

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting September 24, 2002

1. CALL TO ORDER:

The meeting was convened at 5:05 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, Doug Van Etten, Dan Kendall, Dick Tremaine, Dan Sullivan.

Absent: Von Gemmingen (excused), Shamberg (excused).

3. PLEDGE OF ALLEGIANCE:

The pledge was led by Ms. Taylor.

4. MINUTES OF PREVIOUS MEETING:

A. Regular Meeting – September 10, 2002.

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

to approve the minutes of the Regular meeting of
September 10, 2002.

5. MAYOR'S REPORT:

Mayor Wuerch advised the Assembly the Yellow national security alert had returned to Orange.

He further advised the Assembly that the reported case of West Nile Virus had been confirmed. The individual had contacted the virus prior to traveling to Alaska and therefore the virus was not considered a breakout. The Mayor also reported the Center for Disease Control released a Smallpox response plan and guidelines for mass vaccinations in the event of a Smallpox outbreak. Mayor Wuerch stressed there were no cases of Smallpox identified in the world since 1977.

6. ASSEMBLY CHAIR'S REPORT: None.

7. COMMITTEE REPORTS:

Assembly member Dan Sullivan gave an update on the Museum Expansion Committee. Mr. Sullivan advised that additional meetings were planned.

8. ADDENDUM TO AGENDA:

Ms. Fairclough moved,
seconded by Ms. Taylor,

to amend the agenda to include the addendum items.

Chairman Traini read the addendum items.

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

9. CONSENT AGENDA:

Mr. Tesche moved,
seconded by Ms. Fairclough,

to approve all items on the consent agenda as amended.

A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS:

1. Resolution No. AR 2002-300, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Sergeant Gary E. Apperson for his 25 years of service** with the Anchorage Police Department, Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen, and Whittle.
2. Resolution No. AR 2002-313, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Sheldene E. (Shelly) Kamisese for her 19 years of service** with the Municipality of Anchorage, Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen, and Whittle. **(addendum)**

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

B. RESOLUTIONS FOR ACTION – OTHER:

1. Resolution No. AR 2002-301, a resolution of the Municipality of Anchorage providing for the appropriation of \$17,500 from Friends of the Library donations to the Miscellaneous Operational Grants Fund (261) to the Cultural and Recreational Services Department, for the purchase of **library books and materials**.
 - a. Assembly Memorandum No. AM 841-2002.

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

2. Resolution No. AR 2002-302, a resolution of the Municipality of Anchorage providing for the appropriation of a grant totaling \$37,500 from the State of Alaska, Department of Education and \$42,000 as a contribution from the Library 2002 Operating Budget within the Area-wide General Fund (101), to the State Categorical Grants Fund (231) for the **Public Library Assistance grant** under Cultural and Recreational Services Department.
 - a. Assembly Memorandum No. AM 842-2002.
3. Resolution No. AR 2002-303, a resolution of the Anchorage Assembly appropriating \$77,510 as a contribution from Area-wide General Fund (101) to Area-wide General CIP Fund (401) as a reserve for **capital improvements to City Hall**, Real Estate Services.
 - a. Assembly Memorandum No. AM 843-2002.
4. Resolution No. AR 2002-314, a resolution of the Anchorage Municipal Assembly revising the 2002 General Government Operating budget by appropriating \$56,000 from Area-wide General Fund (101) Balance to the Department of Assembly to cover the increased costs for the **2002 independent audit** due to GASB 34 reporting requirements, Assemblymember Von Gemmingen. **(addendum)**
 - a. Assembly Memorandum No. AM 824-2002.

C. BID AWARDS:

1. Assembly Memorandum No. AM 834-2002, recommendation of award to Yukon Equipment, Inc. and Kodiak Northwest, Inc. for furnishing **truck mounted and loader mounted snow blowers** to the Municipality of Anchorage, Facility and Fleet Maintenance (ITB 22-B044) (\$736,811.77), Purchasing.

The Administrated requested this item be considered on the Regular Agenda. See item 10C.

2. Assembly Memorandum No. AM 835-2002, recommendation of award to Oregon Fire Equipment Company, Ltd. for furnishing various **fire and rescue apparatus** to the Municipality of Anchorage, Anchorage Fire Department (ITB 22-B021) (\$2,399,865), Purchasing.
3. Assembly Memorandum No. AM 836-2002, recommendation of award to Alasco Trucking for furnishing **end-dump trucks with operators** for the Municipality of Anchorage, Street Maintenance Department (ITB 22-B054) (\$750,000), Purchasing.
4. Assembly Memorandum No. AM 858-2002, recommendation of award to Yukon Equipment, Inc. for furnishing **mechanical street sweepers** to the Municipality of Anchorage, Facility and Fleet Maintenance (ITB 22-B053) (\$322,060), Purchasing. **(addendum)**

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 829-2002, **Solid Waste Advisory Commission appointment** (Jeff Anderson), Mayor's Office.
2. Assembly Memorandum No. AM 830-2002, **Mt. View Community Recreation Center Advisory Commission appointment** (Robin Burns), Mayor's Office.
3. Assembly Memorandum No. AM 831-2002, **Veterans Advisory Commission appointment** (Pamela Beale), Mayor's Office.
4. Assembly Memorandum No. AM 832-2002, **Rabbit Creek View/Rabbit Creek Heights Limited Road Service Area Board of Supervisors appointment** (Jamie Pazaruski), Mayor's Office.
5. Assembly Memorandum No. AM 833-2002, Liquor Licenses: **Siam Spicy Thai Restaurant and The Wood Shed**, Municipal Clerk.

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

6. Assembly Memorandum No. AM 837-2002, proprietary purchase with Northwest Circuit Breakers, Inc. for providing **switchgear parts, repairs and technical services** to the Municipality of Anchorage, Municipal Light and Power (\$100,000/yr.), Purchasing.
7. Assembly Memorandum No. AM 838-2002, proprietary services reimbursement to Totem Ocean Trailer Express, Inc. (TOTE) for the construction of a **facility upgrade at the Port of Anchorage** for the Municipality of Anchorage, Port of Anchorage (\$1,022,234), Purchasing.
8. Assembly Memorandum No. AM 839-2002, proprietary lease award to Bruno and Sonja Rebmann for providing **leased storage space for Eagle River Parks & Recreation** for the Municipality of Anchorage, Real Estate Services (\$19,800), Purchasing.

