

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of July 16, 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, Dan Kendall, Janice Shamberg, Dick Tremaine, Dan Sullivan.
Absent: None.

3. PLEDGE OF ALLEGIANCE:

The pledge was led by Mr. Rick Rydell from KENI Radio.

4. MINUTES OF PREVIOUS MEETING:

A. Special Meeting – January 22, 2002

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

to approve the minutes of the Special Meeting
of January 22, 2002.

B. Regular Meeting – January 29, 2002

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

to approve the minutes of the Regular Meeting
of January 29, 2002.

C. Regular Meeting – February 5, 2002

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

to approve the minutes of the Regular Meeting
of February 5, 2002.

D. Regular Meeting – May 14, 2002

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

to approve the minutes of the Regular Meeting
of May 14, 2002.

E. Regular Meeting – May 21, 2002

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

to approve the minutes of the Regular Meeting
of May 21, 2002.

5. MAYOR'S REPORT:

Mayor Wuerch reported the 4th of July celebration was a great success, and hopes to continue it next year.

Mayor Wuerch alerted the Assembly public that the fire danger is extremely high now, especially on the Hillside. Mayor Wuerch reminded the public that fireworks are illegal within the Municipality.

The Municipality has four new canine dogs in the Anchorage Police Department for a total of 19. The dogs are all funded by an extremely helpful group called "Dollars for Dogs", a non-profit group.

On July 24, 2002, there will be an open house at the new Simonian ballfields behind the Animal Control Shelter.

6. ASSEMBLY CHAIR'S REPORT:

Chairman Traini thanked the IT Department and Director Mike Callahan for their efforts in ensuring that the Chamber system is running well.

Mr. Kendall gave an update of this year's Bear Paw festival in Eagle River. Ms. Fairclough also commented on the success of the festival.

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

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

Chairman Traini read the addendum items.

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

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

NAYES: None.

9. CONSENT AGENDA:

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

9A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

1. Resolution No. AR 2002-233, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Lieutenant Dave M. Hoffman for his 17 years of service** with the Anchorage Police Department, Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen, and Whittle.
2. Resolution No. AR 2002-235, a resolution of the Anchorage Municipal Assembly recognizing and honoring the **Borealis Bullseyes** for their Gold Medal performance in the Scholastic Division at the 2002 National Junior Olympic Three-Position Air Rifle Championship, Assembly Chair Traini, Assemblymembers Tesche and Sullivan. **(addendum)**

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

9B. RESOLUTIONS FOR ACTION - OTHER

1. Resolution No. AR 2002-234, a resolution of the Anchorage Municipal Assembly appointing Peggy M. Davis as **Assembly Policy and Budget Analyst**, Assembly Chair Traini.

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

2. Resolution No. AR 2002-225, a resolution of the Municipality of Anchorage appropriating the sum of \$28,800 from the State of Alaska, Department of Transportation & Public Facilities MS/CVE and \$1,000 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 **Commercial Vehicle Enforcement Program**, Anchorage Police Department.
 - a. Assembly Memorandum No. AM 621-2002.
3. Resolution No. AR 2002-226, a resolution of the Anchorage Municipal Assembly appropriating \$8,246 from the Anchorage School District to the Anchorage Roads and Drainage Service Area Fund (441) for the **improvement of East 64th Avenue**, between Burlwood Street and Petersburg Street, Project Management & Engineering.
 - a. Assembly Memorandum No. AM 622-2002.
 - b. Resolution No. AR 2002-226(S), a resolution of the Anchorage Municipal Assembly appropriating \$8,246 from the Anchorage School District to the Anchorage Roads and Drainage Service Area Fund (441) for the improvement of East 64th Avenue, between Burlwood Street and Petersburg Street, Project Management & Engineering. **(addendum)**

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

4. Resolution No. AR 2002-227, a resolution of the Municipality of Anchorage appropriating \$30,000 of Fund Balance from Glen Alps Road Service Area Fund (105) to the Glen Alps Road Service Area BY 2002 General Operating Budget for BY2002 **summer road maintenance activities**, Street Maintenance.
 - a. Assembly Memorandum No. AM 623-2002.
5. Resolution No. AR 2002-228, a resolution appropriating additional funds from the Department of Transportation and Public Facilities, State of Alaska, in the amount of \$85,000 to the Municipality of Anchorage, Street Maintenance Department, State Categorical Grants Fund (231) and approving the Transfer of Responsibilities Agreement (TORA) amendment from the **Municipal PM-10 Dust Control Program**, Street Maintenance.
 - a. Assembly Memorandum No. AM 624-2002.

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

6. Resolution No. AR 2002-229, a resolution of the Anchorage Municipal Assembly appropriating the sum of \$16,350 from Areawide General Fund (101) Balance to the Office of the Mayor to provide funding to include Anchorage's profile in the publication, *Alaska: North to the Future, Volume II*, Municipal Manager's Office.
 - a. Assembly Memorandum No. AM 625-2002.

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

7. Resolution No. AR 2002-232, a resolution of the Municipality of Anchorage appropriating \$7,500 from a National Park Service grant to the Federal Categorical Grants Fund (241), Cultural and Recreational Services Department, Girdwood Valley Service Area for **Iditarod National Historic Trail reconstruction**.
 - a. Assembly Memorandum No. AM 632-2002.
8. Resolution No. AR 2002-238, a resolution appropriating \$70,000 of revenue from the State of Alaska Department of Environmental Conservation to the State Categorical Grants Fund 231 to the Project Management and Engineering Department for a **storm water program and funding study**.
 - a. Assembly Memorandum No. AM 645-2002.

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

9. Resolution No. AR 2002-240, a resolution of the Anchorage Municipal Assembly revising the 2002 General Government Operating Budget by appropriating the sum of \$12,500 from Areawide General Fund (101) Balance to the Mayor's Office to provide a grant to Art Services North to pay for **safety and cleanup services** for the 2002 4th of July Parade, Mayor Wuerch; Assemblymembers Tesche and Traini.
 - a. Assembly Memorandum No. AM 657-2002.
10. Resolution No. AR 2002-241, a resolution of the Anchorage Municipal Assembly opposing the decision made by the U.S. Court of Appeals for the 9th Circuit regarding the **Pledge of Allegiance** and urging the reversal of its ruling, Assemblymembers Von Gemmingen, Fairclough, and Traini.
 - a. Resolution No. AR 2002-241(S), a resolution of the Anchorage Municipal Assembly opposing the decision made by the U.S. Court of Appeals for the 9th Circuit regarding the Pledge of Allegiance and urging the reversal of its ruling, Assemblymembers Von Gemmingen, Fairclough, Traini, Tesche, Kendall, Shamberg, Sullivan, Taylor, Tremaine, Van Etten, and Whittle. (**addendum**)

Mr. Whittle requested this item (AR 2002-241(S)) be considered on the Regular Agenda. See item 10B.

11. Resolution No. AR 2002-236, a resolution of the Anchorage Municipal Assembly revising the 2002 General Government Operating Budget by appropriating \$13,750 from Areawide General Fund (101) Balance to Facility Management to provide funding for **manned security at the Fairview Recreation Center**, Assemblymember Tesche. (**addendum**)
 - a. Assembly Memorandum No. AM 674-2002.

