to pay for the copy and was again advised that he could not have it. He felt that was in direct violation of the Alaska State Open Meetings Law. The documents of any public meeting were open to the public.

SUSAN WAGNON said she represented the Alaskan Sled Dog and Racing Association, a non-profit club that provided training and racing trails in the Anchorage area through Bicentennial Park. They operated without any state, federal or local funding. Their goal was to supply educational interactions between dogs and people. They believed Title 17 was improved, but she still had four concerns. Title 17.15.060.83 said if there were more than four re-conveyances then the facility needed to apply for a commercial license. It was her understanding that most zoning would not allow that. There was no definition for the term re-convey. As her dogs got older, she allowed friends that were recreational and junior mushers to use her dogs for the winter. This was a win-win situation, because people got the use of the dogs without overpopulating the Eagle River area with extra dogs. Four of her dogs ran with other people this year, which would mean that she would have to apply for a commercial license. She had several clients that did their own rescue work by taking animals and fostering them. One litter of rescued kittens would generally exceed the limit of four. She was concerned about requiring these people to have a commercial license. With limited competitive teams, people would buy a dog that fit the team instead of having a litter. This would require a dog musher to be a commercial facility. Conveyances sounded like a good idea, but if the conveyances were waived there was no means to put that in writing. Her biggest concern regarding noise was there were no protections for dog activities. She asked the Assembly to do something to protect the events that enhanced our human/animal bond.

HEATHER GRAHAM said she was one of the few sled dog racers that had an Anchorage, Alaska address. Most mushers lived in Chugiak or Eagle River. Sled dog racing has become a central and enjoyable part of their family's life. She, her husband and their two daughters raced dogs. These opportunities should be available to all families within the Anchorage bowl. She was concerned about four provisions in the S-1 version of Title 17, which could make it more difficult to race sled dogs and live in Anchorage. She distributed a cover letter that identified her four areas of concern and included proposed legislative changes. She was concerned with the language regarding re-conveyances, which was a prohibition on re-conveying dogs without a commercial license. If you re-conveyed more than four dogs in a calendar year, you were required to obtain a commercial license. That would impact her as a sled dog racer with a small kennel in Anchorage, because they adjusted the dogs in their kennel to insure the right combination of dogs. This would require them to get a commercial license and move out of Anchorage. If you applied for a special license, which was what a sled dog racer would need, there was a new provision in S-1 that required the applicants to verify that they read the existing conveyance and their facility was in compliance to the best of their knowledge. No one can dispute the need for a person who applied for a license to check the conveyances. Her concern was a question of enforcement. If the conveyances expired, what would the applicant say and how would Animal Control enforce it? What if the conveyance prohibiting sled dogs had expired, but it never applied to the person's property? How does an applicant satisfy the provision of the S-1 version and how does Animal Control enforce it? What if the conveyance prohibited sled dogs, but the neighbors had long allowed them and there were existing kennels? Under that instance, the conveyance would have effectively been waived. Homeowner Associations had remedies in the court system to address subdivision issues. She felt it would be best for this provision to be deleted from Title 17.

In response to Mr. Kendall, Ms. Graham said her other two points dealt with animal noise. Her first concern was that chronic animal noise was defined only in terms of time, but there were no qualitative aspects. She had no problem with the municipal code limiting the amount of noise an animal could make in a certain period of time. Some people would take the smallest amount of noise and declare a violation. There should be some common sense guidance that the noise should really violate a certain standard of what was reasonable in the community. Title 15 had such a standard. She recommended that the definition of chronic animal noise be a combination of both the duration limit contained in the S-1 version as well as a qualitative factor. She felt that would help Animal Control implement the new Title 17 ordinance more effectively. There was no good cause exception to the animal noise provision and there should be exceptions for chronic animal noise if the noise was caused by the complainant.

LORA BAINE said she was a business and financial consultant in Anchorage. She was also a trained mediator. Her mind automatically went to the cost effectiveness of programs as well as trying to look at both sides of the issue. She felt it was important to note that everyone had the same objective, which was responsible pet ownership, reduction in loose animals and the efficiency of Animal Control. Many responsible cat owners kept their cats indoors, but there were still many loose cats and dogs. She felt it was fair to license cats, because we licensed dogs. They were not deciding what was fair, but whether or not this was a good solution to the cost of the cat care at Animal Control. She felt the Assembly received enough information regarding whether that would truly be a cost effective solution. The point had been made that the cost per cat versus the cost per dog was not the same at Animal Control. The majority of the dog owners did not license their dogs. The majority of the cat owners probably would not license their cats, either. The cats that would be licensed would primarily be the ones that came through Animal Control and that cost would be passed to the consumer. Any increase in the cost of adoptions would reduce the amount of adoptions and would not increase revenues for Animal Control. Recently she learned how many incredible groups and individuals did animal rescues. She felt it was important to realize that the animal rescuers saved the city money. They worked to keep these animals off the streets and find homes for them. Licensing and limits penalized the people that saved the city money by rescuing animals. She also supported the comments made about the dog parks and the noise issue.

