

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of November 19, 2002

1. CALL TO ORDER:

The meeting was convened at 4:06 p.m. by Assembly Chairman Dick Traini in the Assembly Chambers, 3600 Denali, Anchorage, Alaska for the Board of Adjustment.

2. ROLL CALL:

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

3. PLEDGE OF ALLEGIANCE:

Ms. Fairclough led the pledge.

Mr. Tesche moved, to change the order of the day to take up Item 15A,
seconded by Ms. Fairclough, Appeal S-10482.
and it passed without objection,

15. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS:

A. Appeal S-10482, Fassler Subdivision, Municipal Clerk.

In response to Chairman Traini, [Deputy Municipal Attorney Dennis Wheeler](#), noted the Appeal number was incorrect. The Appeal number should be **S-10842**. Mr. Wheeler advised that though the number was out of order there was some risk, however, with the appellant present in the Assembly Chambers the appeal could go forward.

Ms. Fairclough moved, to substitute the opinion of the Anchorage Assembly
seconded by Mr. Tremaine, for Finding Number 5 from the Platting Board on Page 52,
of the packet. That Finding reads, the Board
found that the current plat note restricting access is valid
and should remain as the lots can access internally to
Fassler Circle.

Ms. Fairclough gave the history of the Appeal and noted the issue was very confusing and there were multiple errors by various individuals throughout the history of the Appeal. Ms. Fairclough noted the access was the issue before the Assembly and a 2/3 vote was required to be able to substitute the Assembly's own opinion. Ms. Fairclough urged the Assembly to approve the motion and grant the owner the relief he sought.

In response to Mr. Tremaine's question, whether the Assembly was determining if there was an error of fact, [Deputy Municipal Attorney Dennis Wheeler](#), responded that the question was not so much if there was an error of fact, but if there is substantial evidence to support a contrary conclusion.

The Assemblymembers discussed the information provided by Ms. Fairclough.

In response to Mr. Tremaine, [Deputy Municipal Attorney Dennis Wheeler](#), stated that the record was not clear, but the driveway permit was issued by Traffic to allow access to Monron Street contradictory to the plot plan on page 184, so Traffic knowingly issued the permit for that lot.

In response to Mr. Tremaine, [Deputy Municipal Attorney Dennis Wheeler](#), noted that Title 1 contains a catch-all provision that says any violation of code is punishable by, among other things, injunctive relief and penalties of \$300 a day, and there may also be fines and penalties for specific code violations.

Mr. Tremaine stated he felt there was a direct violation punishable under Title 1 by a contractor, and he questioned how the Assembly could move forward with substituting judgment based on the record and at the same time pursue that penalty against the contractor. Mr. Wheeler responded that the Board of Adjustment could dispose of the appeal as it sees fit, including remand, if that were necessary. If the Assembly wished to look at what procedures were involved in granting the permit, that would be looked at as a completely separate matter.

Mr. Tesche, Mr. Tremaine and Mr. Wheeler discussed the legal options available to the Assembly to resolve the appeal.

Ms. Fairclough moved, to remove the Plat Note on Lot 1 only.
seconded by Mr. Tesche,

[Question was called on the motion to remove the Plat Note on Lot 1 of Appeal S-10842 and it passed.](#)

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

NAYES: None.
(Clerk’s Note: Mr. Kendall and Mr. Sullivan had not yet arrived at the time of this vote.)

Chairman Traini recessed the meeting for a 5-minute break.

Chairman Traini reconvened the meeting.

(Clerk’s Note: The Regular meeting was convened at 5:00 p.m. by Assembly Chairman Dick Traini in the Assembly Chambers, 3600 Denali, Anchorage, Alaska with Dan Kendall and Dan Sullivan present.)

4. MINUTES OF PREVIOUS MEETING:

A. Regular Meeting – October 22, 2002

Mr. Tesche moved, to approve the minutes of the Regular meeting of 10-22-02.
seconded by Ms. Taylor,
and it passed without objection,

B. Regular Meeting – October 29, 2002

Mr. Tesche moved, to approve the minutes of the Regular meeting of 10-29-02.
seconded by Ms. Fairclough,
and it passed without objection,

5. MAYOR'S REPORT: None.

6. ASSEMBLY CHAIR'S REPORT:

Chairman Traini introduced Assembly Counsel Mike Gatti to the Assembly and the Administration.

7. COMMITTEE REPORTS:

Ms. Von Gemmingen reported on the Alaska Municipal League conference in Valdez. Mayor Wuerch is now the President of the Alaska Conference of Mayors. Ms. Von Gemmingen is the new President of the Alaska Municipal League.

8. ADDENDUM TO AGENDA:

Ms. Fairclough moved, to amend the agenda to include the addendum items.
seconded by Mr. Tesche,

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

A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS: None.

B. RESOLUTIONS FOR ACTION – OTHER:

1. Resolution No. AR 2002-317(S), a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages Beverage Dispensary License-Duplicate conditional use in the B-2B District for a restaurant/lounge per AMC 21.40.160.D.13.; generally located on Lots 11 and 12, Block 71, Original Townsite Subdivision, at 409 West 7th Avenue and 626 D Street (**Bernie’s Bungalow Lounge**) (Downtown Community Council) (Case 2002-160), Planning Department.
 - a. Assembly Memorandum No. AM 935-2002.

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

2. Resolution No. AR 2002-356, a resolution of the Municipality of Anchorage authorizing the Administration to **amend the participation agreement with the State of Alaska Public Employees Retirement System (PERS)** to recognize past service credit for Mike Dillon, Employee Relations.
 - a. Assembly Memorandum No. AM 934-2002.

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

3. Resolution No. AR 2002-357, a resolution authorizing the granting of **tax refund as a result of manifest clerical error** on Real Property Parcel No. 050-905-13-000, Finance.
 - a. Assembly Memorandum No. AM 937-2002.
4. Resolution No. AR 2002-358, a resolution of the Municipality of Anchorage appropriating \$15,883 as a grant amendment to the State Categorical Grants Fund (231), Department of Health and

Human Services, from Alaska Housing Finance Corporation (AHFC) for the **Weatherization Assistance Program**, Health and Human Services.