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

9. Assembly Memorandum No. AM 840-2002, proposed amendment No. 3 to contract with SeaCoast Construction Company, Inc. for the **construction of East Ship Creek Avenue Drainage Improvements**, Project No. 99-23 (\$86,933), Project Management and Engineering.

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

10. Assembly Memorandum No. AM 855-2002, sunset of **On-Site Wastewater Technical Review Board**, Municipal Clerk.
11. Assembly Memorandum No. AM 856-2002, proprietary lease with Xerox Corporation for a **DocuTech 6155 High Speed Copier** for the Municipality of Anchorage, Information Technology Department (\$958,392), Purchasing. **(addendum)**
12. Assembly Memorandum No. AM 859-2002, change order No. 1 to purchase order 220419 with Construction Machinery, Inc. to purchase a **4x4 rubber tired hydraulic excavator** for the Municipality of Anchorage, Facility and Fleet Maintenance (\$112,170), Purchasing. **(addendum)**
13. Assembly Memorandum No. AM 860-2002, contract amendment No. 2 to Summit Roads for construction of **15th Avenue/DeBarr Road Resurfacing, Orca Street to Airport Heights**, Contract No. C-211878, Project No. 01-27 (\$29,000), Project Management & Engineering. **(addendum)**
14. Assembly Memorandum No. AM 861-2002, amendment No. 1 to the **Mobile Home Dislocation Assistance Program** contract with Catholic Social Services (CSS) (\$180,000), Planning Department. **(addendum)**
15. Assembly Memorandum No. AM 863-2002, **Brown Jug** (#1561) (West Mountain View) – Transfer of Ownership/Name Change/Package Store Liquor License Permit (Russian Jack & Mountain View Community Councils), Clerk's Office. **(addendum)**

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

16. Assembly Memorandum No. AM 864-2002, **Brown Jug** (#686) (Muldoon) – Transfer of Ownership/Name Change/Package Store Liquor License Permit (Northeast Community Council), Clerk's Office. **(addendum)**

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

17. Assembly Memorandum No. AM 865-2002, **Brown Jug** (#4069) (Lake Otis) – Transfer of Ownership/Name Change/Package Store Liquor License Permit (Rogers Park & University Community Councils), Clerk's Office. **(addendum)**

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

18. Assembly Memorandum No. AM 854-2002, **independent audit contract extension** with KPMG Peat Marwick (\$200,000), Assemblymember Von Gemmingen. **(addendum)**

E. INFORMATION AND REPORTS:

1. Appeal S-10903, Iliamna Acres Subdivision has been set for hearing before the Board of Adjustment on October 15, 2002, Municipal Clerk.

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

2. Information Memorandum No. AIM 90-2002, waiver of formal procedures for **Midtown Park Access Improvements, Denali Street to Loussac Library** for Municipality of Anchorage, Project Management & Engineer Department (ITB 22-C047) (\$466,478.94), Purchasing.
3. Information Memorandum No. AIM 91-2002, waiver of formal procedures for **replacement of the Animal Control Incinerator**, Department of Health and Human Services (ITB 22-C048) (\$86,701), Purchasing.
4. Information Memorandum No. AIM 92-2002, waiver of formal procedures for **emergency water main replacement** for Municipality of Anchorage, Anchorage Water and Wastewater Utility (RFP 22-P031) (\$300,000), Purchasing.
5. Information Memorandum No. AIM 93-2002, transmittal of **Schedule of Expenditures of Federal Awards, State Financial Assistance Report** and required federal information for Fiscal Year 2001, Finance. **(addendum)**

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2002-148, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 2.30.030.I. regarding the **Order of Business** at regular Assembly meetings, Assembly Chair Traini. public hearing 10-15-02.
 - a. Assembly Memorandum No. AM 849-2002.
2. Resolution No. AR 2002-304, a resolution of the Municipality of Anchorage appropriating \$337,810 within the Fire Department as a contribution from the Chugiak Fire Service Area (104) Fund Balance, to the Chugiak Fire Capital Improvement (404) Fund to provide partial funding for the purchase of **new emergency services apparatus** awarded under Bid No. 22B021, Anchorage Fire Department. public hearing 10-15-02.
 - a. Assembly Memorandum No. AM 844-2002.
3. Resolution No. AR 2002-305, a resolution of the Municipality of Anchorage appropriating \$300,000 as a grant to the Federal Categorical Grants Fund (241), Department of Health and Human Services, from the Corporation for National and Community Service for enhancing **disaster and emergency preparedness** of special and vulnerable populations through the mobilization of volunteers. public hearing 10-15-02.
 - a. Assembly Memorandum No. AM 845-2002.

4. Resolution No. AR 2002-306, a resolution of the Municipality of Anchorage accepting a designated legislative grant from the State of Alaska, Alaska Energy Authority in the amount of \$19,300,000 and appropriating said grant to the Municipal Light and Power's Capital Fund (Fund 533) for the **Eklutna Project Transmission Line Upgrade** project. public hearing 10-15-02.
 - a. Assembly Memorandum No. AM 846-2002.
5. Resolution No. AR 2002-309, a resolution of the Municipality of Anchorage appropriating \$449,224 to the State Grants Fund (231), Department of Public Transportation from the Alaska Commission on Aging to assist in the funding of **coordinated transportation services for senior citizens** within the Municipality of Anchorage. public hearing 10-15-02. **(addendum)**
 - a. Assembly Memorandum No. AM 850-2002.

