

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of September 10, 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, Dick Tremaine, Dan Sullivan.
Absent: Janice Shamberg (excused).

3. PLEDGE OF ALLEGIANCE:

Ms. Cynthia Wiggins led the pledge.

4. MINUTES OF PREVIOUS MEETING:

A. Regular Meeting – June 11, 2002

Mr. Tesche moved, to approve the minutes of the Regular meeting of
seconded by Ms. Von Gemmingen, June 11, 2002.
and it passed without objection,

B. Regular Meeting – July 23, 2002

Mr. Tesche moved, to approve the minutes of the Regular meeting of
seconded by Ms. Von Gemmingen, July 23, 200.
and it passed without objection,

(Clerk's Note: Ms. Taylor joined the meeting.)

C. Regular Meeting – August 6, 2002

Mr. Tesche moved, to approve the minutes of the Regular meeting of
seconded by Ms. Von Gemmingen, August 6, 2002.
and it passed without objection,

D. Regular Meeting – August 20, 2002

Mr. Tesche moved, to approve the minutes of the Regular meeting of
seconded by Ms. Von Gemmingen, August 20, 2002.
and it passed without objection,

5. MAYOR'S REPORT:

Mayor Wuerch advised the Assembly the National Threat Advisory was increased from yellow to orange status since September 11, 2002 was the one-year anniversary of the terrorist attacks. Mayor Wuerch spoke of Anchorage's tribute plans scheduled for September 11, 2002 and encouraged everyone to attend.

Mayor Wuerch invited Assemblymembers to attend three scheduled Town Meetings on the budget.

6. ASSEMBLY CHAIR'S REPORT:

Chairman Traini showed a 9/11 tribute video, followed by the playing of "Taps" and a Moment of Silence.

7. COMMITTEE REPORTS: None.

8. ADDENDUM TO AGENDA:

Mr. Tesche 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, Traini, Von Gemmingen, Van Etten, Kendall, Tremaine, Sullivan.

NAYES: None.

(Clerk's Note: Ms. Fairclough had not yet joined the meeting.)

(Clerk's Note: Ms. Shamberg was excused from the meeting.)

9. CONSENT AGENDA:

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

A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS:

1. Resolution No. AR 2002-293, a resolution of the Anchorage Municipal Assembly inviting citizens of Anchorage to join together on '**Patriot Day**' – September 11, 2002 – to honor those victims of the September 11, 2001, terrorist acts against our nation, Assemblymembers Traini, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Tremaine, Van Etten, Von Gemmingen, and Whittle.

B. RESOLUTIONS FOR ACTION – OTHER:

1. Resolution No. AR 2002-261, a resolution authorizing the Municipality of Anchorage, Public Transportation Department, to enter into an amendment to Transfer of Responsibilities Agreement (TORA) in the amount of \$27,000 with the State of Alaska, Department of Transportation and Public Facilities, and appropriating these funds to the State Categorical Grants Fund (231) for **summer landscaping and winter ice and snow removal at selected bus stops** within the Anchorage area through Youth Work Enhancement Program.
 - a. Assembly Memorandum No. AM 713-2002.

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

2. Resolution No. AR 2002-277, a resolution of the Municipality of Anchorage authorizing the application for Matching Capital Grant Funds through the **Municipal Matching Capital Project Matching Grant Program** – AS 37.06 – for State Fiscal Year 2004, Office of Management and Budget.
 - a. Assembly Memorandum No. AM 755-2002.

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

3. Resolution No. AR 2002-283, a resolution of the Anchorage Municipal Assembly appropriating the sum of \$31,767 from the interest accrued on the Local Law Enforcement Block Grant (241-4672G) to the Federal Categorical Grants Fund (241) for the purpose of funding **police programs and activities**, Anchorage Police Department.
 - a. Assembly Memorandum No. AM 783-2002.
4. Resolution No. AR 2002-287, a resolution of the Municipality of Anchorage appropriating \$40,000 from the Lakehill Limited Road Service Area (LRSA) Fund Balance (Fund 123) to the Lakehill LRSA BY02 Operating Budget for **summer road maintenance activities**, Street Maintenance.
 - a. Assembly Memorandum No. AM 787-2002.
5. Resolution No. AR 2002-290, a resolution of the Municipality of Anchorage appropriating \$10,000 from the Bear Valley Limited Road Service Area (LRSA) Fund Balance (Fund 144) to the Bear Valley LRSA BY02 Operating Budget (Fund 144) for **summer road maintenance activities**, Street Maintenance.
 - a. Assembly Memorandum No. AM 790-2002.
6. Resolution No. AR 2002-291, a resolution of the Municipality of Anchorage appropriating \$50,000 from the Birchtree/Elmore Limited Road Service Area (LRSA) Fund Balance (Fund 111) to the Birchtree/Elmore LRSA BY02 Operating Budget (Fund 111) for **summer road maintenance activities**, Street Maintenance.
 - a. Assembly Memorandum No. AM 791-2002.
7. Resolution No. AR 2002-292, a resolution of the Municipality of Anchorage appropriating \$51,000 from the Glen Alps Road Service Area (RSA) Fund Balance (Fund 105) to the Glen Alps RSA BY02 Operating Budget for **summer road maintenance activities**, Street Maintenance.
 - a. Assembly Memorandum No. AM 792-2002.
8. Resolution No. AR 2002-289, a resolution of the Municipality of Anchorage providing for the appropriation of a grant totaling \$20,000 from the State of Alaska, Department of Education and \$670 as a contribution from the Library 2002 Operating Budget within the Area wide General Fund (101) to the State Categorical Grants Fund (231), Cultural and Recreational Services Department for the **Alaska Studies and Foreign Language Collection**.
 - a. Assembly Memorandum No. AM 789-2002.
9. Resolution No. AR 2002-288, a resolution of the Anchorage Municipal Assembly revising the 2002 General Government Operating Budget by appropriating \$20,000 from Area wide General Fund (101) Balance to the Department of Assembly to provide funding for a contract amendment to the **Independent Financial Statement Audit**, Assembly Budget & Legislative Services.
 - a. Assembly Memorandum No. AM 788-2002.
10. Resolution No. AR 2002-294, a resolution of the Municipality of Anchorage appropriating the sum of \$44,006 to the Area wide General Fund, Health and Human Services Department, from State Revenues to Municipalities for health facilities and hospitals for the **2002 distribution to Providence Hospital**, Office of Management and Budget. (**addendum**)
 - a. Assembly Memorandum No. AM 793-2002.
11. Resolution No. AR 2002-299 a resolution of the Anchorage Municipal Assembly revising the 2002 General Government Operating Budget by appropriating \$4,800 from Area wide General Fund

- (101) Balance to the Public Transportation Department to be used as a grant to Para-transit Services to assist in the **increased insurance rates for the Vanpool Program**, Assemblymember Shamberg. **(addendum)**
- a. Assembly Memorandum No. AM 819-2002.