9C. BID AWARDS

1. Assembly Memorandum No. AM 616-2002, recommendation of award to Tam Construction, Inc. for **2002 Merrill Field Improvements – Aircraft Wash Facility** for the Municipality of Anchorage, Merrill Field Airport (ITB 22-C027) (\$117,000), Purchasing.
2. Assembly Memorandum No. AM 633-2002, recommendation of award to Alaska Communications Systems, Inc. for furnishing software and hardware for the **Nortel PBX Release 25.40 upgrade** to the Municipality of Anchorage, Information Technology Department (ITB 22-B040) (\$108,385.74).
3. Assembly Memorandum No. AM 634-2002, recommendation of award to VF Imagewear/Horace Small Apparel Company for furnishing **uniforms** to the Municipality of Anchorage, Police Department (ITB 22-B029) (\$129,075), Purchasing.
4. Assembly Memorandum No. AM 635-2002, recommendation of award to Applied Microsystems, Inc. for furnishing **Microsoft software licenses with software assurance and upgrade advantage/software assurance** for existing software licenses to the Municipality of Anchorage, Information Technology Department (ITD) and Water and Wastewater Utility (ITB 22-B039) (\$171,426.50), Purchasing.

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

5. Assembly Memorandum No. AM 636-2002, recommendation of award to Cullips Excavating, Inc. for **MacInnes Street Paving & Storm Improvements and Warwick Drive Reconstruction Road Improvement District** (R.I.D.) for the Municipality of Anchorage, Project Management & Engineering Department and Anchorage Water and Wastewater Utility (ITB 22-C025) (\$1,797,947.05), Purchasing.
6. Assembly Memorandum No. AM 639-2002, recommendation of award to SeaCoast Construction Co., Inc. for **2002 Transit Americans with Disabilities Act (ADA) construction services** for the Municipality of Anchorage, Project Management & Engineering Department (ITB 22-C029) (NTE \$426,777.50/YR), Purchasing.
7. Assembly Memorandum No. AM 663-2002, recommendation of award to Treeline Electric for Anchorage Police Department **Uninterruptible Power Supply replacement** for the Municipality

- of Anchorage, Facility Fleet Management Department (ITB 22-C028) (\$151,180.40), Purchasing. **(addendum)**
8. Assembly Memorandum No. AM 664-2002, recommendation of award to CompuCom for furnishing a three-year **Microsoft select agreement** to the Municipality of Anchorage, Information Technology Department (ITB 22-B043) (\$154,105), Purchasing. **(addendum)**
 9. Assembly Memorandum No. AM 665-2002, recommendation of award to Tam Construction, Inc. for **Ship Creek sewer upgrade** for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (ITB 22-C026) (\$724,679.86), Purchasing. **(addendum)**
- 9D. NEW BUSINESS
1. Assembly Memorandum No. AM 648-2002, **Zoning Board of Examiners and Appeals appointment** (Richard Foster), Mayor's Office.

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

2. Assembly Memorandum No. AM 649-2002, **Chugiak-Eagle River Parks and Recreation Board of Supervisors appointment** (Brian Fay), Mayor's Office.
3. Assembly Memorandum No. AM 650-2002, **Historic Preservation Board appointments** (James Romerdahl, Bridget Bushue), Mayor's Office.
4. Assembly Memorandum No. AM 651-2002, **Library Advisory Board appointment** (Laurel Tatsuda), Mayor's Office.
5. Assembly Memorandum No. AM 652-2002, **Police and Fire Retirement Board of Trustees appointment** (Gereth Stillman), Mayor's Office.
 - a. Assembly Memorandum No. AM 669-2002, AM 652-2002; appointment to the Police and Fire Retirement Board of Trustees, Mayor Wuerch. **(addendum)**

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

6. Assembly Memorandum No. AM 653-2002, **Port Commission appointment** (Joshua Jennett), Mayor's Office.
7. Assembly Memorandum No. AM 654-2002, **Women's Commission appointment** (Margaret Ingmanson), Mayor's Office.
8. Assembly Memorandum No. AM 655-2002, **Kaze Restaurant (#2296)** – Transfer of Ownership for a Restaurant/Eating Place Liquor License (Downtown Community Council), Clerk's Office.
9. Assembly Memorandum No. AM 656-2002, **Korea House (#1866)** – Transfer of Ownership for a Restaurant/Eating Place Liquor License (Spennard, Rogers Park, Tudor Community Council) Clerk's Office.
10. Assembly Memorandum No. AM 617-2002, proprietary purchase of **computer software maintenance** from SAS Institute, Inc. for the Municipality of Anchorage, Information Technology (IT) Department (\$36,150), Purchasing.
11. Assembly Memorandum No. AM 618-2002, change order No. 4 to Contract 21MIS194 with CompuCom Systems, Inc. for furnishing **IBM computer hardware, software and services** to the Municipality of Anchorage, Purchasing Department (\$175,000).
12. Assembly Memorandum No. AM 619-2002, change order No. 3 to Contract 21MIS193 with Government Computer Sales, Inc. for furnishing **Dell computer hardware, software and services** to the Municipality of Anchorage, Purchasing Department (\$200,000).
13. Assembly Memorandum No. AM 620-2002, amendment No. 1 to SeaCoast Construction, Inc. for the construction of the **North C Street/Ship Creek Bridge Erosion Control Improvement Project**, Project No. 99-12 (\$46,545.41), Project Management and Engineering.
14. Assembly Memorandum No. AM 637-2002, proprietary purchase for furnishing **dedicated compressed natural gas sedans** from Continental Honda of Anchorage for the Municipality of Anchorage, Facility and Fleet Management Department (\$132,600), Purchasing.
15. Assembly Memorandum No. AM 638-2002, proprietary **purchase of 3.33 wetlands credits** associated with Department of the Army Permit 4-1982-0939 issued for Vans Subdivision, Block 2, Lot 9 for a negotiated price of \$164,605, Purchasing.
16. Assembly Memorandum No. AM 640-2002, proprietary purchase of **electric apparatus hoists** from Talon Industries for the Municipality of Anchorage, Anchorage Fire Department (\$49,950), Purchasing.
17. Assembly Memorandum No. AM 641-2002, change order No. 4 to purchase order 214067 with LewGab Enterprises for providing **custodial services** to the Municipality of Anchorage, Municipal Light & Power (\$17,916.96), Purchasing.
18. Assembly Memorandum No. AM 642-2002, proprietary services contract to Software Specialists, Inc. for providing **programmer support** for the Municipality of Anchorage, Municipal Light and Power (\$300,000), Purchasing.
19. Assembly Memorandum No. AM 643-2002, proprietary purchase of **hardware, software, and ancillary equipment** from Cues West for the Municipality of Anchorage, Street Maintenance Department (\$43,805), Purchasing.
20. Assembly Memorandum No. AM 647-2002, **Girdwood Water Improvements** – Amendment No. 2 to contract for professional services with R&M Consultants, Inc. (\$682,000), Water and Wastewater Utility.
21. Assembly Memorandum No. AM 666-2002, change order No. 2 to Nine Star Enterprises, Inc. for providing **Workforce Improvement Act In-School Programs** for the Municipality of Anchorage, Planning Department (\$100,000), Purchasing. **(addendum)**
22. Assembly Memorandum No. AM 670-2002, recommendation of award to various carriers providing **excess liability insurance, museum fine arts coverage, and crime & fidelity coverage** for the Municipality of Anchorage, Finance Department (\$390,838). **(addendum)**