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

6. Resolution No. AR 2002-310, a resolution of the Municipality of Anchorage appropriating \$599,035 from the U.S. Department of Justice to the Federal Categorical Grants Fund (241) for domestic violence prevention services in the Departments of Health and Human Services and authorizing a contract with Abused Women's Aid in Crisis, Inc. (AWAIC) for **victim support services**. public hearing 10-15-02. **(addendum)**
 - a. Assembly Memorandum No. AM 851-2002.
7. Resolution No. AR 2002-311, a resolution of the Municipality of Anchorage appropriating \$750,000 from the U.S. Department of Health and Human Services to Federal Categorical Grants Fund (241) for the **Pathways to Sobriety Campaign** in the Department of Health and Human Services. public hearing 10-15-02. **(addendum)**
 - a. Assembly Memorandum No. AM 852-2002.
8. Ordinance No. AO 2002-149, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 8.10.090, **Illegal Use of Telephone**, to clarify the meaning of intent to harass a person or person's family, Assemblymember Tesche. public hearing 10-15-02. **(addendum)**
 - a. Assembly Memorandum No. AM 690-2002.
9. Ordinance No. AO 2002-150, an ordinance of the Municipality of Anchorage authorizing the Heritage Land Bank (HLB) to correct the legal description of the lease, approved by AO 2001-93, disposing of portions of HLB Parcels #3-038, 3-040, 3-041, 3-044, 3-045 and 3-046, located south of Tudor Road and east of Campbell Airstrip Road in Anchorage, to the **Alaska Botanical Gardens**. public hearing 10-15-02. **(addendum)**
 - a. Assembly Memorandum No. AM 857-2002.
10. Resolution No. AR 2002-296, a resolution approving the **2003-2008 Municipal Utilities Capital Improvement Program**, Office of Management and Budget. public hearing 10-15-02 & 10-22-02. **(addendum)**
 - a. Assembly Memorandum No. AM 823-2002.
11. Resolution No. AR 2002-297, a resolution of the Municipality of Anchorage adopting the **2003-2008 General Government Capital Improvement Program**, Office of Management and Budget. public hearing 10-15-02 & 10-22-02. **(addendum)**
12. Ordinance No. AO 2002-141, an ordinance adopting the **2003 General Government Capital Improvement Budget**, Office of Management and Budget. public hearing 10-15-02 & 10-22-02. **(addendum)**
 - a. Assembly Memorandum No. AM 821-2002.
13. Ordinance No. AO 2002-142, an ordinance adopting and appropriating funds for the **2003 Municipal Utilities Operating and Capital Budgets** for the Municipality of Anchorage, Office of Management and Budget public hearing 10-15-02 & 10-22-02. **(addendum)**
 - a. Assembly Memorandum No. AM 825-2002.
14. Resolution No. AR 2002-315, a resolution of the Municipality of Anchorage appropriating the sum of \$900,000 from the Anchorage Fire Service Area (131) Fund Balance to the Anchorage Fire Department **2002 Anchorage Fire Service Area Operating Budget**, Fire Department. Public hearing 10-15-02.

The Administration requested this item be introduced and the public hearing set for October 15, 2002.

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

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

NAYES: None.

(Clerk's Note: Ms. Von Gemmingen and Ms. Shamberg were excused from the meeting.)

Mayor Wuerch acknowledged the appointment of the following individuals to Boards and Commissions. Jeff Anderson, Solid Waste Advisory Commission; Robin Burns, Mt. View Community Recreation Center Advisory Commission; Pamela Beale, Veterans Advisory Commission, and Jamie Pazaruski, Rabbit Creek View/Rabbit Creek Heights Limited Road Service Area Board of Supervisors. Mayor Wuerch thanked each one for their willingness to serve on their respective commissions.

10. REGULAR AGENDA:

10A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS:

- 10A1. Resolution No. AR 2002-313, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Sheldene E. (Shelly) Kamisese for her 19 years of service** with the Municipality of

Anchorage, Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen, and Whittle. **(addendum)**

Mr. Tesche moved, to approve AR 2002-313.
seconded by Ms. Taylor
and it passed without objection,

Mr. Tesche read the Resolution while Mr. Whittle presented the resolution to Shelly Kamisese. Ms. Kamisese thanked the Assembly for the Resolution and the 19 years of service with the Municipality of Anchorage.

10B. RESOLUTIONS FOR ACTION – OTHER:

- 10B1. Resolution No. AR 2002-301, a resolution of the Municipality of Anchorage providing for the appropriation of \$17,500 from Friends of the Library donations to the Miscellaneous Operational Grants Fund (261) to the Cultural and Recreational Services Department, for the purchase of **library books and materials**.
- a. Assembly Memorandum No. AM 841-2002.

Mr. Whittle moved, to approve AR 2002-301.
seconded by Mr. Van Etten,
and it passed without objection,

Mr. Whittle thanked the Friends of the Library for the contribution of books to the Library

In response to Mr. Whittle, [Municipal Manager Harry Kieling advised the Administration would provide Mr. Whittle with an application to make a donation.](#)

10C. BID AWARDS:

- 10C1. Assembly Memorandum No. AM 834-2002, recommendation of award to Yukon Equipment, Inc. and Kodiak Northwest, Inc. for furnishing **truck mounted and loader mounted snow blowers** to the Municipality of Anchorage, Facility and Fleet Maintenance (ITB 22-B044) (\$736,811.77), Purchasing.

Mr. Tesche moved, to approve AM 834-2002.
seconded by Mr. Sullivan,

[Municipal Manager Harry Kieling requested Purchasing Officer Bart Mauldin address the Assembly. Mr. Mauldin said “I just want to make you aware of an issue on this. This contract award originally came under a Protest. We thought we had it resolved. There has been new information brought forward, however, I’m not confident which way this particular award may go, so I would ask that you proceed with the award, specifically to Yukon Equipment, and that you trust us, as we tell you that we will not go forward with this award until after the Protest has been resolved and if it is not resolved successfully, and we have to re-award, then we will bring a new document to you. But, because of the type of equipment and the timing with this, we are a little bit concerned that if it gets resolved we don’t want to lose the time and the process to get this equipment in this winter as quickly as possible.”](#)

[Chairman Traini questioned Mr. Mauldin and asked him if he wanted the Assembly to bifurcate the issue to approve Yukon Equipment and drop out Kodiak Northwest? Mr. Mauldin replied “no, what I am asking you to do is just approve it as it is. I’m just giving you status that it is under Protest, but we will not award it technically out of my office until that Protest is cleared.”](#)

Ms. Fairclough requested an Assembly note be included on the AM that contains Mr. Mauldin’s verbatim comments. Ms. Fairclough questioned if the Assembly could move approval but that the approval is contingent upon the Protest?

Mr. Tesche moved, to incorporate as an Assembly Note Mr. Mauldin’s
seconded by Ms. Fairclough, verbatim comments into AM 834-2002.
and it passed without objection,

[Question was called on the main motion to approve AM 834-2002 as amended and it passed without objection.](#)

10D. NEW BUSINESS:

- 10D1. Assembly Memorandum No. AM 833-2002, Liquor Licenses: **Siam Spicy Thai Restaurant and The Wood Shed**, Municipal Clerk.

