

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of June 25, 2002

1. CALL TO ORDER:

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

2. ROLL CALL:

Present: Allan Tesche, Brian Whittle, Melinda Taylor, Anna Fairclough, Dick Traini, Fay Von Gemmingen, Dick Van Etten, Janice Shamberg, Dick Tremaine.
Absent: Dan Sullivan and Dan Kendall were excused.

3. PLEDGE OF ALLEGIANCE:

The pledge was led by Mr. Cannelos, Heritage Land Bank Director.

4. MINUTES OF PREVIOUS MEETING:

- A. Special Meeting – January 22, 2002
- B. Regular Meeting – January 29, 2002
- C. Regular Meeting – February 5, 2002
- D. Regular Meeting – February 12, 2002
- E. Regular Meeting – February 26, 2002
- F. Regular Meeting – May 14, 2002
- G. Regular Meeting – May 21, 2002

Municipal Clerk Greg Moyer noted that the minutes had been completed up to June 11, 2002, but needed additional formatting changes for clarification. He requested approval of the minutes be postponed until July 16, 2002.

Mr. Tesche moved, seconded by Ms. Shamberg, and it passed without objection, to postpone approval of the minutes of January 22, 2002, January 29, 2002, February 5, 2002, February 12, 2002, February 26, 2002, May 14, 2002 and May 21, 2002 until July 16, 2002.

5. MAYOR'S REPORT:

A film was shown of Anchorage's bid for the All-America City Award. Mayor Wuerch congratulated the citizens of Anchorage for their participation in Anchorage's designation as an All-America City.

6. ASSEMBLY CHAIR'S REPORT: None.

7. COMMITTEE REPORTS: None.

8. ADDENDUM TO AGENDA:

Mr. Tremaine moved, seconded by Ms. Shamberg, to amend the agenda to include the addendum items.

Chairman Traini read the addendum items.

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

9. CONSENT AGENDA:

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

A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

- 1. Resolution No. AR 2002-208, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Senior Patrol Officer James W. Anderson for his 20 years of service** with the Anchorage Police Department, Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen, and Whittle.

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

- 2. Resolution No. AR 2002-209, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Senior Patrol Officer Paul P. Ard for his 20 years of service** with the Anchorage Police Department, Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen, and Whittle.

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

3. Resolution No. AR 2002-210, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Senior Patrol Officer James D. Scroggins for his 9 years of service** with the Anchorage Police Department, Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen, and Whittle.

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

4. Resolution No. AR 2002-211, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Joel Grunwaldt for his 30 years of service** with the Municipality of Anchorage, Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen, and Whittle.

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

5. Resolution No. AR 2002-212, a resolution of the Anchorage Assembly **recognizing and honoring Rodney L. Pfeifer for his service to the Anchorage Downtown Partnership** and the Municipality of Anchorage, Mayor Wuerch; Assemblymembers Tesche, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Traini, Tremaine, Van Etten, Von Gemmingen, and Whittle.

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

6. Resolution No. AR 2002-222, a resolution of the Anchorage Municipal Assembly recognizing and honoring the participants in the “**All-America City Award**” presentation, Assemblymembers Traini, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Tremaine, Van Etten, Von Gemmingen, and Whittle. (**addendum**)

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

NOTE: An Assembly Proclamation was presented to Stephanie Abrego, a student at East High School for being selected for an exchange program between the United States and Great Britain.

B. RESOLUTIONS FOR ACTION - OTHER

1. Resolution No. AR 2002-174, a resolution of the Anchorage Municipal Assembly approving the revised (schematic) Phase 2 design for **Bartlett High School Renewal Project**, Anchorage School District.
 - a. Assembly Memorandum No. AM 489-2002.
2. Resolution No. AR 2002-184, a resolution of the Anchorage Municipal Assembly approving the preliminary (conceptual) design of the **Eagle River High School**, Anchorage School District.
 - a. Assembly Memorandum No. AM 503-2002.
3. Resolution No. AR 2002-204, a resolution of the Municipality of Anchorage appropriating the sum of \$2,360 from the Bureau of Justice, Office of Justice Programs, U.S. Department of Justice and \$2,500 as a contribution from the 2002 Anchorage Police Department Operating Budget, Anchorage Metropolitan Police Service Area Fund (151) to the Federal Categorical Grants Fund (241) for the **Bullet Proof Vest Partnership Program**, Anchorage Police Department.
 - a. Assembly Memorandum No. AM 565-2002.
4. Resolution No. AR 2002-205, a resolution authorizing the granting of **tax refund as a result of manifest clerical error** on Real Property Account 012-563-52, Finance/Property Appraisal.
 - a. Assembly Memorandum No. AM 566-2002.
5. Resolution No. AR 2002-206, a resolution of the Municipality of Anchorage appropriating a contribution of \$20,000 from the State Categorical Grants Fund (231), Department of Health and Human Services, Child Care Licensing to the Facility Management Department, Fleet Services Capital Fund (606) for the purchase of a **4-wheel drive vehicle**, Health and Human Services.
 - a. Assembly Memorandum No. AM 567-2002.
6. Resolution No. AR 2002-207, a resolution authorizing the Municipality to grant a right-of-way easement for electrical purposes to Chugach Electric Association, Inc. across a portion of **Tract A, Raasch Subdivision**, Tax Code #017-063-49, Project Management & Engineering.
 - a. Assembly Memorandum No. AM 568-2002.

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

7. Resolution No. AR 2002-215, a resolution of the Anchorage Municipal Assembly revising the 2002 General Government Operating Budget by appropriating the sum of \$5,000 from Area-wide General Fund (101) Balance to the Mayor’s Office to be used as a grant to assist in the costs of the **Heart of Anchorage Awards**, Assemblymember Tesche.
 - a. Assembly Memorandum No. AM 585-2002.
8. Resolution No. AR 2002-216, a resolution of the Anchorage Municipal Assembly revising the 2002 General Government Operating Budget by transferring \$82,000 from the Municipal Attorney to the Department of Assembly to provide funding for **Assembly counsel and staff**, Assemblymember Tesche.
 - a. Assembly Memorandum No. AM 586-2002.
 - b. Assembly Memorandum No. AM 614-2002, AR 2002-216; a resolution of the Anchorage Municipal Assembly revising the 2002 General Government Operating Budget by transferring \$82,000 from the Municipal Attorney to the Department of Assembly to

provide funding for Assembly counsel and staff, Legal Department. **(LAID ON THE TABLE)**

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

9. Resolution No. AR 2002-220, a resolution of the Municipality of Anchorage appropriating the sum of \$37,000 from the Alaska Department of Environmental Conservation as a pass through grant from the U.S. Environmental Protection Agency to the State Categorical Grants Fund (231), Department of Health and Human Services for **fine particulate (PM-25) monitoring**, Health and Human Services. **(addendum)**
 - a. Assembly Memorandum No. AM 570-2002.
 10. Resolution No. AR 2002-221, a resolution of the Municipality of Anchorage appropriating \$20,000 from the Municipal Area-wide General Fund (101) to the Employee Relations Department for contract services to provide a current **Affirmative Action Program** for the Municipality of Anchorage, Employee Relations. **(addendum)**
 - a. Assembly Memorandum No. AM 611-2002.
 11. Resolution No. AR 2002-223, a resolution of the Anchorage Municipal Assembly revising the 2002 General Government Operating Budget by appropriating \$57,000 from Area-wide General Fund (101) Balance to the Department of Health and Human Services to increase the municipal match for the Human Services Matching Grant Program for the purpose of providing a grant to the Mabel T. Calvery Senior Center **DEAP Program**, Assemblymember Tesche. **(LAID ON THE TABLE)**
 - a. Assembly Memorandum No. AM 613-2002.
- C. BID AWARDS
1. Assembly Memorandum No. AM 561-2002, recommendation of award to Applied Microsystems, Inc. and professional computing for furnishing **Microsoft service software licenses and maintenance agreement** to the Municipality of Anchorage, Information Technology Department (ITD) (ITB 22-B034) (\$319,566.94), Purchasing.
 2. Assembly Memorandum No. AM 591-2002, recommendation of award to Tam Construction, Inc. for **Primrose & East 16th Avenue Sewer Upgrade** for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (ITB 22-C015) (\$208,880), Purchasing.
 3. Assembly Memorandum No. AM 592-2002, recommendation of award to Alaska Road Boring Company for **3rd Avenue Storm Drain Pipe Lining, 'E' Street to Post Road** for the Municipality of Anchorage, Project Management & Engineering (ITB 22-C022) (\$254,275), Purchasing.
 4. Assembly Memorandum No. AM 607-2002, recommendation of award to Kanag'lq Construction Co., Inc. for **Municipal Light & Power (ML&P) operations and dispatch building upgrade** for the Municipality of Anchorage, Municipal Light & Power (ITB 22-C024) (\$492,863), Purchasing. **(addendum)**
- D. NEW BUSINESS
1. Assembly Memorandum No. AM 562-2002, **appointments to Board of Equalization** (Bill Gamel, Carolyn Greiner, Dave McCabe, Bruce Chambers, Katherine Donohoe, Robert Erickson, William Larick, Tim Rittal), Municipal Clerk.
 2. Assembly Memorandum No. AM 573-2002, **Lakehill Limited Road Service Area Board of Supervisors appointments** (Robert Rae, Ken Bystedt, John Lau), Mayor's Office.
 3. Assembly Memorandum No. AM 574-2002, **Police and Fire Retirement Board of Trustees appointments** (Tim Rogers, Bob Kniefel), Mayor's Office.

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

4. Assembly Memorandum No. AM 558-2002, recommendation of award to carrier providing **property insurance coverage** to the Municipality of Anchorage, Finance Department/Risk Management (\$963,047).
5. Assembly Memorandum No. AM 575-2002, recommendation of award to Transportation Consultants, Inc. to provide an **assessment of the Fleet Services Division** for the Municipality of Anchorage, Department of Facility and Fleet Management (RFP 22-P008) (\$107,988), Purchasing.
6. Assembly Memorandum No. AM 576-2002, proprietary purchase of **computer software maintenance** from ESRI, Inc. for the Municipality of Anchorage, Information Technology Department (\$51,705), Purchasing.

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

7. Assembly Memorandum No. AM 577-2002, change order No. 1 to contract 21MIS241 with Applied Microsystems, Inc. for providing **web site management and integration** for the Municipality of Anchorage, Information Technology Department (IT) (\$150,000), Purchasing.
8. Assembly Memorandum No. AM 578-2002, change order No. 1 to contract 21ASC189 with Shaman LLC for furnishing the **rental of traffic control devices** to the Municipality of Anchorage, Purchasing Department (\$200,000).
9. Assembly Memorandum No. AM 579-2002, change order No. 8 to purchase order 60460 with Peach Investments, LLC for providing **leased space for an antenna site** on the Key Bank Building for the Municipality of Anchorage, Real Estate Services (\$6,600), Purchasing.
10. Assembly Memorandum No. AM 580-2002, **reimbursable agreement for water and sewer improvements** with the State of Alaska, Department of Transportation for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (AWWU) (\$58,144), Purchasing.

