

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of January 29, 2002

CLERK'S OFFICE

APPROVED

DHE

5-16-02

1. CALL TO ORDER:

The meeting was convened at 5:02 p.m. by Assembly Chairman Dick Traini in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

2. ROLL CALL:

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

3. PLEDGE OF ALLEGIANCE:

The pledge was led by Mr. Joe Murdy.

4. MINUTES OF PREVIOUS MEETING:

Regular Meeting – October 23, 2001

Mr. Tremaine moved, to approve the minutes of the regular meeting  
seconded by Ms. Von Gemmingen, of October 23, 2001.

Ms. Taylor noted that the motion to approve the special meeting minutes of May 22, 2001 on page 1 of the minutes should read, "seconded by Ms. Taylor" instead of "seconded by Mr. Taylor."

Question was called on the motion to approve the minutes as corrected and it passed without objection.

A. Regular Meeting – November 13, 2001

Ms. Fairclough moved, to approve the minutes of the regular meeting  
seconded by Mr. Tremaine, of November 13, 2001.  
and it passed without  
objection,

B. Special Meeting – December 10, 2001

Mr. Tremaine moved, to approve the minutes of the special meeting  
seconded by Ms. Fairclough, of December 10, 2001.  
and it passed without  
objection,

5. MAYOR'S REPORT:

Mayor Wuerch noted that John Pennington was the newly appointed director of FEMA Region 10. Mr. Pennington was appointed by President Bush's administration and would be responsible not only for the Northwest, but also for Alaska. He was a former legislator from the State of Washington. Mayor Wuerch was pleased at Mr. Pennington's favorable response during the briefing on the Firewise and AWARE Programs. Mr. Pennington has pledged his support to bring a team of instructors on emergency management response up to Alaska. He clearly intends to work with Alaska on funding issues. Mr. Pennington's administration was interested in prevention and not just restoration.

6. ASSEMBLY CHAIR'S REPORT:

Chairman Traini noted that all meeting minutes through January 8, 2002 had been completed. He felt the Clerk's Office had done an excellent job of bringing the minutes up-to-date.

7. COMMITTEE REPORTS:

Ms. Von Gemmingen said she went to Juneau last week and they had some very good discussions with the legislators. Their main concern was a long-range fiscal plan, which the House of Representatives would be meeting tomorrow to discuss in depth. She felt it was important that the citizens were aware of how State funds were spent.

Ms. Fairclough said she would be going to Juneau on February 18, 2002 to move their package forward. Before that time, she hoped to meet with Cheryl Frasca, Tim Rogers, the municipal administration and Mr. Sullivan to coordinate legislative travel to Juneau.

Ms. Shamberg said she had been attending the Firewise Steering Committee meetings. She assured everyone that there was an operational plan being developed to address evacuation problems. The fire department was doing an excellent job in preparing for the upcoming fire season. Anyone interested in receiving e-mail reports on the meetings should contact Ms. Shamberg to be added to the list.

Mr. Tremaine said he represented the Assembly on the Cook Inlet Aquaculture Association and attended a monthly meeting in Kenai. The Cook Inlet Aquaculture Association contributes to the sockeye and coho salmon returns in Cook Inlet, which affects the sport and commercial fishermen in Anchorage. They are under some financial stress and the Assembly may be called upon to lend our voice in requesting service from the State. There was a growing need for additional salmon runs. The Assembly may want to be involved in their request to the State to use surplus hatchery spaces.

Mr. Sullivan said he had received a request to have the Assembly's vote remain on the board for a longer period of time so people had the chance to absorb the information.

**8. ADDENDUM TO AGENDA:**

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

Chairman Traini read the addendum items.

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

**9. CONSENT AGENDA:**

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

**A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS**

1. Resolution No. AR 2002-32, a resolution of the Anchorage Municipal Assembly recognizing and honoring Senior Patrol Officer David W. Rochford for nearly 21 years of service with the Anchorage Police Department, Assemblymembers Clementson, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen.
2. Resolution No. AR 2002-33, a resolution of the Anchorage Municipal Assembly recognizing and honoring Senior Patrol Officer Robert L. Hall for nearly 20 years of service with the Anchorage Police Department, Assemblymembers Clementson, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen.
3. Resolution No. AR 2002-36, a resolution of the Anchorage Municipal Assembly recognizing and honoring Jessica E. Bury for her volunteer work at the World Trade Center Ground Zero Relief Center in New York City, Assemblymembers Taylor, Clementson, Fairclough, Kendall, Shamberg, Sullivan, Traini, Tesche, Tremaine, Van Etten, and Von Gemmingen.