DEBORAH ALLEN said she served on the Animal Control Advisory Board for a number of years. Former Mayor Mystrom asked her to serve on the Board, which was not represented by any cat owners at the time. She had worked on Title 17 quite extensively during that time. She currently ran a rescue facility for animals, primarily cats. She also worked a full-time job. Over the last 11 years she invested over \$100,000 of her own money into rescuing animals. She did not feel licensing cats was practical. During the time she had been rescuing animals, she found that there were a small number of responsible pet owners that kept their animals inside. There are more cats running loose in our city, because they can. Dogs cannot run loose in the Municipality. Cats can live under trailers or houses and are more equipped to survive outside. Animal Control does not go out and trap cats. She traps nearly 50 wild cats a year. Her facility does not take owner released cats, but concentrates on cats that were having litters outside. She had not recently been involved in Animal Control, but felt the Assembly needed to review the situation carefully. She paid over \$15,000 a year in taxes as a single taxpayer with no children. She would gladly option to have a portion of her taxes go to animal control issues versus the schools. She had no children, but she had to support the schools. We need to consider what is practical. Many types of animals were not licensed, because it was not practical. She felt cat licensing would force the public to go underground.

ANSLIE PHILLIPS said she was a cat owner and was for cat licensing. As a realtor over the last 26 years, there were many instances where pet owners were out of town and had other people tending their animals. When their animals got loose and ended up at Animal Control, the animals could not be redeemed by anyone other than the owner. She would like to see a provision put into Title 17 for impounding and caring of animals when people were out of state and had caretakers taking care of their pets. She would like the Assembly to review 17.25. She felt the noise issue needed to be considered. Certain things needed to be taken into consideration such as the moose in the area or children taunting the animals.

CARMEN WILKIE said she lived next door to a barking dog. They have lived in their home for five years and have been harassed by the dog the entire time. The Animal Control Hearing Committee has failed her. She was a stay at home mother of two children. She was told by Tim Middleton that she had not been sufficiently harassed to lodge a complaint against the dog. She had a 35-minute tape that they listened to. She was advised by Animal Control that she did not need to show up in person. The record indicated that the tape was not sufficient, because of the quality. She had a dog for 14 years and a cat for 7 years. She had an issue with the enforcement provisions of Title 17. There was no way for Animal Control to enforce anything. Animal Control officers usually stayed on the job for about two months. She and three of her neighbors recently filed another claim against the barking dog. When Animal Control came out, the owner of the dog told them that she could not attend a hearing for six months, because she was busy until January. In the mean time all the officers at Animal Control had left. They dropped the case, because the officer could not hear the dog barking when he came to take her statement, but the owner had arrived home and taken the dog inside. She would like to have her quality of life addressed. She lived at home with her children and had to listen to the neighbor's dog all the time. She did not hate animals, but she was tired of listening to the dog barking all the time. She has gone to the Anchorage Police Department, Animal Control, the Ombudsman's Office and anyone that would listen to her begging for help. She has tried to work with the neighbor, but that was unsuccessful.

SHELLY EDWARDS said she had raised several cats and they do not go into the neighbor's yards. She did not license her cats, but got them all their shots. Her neighbor's dogs come into her yard all the time. She did not feel it was necessary to license cats. People would own cats without licensing them anyway.

JULIE CAPS said she had a licensed dog kennel in Chugiak, which was extremely clean. All her animals had all their shots. She had three years of Animal Control experience in a town outside of Denver, Colorado. She shows and runs her dogs. She had an issue with the barking dog ordinance of Title 17. She owned 17 dogs and could not feed or load the entire kennel in seven minutes. There were things that happened around the kennel, such as stray animals, moose or a person walking by that caused the dogs to bark. She had good control over her dogs, but could not always keep them quiet. She felt seven minutes was a very short amount of time for people who had a number of dogs. She and her husband have been in Alaska for three years. They ran dogs before they came to Alaska. They were in a severe car accident before moving to Alaska and her husband was handicapped and had a prosthetic leg. He ran dogs before the accident and he runs dogs now. He cannot feed or load the dogs in seven minutes. She tries to feed and load the dogs during reasonable hours in consideration of her neighbors.

