

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of August 6, 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, Dan Kendall, Janice Shamberg, Dick Tremaine, Dan Sullivan.
Absent: Dick Van Etten (excused).

3. PLEDGE OF ALLEGIANCE:

The pledge was conducted by Assemblymembers.

4. MINUTES OF PREVIOUS MEETING:

A. Regular Meeting – February 12, 2002

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

to approve the minutes of the Regular Assembly meeting of
February 12, 2002.

B. Regular Meeting – February 26, 2002

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

to approve the minutes of the Regular Assembly meeting of
February 26, 2002.

C. Regular Meeting – March 5, 2002

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

to approve the minutes of the Regular Assembly meeting of
March 5, 2002.

5. MAYOR'S REPORT:

Mayor Wuerch announced a collaborative relationship with Health and Human Services Director, Jewel Jones and her team, Alaska Federation of Natives, and Cook Inlet Tribal Council in a program entitled "Pathways to Sobriety". Community Service Patrol will bring inebriates into the Transfer Station where there will be two Case Managers funded by AFN and Cook Inlet to provide trained help.

Mayor Wuerch announced several visitors to Alaska, including Secretary of the U. S. Department of Health and Human Services, Tommy Thompson. Health and Human Services announced a \$1.25 million grant to the Municipality of Anchorage for health and human services programs and a substantial increase in federal HUD staffing in Anchorage.

6. ASSEMBLY CHAIR'S REPORT: None.

7. COMMITTEE REPORTS: None.

8. ADDENDUM TO AGENDA:

Mr. Tesche moved,
seconded by Ms. Taylor,

to amend the agenda to include the addendum items.

Chairman Traini read the addendum items.

Chairman Traini read Assembly ordinance AO 2002-126, an ordinance amending Anchorage Municipal Code Chapter 2.50 "Initiatives and Referenda" by adding new sections to provide for review and certification of the legal sufficiency of initiative and referenda petitions prior to petitioners gathering of signatures, Assemblymembers Traini, Fairclough, and Tesche.

Chairman Traini, Ms. Fairclough, and Mr. Tesche joined in introducing AO 2002-126. The public hearing was scheduled for 9-10-02.

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

9. CONSENT AGENDA:

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

A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS:

B. RESOLUTIONS FOR ACTION – OTHER:

1. Resolution No. AR 2002-256, a resolution of the Municipality of Anchorage providing for the appropriation of \$4,000 from donations to the Miscellaneous Operational Grants Fund (261), Cultural and Recreational Services Department, for the purchase of library books and materials for the BP Wish List Program.
 - a. Assembly Memorandum No. AM 706-2002.
2. Resolution No. AR 2002-257, a resolution of the Municipality of Anchorage appropriating the sum of \$750 from the State of Alaska, Department of Transportation & Public Facilities, Division of Statewide Highway Planning Safety Office and \$1,050 as a contribution from the Anchorage Metropolitan Service Area Operating Budget, Anchorage Police Department Fund (151), to the State Categorical Grants Fund (231) for the Bicycle Safety Mini-Grant Program.
 - a. Assembly Memorandum No. AM 715-2002.

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

3. Resolution No. AR 2002-258, a resolution of the Municipality of Anchorage appropriating the sum of \$38,835 from the State of Alaska, Department of Public Safety, Division of Alaska State Troopers and \$12,945 as a contribution from the Anchorage Metropolitan Police Service Area Fund (151), 2002 Anchorage Police Department Operating Budget, to the State Categorical Grants Fund (231) for a Prescription Fraud Enforcement grant, Anchorage Police Department.
 - a. Assembly Memorandum No. AM 720-2002.
4. Resolution No. AR 2002-260, a resolution of the Municipality of Anchorage appropriating \$74,005 from the Cook Inlet Tribal Council, Inc. to Other Federal Grants (241) for Emergency Alcohol Services in the Department of Health and Human Services. (addendum)
 - a. Assembly Memorandum No. AM 716-2002.

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

C. BID AWARDS:

1. Assembly Memorandum No. AM 707-2002, recommendation of award to Alyeska Land Services for providing year round road maintenance services for the Glen Alps Limited Road Service Area to the Municipality of Anchorage, Street Maintenance Department (ITB 22-B030) (\$125,000), Purchasing.
2. Assembly Memorandum No. AM 708-2002, recommendation of award to Alaska Pollution Control, Inc. for providing year round maintenance services for the Upper O'Malley Limited Road Service Area to the Municipality of Anchorage, Street Maintenance Department (ITB 22-B031) (\$232,500), Purchasing.
3. Assembly Memorandum No. AM 709-2002, recommendation of award to GGL, Inc. for Girdwood Wellhouse Improvements for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (ITB 22-C034) (\$1,042,235), Purchasing.
4. Assembly Memorandum No. AM 721-2002, recommendation of award to Summit Roads for Merrill Field Airport 2002 Improvements for the Municipality of Anchorage, Merrill Field Airport (ITB 22-C038) (\$1,036,022.40), Purchasing. (addendum)
5. Assembly Memorandum No. AM 722-2002, recommendation of award to GMG General, Inc. for 2002 Eagle River Americans with Disabilities Act (ADA) Park Improvements at Hillcrest, Peter's Creek, Schroeder, and Spirit Parks for the Municipality of Anchorage, Project Management and Engineering Department (ITB 22-035) (\$158,245.20), Purchasing. (addendum)
6. Assembly Memorandum No. AM 723-2002, recommendation of award to Frontier Excavating, Inc. for Girdwood Water Improvements – Phase I Transmission Main Extension for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (ITB 22-C045) (\$653,740), Purchasing. (addendum)