C. BID AWARDS:

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 774-2002, change order No. 1 to purchase orders 220703 and 220794 with Commercial Recycling Center and Beaver Wood Chipping to provide **roadside and wood lot operation services** for the Anchorage Hillside and Eagle River residents for the Municipality of Anchorage, Anchorage Fire Department (\$260,000), Purchasing.
2. Assembly Memorandum No. AM 777-2002, change order #3 to P.O. No. 210544 with Virginia McMichael to provide **administrative assistance to the Chugiak Fire and Rescue, Inc.** for the Municipality of Anchorage, Anchorage Fire Department (\$1,800), Purchasing.
3. Assembly Memorandum No. AM 778-2002, proprietary purchase from Medical Education Technologies, Inc. for an **Emergency Care Simulator** for the Municipality of Anchorage, Fire Department (\$37,750), Purchasing.
4. Assembly Memorandum No. AM 775-2002, contract amendment No. 46 to Neeser Construction, Inc. for **construction of the Anchorage Jail**, Project No. 00-32 (\$552,126), Project Management & Engineering.
5. Assembly Memorandum No. AM 781-2002, change order No. 5 to contract No. C-210133 with Alaska Construction and Engineering for the **King Street Upgrade Phase II, 96th Court to Dimond Boulevard**, PM&E Project No. 98-26 (\$175,000), Project Management & Engineering.
6. Assembly Memorandum No. AM 782-2002, amendment No. 5 to the professional services contract with Unwin Scheben Korynta Huettl, Inc. (USKH) for the **Ship Creek Trail Project** No. 95-12 (\$200,658), Project Management & Engineering.

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

7. Assembly Memorandum No. AM 801-2002, recommendation of award to Trawver Land Services and David Evans and Associates, Inc. for providing **right-of-way acquisition services** for the Municipality of Anchorage, Office of Planning, Development & Public Works, Project Management & Engineering (PM&E) Department (RFP 22-P024) (\$400,000), Purchasing.
8. Assembly Memorandum No. AM 776-2002, approving change order No. 3 to GLC, LLC contract (P.O. No. 211633) increasing the contract not to exceed amount by \$40,000 for a total amount not to exceed \$85,400 for the Lakehill Limited Road Service Area (LRSA), Municipality of Anchorage, Street Maintenance for BY 02 **summer road maintenance projects**.

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

9. Assembly Memorandum No. AM 780-2002, change order No. 13 to contract with Alaska Pollution Control, Inc. (P.O. No. 992432) increasing the contract amount by \$74,000 for a total not to exceed \$611,850 for the Glen Alps Road Service Area (RSA), Street Maintenance for BY02 **summer road maintenance projects**.
10. Assembly Memorandum No. AM 797-2002, change order No. 3 to GLS, LLC contract (P.O. No. 211633) increasing the contract by \$40,000 for a contract amount not to exceed \$85,400 for the Lakehill Limited Road Service Area (LRSA), Street Maintenance Department for BY02 **summer road maintenance**.

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

11. Assembly Memorandum No. AM 798-2002, change order No. 5 to Alaska Pollution Control, Inc. contract (P.O. No. 200655) increasing the contract by \$16,000 for a contract amount not to exceed \$76,000 for the Mountain Park Estates Limited Road Service Area (LRSA), Street Maintenance Department for BY02 **summer road maintenance projects**.

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

12. Assembly Memorandum No. AM 799-2002, change order No. 7 to Alaska Pollution Control Inc. contract (P.O. No. 202407) increasing the contract by \$10,000 for a contract amount not to exceed \$50,000 for the Bear Valley Limited Road Service Area (LRSA), Street Maintenance Department for BY02 **summer road maintenance**.
13. Assembly Memorandum No. AM 779-2002, change order No. 1 to vendor contract 21MLP236 with Alaska Pollution Control, Inc. to provide **transportation services of Polychlorinated Biphenyl (PCB) contaminated material** for the Municipality of Anchorage, Municipal Light & Power (\$50,000), Purchasing.
14. Assembly Memorandum No. AM 802-2002, Community Development Block Grant (CDBG) grant award contract amendment No. 1 to the **agreement with Anchorage Neighborhood Health Center** PY 2000 (\$35,500), Planning Department.

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

15. Assembly Memorandum No. AM 803-2002, Interagency Agreement between the Municipality of Anchorage and the Matanuska-Susitna Borough for providing services to administer the **Workforce Investment Act Program** for the Municipality of Anchorage, Planning Department, Workforce Development Division (\$1,275,588).

16. Assembly Memorandum No. AM 800-2002, contract amendment No. 5 to professional services contract with KPMG LLP for the **2001 Independent Financial Statement Audit** (\$20,000), Assembly Budget & Legislative Services.
17. Assembly Memorandum No. AM 804-2002, **Camel Rock Lounge** (#4230) – New Beverage Dispensary Liquor License Permit (Taku/Campbell Community Council), Clerk's Office.
18. Assembly Memorandum No. AM 805-2002, **Crossroads Lounge Dart Pub** (#2244) – Restaurant Designation/Brewpub Liquor License Permit (Downtown Community Council), Clerk's Office.
19. Assembly Memorandum No. AM 806-2002, **Anchorage Golf Course LLC** (#4235) – New Municipal Golf Course Liquor License (Huffman/O'Malley Community Council), Clerk's Office.

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

20. Assembly Memorandum No. AM 807-2002, **Regal Eagle Brew Pub** (#3453) – Renewal Brewpub Liquor Permit (Eagle River/Eagle River Valley Community Councils), Clerk's Office.
21. Assembly Memorandum No. AM 808-2002, **Siam Spicy Thai Restaurant** (#4226) – New Restaurant/Eating Place Liquor License Permit (Spenard/North Star Community Councils), Clerk's Office.

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

22. Assembly Memorandum No. AM 809-2002, **Tips Bar** (#1142) – Transfer of Ownership of a Beverage Dispensary Liquor License Permit (Eagle River Community Council), Clerk's Office.
23. Assembly Memorandum No. AM 810-2002, **Today's Pizza** (#2568) – Transfer of Ownership of a Restaurant/Eating Place Liquor License Permit (Spenard/Turnagain Community Councils), Clerk's Office.
24. Assembly Memorandum No. AM 811-2002, **The Wood Shed** (#4231) – New Beverage Dispensary Duplicate Liquor License (Downtown Community Council), Clerk's Office.
25. Assembly Memorandum No. AM 815-2002, amendment No. 4 to construction contract No. 201392 with Alaska Facility Developers, L.L.C. for **Fire Station No. 1 Downtown design/construction** Project No. 00-34 (\$123,072), Project Management & Engineering. **(addendum)**

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

26. Assembly Memorandum No. AM 816-2002, proprietary services contract award to Dr. Michael Levy for providing **Medical Director services** to the Municipality of Anchorage, Anchorage Fire Department (\$52,000), Purchasing. **(addendum)**
27. Assembly Memorandum No. AM 817-2002, **Memorial Park Cemetery Advisory Commission appointment** (Nona Johnson), Mayor's Office. **(addendum)**

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 81-2002, Internal Audit Report 2002-8 – First Five Year Review of Operation of **Police & Fire Retiree Medical Funding Program**, Executive Director, Police & Fire Retiree Medical Trust, Employee Relations Department.
2. Information Memorandum No. AIM 82-2002, **contracts awarded between \$50,000 and \$100,000 through formal competitive processes** for the month of July 2002, Purchasing.
3. Information Memorandum No. AIM 83-2002, **waiver of formal procedures for Ben Boeke II repairs**, Office of Planning, Development & Public Works (ITB 22-C036) (\$376,995), Purchasing.
4. Information Memorandum No. AIM 85-2002, **Sole Source Procurement Report** for the month of July 2002, Purchasing.