CINDY LIGITT said she was a co-partner of a new animal rescue group called Kitty and Canine Rescue Group. She had her own facility licensed under Kitty Kennel Bed and Breakfast. She has been rescuing animals for as long as she could remember. She was told years ago that if she wanted to remain legal then she needed to obtain a facility license, which she did. She was a dog, cat and miscellaneous pet owner. She was against the licensing of cats for many of the reasons previously addressed. Cat licensing would not target the irresponsible pet owners, because they would allow their animals to run loose whether they were licensed or not. The animals that were running loose were not usually spayed or neutered. Cat licensing would price cats out of the market. It would also encourage owners not to get their pets vaccinated for rabies. She worked part-time for a local veterinary clinic and heard numerous comments that if cat licensing was required then they would no longer get rabies vaccines for their dogs or cats. As a rescue organization, she received numerous calls of loose cats. The majority of the loose cats were animals that people had turned loose because they disregarded them as yesterday's garbage. Their reasoning was that it was more humane to turn the animal loose, because it had a better chance of survival than going to Animal Control. The only thing that would take care of the loose dog and cat problem was education, education and more education. Micro chipping only worked if the information was sent in by the owners, kept current and vendors had the ability to read various types of chips. She would like to see dog licensing extended from one to three years in conjunction with the rabies licensing requirements. She would like to see the cruelty to animal provision put back into Title 17. She was for dog parks. The loose dog and cat problem was a result of irresponsible pet owners, but this would punish those who were responsible.

In response to Mr. Sullivan, Ms. Ligitt discussed backyard breeders. A friend of hers went through the paper and called everyone that was selling dogs or cats and asked if they had a breeder's license, but not one of them did. She felt there was a real problem with backyard breeders, because they thought there was money in breeding. Responsible breeders knew that you did not make money breeding animals. The backyard breeders did not insure that the animals were vaccinated or spayed/neutered. They only wanted to make a quick buck.

DAVID NIES said his son was working on a Boy Scout requirement to view an issue that would be discussed with two sides. He has been a resident of Anchorage since 1979. He has used cat traps from the Municipality several times and they were very effective. All of the cats he caught did not have licenses, because they were not required. He caught his neighbor's cat four times after he had spent a month telling the neighbor that he did not want his cat using his backyard as a litter box or killing birds in his yard. Most of the problems with the cats in town dealt with loose cats that were not kept in the house. Licensing cats would not solve that problem. His neighbor did not license his dog and would not license his cat. He suggested a good compromise would be advising people that if their cats were caught outside without a license it would be euthanized within 24 hours. There was a huge bank of people who adopted cats. He noted that elementary schools would be a great resource for adopting cats, because children loved cats.

LISA GARCIA said she was a member of various dog clubs in Anchorage, as well as national clubs. She did not want to license her Chihuahua, because it was litter box trained and did not leave the house unless it was in a carrier. She did not feel it was anyone's business whether she had ten Chihuahua or one, because it lived in her house. Most small dogs in Anchorage were house trained, because it was too cold for them to go outside in the wintertime. Small dog owners could use the same argument as cat owners, but they licensed their dogs because they were responsible pet owners. It was a matter of everyone chipping in for the common good. A responsible pet owner would care about the strays and the unwanted pets in the community. She applauded the efforts of those who worked in animal rescue. Anchorage has a low compliance rate in dog licensing. Anchorage gives canine good citizen tests and 50 percent of the people who take the test do not have dog licenses. They have a dog license when they leave, because you cannot get a canine good citizen rating without one. The issue was responsible pet ownership. She has been forced to live in some of the worse areas of town, because she wanted to have a dog. She could not rent a duplex on Hillside, because she had a dog. She had to rent in areas of town that had drug dealers, because she had a dog and that made her feel like a criminal. She did not feel that was fair to responsible pet owners, but that was a sacrifice she was willing to make. There has been a lot of research done on the early spay/neuter issue. There was only one side effect of early spay/neuter on an animal, which was a Golden Retriever would grow one inch taller. The veterinarians in Anchorage would not do early spay/neuter because it was microsurgery. She felt animal cruelty should be put back into Title 17, because it was an animal control issue. She liked the way Title 17 was currently written with a few adjustments. She felt responsible pet ownership was a community wide effort and animal owners should promote it regardless of the type of animal they owned.

LOIS GILBERT asked to have the following added to Title 17: "The City of Anchorage recognizes the rights of the disabled to own and exercise their pets. People whose disabilities precluded the use of a leash will be allowed to use voice control in appropriate circumstances instead of a leash. It is understood that voice control will be used responsibly without jeopardizing the safety of humans or animals." The Municipality has spent thousands of dollars in attorney's fees fighting her on the use of voice control on her spayed, gentle, non-biting, non-hunting Irish setter. The Municipality finally gave up and voided the ticket after the Supreme Court found in her favor. She had \$25,000 worth of shoulder surgery, lack of balance due to car accidents, her neck and back were damaged and she had congenital orthopedic problems. None of this was a good combination on ice while using a leash. Her latest two tickets were from Randy Smith stalking her through Mountain View to videotape her running her dog in a deserted parking lot next to a deserted park. She supplied a packet to the Assembly and cited the appropriate disability laws contained in Title 18 in the Fair Housing Act. She asked the Assembly to let those people with disabilities use voice control for their animals rather than leashes.