9E. INFORMATION AND REPORTS

1. Information Memorandum No. AIM 66-2002, waiver of formal procedures for **Girdwood Dump Remediation** for the Municipality of Anchorage, Solid Waste Services (ITB 22-C030) (\$1,227,465.18), Purchasing.
2. Information Memorandum No. AIM 67-2002, AMC 3.70.090.B. **Bargaining Status Report**, Mayor's Office.
3. Information Memorandum No. AIM 68-2002, Internal Audit Report 2002-6 – **TriData Follow-up Review, Anchorage Fire Department**, Internal Audit.
4. Information Memorandum No. AIM 69-2002, **Fund Balance Remaining for Supplemental 2002 Spending**, Office of Management and Budget. **(addendum)**
5. Information Memorandum No. AIM 70-2002, **contracts awarded between \$50,000 and \$100,000 through formal competitive processes** for the month of June 2002, Purchasing.
6. Information Memorandum No. AIM 71-2002, **Sole Source Procurement Report** for the month of June 2002, Purchasing. **(addendum)**
7. Information Memorandum No. AIM 73-2002, Ordinance No. AO 2002-89; adopting a policy regarding the **placement of exhibits in municipal libraries**, Mayor Wuerch. **(addendum)**

9F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

1. Ordinance No. AO 2002-109, an ordinance amending Anchorage Municipal Code Subsection 21.15.012B, Administrative Variance for Minor Dimensional Errors; 21.35.020B Definitions and Rules of Construction; and Subsection 21.40.015G, PLI (Public Lands and Institutions District) Zone, regarding **maximum lot coverage** of all buildings, Planning Department. public hearing 8-20-02.
 - a. Assembly Memorandum No. AM 627-2002.
2. Ordinance No. AO 2002-110, an ordinance of the Municipality of Anchorage authorizing **sale by competitive bid of Heritage Land Bank Parcel Nos. 4-036 and 4-037**, generally described as the land underlying the West Coast International Inn Hotel at 3333 West International Airport Road, together with HLB Parcel No. 4-038, an unimproved parcel adjacent to the south, comprising a total of 5.19 acres, Heritage Land Bank. public hearing 8-6-02.
 - a. Assembly Memorandum No. AM 628-2002.
3. Ordinance No. AO 2002-111, an ordinance amending Anchorage Municipal Code Section 3.30.172 to **classify executive positions** and add the position of Senior Finance Officer, Employee Relations. public hearing 8-6-02.
 - a. Assembly Memorandum No. AM 630-2002.
4. Ordinance No. AO 2002-112, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapters 6.10, Budgets and Appropriations Generally, and 6.40, Reports and Audit, by enacting new Sections 6.10.033 and 6.40.035 relating to **budgeting, payment, and reporting of expenditures for official travel**, Assemblymembers Tesche, Traini, Tremaine, Taylor, Van Etten, and Whittle. public hearing 8-6-02.
 - a. Assembly Memorandum No. AM 658-2002.
 - b. Assembly Memorandum No. AM 659-2002, AO 2002-112; amending the Municipal Code regarding travel expenditures, Office of Management and Budget. **(addendum)**
 - c. Information Memorandum No. AIM 74-2002, AO 2002-112; amending Code relating to budgeting, reporting of travel expenditures, Office of Management and Budget. **(addendum)**
5. Resolution No. AR 2002-230, a resolution of the Municipality of Anchorage accepting and appropriating, when tendered, United States Department of Transportation, Transportation Security Administration (TSA) Grant Number DTMA1G02041 in the amount of \$458,208 through the agent of the TSA, the Maritime Administration (MARAD). The Municipality of Anchorage accepts and appropriates this grant to the Port of Anchorage Capital Fund (571) for **enhanced facility and operational security at the Port of Anchorage** pursuant to the United States Department of Defense Appropriations Act for 2002 (Public Law 107-117), Port of Anchorage. public hearing 7-23-02.
 - a. Assembly Memorandum No. AM 626-2002.
6. Resolution No. AR 2002-239, a resolution approving application for and acceptance and appropriation of (\$3,000,000) State of Alaska, Department of Environmental Conservation (ADEC) grant funds under the **ADEC Matching Grant Program** (Senate Bill 2006), Water and Wastewater Utility. public hearing 8-6-02.
 - a. Assembly Memorandum No. AM 646-2002.
7. Resolution No. AR 2002-242, a resolution confirming the assessment roll and levying special assessments for services on property specially benefited in the **Downtown Business Improvement District, Special Assessment District 1SD97**, setting the dates of assessment, and providing for assessment billing, payment due dates, application of payments, delinquency, penalties, interest and costs for delinquency and enforcement and appropriating the sum of \$478,109 in assessment revenues when tendered to Special Assessment Fund 271 for services benefiting the property owners in Special Assessment District 1SD97, Office of Management and Budget. public hearing 8-6-02. **(addendum)**
8. Ordinance No. AO 2002-114, an ordinance creating **Hansen Sand Lake Lateral Sanitary Sewer Special Assessment District 1436** and determining to proceed with the proposed improvements therein, Water and Wastewater Utility. public hearing 8-20-02. **(addendum)**
 - a. Assembly Memorandum No. AM 661-2002.
9. Resolution No. AR 2002-228, a resolution appropriating additional funds from the Department of Transportation and Public Facilities, State of Alaska, in the amount of \$85,000 to the Municipality of Anchorage, Street Maintenance Department, State Categorical Grants Fund (231) and approving

the Transfer of Responsibilities Agreement (TORA) amendment from the **Municipal PM-10 Dust Control Program**, Street Maintenance.

a. Assembly Memorandum No. AM 624-2002.

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

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

NAYES: None.

10. REGULAR AGENDA:

10A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

- 10A1. Resolution No. AR 2002-235, a resolution of the Anchorage Municipal Assembly recognizing and honoring the **Borealis Bullseyes** for their Gold Medal performance in the Scholastic Division at the 2002 National Junior Olympic Three-Position Air Rifle Championship, Assembly Chair Traini, Assemblymembers Tesche and Sullivan. **(addendum)**

Mr. Tesche moved, to approve AR 2002-235.
seconded by Mr. Sullivan,
and it passed without objection,

Mr. Tesche read the resolution honoring the Borealis Bullseyes for their Gold Medal performance in the Scholastic Division at the 2002 National Junior Olympic Three-Position Air Rifle Championship and Mr. Sullivan presented the resolution.