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

5. Information Memorandum No. AIM 84-2002, **2003 General Government Revenues, Tax Limitations, Administration Service Priorities, and Department Reorganizations**, Office of Management and Budget.

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

6. Information Memorandum No. AIM 86-2002, **Patterson Street Upgrades, Phase I** – Notice of Pending Contract Amendment with Cullips Excavating, Inc., PM&E Project No. 99-35, Project Management & Engineering. **(addendum)**
7. Information Memorandum No. AIM 87-2002, Human Services Matching Grant to replace the **Anchorage Center for Families Program award**, Health and Human Services. **(addendum)**
8. Information Memorandum No. AIM 88-2002, AMC 3.70.090.B Bargaining Status Report – **Plumbers & Pipe Fitters, Local 367**, Employee Relations. **(addendum)**
9. Information Memorandum No. AIM 89-2002, AIM 84-2002 regarding **2003 General Government Revenues** - A correction and updated tax limit, Office of Management and Budget. **(addendum)**

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2002-133, an ordinance repealing the 1997 Uniform Administrative Code, 1997 Code for the Abatement of Dangerous Buildings, 1997 Uniform Plumbing Code, and the 1999 National Electric Code and their respective local amendments, and amending Title 23 of the Anchorage Municipal Code to adopt and amend the 2000 Editions of the following codes, in addition to the codes already in place: **Administrative, Building, Mechanical, Plumbing, Fire, existing Buildings, Residential, 2002 Electrical, Grading, Fill and Excavation, and Fuel Gas Codes**, Development Services. public hearing 9-24-02.

- a. Assembly Memorandum No. AM 753-2002.
2. Ordinance No. AO 2002-134, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 10.60, regarding **Sidewalk Vendors**, Assembly Chair Traini. public hearing 9-24-02.
 - a. Assembly Memorandum No. AM 794-2002.
 - b. Ordinance No. AO 2002-134(S), an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 10.60, regarding Sidewalk Vendors, Assembly Chair Traini. public hearing 9-24-02. **(addendum)**
 - c. Assembly Memorandum No. AM 826-2002
 - d. Ordinance No. AO 2002-134(S-1), an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 10.60, regarding Sidewalk Vendors, Assembly Chair Traini. public hearing 9-24-02. **(addendum)**
 - e. Ordinance No. AO 2002-134(S-2), an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 10.60, regarding Sidewalk Vendors, Assembly Chair Traini. public hearing 9-24-02. **(addendum)**
3. Ordinance No. AO 2002-135, an ordinance amending Anchorage Municipal Code Section 25.40.025 regarding **Heritage Land Bank property disposals**, to clarify lease requirements, allow for flexibility in methods of determining property values, and to allow for disposition of property for less than fair market value in connection with specific projects benefiting the public, Heritage Land Bank. public hearing 9-24-02.
 - a. Assembly Memorandum No. AM 795-2002.
4. Ordinance No. AO 2002-136, an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code Section 25.40.030 to allow for a **fourteen-day minimum public noticing requirement** for all Heritage Land Bank activities requiring public notice, Heritage Land Bank. public hearing 10-15-02.
 - a. Assembly Memorandum No. AM 796-2002.
5. Resolution No. AR 2002-276, a resolution of the Municipality of Anchorage accepting and appropriation (\$608,000) **2002 Anchorage School District State of Alaska legislative grants** per Senate Bill 2006, Office of Management and Budget. public hearing 9-24-02.
 - a. Assembly Memorandum No. AM 754-2002.
6. Resolution No. AR 2002-282, a resolution of the Municipality of Anchorage appropriating the sum of \$101,000 from the State of Alaska, Department of Health and Social Services, Division of Public Health and \$3,440 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 **Tobacco Sales Enforcement Program**, Anchorage Police Department. public hearing 9-24-02.
 - a. Assembly Memorandum No. AM 772-2002.
7. Resolution No. AR 2002-284, a resolution of the Municipality of Anchorage appropriating \$229,500 as a grant to the State Categorical Grants Fund (231), Department of Health and Human Services, from the Alaska Department of Health and Social Services for the provision of **HIV/AIDS prevention services**. public hearing 9-24-02.
 - a. Assembly Memorandum No. AM 784-2002.

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

8. Resolution No. AR 2002-285, a resolution of the Municipality of Anchorage appropriating \$478,261 as a grant to the Federal Categorical Grants Fund (241), Department of Health and Human Services, from the U.S. Department of Health and Human Services to fund **Family Planning Services**. public hearing 9-24-02.
 - a. Assembly Memorandum No. AM 785-2002.

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

9. Resolution No. AR 2002-286, a resolution of the Municipality of Anchorage appropriating \$982,110 as a grant to the State Categorical Grants Fund (231), Department of Health and Human Services, from the Alaska Department of Health and Social Services for the provision of **Women, Infants & Children nutrition services**. public hearing 9-24-02.
 - a. Assembly Memorandum No. AM 786-2002.

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

10. Ordinance No. AO 2002-137, an ordinance amending Anchorage Municipal Code Chapter 10.50 to add a new section authorizing **civil actions by licensees regarding acquisition by or delivery of alcoholic beverages** for persons under 21 years of age, Assemblymembers Fairclough and Traini. public hearing 9-24-02. **(addendum)**
 - a. Assembly Memorandum No. AM 812-2002.
11. Ordinance No. AO 2002-138, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 6.10.030, **Preparation of Budget**, to add a new paragraph relating to computation of a continuation level, Assemblymember Tesche. public hearing 9-24-02. **(addendum)**
 - a. Assembly Memorandum No. AM 813-2002.
12. Ordinance No. AO 2002-139, an ordinance amending Section 2 of Assembly Ordinance (AO) 78-84, relating to development of land within the area known as the **Turnagain Slide Area**, generally located north of Northern Lights Boulevard between Earthquake Park and the Alaska Railroad right of way and as further defined herein, Project Management & Engineering. public hearing 9-24-02. **(addendum)**

- a. Assembly Memorandum No. AM 814-2002.
- 13. Ordinance No. AO 2002-143, an ordinance amending Anchorage Municipal Code Subsection 2.30.030.A. to **require all meetings of the Assembly be held at the Assembly Chambers** unless there is an emergency or unavailability of space; and to require all meetings of the Assembly held at the Assembly Chambers be televised for the convenience of the general public, Assemblymember Kendall. public hearing 9-24-02. **(addendum)**
- 14. Ordinance No. AO 2002-144, an ordinance enacting Anchorage Municipal Code Chapter 10.80, **establishing a fee for police protection services**, Assemblymember Tesche. public hearing 10-22-02. **(addendum)**

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

- 15. Ordinance No. AO 2002-145, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code 6.10.040.A. relating to submission of the **Preliminary General Government Revenue Plan**, Assemblymember Tesche. public hearing 9-24-02 **(addendum)**
 - a. Assembly Memorandum No. AM 827-2002.
- 16. Ordinance No. AO 2002-146, an ordinance of the Municipality of Anchorage, Alaska, approving submission by the Anchorage Water & Wastewater Utility (AWWU) **proposed rate changes** to the Regulatory Commission of Alaska, Anchorage Water and Wastewater Utility. public hearing 9-24-02. **(addendum)**
- 17. Ordinance No. AO 2002-147, an ordinance enacting a new Chapter 17 to Title 12 of the Anchorage Municipal Code, to require sellers of real estate to file an affidavit of title transfer with the Assessor's Office within forty-five days after recording; to provide title transfer information including optional sales price and other market consideration information; to provide for a **seller's transfer fee** schedule based on disclosure of the optional sales price and other market consideration information; to provide for penalties for failure to file or pay timely or for providing false or misleading information and specifying responsibilities of closing agent, Finance. public hearing 10-15-02

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

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

NAYES: None.