- a. Assembly Memorandum No. AM 938-2002.
5. Resolution No. AR 2002-361, a resolution of the Municipality of Anchorage providing for the appropriation of \$5,708 from numerous citizens' donations to the Miscellaneous Operational Grant Fund (261), Cultural and Recreational Services Department, for the purchase of **library books and materials and equipment**, Cultural and Recreational Services/Library.
 - a. Assembly Memorandum No. AM 948-2002.

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

C. BID AWARDS: None.

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 924-2002, **Viet-Nam House** (#3746) formerly Curly's Neighborhood Grill – Transfer of Ownership & Name Change for a Restaurant Eating Place Liquor License (Russian Jack Community Council), Clerk's Office.
2. Assembly Memorandum No. AM 942-2002, Board of Adjustment Findings and Conclusions for **S-10903 – Iliamna Acres Subdivision, Tracts 9 and 10A**, Planning Department.
3. Assembly Memorandum No. AM 936-2002, Assembly approval of Change Order #3 to contract with Sandberg, Wuestenfeld & Corey to provide **legal services** in the area of tort liability (\$100,000), Finance.

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

4. Assembly Memorandum No. AM 945-2002, Assembly approval of Change Order #2 to contract with Trena L. Heikes to provide **legal services** in the area of worker's compensation (\$250,000), Finance.

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

5. Assembly Memorandum No. AM 946-2002, Assembly approval of Change Order #2 to contract with DeLisio Moran Geraghty & Zobel, P.C. to provide **legal services** in the area of worker's compensation (\$150,000), Finance.

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

6. Assembly Memorandum No. AM 941-2002, Community Development Block Grant (CDBG) award, Contract Amendment No. 1 to the agreement with the Boys and Girls Club, **Woodland Park Renovation** (PY) 2001 (\$15,500), Planning Department.
7. Assembly Memorandum No. AM 947-2002, Change Order No. 9 to HD Redmond Company contract (P.O. No. 201371) increasing the contract by \$32,000 for a contract amount not to exceed \$702,000 for the Girdwood Valley Service Area (SA-Roads), Maintenance and Operations Department for BY 02 **winter road maintenance**, Street Maintenance.
8. Assembly Memorandum No. AM 950-2002, appointment of panel (Gloria O'Neill, Tom Pittman, Mari Ogimachi, Steve Beardsley, Ken Takakuwa, & Jim Posey- *ex officio* member) to **name the park adjacent to historic City Hall** in honor of Native Alaskan civil rights advocates, Elizabeth and Roy Peratrovich, Mayor's Office. **(addendum)**

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

9. Assembly Memorandum No. AM 951-2002, **Chugiak Birchwood, Eagle River Rural Road Service Area Board of Supervisors appointments** (Deborah Hull-Jilly, Sue Stice), Mayor's Office. **(addendum)**
10. Assembly Memorandum No. AM 952-2002, **School Budget Advisory Commission reappointment** (Dick Cattanch), Mayor's Office. **(addendum)**
11. Assembly Memorandum No. AM 953-2002, **Budget Advisory Commission appointment** (Glenda Radvansky), Mayor's Office. **(addendum)**
12. Assembly Memorandum No. AM 958-2002, change order No. 11 to purchase order 82944 with RCC Consultants, Inc. for **additional needs analysis and recommendations for the Mobile Data System** for the Municipality of Anchorage, Anchorage Police Department (\$36,540), Anchorage Police Department. **(addendum)**
13. Assembly Memorandum No. AM 959-2002, proprietary purchase with Motorola Communications, Inc. for providing **UHF radio communication equipment** to the Municipality of Anchorage, Traffic Department (\$66,166.12), Purchasing. **(addendum)**
14. Assembly Memorandum No. AM 960-2002, change order No. 1 to purchase order 216138 with Resource Data, Inc. for providing professional services for the implementation of **Maximo Work Management System** (WMS Phase II) for the Anchorage Water and Wastewater Utility, Municipality of Anchorage (\$250,000), Purchasing. **(addendum)**
15. Assembly Memorandum No. AM 961-2002, **Jack Sprat** (#1632) – Restaurant Designation/Eating Place Permit (Girdwood Community Council), Clerk's Office. **(addendum)**

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 105-2002, **Anchorage Loop Water Transmission Main Phase VI**, Frontier Excavating, Inc. (PO 0000206293) – Report of Construction Contract Change Orders, Water and Wastewater Utility.

2. Information Memorandum No. AIM 106-2002, **South Addition Woodstave Upgrade, Phase II**, Tam Construction Inc. (PO 0000206280) – Report of Construction Contract Change Orders, Water and Wastewater Utility.
3. Information Memorandum No. AIM 107-2002, Utility Update: AR No. 2001-358, a resolution of the Anchorage Municipal Assembly directing the Anchorage Water & Wastewater Utility to seek approval of the Regulatory Commission of Alaska (RCA) to amend the Utility's tariffs to allow a one-time, special balloting and assessment procedure for the **proposed Scimitar Water Improvement District, Harold Loop Water Improvement District and Sewer Lateral Improvement District, and Monastery Water Improvement District and Sewer Lateral Improvement District**, Water and Wastewater Utility.
4. Information Memorandum No. AIM 108-2002, **Monthly Financial Report – August 2002**, Finance.

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

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2002-167, an ordinance amending the zoning map and providing for the rezoning of approximately 2.19 acres from PLI (Public Lands and Institutions District) to R-1 (One-Family District) for **BLM Lot 46, Section 11, Township 14 North, Range 2 West, S.M.**, Alaska; generally located at 10500 Old Eagle River Road (Eagle River Community Council) (Planning and Zoning Commission Case 2002-141), Planning Department. Public Hearing 1-7-03.
 - a. Assembly Memorandum No. AM 943-2002.
2. Resolution No. AR 2002-359, a resolution of the Municipality of Anchorage appropriating \$294,000 from the **Federal Seized and Forfeited Monies** from Categorical Fund (257), awarded from criminal narcotics cases by the U.S. Drug Enforcement Agency, to the Police Investigation Fund (257) for use by the Anchorage Police Department. Public Hearing 11-26-02.
 - a. Assembly Memorandum No. AM 939-2002.
3. Resolution No. AR 2002-360, a resolution of the Municipality of Anchorage appropriating \$112,900 from the Areawide General Fund Balance (101), to the Department of Health and Human Services, for **Indigent Defense Services**, Health and Human Services. Public Hearing 11-26-02.
 - a. Assembly Memorandum No. AM 940-2002.