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 711-2002, 401(k) Retirement Committee appointment (Bruce Robson), Mayor's Office.
2. Assembly Memorandum No. AM 691-2002, Motion to consolidate Board of Adjustment Appeals S-10873 and S-10873-2, Kincaid Estates Subdivision, Municipal Clerk.
3. Assembly Memorandum No. AM 701-2002, PHO Mailee (#4223) – New Restaurant/Eating Place Liquor License, 3020 Minnesota Drive #20 (Spenard & Turnagain Community Councils), Clerk's Office.
4. Assembly Memorandum No. AM 692-2002, amendment No. 5 to professional services contract with CRW Engineering Group, LLC for Campbell Creek Trail Connection, International Airport Road to Lake Otis Parkway, Project #96-18 (\$120,000), Project Management & Engineering.

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

5. Assembly Memorandum No. AM 693-2002, change order No. 1 to purchase order 212556 with Beacon Occupational Health and Safety, Inc. for review of health and safety policies and procedures for the Municipality of Anchorage, Solid Waste Services (\$31,030), Purchasing.
6. Assembly Memorandum No. AM 694-2002, change order #3 to Contract No. C-212505, People Mover Customer Service Center/Assessment Area tenant improvements (\$6,907.69), Public Transportation Department.
7. Assembly Memorandum No. AM 695-2002, proprietary purchase for upgrade, scanning hardware, and configuration services from Convera Corporation for the Municipality of Anchorage, Anchorage Police Department (\$85,530), Purchasing.
8. Assembly Memorandum No. AM 697-2002, Contract Amendment No. 1 to Contract No. 224030 with EES Consulting, Inc. for providing independent consulting engineer services for the Municipality of Anchorage, Municipal Light & Power (\$200,000), Purchasing.
9. Assembly Memorandum No. AM 698-2002, proprietary services contract award to TONYA Inc. for providing assistance for the development of Consolidated Plan for the Municipality of Anchorage, Planning Department (\$67,015), Purchasing.
10. Assembly Memorandum No. AM 699-2002, cooperative purchase of Paratransit buses from Shephard Brothers, Inc. for the Municipality of Anchorage, Public Transportation Department (\$589,500), Purchasing.
11. Assembly Memorandum No. AM 700-2002, recommendation of award to CH2M Hill, Inc. for providing professional engineering services for the Asplund Wastewater Treatment Facility Headworks Modifications Project for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (RFP 22-P017) (\$490,000), Purchasing.
12. Assembly Memorandum No. AM 724-2002, recommendation of award to Davis Constructors and Engineers (Davis) for construction of the Operations and Maintenance Facility Phase III for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (\$1,621,439), Purchasing. (addendum)
13. Assembly Memorandum No. AM 728-2002, grant agreement between the Student Conservation Association and the Municipality of Anchorage allowing for reimbursement not to exceed \$154,000 to fund a fire education crew to assist MOA residents with wildfire education and defensible space preparation. Fire Department. (addendum)

Mr. Tremaine requested this item be considered later in the Agenda. See after item 14E.

14. Assembly Memorandum No. AM 729-2002, extension of cooperative agreement between the Alaska Department of Natural Resources, Division of Forestry (DOF) and the Municipality of Anchorage allowing for reimbursement not to exceed \$113,500 to fund the continued 2002 Wildfire Mitigation efforts, Fire Department. (addendum)

Mr. Tremaine requested this item be considered later in the Agenda. See after item 14E.

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 76-2002, Monthly Financial Report – May 2002, Finance.
2. Information Memorandum No. AIM 78-2002, Monthly Financial Report – June 2002, Finance.
3. Information Memorandum No. AIM 77-2002, waiver of formal procedures for 2002 Small Drainage Projects – Storm Drain Improvements on East 26th Avenue from Wesleyan Drive to Boniface Parkway and West 2nd Avenue from Christensen Drive to 'F' Street for the Municipality of Anchorage, Office of Planning, Development & Public Works (ITB 22-C042) (\$287,148), Purchasing.
4. Information Memorandum No. AIM 79-2002, Status Report – MOA/U.A., Local 367 Contract Negotiations, Municipal Clerk.
5. Information Memorandum No. AIM 80-2002, Registration of Lobbyists – 2002, Municipal Clerk.