10B. RESOLUTIONS FOR ACTION - OTHER

- 10B1. Resolution No. AR 2002-234, a resolution of the Anchorage Municipal Assembly appointing Peggy M. Davis as **Assembly Policy and Budget Analyst**, Assembly Chair Traini.

Mr. Sullivan moved, to approve AR 2002-234.
seconded by Mr. Tremaine,
and it passed without objection,

- 10B2. Resolution No. AR 2002-226, a resolution of the Anchorage Municipal Assembly appropriating \$8,246 from the Anchorage School District to the Anchorage Roads and Drainage Service Area Fund (441) for the **improvement of East 64th Avenue**, between Burlwood Street and Petersburg Street, Project Management & Engineering.
a. Assembly Memorandum No. AM 622-2002.
b. Resolution No. AR 2002-226(S), a resolution of the Anchorage Municipal Assembly appropriating \$8,246 from the Anchorage School District to the Anchorage Roads and Drainage Service Area Fund (441) for the improvement of East 64th Avenue, between Burlwood Street and Petersburg Street, Project Management & Engineering. **(addendum)**

Ms. Von Gemmingen moved, to approve AR 2002-226(S).
seconded by Mr. Tremaine,
and it passed without
objection,

- 10B3. Resolution No. AR 2002-228, a resolution appropriating additional funds from the Department of Transportation and Public Facilities, State of Alaska, in the amount of \$85,000 to the Municipality of Anchorage, Street Maintenance Department, State Categorical Grants Fund (231) and approving the Transfer of Responsibilities Agreement (TORA) amendment from the **Municipal PM-10 Dust Control Program**, Street Maintenance.
a. Assembly Memorandum No. AM 624-2002.

Ms. Von Gemmingen, Mr. Tremaine and Ms. Fairclough joined in introducing this resolution AR 2002-228. The public hearing was scheduled for 8-6-02. This item should be renumbered to 9.F.9. on the Consent Agenda.

- 10B4. Resolution No. AR 2002-229, a resolution of the Anchorage Municipal Assembly appropriating the sum of \$16,350 from Areawide General Fund (101) Balance to the Office of the Mayor to provide funding to include Anchorage's profile in the publication, *Alaska: North to the Future, Volume II*, Municipal Manager's Office.
a. Assembly Memorandum No. AM 625-2002.

Mr. Tesche moved, to approve AR 2002-229.
seconded by Ms. Taylor,

The Assembly discussed this expenditure and declined to appropriate the money.

Question was called on the motion to approve AR 2002-229 and it failed.

AYES: None.

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

- 10B5. Resolution No. AR 2002-238, a resolution appropriating \$70,000 of revenue from the State of Alaska Department of Environmental Conservation to the State Categorical Grants Fund 231 to the Project Management and Engineering Department for a **storm water program and funding study**.
- a. Assembly Memorandum No. AM 645-2002.

Mr. Van Etten moved, to approve AR 2002-238.
seconded by Ms. Von Gemmingen,

In response to Mr. Van Etten, Municipal Engineer Howard Holtan, advised the Assembly the funds would be used to study all the unmet needs of the Municipality as well as the needs that we currently have for planning to deal with management and control of storm water runoff throughout the Municipality.

Question was called on the motion to approve AR 2002-238 and it passed without objection.

- 10B6. Resolution No. AR 2002-241, a resolution of the Anchorage Municipal Assembly opposing the decision made by the U.S. Court of Appeals for the 9th Circuit regarding the **Pledge of Allegiance** and urging the reversal of its ruling, Assemblymembers Von Gemmingen, Fairclough, and Traini.
- a. Resolution No. AR 2002-241(S), a resolution of the Anchorage Municipal Assembly opposing the decision made by the U.S. Court of Appeals for the 9th Circuit regarding the Pledge of Allegiance and urging the reversal of its ruling, Assemblymembers Von Gemmingen, Fairclough, Traini, Tesche, Kendall, Shamberg, Sullivan, Taylor, Tremaine, Van Etten, and Whittle. (**addendum**)

Mr. Whittle moved, to approve AR 2002-241(S).
seconded by Ms. Von Gemmingen,

All the Assemblymembers requested they be listed as co-sponsors and Mr. Whittle spoke in strong support of the resolution.

Question was called on the motion to approve AR 2002-241(S) and it passed.

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

10C. BID AWARDS

- 10C1. Assembly Memorandum No. AM 635-2002, recommendation of award to Applied Microsystems, Inc. for furnishing **Microsoft software licenses with software assurance and upgrade advantage/software assurance** for existing software licenses to the Municipality of Anchorage, Information Technology Department (ITD) and Water and Wastewater Utility (ITB 22-B039) (\$171,426.50), Purchasing.

Ms. Fairclough moved, to approve AM 635-2002.
seconded by Ms. Taylor,

Ms. Fairclough formally requested from the Purchasing Department an accounting of software expenditures.

In response to Ms. Fairclough and Ms. Taylor, Director of Information Technology Department Mike Callahan, responded to her questions and explained the process involved in purchasing and upgrading software.

Municipal Manager Harry Kielsing, requested the Assembly put in writing their questions and concerns.

Question was called on the motion to approve AM 635-2002 and it passed without objection.

10D. NEW BUSINESS

- 10D1. Assembly Memorandum No. AM 648-2002, **Zoning Board of Examiners and Appeals appointment** (Richard Foster), Mayor's Office.

Ms. Von Gemmingen moved, to postpone action on AM 648-2002 to the 8-6-02 meeting.
seconded by Mr. Tesche,
and it passed without objection,

Mayor Wuerch announced his appointments to various boards and commissions and welcomed the appointees.

- 10D2. Assembly Memorandum No. AM 652-2002, **Police and Fire Retirement Board of Trustees appointment** (Gereh Stillman), Mayor's Office.
- a. Assembly Memorandum No. AM 669-2002, AM 652-2002; appointment to the Police and Fire Retirement Board of Trustees, Mayor Wuerch. (**addendum**)

Mr. Tesche moved, to approve AM 652-2002.
seconded by Mr. Tremaine,

Mayor Wuerch advised Chairman Traini this item was not before the Assembly. Mayor Wuerch cited Roberts Rules of Order for clarification of his withdrawal of this item earlier in the day through the Municipal Clerk's office.

Municipal Attorney Bill Greene stated the Mayor Wuerch's withdrawal of the nomination was correct. Mr. Tesche and Mr. Greene debated the question.

Chairman Traini ruled the motion to approve the appointment was valid.

Mr. Kendall moved, to appeal the ruling of the Chair on AM 652-2002.
seconded by Mr. Sullivan,

Question was called on the motion to appeal the ruling of the Chair on AM 652-2002 and it failed.

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

Question was called on the main motion to approve AM 652-2002 and it passed.

AYES: Tesche, Whittle, Taylor, Fairclough, Traini, Van Etten, Shamberg, Tremaine.
NAYES: Von Gemmingen.
(Clerk's Note: Mr. Kendall and Mr. Sullivan did not vote on this item.)