(Clerk's Note: Ms. Shamberg was excused from the meeting.)

(Clerk's Note: Ms. Fairclough had not yet joined the meeting.)

10. REGULAR AGENDA:

A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS:

B. RESOLUTIONS FOR ACTION – OTHER:

- 10B1. Resolution No. AR 2002-261, a resolution authorizing the Municipality of Anchorage, Public Transportation Department, to enter into an amendment to Transfer of Responsibilities Agreement (TORA) in the amount of \$27,000 with the State of Alaska, Department of Transportation and Public Facilities, and appropriating these funds to the State Categorical Grants Fund (231) for **summer landscaping and winter ice and snow removal at selected bus stops** within the Anchorage area through Youth Work Enhancement Program.
 - a. Assembly Memorandum No. AM 713-2002.

Mr. Sullivan moved, to approve AR 2002-261.
seconded by Ms. Von Gemmingen,
and it passed without objection,

In response to Mr. Sullivan, Public Transportation Director Bob Kniefel, advised this job program was in progress with grant funding and students are hired through the regular hiring process. Mr. Kniefel also advised the bus shelters were still under construction.

- 10B2. Resolution No. AR 2002-277, a resolution of the Municipality of Anchorage authorizing the application for Matching Capital Grant Funds through the **Municipal Matching Capital Project Matching Grant Program** – AS 37.06 – for State Fiscal Year 2004, Office of Management and Budget.
 - a. Assembly Memorandum No. AM 755-2002.

Ms. Von Gemmingen moved, to approve AR 2002-277.
seconded by Mr. Tesche,
and it passed without objection,

In response to Ms. Von Gemmingen, Capital/Utility Budget Officer, Tim Rogers, advised the resolution could be postponed to the 9-24-02 meeting in order to supply additional information. Ms. Von Gemmingen suggested postponing the item until the last item on the agenda.

Ms. Von Gemmingen moved, to postpone AR 2002-277 until last item on the agenda.
seconded by Mr. Tremaine,
and it passed without objection,

In response to Ms. Von Gemmingen, Mr. Rogers advised the Municipality is responsible for 100% of the upgrades of the

railroad crossings. Mr. Rogers stated he would get an answer to Ms. Von Gemmingen's question if the railroad crossings were at grade and being used for stops or on-going through rail traffic.

C. BID AWARDS:

D. NEW BUSINESS:

- 10D1. Assembly Memorandum No. AM 782-2002, amendment No. 5 to the professional services contract with Unwin Scheben Korynta Huettl, Inc. (USKH) for the **Ship Creek Trail Project** No. 95-12 (\$200,658), Project Management & Engineering.

Mr. Van Etten moved, to approve AM 782-2002.
seconded by Ms. Taylor,
and it passed without objection,

In response to Mr. Van Etten, [Office of Planning, Development and Public Works Director Craig Campbell](#), requested that this item be deferred until [Municipal Engineer Howard Holtan](#) arrived at the meeting.
(Clerk's Note: This item considered after item 10D4.)

Mr. Van Etten moved, to postpone AM 782-2002 until after item 10D2.
seconded by Mr. Tremaine,
and it passed without objection,

- 10D2. Assembly Memorandum No. AM 776-2002, approving change order No. 3 to GLC, LLC contract (P.O. No. 211633) increasing the contract not to exceed amount by \$40,000 for a total amount not to exceed \$85,400 for the Lakehill Limited Road Service Area (LRSA), Municipality of Anchorage, Street Maintenance for BY 02 **summer road maintenance projects**.

Mr. Tremaine moved, to approve AM 776-2002.
seconded by Mr. Tesche,
and it passed without objection,

This item is a duplicate of AM 797-2002.

- 10D3. Assembly Memorandum No. AM 797-2002, change order No. 3 to GLS, LLC contract (P.O. No. 211633) increasing the contract by \$40,000 for a contract amount not to exceed \$85,400 for the Lakehill Limited Road Service Area (LRSA), Street Maintenance Department for BY02 **summer road maintenance**.

Mr. Tremaine moved, to postpone indefinitely AM 797-2002.
seconded by Mr. Tesche,
and it passed without objection,

- 10D4. Assembly Memorandum No. AM 798-2002, change order No. 5 to Alaska Pollution Control, Inc. contract (P.O. No. 200655) increasing the contract by \$16,000 for a contract amount not to exceed \$76,000 for the Mountain Park Estates Limited Road Service Area (LRSA), Street Maintenance Department for BY02 **summer road maintenance projects**.

Mr. Van Etten moved, to approve AM 798-2002.
seconded by Mr. Tremaine,

[Municipal Manager Harry Kieling](#) requested an amendment on Line 36, the Fund Site to read "117-3808-7447-744700"

Mr. Tremaine moved, to amend AM 798-2002 to read on Line 36,
seconded by Mr. Tesche, "Fund Site 117-3808-7447-744700".
and it passed without objection,

Question was called on the motion to approve AM 798-2002 as amended, and it passed.

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

NAYES: None.

(Clerk's Note: Ms. Fairclough had not yet joined the meeting.)

(Clerk's Note: Chairman Traini returned to item 10D1 upon the arrival of Mr. Howard Holtan.)

- 10D1. Assembly Memorandum No. AM 782-2002, amendment No. 5 to the professional services contract with Unwin Scheben Korynta Huettl, Inc. (USKH) for the **Ship Creek Trail Project** No. 95-12 (\$200,658), Project Management & Engineering.

Mr. Van Etten moved, to approve AM 782-2002.
seconded by Ms. Taylor,
and it passed without objection,

In response to Mr. Van Etten, [Municipal Engineer Howard Holtan](#), provided an updated summary on the status of this project. Mr. Holtan advised approval of amendment 5 would complete the design process for the entire 4 miles of trail, and construction would begin next year subject to the successful conclusion of a right-of-way acquisition process.

(Clerk's Note: Chairman Traini returned to item 10D5.)

- 10D5. Assembly Memorandum No. AM 802-2002, Community Development Block Grant (CDBG) grant award contract amendment No. 1 to the **agreement with Anchorage Neighborhood Health Center** PY 2000 (\$35,500), Planning Department.

Mr. Van Etten moved, to approve AM 802-2002.
seconded by Mr. Whittle,
and it passed without objection,

Mr. Van Etten explained the memorandum was for repairs to the roof and other repairs on the Anchorage Neighborhood Health Center.

In response to Mr. Van Etten, [Planning Department Director Sue Fison](#), explained the project was originally under-estimated and resulted in a cost overrun of 23%.