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2002-118, an ordinance authorizing the disposal of the East 26.5 feet of Lots 2 and 11, Davis Subdivision (Plat P-221) in Anchorage, Alaska to John Niles Wanamaker and Karin E. Wanamaker at market value (\$3,500), Real Estate Services. public hearing 8-20-02
 - a. Assembly Memorandum No. AM 718-2002.
2. Ordinance No. AO 2002-119, an ordinance of the Municipality of Anchorage amending the Anchorage 2020/Anchorage Bowl Comprehensive Plan to incorporate a section of public safety policies and strategies, Planning Department. public hearing 8-20-02.
 - a. Assembly Memorandum No. AM 719-2002.
3. Ordinance No. AO 2002-120, 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, Assembly Chair Traini, Mayor Wuerch, Assemblymembers Tesche, Whittle, and Sullivan. public hearing 9-10-02.
 - a. Assembly Memorandum No. AM 726-2002, AO 2002-120; amending Anchorage Municipal Code to provide an exemption from plan review and permit fees for projects built within a deteriorated area, Assembly Chair Traini. (addendum)
4. Ordinance No. AO 2002-121 an ordinance approving a 3-year collective bargaining agreement between the Municipality of Anchorage and the Public Employees, Local 71 Bargaining Unit, Employee Relations. public hearing 8-20-02.
 - a. Assembly Memorandum No. AM 710-2002.
5. Ordinance No. AO 2002-122, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Title 11 (Transportation) to add a new Chapter 11.80 to establish the Anchorage and Mat-Su Regional Transportation Planning Organization (RTPO), Assemblymember Tesche. public hearing 8-20-02.

6. Resolution No. AR 2002-252, a resolution of the Municipality of Anchorage appropriating \$416,703 to the State Categorical Grants Fund (231) from the Alaska Department of Labor and Workforce Development for the PY 2002 Workforce Investment Act Title 1B **Administrative Grant** within the Planning Department. public hearing 8-20-02.
 - a. Assembly Memorandum No. AM 702-2002.
7. Resolution No. AR 2002-253, a resolution of the Municipality of Anchorage appropriating \$863,687 to the State Categorical Grants Fund (231) from the Alaska Department of Labor and Workforce Development for the PY 2002 Workforce Investment Act Title 1B **Adult Program** within the Planning Department. public hearing 8-20-02.
 - a. Assembly Memorandum No. AM 703-2002.
8. Resolution No. AR 2002-254, a resolution of the Municipality of Anchorage appropriating \$942,871 to the State Categorical Grants Fund (231) from the Alaska Department of Labor and Workforce Development for the PY 2002 Workforce Investment Act Title 1B **Youth Program** within the Planning Department. public hearing 8-20-02.
 - a. Assembly Memorandum No. AM 704-2002.
9. Resolution No. AR 2002-255, a resolution of the Municipality of Anchorage appropriating \$1,943,768 to the State Categorical Grants Fund (231) from the Alaska Department of Labor and Workforce Development for the PY 2002 Workforce Investment Act Title 1B **Dislocated Worker Program** within the Planning Department. public hearing 8-20-02.
 - a. Assembly Memorandum No. AM 705-2002.
10. Ordinance No. AO 2002-123, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Title 4, Boards and Commissions, by adding a new Section 4.60.240, **Americans with Disabilities Act Advisory Commission**, Assembly Chair Traini, Assemblymember Taylor. public hearing 8-20-02. (addendum)
 - a. Assembly Memorandum No. AM 712-2002.
11. Ordinance No. AO 2002-124, an ordinance designating certain property in the Downtown Business District as a **deteriorated area** under AMC Chapter 12.35 and AS 29.45.050(O), providing that real property situated therein is deteriorated property and providing that such property qualifies for a deteriorated property tax exemption & deferral under AMC Chapter 12.35, Assemblymember Tesche. public hearing 9-10-02. (addendum)
 - a. Assembly Memorandum No. AM 727-2002.
12. Ordinance No. AO 2002-125, an ordinance amending Anchorage Municipal Code Chapter 9.28, **Serious Traffic Offenses**, to conform with and implement state law changes made by House Bill 4 and to make other technical and substantive changes, including increasing the fines for Driving Under the Influence, amending the penalties and vehicle forfeiture provisions for driving without insurance and driving while license suspended, cancelled, or revoked, adding driving under the influence of inhalants as an offense, and adding certain treatment options, Assembly Chair Traini. public hearing 8-20-02. (addendum)
13. Resolution No. AR 2002-259, a resolution of the Municipality of Anchorage appropriating \$3,172,200 as a grant from the National Oceanic and Atmospheric Administration (NOAA), when tendered, to Fund 241, for **Ship Creek culvert removal, utility relocation and crossing replacement**, PM&E Project 02-01, Project Management & Engineering. public hearing 8-20-02. (addendum)
 - a. Assembly Memorandum No. AM 696-2002.
14. Ordinance No. AO 2002-126, an ordinance amending Anchorage Municipal Code Chapter 2.50 "**Initiatives and Referenda**" by adding new sections to provide for review and certification of the legal sufficiency of initiative and referenda petitions prior to petitioners gathering of signatures, Assemblymembers Traini, Fairclough, and Tesche.