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

4. Resolution No. AR 2002-362, a resolution of the Municipality of Anchorage authorizing the Heritage Land Bank (HLB) to grant a **2000 square foot easement within HLB Parcel No. 1-077**, also known as Lot 3, Department of Lands Subdivision in Section 36, T15N, R2W, Seward Meridian, in Eagle River, to Matanuska Electric Association (MEA) for the purpose of providing electrical and telecommunications service to property adjoining to the south of the subject parcel, Heritage Land Bank. Public Hearing 11-26-02.
 - a. Assembly Memorandum No. AM 949-2002.
5. Ordinance No. AO 2002-168, an ordinance of the Municipality of Anchorage amending Chapter 3.85, Anchorage Municipal Code, relating to the **Police & Fire Retirement Board** and clarifying the coverage of staff employees under Anchorage Municipal Code 3.30, Police and Fire Retirement System. Public Hearing 12-10-02. **(addendum)**
 - a. Assembly Memorandum No. AM 957-2002.
6. Resolution No. AR 2002-363, a resolution authorizing the use of eminent domain and acceptance of the Decisional Document Part I & Part II for the construction of the **Elmore Road Improvements Project, Huffman Road to DeArmoun Road**, Projects #00-22 and #00-23, Project Management & Engineering. Public Hearing 12-10-02. **(addendum)**
 - a. Assembly Memorandum No. AM 954-2002.

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

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

NAYES: None.

10. REGULAR AGENDA:

A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS: None.

B. RESOLUTIONS FOR ACTION – OTHER:

- 10B1. Resolution No. AR 2002-317(S), a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages Beverage Dispensary License-Duplicate conditional use in the B-2B District for a restaurant/lounge per AMC 21.40.160.D.13.; generally located on Lots 11 and 12, Block 71, Original Townsite Subdivision, at 409 West 7th Avenue and 626 D Street (**Bernie's Bungalow Lounge**) (Downtown Community Council) (Case 2002-160), Planning Department.
 - a. Assembly Memorandum No. AM 935-2002.

In response to Mr. Tremaine, Mayor Wuerch replied he had no opinion on where this item should be placed on the agenda.

Mr. Tremaine moved,
seconded by Mr. Tesche,

to place AR 2002-317(S) under Item 11G.

and it passed without objection,

(Clerk's Note: Chairman Traini advised the Assembly item AR 2002-317(S) as amended, was previously approved at the October 22, 2002 and somehow showed back up on the agenda.)

Mr. Sullivan moved, to withdraw AR 2002-317(S) from the Agenda.
seconded by Mr. Tremaine,
and it passed without objection,

- 10B2. Resolution No. AR 2002-356, a resolution of the Municipality of Anchorage authorizing the Administration to **amend the participation agreement with the State of Alaska Public Employees Retirement System (PERS)** to recognize past service credit for Mike Dillon, Employee Relations.
a. Assembly Memorandum No. AM 934-2002.

Mr. Tremaine moved, to approve AR 2002-356.
seconded by Mr. Tesche,
and it passed without objection,

In response to Mr. Tremaine, Records and Benefits Manager Karen Moore commented that the action requested was with the advice of the PERS. Ms. Moore further stated that it was only Municipal contributions and not employee funds in the fund. Ms. Moore also stated the funds were for PERS use only.

In response to Assembly questions, Municipal Light & Power General Manager, Mike Scott, stated when the Eklutna Power Plant was transferred to the Municipality, Mr. Dillon was the Plant Operator and with his years of experience and familiarity with the system, it was a wise investment for Mr. Dillon to be retained, and the PERS negotiation was the incentive to keep Mr. Dillon from going elsewhere.

- 10B3. Resolution No. AR 2002-361, a resolution of the Municipality of Anchorage providing for the appropriation of \$5,708 from numerous citizens' donations to the Miscellaneous Operational Grant Fund (261), Cultural and Recreational Services Department, for the purchase of **library books and materials and equipment**, Cultural and Recreational Services/Library.
a. Assembly Memorandum No. AM 948-2002.

Mr. Tremaine moved, to approve AR 2002-361.
seconded by Ms. Shamborg,

Mr. Tremaine moved, to amend AR 2002-361, Line 15, delete the word **"and"**.
seconded by Ms. Fairclough,
and it passed without objection,

Question was called on the main motion to approve AR 2002-361 as amended and it passed.

C. BID AWARDS: None.

D. NEW BUSINESS:

- 10D1. Assembly Memorandum No. AM 936-2002, Assembly approval of Change Order #3 to contract with Sandberg, Wuestenfeld & Corey to provide **legal services** in the area of tort liability (\$100,000), Finance.

Mr. Tremaine moved, to approve AM 936-2002.
seconded by Ms. Shamborg,
and it passed without objection,

In response to Mr. Tremaine, Chief Fiscal Officer Kate Giard, responded the increase to \$100,000 was due to the absence of a Risk Manager and the inability to coordinate the projected amounts due during the last year. Ms. Giard noted the funds were separate from general fund budget and in a specific fund for the Workers Comp and legal liability. However they do, from time to time, have to come back to the Assembly depending upon the type of litigation on Workers Comp claims and other matters.

- 10D2. Assembly Memorandum No. AM 945-2002, Assembly approval of Change Order #2 to contract with Trena L. Heikes to provide **legal services** in the area of worker's compensation (\$250,000), Finance.

Mr. Tremaine moved, to approve AM 945-2002.
seconded by Mr. Tesche,

In response to Mr. Tremaine, Chief Fiscal Officer Kate Giard, responded this obligates the Municipality for budget year 2002.

Mr. Tremaine moved, to postpone AM 945-2002 to 11-26-02.
seconded by Mr. Tesche,

Question was called on the motion to postpone AM 945-2002 to 11-26-02 and it passed.

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

Chairman Traini requested Mr. Tremaine direct his questions in writing directly to the Administration.

10D3. Assembly Memorandum No. AM 946-2002, Assembly approval of Change Order #2 to contract with DeLisio Moran Geraghty & Zobel, P.C. to provide **legal services** in the area of worker's compensation (\$150,000), Finance.

Mr. Tremaine moved, to postpone AM 946-2002 to 11-26-02.
seconded by Mr. Tesche,

Mr. Tremaine requested an explanation of funds for the year 2003.