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

4. Resolution No. AR 2002-37, a resolution of the Anchorage Municipal Assembly recognizing and honoring David E. Hoffenkamp for his nearly 21 years of service with the Public Transportation Department, Assemblymembers Van Etten, Clementson, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, and Von Gemmingen. (addendum)

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

5. Resolution No. AR 2002-38, a resolution of the Anchorage Municipal Assembly recognizing and honoring Horace D. Johnson for his nearly 27 years of service with the Public Transportation Department, Assemblymembers Van Etten, Clementson, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, and Von Gemmingen. (addendum)

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

6. Resolution No. AR 2002-39, a resolution of the Anchorage Municipal Assembly recognizing and honoring Ronald M. Costa for his 24 years of service with the Public Transportation Department, Assemblymembers Van Etten, Clementson, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, and Von Gemmingen. (addendum)

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

**B. RESOLUTIONS FOR ACTION - OTHER**

1. Resolution No. AR 2002-29, a resolution appropriating \$96,600 from the State of Alaska, Department of Transportation and Public Facilities (TORA Project #54441-Amendment #1) to the Municipality of Anchorage Street Department, State Grant Revenue -- Pass Through Fund (231) for the purchase of liquid magnesium chloride for use in municipal street sweepers for the reduction of PM-10 on Anchorage roadways, Street Maintenance Department.
  - a. Assembly Memorandum No. AM 90-2002.

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

2. Resolution No. AR 2002-30, a resolution appropriating \$16,027 of interest revenue from the Ice Rink Revenue Bond Fund (265) as a contribution to the Anchorage Parks and Recreation Service Area Capital Improvement Program Fund (461), Finance.
  - a. Assembly Memorandum No. AM 91-2002.

3. Resolution No. AR 2002-35, a resolution of the Anchorage Municipal Assembly revising the 2002 General Government Operating Budget by appropriating \$21,000 from Areawide General Fund (101) Balance to the Department of Facility Management to cover the costs for recycling services, Assemblymembers Shamberg and Van Etten.
  - a. Assembly Memorandum No. AM 120-2002.

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

4. Resolution No. AR 2002-46, a resolution of the Anchorage Municipal Assembly appropriating \$50,000 from the Equipment Maintenance Fund (601) Balance as a contribution to the Metropolitan Police Service Area Fund (151) and revising the 2002 General Government Operating Budget by appropriating \$50,000 to the Police Department to replace the tactical rifle inventory for the Crisis Intervention Response Team, Assembly Chair Traini. (addendum)
  - a. Assembly Memorandum No. AM 147-2002.

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

#### C. BID AWARDS

1. Assembly Memorandum No. AM 89-2002, recommendation of award to Corporate Software for furnishing a 3-year Microsoft Desktop 6.0 Enterprise License Agreement to the Municipality of Anchorage, Information Technology (IT) Department (ITB 21-B104) (\$1,855,440), Purchasing.

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

#### D. NEW BUSINESS

1. Assembly Memorandum No. AM 118-2002, Urban Design Commission appointments (James Dougherty, Bill Puckett, Blasé Burkhart, Joanne Mitchell), Mayor's Office.
2. Assembly Memorandum No. AM 96-2002, Anchorage Parking Authority Board of Directors appointments (William Smith, Hugh Gellert), Mayor's Office.
3. Assembly Memorandum No. AM 97-2002, Animal Control Advisory Board appointments (Sandy Traini, Michael Walsh), Mayor's Office.