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

A YES: Tesche, Whittle, Taylor, Fairclough, Traini, Von Gemmingen, Kendall, Shamberg, Tremaine, Sullivan.

NAYES: None.

(Clerk's Note: Mr. Van Etten was excused from the meeting.)

10. **REGULAR AGENDA:**

10A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS:

10B. RESOLUTIONS FOR ACTION - OTHER:

- 10B1. Resolution No. AR 2002-257, a resolution of the Municipality of Anchorage appropriating the sum of \$750 from the State of Alaska, Department of Transportation & Public Facilities, Division of Statewide Highway Planning Safety Office and \$1,050 as a contribution from the Anchorage Metropolitan Service Area Operating Budget, Anchorage Police Department Fund (151), to the State Categorical Grants Fund (231) for the **Bicycle Safety Mini-Grant Program**.
 - a. Assembly Memorandum No. AM 715-2002.

Ms. Von Gemmingen moved, to approve AR 2002-257,
seconded by Mr. Tesche,
and it passed without
objection,

Ms. Von Gemmingen questioned the lateness in the summer for submittal of this resolution. In response to Ms. Von Gemmingen, Municipal Manager Harry Kieling and Chief Fiscal Officer Kate Giard had just recently located the document. Ms. Giard would check with APD to determine if the program had already occurred.

- 10B2. Resolution No. AR 2002-260, a resolution of the Municipality of Anchorage appropriating \$74,005 from the Cook Inlet Tribal Council, Inc. to Other Federal Grants (241) for Emergency Alcohol Services in the Department of Health and Human Services. (addendum)
- a. Assembly Memorandum No. AM 716-2002.

Mr. Whittle moved, to approve AR 2002-260.
seconded by Ms. Taylor,
and it passed without
objection,

Mr. Whittle stated his endorsement of the program as well as the new Pathways to Sobriety program.

- 10C. BID AWARDS:
10D. NEW BUSINESS:
10D1. Assembly Memorandum No. AM 692-2002, amendment No. 5 to professional services contract with CRW Engineering Group, LLC for Campbell Creek Trail Connection, International Airport Road to Lake Otis Parkway, Project #96-18 (\$120,000), Project Management & Engineering.

Ms. Von Gemmingen moved, to approve AM 692-2002.
seconded by Mr. Sullivan,

In response to Chairman Traini, Municipal Engineer Howard Holton, advised the trail connection would be on 47th Avenue. Mr. Holton advised he would research the Chairman's question of access across Lake Otis and respond back to the Assembly.

Mr. Tesche moved, to postpone action on AM 692-2002 to the 8-20-02 meeting.
seconded by Ms. Taylor,
and it passed without
objection,

Chairman Traini requested a half hour work session on this item.

- 10D2. Assembly Memorandum No. AM 728-2002, grant agreement between the Student Conservation Association and the Municipality of Anchorage allowing for reimbursement not to exceed \$154,000 to fund a fire education crew to assist MOA residents with wildfire education and defensible space preparation. Fire Department. (addendum)
- 10D3. Assembly Memorandum No. AM 729-2002, extension of cooperative agreement between the Alaska Department of Natural Resources, Division of Forestry (DOF) and the Municipality of Anchorage allowing for reimbursement not to exceed \$113,500 to fund the continued 2002 Wildfire Mitigation efforts, Fire Department. (addendum)

Mr. Tremaine moved, to postpone action on AM 728-2002 and AM 729-2002
seconded by Mr. Sullivan, and take up with item 14E.
and it passed without
objection,

- 10E. INFORMATION AND REPORTS:
10F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

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

- 11A. Assembly Memorandum No. AM 648-2002, Zoning Board of Examiners and Appeals appointment (Richard Foster), Mayor's Office.
(POSTPONED FROM 7-16-02)

Chairman Traini read the history of the item and noted no motions were pending.

No discussion from the Assemblymembers.

Ms. Fairclough moved, to approve AM 648-2002.
seconded by Ms. Taylor,
and it passed without
objection,

- 11B. Resolution No. AR 2002-243, a resolution of the Anchorage Municipal Assembly requesting the Administration to evaluate the feasibility and desirability of establishing a self-insurance fund to pay the costs of judgments or settlement of employment practices claims and the availability of private insurance to cover those claims, Assemblymembers Tesche, Traini, Shamberg, Taylor, Tremaine, Van Etten, and Von Gemmingen.
1. Resolution No. AR 2002-243(S), a resolution of the Anchorage Municipal Assembly requesting the Administration to evaluate the feasibility and desirability of establishing a self-insurance fund to pay the costs of judgments or settlement of employment practices claims and the availability of private insurance to cover those claims, Assemblymembers Tesche, Traini, Shamberg, Taylor, Tremaine, Van Etten, and Von Gemmingen. (addendum)
(POSTPONED FROM 7-23-02)

Chairman Traini read the history of the item and noted no motions were pending.