11. Assembly Memorandum No. AM 581-2002, recommendation of award to Altec Industries, Inc. to provide a **37' aerial man lift on a 4x4 chassis** to the Municipality of Anchorage, Anchorage Water and Wastewater Utility (\$74,879), Purchasing.
12. Assembly Memorandum No. AM 582-2002, amendment No. 1 to professional services contract with DOWL Engineers for design and reconstruction services for **Northwood Drive Upgrade**, Project No. 01-12 (\$571,187), Property Management & Engineering.
13. Assembly Memorandum No. AM 583-2002, **Human Services Matching Grant awards** for Fiscal Years 2003 & 2004 (\$1,193,503), Health and Human Services.

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

14. Assembly Memorandum No. AM 584-2002, **Community Development Block Grant (CDBG) Public Services grant awards** for Fiscal Years 2003 and 2004 (\$318,760), Health and Human Services.
15. Assembly Memorandum No. AM 588-2002, Planning and Zoning Commission recommendation on a rezoning from B-3 SL per AO 84-254 to B-4 SL for a portion of the **NW 1/4, SE 1/4 located within Section 3, T15N, R1W, S.M., Alaska**, generally located east of Old Glenn Highway between Dolly Avenue and Mirror Drive (Chugiak Community Council) (Planning and Zoning Commission Case 2001-194), Planning Department.

(Clerk's Note: See Ms. Fairclough's remarks on this item after item 10D4.)

16. Assembly Memorandum No. AM 593-2002, change order No. 1 to purchase order 212699 with Magellan Behavioral Health Inc. for providing **Employee Assistance Program services** to the Municipality of Anchorage, Employee Relations Department (\$115,000), Purchasing.
17. Assembly Memorandum No. AM 594-2002, proprietary purchase of **software licenses and support** from MRO Software, Inc. for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (AWWU) (\$53,100), Purchasing.
18. Assembly Memorandum No. AM 595-2002, proprietary purchase of **computer software upgrade and services** from Perkin-Elmer Labworks, Inc. for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (\$91,600), Purchasing.
19. Assembly Memorandum No. AM 596-2002, reimbursable **agreement for water and sewer improvements** with the State of Alaska, Department of Transportation for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (AWWU) (\$349,331), Purchasing.
20. Assembly Memorandum No. AM 597-2002, proprietary purchase with Harris Corporation for **digital microwave equipment and services** for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (AWWU) (\$634,201), Purchasing.
21. Assembly Memorandum No. AM 599-2002, amendment No. 2 to professional services contract with **Municipal Code Corporation** (\$20,000), Legal Department. (**addendum**)
22. Assembly Memorandum No. AM 600-2002, amendment No. 1 to the professional services contract with the Law Offices of James McCollum, LLC (**Doyle Family Litigation**) (\$44,200), Legal Department. (**addendum**)
23. Assembly Memorandum No. AM 601-2002, change order No. 1 to the contract with the Law Firm of Gilmore & Doherty for continuing representation in the case of **Toney v. MOA** 3AN-95-5067CI (\$90,000), Legal Department. (**addendum**)

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

24. Assembly Memorandum No. AM 602-2002, **Arts Advisory Commission appointment** (Marc Whitehead), Mayor's Office. (**addendum**)
25. Assembly Memorandum No. AM 603-2002, **Girdwood Valley Public Safety Board appointments** (Michael Opalka, George McCoy, David Sears), Mayor's Office. (**addendum**)
26. Assembly Memorandum No. AM 604-2002, **Parks and Recreation Commission appointment** (Martial Byrd), Mayor's Office. (**addendum**)
27. Assembly Memorandum No. AM 605-2002, **Public Facilities Advisory Commission appointment** (Dennis McMillan), Mayor's Office. (**addendum**)
28. Assembly Memorandum No. AM 606-2002, amendment No. 1 to 2001 **grant agreement with the Anchorage Economic Development Corporation (AEDC)** (\$75,000), Municipal Manager's Office. (**addendum**)
29. Assembly Memorandum No. AM 608-2002, proprietary purchase for **Sullivan Arena scoreboard improvement** from Daktronics, Inc. for the Municipality of Anchorage, Cultural and Recreational Services Department (\$150,000), Purchasing. (**addendum**)

E. INFORMATION AND REPORTS

1. Information Memorandum No. AIM 56-2002, **contracts awarded between \$50,000 and \$100,000 through formal competitive processes** for the month of May 2002, Purchasing.
2. Information Memorandum No. AIM 57-2002, **Sole Source Procurement** for the month of May 2002, Purchasing.
3. Information Memorandum No. AIM 58-2002, **Monthly Financial Report** – April 2002, Finance.
4. Information Memorandum No. AIM 59-2002, notification of **increased rates for rental of ice** at the Sullivan Arena, Ben Boeke and Dempsey Anderson Ice Arenas, and the Harry J. McDonald Memorial Center to offset the increased costs of operation, Cultural and Recreational Services.

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

5. Information Memorandum No. AIM 60-2002, Executive Appointment Report for the period of January 2002 – March 2002 (Everett L. Mabry, Program & Policy Director-DHHS; Joseph W. Murdy, Program & Policy Director-Development Services; Robert L. Hall, Property & Facility Mgmt. Director; Cheryl G. Coppe, Utility Division Manager II-Port of Anchorage; Barbara Jones, Executive Director-ERC; Steven C. Brister, Special Admin. Assistant II-Legal), Employee Relations.
6. Information Memorandum No. AIM 61-2002, Internal Audit Report 2002-7, Anchorage Convention and Visitors Bureau, Cultural and Recreational Services/Internal Audit (addendum)
7. Information Memorandum No. AIM 62-2002, 2001 Comprehensive Annual Financial Report, Finance. (addendum)
8. Information Memorandum No. AIM 63-2002, 2001 Municipal Travel, Assemblymember Tesche. (addendum)

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

9. Information Memorandum No. AIM 65-2002, Fund Balance available for supplemental 2002 spending, Office of Management and Budget. (addendum)

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

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

1. Ordinance No. AO 2002-97, an ordinance of the Anchorage Municipal Assembly **removing the map legend reference to dwelling density** associated with sewer service within the Hillside Wastewater Management Plan, Assemblymember Tremaine. public hearing ~~10-22-02~~ 7-23-02.

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

2. Ordinance No. AO 2002-98, an ordinance amending the zoning map and approving the rezoning of approximately 75 acres from R-6 (Suburban Residential – Large Lot) Zoning District to PC (Planned Community) Zoning District for the E 1/2, NW 1/4, SW 1/4, NW 1/4, the NE 1/4, SW 1/4, NW 1/4, the S1/2, SW 1/4, NW 1/4, and the SE 1/4, NW 1/4, Section 21, T12N, R3W, S.M., AK, generally located on the southeast corner of **Lake Otis Parkway and East 112th Avenue** (Huffman/O'Malley Community Council) (Planning and Zoning Commission Case 2002-011), Assemblymember Traini. public hearing 7-16-02.
3. Ordinance No. AO 2002-99, an ordinance amending AO 2000-138(S) and the Southport Planned Community Master Plan map to change the designation and classification of 3.3 acres located in Area I from Residential (Conforming to R-3 Zoning) to Recreational Area (RA) for **Discovery Heights, Tract 1-3A**; generally located south of West 100th Avenue and west of Southport Parkway (Bayshore-Klatt Community Council) (Planning and Zoning Commission Case 2002-015), Planning Department. public hearing 8-6-02.
 - a. Assembly Memorandum No. AM 569-2002.
4. Ordinance No. AO 2002-100, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 3.30.172, **Classification**, to add a new classification subject to Assembly approval, Assemblymember Tesche. public hearing 7-16-02.
 - a. Assembly Memorandum No. AM 590-2002.
5. Ordinance No. AO 2002-101, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 6.10, Budget and Appropriations Generally, by enacting a new Section 6.10.033 to provide for **public access to documents and materials used to prepare annual and operating budgets**, Assemblymembers Tesche and Taylor. public hearing 7-16-02.
 - a. Assembly Memorandum No. AM 571-2002.
6. Ordinance No. AO 2002-102, an ordinance of the Anchorage Municipal Assembly enacting a new Chapter 24.35 to the Anchorage Municipal Code authorizing the Mayor to **close or restrict use of public rights-of-way in the interests of national security**, Assemblymember Tesche. public hearing 7-16-02.
 - a. Assembly Memorandum No. AM 572-2002.
7. Resolution No. AR 2002-203, a resolution of the Anchorage Municipal Assembly approving an amended site plan for Lowe's Home Improvement Warehouse, generally located at the northwest corner of Tudor Road and Denali Street, **Tract B, Hardware Subdivision** (Lowe's Hardware) (Case 2002-026), Planning Department. public hearing 7-16-02.
 - a. Assembly Memorandum No. AM 559-2002.
8. Resolution No. AR 2002-213, a resolution confirming and levying assessments for the water special improvements within **Levy Upon Connection (LUC) Roll 02-W-1**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility. public hearing 7-23-02.
 - a. Assembly Memorandum No. AM 563-2002.
9. Resolution No. AR 2002-214, a resolution of the Municipality of Anchorage appropriating \$109,000 as a cash contribution from the 2002 General Government Operating Budget Fund (101) to the State Categorical Grants Fund (231) for the **Child Care Licensing Program** in the Department of Health and Human Services. public hearing 7-16-02.
 - a. Assembly Memorandum No. AM 564-2002.
10. Resolution No. AR 2002-217, a resolution of the Municipality of Anchorage accepting when tendered \$2,250,000 from the Federal Aviation Administration Airport Improvement Program grant, and \$75,000 from the Alaska State Department of Transportation and Public Facilities grant; and appropriating said grants and \$75,000 from Airport Retained Earnings to Merrill Field's

- Capital Improvement Fund for the **2002 Merrill Field Improvements** and revising the 2002 Merrill Field Capital Improvement Budget (581), Merrill Field Airport. public hearing 7-16-02.
- a. Assembly Memorandum No. AM 587-2002.
11. Resolution No. AR 2002-218, a resolution approving the **West 45th Avenue water main extension** from Northwood Drive to Van Buren Street and providing for assessment of benefited properties at time of service connection, Water and Wastewater Utility. public hearing 7-23-02.
 - a. Assembly Memorandum No. AM 589-2002.
 12. Resolution No. AR 2002-219, a resolution of the Municipality of Anchorage appropriating the sum of \$132,568 from the U.S. Environmental Protection Agency and \$323,000 as a cash match from the 2002 Department of Health and Human Services Operating Budget to the Federal Categorical Grants Fund (241), Department of Health and Human Services for **air quality monitoring, enforcement and planning activities**. public hearing 7-16-02. **(addendum)**
 - a. Assembly Memorandum No. AM 598-2002.