JACQUELINE FRIBRISIO said she was a graduate of the United States Military Academy with Bachelors of Science of Engineering Physics. She served on active duty in the Army for nearly 12 years and had a master's degree in engineering management. She currently served as a civil engineer with the United States Corps of Engineers as a project engineer. She shared her home with three dogs and three cats. She trained and exhibited a boxer in several venues in the AKC events. She was the second vice president of the Midnight Sun Boxer Club. She planned to continue the family tradition of breeding healthy and well tempered boxers for show and performance. She was an assistant instructor for the pet dog training classes at the Obedience Training Club of Chugiak. She was an intelligent and well educated veteran working as a professional, as well as a dog lover. Three of her animals were adopted in Missouri and came up with her, because they were not disposable. She taught others to train their family pets for one simple reason, she strongly believed that a well-socialized and trained dog was less likely to end up in the pound or euthanized. She was also a recreational dog musher. Her dogs were old. She acquired her dogs from kennels that sold or gave away dogs. Her home would be their last home, because she would not give up her friends. She was not a lawyer, but she was experienced with reading, interpreting, implementing, enforcing and

abiding by complex rules and regulations, which she had been doing for the past 20 years. The current wording of 17.10.O.15, animals creating a disturbance or nuisance and the definition of chronic animal noise begged the following question. If a dog barked in the forest and there was no one there to hear it, did it make any noise? She was not concerned with the 10-minute limit, because she could feed her dogs without any barking and she could load them in two to five minutes. She felt there should be an inclusion for why dogs vocalized including moose, wildlife, stray dogs, cats, burglars, trespassers, illegal fireworks and sled dog training events such as the Iditarod and the World Championship.

SANDY TRAINI testified as a member of the Animal Control Advisory Board. She had some concerns with Title 17, because of her involvement with Campbell Park Community Council. In her research, she came to the conclusion that the zoning animal issue belonged under Title 17. The problems with animals were not created by responsible animal owners, but the average homeowner. She noted that there were a lot of compromises made as the Animal Control Advisory Board worked on Title 17. They obtained input from the staff and the legal department. She had reservations about cat licensing, but felt it would help provide revenue from a highly increasing area that was impacting Animal Control's costs. She felt Anchorage needed to maintain the current leash laws. She would like to see consistency in the numbering of the ordinance.

Mr. Sullivan thanked Ms. Traini for her work on the Animal Control Advisory Board.

In response to Mr. Sullivan, Ms. Traini said it was her understanding that changes would be made to the contract regarding enforcement of the ordinance. She addressed capitalization within the document. Animal Control Officer, Animal Control Board and Animal Control Center were not capitalized, but she felt they should be since each was a title and not a general term.

In response to Ms. Shamberg, Ms. Traini said there had been a lot of work done on Title 17 before she became a member of the Animal Control Advisory Board. She had been involved with parts of it and they held numerous meetings to discuss Title 17. The staff had done some research on the effectiveness of cat licensing, which worked well in some cities and not so well in others.

**(Clerk's Note: Tape ended and part of discussion is missing)**

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

The meeting recessed at 9:20 p.m. and reconvened at 9:37 p.m.

14. NEW PUBLIC HEARINGS (SHALL BEGIN NO EARLIER THAN 6:00 P.M. AND END NO LATER THAN 10:30 P.M.)

Mr. Tesche moved, to change the order of the day to address items  
seconded by Mr. Tremaine, 14.A, AO 2002-23, and 14.J, AO 2002-54.  
and it passed without  
objections,

- A. Ordinance No. AO 2002-33, an ordinance determining and approving the total amount of the **annual operating budget of the Anchorage School District for its fiscal year 2002-2003** and determining and appropriating the portion of the Assembly approved budget amount to be made available from local sources, Anchorage School District.
  - 1. Assembly Memorandum No. AM 163-2002.
  - 2. Ordinance No. AO 2002-33(S), an ordinance determining and approving the total amount of the annual operating budget of the Anchorage School District for its fiscal year 2002-2003 and determining and appropriating the portion of the Assembly approved budget amount to be made available from local sources, Anchorage School District.
  - 3. Assembly Memorandum No. AM 163-2002(A).

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

PEGGY ROBINSON said she was president of the Anchorage School Board. People often asked why the budget went up every year. Page 8 of the budget book had a pie chart comparing the sources of revenue 10 years ago to the present. Ten years ago the State provided over 70 percent of their budget, but currently provided slightly over 63 percent. Page 9 indicated that enrollment continued to go up. There were almost 50,000 students, but the general fund with adjusted dollars was actually less than last year and the year before. Due to various reasons for the calculations, the mill rate for the School District budget would be going down this coming year from this current year.

CAROL COMEAU said she was the superintendent of the Anchorage School District. She thanked the Assembly for the good discussion they had at the work session. They were pleased to present the budget. They felt it was a responsible budget and were pleased by the strong support from the School Budget Advisory Commission as they reviewed the budget.

In response to Mr. Sullivan, Superintendent Comeau said Anchorage had more students in the public school system than other cities of comparable size and demographics.