Ms. Taylor moved, for immediate reconsideration on AM 652-2002.
seconded by Mr. Tesche,

Ms. Taylor urged a no vote.

Question was called for immediate reconsideration on AM 652-2002 and it failed.

AYES: None
NAYES: Tesche, Whittle, Taylor, Fairclough, Traini, Von Gemmingen, Van Etten, Shamberg, Tremaine.
(Clerk's Note: Mr. Kendall and Mr. Sullivan did not vote on this item.)

Mayor Wuerch advised the Assembly that the Administration did not recognize the votes as a legal action.

10E. INFORMATION AND REPORTS

10F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

- 10F1. Ordinance No. AO 2002-109, an ordinance amending Anchorage Municipal Code Subsection 21.15.012B, Administrative Variance for Minor Dimensional Errors; 21.35.020B Definitions and Rules of Construction; and Subsection 21.40.015G, PLI (Public Lands and Institutions District) Zone, regarding **maximum lot coverage** of all buildings, Planning Department. public hearing 8-20-02.
a. Assembly Memorandum No. AM 627-2002.

(Clerk's Note: Public Hearing was set for 8-20-02.)

- 10F2. Ordinance No. AO 2002-110, an ordinance of the Municipality of Anchorage authorizing **sale by competitive bid of Heritage Land Bank Parcel Nos. 4-036 and 4-037**, generally described as the land underlying the West Coast International Inn Hotel at 3333 West International Airport Road, together with HLB Parcel No. 4-038, an unimproved parcel adjacent to the south, comprising a total of 5.19 acres, Heritage Land Bank. public hearing 8-6-02.
a. Assembly Memorandum No. AM 628-2002.

(Clerk's Note: Public Hearing was set for 8-6-02.)

- 10F3. Ordinance No. AO 2002-111, an ordinance amending Anchorage Municipal Code Section 3.30.172 to **classify executive positions** and add the position of Senior Finance Officer, Employee Relations. public hearing 8-6-02.
a. Assembly Memorandum No. AM 630-2002.

(Clerk's Note: Public Hearing was set for 8-6-02.)

- 10F4. Ordinance No. AO 2002-112, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapters 6.10, Budgets and Appropriations Generally, and 6.40, Reports and Audit, by enacting new Sections 6.10.033 and 6.40.035 relating to **budgeting, payment, and reporting of expenditures for official travel**, Assemblymembers Tesche, Traini, Tremaine, Taylor, Van Etten, and Whittle. public hearing 8-6-02.
a. Assembly Memorandum No. AM 658-2002.
b. Assembly Memorandum No. AM 659-2002, AO 2002-112; amending the Municipal Code regarding travel expenditures, Office of Management and Budget. **(addendum)**
c. Information Memorandum No. AIM 74-2002, AO 2002-112; amending Code relating to budgeting, reporting of travel expenditures, Office of Management and Budget. **(addendum)**

(Clerk's Note: Public Hearing was set for 8-6-02.)

- 10F5. Resolution No. AR 2002-230, a resolution of the Municipality of Anchorage accepting and appropriating, when tendered, United States Department of Transportation, Transportation Security Administration (TSA) Grant Number DTMA1G02041 in the amount of \$458,208 through the agent of the TSA, the Maritime Administration (MARAD). The Municipality of Anchorage accepts and

appropriates this grant to the Port of Anchorage Capital Fund (571) for **enhanced facility and operational security at the Port of Anchorage** pursuant to the United States Department of Defense Appropriations Act for 2002 (Public Law 107-117), Port of Anchorage. public hearing 7-23-02.

- a. Assembly Memorandum No. AM 626-2002.

(Clerk's Note: Public Hearing was set for 7-23-02)

- 10F6. Resolution No. AR 2002-239, a resolution approving application for and acceptance and appropriation of (\$3,000,000) State of Alaska, Department of Environmental Conservation (ADEC) grant funds under the **ADEC Matching Grant Program** (Senate Bill 2006), Water and Wastewater Utility. public hearing 8-6-02.
- a. Assembly Memorandum No. AM 646-2002.

(Clerk's Note: Public Hearing was set for 8-6-02.)

- 10F7. Resolution No. AR 2002-242, a resolution confirming the assessment roll and levying special assessments for services on property specially benefited in the **Downtown Business Improvement District, Special Assessment District 1SD97**, setting the dates of assessment, and providing for assessment billing, payment due dates, application of payments, delinquency, penalties, interest and costs for delinquency and enforcement and appropriating the sum of \$478,109 in assessment revenues when tendered to Special Assessment Fund 271 for services benefiting the property owners in Special Assessment District 1SD97, Office of Management and Budget. public hearing 8-6-02. (**addendum**)

(Clerk's Note: Public Hearing was set for 8-6-02.)

- 10F8. Ordinance No. AO 2002-114, an ordinance creating **Hansen Sand Lake Lateral Sanitary Sewer Special Assessment District 1436** and determining to proceed with the proposed improvements therein, Water and Wastewater Utility. public hearing 8-20-02. (**addendum**)
- a. Assembly Memorandum No. AM 661-2002.

(Clerk's Note: Public Hearing was set for 8-20-02.)

- 10F9. Resolution No. AR 2002-228, a resolution appropriating additional funds from the Department of Transportation and Public Facilities, State of Alaska, in the amount of \$85,000 to the Municipality of Anchorage, Street Maintenance Department, State Categorical Grants Fund (231) and approving the Transfer of Responsibilities Agreement (TORA) amendment from the **Municipal PM-10 Dust Control Program**, Street Maintenance.
- a. Assembly Memorandum No. AM 624-2002.

(Clerk's Note: Public Hearing was set for 8-6-02.)

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

- 11A. 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.
(POSTPONED FROM 6-25-02)

(Clerk's Note: Item 11A, AM 601-2002 was considered later in the evening. See after item 140.)

- 11B. **NOTICE OF RECONSIDERATION: Assembly Memorandum No. AM 574-2002, Police and Fire Retirement Board of Trustees appointment** (Tim Rogers), Mayor's Office.
(APPOINTMENT OF TIM ROGERS FAILED 6-25-02; RECONSIDERATION WAS ENTERED ON THE MINUTES BY MS. FAIRCLOUGH 6-25-02)

- 11C. **NOTICE OF RECONSIDERATION: Assembly Memorandum No. AM 583-2002, Human Services Matching Grant awards** for Fiscal Years 2003 & 2004 (\$1,193,503), Health and Human Services.
1. Assembly Memorandum No. AM 583-2002(A), Human Services Matching Grant awards for Fiscal Years 2003 & 2004 (\$1,544,523), Health and Human Services. (**addendum**)
(AMENDED AND APPROVED 6-25-02; NOTICE OF RECONSIDERATION WAS GIVEN BY MR. TESCHE 6-26-02)

(Clerk's Note: Item 11C, AM 583-2002 was considered later in the evening. See after item 14C.)

12. APPEARANCE REQUESTS:

- 12A. **Dianne Holmes**, regarding declaration of conflict of interests for members of Boards & Commissions. Ms. Holmes requested that Boards and Commissions declare any conflict of interests at the beginning of every meeting.