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

13. Ordinance No. AO 2002-103, an ordinance amending AMC Sections 12.35.005, 12.35.010, 12.35.020 & 12.35.025 conforming those provisions to State law AS 29.45.020 (M) providing for a **tax exemption for economic development property** and permitting the Assembly to renew economic development exemptions, Assemblymembers Tesche, Traini, Taylor, Whittle, and Van Etten. public hearing 7-16-02. **(addendum)**
 - a. Assembly Memorandum No. AM 609-2002.
14. Ordinance No. AO 2002-104, an ordinance approving and ratifying a three year collective bargaining agreement between the Municipality of Anchorage and the **Teamsters, Local 959 Bargaining Unit**, Employee Relations. public hearing 7-16-02. **(addendum)**
 - a. Assembly Memorandum No. AM 610-2002.
15. Ordinance No. AO 2002-76, an ordinance amending Anchorage Municipal Code Chapter 3.70 to **update class codes** in the General Classified Employee Bargaining Unit, Employee Relations. public hearing 7-16-02. **(addendum)**
 - a. Assembly Memorandum No. AM 426-2002.
16. Ordinance No. AO 2002-105, an ordinance of the Municipality of Anchorage authorizing the lease of the Municipality's interest in **Lot 1A, Block 12, Grandview Subdivision** (1325 Primrose Street in Anchorage) to Grandview Center Association at less than market value, Real Estate Services. public hearing 7-16-02. **(addendum)**
 - a. Assembly Memorandum No. AM 612-2002.
17. Ordinance No. AO 2002-107, an ordinance amending Chapter 23.10 of the Anchorage Municipal Code to provide an **exemption from plan review and permit fees for projects built within a deteriorated area**. Assemblymember Tesche. **(LAID ON THE TABLE)**

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

18. Ordinance No. AO 2002-108, an ordinance amending Chapters 21.35, 21.40, and 21.45 of the Anchorage Municipal Code to change the definition of **housing for the elderly**, to permit senior housing in certain residential and business districts, and to specify parking requirements for senior housing, Assemblymember Tesche. **(LAID ON THE TABLE)**

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

19. Ordinance No. AO 2002-79(S), an ordinance submitting to the qualified voters of the Municipality of Anchorage at the Regular Municipal Election on April 1, 2003, a ballot proposition repealing and reenacting Section 11.02(b) of the Home Rule Charter to **require run off elections only in elections for the Office of Mayor** where no candidate receives more than forty five percent (45%) of the votes cast for that office, Assemblymember Tesche. **(LAID ON THE TABLE)**

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

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

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

NAYS: None.

(Clerk's Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

10. REGULAR AGENDA:

10A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS:

- 10A1. Resolution No. AR 2002-208, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Senior Patrol Officer James W. Anderson for his 20 years of service** with the Anchorage Police Department, Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen, and Whittle.

Ms. Fairclough moved, to approve AR 2002-208.
seconded by Mr. Tesche,
and it passed without
objection,

- 10A2. Resolution No. AR 2002-209, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Senior Patrol Officer Paul P. Ard for his 20 years of service** with the Anchorage

Police Department, Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen, and Whittle.

Ms. Fairclough moved, to approve AR 2002-209.
seconded by Mr. Tremaine,
and it passed without
objection,

- 10A3. Resolution No. AR 2002-210, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Senior Patrol Officer James D. Scroggins for his 9 years of service** with the Anchorage Police Department, Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen, and Whittle.

Ms. Fairclough moved, to approve AR 2002-210.
seconded by Mr. Van Etten,
and it passed without
objection,

- 10A4. Resolution No. AR 2002-211, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Joel Grunwaldt for his 30 years of service** with the Municipality of Anchorage, Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen, and Whittle.

Mr. Whittle moved, to approve AR 2002-211.
seconded by Mr. Tesche,
and it passed without
objection,

Mr. Whittle read the resolution.

Mayor Wuerch noted that it had been a pleasure working with Joel Grunwaldt and thanked him for his 30 years of service to the Municipality. He presented a gift to Joel Grunwaldt from the employees of the Solid Waste Services Department. Mr. Grunwaldt thanked the Assembly and Mayor Wuerch for the resolution.

- 10A5. Resolution No. AR 2002-212, a resolution of the Anchorage Assembly **recognizing and honoring Rodney L. Pfeifer for his service to the Anchorage Downtown Partnership** and the Municipality of Anchorage, Mayor Wuerch; Assemblymembers Tesche, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Traini, Tremaine, Van Etten, Von Gemmingen, and Whittle.

Mr. Tesche moved, to approve AR 2002-212.
seconded by Ms. Taylor,
and it passed without
objection,

Mr. Tesche read the resolution.

Rodney L. Pfeifer said it had been a pleasure working with community leaders and members over the past four and a half years and thanked the Assembly for the resolution.

- 10A6. Resolution No. AR 2002-222, a resolution of the Anchorage Municipal Assembly recognizing and honoring the participants in the “**All-America City Award**” presentation, Assemblymembers Traini, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Tremaine, Van Etten, Von Gemmingen, and Whittle. (**addendum**)

Ms. Von Gemmingen moved, to approve AR 2002-222.
seconded by Mr. Tremaine,
and it passed without
objection,

Mr. Tesche read the resolution.

Mayor Wuerch introduced the participants of the All-America City Award presentation group who thanked the Assembly and Mayor Wuerch for the opportunity to participate in the presentation.

10B. RESOLUTIONS FOR ACTION – OTHER:

- 10B1. Resolution No. AR 2002-207, a resolution authorizing the Municipality to grant a right-of-way easement for electrical purposes to Chugach Electric Association, Inc. across a portion of **Tract A, Raasch Subdivision**, Tax Code #017-063-49, Project Management & Engineering.
a. Assembly Memorandum No. AM 568-2002.

Ms. Shamberg moved, to approve AR 2002-207.
seconded by Mr. Tesche,

Ms. Shamberg noted that Chugach Electric had pledged to spend a portion of their revenues on underground improvements in their electrical service. She felt the easement should be granted with the condition that it be placed underground.

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

to amend AR 2002-207 to add a new Section 2 to read:
“The easement is granted under the condition that the
improvements be placed underground.”

Ms. Fairclough requested a work session between Chugach Electric Association and the Anchorage Assembly to discuss the issue. Chugach Electric had been allowed the option of a 0 to 4 percent capital savings to underground. The Assembly noted that Municipal Light and Power was trying to underground, but Chugach Electric had continued to choose not to underground. She noted that future Chugach Electric easements would be at risk if they chose not to come to the table to discuss the issue.

In response to Ms. Fairclough, Municipal Attorney Bill Greene said he had not had the opportunity to review the information, but he did not feel the Assembly would be in violation of any law for precluding the easement.

Question was called on the motion to approve AR 2002-207 as amended and it passed:

- 10B2. Resolution No. AR 2002-184, a resolution of the Anchorage Municipal Assembly approving the preliminary (conceptual) design of the **Eagle River High School**, Anchorage School District.
a. Assembly Memorandum No. AM 503-2002.

Ms. Fairclough called for immediate consideration and urged a no vote.

Ms. Fairclough moved,
seconded by Mr. Tremaine,

for immediate reconsideration of AR 2002-184.

Question was called on the motion to reconsider AR 2002-184 and it failed:

AYES: None.

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

(Clerk’s Note: Mr. Whittle and Mr. Van Etten were out of the room at the time of the vote.)

(Clerk’s Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

- 10B3. Resolution No. AR 2002-216, a resolution of the Anchorage Municipal Assembly revising the 2002 General Government Operating Budget by transferring \$82,000 from the Municipal Attorney to the Department of Assembly to provide funding for **Assembly counsel and staff**, Assemblymember Tesche.
a. Assembly Memorandum No. AM 586-2002.
b. Assembly Memorandum No. AM 614-2002, AR 2002-216; a resolution of the Anchorage Municipal Assembly revising the 2002 General Government Operating Budget by transferring \$82,000 from the Municipal Attorney to the Department of Assembly to provide funding for Assembly counsel and staff, Legal Department. **(LAID ON THE TABLE)**

Mr. Tesche moved,
seconded by Mr. Tremaine,

to approve AR 2002-216.

Mr. Tesche felt the Assembly needed their own legal representation. He felt there was an equal division between the ordinance and the remaining workload in the Civil Division and intended to support AR 2002-216.

Municipal Attorney Bill Greene noted that AR 2002-216 would take \$82,000 from the Civil Division.

The Assemblymembers discussed the resolution.

Question was called on the motion to approve AR 2002-216 and it passed:

10C. BID AWARDS: None

10D. NEW BUSINESS:

- 10D1. Assembly Memorandum No. AM 574-2002, **Police and Fire Retirement Board of Trustees appointments** (Tim Rogers, Bob Kniefel), Mayor’s Office.

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

to bifurcate the appointments of Tim Rogers and Bob Kniefel,
AM 574-2002.

Mr. Tesche moved,
seconded by Ms. Taylor,

to approve AM 574-2002, appointment of Bob Kniefel.

Mr. Tesche accepted Ms. Von Gemmingen friendly amendment to have Bob Kniefel’s appointment end on June 30 instead of June 31.

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

to approve AM 574-2002, appointment of Bob Kniefel,
to end on June 30 instead of June 31.

Mr. Tesche moved, to approve AM 574-2002, appointment of Tim Rogers.
seconded by Ms. Von Gemmingen,

Ms. Fairclough moved, to table AM 574-2002, the appointment of Tim Rogers.
seconded by Mr. Tesche,

The Assembly discussed the motions to approve and table.

Question was called on the motion to table AM 574-2002, the appointment of Tim Rogers and it failed:

AYES: Fairclough.

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

(Clerk's Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

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

Mayor Wuerch said he had full confidence in Tim Rogers.

Chairman Traini noted that in the system of checks and balances, the executive is appointed and the legislative body confirms. Sometimes the legislative body exercises its prerogative and does not confirm an appointment due to differences of opinions.

Question was called on the main motion to approve AM 574-2002, the appointment of Tim Rogers and it failed:

AYES: Von Gemmingen.

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

(Clerk's Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

Ms. Fairclough moved, to lay on the table for reconsideration the appointment of
seconded by Ms. Von Gemmingen, Tim Rogers AM 574-2002.

Chairman Traini explained that Ms. Fairclough utilized a parliamentary procedure to insure that this item would come back before the Assembly at the next meeting, because two Assemblymembers were absent.

- 10D2. Assembly Memorandum No. AM 576-2002, proprietary purchase of **computer software maintenance** from ESRI, Inc. for the Municipality of Anchorage, Information Technology Department (\$51,705), Purchasing.

Mr. Tesche moved, to approve AM 576-2002.
seconded by Mr. Tremaine,
and it passed without
objection,

- 10D3. Assembly Memorandum No. AM 583-2002, **Human Services Matching Grant awards** for Fiscal Years 2003 & 2004 (\$1,193,503), Health and Human Services.

Ms. Von Gemmingen moved, to approve AM 583-2002.
seconded by Mr. Van Etten,

Mr. Tesche said he had some serious concerns about the process used for these grants, because it put both the Assembly and the Administration in an awkward position.

Ms. Von Gemmingen referenced the request from Anchorage Center for Families Intermission Crisis and Nursery for \$140,000. Health and Human Services Director, Jewel Jones, also expressed her concern and was actively working to find other sources of funds for the Anchorage Center for Families Intermission Crisis and Nursery.