Mr. Whittle concurred with approving this item.

(Clerk's Note: Ms. Fairclough joined the meeting.)

- 10D6. Assembly Memorandum No. AM 806-2002, **Anchorage Golf Course LLC** (#4235) – New Municipal Golf Course Liquor License (Huffman/O'Malley Community Council), Clerk's Office.

Mr. Tremaine moved, to approve AM 806-2002.
seconded by Ms. Fairclough,

Mr. Tremaine advised the Assemblymembers this was an application for a new Municipal Golf Course License at O'Malley Golf Course. The existing conditional use permit at the location is not for the Golf Course license. The request for final approval of a conditional use permit for the Golf Course will be heard on October 15, 2002.

Mr. Tremaine moved, to amend AM 806-2002, to read: "There is not a conditional
seconded by Ms. Fairclough, use permit at the location."
and it passed without objection,

Mr. Tremaine moved, to amend AM 806-2002 to read: "Approval of this
seconded by Ms. Fairclough, memorandum will protest the 2002/2003 NEW (Municipal
and it passed without objection, Golf Course) for the above establishment."

Ms. Fairclough offered a friendly amendment which was accepted.

Mr. Tremaine moved, to amend AM 806-2002 to read: "Approval of this
seconded by Ms. Fairclough, memorandum will protest the 2002/2003 NEW (Municipal
and it passed without objection, Golf Course) until a conditional use permit is in place for the
above establishment."

Question was called on the motion to approve AM 806-2002 as amended, and it passed.

- 10D7. Assembly Memorandum No. AM 808-2002, **Siam Spicy Thai Restaurant** (#4226) – New Restaurant/Eating Place Liquor License Permit (Spenard/North Star Community Councils), Clerk's Office.

Mr. Sullivan moved, to approve AM 808-2002.
seconded by Ms. Fairclough,

Mr. Sullivan advised the Assemblymembers that the North Star Community Council requested the owners to meet with the Council prior to Assembly action. The Community Council's report would be back to the Assembly on 10-15-2002.

Mr. Sullivan moved, to amend AM 808-2002 to read: "To Protest new restaurant
seconded by Mr. Kendall, eating place for the above establishment until such time as
they have met with the North Star Community Council and the
information has been brought back to the Assembly on 10-15-
2002."

In response to Mr. Tesche, [Municipal Attorney Bill Greene](#), noted the AM indicated this was a restaurant designation permit, not a license, in which event if it is simply the restaurant designation it requires approval by the Assembly and is not within the PROTEST process system. Further backup material was to be supplied.

Mr. Sullivan moved, to postpone action on AM 808-2002 until later in the evening
seconded by Mr. Tesche, at the discretion of the Chair.
and it passed without objection

In response to Mr. Sullivan, [Deputy Municipal Attorney Dennis Wheeler](#), advised the Assembly could Protest based on the fact that the petitioner did require Assembly approval and the question of the petitioner not having had contact with the community council would be whether or not the ABC Board would consider it arbitrary and capricious reason to Protest.

Mr. Sullivan withdrew his motion to amend AM 808-2000 to Protest.

[Question was called on the main motion to approve AM 808-2002 and it passed without objection.](#)

- 10D8. Assembly Memorandum No. AM 815-2002, amendment No. 4 to construction contract No. 201392 with Alaska Facility Developers, L.L.C. for **Fire Station No. 1 Downtown design/construction** Project No. 00-34 (\$123,072), Project Management & Engineering. **(addendum)**

Ms. Von Gemmingen moved, to approve AM 815-2002.
seconded by Mr. Tesche,

In response to Ms. Von Gemmingen, [Municipal Engineer Howard Holtan](#), responded that the general upgrades requested included administrative lights and electrical needs.

[Ms. Fairclough](#) moved, to postpone AM 815-2002 to the 9-24-02 meeting.

Mr. Holtan explained the funds had already been spent and the work was completed. Interest costs could be accrued if the contract was postpone. Mayor Wuerch noted he had pulled the original item to verify that the payment amount represented actual work accomplished.

Fire Chief, John Fullenwider, Anchorage Fire Department advised the Assemblymembers that no office equipment had been purchased with the funds.

Mr. Tesche noted he had requested a punch list of purchased item from Mr. Holtan.

Ms. Fairclough withdrew her motion.

Question was called on the main motion to approve AM 815-2002 and it passed.

- E. INFORMATION AND REPORTS:
10E1. Information Memorandum No. AIM 85-2002, **Sole Source Procurement Report** for the month of July 2002, Purchasing.

Ms. Taylor moved, to accept AIM 85-2002.
seconded by Ms. Fairclough,
and it passed without objection,

In response to Ms. Taylor, [Cultural and Recreational Services Director Jim Posey](#), responded regarding the sole source purchase from [Interface Electronics](#) as software upgrade for printing purposes.

- 10E2. Information Memorandum No. AIM 84-2002, **2003 General Government Revenues, Tax Limitations, Administration Service Priorities, and Department Reorganizations**, Office of Management and Budget.

Mr. Tesche moved, to accept AIM 84-2002.
seconded by Ms. Fairclough,

In response to Mr. Tesche, Office of Management and Budget Director Cheryl Frasca advised the AIM was speaking to the revenues and not the spending side of the budget.

Mr. Tesche advised he felt the AIM was incomplete and would be voting no.

Mayor Wuerch offered to hold a work session with the Assembly to discuss and explain the AIM.

Question was called on the motion to accept AIM 84-2002 and it passed.

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

- F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:
10F1. Resolution No. AR 2002-284, a resolution of the Municipality of Anchorage appropriating \$229,500 as a grant to the State Categorical Grants Fund (231), Department of Health and Human Services, from the Alaska Department of Health and Social Services for the provision of **HIV/AIDS prevention services**. public hearing 9-24-02.
a. Assembly Memorandum No. AM 784-2002.

[Mr. Whittle](#), [Ms. Fairclough](#) and [Mr. Tremaine](#) joined in introducing AR 2002-284. The public hearing was scheduled for 9-24-02.

- 10F2. Resolution No. AR 2002-285, a resolution of the Municipality of Anchorage appropriating \$478,261 as a grant to the Federal Categorical Grants Fund (241), Department of Health and Human Services, from the U.S. Department of Health and Human Services to fund **Family Planning Services**. public hearing 9-24-02.
a. Assembly Memorandum No. AM 785-2002.

[Mr. Tremaine](#), [Ms. Fairclough](#) and [Ms. Von Gemmingen](#) joined in introducing AR 2002-285. The public hearing was scheduled for 9-24-02.

- 10F3. Resolution No. AR 2002-286, a resolution of the Municipality of Anchorage appropriating \$982,110 as a grant to the State Categorical Grants Fund (231), Department of Health and Human Services, from the Alaska Department of Health and Social Services for the provision of **Women, Infants & Children nutrition services**. public hearing 9-24-02.
a. Assembly Memorandum No. AM 786-2002.

Mr. Sullivan, Mr. Whittle and Mr. Tremaine joined in introducing AR 2002-286. The public hearing was scheduled for 9-24-02.