Mr. Sullivan moved, to approve AM 833-2002.
seconded by Mr. Tremaine,
and it passed without objection,

Mr. Sullivan questioned Municipal Clerk Greg Moyer if conditional use permits had been applied for. Mr. Moyer responded The Wood Shed had applied for their conditional use permit. Siam Restaurant had not picked up their application for conditional use permit. Clerk Moyer advised the Assembly the license approval form has been revised to allow for more accurate information of applicants’ status.

- 10D2. Assembly Memorandum No. AM 839-2002, proprietary lease award to Bruno and Sonja Rebmann for providing **leased storage space for Eagle River Parks & Recreation** for the Municipality of Anchorage, Real Estate Services (\$19,800), Purchasing.

Ms. Fairclough moved, to approve AM 839-2002.
seconded by Ms. Taylor,
and it passed without objection,

In response to Ms. Fairclough, Parks and Beautification Acting Manager, John Rodda advised the Park Board did pass a resolution when they first entered into discussions with a number of proprietor's looking for space and the Board approved up to \$250,000 towards the purchase of property. The sale fell through, the Board was advised and they agreed out of the \$250,000 this was a fall back position and amended the resolution to include this.

- 10D3. Assembly Memorandum No. AM 840-2002, proposed amendment No. 3 to contract with SeaCoast Construction Company, Inc. for the **construction of East Ship Creek Avenue Drainage Improvements**, Management and Engineering.

Mr. Tremaine moved, to approve AM 840-2002.
seconded by Mr. Tesche,

Mr. Tremaine advised the Assemblymembers this Memorandum was for clean-up of contaminates which occurred in prior years. Upon investigation, Mr. Tremaine questioned if Municipal Light and Power was the source of the contamination on the property 38 years ago when ML&P owned the property. Mr. Tremaine requested additional information if ML&P could be held responsible for the contamination and thus the resulting costs associated with the clean-up as well as if the source fund is correct?

In response to Mr. Tremaine, the Administration requested [Chief Fiscal Officer Kate Giard respond](#). Ms. Giard stated *"the reason that this is funded through ARDSA Bonds as an area-wide cost is because it is unclear, at this time, as to whether ML&P's contamination that occurred in 1964 really did cause this oil. That matter is under study. The reason we are bringing this forward in ARDSA Go Bonds is to get the work done at this time before winter happens and the matter as to who is actually liable for this spill is going to be settled later."*

In response to Mr. Tremaine's request to determine the source of the fuel, if it was ML&P, or if we can determine who caused the contamination, then the source would be charged for the clean-up costs. Ms. Giard stated *"yes, there will be a determination, if possible, as to what the source of the oil spill was, and that is the intention of the Administration to pursue that and to identify, if possible, the source of the contaminate."*

Mr. Tremaine moved, to incorporate as an Assembly Note Ms. Giard's
seconded by Ms. Fairclough, verbatim comments into AM 840-2002.
and it passed without objection,

[Question was called on the main motion to approve AM 840-2002 as amended, and it passed without objection.](#)

- 10D4. Assembly Memorandum No. AM 863-2002, Brown Jug (#1561) (West Mountain View) – Transfer of Ownership/Name Change/Package Store Liquor License Permit (Russian Jack & Mountain View Community Councils), Clerk's Office. **(addendum)**

Ms. Taylor moved, to approve AM 863-2002.
seconded by ~~Ms. Fairclough~~,
seconded by Mr. Tremaine,
and it passed without objection,
with Ms. Fairclough abstaining

Ms. Fairclough disclosed to the Assembly the following: *"I attended a community council meeting where this item became a topic of discussion. I offered an opinion to the members indicating my position and judgment on the merits of the request currently before this body.*

Other than Mr. Whittle, who was present at the meeting when this occurred, I have not discussed this matter with any other Assembly members.

Mr. Van Etten may have heard me tell Mr. Whittle that I needed to speak to him about this matter.

Given this matter of quasi-judicial nature to which the rules regarding ex-parte communication apply, I must excuse myself from participating and respectfully request the Assembly concur."

In response to Chairman Traini, [Municipal Attorney Bill Greene](#) agreed with Ms. Fairclough's conclusion that she did have a pre-formed opinion on the matter which would disqualify her.

Mr. Whittle stated *"I was also at the meeting but I did not discuss it with anybody at the meeting, am I disqualified?"*

In response to Mr. Whittle, [Municipal Attorney Bill Greene](#) stated the question that needed to be asked of Mr. Whittle is whether or not the comments made by Ms. Fairclough influence him one way or another. Mr. Whittle replied *"no."*

Chairman Traini requested a different second to the motion to approve AM 863-2002 and Mr. Tremaine seconded the motion.

Chairman Traini directed Ms. Fairclough to not participate in any manner.

- 10D5. Assembly Memorandum No. AM 864-2002, **Brown Jug** (#686) (Muldoon) – Transfer of Ownership/Name Change/Package Store Liquor License Permit x(Northeast Community Council), Clerk’s Office. **(addendum)**

Ms. Taylor moved, to approve AM 864-2002.
seconded by Mr. Tesche,
and it passed without objection,
with Ms. Fairclough abstaining

Ms. Fairclough disclosed to the Assembly the following: *“I attended a community council meeting where this item became a topic of discussion. I offered an opinion to the members indicating my position and judgment on the merits of the request currently before this body.*

Other than Mr. Whittle, who was present at the meeting when this occurred, I have not discussed this matter with any other Assembly members.

Mr. Van Etten may have heard me tell Mr. Whittle that I needed to speak to him about this matter.

Given this matter of quasi-judicial nature to which the rules regarding ex-parte communication apply, I must excuse myself from participating and respectfully request the Assembly concur.”

In response to Chairman Traini, [Municipal Attorney Bill Greene](#) agreed with Ms. Fairclough’s conclusion that she did have a pre-formed opinion on the matter which would disqualify her.

Mr. Whittle stated *“I was also at the meeting but I did not discuss it with anybody at the meeting, am I disqualified?”*

In response to Mr. Whittle, [Municipal Attorney Bill Greene](#) stated the question that needed to be asked of Mr. Whittle is whether or not the comments made by Ms. Fairclough influence him one way or another. Mr. Whittle replied *“no.”*

Chairman Traini directed Ms. Fairclough to not participate in any manner.