In response to Mr. Sullivan, Ms. Robinson said the average age in Anchorage was lower than other cities and more people were in the childbearing age.

In response to Ms. Von Gemmingen, Ms. Robinson said their budgets would be greatly impacted if federal, state or local taxes were reduced. They had significant labor agreements coming forward. They needed to have the ability to pay their employees adequate salaries and benefits in order to attract and retain qualified personnel. They were aggressively lobbying the Legislature for additional revenues to do the job they were requiring of the School District. They acknowledged there was a fiscal problem in the State, but public education needed more resources and they were lobbying for additional revenues. They were very concerned about trying to compensate their employees without raising fees or devaluing programs, which would be a challenge over the next few years.

In response to Ms. Von Gemmingen, Superintendent Comeau said it was a State requirement that the School District could not keep more than a certain percentage in their fund balance. She had not heard any concerns regarding that issue from the people in Juneau. They were trying to be fiscally responsible, but they needed to maintain money in their fund balance. The School Budget Advisory Commission said the School District might need a large portion of the fund balance if additional funding did not come through.

JANET STOKESBERRY said at the end of each fiscal year the School District was only allowed to accumulate 10 percent of the unreserved fund balance of the amount of their expenditures for that particular year. The memorandum of agreement that was signed between the School District and the Municipality of Anchorage stipulated 8.25 percent of the local tax amount. There would be quite a bit of difference in the tax amount versus the whole general fund expenditure. One of the concerns expressed earlier in the discussions between the School District and the Municipality about the fund balance for bond rating had to do with whether or not they were talking about the undesignated fund balance or the unreserved fund balance. After further discussions with the bond advisors, they were able to come to the conclusion that it was the unreserved fund balance, which helped the School District with their concerns.

Mr. Sullivan said his wife worked for the School District and he had a potential conflict of interest. It was previously determined that he did not have a conflict, but it should be put before the Assembly each time.

Mr. Tesche moved, the question of whether Mr. Sullivan had a conflict  
seconded by Ms. Shamberg, of interest in considering and participating in the  
decision of the School District budget.

Mr. Sullivan said his wife was a tenured teacher with the School District. In the past it had been determined that the Assembly’s approval of the overall School District budget had no bearing on her continued employment or salary.

Question was called on the question of whether Mr. Sullivan had a conflict of interest and it failed:

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

Mr. Tesche moved, the question of whether Mr. Traini had a conflict  
seconded by Ms. Fairclough, of interest in considering and participating in the  
decision of the School District budget.

Chairman Traini said his wife worked for the School District, which was about one-sixth of their monthly income.

Question was called on the question of whether Mr. Traini had a conflict of interest and it failed:

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

Mr. Tesche moved, the question of whether Mr. Tremaine had a conflict  
seconded by Ms. Fairclough, of interest in considering and participating in the  
decision of the School District budget.

Mr. Tremaine said his wife worked for the School District. The first year he was on the Assembly, his wife received a pink slip from the School District related to a potential action of the Assembly. At that time, the Assembly decided he had a conflict of interest. At this time, his wife had not received a pink slip. Her income contributed about 50 percent of their family income. It was his understanding that any changes the Assembly would make would not impact her job, because much of her funding came from sources other than tax dollars.

In response to Mr. Sullivan, Mr. Tremaine said his wife’s position with the School District was as an in-house secondary special education teacher consultant.

Question was called on the question of whether Mr. Tremaine had a conflict of interest and it failed:

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

DR. TOM STRAUN said he was the president of the Anchorage Council of Education. He asked the Assembly to approve the budget as presented. The Anchorage Council of Education felt it was a fair budget and should be supported.

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

Mr. Tesche moved, the adoption of AO 2002-33(S).  
seconded by Ms. Fairclough,

Mr. Tesche felt the School District had done an excellent job in putting together the budget, which was fiscally responsible and made sense in terms of education and management of the district. He would vote in favor of AO 2002-33(S).

Ms. Fairclough thanked Superintendent Carol Comeau and the School Board. This was the least controversial budget she had ever seen. She did not receive a single phone call in dissatisfaction. She thanked the School District for the public’s participation and their effort to successfully bring the budget before the Assembly.

Chairman Traini thanked School Board President Peggy Robinson for her service. The School District's budget was well accepted through the leadership of Peggy Robinson, Carol Comeau and the other School Board members.

Question was called on the motion to adopt AO 2002-33(S) and it passed:

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

NAYS: None.

Mr. Tesche moved, for immediate reconsideration of AO 2002-33(S).  
seconded by Ms. Fairclough,

Mr. Tesche recommended a no vote.

Question was called on the motion for immediate reconsideration of AO 2002-33(S) and it failed:

AYES: None.