[Question was called on the motion to postpone AM 946-2002 to 11-26-02 and it passed.](#)

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

Chairman Traini requested Mr. Tremaine direct his questions in writing directly to the Administration.

10D4. Assembly Memorandum No. AM 950-2002, appointment of panel (Gloria O'Neill, Tom Pittman, Mari Ogimachi, Steve Beardsley, Ken Takakuwa, & Jim Posey- *ex officio* member) to **name the park adjacent to historic City Hall** in honor of Native Alaskan civil rights advocates, Elizabeth and Roy Peratrovich, Mayor's Office. **(addendum)**

Mr. Whittle moved, to approve AM 947-2002.
seconded by Mr. Tesche,
and it passed without objection,

Mr. Whittle suggested to the panel that a history of the Peratrovich's and the Alaskan Native civil rights history be provided at the park.

E. INFORMATION AND REPORTS:

10E1. Information Memorandum No. AIM 108-2002, **Monthly Financial Report – August 2002**, Finance.

Mr. Tremaine moved, to accept AIM 108-2002.
seconded by Mr. Tesche,
and it passed without objection,

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

10F1. Resolution No. AR 2002-360, a resolution of the Municipality of Anchorage appropriating \$112,900 from the Areawide General Fund Balance (101), to the Department of Health and Human Services, for **Indigent Defense Services**, Health and Human Services. Public Hearing 11-26-02.
a. Assembly Memorandum No. AM 940-2002.

[Mr. Tesche, Ms. Fairclough, and Ms. Shamberg joined in introducing AR 2002-360. The public hearing was scheduled for 11-26-2002.](#)

Mr. Tremaine requested the Administration provide fund balances at the scheduled hearing.

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

11A. 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.
1. Assembly Memorandum No. AM 821-2002.
2. Information Memorandum No. AIM 100-2002.
3. Information Memorandum No. AIM 104-2002, Joint School Site Selection Committee CIB/CIP Resolution, Assemblymember Shamberg.
4. Resolution No. AR 2002-297(S), a resolution of the Municipality of Anchorage adopting the 2003-2008 General Government Capital Improvement Program, Office of Management and Budget.
5. Assembly Memorandum No. AM 931-2002.
6. Resolution No. AR 2002-297(S-1), a resolution of the Municipality of Anchorage adopting the 2003-2008 General Government Capital Improvement Program, Office of Management and Budget. **(addendum)**
7. Assembly Memorandum No. AM 963-2002.
(POSTPONED FROM 10-22-02 AND 10-29-02; CARRIED OVER FROM 11-8-02 AND 11-11-02)

Mr. Tesche moved, to ~~postpone action on AR 2002-297 and any (S) versions until 11-26-02.~~
seconded by Mr. Tremaine,

Mr. Tesche explained that the amendments and revisions made to this document would be ready for review by the Assembly by the 11-26-02 meeting and thus any action should be postponed until the final review of the budget figures by the Assemblymembers. Mr. Tesche further noted a worksession was schedule for Friday, 11-22-02 to look over the budget.

Mayor Wuerch responded the Administration would be distributing the (S) versions and worksheets to the Assembly members during the dinner break.

Chairman Traini advised the Assembly they needed to take up the purchase of Waldron Lake.

Chairman Traini left the Chair.

Ms. Von Gemmingen took the Chair.

Chair Von Gemmingen provided a history of the issue and noted motion to postpone was on the floor. Chair Von Gemmingen noted the issue before the Assembly was the title to the Waldron Lake property and if the Boys and Girls Club could sell the property.

Mr. Traini provided a Title Insurance document issued 11-18-2002 through Land Title Company of Alaska, showing that the property is owned with no restrictions by the Boys and Girls Club fee simple.

Ms. Fairclough called for a Point of Order. Ms. Fairclough questioned if a vote had been taken on AR 2002-297? Municipal Clerk Greg Moyer responded a vote had not been taken, however a motion to postpone action on AR 2002-297 was on the floor.

Mr. Tesche withdrew his motion to postpone action on AR 2002-297 and AO 2002-141, second Mr. Tremaine concurred.

Ms. Fairclough moved, to approve AR 2002-297.
seconded by Mr. Tesche,

Mr. Traini advised the Assembly his Community Council supported the purchase of Waldron Lake and a ballot proposition. The title to the property is clear and available for purchase. The Community Council requested the Municipality purchase the property and turn it into a park. Mr. Traini wanted the purchase of Waldron Lake (19.6 acres) for \$1.7 million to appear on the bond package for year 2003.

Mr. Traini moved, to amend AR 2002-297, to “add \$1.7 million for purchasing
seconded by Mr. Van Etten, 19.6 acres of Waldron Lake.”

Question was called on the motion to amend AR 2002-297 to add “1.7 million for purchasing 19.6 acres of Waldron Lake” and it passed.

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

NAYES: Kendall, Sullivan.

The Assembly discussed the proposed purchase.

In response to Mr. Sullivan, Mr. Traini responded the purchase price number came from Mr. Nadine and they had not gone to the Parks Board yet. Mr. Van Etten noted he and Mr. Traini had held back projects for funding to allow this item to be funded.

The Assembly discussed the possibility of a stand-alone bond.

Mr. Sullivan moved, to amend AR 2002-297, “to add 1.7 million for purchasing
seconded by Ms. Fairclough, 19.6 acres of Waldron Lake as a stand-alone bond.”

Chief Fiscal Officer Kate Giard asked for clarification if there would be any operations and maintenance costs that would be associated with that purchase. The Parks Department estimated the operations and maintenance cost would be \$120,000.

Mr. Traini agreed to accept amending the \$120,000 operations and maintenance cost into the amendment, second Mr. Van Etten concurred.

Mr. Traini moved, to amend AR 2002-297, “to add 1.7 million for purchasing
seconded by Mr. Van Etten, 19.6 acres of Waldron Lake as a stand-alone bond and
include \$120,000 for operations and maintenance.”

Mr. Traini took the Chair.

Question was called on the motion to amend AR 2002-297 to add “1.7 million for purchasing 19.6 acres of Waldron Lake as a stand-alone bond and include \$120,000 for operations and maintenance” and it passed.

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

NAYES: Kendall, Sullivan.