- 10F4. Ordinance No. AO 2002-144, an ordinance enacting Anchorage Municipal Code Chapter 10.80, **establishing a fee for police protection services**, Assemblymember Tesche. public hearing 10-22-02. **(addendum)**

Mr. Tesche, Ms. Fairclough and Mr. Tremaine joined in introducing AO 2002-144. The public hearing was scheduled for 10-22-02.

Mr. Tesche explained the Ordinance would put a new tool in the hands of law enforcement in neighborhoods to abate unwanted nuisance activity.

In response to Assemblymembers' comments, Office of Planning, Development and Public Works Director Craig Campbell, suggested the ordinance go to the Public Safety Commission for review prior to holding a public hearing, and the Assemblymembers agreed.

Mr. Tesche requested Municipal Attorney Bill Greene, prepare a response to the question "do tariff increases require Assembly approval according to the Municipal Code?"

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

- 11A. Resolution No. AR 2002-274, a resolution of the Anchorage Municipal Assembly establishing a **procedure for Assembly work sessions**, Assembly Chair Traini. (POSTPONED FROM 8-20-02)

Chairman Traini gave the history of AR 2002-274 and noted no motions were pending.

Mr. Tesche moved, to approve AR 2002-274.
seconded by Ms. Fairclough,

Mr. Tremaine moved, to amend AR 2002-274 on Line 38 to read : "shall be
seconded by Mr. Tesche, scheduled to occur on Fridays prior to Tuesday meetings."
and it passed without objection,

Mr. Kendall and Mr. Sullivan spoke in opposition and noted they would vote no.

Question was called on the main motion to approve AR 2002-274 as amended, and it passed.

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

NAYES: Kendall, Sullivan.

- 11B. Ordinance No. AO 2002-115, an ordinance of the Anchorage Municipal Assembly amending the zoning map and providing for the rezoning of approximately 0.86 acres from R-5 to B-3 SL for **Lots 3, 4, 5 and 6, Arlon Subdivision**, generally located between Arlon and Golovin Streets, on the north side of Abbott Road (Abbott Loop Community Council) (Planning and Zoning Commission Case 2002-041), Planning Department.
1. Assembly Memorandum No. AM 500-2002. (POSTPONED FROM 8-20-02)

Chairman Traini gave the history of AR 2002-274 and noted no motions were pending.

Mr. Van Etten moved, to adopt AO 2002-115.
seconded by Ms. Fairclough,

Mr. Van Etten moved, to amend AO 2002-115 to change the "zoning from R-5
seconded by Mr. Tremaine, to R-O".

In response to Mr. Sullivan, Deputy Municipal Attorney Dennis Wheeler, stated the R-O zoning was a more restrictive zoning than B-3.

Mr. Tremaine noted the Planning and Zoning Commission had originally recommended the R-O zoning.

Mr. Steve Agni, developer, stated the change in zoning to R-O was acceptable.

Question was called on Mr. Van Etten's motion to amend AO 2002-115 and it passed.

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

NAYES: None.

Mr. Tremaine moved, to amend AO 2002-115, Page 2, Line 25, "Prohibited Uses:
seconded by Mr. Van Etten, any use involving sale, dispensing, or service of alcoholic
and it passed without objection, beverages and on a separate line; Hotel Lodging."

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

to amend AO 2002-115, Page 3, Lines 7 and 8,
“insert new Section 4, In addition to all other permitted
principal uses in the R-O Zoning District, a business
offering solely onsite: a. copying, b. internet access,
c. computer word processing, or, d. related services, is a
permitted principal use.”

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

to amend AO 2002-115, Page 3, Line 8, “renumber to
Section 4.”

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

to amend AO 2002-115, Page 3, between line 13 and 14,
“adding a new Section 5 to read: Notwithstanding the
foregoing, nothing stated herein shall prevent an amendment
by the Assembly to the allowable uses, increasing the type
of allowed uses by the application of an overlay zone, or
applying an area-wide rezoning to the property specified
in Section 1.”

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

to amend AO 2002-115, Page 3, Line 14 “ Section 4 becomes
Section 6, and on Line 16, Section 5 becomes Section 7.”

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

to amend AO 2002-115, Page 1, Line 19, add “Zoning shall
become effective upon recordation of a replat to a single
parcel and construction of Arlon Street to urban one-half
street standards peripheral to the subdivision.”

Question was called on the main motion to adopt AO 2002-115 as amended, and it passed.

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

NAYES: None.

Question was called for immediate reconsideration of AO 2002-115 as amended and it failed.

AYES: None.

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

12. APPEARANCE REQUESTS:

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

Mr. Hull advised that all the residents had been relocated to different areas. Mr. Hull thanked the Assembly, the City, the members of the community and the Brookside Coalition for their assistance.

- 12B. **John Farleigh, Wendy Isbell, Kathy Russell**, regarding West High pool locker room security.
(addendum)

Mr. Farleigh complained regarding the lack of security at the West High pool locker room and related his experiences.

Various Assemblymembers questioned the Administration concerning the complaint.

Cultural and Recreational Services Director Jim Posey responded for the Administration. Chief of Police Walt Monegan, also responded.

Mr. Tremaine requested a copy of the police report reflecting where the call came from and who made the call. Chief Monegan will research and provide a copy for the Assemblymembers.

In response to Chairman Traini, Mayor Wuerch advised the Administration would investigate and check if there is a written policy for safety at pools and, if not, draft a policy.

Mayor Wuerch apologized to the public at large, to the Farleigh family, and stated safety was a top priority.

13. CONTINUED PUBLIC HEARINGS:

- 13A. 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.
1. Assembly Memorandum No. AM 627-2002. (CARRIED OVER FROM 8-20-02)

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

Mr. Tim Potter, representing DOWL Engineers testified in support of the ordinance.

The meeting recessed at 6:53 p.m. and reconvened at 7:25 p.m.

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 2002-109.
seconded by Ms. Taylor,

Question was called on the motion to adopt AO 2002-109 and it passed.

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

NAYES: None.

(Clerk's Note: Mr. Van Etten, Mr. Tremaine and Mr. Sullivan were out of the room at the time of the vote.)

- 13B. 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.
1. Assembly Memorandum No. AM 719-2002. (CARRIED OVER FROM 8-20-02)

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 2002-119.
seconded by Ms. Taylor,

Mr. Tremaine moved, to amend AO 2002-119, EXHIBIT A, to add "Hillside District Plan as an essential strategy" to Policy's #98 and #100.
seconded by Ms. Taylor,
and it passed without objection,

In response to Mr. Tesche, Physical Planning Division planner Tom Davis, responded that communities throughout the United States are researched regarding development of emergency management plans. Mitigation, public safety and urban design were areas studied for possible inclusion in the Anchorage 2020/Anchorage Bowl Comprehensive Plan.

In response to Mr. Tesche, Office of Planning, Development and Public Works Director Craig Campbell, acknowledged the public debate regarding level of service be included in the goals and objectives of the Comprehensive Plan.

Question was called on the main motion to adopt AO 2002-119 as amended, and it passed.

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

NAYES: None.