Ms. Fairclough said her concern was that the program did not balance the needs of seniors, children, homeless people, homeless families, violence or dental health in any fashion or prioritize that fashion.

In response to Ms. Fairclough, Jewel Jones said the CDBG awards were only for new or expanded programs under the federal assistance dollars. STAR's award for \$66,175 was a new or expanded program and was different from request #26 for community education, which was a current or existing program.

Ms. Fairclough takes the chair.

Mr. Traini moved, to reduce the award of item #22, Boys' & Girls' Club by
seconded by Ms. Shamberg, \$30,000 and move \$30,000 to STAR under AM 583-2002.

Mr. Traini felt if there was any organization in Anchorage that needed funding, it was STAR. STAR's services were invaluable.

Mr. Whittle said he strongly supported the idea of funding STAR and he was concerned that they had not received any funding.

Mr. Traini said it was a shame that the Administration choose not to go to the tax cap level that the Assembly set, which would have provided funding for STAR.

Ms. Fairclough said the general public needed to be aware that Anchorage, because of its urbanization, continued to take care of a lion's share portion of health concerns within the community. She asked the citizens to talk to their State legislators. The people that we are now serving are not just Anchorage residents, but people from across the State. She noted that the Boys' and Girls' Club had violence where there were children present and needed the full funding. She felt if they were going to take funding, they should take something from the Literacy Program due to the fact that they only provided them with \$30,000 last year and this year they would be providing \$47,000.

Mr. Traini accepted Ms. Fairclough's friendly amendment to take \$10,000 from the Alaska Literacy Project and \$20,000 from the Boys and Girls Club and move \$30,000 to STAR.

In response to Ms. Fairclough, Jewel Jones noted they incurred a \$400,000 reduction from the State budget, which was the major source of difficulty in the budget.

Ms. Fairclough said she supported the Anchorage Neighborhood Health Clinic in their oral and health care, because they were the only provider in Anchorage that provided benefits on a sliding scale basis.

Mr. Tesche said he would vote in favor of the amendment, but he would do so reluctantly. He did not feel the Assembly should attempt to move money between the programs.

Mr. Van Etten agreed that the Assembly needed to fund STAR, as well as the other programs. He noted that each of the organizations had multiple sources of funding.

Mr. Tremaine said he was very disappointed in the system. Everything he knew about the programs was contained in two sentences, which he did not see until Friday. He did not have a clear picture of what was going on within the organizations.

Ms. Fairclough noted that the task force was not aware of what each organization received last year, which was what she was basing some of her decision on. She reviewed some of the organizations that were funded last year, but would not be funded this year. She encouraged the Assembly to support the amendment, but concurred with Mr. Tremaine that additional funding sources should be sought.

Ms. Taylor advised she was a board member of the Boy's and Girl's Club.

Mr. Tesche moved, the question of whether Ms. Taylor had a substantial interest in the
seconded by Mr. Traini, question of allocating funds to the Boys' and Girls' Club.

In response to Mr. Tesche, Ms. Taylor said she received no monetary compensation from the Boys' and Girls' Club.

Mr. Traini takes the chair.

Chairman Traini ruled that Ms. Taylor did not have a conflict of interest and was directed to vote on the issue.

Ms. Von Gemmingen said she had a conflict of interest in #2, Alzheimer's Resource Agency.

Chairman Traini ruled that Ms. Von Gemmingen would abstain from the vote as it related to #2, Alzheimer's Resource Agency, because she had a conflict of interest.

Question was called on Mr. Traini's amendment to AM 583-2002 and it passed:

AYES: Tesche, Whittle, Taylor, Fairclough, Traini, Von Gemmingen.

NAYS: Van Etten, Shamberg, Tremaine.

(Clerk's Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

Question was called on the main motion to approve AM 583-2002 as amended and it passed:

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

NAYS: None.

(Clerk's Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

(Clerk's Note: Ms. Von Gemmingen abstained from voting on #2, Alzheimer's Recourse Agency.)

- 10D4. Assembly Memorandum No. AM 601-2002, change order No. 1 to the contract with the Law Firm of Gilmore & Doherty for continuing representation in the case of *Toney v. MOA* 3AN-95-5067CI (\$90,000), Legal Department. (**addendum**)

Mr. Tesche moved, to postpone AM 601-2002 until July 16, 2002 and schedule an
seconded by Ms. Taylor, executive session.
and it passed without objection,

Office of Planning Development and Public Works Director Craig Campbell asked Mr. Tesche to provide the Legal Department with his concerns so they could do the research required before the executive session.

- 10D5. Assembly Memorandum No. AM 588-2002, Planning and Zoning Commission recommendation on a rezoning from B-3 SL per AO 84-254 to B-4 SL for a portion of the **NW 1/4, SE 1/4 located within Section 3, T15N, R1W, S.M., Alaska**, generally located east of Old Glenn Highway between Dolly Avenue and Mirror Drive (Chugiak Community Council) (Planning and Zoning Commission Case 2001-194), Planning Department.

Ms. Fairclough referenced item 9.D.15, Assembly Memorandum No. AM 588-2002. She was concerned that on the back page under the check section they had a copy with the word “appeal” written on it. Municipal Clerk Greg Moyer confirmed with the [Planning Department Platting Supervisor, Jerry Weaver](#), that it was properly placed on the agenda. The applicant did not like the decision that the Planning and Zoning Commission made on his property, because a rezone was denied. It was relayed to her that this was a new way to bring items before the Assembly. If the Assembly did not pull the item, this would be their receipt of the information and their blanket concurrence. [Planning Department Director Sue Fison](#) indicated that [Municipal Attorney Bill Greene](#) should provide clarification on the record. She wanted to insure that the Assembly was handling this appropriately and that the petitioner was appropriately notified that the Assembly was not taking further action on this. She questioned if the Assembly had followed the proper recourse on this item.

In response to Ms. Fairclough, Office of Planning Development and Public Works Director Craig Campbell suggested discussing the issue tomorrow once he had time to review the issue. A motion for reconsideration of the issue could be filed within 24 hours.

E. INFORMATION AND REPORTS

- 10E1. Information Memorandum No. AIM 59-2002, notification of **increased rates for rental of ice** at the Sullivan Arena, Ben Boeke and Dempsey Anderson Ice Arenas, and the Harry J. McDonald Memorial Center to offset the increased costs of operation, Cultural and Recreational Services.

Mr. Tesche moved, to accept AIM 59-2002.
seconded by Mr. Tremaine,
and it passed without
objection,

Mr. Tremaine noted that AIM 59-2002 was a 30 percent increase in ice rates. He asked the Administration to prepare a detailed briefing for the Assembly within the next two months on the financial condition of the arenas before the rates were increased.

Ms. Taylor asked for the Administration to check how the fee increase matched with the recently approved ordinance for not increasing fees over the CPI.

- 10E2. Information Memorandum No. AIM 63-2002, 2001 Municipal Travel, Assemblymember Tesche. **(addendum)**

Mr. Tesche moved, to accept AIM 63-2002.
seconded by Ms. Taylor,
and it passed without
objection,

In response to Mr. Tesche, Internal Auditor Peter Raskums said there were 34 trips that had not been closed out by the filing of a routine travel report. They found two trips that were from 1999, but closed out in 2001. He could not explain why the 34 trips had not been closed out. Accounts Payable was currently researching the issue. Travel expenses have risen from \$500,000 in 1995 to \$1,200,000 in 2001, which would be about a 22 percent increase every year. The accounting system, People Soft, has not been very useful in compiling the travel data.

In response to Mr. Tesche, Office of Management and Budget Director Cheryl Frasca said specific information on travel, registration, per diem and transportation was not on the budget document received by the Assembly. The specific information would be contained in the Budget Prep System once the budget was submitted, which the Assembly had access to.

Mr. Tesche asked Internal Auditor Peter Raskums to provide the Assembly with his final recommendations as to what specific reform measures the Assembly could consider for purposes of budgeting, controlling, managing and reporting Municipal travel expenses.

- 10E3. Information Memorandum No. AIM 65-2002, Fund Balance available for supplemental 2002 spending, Office of Management and Budget. **(addendum)**

Ms. Von Gemmingen moved, to accept AIM 65-2002.
seconded by Mr. Tremaine,
and it passed without
objection,

In response to Ms. Von Gemmingen, Office of Management and Budget Director Cheryl Frasca stated AIM 65-2002 was a recap of the starting point after first quarter budget revisions. \$1,900,000 of the fund balance was set aside for unanticipated expenditures throughout the remainder of 2002. The report indicated the amounts that have been spent to date, not including the actions taken by the Assembly at the current meeting.

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

- 10F1. Ordinance No. AO 2002-97, an ordinance of the Anchorage Municipal Assembly **removing the map legend reference to dwelling density** associated with sewer service within the Hillside Wastewater Management Plan, Assemblymember Tremaine. P.H. ~~10-22-02~~ 7-23-02.

Mr. Tremaine noted that AO 2002-97 was introduced by title only at the last meeting and set for public hearing. He did not choose to reintroduce this, because it was duplicative.

- 10F2. Resolution No. AR 2002-219, a resolution of the Municipality of Anchorage appropriating the sum of \$132,568 from the U.S. Environmental Protection Agency and \$323,000 as a cash match from the 2002 Department of Health and Human Services Operating Budget to the Federal Categorical Grants Fund (241), Department of Health and Human Services for **air quality monitoring, enforcement and planning activities**. P.H. 7-16-02. **(addendum)**
 a. Assembly Memorandum No. AM 598-2002.

Mr. Tremaine, Mr. Tesche, and Ms. Taylor joined in introducing AR 2002-219. The public hearing was scheduled for the 7-16-2002 meeting.

Mr. Tremaine moved, to amend AR 2002-219, lines 2 and 12, to read “\$132,568” with
 seconded by Ms. Taylor, the word “and” being deleted.
 and it passed without
 objection,

- 10F3. Ordinance No. AO 2002-107, an ordinance amending Chapter 23.10 of the Anchorage Municipal Code to provide an **exemption from plan review and permit fees for projects built within a deteriorated area**. Assemblymember Tesche. **(LAID ON THE TABLE)**

Mr. Tesche, Mr. Van Etten, and Mr. Whittle joined in introducing this ordinance. The public hearing was scheduled for the 7-16-02 meeting.

- 10F4. Ordinance No. AO 2002-108, an ordinance amending Chapters 21.35, 21.40, and 21.45 of the Anchorage Municipal Code to change the definition of **housing for the elderly**, to permit senior housing in certain residential and business districts, and to specify parking requirements for senior housing, Assemblymember Tesche. **(LAID ON THE TABLE)**

Mr. Tesche, Mr. Van Etten, and Mr. Whittle joined in introducing this ordinance. The public hearing was scheduled for the 10-22-02 meeting.

- 10F5. Ordinance No. AO 2002-79(S), an ordinance submitting to the qualified voters of the Municipality of Anchorage at the Regular Municipal Election on April 1, 2003, a ballot proposition repealing and reenacting Section 11.02(b) of the Home Rule Charter to **require run off elections only in elections for the Office of Mayor** where no candidate receives more than forty five percent (45%) of the votes cast for that office, Assemblymember Tesche. **(LAID ON THE TABLE)**

Mr. Tesche, Mr. Tremaine, and Mr. Whittle joined in introducing this ordinance. The public hearing was scheduled for the 7-16-02 meeting.