Mr. Tesche moved, to postpone action on AR 2002-297 and any (S) versions
seconded by Mr. Tremaine, until 11-26-02.
and it passed without objection,

- 11B. Ordinance No. AO 2002-141, an ordinance adopting the **2003 General Government Capital Improvement Budget**, Office of Management and Budget.
1. Assembly Memorandum No. AM 821-2002.
 2. Information Memorandum No. AIM 100-2002.
 3. Information Memorandum No. AIM 104-2002.
 4. Ordinance No. AO 2002-141(S), an ordinance adopting the 2003 General Government Capital Improvement Budget, Office of Management and Budget.
 5. Assembly Memorandum No. AM 931-2002.
 6. Ordinance No. AO 2002-141(S-1), an ordinance adopting the 2003 General Government Capital Improvement Budget, Office of Management and Budget. **(addendum)**
 7. Assembly Memorandum No. AM 963-2002.
- (POSTPONED FROM 10-22-02 AND 10-29-02; CARRIED OVER FROM 11-8-02 AND 11-11-02)

Mr. Tesche questioned staff if the Budget Office or the Assembly staff recommend any corresponding changes to the budget ordinance to reflect what the Assembly had just done with respect to Waldron Lake?

In response to Mr. Tesche, Office of Management and Budget Director Cheryl Frasca advised there was an (S1) version prepared. Ms. Frasca asked if Mr. Tesche wanted them to incorporate this amendment into a new (S1) or come up with an (S2) version? Mr. Tesche responded the Assembly would like an (S2) version prepared.

Mr. Tesche moved, to postpone action on AO 2002-141 and any (S) versions until 11-26-02.
seconded by Mr. Tremaine,

Mr. Tesche withdrew his motion to postpone action on AO 2002-141, second Mr. Tremaine concurred.

Mr. Tesche moved, to postpone action on AO 2002-141 to 11-26-02.
seconded by Ms. Fairclough,
and it passed without objection,

Chairman Traini agreed to take up Item 12 Appearance Requests.

12. APPEARANCE REQUESTS:

- 12A. **Andrée McLeod**, regarding political sign/enforcement.
Andrée McLeod spoke regarding a police report having been filed regarding her political signs.
- 12B. **Daryl Nelson**, regarding the Public Transit Advisory Board. **(addendum)**
Daryl Nelson postponed his Appearance.
- 12C. **Bonnie Nelson**, regarding a proposal for change in prioritization of performance standards in management & budget process. **(addendum)**
Bonnie Nelson spoke on her plan to align the management and budget processes.

Chairman Traini welcomed Boy Scout Troop #209 from Rabbit Creek.

Ms. Fairclough called for a point of Personal Privilege.

Ms. Fairclough moved, to postpone AO 2001-136, Item 11 D to 2-25-03.
seconded by Mr. Tesche,
and it passed without objection,

Chairman Traini recessed the meeting at 6:30 p.m. for dinner break.

Chairman Traini reconvened the meeting at 7:00 p.m.

Mr. Tesche moved, to change the order of the day to take up AO 2002-140, Item 14A.
seconded by Ms. Von Gemmingen,
and it passed without objection,

Mr. Tesche announced to the audience that Item 11C, AO 202-144, Fee for Police Protection Services, would be postponed pending an upcoming Public Safety Committee meeting. The revised document would be brought back to the Assembly on 11-26-02.

Ms. Fairclough announced that Item 11F, AO 2002-117, Stormwater and Watershed Management, also known as the land clearing ordinance, will be carried over to 11-26-02.

- 14A. **SECOND PUBLIC HEARING:** Ordinance No. AO 2002-140, an ordinance of the Municipality of Anchorage adopting and appropriating funds for the **2003 General Government Operating Budget** for the Municipality of Anchorage, Office of Management and Budget.
1. Assembly Memorandum No. AM 820-2002.

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

[PHILIP SHAPLAND](#), testified on Transit issues.

[DARYL NELSON](#), representing Access Alaska, testified on Transit issues.

BONNIE NELSON, testified on Transit issues.

ARVA CARLSON, testified on Transit issues.

JOE KURTAK, testified on LRSA funding (Skyranch LRSA).

MARK SIMPSON, representing the Arts Advisory Commission, testified on arts funding.

LEXI HILL, Chugiak/Eagle River Park and Recreation Board, testified on Eagle River parks and recreation issues.

TED PEASE, representing Birchtree/Elmore LRSA, testified on LRSA funding.

PATRICK REINHART testified on Transit issues.

GRANT YUTRZENKA and CONNIE QUINLEY testified on closure of the Kincaid Chalet.

BOB PARRISH testified on Transit issues, (recent arrival from Ohio).

CHUCK MARTIN testified on Transit issues.

JIM BRAHAM testified on closure of the Kincaid Chalet.

BRAD WEESE testified on Transit issues.

ESTHER COX testified on the Museum for all ages.

STEVEN SCHMITZ testified on LRSA funding.

PETER MJOS testified on Kincaid funding.

GARY B. SMITH testified on Transit issues.

STUART HALL testified on funding for the Federation of Community Councils.

Chairman Traini called a recess at 9:03 p.m.

Chairman Traini reconvened the meeting at 9:15 p.m.

DEANNA SUGDEN testified on Transit issues.

JIM PARSONS on changing the form of government from strong mayor to council manager.

TIM STONE testified on Kincaid funding.

SANDY RABINOWITCH testified on Kincaid funding.

DIANE HOLMES. Chairman Traini advised she had previously testified. The Assembly objected to a second testimony and requested a vote.

Question was called on whether Diane Holmes could testify a second time and it failed.

AYES: Tesche, Whittle, Von Gemmingen, Van Etten, Shamberg.

NAYES: Taylor, Fairclough, Traini, Kendall, Tremaine, Sullivan.

MR. ALDEN testified in support of the library and in opposition to the tax-cap.

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

- 11C. Ordinance No. AO 2002-144, an ordinance enacting Anchorage Municipal Code Chapter 10.80, **establishing a fee for police protection services**, Assemblymember Tesche.
(POSTPONED FROM 10-22-02)

(Clerk's Note: This item carried over to 11-26-02 meeting.)