- 10D6. Assembly Memorandum No. AM 865-2002, **Brown Jug** (#4069) (Lake Otis) – Transfer of Ownership/Name Change/Package Store Liquor License Permit (Rogers Park & University Community Councils), Clerk’s Office. **(addendum)**

Ms. Taylor moved, to approve AM 865-2002.
seconded by Mr. Tesche,
and it passed without objection,
and with Ms. Fairclough abstaining

Ms. Fairclough disclosed to the Assembly the following: *“I attended a community council meeting where this item became a topic of discussion. I offered an opinion to the members indicating my position and judgment on the merits of the request currently before this body.*

Other than Mr. Whittle, who was present at the meeting when this occurred, I have not discussed this matter with any other Assembly members.

Mr. Van Etten may have heard me tell Mr. Whittle that I needed to speak to him about this matter.

Given this matter of quasi-judicial nature to which the rules regarding ex-parte communication apply, I must excuse myself from participating and respectfully request the Assembly concur.”

In response to Chairman Traini, [Municipal Attorney Bill Greene](#) agreed with Ms. Fairclough’s conclusion that she did have a pre-formed opinion on the matter which would disqualify her.

Mr. Whittle stated *“I was also at the meeting but I did not discuss it with anybody at the meeting, am I disqualified?”*

In response to Mr. Whittle, [Municipal Attorney Bill Greene](#) stated the question that needed to be asked of Mr. Whittle is whether or not the comments made by Ms. Fairclough influence him one way or another. Mr. Whittle replied *“no.”*

Chairman Traini directed Ms. Fairclough to not participate in any manner.

10E. INFORMATION AND REPORTS:

- 10E1. Appeal S-10903, **Iliamna Acres Subdivision** has been set for hearing before the Board of Adjustment on October 15, 2002, Municipal Clerk.

Mr. Tremaine moved, to accept Appeal S-10903 for hearing before the
seconded by Mr. Van Etten, Board of Adjustment on October 15, 2002.
and it passed without objection,

In response to a request by Mr. Tremaine to drive by the property and look at it prior to the October hearing, [Municipal Attorney Bill Greene](#) recommended Mr. Tremaine not do that.

In response to Mr. Tesche, Chairman Traini advised the appeal was set for hearing before the Board of Adjustment on October 15, 2002. The appeal would be decided strictly on the record and there would be no public hearing, no ex-parte contact. If e-mails are sent delete them before you read them or be prepared to disclose it.

Mr. Tesche moved, to take up Appeal S-10903 at 4:00 p.m. on
seconded by Ms. Fairclough, October 15, 2002.
and it passed without objection,

10F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

- 10F1. Resolution No. AR 2002-309, a resolution of the Municipality of Anchorage appropriating \$449,224 to the State Grants Fund (231), Department of Public Transportation from the Alaska Commission on Aging to assist in the funding of **coordinated transportation services for senior citizens** within the Municipality of Anchorage. public hearing 10-15-02. **(addendum)**
a. Assembly Memorandum No. AM 850-2002.

Ms. Fairclough, Mr. Tremaine and Ms. Taylor joined in introducing AR 2002-309. The public hearing was scheduled for October 15, 2002.

Ms. Fairclough noted the Resolution was introduced incorrectly on the original document as “2003” rather than “2002”.

Municipal Attorney Bill Greene noted the number could be changed subject to the Municipal Clerk’s advice.

Ms. Fairclough moved to amend AR 2002-309; change “2003-309” to “2002-309.”
seconded by Mr. Tremaine,
and it passed without objection,

Question was called on the main motion to introduce AR 2002-309 as amended, and it passed without objection.

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

- 11A. 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.
1. Information Memorandum No. AIM 95-2002, 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 No. 96-18 (\$120,000), Project Management & Engineering. **(addendum)**
(POSTPONED FROM 8-6-02 AND 8-20-02)

Chairman Traini gave the history of AM 692-2002 and noted there were no motions pending.

Ms. Fairclough moved, to approve AM 692-2002.
seconded by Mr. Van Etten,

No discussion from the Assemblymembers.

Question was called on the motion to approve AM 692-2002 and it passed.

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

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

- 11B. Ordinance No. AO 2002-105, an ordinance of the Municipality of Anchorage authorizing the lease of the Municipality’s interest in **Lot 1A, Block 12, Grandview Subdivision** (1325 Primrose Street in Anchorage) to Grandview Center Association at less than market value, Real Estate Services.
1. Assembly Memorandum No. AM 612-2002.
(POSTPONED FROM 7-23-02 AND 8-20-02)

Chairman Traini gave the history of AO 2002-105 and noted there were no motions pending.

Mr. Van Etten moved, to adopt AO 2002-105.
seconded by Mr. Tesche,

In response to Mr. Kendall, Real Estate Services Manager, Gladys Wilson, responded that Grandview Association did indicate a desire to purchase the building for \$1.00 and Ms. Wilson recommended against the purchase and it held.

Question was called on the motion to adopt AO 2002-105 and it passed.

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

- 11C. 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. Postponed to 10-15-02.
(POSTPONED FROM 9-10-02)

Chairman Traini gave the history of AO 2002-126 and noted there were no motions pending.

Ms. Fairclough moved, to postpone action on AO 2002-126 to October 15, 2002.
seconded by Ms. Tremaine,
and it passed without objection,

Ms. Taylor requested a moment of Personal Privilege and Chairman Traini agreed.

Mr. Tom Hull, from the Brookside Coalition, presented Certificates of Appreciation to the Assembly, the Planning Commission, and Beverly Jones for their assistance rendered in the moving of mobile home owners.

Ms. Taylor and Mr. Whittle, representing the Assembly, thanked the Coalition for the Certificate of Appreciation.