Mr. Tesche moved, to approve AR 2002-243(S).
seconded by Mr. Tremaine,

Mr. Tesche explained the purpose of the resolution was to study the feasibility of a self insurance fund and the purchase of excess insurance coverage for the so called employment law claims since the Municipality would always be subject to a certain degree of litigation with respect to employment.

Assemblymembers discussed the differences between AR 2002-243 and AR 2002-243(S).

In response to Chairman Traini, Chief Fiscal Officer Kate Giard stated the Administration was in agreement with the (S) version.

Mr. Tremaine moved, to amend AR 2002-243(S), Line 36, Section 1:
seconded by Mr. Tesche, delete "That in connection with the preparation of
and it passed without the annual budget for 2004," and substitute with "That
objection, no later than July 15, 2003".

Question was called on the main motion to approve AR 2002-243(S) as amended and it passed.

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

NAYES: None.

(Clerk's Note: Mr. Van Etten was excused from the meeting.)

- 11C. 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.
 2. Ordinance No. AO 2002-102(S), 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.
(addendum)
 3. Assembly Memorandum No. AM 725-2002.
(POSTPONED FROM 7-16-02)

Chairman Traini gave the history of the item and noted no motions were pending.

Mr. Tesche moved, to adopt AO 2002-102(S).
seconded by Ms. Taylor,

Mr. Tesche advised the Assembly he had previously requested a postponement from the 7-16-02 meeting, pending receipt and review of technical changes that the Department of Law had recommended. The information provided by Deputy Municipal Attorney Dennis Wheeler, did not change the intent of the ordinance or its purpose or scope, and was helpful in presenting an (S) version of the ordinance.

Mr. Tesche discussed the changes made in the (S) version with the Assemblymembers.

In response to Mr. Tesche's comments, Office of Planning, Development and Public Works Director Craig Campbell advised the Administration concurred with the (S) version.

Question was called on the main motion to adopt AO 2002-102(S) and it passed without objection.

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

NAYES: None.

(Clerk's Note: Mr. Van Etten was excused from the meeting.)

- 11D. 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.
 2. Ordinance No. AO 2002-103(S), 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 exemption, Assemblymembers Tesche, Traini, Taylor, Whittle, Van Etten, and Shamberg.
(POSTPONED FROM 7-16-02)

Chairman Traini gave the history of the item and noted no motions were pending.

Mr. Tesche moved, to adopt AO 2002-103(S).
seconded by Ms. Fairclough,

Mr. Tesche advised the Assembly that the purpose of this ordinance would be to mirror provisions in State law, which currently allows exemptions from real property taxes to be considered by the Municipality for five years rather than the current law of three years. The (S) version would extend the period of exemption from three to five years.

Assemblymembers discussed the (S) version. Ms. Fairclough requested the Administration check the verbiage on incoming exemptions and advise the Assembly if any exemption requests require amending of the wording.

In response to Mr. Tremaine, Municipal Attorney Bill Greene discussed the safeguards built into the ordinance to protect the Municipality from financial loss from companies unable to stay in business. Mr. Greene noted there would be an annual certification required for each exemption issued.

Question was called on the main motion to adopt AO 2002-103(S) and it passed without objection.

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

NAYES: None.

(Clerk's Note: Mr. Van Etten was excused from the meeting.)

The meeting recessed at 5:50 p.m. and reconvened at 6:00 p.m.

12. APPEARANCE REQUESTS:

- 12A. **Tom Hull**, to present progress report on dislocation/relocation assistance for Brookside Manor Mobile Home Park residents.

Mr. Hull advised the Assembly that the Brookside Manor Mobile Home Park residents were conducting extensive negotiations and expected to have a resolution by the end of the week.

In response to Ms. Taylor, Mayor Wuerch indicated the waiver of fees was still an issue.

Mr. Hull would return to the 8-20-02 meeting and provide an update to the Assemblymembers.

- 12B. **Evonne Beavers**, concerning budget cuts for lifeguard services. (addendum)

Evonne Beavers addressed the Assembly and stated the need for lifeguard services at Goose Lake and Jewel Lake. She also advised that there were no phones at either location to call for assistance.

In response to Mr. Tremaine, Mayor Wuerch agreed with the need for safety first. Cultural and Recreational Services Director Jim Posey, stated that lifeguard coverage would be from 10:30 a.m. to 5:30 p.m. at Goose Lake and Jewel Lake starting August 9, 2002.

Ms. Von Gemmingen noted that the lack of telephones at lakes for emergencies and lifeguard coverage at Spenard Lake are still issues.

- 12C. **Wilda Marston**, to request a public hearing. (addendum)

Wilda Marston, representing the Historical History and Fine Arts Commission, addressed the Assembly requesting permission to conduct public hearings on future Museum plans on 9-17-02, 9-18-02, and 9-21-02.