- 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.
1. Assembly Memorandum No. AM 628-2001.
(CONTINUED FROM 9-11-01, 10-23-01, 1-8-02; POSTPONED FROM 3-19-02 AND 9-24-02)

(Clerk's Note: This item was considered earlier in the evening after Item 11B and postponed to 2-25-03.)

- 11E. Ordinance No. AO 2002-97, an ordinance of the Anchorage Municipal Assembly **removing the map legend reference to dwelling density** associated with sewer service within the Hillside Wastewater Management Plan (Planning and Zoning Commission Case 2002-181), Assemblymember Tremaine.
1. Assembly Memorandum No. AM 667-2002.
(POSTPONED FROM 7-23-02)

(Clerk's Note: This item was considered later in the evening after Item 14C.)

- 11F. Ordinance No. AO 2002-117, an ordinance repealing or amending and renumbering sections of Anchorage Municipal Code Chapters 21.67, 15.40, and 15.50 and Anchorage Municipal Code of Regulations Chapter 21.67, regarding **Stormwater and Watershed Management**; and amending Anchorage Municipal Code Sections 4.40.150, 14.60.030, 21.10.015, 21.35.020 and 21.40.230; to provide for the implementation and enforcement of stormwater and watershed management, Development Services.
1. Assembly Memorandum No. AM 717-2002.
 2. Ordinance No. AO 2002-117(S), an ordinance repealing or amending and renumbering sections of Anchorage Municipal Code Chapters 21.67, 15.40, and 15.50 and Anchorage Municipal Code of Regulations Chapter 21.67, regarding Stormwater and Watershed Management; and amending Anchorage Municipal Code Sections 4.40.150, 14.60.030, 21.10.015, 21.35.020 and 21.40.230; to provide for the implementation and enforcement of stormwater and watershed management, Assemblymember Shamberg.
(POSTPONED FROM 10-29-02)

(Clerk's Note: This item was carried over to the 11-26-02 meeting.)

12. APPEARANCE REQUESTS:

- 12A. **Andrée McLeod**, regarding political sign/enforcement.

(Clerk's Note: This item was heard earlier in the evening after Item 11B.)

- 12B. **Daryl Nelson**, regarding the Public Transit Advisory Board. **(addendum)**

Daryl Nelson postponed his Appearance.

- 12C. **Bonnie Nelson**, regarding a proposal for change in prioritization of performance standards in management & budget process. **(addendum)**

(Clerk's Note: This item was heard earlier in the evening after Item 11B.)

13. CONTINUED PUBLIC HEARINGS:

- 13A. Ordinance No. AO 2002-162, 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 and to provide for the review and certification of signatures on the petition, Assembly Chair Traini.
(CONTINUED FROM 10-29-02)

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

COREY RENNELL testified regarding the age limit in the ordinance.

DANIEL BECKER testified in support of the age limit change.

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 2002-162.
seconded by Ms. Fairclough,

The Assemblymembers discussed the public hearing comments.

Mr. Tesche moved, to amend AO 2002-162, Page 1, Line 23, to delete
seconded by Ms. Von Gemmingen, **"qualified voters"** and add **"citizens 16 years or older."**

Mr. Tremaine offered a friendly amendment to Mr. Tesche's motion to substitute "citizen" for "16 years or older."

Mr. Tesche accepted the friendly amendment, second Ms. Fairclough concurred.

Mr. Tesche moved friendly amendment to amend AO 2002-162, Page 1, Line 23, to delete
seconded by Ms. Fairclough, **"qualified voters"** and add **"citizens."**

In response to Mr. Tremaine, Deputy Municipal Attorney Dennis Wheeler, noted one of the goals of the rewrite was to ensure that voters in the Municipality had control over the initiative referendum process reserved unto them. Given "citizens", anyone can file an initiative or sponsor an initiative referendum.

Assembly Attorney Mike Gatti noted the purpose and intent of the initiative referendum process.

Mr. Tesche moved,
seconded by Ms. Fairclough,

to amend AO 2002-162, Page 1, Line 23 to substitute
“**Anchorage residents**” for the term “**qualified voters.**”

The Assemblymembers discussed the different amendments and the verbiage “Anchorage resident.”

Mr. Sullivan moved,
seconded by Ms. Fairclough,

to postpone action on AO 2002-162 to 11-26-02.

In response to Chairman Traini, Mr. Wheeler advised the term “resident” might be difficult for the Municipal Clerk to determine and verify.

Mr. Tesche requested a review from Assembly Attorney Mike Gatti.

Assemblymembers discussed the language in the amendments and noted they wished to postpone action pending legal review. Chairman Traini requested Deputy Municipal Attorney Dennis Wheeler, to provide the review.

Question was called on the motion to postpone action on AO 2002-162 to 11-26-02 and it passed.

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

NAYES: None.

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

to change the order of the day to take up Item 13 I,
AR 2002-295.

- 13I. Resolution No. AR 2002-295, a resolution of the Municipality of Anchorage adopting the **2003-2008 Six Year Fiscal Program**, Office of Management and Budget.
1. Assembly Memorandum No. AM 822-2002.
(CONTINUED FROM 10-29-02)

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

There was no one, and he closed the public hearing. No action was taken.

(Clerk’s Note: Chairman Traini returned to Item 13B.)

- 13B. Resolution No. AR 2002-312, a resolution of the Municipality of Anchorage appropriating up to \$343,000 from the Heritage Land Bank General Fund (221) to the Heritage Land Bank Capital Fund (421) to assist in the purchase of 31.15 acres of land lying within Tract A, Alaska Village Subdivision, Plat No. 70-261, for the **proposed Muldoon Middle School**, Heritage Land Bank.
1. Assembly Memorandum No. AM 853-2002.
(CONTINUED FROM 10-29-02)

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

There was no one, and he closed the public hearing.

Ms. Fairclough moved,
seconded by Mr. Tremaine,

to approve AR 2002-312.

Question was called on the motion to approve AR 2002-312 and it passed.

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

NAYES: None.

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

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

to change the order of the day to take up Item 14B,
AR 2002-349.

- 14B. Resolution No. AR 2002-349, a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages conditional use in the B-2C District for a duplicate beverage dispensary use per AMC 21.40.170.D.14., for the **Woodshed Lounge**, located on the lower level floor, Anchorage Original Townsite, Block 17, Lot 7A; generally located on the northeast corner of West 3rd Avenue and “F” Street (Downtown Community Council) (Case 2002-226), Planning Department.
1. Assembly Memorandum No. AM 919-2002.