Chairman Traini requested [Municipal Attorney Bill Greene send a letter to all the Boards and Commissions reminding them of the Conflict of Interest policy.](#)

- 12B. **Tom Hull**, regarding Dislocation/Relocation Assistance Program. Mr. Hull, President and spokesman of the Brookside Coalition, a non-profit organization formed by the residents of the Brookside Mobile Home Park. Mr. Hull described the existing situation of the mobile home park owners and the extreme difficulties they are facing. Mr. Hull requested any assistance that might be available from the Assembly.

The Assembly suggested assistance from the developer and requested [Planning Department Director Sue Fison](#), Health and Human Services Director, Jewel Jones, and Manager of Community Development Division, Beverly Jones, to call a meeting to discuss options that might be available.

Mr. Hull will appear on the agenda for the 7-16-02 meeting for a follow up.

The meeting recessed at 7:00 p.m. and reconvened at 7:20 p.m.

13. CONTINUED PUBLIC HEARINGS:

- 13A. [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.
 3. Assembly Memorandum No. AM 644-2002, AO 2002-60; amending AMC 21.15.134 regarding platting of commercial tracts that include large retail establishments, Assemblymember Tesche.
- (addendum)**
(CONTINUED FROM 5-21-02; CARRIED OVER FROM 6-11-02; CONTINUED FROM 6-25-02)

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 adopt AO 2002-60.
Seconded by Ms. Fairclough,

Mr. Tesche stated this ordinance clarifies the issue of whether the Planning and Zoning Commission or the Platting Board will act as Platting and Review authority for purposes of larger commercial tracts that include big box stores and other pieces of property.

Mayor Wuerch and Office of Planning, Development and Public Works Director Craig Campbell support the ordinance.

Question was called on the motion to adopt AO 2002-60 and it passed.

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

- 13B. [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.
 2. 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.
- (CONTINUED FROM 6-25-02)

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

TIM STEELE, Vice President of the Anchorage School District School Board, testified in support of the ordinance at 40% or 45%.

JEFF FRIEDMAN, former School Board candidate testified in support of the ordinance at 40% to 45%.

MICHELLE LEVER, testified in support of the ordinance at 45%.

ED EARNHART, testified in support of the ordinance at 40% or 45%.

HARRIETT DRUMMOND, serves on the School Board and testified in support of the ordinance at 40% or 45%.

ROBIN SMITH, testified in support of the ordinance at 40% or 45%

KAY BROWN, testified in support of the ordinance at 40% to 45%.

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

Assemblymembers discussed the ordinance and the (S) version.

Mr. Tesche moved, to adopt AO 2002-79(S).
Seconded by Ms. Von Gemmingen,

Municipal Attorney Bill Greene noted that the (S) version on Line 21 and 22, "An affirmative vote **forty-five percent (45%)**

plus one of those voting on the proposition shall be required for approval”, that the State Constitution requires a majority vote on a Charter change. Mr. Greene noted striking the last sentence would allow for compliance with State law. Mr. Greene further stated he could not give assurance that adequate notice had been given regarding the changing of 50% to 45%. Mr. Greene stated that going back to the original version and taking the same sentence out and changing the text from 50% to 45% would be feasible.

Mr. Tesche withdrew his motion to adopt AO 2002-79(S). Ms. Von Gemmingen agreed and withdrew her second.

Mr. Tesche moved, to adopt AO 2002-79.
seconded by Ms. Von Gemmingen,

Mr. Tesche moved, to amend AO 2002-79, Page 1, Section 1, Lines 21 and 22,
seconded by Ms. Von Gemmingen, delete the last sentence “*An affirmative vote of fifty percent*
and it passed with Ms. Fairclough objecting, (50%) plus one of those voting on the proposition shall be
required for approval.”

Ms. Fairclough advised she felt the Assembly should wait until after August 27, 2002 to take action on this item.

KEN JACOBUS spoke to the issue on the floor.

Ms. Fairclough moved, to postpone action on AO 2002-79 to the 9-10-02 meeting.
seconded by Mr. Sullivan,

Question was called on the motion to postpone action on AO 2002-79 to the 9-10-02 meeting and it failed.

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

Mr. Tesche moved, to amend AO 2002-79 to substitute “*45 percent for the*
seconded by Ms. Von Gemmingen, *50 percent in the Section of the Charter Amendment,*
Section 11.02.”

Municipal Attorney Bill Greene advised Chairman Traini that the Charter requires that the proposition show the Charter as it appeared before the amendment and how the Charter appears with the amendment. This would automatically be done on the ballot.

The Assembly further discussed the motion. Chairman Traini commented on the fact that the voters would eventually decide on this issue in the election.

Question was called on Mr. Tesche’s amendment to AO 2002-79 and it passed.

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

Mr. Tesche moved, to amend AO 2002-79 to add back into Charter Section
seconded by Mr. Tremaine, 11.02(b) as a new sentence after “...votes for the office.”
and it passed without objection, New section to read: “*Run-off elections under this section are*
not required, however, in races where the names of no more
than two candidates appeared on the initial ballot unless a
write-in candidate received more votes than a candidate whose
name is on the ballot.”

Municipal Attorney Bill Greene agreed with the wording of the proposed amendment.

In response to Ms. Fairclough, Municipal Attorney Bill Greene said he would like to take some time to research the Charter to determine an answer regarding people withdrawing from races.

Question was called on the motion to adopt AO 2002-79 as amended, and it passed.

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

Question was called for immediate reconsideration on AO 2002-79 and it failed.

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

14. NEW PUBLIC HEARINGS:

- 14A. 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.
1. Assembly Memorandum No. AM 564-2002.

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

Mr. Van Etten moved, to approve AR 2002-214.
 Seconded by Ms. Von Gemmingen,

Question was called on the motion to approve AR 2002-214 and it passed.

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

- 14B. 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.
1. Assembly Memorandum No. AM 587-2002.

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

Mr. Van Etten moved, to approve AR 2002-217.
 Seconded by Ms. Fairclough,

In response to Ms. Shamberg, Merrill Field Airport Manager David Lundeby, explained that the need to revise the budget was because the amount of the anticipated grant was in excess of their original budget.

Question was called on the motion to approve AR 2002-217 and it passed.

AYES: Tesche, Whittle, Taylor, Traini, Van Etten, Shamberg.
 NAYES: Fairclough, Von Gemmingen, Kendall.
 (Clerk's Note: Mr. Tremaine and Mr. Sullivan were out of the room at the time of the vote.)

- 14C. 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**.
1. Assembly Memorandum No. AM 598-2002.

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 2002-219.
 Seconded by Mr. Whittle,

Question was called on the motion to approve AR 2002-219 and it passed.

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

Ms. Von Gemmingen moved, to change the order of the day to take up 11C
 seconded by Mr. Tremaine, NOTICE OF RECONSIDERATION, HUMAN SERVICES
 and it passed without objection, MATCHING GRANT AWARDS.