Chairman Traini advised Ms. Marston the Assembly would grant permission for the requested public hearings, and further that Mr. Sullivan, Ms. Shamberg, and Mr. Tremaine have agreed to work on the Committee.

13. CONTINUED PUBLIC HEARINGS: None.

14. NEW PUBLIC HEARINGS:

- 14A. Resolution No. AR 2002-246, a resolution of the Municipality of Anchorage, Alaska, accepting a U.S. Environmental Protection Agency grant in the amount of \$115,000 and appropriating said grant to the Anchorage Water and Wastewater Utility's Capital Improvement Budget for the "Vulnerability Assessment and Related Security Improvements at Large Drinking Water Utilities" project, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 681-2002.

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,
Seconded by Ms. Taylor,

to approve AR 2002-246.

Question was called on the motion to approve AR 2002-246 and it passed.

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

NAYES: None.

(Clerk's Note: Mr. Van Etten was excused from the meeting.)

The meeting recessed at 6:30 p.m. and reconvened at 6:50 p.m.

- 14B. 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.
1. Assembly Memorandum No. AM 714-2002, AR 2002-242; confirming and levying special assessments for services on property specially benefited in the Downtown Business Improvement District, Special Assessment District 1SD97, Office of Management and Budget. (addendum)

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

DOUG MEYERS, testified that the East end of Downtown Anchorage does not get the services like the other areas of Downtown and feels they are "second-rate citizens" but still pay the same amount of taxes.

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

Mr. Tesche moved, to approve AR 2002-242 with the revised assessment roll as set forth in AM 714-2002, dated 8-6-02.
Seconded by Ms. Fairclough,

Rod Pfeifer, representing the Anchorage Downtown Partnership answered Assemblymember's questions.

In response to Mr. Tesche, Municipal Attorney Bill Greene, stated that the Assembly could not make a unilateral determination tonight that an individual's assessment should be reduced based on testimony of a property owner that he or she is not receiving the level of service that to which they think they are entitled.

Mr. Tesche explained that the scope of what was before the Assembly was quite limited, it included determinations that the particular piece of property within the district, as it was approved previously, and the calculation of the proposed assessment was correctly done based on the accepted assessment of the property and the proper mill levy and simple mathematics.

Chairman Traini requested Office of Management and Budget Capital/Utility Budget Officer, Tim Rogers, to check the exemption on item 785 and advise why the property is exempt.

In response to Ms. Von Gemmingen's request to check the primary residency issues on exemptions, Municipal Attorney Bill Greene, advised the exemptions would be looked at.

Question was called on the motion to approve AR 2002-242 as amended and it passed.

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

NAYES: Fairclough.

(Clerk's Note: Mr. Van Etten was excused from the meeting.)

Mr. Tesche moved, move for immediate reconsideration of AR 2002-242 as amended.
seconded by Ms. Von Gemmingen,

Mr. Tesche recommended a no vote.

Question was called on the motion for immediate reconsideration of AR 2002-242 and it failed.

AYES: Fairclough.

NAYES: Whittle, Taylor, Traini, Von Gemmingen, Kendall, Shamberg, Tremaine.

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

(Clerk's Note: Mr. Van Etten was excused from the meeting.)

- 14C. 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**.
1. Assembly Memorandum No. AM 624-2002.

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

Ms. Fairclough moved, to approve AR 2002-228.
Seconded by Ms. Shamberg,

Mr. Tremaine moved, to amend AR 2002-228, Line 18, insert the date "August 6, 2002".
seconded by Ms. Shamberg,
and it passed without objection,

Question was called on the main motion to approve AR 2002-228 as amended and it passed.

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

NAYES: None.

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

(Clerk's Note: Mr. Van Etten was excused from the meeting.)

- 14D. 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.
1. Assembly Memorandum No. AM 646-2002.

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 2002-239.
Seconded by Ms. Fairclough,

Mr. Tremaine moved, to amend AR 2002-239, Line 23, insert the date
seconded by Ms. Fairclough, "August 6, 2002".
and it passed without objection,

Question was called on the main motion to approve AR 2002-239 as amended and it passed.

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

NAYES: None.

(Clerk's Note: Mr. Van Etten was excused from the meeting.)

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

- 14E. Resolution No. AR 2002-250, a resolution of the Municipality of Anchorage appropriating \$5,000,000 as a grant from the United States Forest Service to the Federal Categorical Grants Fund (241) and \$700,000 is appropriated as Intragovernmental Revenue from the grant and corresponding expenditure authorization increase to the Anchorage Fire Service Area Fund (131), Fire Suppression 2002 Operating Budget, to support continuing hazardous fuels reduction efforts and prepare for and mitigate the ongoing wildfire hazard posed by the aftermath of the Spruce Bark Beetle Infestation, Anchorage Fire Department.
1. Assembly Memorandum No. AM 689-2002.