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,
seconded by Mr. Tremaine,

to approve AR 2002-349.

Ms. Von Gemmingen advised the Fire Department did not have any comments regarding fire issues and she expressed the concern of noise levels. Mr. Tesche, Assemblyman for the downtown area, indicated he had received no complaints of noise from the establishment, however, he would monitor it in the future.

Question was called on the motion to approve AR 2002-349 and it passed.

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

NAYES: None.

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

- 13C. Resolution No. AR 2002-340, a resolution of the Municipality of Anchorage appropriating \$1,278,400 from the Alaska Department of Health and Social Services and \$327,000 from the Areawide General Fund (101) 2002 Municipal Operating Budget, Department of Health and Human Services to the State Categorical Grants Fund (231), Department of Health and Human Services to fund the **Human Services Community Matching Grants**, Health and Human Services.
1. Assembly Memorandum No. AM 910-2002.
- (CONTINUED FROM 10-29-02)

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

Ms. Von Gemmingen moved, to approve AR 2002-340.
seconded by Mr. Tesche,

Question was called on the motion to approve AR 2002-340 and it passed.

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

NAYES: None.

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

- 13D. Resolution No. AR 2002-341, a resolution of the Municipality of Anchorage appropriating \$960,814 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 to fund **Community Health Nursing Services**, Health and Human Services.
1. Assembly Memorandum No. AM 911-2002.
- (CONTINUED FROM 10-29-02)

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

Ms. Von Gemmingen moved, to approve AR 2002-341.
seconded by Mr. Tremaine,

Question was called on the motion to approve AR 2002-341 and it passed.

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

NAYES: None.

- 13E. Ordinance No. AO 2002-155, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the borrowing from the State of Alaska Drinking Water Fund of an amount not to exceed \$13,018,300 for the purpose of financing a portion of the costs of various **water capital improvement projects** in the Municipality, and providing for related matters, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 889-2002.
- (CONTINUED FROM 10-29-02)

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

Ms. Von Gemmingen moved, to adopt AO 2002-155.
seconded by Ms. Fairclough,

Anchorage Water and Wastewater Utility General Manager Mark Premo provided a status report.

Question was called on the motion to adopt AO 2002-155 and it passed.

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

NAYES: None.

- 13F. Resolution No. AR 2002-347, a resolution of the Municipality of Anchorage appropriating \$100,000 from the Heritage Land Bank Fund (221) to the Heritage Land Bank Capital Improvement Fund (421) for approved **HLB Capital Improvement Program projects**, Heritage Land Bank.
1. Assembly Memorandum No. AM 905-2002.
- (CONTINUED FROM 10-29-02)

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

Ms. Fairclough moved, to approve AR 2002-347.
seconded by Mr. Tremaine,

Question was called on the motion to approve AR 2002-347 and it passed.

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

NAYES: None.

- 13G. Resolution No. AR 2002-348, a resolution of the Municipality of Anchorage to **purchase Lot 28, located within Section 9, T12N, R3W, S.M.**, 4.25-acre parcel bounded by East 80th, Laverne Place and Winchester Street in South Anchorage, Cultural and Recreational Services.
1. Assembly Memorandum No. AM 904-2002.
(CONTINUED FROM 10-29-02)

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

Mr. Van Etten moved, to approve AR 2002-348.
seconded by Mr. Tremaine,

In response to Ms. Fairclough, Real Estate Services Manager, Gladys Wilson, replied that the fair market value was substantiated by a letter of opinion by an appraiser.

Ms. Fairclough questioned Deputy Municipal Attorney Dennis Wheeler, on the use of bond funds 20 years old. Mr. Wheeler advised he would contact bond counsel for clarification. Cultural and Recreational Services Director Jim Posey advised the funds were residual monies not used in original bond purchases. The City is trying to draw down the account funds by using the funds to fund this particular property which fits the original bond funding classification.

Mr. Tesche moved, to postpone action on AR 2002-348 to 11-26-02
seconded by Ms. Fairclough, for an opinion from Bond Counsel.
and it passed without objection,

- 13H. Ordinance No. AO 2002-154, an ordinance of the Anchorage Municipal Assembly authorizing the sublease of a portion of Alaska Railroad Lease Contract No. 6434, also known as the **South Tidelands**, located in the Port of Anchorage, totaling approximately 8,567 square feet, to Alaska Basic Industries, Inc., Port of Anchorage.
1. Assembly Memorandum No. AM 884-2002.
(CONTINUED FROM 10-29-02)

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

Mr. Sullivan moved, to adopt AO 2002-154.
seconded by Mr. Tesche,

In response to Mr. Tremaine, Municipal Manager Harry Kielsing advised he would need time to obtain the requested information.

The Assembly discussed the fees to be charged on the property and the future change in property designation.

Ms. Fairclough moved, to postpone action on AO 2002-154 to 11-26-02
seconded by Mr. Tesche, pending Administration's answer.
and it passed without objection,

Chairman Traini requested Assembly staff to put all information requests from the Assemblymembers into written form for the Administration.

- 13I. Resolution No. AR 2002-295, a resolution of the Municipality of Anchorage adopting the **2003-2008 Six Year Fiscal Program**, Office of Management and Budget.
1. Assembly Memorandum No. AM 822-2002.
(CONTINUED FROM 10-29-02)

(Clerk's Note: This item was considered earlier in the evening after Item 13A.)

14. NEW PUBLIC HEARINGS:

- 14A. **SECOND PUBLIC HEARING:** Ordinance No. AO 2002-140, an ordinance of the Municipality of Anchorage adopting and appropriating funds for the **2003 General Government Operating Budget** for the Municipality of Anchorage, Office of Management and Budget.
1. Assembly Memorandum No. AM 820-2002.

(Clerk's Note: This item was considered earlier in the evening after the meeting reconvened at 7:00 p.m. and before Item 13C.)

- 14B. Resolution No. AR 2002-349, a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages conditional use in the B-2C District for a duplicate beverage dispensary use per AMC 21.40.170.D.14., for the **Woodshed Lounge**, located on the lower level floor, Anchorage Original Townsite, Block 17, Lot 7A; generally located on the northeast corner of West 3rd Avenue and "F" Street (Downtown Community Council) (Case 2002-226), Planning Department.
1. Assembly Memorandum No. AM 919-2002.