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

- 13C. Ordinance No. AO 2002-31, an ordinance **repealing and reenacting Title 23 of the Anchorage Municipal Code** to adopt the 2000 editions of the following codes and enacting local amendments thereto: Administrative, Building, Mechanical, Plumbing, Fire, Existing Buildings, Residential, Building Construction Contractor Requirements, Fire Protection Service Outside Service Areas, Energy Conservation, School Relocatables, Safety Code for Elevators and Escalators, Electrical Code, Mobile Aircraft Shelters, Grading, and Fuel Gas Code, Department of Development Services.
1. Assembly Memorandum No. AM 124-2002. (CONTINUED FROM 5-21-02)

Chairman Traini advised this item would be resubmitted at a later date and the Administration requested it be postponed indefinitely.

Mr. Tesche moved, to postpone indefinitely AO 2002-31.
seconded by Ms. Von Gemmingen,
and it passed without objection,

14. NEW PUBLIC HEARINGS:

- 14A. Resolution No. AR 2002-272, a resolution approving and ratifying a three-year extension of the **collective bargaining agreement** between the Municipality of Anchorage d/b/a Municipal Light & Power and the International Brotherhood of Electrical Workers AFL/CIO Local No. 1547, Employee Relations.
1. Assembly Memorandum No. AM 759-2002.

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

Mr. Tesche moved, to approve AR 2002-272.
seconded by Mr. Whittle,

In response to Mr. Tremaine, Employee Relations Director David Otto stated the bonus stipulation was a one-time event.

In response to Ms. Von Gemmingen, Mr. Otto stated there were two "Summary of Economic Effect" statements, one for the Utilities and one for General Government. The General Government portion over the life of the contract is \$1.7 million, while the Utility is \$3.8 million.

Mr. Tesche inquired into the rate relief request on the Utility statement, asking if the recent tariff increase requested by the Administration from the RCA not take into consideration the wage increases negotiated? Municipal Light & Power General Manager, Mr. Mike Scott, stated in the original filing with the RCA there was just under \$500,000 for the contract purposes.

That portion is included in the rate that is already under collection. The other half will not be collected until such time as there is a general rate increase, thus it would come either from net income or some other means.

Question was called on the motion to approve AR 2002-272 and it passed.

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

NAYES: None.

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

- 14B. Resolution No. AR 2002-264, a resolution of the Municipality of Anchorage appropriating \$150,000 as a grant to the State Categorical Grants Fund (231), Department of Health and Human Services, from the Alaska Department of Health and Social Services for the provision of **Perinatal Case Management/Healthy Baby services**.
1. Assembly Memorandum No. AM 734-2002.

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

Ms. Von Gemmingen moved, to approve AR 2002-264.
seconded by Mr. Tremaine,

Question was called on the motion to approve AR 2002-264 and it passed.

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

NAYES: None.

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

- 14C. Resolution No. AR 2002-271, a resolution of the Municipality of Anchorage appropriating \$17,590 from the Alaska State Council on the Arts, \$37,484 from the Anchorage Museum Association, \$18,338 from the Anchorage Museum Foundation, \$8,000 from Anticipated Miscellaneous Revenues, and \$20,350 as a contribution from the CY02 Museum Operating Budget Area wide General Fund (101), to the State Categorical Grants Fund (231), Cultural and Recreational Services Department, for **operating support at the Anchorage Museum of History and Art** (\$101,762).
1. Assembly Memorandum No. AM 758-2002.

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 2002-271.
seconded by Mr. Sullivan,

Question was called on the motion to approve AR 2002-271 and it passed.

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

NAYES: None.

- 14D. 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.

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

AL ANDERS testified he felt the ordinance was not necessary.

VICKIE CANTRELL testified and offered constructive suggestions.

RYAN KENNEDY testified and offered suggestions.

CORY RINNELL expressed his concerns with the ordinance.

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

The Assemblymembers discussed the ordinance and the public comments.

Ms. Fairclough moved, to postpone action on AO 2002-126 to 9-24-02.
seconded by Mr. Van Etten,
and it passed without objection,

- 14E. Ordinance No. AO 2002-130, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 2.80, Assembly Office, to change the name to **Assembly Budget and Legislative Services**, Assembly Chair Traini.
1. Assembly Memorandum No. AM 752-2002.

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

Mr. Whittle moved, to adopt AO 2002-130.
seconded by Ms. Taylor,

Mr. Kendall advised he would be voting no.

Question was called on the motion to adopt AO 2002-130 and it passed.

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

NAYES: Kendall, Sullivan.

14F. Ordinance No. AO 2002-131, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Subsection 1.35.010A, regarding **Oath of Office**, 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. Chairman Traini noted the sponsor wished to postpone indefinitely.

Mr. Tesche moved, to postpone indefinitely AO 2002-131.
seconded by Ms. Fairclough,
and it passed without objection,

14G. Ordinance No. AO 2002-132, an ordinance of the Anchorage Municipal Assembly Amending Anchorage Municipal Code Section 1.15.180, prohibited acts, by adding a new subsection K, regarding **public access to Municipal records**, Assemblymember Tesche.
1. Assembly Memorandum No. AM 769-2002.

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

Mr. Tesche moved, to postpone indefinitely AO 2002-132.
seconded by Ms. Fairclough,
and it passed without objection,

14H. 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.
1. Assembly Memorandum No. AM 726-2002.

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

MARC MARLOW testified in support of the ordinance.

In response to Ms. Von Gemmingen, Mr. Marlow advised routine maintenance and painting had been performed on the MacKay Building and his hope was to eventually rehabilitate the building to full productivity in the future.

Mr. Sullivan advised the Chairman that when he first sponsored this ordinance he did not realize it was referring to a specific piece of property. Because the text of the ordinance speaks directly to the MacKay Building Mr. Sullivan declared a potential Conflict of Interest. Mr. Sullivan advised the estate of his late brother does have an interest in the MacKay building property.

Mr. Tremaine moved, does Mr. Sullivan have a substantial financial interest in
seconded by Ms. Fairclough, the matter before the Assembly?

The Assemblymembers discussed Mr. Sullivan's interest in the MacKay Building. Chairman Traini ruled that Mr. Sullivan has a Conflict of Interest and excused Mr. Sullivan from voting on the issue.

Ms. Taylor requested a work session on the status of Mr. Marlow's projects.

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 2002-120.
seconded by Ms. Fairclough,

The Assemblymembers then discussed the pending ordinance.

In response to Ms. Fairclough, Office of Planning, Development and Public Works Director Craig Campbell, advised that the two ordinances passed by the Assembly establishing deteriorated property areas include the MacKay Building area, the Annex, and the Ship Creek Building. There are no other buildings or areas in the City designated as deteriorated areas by City law.

In response to Ms. Fairclough, Municipal Attorney Bill Greene explained the passage of the ordinance could be a policy decision and also a decision to enhance urban renewal within its boundaries and would not be considered arbitrary.

Ms. Von Gemmingen moved, to amend AO 2002-120 to read: Line 21, delete "deteriorated

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

property as defined in Anchorage Municipal Code 12.35.005”
and insert “existing buildings, as defined in this title, located
on deteriorated property as defined in Anchorage Municipal
Code 12.35.005.”

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

to amend AO 2002-120 to read: Line 27, delete “deteriorated
property as defined in Anchorage Municipal Code 12.35.005”
and insert “existing buildings, as defined in this title, located
on deteriorated property as defined in Anchorage Municipal
Code 12.35.005.”