- 11C. **NOTICE OF RECONSIDERATION: Assembly Memorandum No. AM 583-2002, Human Services Matching Grant awards** for Fiscal Years 2003 & 2004 (\$1,193,503), Health and Human Services.
1. Assembly Memorandum No. AM 583-2002(A), Human Services Matching Grant awards for Fiscal Years 2003 & 2004 (\$1,544,523), Health and Human Services. (**addendum**) (AMENDED AND APPROVED 6-25-02; NOTICE OF RECONSIDERATION WAS GIVEN BY MR. TESCHE 6-26-02)

Chairman Traini gave the history of the **NOTICE OF RECONSIDERATION**, Assembly Memorandum No. AM 583-2002 and advised the Assembly the question before the Assembly was should they reconsider their action on this item.

Ms. Von Gemmingen moved, to substitute AM 583-2002(A), Option B.
 seconded by Mr. Tesche,

Ms. Von Gemmingen advised additional funds came from the State and the Assembly was able to fund all 32 agencies to some degree. Ms. Von Gemmingen urged a yes vote.

In response to Mr. Tremaine, Health and Human Services Director, Jewel Jones explained the funding and the difference between Option A and Option B. Mayor Wuerch presented Option B to the Assembly as the Administration's choice.

Question was called on the motion to substitute AM 583-2002(A), Option B and it passed.

AYES Tesche, Whittle, Taylor, Traini, Kendall, Shamberg, Tremaine.

NAYES: Von Gemmingen, Van Etten.

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

- 14D. 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.
1. Ordinance No. AO 2002-106(S), 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), Planning Department. (**addendum**)
 2. Assembly Memorandum No. AM 660-2002.

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

Mr. Tim Potter from DOWL Engineers presented the rezoning request to the Assemblymembers.

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

Ms. Shamberg moved, to adopt AO 2002-106(S).
Seconded by Mr. Kendall,

Question was called on the motion to adopt AO 2002-106(S) and it passed.

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

NAYES: None.

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

- 14E. 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.
1. Assembly Memorandum No. AM 559-2002.

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

Ken Ayers, representing Lounsbury and Associates presented the amended site plan for Lowe's.

Mr. Kendall moved, to approve AR 2002-203.
Seconded by Ms. Shamberg,

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

Question was called on the motion to approve AR 2002-203 and it passed.

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

NAYES: None.

- 14F. 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.
1. Assembly Memorandum No. AM 610-2002.
 2. Assembly Memorandum No. AM 629-2002.

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

Ms. Fairclough moved, to adopt AO 2002-104.
Seconded by Ms. Taylor,

Assemblymembers expressed their appreciation for the professional and timely manner in which the contract was handled.

Mr. Whittle disclosed he was a member of the Teamsters. Ms. Fairclough disclosed her spouse was also a member of the Teamsters. Chairman Traini ruled there was no conflict of interest for Mr. Whittle and Ms Fairclough.

Mr. Tesche moved, to amend AO 2002-104 as follows:
seconded by Mr. Tremaine, Line 6, change "WHEREAS, the Administration
and it passed without objection, requires approval of any negotiated collective
bargaining agreement; and" to read: "*WHEREAS, the Anchorage Municipal Code requires Assembly*

approval of any negotiated collective bargaining agreement; and;”

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

to amend AO 2002-104 as follows;
Line 13, the word Teamster should have an (s) added
to read “*Teamsters*”;

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

to amend AO 2002-104 as follows;
Line 16, insert the word “*on*” between the words
“voted” and “June”;

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

to amend AO 2002-104 as follows:
Line 17, between now and therefore should add comma
after the word now to read “*now, therefore*”

Question was called on the main motion to adopt AO 2002-104 as amended and it passed.

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

NAYES: None.

14G. 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, Taylor, and Shamberg.

1. Assembly Memorandum No. AM 571-2002.
2. Assembly Memorandum No. AM 672-2002, AO 2002-101; making amendments related to access to budget documents, 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.

Mr. Tesche moved, to adopt AO 2002-101.
Seconded by Ms. Taylor,

Mr. Tesche and Ms. Shamberg agreed with the ordinance and urged a yes vote.

In response to Ms. Fairclough’s comments and concerns on the volume of draft material that would be available and possibly confusing, Mr. Tesche noted that documents were marked “draft” and would alert the public the material was not official policy.

Municipal Attorney Bill Greene pointed out the word “draft” was a definitional term.

Question was called on the motion to adopt AO 2002-101 and it passed.

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

NAYES: Sullivan.

14H. 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, Van Etten, and Shamberg.

1. Assembly Memorandum No. AM 609-2002.

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

In response to Chairman Traini, Office of Planning, Development and Public Works Director Craig Campbell agreed that this ordinance would be postponed and a (S) version would be brought before the Assembly.

MITCH GRAVO, representing Alaska Seafood International (ASI) introduced JERRY WERTZBAUGHER, ASI attorney and PHILIP FITZPATRICK, President of ASI, to the Assembly.

In response to Ms. Fairclough’s concern about ASI fiscal plans, ASI officials responded that accurate testimony and documentation would be presented to the Assembly to substantiate the tax exemption request and the economic status of the company. Ms. Fairclough stated she would look to the Administration to bring forward a requirement for a financial plan that shows a projection for discontinuance of renewal requests for tax exemption that did not require property tax savings in the future.

In response to Mr. Tesche, Mr. Wertzbaugher could not address what changes might be forthcoming in the (S) version.

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

Mr. Tesche moved, to postpone action on AO 2002-103 to 8-06-02 meeting.
Seconded by Mr. Tremaine,
and it passed without

objection,

- 14I. 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.
1. Assembly Memorandum No. AM 572-2002.

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

SUSAN DEPEDRO, representing the Government Hill Community Council, testified in favor of the ordinance.

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

Mr. Tesche advised the Assembly he wished to delay action on the ordinance to consider incorporating changes from the Department of Law and Office of Planning, Development and Public Works Director Craig Campbell

In response to Mr. Kendall, Office of Planning, Development and Public Works Director Craig Campbell stated the Administration agreed with the technical changes by Mr. Tesche and no new public hearing was required.

Mr. Tesche moved, to postpone action on AO 2002-102 to 8-6-02 meeting.
Seconded by Ms. Fairclough,
and it passed without objection,

- 14J. 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.

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 indefinitely AO 2002-107.
Seconded by Ms. Fairclough,
and it passed without objection,

- 14K. 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.
1. Assembly Memorandum No. AM 590-2002.

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 2002-100.
Seconded by Ms. Taylor,

The Assembly discussed the budget appropriations previously approved, and the new classification request.

Municipal Attorney Bill Greene noted a typo on the ordinance which requires an amendment.

Mr. Tesche moved, to amend AO 2002-100, Line 20, Section 1:C to
seconded by Mr. Tremaine, change “20D” to “20E”.
and it passed without objection,

Question was called on the main motion to adopt AO 2002-100 as amended, and it passed.

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

- 14L. 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.
1. Assembly Memorandum No. AM 426-2002.

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 2002-76.
Seconded by Mr. Van Etten,

Question was called on the motion to adopt AO 2002-76 and it passed.