(Clerk's Note: This item was considered earlier in the evening after Item 13B.)

- 14C. Ordinance No. AO 2002-152, an ordinance amending the zoning map and providing for the rezoning of approximately 0.84 acres from B-3SL (General Business District) with Special Limitations to R-4SL (Multiple Family District) with Special Limitations for **Town Square Subdivision, Lot 4A**; generally located at the southeast corner of DeBarr Road and Lake Otis Parkway (Airport Heights Community Council) (Planning and Zoning Commission Case 2002-143), Planning Department.
1. Assembly Memorandum No. AM 892-2002.

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

TIM POTTER, representing Dowl Engineers testified in support of the rezoning.

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

Mr. Van Etten moved, to adopt AO 2002-152.
seconded by Ms. Shamberg,

There was one dissenting comment on traffic congestion noted in the Assembly packet documentation.

Question was called on the motion to adopt AO 2002-152 and it passed.

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

NAYES: None.

Mr. Tremaine moved, to change the order of the day to take up Item 11E,
seconded by Ms. Shamberg, AO 2002-97.
and it passed without objection,

- 11E. Ordinance No. AO 2002-97, an ordinance of the Anchorage Municipal Assembly **removing the map legend reference to dwelling density** associated with sewer service within the Hillside Wastewater Management Plan (Planning and Zoning Commission Case 2002-181), Assemblymember Tremaine.
1. Assembly Memorandum No. AM 667-2002.
(POSTPONED FROM 7-23-02)

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

Mr. Tremaine moved, to adopt AO 2002-97.
seconded by Ms. Shamberg,

Mr. Tremaine provided a recap of this ordinance to the Assemblymembers.

Deputy Municipal Attorney Dennis Wheeler suggested corrections to the document.

Mr. Tremaine moved, to amend AO 2002-97 to **"delete Sections B, C and D"**
seconded by Ms. Shamberg, and in Line 27 take out the word **"Interim."**
and it passed without objection,

Question was called on the main motion to adopt AO 2002-97 as amended and it passed.

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

NAYES: None.

- 14D. Ordinance No. AO 2002-153, an ordinance amending the zoning map and providing for the rezoning of approximately 3.8 acres from PLI-SL (Public Lands and Institutions District) with Special Limitations and B-1A SL (Local & Neighborhood Business) with Special Limitations to R-10 SL (Residential Alpine/Slope District) with Special Limitations for **Lot 18 and a portion of Lot 17, Block 2, Near Point Knoll Subdivision** (proposed Near Point Knoll Subdivision, Block 2, Lots 17A and 18A per Preliminary Plat S-10940, a subdivision of Lots 17 & 18, Block 2, Near Point Knoll Subdivision per Plat No. 99-78), and the rezoning of approximately 15,007 SF from PLI-SL (Public Lands and Institutions District) with Special Limitations to PLI-SL for a portion of Lot 17, Block 2, Near Point Knoll Subdivision (proposed Near Point Knoll Subdivision, Block 2, Lot 17B per Preliminary Plat S-10940, a subdivision of Lots 17 & 18, Block 2, Near Point Knoll Subdivision per Plat No. 99-78); generally located to the east of Basher Drive and north of

Nearpoint Drive (Basher Community Council) (Planning and Zoning Commission Case 2002-131), Planning Department.

1. Assembly Memorandum No. AM 893-2002.

(Clerk’s Note: Public Hearing on AO 2002-153 will be continued to 11-26-02.)

- 14E. Ordinance No. AO 2002-163, an ordinance amending Anchorage Municipal Code Title 5, and Anchorage Municipal Code of Regulations, Title 5, governing the **Anchorage Equal Rights Commission** to correct errors in citations and grammar; to move certain definitions from the Regulations to the Code; to reorganize the duties of the Standing Committee on the Promotion of Tolerance and Diversity; and to make other substantive and technical changes, Anchorage Equal Rights Commission.
1. Assembly Memorandum No. AM 955-2002.

(Clerk’s Note: Public Hearing on AO 2002-163 will be continued to 11-26-02.)

- 14F. Ordinance No. AO 2002-164, an ordinance amending Anchorage Municipal Code Title 5 to add a new Chapter providing for **fair housing practices and enforcement**, Anchorage Equal Rights Commission.
1. Assembly Memorandum No. AM 956-2002.

(Clerk’s Note: Public Hearing on AO 2002-164 will be continued to 11-26-02.)

15. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS:

- A. Appeal S-10482, Fassler Subdivision, Municipal Clerk.

(Clerk’s Note: This item considered earlier in the evening after the Pledge of Allegiance.)

16. SPECIAL ORDERS: None.

17. UNFINISHED AGENDA: None.

18. AUDIENCE PARTICIPATION:

DIANE HOLMES offered her budget suggestions concerning, Transit, Kincaid Park, Federation of Community Councils and a sales tax that does not come under this tax cap.

19. ASSEMBLY COMMENTS: None.

20. EXECUTIVE SESSIONS: None.

The meeting adjourned at 10:59 p.m.

Chairman

ATTEST:

Municipal Clerk

Date Minutes Approved: **December 17, 2002**

GM:cmw

INDEX

Anchorage Loop Water Transmission Main.....2

APPEALS:.....2, 5

Appropriations 1, 3, 4, 5

Board or Commission Appointments.....2

Budget Advisory Commission.....2

Code Changes 1, 3, 4, 5

Community Health Nursing Services4

Conditional Use For Sales Of Alcoholic Beverages5

Eminent Domain.....3

General Government Capital Improvement Budget3

General Government Capital Improvement Program3

General Government Operating Budget5

Heritage Land Bank.....3, 4

Hillside Wastewater Management Plan4

Lateral Improvement Districts2

Legal Services.....2

Library Books And Materials1

Liquor Licenses2

Planning And Zoning Commission.....2, 4, 5

Police And Fire Retirement System.....3

Police Department2, 3

Rezoning.....2, 3, 5

Road Improvement Projects.....3

Road Maintenance Services.....2

Six Year Fiscal Program.....5

State of Alaska Public Employees Retirement System.....1

Tax Refund1

Water Improvement Districts.....2

Weatherization Assistance Program1

Woodstave Upgrades2