- 11D. Ordinance No. AO 2001-136, an ordinance amending the zoning map and providing for the rezoning of approximately 2.5 acres from PLI (Public Lands and Institutions District) to R-3 SL (Multi-Family Residential District with Special Limitations) for **T14N, R2W, Section 11, Lot 59, S.M., A.K.**, generally located between VFW Road and Eagle River Road (Eagle River Valley Community Council) (Planning and Zoning Commission Case 2001-011), Planning Department. Postponed to 11-19-02.
1. Assembly Memorandum No. AM 628-2001.
(CONTINUED FROM 9-11-01, 10-23-01, 1-8-02; POSTPONED FROM 3-19-02)

Chairman Traini gave the history of AO 2001-136 and noted there were no motions pending.

Ms. Fairclough moved, to postpone action on AO 2002-136 to November 9, 2002.
seconded by Mr. Tesche,
and it passed without objection,

Ms. Fairclough advised the Assembly she had the opportunity to meet with Eklutna, the State of Alaska and the Bureau of Land Management and was attempting to facilitate negotiations between the groups.

The Assemblymembers discussed the rezoning issue.

(Clerk's Note: Ms. Fairclough noted on item 11D, AO 2001-136 the public hearing date should read November 19, 2002 rather than November 9, 2002.)

12. APPEARANCE REQUESTS:

- 12A. Linda J. Hopper, regarding child car seats.

Ms. Hopper spoke on the issue of no child car seats in taxi cabs.

Ms. Fairclough requested [Municipal Manager Harry Kieling e-mail Tom Wilson of Transportation Inspection and request policy information on child car seats in taxi cabs by October 15, 2002.](#)

[In response to Ms. Taylor, Deputy Municipal Attorney Dennis Wheeler, advised he would research the State law regarding child restraint devices in taxi cabs.](#)

- 12B. Chuck Spinnelli, regarding donation of \$20,000 to the Fire Department for imaging equipment.
(addendum)

Mr. Spinnelli did not appear.

13. CONTINUED PUBLIC HEARINGS:

14. NEW PUBLIC HEARINGS:

- 14A. 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.
1. Assembly Memorandum No. AM 754-2002.

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 2002-276.
seconded by Ms. Taylor,

There was no Assembly discussion.

Question was called on the motion to approve AR 2002-276 and it passed.

AYES: Whittle, Taylor, Fairclough, Traini, Kendall, Tremaine, Sullivan.

NAYES: None.

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

- 14B. 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.
1. Assembly Memorandum No. AM 772-2002.

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 2002-282.
seconded by Mr. Tremaine,

Mr. Tremaine noted a misspelling: "Metroploitan" on page 15 in the title.

Mr. Tremaine moved, to amend AR 2002-282 to change the spelling of
seconded by Ms. Fairclough, the word "Metroploitan" to "Metropolitan".
and it passed without objection,

Question was called on the main motion to approve AR 2002-282 as amended and it passed.

AYES: Tesche, Whittle, Fairclough, Traini, Kendall, Tremaine, Sullivan.
NAYES: None.

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

- 14C. 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**.
1. Assembly Memorandum No. AM 784-2002.

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

Mr. Tremaine moved, to approve AR 2002-284.
seconded by Ms. Fairclough,

In response to Mr. Whittle, Health and Human Services Director, Jewel Jones advised she felt the Department was doing well and holding its own.

Question was called on the motion to approve AR 2002-284 and it passed.

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

- 14D. 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**.
1. Assembly Memorandum No. AM 785-2002.

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

Mr. Tremaine moved, to approve AR 2002-285.
seconded by Ms. Fairclough,

There was no Assembly discussion.

Question was called on the motion to approve AR 2002-285 and it passed.

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

- 14E. 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**.
1. Assembly Memorandum No. AM 786-2002.

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

Mr. Tremaine moved, to approve AR 2002-286.
seconded by Ms. Fairclough,

There was no Assembly discussion.

Question was called on the motion to approve AR 2002-286 and it passed.

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

NAYES: None.

Ms. Fairclough moved, to change the order of the day to take up AO 2002-137,
seconded by Ms. Taylor, item 14H.
and it passed without objection,

- 14H. 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.
1. Assembly Memorandum No. AM 812-2002.

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

BOB KLEIN, General Operations Manager for the Brown Jug, testified in favor of the ordinance.

In response to Mr. Tesche, Mr. Klein responded the civil penalties were a deterrent to sale of alcoholic beverages to minors.

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

Ms. Fairclough moved, to adopt AO 2002-137.
seconded by Ms. Taylor,

Ms. Fairclough and Mr. Tesche urged a yes vote.

The Assemblymembers discussed the long range benefits of the ordinance.

Question was called on the motion to adopt AO 2002-137 and it passed.

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

NAYES: None.

Mr. Tremaine moved, to change the order of the day to take up AO 2002-135.
seconded by Ms. Taylor, Item 14G and then resume with the normal agenda.
and it passed without objection,

The meeting recessed at 6:30 p.m. and reconvened at 7:00 p.m.

- 14G. 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.
1. Assembly Memorandum No. AM 795-2002.
 2. Ordinance No. AO 2002-135(S), 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.

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

KEVIN PEARSON, Anchorage Economic Development Corporation, testified in favor of the ordinance.

ANNE HERSCHLEB, Chair, Girdwood Board of Supervisors, testified against the ordinance.

JULIE JONAS, testified against the ordinance.

JEFF SHERMAN, testified against the ordinance.

CLIFF EAMES, representing Alaska Center for the Environment, testified against the ordinance.

BROOKS CHANDLER, testified against the ordinance and asked for postponement of action until Ms. Shamberg returns.

TOM MEACHAM, testified against the ordinance.

JIM CANTOR, Chairman of the Heritage Land Bank Commission testified in favor of the ordinance.

MR. BJORN-ROLI, Co-Chair of Girdwood 2020, testified in favor of the ordinance.

KERRIE DORIUS, owner of Girdwood Clinic, testified against the ordinance.

SOREN WUERTH, testified in favor of postponement.

MIKE OVERCAST, testified against the ordinance and requested a postponement.

LOREN MARSHALL testified against the ordinance.

MATT BERMAN, testified against the ordinance.

TOM YEAGER, Girdwood resident and president of Glacier Valley Development, testified in favor of the ordinance.

JIM BARNETT, principal in the Glacier Valley Development Company, testified in favor of the ordinance.

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

<p>Mr. Tremaine moved, seconded by Mr. Tesche, and it passed without objection,</p>	<p>to substitute ordinance AO 2002-135(S) and to postpone action on AO 2002-135(S) to 10-29-02.</p>
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The Assembly discussed the substitute ordinance and postponement action.