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

DIANE HOLMES, speaking on behalf of the Rabbit Creek Community Council, requested that any excess funds be delegated into a fund for completing neighborhood plans and district plans under the 2020 Plan.

In response to Ms. Shamberg, Municipal Manager Harry Kieling advised the information would be posted on the website.

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

Mr. Tremaine moved, to approve AR 2002-250.
Seconded by Mr. Whittle,

In response to Ms. Fairclough, Municipality of Anchorage Forester, Sue Rodman, advised the programs that were allocated for Eagle River and the Chugiak area include the wood lots, wood removal service and the student fire education core of the Student Conservation Association.

The Administration advised they were very sensitive to requests both from Chugiak Volunteer Fire Department and also Girdwood and were able to honor their specific requests for the "hillsides" of all Anchorage.

Question was called on the main motion to approve AR 2002-250 and it passed.

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

NAYES: None.

(Clerk's Note: Mr. Van Etten was excused from the meeting.)

Ms. Von Gemmingen moved, for immediate consideration of AR 2002-250.
seconded by Mr. Tremaine,

Ms. Von Gemmingen urged a no vote.

Question was called on the motion for immediate consideration of AR 2002-250 and it failed.

AYES: None.

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

(Clerk's Note: Mr. Van Etten was excused from the meeting.)

- 9.D.13. Assembly Memorandum No. AM 728-2002, grant agreement between the Student Conservation Association and the Municipality of Anchorage allowing for reimbursement not to exceed \$154,000 to fund a fire education crew to assist MOA residents with wildfire education and defensible space preparation. Fire Department. (addendum)

Mr. Tremaine moved, to move item 9.D.13. AM 728-2002.
seconded by Ms. Fairclough,

Question was called on the motion to approve AM 728-2002 and it passed.

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

NAYES: None.

(Clerk's Note: Mr. Van Etten was excused from the meeting.)

- 9.D.14. Assembly Memorandum No. AM 729-2002, extension of cooperative agreement between the Alaska Department of Natural Resources, Division of Forestry (DOF) and the Municipality of Anchorage allowing for reimbursement not to exceed \$113,500 to fund the continued 2002 Wildfire Mitigation efforts, Fire Department. (addendum)

Mr. Tremaine moved, to move item 9.D.14. AM 729-2002.
seconded by Ms. Fairclough,

Question was called on the motion to approve AM 729-2002 and it passed.

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

NAYES: None.

(Clerk's Note: Mr. Van Etten was excused from the meeting.)

- 14F. 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.
1. Assembly Memorandum No. AM 630-2002.

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

Mr. Kendall moved, to adopt AO 2002-111.
Seconded by Ms. Shamberg,

No Assembly discussion.

Question was called on the motion to adopt AO 2002-111 and it passed.

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

NAYES: None.

(Clerk's Note: Mr. Van Etten was excused from the meeting.)

- 14G. 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.
1. Assembly Memorandum No. AM 628-2002.

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

MICHAEL FROLICH testified in favor of selling the property.

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

Ms. Von Gemmingen moved, to adopt AO 2002-110.
Seconded by Ms. Fairclough,

In response to Chairman Traini, Heritage Land Bank and Real Estate Services Department Executive Director, George Cannelos, advised HLB supported the sale. Chairman Traini also requested a listing of Municipality of Anchorage property having private business on the land.

In response to Mr. Tremaine, Office of Management and Budget Director Cheryl Frasca, replied that when property goes into the private sector's ownership it then becomes part of the City's assessed valuation. If new construction were added, that would be assessed value under new construction.

Municipal Attorney Bill Greene clarified that the end result would be the same, adding to the assessed valuation but not necessarily increasing the tax cap through the exception of new construction.

Question was called on the motion to adopt AO 2002-110 and it passed.

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

NAYES: None.

(Clerk's Note: Mr. Van Etten was excused from the meeting.)

- 14H. 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.
1. Assembly Memorandum No. AM 569-2002.

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

KEN AYERS testified representing Carr Gottstein Properties. Mr. Ayers noted an error in the ordinance, "1-3A" was used rather than the correct "I-3A".

In response to Chairman Traini, Municipal Attorney Bill Greene stated he would recommend not changing the 1-3A in the Title of the ordinance to reflect the correct "I-3A" designation.

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

Mr. Tremaine moved,
Seconded by Ms. Fairclough,

to adopt AO 2002-99.

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

to amend AO 2002-99, Line 16, with the exception of the Title, change Tract 1 to "Tract I", Line 20, change Tract 1 to "Tract I", amend AM 569-2002, in the Title on the last line from Tract 1 to "Tract I", Line 5, change Tract 1 to "Tract I", Line 8, change Tract 1 to "Tract I", and also in the Economic Effects.

Question was called on the main motion to adopt AO 2002-99 as amended and it passed.

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

NAYES: None.

(Clerk's Note: Mr. Van Etten was excused from the meeting.)

- 14I. 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.
1. Assembly Memorandum No. AM 658-2002.
 2. Assembly Memorandum No. AM 659-2002.
 3. Information Memorandum No. AIM 74-2002.