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

- B. Ordinance No. AO 2002-54, an ordinance of the Municipality of Anchorage amending Chapter 3.85, Anchorage Municipal Code, relating to the **Police & Fire Retirement System**; providing additional definitions; clarifying the powers of the Board of Trustees granted in AO 2000-65; providing for the direct payment of expenses; providing for staffing and compensation of System employees as determined by the Board; providing for procurement of professional services; providing for an amendment to the makeup of the Disability Committee; providing for addition of language relating to cost-of-living adjustments inadvertently deleted; providing clarification concerning child support orders; providing for compliance with the Internal Revenue Code; providing for codification; providing for sever ability; providing an effective date, Assembly members Traini and Tesche.
1. Assembly Memorandum No. AM 236-2002.

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

ROBERT KLAUSNER said he was the counsel for the Board of Trustees. An issue discussed at the workshop was the question of internal controls. There was a letter from the fund's external auditor, KPMG, Peat Marwick, who had been auditing the system's books for many years. The external auditor met with the City's internal auditor on January 18, 2000, which was before the Assembly approved the settlement of the litigation. Both the internal and external auditors felt that allowing the Board to address procurement of services, goods and other issues was fine and in no way diminished the internal controls of the system. That was significant, because it had been previously taken up and approved by the Assembly. The purpose of the language was to clarify what did not seem to be effectively communicated. It was an essential part of what was considered or it would not have been part of the consideration process in the year 2000. There was a question about the funding level of the plan. The Assembly was in the unique circumstance of having the most securely funded public employee retirement system in the United States. The 116 percent that was referred to in the ordinance was the trigger for extra benefits. The members could not ask for any additional benefits to be conferred upon them by the Board from the surplus unless there were 116 percent of assets to liabilities. The purpose of the 16 percent surplus, which was agreed to in the Girdwood discussions, was an insurance policy in case there was a downturn in the market. We just came off of the worse 18 months of the stock market in the last 20 years. The tragedy of September 11<sup>th</sup> adversely affected the capital markets as well, yet the surplus held up and the taxpayers were not asked to put in a nickel. Many other retirement systems asked their employers to increase their contributions. There was a question of the Board's participation in protecting the asset structure of the plan. We are all familiar with the Enron situation. There was a similar situation involving Conseco, which is a large insurance and finance company in the United States. The Board held Conseco stock, as did just about every other major public employee retirement system in the country. There was officer and director misconduct in that case as well. The Anchorage Police and Fire Retirement System partnered with the Louisiana Firefighters Retirement System and were successful in leading a successful settlement, at not one nickel's expense to the plan, of \$120,000,000 back to the shareholders, which would include a very significant portion of what was lost due to somebody else's misconduct. The Board took the lead and brought home the bacon for the plan. The fund was also a lead plaintiff in another litigation and they have been recognized as a leader in this country for insuring corporate governance. He commented on the document provided by the Law Department. The issue on uniform rules was objected to. The Assembly gave that power to the Board in 2000 as part of the arrangement. The Assembly would be in violation of the agreement to take that out now. There was a retention device put into the most recent draft called a deferred retirement option plan, which was a tax sheltered way that people could draw the beneficial use of their pension while still working. It also cut off future accrual of liabilities. That was taken out, but it was part of the Board's express power and fiduciary insurance. The Board's ability to obtain fiduciary insurance on its own pre-existed even the 2000 ordinance, yet that was being called for review. The Disability Committee, which was supposed to streamline the disability process, has been the greatest sources of litigation. The settlement called for a fifth person to sit on the Disability Committee only as a tiebreaker when necessary. Mr. Greene suggested putting another trustee instead of the other person. The members agreed to that. The Board agreed to that. Now that was also called into question. The Plan three survivor benefits were in question.

In response to Mr. Tesche, Mr. Klausner said Mr. Greene addressed the issue of the Mayor's right to appoint members of Boards and Commissions. By bringing in a fifth person from the outside, if it was not a trustee, could create an issue of whether the Mayor was losing the power of appointment. He felt that was part of the deal that was made and should have been brought up when the settlement agreement was made. He took Mr. Greene's suggestion to the Board, which was to have the fifth person just be another member of the Board that was already appointed by the Mayor, which was in the proposed ordinance. He felt it was important to note that the text of the ordinance had been thoroughly discussed and everyone's suggestions were incorporated into the plan.

**(Clerk's Note: Tape ended and part of the discussion missing)**

Mr. Klausner said it had been made clear to the Board that there would be a lawsuit if this ordinance was not passed. The ordinance fairly reflected exactly what was in the terms of the settlement. Everett Robins, one of the police trustees, met with

the Mayor and the Mayor agreed to it. Other members of the Board met with the manager, who was also fine with it. The chief fiscal officer and the purchasing officer were fine with it as well. These were things that the Assembly had agreed to in April of 2000. What the citizens of Anchorage received in this settlement was unique in American public pension history. They received \$56,000,000 back out of a plan and off the hook for the future. The only thing that had to be guaranteed was the discrete defined benefit, which now has a declining liability value, as this closed plan marches towards history. As it marches towards history, every year the population gets smaller and the liability gets smaller. The retention devices are designed to cut off accruals of future liability now to encourage people to draw the money out now, which would actually save money.