- 10F6. Ordinance No. AO 2002-106, an ordinance approving a rezoning from B-3 (General Business) to PLI-SL (Public Lands and Institutions) for **Tracts G5 and G6, Athenian Village**, generally located at the northwest corner of Tudor Road and Bragaw Street (The Ernie Turner Center and adjacent tract) (University Area Community Council) (Planning and Zoning Commission Case 2002-104; Tax I.D. No. 008-024-05 and -06), Assemblymembers Traini, Von Gemmingen, Fairclough, and Tremaine. **(LAID ON THE TABLE)**

Ms. Von Gemmingen, Mr. Tremaine, and Ms. Fairclough joined in introducing this ordinance. The public hearing was scheduled for the 7-16-02 meeting.

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

- 11A. Ordinance No. AO 2001-158(S-3), 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, Assemblymember Tremaine.
 1. Ordinance No. AO 2001-158(S-4), 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, Assemblymember Tremaine.
 2. Assembly Memorandum No. AM 502-2002.
 (CARRIED OVER FROM 4-16-02, 4-23-02, 5-14-02, 5-21-02, AND 6-11-02)

Mr. Tremaine moved, to adopt AO 2001-158(S-4).
 seconded by Ms. Shamberg,

Mr. Tremaine moved, to amend AO 2001-158(S-4), to insert “Exhibit A
 seconded by Ms. Shamberg, Amendments” except for the following text which is
 and it passed with deleted “Page 26, substitute the below for lines 27 through
 Chairman Traini objecting, 32: Section A. An animal without identification, whose owner
 or custodian is not known, shall be kept three full Animal
 Care and Control center business days, unless redeemed
 earlier by the owner.”

Mr. Tremaine noted that this was removed at the request of the Advisory Commission.

Mr. Tremaine moved, to amend AO 2001-158(S-4), Page 39, Line 27,
 seconded by Mr. Tesche, to delete “Section 17.40.005 in its entirety: In this

and it passed without objection,

chapter, animal shall mean dog, cat or wolf hybrid, unless otherwise specified. Domestic animal shall mean any animal species as defined in 17.05.010 that is domestic.”

Mr. Tremaine moved,
seconded by Ms. Fairclough,

to amend AO 2001-158(S-4), to take out “Line 26 which substitutes for lines 27 through 32, Section A. A. An animal without identification, whose owner or custodian is not known, shall be kept three full animal care and control center business days, unless redeemed earlier by the owner.”

Mr. Tremaine accepted Ms. Shamberg’s friendly amendment to Page 29, line 10, to remove the words “as specified below” and add “of five days” and “delete lines 14 through 17 on Page 29”.

Question was called on Ms. Shamberg’s friendly amendment to AO 2001-158(S-4) and it passed:

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

NAYS: Whittle, Traini.

(Clerk’s Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

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

to amend AO 2001-158(S-4), page 39, line 27, to delete “Section 17.40.005 in its entirety.”

Ms. Fairclough said she received communication from a constituent regarding areas in Seattle that offered larger pet owners areas where their animals could be off leash, other than dog parks. She asked the Animal Control Board to discuss the issue.

Ms. Von Gemmingen moved,
seconded by Ms. Taylor,

to amend AO 2001-158(S-4), page 26, lines 27 through 32, to change “three days” to “two days.”

Question was called on Ms. Von Gemmingen’s amendment to AO 2002-158(S-4) and it failed:

AYES: Whittle, Taylor, Traini, Von Gemmingen.

NAYS: Tesche, Fairclough, Van Etten, Tremaine.

(Clerk’s Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

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

Question was called on the main motion to adopt AO 2001-158(S-4) as amended and it passed:

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

NAYS: Traini.

(Clerk’s Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

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

- 11B. Ordinance No. AO 2002-86, an ordinance of the Anchorage Municipal Assembly submitting to the qualified voters of the Municipality of Anchorage at the Regular Municipal Election of April 1, 2003 a proposed amendment to the Home Rule Charter clarifying the appointment, duties, and responsibilities of the **Anchorage Equal Rights Commission**, Assemblymembers Tesche, Traini, Taylor, Tremaine Van Etten, Shamberg, and Whittle.
1. Assembly Memorandum No. AM 495-2002.
(POSTPONED FROM 6-11-02)

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

to postpone AO 2002-86 indefinitely.

Mr. Tesche pointed out that the Assembly had made significant progress in elevating the Municipality’s profile in protecting the civil rights of citizens and Municipal employees. He recommended postponing action on AO 2002-86 indefinitely.

- 11C. 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.
1. Assembly Memorandum No. AM 312-2002.
(CARRIED OVER FROM 4-23-02; POSTPONED FROM 5-14-02)

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

to postpone AO 2002-62 indefinitely.

Mr. Tesche recognized Mayor Wuerch for bringing AO 2002-62 forward. He felt the Mayor’s leadership deserved to be recognized by the community for the end result that they had achieved in the area of working together in the area of civil rights. The duties and responsibilities of the commission were imported directly into the standing committee that the Assembly created through the Anchorage Equal Rights Commission, which strengthened the effort that was begun by the Mayor. He felt it was appropriate to postpone AO 2002-62 indefinitely.

Office of Planning Development and Public Works Director Craig Campbell said the administration felt AO 2002-62 was the appropriate form and method in which to advance the issues that were important to the community. The Administration did not support the postponement of AO 2002-62. They hoped the Assembly would take the action recommended by the Mayor.

Ms. Taylor noted that none of the members of the Kitchen Cabinet had been consulted about this specific legislation. They discussed having a commission or committee, but none of them were consulted regarding the specific dynamics of this legislation, which the Assembly felt was redundant to the OEO and the AERC.

Ms. Fairclough said she would be voting no on postponing AO 2002-62 indefinitely in respect to the people who testified to the Assembly and a large portion of them supported the Mayor's proposal.

Ms. Taylor noted that the Assembly received substantial testimony the day before from members of the community, the NAACP and people who had been involved in civil rights for a number of years in the community and they spoke in support of the legislation that the Assembly put forward.

12. APPEARANCE REQUESTS:

- 12A. **Colette Ravinet**, regarding the public process for the revision of the Cheney Lake Master Plan.
(addendum)

COLETTE RAVINET expressed concern over the lack of the public process in the development of the new Cheney Lake Master Plan. In asking for the revision of the Cheney Lake Master Plan, neighborhood citizens were hoping to be a significant part of the process to make this park valuable for generations to come. They felt the contract for a designer or consultant should not have been let without community participation.

In response to Ms. Taylor, [Cultural and Recreational Services Director Jim Posey](#) said the Cheney Lake Master Plan's kickoff meeting would be on July 5, 2002. A citizens group would be put together and there would be public meetings throughout the next six months.

Ms. Taylor asked Mr. Posey to furnish Colette Ravinet with a timeline for the scheduled meetings. She noted that the Assembly would be watching this issue very closely.

13. CONTINUED PUBLIC HEARINGS:

- 13A. Ordinance No. AO 2002-77, an ordinance amending Anchorage Municipal Code Chapter 9.60 to include a **service assessment** payable from the Anchorage Parking Authority to the Municipality of Anchorage, Anchorage Parking Authority.
1. Assembly Memorandum No. AM 427-2002.
(CARRIED OVER FROM 6-11-02)

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

KEVIN KINNEY, Executive Director of the Anchorage Parking Authority, noted that last fall they had a similar ordinance before the Assembly entitled "Payment in Lieu of Taxes." At that time they asked to have it postponed indefinitely, because it did not make sense to create a new formula in ordinance when there was one currently existing.

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

Mr. Tesche moved, _____ to adopt AO 2002-77.
seconded by Ms. Fairclough,

Question was called on the motion to adopt AO 2002-77 and it passed:

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

NAYS: None.

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

(Clerk's Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

- 13B. Resolution No. AR 2002-153, a resolution of the Anchorage Municipal Assembly approving a **Master Plan** to create a basic project framework for Plan elements such as, but not limited to, access points, circulation patterns, perimeter buffers, creek alignment, setbacks and land use designations. Approval of the Master Plan does not establish approval for underlying zoning districts, specific uses, densities, traffic generation, site plans for specific parcels, etc. The purpose of the Master Plan is to comply with AO 2001-24(S), condition E.2. Generally located on Alaskan Village Subdivision, Lots 32 through 45, Block 1, and Lots 20 through 47, Block 2 and a portion of the NE 1/4 of the NW 1/4 of Section 24, T13N, R3W, located at the southwest corner of Muldoon Road and DeBarr Road (Alaskan Village/Muldoon Town Center) (Case 2002-036), Assemblymember Clementson.
(CARRIED OVER FROM 6-11-02)

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

TIM POTTER, Dowl Engineers, testified on the proposed project.

In response to Mr. Van Etten, Tim Potter said the dates that needed to be modified were on page 2, line 11 to change the date to May 31, 2003 and line 12 to change the date to August 1, 2003.

ANSLEY PHILLIPS, Northeast Community Council, said the council has given their approval on the Prime A bubble diagram with one exception: if the developer determined that the plan was non-feasible, the 30-foot buffer would be reestablished. The community council had not reviewed the date changes proposed and she requested a copy of the letter for their review.

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

Ms. Taylor moved, to amend AR 2002-153, line 11, page 2 to May 31, 2003
seconded by Ms. Fairclough, and line 12, to August 1, 2003.
and it passed without
objection,

Question was called on the motion to approve AR 2002-153 as amended and it passed:

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

NAYS: None.

(Clerk's Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

- 13C. Resolution No. AR 2002-151(S), a resolution of the Anchorage Municipal Assembly approving the **Heritage Land Bank 2002 Work Program and 2003-2007 Five-Year Management Plan**.
1. Assembly Memorandum No. AM 433-2002.
(CARRIED OVER FROM 6-11-02)

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

Mr. Van Etten moved, to approve AR 2002-151(S).
seconded by Ms. Fairclough,

Question was called on the motion to approve AR 2002-151(S) and it passed:

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

NAYS: None.

(Clerk's Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

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

Mr. Tesche moved, to reconsider AR 2002-151(S).
seconded by Ms. Shamberg,
and it passed without
objection,

Mr. Tesche moved, to approve AR 2002-151(S).
seconded by Ms. Shamberg,

Mr. Tremaine moved, to amend AR 2002-151(S), page 19, after the bulleted section,
seconded by Ms. Shamberg, to make the next sentence a new paragraph.
and it passed without
objection,

Mr. Tremaine moved, to amend AR 2002-151(S), page 31, second paragraph under
seconded by Ms. Shamberg, Land Use Studies, to remove the entire sentence that begins
and it passed without "Over the last decade" and take out the beginning of the
objection, sentence, "in addition an updated study would likely" and
add "in order to."