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,
seconded by Mr. Tremaine,

to adopt AO 2002-112.

Mr. Tesche outlined the ordinance and answered questions from fellow Assemblymembers.

Mr. Tesche moved,
seconded by Ms. Fairclough,

to amend AO 2002-112: 1) Page 1, line 31, eliminate the term "and Division" between the words "agency" and "the total"; 2) line 38, eliminate the term "and Division" at the end of the first sentence of AMC 6.10.033(C) ~~Line 32, add the following sentence after the first sentence of AMC 6.10.033(B) "Proposed Travel expenditures for units within agencies shall be provided to the Assembly on request of the Assembly or any standing Committee"~~.

In response to Chairman Traini, Mayor Wuerch stated that the Administration was in full support of Mr. Tesche's comments regarding travel. Mayor Wuerch indicated the implementation date was not included in the ordinance.

The Assemblymembers discussed the proposed amendments. Chairman Traini called for a 5 minute at ease to discuss the floor amendments.

Mr. Tesche withdrew the third amendment; "Add the following sentence after the first sentence of AMC 6.10.033(B) at line 32. Proposed Travel expenditures for units within agencies shall be provided to the Assembly on request of the Assembly or any standing Committee". Mr. Tremaine concurred as a second of Mr. Tesche to withdraw the amendment.

Question was called on the motion to amend AO 2002-112 with amendments 1 and 2 and it passed without objection.

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

to amend AO 2002-112; Line 47, Page 1, change "with"
to "within".

Office of Management and Budget Director Cheryl Frasca noted that on Page 2, Line 38, Section 3, the ordinance calls for an immediate effective date. Ms. Frasca requested the ordinance be effective with the introduction of the fiscal year 2003 budget.

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

to amend AO 2002-112, Page 2, Line 38, Section 3, insert
after the word immediately "with respect to the 2003 budget".

The Assemblymembers discussed the amendments.

Question was called on the main motion to adopt AO 2002-112 as amended and it passed.

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

NAYES: None.

(Clerk's Note: Mr. Van Etten was excused from the meeting.)

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

16. **SPECIAL ORDERS:**

Ms. Fairclough and Mr. Kendall will check with Robert Kinney concerning his request to change the public hearing date from September 24, 2002 to February 2003 on AO 2001-136.

17. **UNFINISHED AGENDA:** None.

18. **AUDIENCE PARTICIPATION:** None.

19. **ASSEMBLY COMMENTS:**

Ms. Fairclough advised of a meeting notice for August 8, 2002 for a joint meeting between the Assembly, the Planning Department and Anchorage School Board members. It is a committee not of the whole and anyone is welcome to attend. It is a start-up meeting on finding space for children.

Ms. Von Gemmingen reported on her attendance at the Alaska Municipal League Legislative conference in Bethel.

Ms. Shamberg reported on her attendance at the Anchorage Bear Committee meeting. Ms. Shamberg also contacted the large insurance companies that carry home owners policies and was told there was no interest in doing any incentive policy writing for fire hazard in Anchorage.

Mr. Tremaine reported on his meeting on lower income health care problems.

Mr. Sullivan reported on his contact with Mr. Fred Dyson and his contention that DOT borrowed money from the Chugiak Eagle River roads service area to help with the business boulevard rehabilitation and re-payment is not happening in a timely manner and is putting a crimp on the service area. Office of Planning, Development and Public Works Director Craig Campbell would look into the situation.

Mr. Sullivan reminded the Assemblymembers to review the Lobbying ordinance and send their comments to the Municipal Clerk.

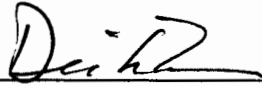
20. **EXECUTIVE SESSIONS:** None.

21. **ADJOURNMENT:**

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

to adjourn the meeting.

The meeting adjourned at 8:41 p.m.



Chairman

ATTEST:


Municipal Clerk

Date Minutes Approved: September 10, 2002.

GM:cmw

INDEX

Anchorage Bowl Comprehensive Plan	3
Appearance Requests	7
Appropriations	2, 4, 5, 7, 8, 9
Architectural and Engineering Services.....	2, 3, 5
Asplund Wastewater Treatment Facility.....	3
Bargaining Agreements -	4
Board or Commission Appointments.....	5
Code Changes	3, 4, 6, 7, 10, 11
Committee Appointments	2
Dislocated Worker Program	4
Fire Department	3, 5, 9, 10
Heritage Land Bank	10
Land Sale, Purchase, Lease, Conveyance Or Donation	3, 10
Library Books And Materials	2
Limited Road Service Areas	2
Liquor Licenses.....	2
Lobbying Services	3
Merrill Field Airport	2
Planning And Zoning Commission	11
Police Department.....	2, 3, 5
Road Maintenance	2
Special Assessment Districts	8
State Transfer Of Responsibilities Agreement (TORA)	8
Workforce Investment Act.....	4