In response to Mr. Tesche, Mr. Klausner responded to the municipal attorney's comment on the provided document. All lawyers have opinions. There are 73,000 members of the Florida Bar. He could only provide the opinion of the lawyer who had advised the Assembly on this issue for 11 years. He would not want to be the one who said take this risk. He likes to gamble in his private life, but only with his own money. He would not gamble with someone else's money or the taxpayers' money. In light of direct representations that someone would sue you, there is a real risk. The best you ever had in walking into a courtroom was a 50/50 chance you were going to win and a 50/50 chance you would lose. He would not want to have to say, "I'm trying to get out of an agreement that I made before." The risk would be a potential lawsuit against the Municipality in excess of \$50,000,000 to unwind the Girdwood agreement. He did not see a benefit for the Municipality, which troubled him. He did not feel the members of the plan would waste their money by being unwise on administrative details. The administrative cost of running the retirement system was a fraction of a percent of the asset base of the system. They probably make enough money in their securities lending program to pay most of their administrative costs. The biggest cost they had was their investment advisors, but that was a cost of doing business. He felt there was a real likelihood of getting back into litigation, which he did not feel was in the Assembly's best interests.

In response to Mr. Tremaine, Mr. Klausner said it was his understanding that the Assembly had agreed to give up Municipal control over the staff at the Girdwood settlement. The agreement was that in return for creating a Board that would run its business quietly and efficiently, but with action by action accounting to the Assembly, and putting \$56,000,000 into the City's coffers, the City would get out of the pension business. Legislatively, the Assembly had the power to pass amendments, but he felt they might be back in the same place if they tried to reassert control without good reasons. The Assembly always retained legislative authority.

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

Mr. Tesche moved, to approve AO 2002-54.  
seconded by Ms. Fairclough,

Mr. Tesche referenced a letter from Mr. Klausner dated March 18 that contained an excellent history of this entire matter. Mr. Tesche reviewed the documents received from the Department of Law, listened to Mr. Klausner's advice and Mr. Greene's objections and found that there was an agreement made in Girdwood. The Municipality received significant monetary benefits from that agreement. He felt Mr. Greene's activities in the last few days was substantial in nature, but appeared to be directed towards securing the defeat of this ordinance rather than providing the Assembly with sound and reliable legal advice. He was troubled by the fact that the ordinance had been before Mr. Greene for approximately one year. There had been no response from the Department of Law in many months and only at the last minute did they receive the request for a delay. He noted that the Law Department did not have the expertise that the retirement system had through Mr. Klausner's capabilities. He urged the passage of AO 2002-54 without delay. The only purpose of a delay would be to argue over three relatively minor points including whether the purchasing activities of the three-person group should be transferred back to the City or kept within Municipal control, whether the payroll and personnel functions and miscellaneous administrative functions should be taken back by the City. The objectives were far outweighed by the financial benefit that the City obtained through the agreement made in Girdwood. He would uphold that agreement and vote in favor of the ordinance. He urged his colleagues to do the same without delay.

Mr. Tremaine asked each Assemblymember to explain their understanding of the discussion with retired Judge Serdahly, who was the appointed facilitator during the meetings in Girdwood.

In response to Mr. Tremaine, Chairman Traini said he talked with Judge Serdahly, who absolutely agreed with Mr. Klausner's interpretation of the Girdwood agreement, which would remove the controls of the Police and Fire Retirement Board in the areas of procurement, staffing and purchasing.

Mr. Tremaine pointed out that the Assembly would not lose their legislative abilities by approving AO 2002-54 and he would support the ordinance. He felt there were issues of the Municipality retaining the purchasing and administrative control, but that could be dealt with separately in a very clean division of responsibilities. He would vote in favor of AO 2002-54.

Question was called on the motion to approve AO 2002-54 and it passed:

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

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

Mr. Tesche moved, for immediate reconsideration of AO 2002-54.  
seconded by Mr. Tremaine,

Mr. Tesche recommended a no vote.

Question was called on the motion for immediate reconsideration of AO 2002-54 and it failed:

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

Mr. Tesche thanked Mr. Klausner for his work on this issue. He recognized and thanked all of the members of the Police and Fire Retirement Board, who had worked on this issue over the years.

Ms. Von Gemmingen concurred with Mr. Tesche although she had voted no, because so much information had been presented at the last minute that she did not have time to review. She thanked the Board and Mr. Klausner for their efforts.