Mr. Tremaine moved, to amend AR 2002-151(S), page 32, to add a new section to
seconded by Ms. Shamberg, read: "Recreational lands acquisition. The Heritage Land
and it passed without Bank will work in close cooperation with the Planning
objection, Department, Anchorage School District and Cultural
and Recreational Services to fully implement acquisition
strategies for Municipal plans including the Anchorage Park
and Open Space Plans."

Question was called on the motion to approve AR 2002-151(S) as amended and it passed:

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

NAYS: None.

(Clerk's Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

- 13D. Ordinance No. AO 2002-75, an ordinance of the Municipality of Anchorage authorizing the Heritage Land Bank (HLB) to sell by competitive bid HLB Parcel No. 6-030, also described as **Lot 40, U.S. Survey No. 3044**, comprised of approximately 3.32 acres lying to the north of the intersection of Alyeska Highway and Crow Creek Road in Girdwood, Alaska, for at least fair market value plus the cost of appraisal and title insurance to the highest qualifying bidder, Heritage Land Bank.
1. Assembly Memorandum No. AM 407-2002.
(CARRIED OVER FROM 6-11-02)

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

Ms. Taylor moved, to adopt AO 2002-75.
seconded by Ms. Von Gemmingen,

Mr. Tremaine noted that the Girdwood Board of Supervisors was in favor of AO 2002-75.

Ms. Von Gemmingen said she intended to vote no on AO 2002-75, because she felt it was undervalued and not the highest and best use for the piece of property.

Question was called on the motion to adopt AO 2002-75 and it passed:

AYES: Tesche, Whittle, Taylor, Traini, Van Etten, Shamberg, Tremaine.

NAYS: Fairclough, Von Gemmingen.

(Clerk's Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

- 13E. Ordinance No. AO 2002-78, an ordinance of the Anchorage Municipal Assembly amending and adding new sections to Anchorage Municipal Code Section 25.60 to establish **rules, regulations and fees to govern mausoleums and the operation of the Columbarium**, to modify the rule regarding artificial decorations and to permit upright memorialization markers in a flush marker area in Tract A in the Anchorage Memorial Park Cemetery, Office of Planning, Development, and Public Works/Cemetery.
1. Assembly Memorandum No. AM 428-2002.
(CARRIED OVER FROM 6-11-02)

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

Mr. Tremaine moved, to adopt AO 2002-78.
seconded by Mr. Tesche,

Question was called on the motion to adopt AO 2002-78 and it passed:

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

NAYS: None.

(Clerk's Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

- 13F. 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** (Planning and Zoning Commission Case 2002-092), Assemblymember Tesche.
1. Information Memorandum No. AIM 53-2002.
 2. Assembly Memorandum No. AM 560-2002.
(CONTINUED FROM 5-21-02; CARRIED OVER FROM 6-11-02)

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

Mr. Tesche moved, to postpone AO 2002-60 until 7-16-02, pending receipt
seconded by Ms. Taylor, of the final resolution of the Planning and Zoning Commission.
and it passed without
objection,

14. NEW PUBLIC HEARINGS:

- 14A. Ordinance No. AO 2002-93, an ordinance authorizing Municipal Light and Power to file the **Electric Revenue Requirement and Cost-of-Service Studies** with the Regulatory Commission of Alaska (RCA) and to request approval of a rate increase, Municipal Light and Power.
1. Assembly Memorandum No. AM 511-2002.

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

Mr. Tremaine moved, to adopt AO 2002-93.
seconded by Mr. Tesche,

Ms. Von Gemmingen said she was extremely disappointed in the timeframe that AO 2002-93 came before the Assembly. This was the last meeting AO 2002-93 could be discussed. They had no work session to discuss the issue or any discussions with the general public.

In response to Ms. Von Gemmingen, Dan Helmick said the typical homeowner using 600-kilowatt hours of electricity a month currently pays \$58.00 a month. The impact of the increase in phase one would raise that by \$2.06 a month. Phase two, which would occur in a year, would raise that by another \$2.06. The impact on the typical homeowner when fully implemented would be about \$4.12. After the proposed increase went into effect, their rates would be more than competitive with Chugach Electric Association.

Question was called on the motion to adopt AO 2992-93 and it passed:

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

NAYS: None.

(Clerk's Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

- 14B. Ordinance No. AO 2002-94, an ordinance of the Anchorage Municipal Assembly authorizing the **long term lease between the Municipality of Anchorage as lessor and TAC Aviation Services, a Limited Liability Company**, as lessee of Lot 14, Block 2, Merrill Field Replat, located between Runway 6-24 and East 5th Avenue, Merrill Field Airport.

1. Assembly Memorandum No. AM 512-2002.

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

Ms. Von Gemmingen moved, to adopt AO 2002-94.
seconded by Mr. Tesche,

Question was called on the motion to adopt AO 2002-94 and it passed:

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

NAYS: None.

(Clerk's Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

- 14C. Resolution No. AR 2002-195, a resolution of the Municipality of Anchorage appropriating \$240,000 as the final portion of the **closing escrow funds associated with the new City Hall lease** to be used for the purpose of tenant improvements within City Hall to the Area wide Fund (101), Finance Department.

1. Assembly Memorandum No. AM 543-2002.

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

Mr. Tesche moved, to approve AR 2002-195.
seconded by Ms. Taylor,

Question was called on the motion to approve AR 2002-195 and it passed:

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

NAYS: None.

(Clerk's Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

- 14D. Ordinance No. AO 2002-92, an ordinance of the Anchorage Municipal Assembly repealing Anchorage Municipal Code Section 2.20.090, **Expenditures of Assembly Funds, Approval by Assembly**, Assembly Chair Traini.

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

Mr. Tesche moved, to adopt AO 2002-92.
seconded by Mr. Tremaine,

Ms. Von Gemmingen felt the Assembly needed to be advised when money was being moved between funds. She would vote no on AO 2002-92.

In response to Mr. Tesche, Office of Management and Budget Director Cheryl Frasca said a department that wanted to transfer \$10,000 or more out of personal services budget was required to obtain approval from OMB or the Municipal Manager. Money can be transferred within the department's own budget.

In response to Mr. Tesche, Office of Planning Development and Public Works Director Craig Campbell said there were restrictions to transferring money depending on the type of fund.

In response to Mr. Tesche, Municipal Attorney Bill Greene cited Charter Section 13.06, which said "Except to the School District budget, the Mayor may transfer all or any part of an unencumbered balance between categories within an appropriation. Except as the School budget, the Assembly may transfer part or all of any unencumbered balance from one appropriation to another." The Charter states that the Mayor and the Assembly may transfer funds, but the department heads do not have the authority to transfer funds unless the authority is delegated to them under the executive authority in either the Mayor or the Assembly. It was his understanding that all budget transfers went to OMB and were approved by either the manager or the Mayor.

Mr. Tesche said he supported AO 2002-92, because it appeared to put the Assembly chairman in the same position as any other department head within the Municipality. He felt there was tremendous oversight that the Assembly could exercise with respect to actions of the Chairman of the Assembly. He felt the ordinance allowed the Chairman the flexibility to run this department like any other department within the city.

Question was called on the motion to adopt AO 2002-92 and it passed:

AYES: Tesche, Whittle, Taylor, Traini, Van Etten, Shamberg, Tremaine.

NAYS: Fairclough, Von Gemmingen.

(Clerk's Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

Mr. Tesche moved, for immediate reconsideration of AO 2002-92.
seconded by Mr. Tremaine,

Mr. Tesche recommended a no vote.

Question was called on the motion for immediate reconsideration of AO 2002-92 and it failed:

AYES: Fairclough, Von Gemmingen.

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

(Clerk's Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

- 14E. Resolution No. AR 2002-198, a resolution of the Municipality of Anchorage revising the 2002 Solid Waste Disposal Utility Operating Budget (\$1,800,000) for the **Girdwood Dump Remediation Project**, Solid Waste Services.
1. Assembly Memorandum No. AM 548-2002.

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

Mr. Tremaine moved, to approve AR 2002-198.
seconded by Ms. Shamberg,

Mr. Tremaine noted that the citizens of Girdwood were very happy with AR 2002-198 and he urged approval.

Ms. Fairclough referenced Assembly Memorandum 548-2002, lines 18 and 19, which said they were providing the clean fill from the Anchorage landfill.

In response to Ms. Fairclough, Joel Grunwaldt, Director of Solid Waste Services, said per Assembly Memorandum 548-2002, lines 18 and 19, they would be providing the clean fill from the Anchorage Landfill. The contaminated areas would be excavated and the materials hauled to the Anchorage Regional Landfill. The trucks would be decontaminated and filled with the available clean fill and hauled to the project site. There would be no problem with settling of the new materials. There was a specification for 90 percent compaction in the playground area. By specification, the trucks were required to cover the loads of fill going in both directions. They are also required to prevent any leakage from the trucks. The trucks would be required to stop at the weigh station and the truckers would need to meet all Department of Transportation regulations.

Question was called on the motion to approve AR 2002-198 and it passed:

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

NAYS: None.

(Clerk's Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

- 14F. Ordinance No. AO 2002-79, an ordinance submitting to the qualified voters of the Municipality of Anchorage at the Regular Municipal Election on April 1, 2003, a ballot proposition repealing and reenacting Section 11.02(b) of the Home Rule Charter to **require run off elections only in elections for the office of Mayor** where no candidate receives more than fifty percent (50%) of the votes cast for that office, Assemblymembers Tesche and Traini.
1. Assembly Memorandum No. AM 577-2002.

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

JIM SYKES said he was concerned about the proposal to go back to minority rule from majority rule. He felt the voters of Anchorage made it clear that they wanted a majority rule, which was a sacred principal in American democracy. He felt part of the concern was the expense of run-off elections. He felt the Assembly should consider adding instant run-off voting as an option and/or conduct a study of other voting systems.

In response to Chairman Traini, Jim Sykes said Cambridge has used instant run-off voting for several decades. He felt the instant run-off voting was valuable, because it reflected the true will of the people, a second election was not necessary and it increased voter turnout. The AccuVote System would have to be reprogrammed, but it could be utilized for the instant run-off voting.

In response to Mr. Van Etten, Jim Sykes said he could not state why cities around Cambridge had not adopted the instant run-off voting system since it seemed to increase voter turnout, but he suspected that people who were elected in a system that they were comfortable with were unwilling to change that system.

In response to Ms. Shamberg, Jim Sykes said he did not know how many of the past elections would have come out differently if they had used the instant run-off election system. He brought this original proposal to the House State Affairs Committee in 1991. He felt this was a better system, because the political parties and political candidates tended to have a short-term political interest in most cases and were hesitant to change the system.

TIM KELLER spoke against AO 2002-79. He felt this would allow a minority representative to be elected on as low as 20 percent of the vote and the system could be easily manipulated.

In response to Mr. Tremaine, Mr. Keller said Australia had one of the highest voter turnouts, because it was mandatory voting. He noted that mandatory voting was rarely enforced and most people who did not wish to vote simply defaced their ballot.

KEN JACOBUS spoke in opposition to AO 2002-79. He felt we needed run-off voting, but we also needed majority rule. He felt this ordinance proposed to violate the most basic precept of our democracy, which was that people who were elected to public office should be elected by a majority. If you elect people by a plurality, you often get people in office that the majority of the people did not want. He noted that he provided materials to the Clerk's Office and asked the Assembly to read the material. If the Assembly did not want to do this, he suggested postponing action on this until after the state primary election in August, because instant run-off elections would be voted on as a state issue.