Ms. Fairclough offered nine items which she felt should be incorporated into AO 2002-135(S) version.

1. **Certified appraisal.**
2. **Define public benefit.**
3. **Cost benefits analysis.**
4. **Bonding request.**
5. **Define fair market failure.**
6. **Guidelines for sale of property (25.030.40 subsection C).**
7. **Reverter language clause.**
8. **Policy for overriding economic development.**
9. **How much below fair market value.**

The Assembly agreed without objection.

Chairman Traini requested a five minute at-ease break.

- 14F. 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.

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

<p>Mr. Tesche moved, seconded by Mr. Tremaine, and it passed without objection,</p>	<p>to continue AO 2002-146 to 10-15-02 at the request of of the Administration.</p>
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- 14G. 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.
1. Assembly Memorandum No. AM 795-2002.
 2. Ordinance No. AO 2002-135(S), 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.

(Clerk's Note: This item was considered earlier in the evening after item AO 2002-137, item 14H.)

- 14H. 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.
1. Assembly Memorandum No. AM 812-2002.

(Clerk's Note: This item was considered earlier in the evening after item AR 2002-286, item 14E.)

- 14I. 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.
1. Assembly Memorandum No. AM 828-2002.

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

Mr. Sullivan moved, to adopt AO 2002-143.
seconded by Mr. Kendall,

Mr. Kendall explained the contents of the ordinance to the Assemblymembers.

Mr. Sullivan moved, to amend AO 2002-143, Lines 23 and 24,
seconded by Mr. Kendall, delete “due to emergency or unavailability of space”.

The Assembly discussed the issue and Mr. Sullivan’s motion.

Question was called on Mr. Sullivan’s motion to amend AO 2002-143 and it failed.

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

Mayor Wuerch noted the least costly method of broadcasting live would be from the Assembly Chambers.

Ms. Fairclough moved, to amend AO 2002-143, Line 22, change “shall” to
seconded by Mr. Van Etten, “should”.

The Assembly continued discussion of the ordinance.

Ms. Fairclough withdrew her motion.

Ms. Fairclough moved, to amend AO 2002-143, Line 23, after the words “designated
seconded by Mr. Sullivan, by the Assembly” insert “.” Delete “due to emergency or
unavailability of the space” and insert “or to hold meetings
in Eagle River or Girdwood for the convenience of residents
in those areas.”

The Assemblymembers discussed Ms. Fairclough’s amendment.

Question was called on Ms. Fairclough’s motion to amend AO 2002-143 and it failed.

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

Mr. Kendall moved, to postpone action on AO 2002-143 to 10-29-02.
seconded by Ms. Fairclough,

Question was called on Mr. Kendall’s motion to postpone AO 2002-143 to 10-29-02 and it failed.

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

Question was called on the main motion to adopt AO 2002-143 and it failed.

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

Ms. Fairclough moved notice of reconsideration spread across the minutes.

- 14J. 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.
AO 2002-134 THROUGH AO 2002-134(S-2) WERE POSTPONED INDEFINITELY; AO 2002-134(S-1) & AO 2002-134(S-2) WERE NOT SUBMITTED
1. Assembly Memorandum No. AM 794-2002.
 2. 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.
 3. Assembly Memorandum No. AM 826-2002
 4. 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.
 5. 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.

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 postpone indefinitely all versions of AO 2002-134.
seconded by Ms. Taylor,

Question was called on the motion to postpone indefinitely all versions of AO 2002-134 and it passed.

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

Ms. Fairclough moved, to take up items O, M and P.

The motion failed for lack of a second.

- 14K. 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.
1. Assembly Memorandum No. AM 813-2002.
 2. Information Memorandum No. AIM 94-2002, AO 2002-138 amending AMC 6.10.030 relating to computation of a continuation level, Assemblymember Tesche. **(addendum)**

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

Mr. Tesche moved, to adopt AO 2002-138.
seconded by Ms. Taylor,

Mr. Tesche discussed the proposed ordinance with the Assemblymembers.

In response to Mr. Sullivan, Office of Management and Budget Director Cheryl Frasca, responded the budget was crafted to focus explaining the results to be delivered to citizens in terms of services.

In response to Mr. Tremaine, Mayor Wuerch responded the Administration was presenting a performance based budget with performance measures for 2003. Mayor Wuerch reiterated the 5 broad goals of his Administration as public safety, economic growth, individual and family development, quality of life issues, and an All American City spirit of community.

The Assemblymembers discussed the ordinance and specifically the need for a computation of continuation level comparison.

Question was called on the main motion to adopt AO 2002-138 and it passed.

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

Mr. Tesche moved, for immediate reconsideration of AO 2002-138.
seconded by Mr. Tremaine,

Question was called on the motion for immediate reconsideration of AO 2002-138 and it failed.

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

- 14L. 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.
1. Assembly Memorandum No. AM 827-2002.

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

Mr. Tesche moved, to adopt AO 2002-145.
seconded by Ms. Taylor,

Mr. Tesche discussed the proposed ordinance with the Assembly.

Question was called on the motion to adopt AO 2002-145 and it passed.

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

Mr. Tesche moved, for immediate reconsideration of AO 2002-145.
seconded by Ms. Taylor,

Question was called on the motion for immediate reconsideration of AO 2002-145 and it failed.

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

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

- 14M. 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.

1. Assembly Memorandum No. AM 753-2002.

Chairman Traini advised the Assembly the Administration requested a continuation of this item to the next meeting on October 15, 2002.

Ms. Taylor disclosed a potential conflict of interest as she is employed by IBEW. Chairman Traini verified Ms. Taylor's employment with IBEW and inquired if she felt she had a conflict of interest and Ms. Taylor replied "no".

Mr. Tremaine moved,
seconded by Mr. Tesche,

Does Assemblymember Taylor have a substantial financial interest in the matter before the Assembly on adopting Uniform Administrative Codes contained in AO 2002-133?

Chairman Traini again asked Ms. Taylor if she felt she had a conflict on this issue and Ms. Taylor replied "no."

The Assemblymembers discussed the disclosure. Mr. Tremaine, Mr. Tesche and Ms. Fairclough agreed Ms. Taylor did not have a conflict of Interest. Ms. Fairclough requested, for the record, that Ms. Taylor neither approached her in any manner to tell her she is a new employee of IBEW, nor did Ms. Taylor discuss the labor contract that was before the Assembly that evening.