Mr. Kendall expressed his concern in creating exempting legislation, which could be used by many other groups seeking property tax exemption by using the deteriorated verbiage.

Mr. Tremaine moved,
seconded by Mr. Kendall,

to amend AO 2002-120 as follows: Line 27 and 28, Plan
review fees (take out “are not required”) for the rehabilitation
of existing buildings, as defined in this title, located on
deteriorated property as defined in Anchorage Municipal
Code 12.35.005 and insert (“will be refunded when such
property moves into the construction phase.”)

Question was called on Mr. Tremaine’s motion to amend AO 2002-120 and it failed.

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

Ms. Fairclough expressed her concerns regarding the Assembly being arbitrary. and was concerned for future development in the City. She said she would vote no.

Mr. Kendall also said he would vote no.

Mr. Tesche, Mr. Whittle, and Mr. Van Etten urged a yes vote.

Question was called on the main motion to adopt AO 2002-120 as amended, and it passed.

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

Mr. Tesche moved,
seconded by Ms. Von Gemmingen,

for immediate reconsideration of AO 2002-120 as amended.

Question was called on the motion for immediate reconsideration of AO 2002-120 as amended and it failed.

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

- 14I. 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.
1. Assembly Memorandum No. AM 727-2002.

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

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

to postpone indefinitely AO 2002-124.

- 14J. Resolution No. AR 2002-281, a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages conditional use in the B-3 District for a Beverage Dispensary – Tourism use per AMC 21.40.180.D.8., for **Dimond Center Hotel**, located on Fragment Lot 14 of Commercial Tract Fragment Lot Site Plan as recorded by Plat 2000-141 for Lot 5A, Block 2, Dimond Industrial Subdivision; generally located at the southwest corner of Dimond Boulevard and Old Seward Highway next to the Alaska Railroad tracks (Taku-Campbell Community Council) (Case 2002-161), Planning Department.
1. Assembly Memorandum No. AM 771-2002.

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

MICHAEL BEALE testified in support of the resolution.

RONALD JORDAN, representing Taku/Campbell Community Council testified in support of the resolution.

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

Mr. Van Etten moved, to approve AR 2002-281.
seconded by Mr. Tremaine,

Question was called on the motion to approve AR 2002-281 and it passed.

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

NAYES: None.

- 14K. Ordinance No. AO 2002-127, an ordinance amending Anchorage Municipal Code Chapter 21.85, *Subdivision Standards: Improvements*, to require an early election by persons wishing to install **natural gas facilities** and to require installation and warranty under a subdivision agreement, Planning Department.
1. Assembly Memorandum No. AM 739–2002.

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 adopt AO 2002-127.
seconded by Mr. Tremaine,

Question was called on the motion to adopt AO 2002-127. and it passed.

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

NAYES: None.

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

- 14L. Ordinance No. AO 2002-84, an ordinance amending Anchorage Municipal Code Title 21 by adding definitions pertaining to **land clearing** in Subsection 21.35.020.B., Definitions and Rules of Construction; adding a new section to Anchorage Municipal Code Chapter 21.45 to require pre-approval before clearing land of vegetation; and creating exceptions and penalties therefore (Planning and Zoning Commission Case 2002-133), Assemblymember Shamberger.

Chairman Traini opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public hearing. Chairman Traini noted the sponsors wished to table AO 2002-84.

Mr. Tesche moved, to table AO 2002-84.
seconded by Ms. Von Gemmingen,

Question was called on the motion to table AO 2002-84 and it passed.

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

NAYES: None.

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

Chairman Traini called for a 5 minutes at ease for the Assembly.

15. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS: None.

16. SPECIAL ORDERS:

Mr. Tremaine moved, resolution requesting the Parking Authority not to lease en masse parking spaces in any of the Municipal garages for use by the tenants of the new "Park Service" Building.
seconded by Mr. Sullivan,

The Assemblymembers discussed the un-numbered resolution and declined to proceed.

Chairman Traini ruled the meeting was extended to midnight to hear from persons in the audience only.

17. UNFINISHED AGENDA: None.

18. AUDIENCE PARTICIPATION:

ELAINE BAKER testified on limited parking downtown and the parking spaces allocated to the new federal building.

The Assemblymembers discussed the downtown parking limitations.

Ms. Von Gemmingen moved, to extend the meeting to midnight to hear from persons in the audience.
seconded by Mr. Van Etten,
and it passed without objection,

ROBERT HAYES. spoke concerning the \$600 that has been attached from Mr. Hayes' nephew.

The Assemblymembers discussed the policy of litigation collection.

SHARON DAVIES spoke about the new federal building and the potential loss of parking spaces.

BILL BOBRICK, thanked the Assembly for the action taken on behalf of his client, Marc Marlow and noted property taxes had been paid on the property and Mr. Marlow and the MacKay Building has no tax break.

19. ASSEMBLY COMMENTS: None.

20. EXECUTIVE SESSIONS: None.

21. ADJOURNMENT:

Ms. Fairclough moved, to adjourn the meeting.
seconded by Ms. Taylor,
and it passed without objection,

The meeting adjourned at 11:23 p.m.

Chairman

ATTEST:

Municipal Clerk

Date Minutes Approved: September 24, 2002.

GM:cmw

INDEX

<i>Subject</i>	<i>Page</i>
2002 Distribution To Providence Hospital	3
Anchorage Bowl Comprehensive Plan	12
Anchorage Golf Course	4, 8
Anchorage Museum Of History And Art.....	14
Appearance Requests.....	12
Appropriations	2, 3, 5, 6, 7, 10, 13, 14
Architectural Services	3, 7, 8
Assembly	6, 14
Bargaining Agreements -	13
Ben Boeke Ice Arena	4
Board Or Commission Appointments.....	4
Capital Project Matching Grant Program.....	2, 7
Code Changes	5, 6, 10, 12, 13, 14, 15, 16, 17
Conditional Use For Sales Of Alcoholic Beverages	16
Conflict Of Interest.....	15
Family Planning Services	6, 10
Fire Department.....	3, 4, 9
Fire Stations.....	4
General Government Operating Budget	2, 3
Heritage Land Bank.....	5
HIV/AIDS Prevention Services	5, 10
Internal Audit.....	2, 4
Internal Audit Report.....	4
Jail, New Downtown	3
John Farleigh, Wendy Isbell, Kathy Russell.....	12
Land Sale, Purchase, Lease, Conveyance Or Donation	5
Limited Road Service Areas	2, 3, 4, 7, 8
Liquor Licenses	4, 8, 9
Planning And Zoning Commission.....	11, 17
Plumbers & Pipe Fitters, Local 367 Collective Bargaining Agreement	5
Police & Fire Retiree Medical Funding Program	4
Police Department	2, 5, 6, 10
Procedure For Assembly Work Sessions, Assembly	11
Rezoning.....	11
Road Improvement District	3
Road Improvement Projects.....	3, 5
Road Maintenance Services.....	2, 3, 4, 7, 8
Sole Source Procurement Report.....	4, 10
State Transfer Of Responsibilities Agreement (TORA)	2, 7
Taxes.....	5, 10
Title 21	17
Title 23 Of The Anchorage Municipal Code	13
Tom Hull.....	12
Women, Infants & Children Nutrition Services.....	6, 10
Workforce Investment Act.....	4