In response to Chairman Traini, Ken Jacobus said the Vermont report said 23 cities used the instant run-off voting system, but it did not identify the cities. He would research the issue and provide the information to the Clerk's office.

SUSAN FISCHETTI said she would appreciate it if the Assembly would delay AO 2002-79 until after the August primary and study the instant run-off voting as a solution. The instant run-off voting would be a solution to avoid expensive run-off elections and determine a majority winner in a single election. Over 40,000 signatures have been gathered statewide and the initiative will appear on the August 27, 2002 primary ballot. Even in a two-way race there is still the possibility of a run-off election and an instant run-off election is the only way to solve these two issues of majority rule and the expense to the taxpayers. Roberts' Rules of Order recommends preferential voting and the AccuVote system can accommodate it. She urged the Assembly not to take away the majority rule from the people.

MOLLY NELSON urged the Assembly not to approve the plurality rule, because it was not as effective as the majority rule without a separate run-off election. Instant run-off voting was the choice of the people and would give the constituents the feeling of choice without dipping into the general funds. Instant run-off voting would also cut the costs to the taxpayers of going through a second run-off election.

GRANT HUNTER felt the Assembly should delay action on AO 2002-79 until after the August primary election and study preferential voting. There could be a situation in an election where you have three or more candidates. Two of the candidates could have sound principles that were accepted by the community, but the third candidate could have principles that the rest of the community did not like. If you go back to a plurality system, it would be possible that the candidate with the principles not embraced by the rest of the community would be elected, because that candidate could receive 31 percent of the vote with the other two candidates splitting the rest of the votes between them. Mathematically the candidate could get a plurality, even though the overwhelming majority of the voters were against the principles he stood for.

DEBRA LUPER asked the Assembly to postpone action on AO 2002-79 until after the August primary election. She felt that instant run-off voting provided the mechanism to meet the needs that the Assembly espoused as being the reason for putting forward AO 2002-79. Instant run-off voting would save the taxpayers money. The AccuVote system would need to be updated, but that would be a one-time cost that would cost less than one run-off election. The instant run-off voting system prevents special interests from taking control of the run-off election. Many times the person who wins the run-off election is the one that can get the most money from outside special interest groups. By adopting AO 2002-79, the Assembly would be circumventing the will of the voters when two years ago they required that all races for Municipal elections be 50 percent plus one, a majority of the voters. Instant run-off voting saves dollars, increases voter participation and has wide support. She urged the Assembly to postpone action on AO 2002-79 until after the voters decided the issue statewide.

GLENN BEAGLE spoke against AO 2002-79. He felt it was clear that the majority of the Assembly did not wish to have majority rule in Anchorage. He felt the will of the people expressed two years ago would be ignored by the Assembly. He noted there were other avenues to address actions such as this that were taken by the Assembly.

In response to Mr. Van Etten, Glenn Beagle said he understood AO 2002-79 would put a Charter amendment on the ballot and would allow the voters vote on the issue. He noted that since the Assembly would not be putting the instant run-off voting system before the people, they would not be allowing the voters to keep the majority rule that they voted for two years ago. He felt the Assembly would be allowing for the special interest groups to convince the voters to change what they voted for two years ago. He felt the Assembly would be making the argument that it would cost more money, but they would not be putting instant run-off voting before them in order to save money. He felt the instant run-off voting system would address the problem of additional expenditures, establish a majority rule and maintain the will they expressed two years ago.

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

Mr. Tesche moved, to continue action on AO 2002-79 until July 16, 2002.
seconded by Ms. Fairclough,

Mr. Tesche noted that a closely related ordinance was introduced tonight, which would change the 50 percent to a 45 percent requirement. He would like the Assembly to have time to consider both alternatives.

Mr. Tremaine rejected Ms. Fairclough's friendly amendment to postpone AO 2002-79 until September 10, 2002. He felt the outcome of the state election was very important, but he would rather see the Municipality decide this issue on its merits without the pressure of a state vote.

Ms. Fairclough moved, to substitute September 10, 2002 for July 16, 2002.
seconded by Mr. Tremaine,

Ms. Fairclough felt waiting until September 10, 2002 would allow the Assembly time to gather more information. She urged a yes vote.

Mr. Tesche urged the Assembly not to adopt the tactic of delay. He felt they would reach a point where they should not be tinkering with the ground rules that govern the election. He believed they could take action on this matter in July, but he was concerned that delaying action could compromise the elections next spring. He urged a no vote.

Ms. Fairclough noted that the Assembly changed what was on the ballot 24 hours before the Clerk's office had to put the ballots together last year. Making a decision four months before the election would not compromise the election.

Question was called on the motion to postpone AO 2002-79 to September 10, 2002 and it failed:

AYES: Fairclough, Von Gemmingen, Tremaine.

NAYS: Tesche, Whittle, Taylor, Traini, Van Etten, Shamberg.

(Clerk's Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

Question was called on the motion to postpone AO 2002-79 until July 16, 2002 and it passed:

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

NAYS: None.

(Clerk's Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

Ms. Fairclough asked for a work session with the Election Committee to discuss the issue of the instant run-off voting system.

- 14G. Ordinance No. AO 2002-89, an ordinance of the Anchorage Municipal Assembly enacting a new Chapter 3.99 to the Anchorage Municipal Code, adopting the **Anchorage Municipal Libraries Exhibit Policy** recommended by the Municipal Library Advisory Board on July 31, 2001, and repealing Municipal Operating Policy/Procedure 30-1 promulgated by the Mayor on May 14, 2002, Assemblymembers Tesche, Shamberg, Taylor, Traini, Tremaine, and Von Gemmingen.

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

DEIRDRE FORD, Chair of the Library Advisory Board, said at the last Library Advisory Board Meeting a resolution was passed requesting reconsideration of the Mayor's library exhibit policy. It is the hope and intent of the Library Board that the Municipal Libraries be the very best that they can be. On behalf of the Library Advisory Board, she asked the Assembly to do whatever they could.

GEORGE HARPER said he was president and founder of Blacks in Alaska History Project and curator of the George Harper Collection. He wanted the Assembly to know how upset he was about the library policy that Mayor Wuerch has set in place for our public library. He thought of all people and organizations that came before him and worked so hard so that Anchorage would have one of the finest library systems in the United States. He asked the Assembly to give the people back their library.

In response to Mr. Tremaine, George Harper said his ire would last until the next election. He would use his permanent fund to insure that the Assemblymembers were not reelected if they did not give the people back their library.

ALDEN TODD said he was a member of the Library Advisory Board. He felt the subject of the library display policy never should have arisen for debate, dispute and division of opinion. For years there had been displays in the Loussac Library that added interest to a person's library visit. He asked the Assembly to discard the City Hall policy and adopt the policy adopted by the Library Advisory Committee.

In response to Mr. Tremaine, Alden Todd said he did not agree that an educated mind was a dangerous thing.

In response to Mr. Tesche, Alden Todd noted that the Mayor and City Hall should not run a library. A library system of a city should be run by a broadly based board, independent of politics. The board should be made up of people who give their money, their heart, their time and their thought to building and maintaining public libraries. He felt a public library system should be run by an independent board, but still receive city monetary support for most of its operations.

NORMAN SCHLIPER said he was a member of PFLAG, which was one of the organizations that caused the problem last year when they put up their display in the library. They received more publicity from that action than they could have hoped for. He attended the Northeast Community Council meeting in February of last year, which was nine months after the library came out with their policy proposal. After the meeting, he talked to Municipal Attorney Bill Greene, nine months after exhibits were banned from the library, and asked him what was going on with the policy. Mr. Greene said they were still working on it. The following month, [Cultural and Recreational Services Director Jim Posey](#) was at the meeting and indicated that they had not made a decision yet, but exhibits would probably be allowed in the lower area of the library. He urged the Assembly to put the Anchorage Municipal Library Exhibit Policy into effect.

JEFF PATRICK said the current library exhibit policy served to stifle the free exchange of ideas and opinions among members of the community. This ordinance allows control of library exhibits to return to librarians, who have shown time and again their proficiency in administering to the needs of the Anchorage community. The well thought out policy before the Assembly was based on understanding and acceptance of what constitutes a modern public library.

HOLLY KENT said she was the Director of the Anchorage Waterways Council (AWC), a non-profit organization dedicated to the protection, restoration and enhancement of Anchorage waterways. The AWC supports passage of AO 2002-89, which would adopt the Anchorage Municipal Libraries Exhibit Policy recommended by the Municipal Library Advisory Board.

KATHY GLEASON displayed photographs taken from the Anchorage Waterways Council's 1998 amateur photo contest, which were displayed at the Loussac Library. She encouraged the Assembly to support AO 2002-89.

MARY RASMUSSEN said she was a member of the Library Advisory Board. She felt it was very important for the Assembly to approve AO 2002-89. The Mayor's policy brings us back to a library of the past. We are looking for a library of the future that is vibrant and positive.

JENNIFER RUDINGER said she was the executive director of the Alaska Civil Liberties Union. The ACLU is a non-profit organization with over 1,000 members statewide and 300-400 members in Anchorage. The ACLU's mission is to defend civil liberties that are guaranteed by the Alaska Constitution and the U.S. Bill of Rights. On behalf of the ACLU members, she thanked the co-sponsors of AO 2002-89 and urged the Assembly to pass it unanimously.

KAREN FRANK said she worked at Loussac Library. She asked the Assembly to return the public library to the public by passing the Library Advisory Boards policy over the Mayor's.

BARBARA JORGENSON said she worked at Loussac Library. She felt the policy written by the Library Advisory Board was a good policy. During her workday at the library, she saw many people viewing and commenting on how wonderful the exhibits were. She urged the Assembly to approve AO 2002-89.

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

Mr. Tesche moved, to adopt AO 2002-89.
seconded by Mr. Tremaine,

The Administration stated that they went through a deliberative process that developed a good policy that provided the constitutional protections of freedom of speech and the integrity of the library system. [Cultural and Recreational Services Director Jim Posey](#) or Municipal Attorney Bill Greene would provide additional information to anyone interested.

Ms. Von Gemmingen felt it was ironic that the policy put forward by the Administration repeatedly had the word "quiet" in it. Andy Rooney on 60 Minutes said libraries should not be quiet anymore. They are a place of action, children should be there and you should hear voices. She agreed that the public library should be returned to the public. She urged a yes vote.

Ms. Fairclough said she supported the Mayor's action last fall. As a taxpayer, she did not appreciate walking out of a closet to encounter t-shirts hanging over her. There were people who did not appreciate that particular display and she felt they needed to respect those differences. She noted that was her individual opinion and not what best served the library today. While she agreed with what [Office of Planning, Development and Public Works Director Craig Campbell](#) stated, she also agreed that the consequences of the current policy has disallowed and disenfranchised more of the public than the original policy. She would support AO 2002-89.

Question was called on the motion to adopt AO 2002-89 and it passed:

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

NAYS: None.