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

- 14M. 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.

1. Assembly Memorandum No. AM 612-2002.

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

Mr. Van Etten moved, to postpone action on AO 2002-105 to the 8-20-02 meeting.
 Seconded by Ms. Taylor,

In response to Ms. Fairclough, Office of Planning, Development and Public Works Director Craig Campbell advised the question of leasing versus selling the property would be addressed.

Question was called on the motion to postpone action on AO 2002-105 to the 8-20-02 meeting and it passed.

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

- 14N. Ordinance No. AO 2002-95, an ordinance amending Anchorage Municipal Code Title 21 to allow **abbreviated platting for the creation of subdivisions** of three tracts or eight lots; to prohibit abbreviated subdividing of a contiguous parcel under the same ownership as a platted parcel platted within 48 months; and to allow the Platting Officer to vacate certain public or private easements and refer applications to the Platting Board for additional analysis (Planning and Zoning Commission Case 2002-071), Planning Department.
 1. Assembly Memorandum No. AM 513-2002.

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

BILL BOBRICK, representing the Anchorage Home Builders Association, spoke in support of the ordinance.

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 2002-95.
 Seconded by Ms. Fairclough,

Mr. Tremaine advised the ordinance was before the Assembly for adoption to close loopholes in the existing ordinance.

Mr. Tremaine moved, to amend AO 2002-95 on Page 2, Line 13, Section 2 to delete:
 seconded by Mr. Tesche, "under the same ownership" and replacing the text with
 and it passed without "having any of the same owners".
 objection,

In response to Mr. Tremaine, Planning Department Platting Supervisor, Jerry Weaver, advised the property reverts back in the same manner it was acquired and there is no compensation or fee in either direction.

Ms. Fairclough requested Municipal Attorney Bill Greene and Deputy Municipal Attorney Dennis Wheeler, assist in crafting a sunset clause that could be revisited within the time frame of one year in case it was abused. Ms. Fairclough further requested she would like the timing process to include a full year with a six-month review process.

Ms. Fairclough moved, to amend AO 2002-95 on Page 5, Line 8, a new Section 5
 seconded by Mr. Tremaine, is added to read: "*On or before August 15, 2003, the
 and it passed without objection, Administration shall report to the Assembly the experience
 with the effect of this ordinance's amendments and the
 public's reaction thereto. If the Assembly fails to reauthorize
 the amendments provided for in this ordinance on or before
 January 15, 2004, then this ordinance shall sunset and be
 automatically repealed without any action of the Assembly.*"
 The existing Section 5 shall be renumbered "*Section 6.*"

In response to Ms. Von Gemmingen, Ms. Fairclough stated the ordinance allows for revisiting if appeals from the public are forthcoming.

Question was called on the main motion to adopt AO 2002-95 as amended, and it passed.

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

- 14O. 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.
 1. Assembly Memorandum No. AM 662-2002, AO 2002-98; Planning and Zoning Commission recommendation on rezoning of approximately 75 acres from R-6 to PC 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 S 1/2, SW 1/4, NW 1/4, and the SE 1/4, NW 1/4, Section 21, T12N, R3W, S.M., AK, Planning Department. **(addendum)**
2. Ordinance No. AO 2002-98(S), 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), Planning Department. **(addendum)**
 3. Assembly Memorandum No. 673-2002.

Mr. Tremaine moved, to extend public hearing on AO 2002-98 to 11:00 p.m.
seconded by Ms. Shamberg,
and it passed with Mr. Kendall
objecting,

Mr. Tremaine noted that the (S) version of AO 2002-98 was considerable in size and had been presented to the Assembly for consideration only at the beginning of the meeting. Therefore, few of the Assemblymembers have had any opportunity to read, review or study the ordinance and it would not be possible to get through the material and take any action on the ordinance tonight.

In response to Mr. Tremaine, Planning Department Platting Supervisor, Jerry Weaver, responded the (S) version contained input from the Administration on the proposed rezoning and added an additional section on site restoration. It was a staff initiated issue and did not include public involvement in the (S) version.

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

TAMMY HOLT, spokesman for United Neighbors, requested the public hearing be continued until 8-6-02 meeting.

JAMES LEONARD, spoke in opposition of the ordinance and cited existing problems and concerns.

In response to Ms. Fairclough, Office of Planning, Development and Public Works Director Craig Campbell, advised there was a land enforcement action and a court order on the property against the owner. Mr. Campbell would research the status of the trailers on the property using their own water and sewer systems and would send Code Enforcement to observe the site status.

SHARON LANDUS, urged the Assemblymembers to view the site and further suggested lower density for the site.

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

Mr. Tremaine and Ms. Shamberg requested the continuance of the public hearing at the 7-23-02 meeting.

Mr. Tremaine moved, to continue the public hearing of AO 2002-98 both to the
seconded by Ms. Shamberg, 7-23-02 and 8-6-02 meetings.

Ms. Fairclough offered a friendly amendment to set the public hearing on 7-23-02 for a time certain. Mr. Tremaine accepted the friendly amendment that the public hearing on 7-23-02 on AO 2002-98 would occur by at least 7:00 p.m. and end no sooner than 7:15 p.m.

Chairman Traini noted he would schedule the public hearing for 7-23-02 under Continued Public Hearings at the top of the Agenda. Chairman Traini also scheduled a work session for 7-23-02 at 1:30 p.m. to 3:00 p.m. and requested the Administration and the developer be in attendance.

- 11A. 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.
(POSTPONED FROM 6-25-02)

Chairman Traini gave the history of the AM 601-2002 and noted there were no motions pending.

Mr. Tesche moved, to approve AM 601-2002.
seconded by Mr. Tremaine,

In response to Mr. Tesche, Municipal Attorney Bill Greene, provided a summary of the legal and monetary status of this legal case. Mr. Green advised the Assembly of the approaching trial date and the need for the Assembly to take action.

Mr. Tesche declared he did not have sufficient information upon which to make an appropriate decision. Mr. Tesche further stated he would not vote on this item until he had the proper information.

Ms. Von Gemmingen moved, to call the question on AM 601-2002.
seconded by Mr. Van Etten,

Question was called on AM 601-2002 and it passed.

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

(Clerk's Note: Mr. Tesche did not vote.)
(Clerk's Note: Ms. Shamberg abstained.)

(Clerk's Note: AM 601-2002 was taken up again at the 7-23-02 meeting because there was no vote taken on Ms. Von Gemmingen's motion to call the question.)

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

16. **SPECIAL ORDERS:** None.

17. **UNFINISHED AGENDA:** None.

18. **AUDIENCE PARTICIPATION:** None.

19. **ASSEMBLY COMMENTS** None.

20. **EXECUTIVE SESSIONS:**

A. **Pending Litigation** (*Toney v. MOA*, 3AN-95-5067CI).

(Clerk's Note: Executive Session not held. See item 11A after item 14O.)

21. **ADJOURNMENT:**

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

The meeting adjourned at 10:57 p.m.

Chairman

ATTEST:

Municipal Clerk

Date Minutes Approved: _____, 2002

GM:cmw