The Chairman directed Ms. Taylor that she did not have a conflict of interest and was directed to participate.

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

ROBERT HAYES, testified on fire code issues and the proposal to use sprinkler systems rather than smoke detectors.

MONA MACKLES, representing ADA Partners Project and Access Alaska, expressed general support for the ordinance with the exception of the stairs, handrails and accessible parking within the residential amendments which she felt were being changed and not uniform with the standards. She requested the ordinance be postponed to allow for further review.

In response to Ms. Fairclough, Ron Thompson, Senior Plan Review Engineer in Development Services, advised that typically committees are set up to review with one or two staff being part of the committee. The Committees forward their amendments to the Building Board for approval. The time to make changes is now. Ms. Fairclough requested Mr. Thompson draft an amendment specifically for the wrong size on the van parking space and he agreed.

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

to extend public hearings to 11:00 p.m.

ROBERT BOKE, testified on fuel gas codes and the economic impact of new codes.

Chairman Traini set a work session for October 11, 2002 at City Hall from 3:00 p.m. to 4:30 p.m. to further discuss this ordinance.

Mr. Tesche requested a more detailed Summary of Economic Impacts from the Administration and it be completed for the work session.

LYMAN MEETSON, testified he felt the Assembly should stay with the UMC code.

MICHELLE GIFFORD, testified with new codes being issued in January 2003, changing codes now is a waste of time and money. She requested tabling until January 2003.

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

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

to continue the public hearing on AO 2002-133 to the October 15, 2002 meeting.

Municipal Attorney Bill Greene requested individuals, as well as Assemblymembers, submit their questions to the Administration prior to the work session.

- 14N. Ordinance No. AO 2002-128, an ordinance amending the zoning map and providing for the rezoning of approximately 2.03 acres from PLI SL (Public Lands and Institutions District) with Special Limitations to R-2M SL (Multiple Family District) with Special Limitations for **Lot 29, T13N, R3W Section 22, S.M., AK**; generally located at the northeast corner of East 24th Avenue and Glacier Street (Russian Jack Community Council) (Planning and Zoning Commission Case 2002-118), Planning Department.
1. Assembly Memorandum No. AM 740-2002.

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

ROBIN WARD, representing Evan Rolen, developer, testified in favor of adopting the ordinance with the exception of Section 2 a, b and c, under special limitations.

DIANA ELEE, testified she was concerned that trees be left on the site.

Mr. Tremaine moved, to extend the meeting to 12:00 midnight.
seconded by Mr. Van Etten,
and it passed without objection,

RAMONA KELLEY, testified against removing Section 2 a, traffic flow and speed in the surrounding area, where the school buses are located and the safety of children going to school.

JERRY CHIN, testified in support of the ordinance.

CONNOR LEE, Pastor of First Korean Church, testified in support of the ordinance.

EVAN ROLAN, developer, testified in support of the ordinance.

The Assembly discussed the development with the developer, Mr. Rolan.

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 2002-128.
seconded by Ms. Taylor,

Chairman Traini called for a five minute break.

Mr. Tesche moved, to amend AO 2002-128, Page 1, Lines 29 and 30 to
seconded by Ms. Taylor, read **“Be subject to Anchorage 2020 Policies 48-50
and 52 for design and environment of residential
development.”**

Ms. Taylor offered a friendly amendment, to amend AO 2002-128, Page 1, Lines 29, 30, 31 to
seconded by Mr. Tremaine, read: **“Be subject to Anchorage 2020 Policies 48-50
and 52 for design and environment of residential
development, as determined by the Planning Staff.”**
and it passed without objection,

Mr. Tesche moved, to amend AO 2002-128, Page 2, **“delete Line 3 through 7,
seconded by Mr. Whittle, subsection c.”**
and it passed without objection,

Ms. Fairclough discussed the site plan restrictions.

Mr. Tremaine moved, to amend AO 2002-128, Page 1, subsection 2, lines 26 and 27:
seconded by Ms. Fairclough, change to read: **“Prior to the issuance of any development
and it passed without objection, permits, the development or condominium shall conform
to the site plan (EXHIBIT A) as approved by the
Anchorage Municipal Assembly on September 24, 2002, and”.**

Question was called on the main motion to adopt AO 2002-128 as amended, and it passed.

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

NAYES: None.

140. Ordinance No. AO 2002-129, an ordinance of the Anchorage Municipal Assembly amending the zoning map and providing for the rezoning of approximately 1.04 acres from R-O SL to B-3 SL for **Lot 1, Block 3, Schroeder East Subdivision**, generally located at the Old Glenn Highway and Santa Maria Drive Intersection, Eagle River (Eagle River Community Council) (Planning and Zoning Commission Case 2002-088), Planning Department.
1. Assembly Memorandum No. AM 741-2002.

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

DALE WALBERG, owner of the property, testified in support of the rezoning.

Ms. Fairclough, Mr. Kendall, and Mr. Tesche urged a yes vote.

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

Mr. Kendall moved, to adopt AO 2002-129.
seconded by Ms. Fairclough,

Question was called on the motion to adopt AO 2002-129 and it passed.

AYES: Tesche, Whittle, Taylor, Fairclough, Traini, Kendall, Sullivan.

NAYES: None.

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

- 14P. 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.
 - 1. Assembly Memorandum No. AM 814-2002.

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 continue public hearing on AO 2002-139 to 10-15-2002.
seconded by Mr. Tesche,
and it passed without objection,

- 15. **BOARD OF ADJUSTMENT/ASSEMBLY APPEALS:** None.
- 16. **SPECIAL ORDERS:** None.
- 17. **UNFINISHED AGENDA:** None.
- 18. **AUDIENCE PARTICIPATION:** None.
- 19. **ASSEMBLY COMMENTS:** None.
- 20. **EXECUTIVE SESSIONS:** None.
- 21. **ADJOURNMENT:**

Mr. Tesche moved, to adjourn the meeting.
seconded by Mr. Sullivan,
and it passed without objection,

The meeting adjourned at 11:50 p.m.

Chairman

ATTEST:

Municipal Clerk

Date Minutes Approved: October 15, 2002

GM/cmw

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