(Clerk's Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

Mr. Tesche moved, for immediate reconsideration of AO 2002-89.
seconded by Mr. Tremaine,

Mr. Tesche recommended a no vote.

Question was called on the motion for immediate reconsideration of AO 2002-89 and it failed:

AYES: Fairclough.

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

(Clerk's Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

- 14H. [Ordinance No. AO 2002-91](#), an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 6.10.060 relating to **budget hearing dates** required in the Home Rule Charter, Assemblymember Tesche.
1. Assembly Memorandum No. AM 501-2002.

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

Mr. Tesche moved, to adopt AO 2002-91.
seconded by Ms. Taylor,

Mr. Tesche noted that the Assembly had a problem with respect to their budget deliberations last year in which they were given advice by counsel that contradicted the past practice of the last 25 years and forced the Assembly into a situation where they had to cancel, postpone or reschedule hearings of the Assembly in order to conform to a new theory on how to count time. AO 2002-91 basically meant that the seven days between the two hearings for the budget could be counted in a way that would allow the Assembly to have the hearings on two successive Tuesday nights. The Department of Law provided the Assembly with a memorandum, which he strongly objected to the untimeliness of. He urged a yes vote on AO 2002-91.

Municipal Attorney Bill Greene said the memorandum reiterated the advice that was provided to the Assembly last Fall on the issue. The Code has a provision that tells us how to count time in terms of limitations and timeframes contained within

the Code. It does not tell us how to count timeframes and limitations as set forth in the Charter. The memorandum states that their research into the minutes and the language of the Charter indicates that the Charter Commission intended it to be at least seven full days, which would put the adoption hearing on the fourteenth day after the last public hearing.

Ms. Taylor recommended that the Assembly reject any last minute legal advice from the Municipal Attorney Bill Greene. She resented receiving legal opinions at the last minute.

Ms. Fairclough pointed out that the Assembly had stated that last minute legal opinions were very difficult to incorporate into their decision making practices and was the reason the Assembly has voted to install their own legal counsel. She did not feel the Assembly received a timely response when they asked questions.

In response to Ms. Von Gemmingen, Municipal Attorney Bill Greene said their interpretation of the Charter was that the Charter Commission meant seven full days.

Office of Management and Budget Director Cheryl Frasca clarified that when the Administration sent the Assembly two scenarios for the budget approval process this Fall, one of them would have required a meeting on election night for the State elections, but the second scenario would not have.

Question was called on the motion to adopt AO 2002-91 and it passed:

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

NAYS: None.

(Clerk's Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

Mr. Tesche moved, for immediate reconsideration of AO 2002-91.
seconded by Ms. Von Gemmingen,

Mr. Tesche urged a no vote.

Question was called on the motion for immediate reconsideration of AO 2002-91 and it failed:

AYES: Fairclough.

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

(Clerk's Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

- 14I. Ordinance No. AO 2002-96, an ordinance amending Anchorage Municipal Code Section 3.30.125 by adding a new Subsection H, **establishing a 56-hour Kelly Shift pay plan for non-represented Fire Department employees**, Employee Relations.
1. Assembly Memorandum No. AM 542-2002.

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

Ms. Shamberg moved, to adopt AO 2002-96.
seconded by Mr. Tremaine,

Question was called on the motion to adopt AO 2002-96 and it passed:

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

NAYS: None.

(Clerk's Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

(Clerk's Note: Mr. Tesche and Mr. Whittle were out of the room at the time of the vote.)

- 14J. Resolution No. AR 2002-192, a resolution of the Municipality of Anchorage appropriating the sum of \$100,000 appropriation from the State of Alaska, Department of Transportation and Public Facilities, Division of Statewide Planning Highway Safety Office and \$3,410 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 **Seat Belt Enforcement Program**, Anchorage Police Department.
1. Assembly Memorandum No. AM 510-2002.

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

Ms. Shamberg moved, to approve AR 2002-192.
seconded by Mr. Tremaine,

Question was called on the motion to approve AR 2002-192 and it passed:

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

NAYS: None.

(Clerk's Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

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

Ms. Von Gemmingen asked the Administration to find out what the seat belt requirements were for parents who were driving for school activities.

- 14K. Resolution No. AR 2002-196, a resolution of the Municipality of Anchorage appropriating \$2,231,906 as a supplemental grant award 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 544-2002.

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

Mr. Tesche moved, to approve AR 2002-196.
seconded by Mr. Tremaine,

Question was called on the motion to approve AR 2002-196 and it passed:

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

NAYS: None.

(Clerk's Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

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

- 14L. Resolution No. AR 2002-200, a resolution of the Municipality of Anchorage appropriating \$394,772 of revenues from within the Anchorage Parks and Recreation Capital Improvement Fund (461) for **repair of Ben Boeke #2 Ice Rink**, Cultural and Recreational Services.
1. Assembly Memorandum No. AM 550-2002.
 2. Information Memorandum No. AIM 64-2002, repair of Ben Boeke #2 Ice Rink, Office of Management and Budget. (**addendum**)

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 2002-200.
seconded by Ms. Von Gemmingen,

Mr. Fairclough addressed some of the questions that Mr. Van Etten had asked during the work session. The price was lower than the bond, because they were not making all the improvement that would have been included in the bond. AR 2002-200 was the lowest estimate they could get to bring the Ben Boeke #2 Ice Rink back up to allow hockey, figure skating and utilization of the facility in the manner it was intended to be used. Several revenue bonds were paid off that were continuing to appropriate funds into the capital reserve account last year. Those funds can now be applied to this project, because they were not previously earmarked. The Facility Advisory Board has chosen to spend money from the capital reserve account for the maintenance and repairs that need to be done this season.

Question was called on the motion to approve AR 2002-200 and it passed:

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

NAYS: None.

(Clerk's Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

- 14M. Resolution No. AR 2002-180, a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages (restaurant license) conditional use in the B-3 District for a restaurant per AMC 21.40.180.D.8., located on Wharton Subdivision, Lot 7A; 515 W. Fireweed Lane (**Yummy Restaurant**) (North Star Community Council) (Case 2002-112), Planning Department.
1. Assembly Memorandum No. AM 498-2002.

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

Ms. Von Gemmingen moved, to approve AR 2002-180.
seconded by Mr. Tremaine,

Ms. Von Gemmingen noted that AR 2002-180 was approved by the North Star Community Council.

In response to Chairman Traini, Mr. Lee said they successfully went before the North Star Community Council. He also appeared before the Spenard Community Council and they also approved it.

Ms. Fairclough noted that they received last minute notices of people opposing AR 2002-180. John Keen sent a full-page letter to the Municipal Clerk's Office regarding the conditional use. The Yummy Restaurant sits adjacent to two schools and exceeds the feet requirement. The schools are 250 feet away. State legislation states the schools must be 200 feet away. Ms. Fairclough noted that the business license was under the name Yammy, not Yummy, and the Assembly may not have all of the violation data. There were comments in the packet from Health and Human Services that noted some confusion on the part of the neighbors regarding whether this was going to be a full beverage dispensary license or a restaurant designation.

In response to Ms. Fairclough, Mr. Lee said they applied for a beer and wine restaurant license.

Ms. Fairclough noted that the last minute documents she received referred to a full beverage dispensary license. She would support AR 2002-180, but noted that four residents were in opposition.

Mr. Whittle noted that there was a package store in the same strip mall and some people thought it was connected with Yummy Restaurant, but it was not.

Ms. Fairclough said the Assembly wanted to look at a density inside of a geographical area for the licenses they currently held. When they look at the Comprehensive Plan goals inside of Title 21 as it applies to a conditional use, they still have no criteria to fairly base a denial.

Question was called on the motion to approve AR 2002-180 and it passed:

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

NAYS: None.

(Clerk's Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

- 14N. Resolution No. AR 2002-181, a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages conditional use in the B-3 District for a restaurant/eating place use/license per AMC 21.40.180.D.8., for **Jewel Lake Mongolian BBQ Restaurant**, located on the South 1/2 of the South 1/2 of Lot 14, Chester H. Lloyd Subdivision; generally located on the east side of Jewel Lake Road, north of Dimond Boulevard; 8901 Jewel Lake Road (Sand Lake Community Council) (Case 2002-115), Planning Department.

1. Assembly Memorandum No. AM 499-2002.

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

Ms. Von Gemmingen moved, to approve AR 2002-181.
seconded by Ms. Taylor,

Ms. Von Gemmingen referenced memo 499-2002 where the Sand Lake Community Council voted 41 to 2 in support of this conditional use and license.

Question was called on the motion to approve AR 2002-181 and it passed:

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

NAYS: None.

(Clerk's Note: Mr. Sullivan and Mr. Kendall were excused from the meeting.)

- 14O. Ordinance No. AO 2002-90, an ordinance amending the zoning map and approving the rezoning of approximately 75 acres from R-6 (Suburban Residential – Large Lot) Zoning District to PC (Planned Community) Zoning District for the E 1/2, NW 1/4, SW 1/4, NW 1/4, the NE 1/4, NW 1/4, the NE 1/4, SW 1/4, NW 1/4, and the S 1/2, SW 1/4, NW 1/4, Section 21, T12N, R3W, S.M., AK, generally located on the **southeast corner of Lake Otis Parkway and East 112th Avenue** (Huffman/O'Malley Community Council) (Planning and Zoning Commission Case 2002-011), Assemblymember Traini. **(TO BE SUBMITTED)**

Chairman Traini noted that AO 2002-90 would be postponed indefinitely as a result of an error contained in the legal description.

Mr. Tesche moved, to postpone AO 2002-90 indefinitely.
seconded by Ms. Von Gemmingen,
and it passed without
objection,

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

16. **SPECIAL ORDERS:**

- 16A. Ordinance No. AO 2002-106, an ordinance approving a rezoning from B-3 (General Business) to PLI-SL (Public Lands and Institutions) for **Tracts G5 and G6, Athenian Village**, generally located at the northwest corner of Tudor Road and Bragaw Street (The Ernie Turner Center and adjacent tract) (University Area Community Council) (Planning and Zoning Commission Case 2002-104; Tax I.D. No. 008-024-05 and -06), Assemblymembers Traini, Von Gemmingen, Fairclough, and Tremaine. **(LAID ON THE TABLE)**

(Clerk's Note: This item was introduced earlier in the evening. See after 10F5.)

- 16B. The Assembly requested a work session with the Chugach Electric Association concerning **under grounding utilities**.

(Clerk's Note: This item was heard earlier in the evening. See after item 10B1.)

- 16C. The Assembly requested an executive session on July 16, 2002, regarding **Toney v. MOA litigation** (AM 601-2002).

(Clerk's Note: This item was addressed earlier in the evening after item 10D4.)

17. **UNFINISHED AGENDA:** None.

18. **AUDIENCE PARTICIPATION:** None.

19. **ASSEMBLY COMMENTS:** None.

20. **EXECUTIVE SESSIONS:** None.

21. **ADJOURNMENT:**

The meeting adjourned at 11:28 p.m.

Chairman

ATTEST:

Municipal Clerk

Date Minutes Approved: _____, 2002

GM:cmw