- C. 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 15<sup>th</sup> Avenue and Orca Street (Fairview Community Council) (Planning and Zoning Commission Case 2001-152) Planning Department.
1. Assembly Memorandum No. AM 56-2002.
  2. Information Memorandum No. AIM 27-2002, AO 2002-8; Municipal Airports Aviation Advisory Commission Resolution recommending a rezoning from R-3 to I-1 for Third Addition, Block 23, Lot 5A, Merrill Field Airport.
- (CARRIED OVER FROM 2-26-02 AND 3-5-02)
- D. 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 AND 3-5-02)
- E. Ordinance No. AO 2002-38, an ordinance of the Anchorage Municipal Assembly continuing or reestablishing the **Regulated Vehicle Safety Advisory Committee** pursuant to Anchorage Municipal Code Section 4.05.150, Legal Department.
1. Assembly Memorandum No. AM 233-2002.
  2. Information Memorandum No. AIM 26-2002.
- F. Ordinance No. AO 2002-37, an ordinance amending Anchorage Municipal Code Subsection 4.60.180.A. to **change the number of Animal Control Advisory Board members from 9 to 7**, Health and Human Services.
1. Assembly Memorandum No. AM 201-2002.
- G. Ordinance No. AO 2002-55, an ordinance amending Anchorage Municipal Code Section 27.20.110 to **sunset the Girdwood Public Safety Board** at the end of its current member's terms and reestablishing the Girdwood Board of Supervisors as the elected Board of Supervisors for all Girdwood Valley Service Area services, Legal Department.
- H. Ordinance No. AO 2002-32, an ordinance amending the zoning map and providing for the rezoning of approximately 9.37 acres from B-3 (General Business District with Special Limitations) to I-1SL (Light Industrial District with Special Limitations) for **Campbell Creek Industrial Park, Tract A-1 and Tract B-2**; generally located between the Old and New Seward Highways, south of Tudor Road and between East 48<sup>th</sup> Avenue (Extended) and East 50<sup>th</sup> Avenue (Extended) (Campbell Park Community Council) (Planning and Zoning Commission Case 2001-088), Planning Department.
1. Assembly Memorandum No. AM 135-2002.
  2. Assembly Memorandum No. AM 314-2002, AO 2002-32; Planning and Zoning Commission recommendation on a rezoning from B-3 to I-1 SL for Campbell Creek Industrial Park, Tract A-1 and Tract B-2, Planning Department. **(addendum)**
- I. Ordinance No. AO 2002-35, an ordinance amending the zoning map and providing for the rezoning of approximately 3.69 acres from B-3SL (General Business District with Special Limitations) to R-4SL (Multiple-Family District with Special Limitations) for **Town Square Subdivision, Lot 5**; generally located at the southeast corner of DeBarr and Lake Otis Parkway (Airport Heights Community Council) (Planning and Zoning Commission Case 2001-151), Planning Department.
1. Assembly Memorandum No. AM 189-2002.
- J. Ordinance No. AO 2002-36, an ordinance of the Anchorage Municipal Assembly granting **final approval of a conditional use for a business Planned Unit Development (PUD) Master Site Plan** in accordance with AO 2001-24(S), The Alaskan Village Subdivision, Block 1, Lots 32 thru 45 and Block 2, Lots 20 thru 47 and a portion of the NE 1/4, NW 1/4 of Section 24, T13N, R3W, S.M., AK, Assemblymembers Clementson and Taylor. **(TO BE SUBMITTED)**
- K. Ordinance No. AO 2002-34, an ordinance authorizing an equal value land exchange between Heritage Land Bank (HLB) and the State of Alaska, Department of Environmental Conservation (DEC) of 3.995 acres within HLB Parcel 3-032 and 6.00 acres of DEC land, both located in Section 34, Township 13 North, Range 3 West, to the immediate south and west of the intersection of Tudor Road and Boniface Parkway in Anchorage, to facilitate **DEC construction of a seafood and food safety laboratory**, Heritage Land Bank.
1. Assembly Memorandum No. AM 188-2002.
- L. 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.

15. **BOARD OF ADJUSTMENT/ASSEMBLY APPEALS:** None.

16. **SPECIAL ORDERS:**

- A. Resolution No. AR 2002-93, a resolution of the Anchorage Municipal Assembly supporting CS for House Bill No. 27(JUD), “An Act relating to the licensure and registration of individuals who perform **home inspections**; relating to home inspection requirements for residential loans purchased or approved by the Alaska Housing Finance Corporation; relating to civil actions by and against home inspectors; and providing for an effective date,” Assemblymembers Von Gemmingen, Tesche, Taylor, Van Etten, and Traini. **(LAID ON THE TABLE)**

This item addressed earlier in the meeting. See item 9F.

17. **UNFINISHED AGENDA:** None.

18. **AUDIENCE PARTICIPATION:** None.

19. **ASSEMBLY COMMENTS:** None.

20. **EXECUTIVE SESSIONS:** None.

21. **ADJOURNMENT:**

Mr. Van Etten moved, to adjourn the meeting.  
 seconded by Mr. Tesche,  
 and it passed without  
 objections,

Chairman Traini adjourned the meeting at 10:27 p.m.

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Chairman

ATTEST:

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Municipal Clerk

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

GM/cmw