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

4. Assembly Memorandum No. AM 98-2002, Arts Advisory Commission appointments (Martha Quimby, Sharon Boling, Michael Morris, Barbara Cash), Mayor's Office.
5. Assembly Memorandum No. AM 99-2002, Budget Advisory Commission appointments (Jeff Staser, John Wanamaker, Garrett Wong), Mayor's Office.
6. Assembly Memorandum No. AM 100-2002, Building Board appointments (Tony Partusch, Colin Maynard, Joel Grunwaldt), Mayor's Office.
7. Assembly Memorandum No. AM 101-2002, Election Commission reappointment (William Mans), Mayor's Office.
8. Assembly Memorandum No. AM 102-2002, Emergency Medical Service Board reappointments (Tim Garbe, Dr. Vincent Imbriani, Mary Leemhuis, Dr. R. Keith Winkle), Mayor's Office.
9. Assembly Memorandum No. AM 104-2002, Health and Human Services Commission appointments (Judith Muller, Rusty Myers, Teresa Nelson, Cathy Giessel, Roger Marcil, Michele Christiansen, Dr. B.J. Coopes), Mayor's Office.
10. Assembly Memorandum No. AM 105-2002, Human Resources Advisory Board reappointment (Mary Tesch), Mayor's Office.
11. Assembly Memorandum No. AM 106-2002, Investment Advisory Board appointments (Suresh Srivastava, Chris Jay), Mayor's Office.
12. Assembly Memorandum No. AM 107-2002, Light and Power Commission appointments (Russell Nogg, Mark Fryer, Margaret Nelson), Mayor's Office.
13. Assembly Memorandum No. AM 108-2002, Memorial Park Cemetery Advisory Commission appointments (Paul Everett, John Fravel, Jr.), Mayor's Office.
14. Assembly Memorandum No. AM 109-2002, On-Site Wastewater System Technical Review Board reappointments (J. Wesley Turner, Mark Musial), Mayor's Office.
15. Assembly Memorandum No. AM 110-2002, Port Commission reappointments (Stephen Saunders, Eugene Sarrels), Mayor's Office.
16. Assembly Memorandum No. AM 111-2002, Public Transit Advisory Board reappointments (Clara Lewis, Lora Newby), Mayor's Office.
17. Assembly Memorandum No. AM 112-2002, Board of Ethics appointment (Kenneth Peaveyhouse), Mayor's Office.
18. Assembly Memorandum No. AM 113-2002, Equal Rights Commission reappointment (Julie Eaton), Mayor's Office.
19. Assembly Memorandum No. AM 114-2002, Public Safety Advisory Commission appointments (Curtis Thayer, Loren Marshall), Mayor's Office.
20. Assembly Memorandum No. AM 115-2002, Mt. View Community Recreation Center Advisory appointment Commission (DeNica Sharelle Watts), Mayor's Office.
21. Assembly Memorandum No. AM 116-2002, Sister City Commission reappointment (Chris Kennedy), Mayor's Office.
22. Assembly Memorandum No. AM 117-2002, Solid Waste Services Advisory Commission reappointment (Dale Nelson), Mayor's Office.

23. Assembly Memorandum No. AM 78-2002, review of Ordinance No. AO 2001-58, an ordinance revising AMC 2.30.070 regarding teleconference participation and voting by Assemblymembers, Municipal Clerk.
24. Assembly Memorandum No. AM 79-2002, the sunset of the Regulated Vehicle Safety Advisory Committee & Public Safety Advisory Commission, Municipal Clerk.
25. Assembly Memorandum No. AM 86-2002, grant agreements to provide funding for the 2002 Make a Difference – Juvenile Offender Program (\$272,000), Health and Human Services.
26. Assembly Memorandum No. AM 87-2002, 2002 professional services contract with Anchorage Economic Development Corporation (\$491,500), Municipal Manager's Office.
27. Assembly Memorandum No. AM 93-2002, recommendation of award to R&M Consultants, Inc. for providing professional engineering services for (Project C - Northwood Drive Extension – 88<sup>th</sup> Avenue to Dimond Boulevard) of seven roadway, drainage, water quality, and structural projects for the Municipality of Anchorage, Office of Planning, Development, and Public Works & Project Management and Engineering (RFP 21-P021) (\$380,000), Purchasing.
28. Assembly Memorandum No. AM 94-2002, proprietary purchase of dispatch console system upgrade from Motorola Communications, Inc. for the Municipality of Anchorage, Municipal Light and Power (ML&P) (\$142,586.15), Purchasing.
29. Assembly Memorandum No. AM 95-2002, proprietary purchase of computer hardware maintenance and software license renewal from Compaq Computer Corporation for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (\$48,843.20), Purchasing.
30. Assembly Memorandum No. AM 121-2002, recommendation of award to various carriers for providing insurance coverage to the Municipality of Anchorage, Finance Department.

E. INFORMATION AND REPORTS

1. Information Memorandum No. AIM 7-2002, contracts awarded between \$50,000 and \$100,000 through formal competitive processes for the month of December 2001, Purchasing.
2. Information Memorandum No. AIM 8-2002, Sole Source Procurement Report for the month of December 2001, Purchasing.
3. Information Memorandum No. AIM 9-2002, AMC 3.70.090.B Bargaining Status Report, Employee Relations.
4. Information Memorandum No. AIM 10-2002, Internal Audit Report 2002-1 – 2002 Operations Warehouse Inventory, Municipal Light and Power/Internal Audit.

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

1. Resolution No. AR 2002-31, a resolution approving Amendment #4 (\$240,760) of the 2000 Action Plan of the Municipality of Anchorage, a component of the 2000-2002 Housing and Community Development Consolidated Plan, Planning Department. P.H. 2-12-02.
  - a. Assembly Memorandum No. AM 92-2002.

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

2. Resolution No. AR 2002-34, a resolution recommending approval of an amendment to the Long-Range Transportation Plan to include a Knik Arm Crossing Study Area, Traffic Department. P.H. 2-12-02.
  - a. Assembly Memorandum No. AM 119-2002.
3. Assembly Memorandum No. AM 103-2002, Employee Relations Board appointment (Douglas Mills), Mayor's Office. P.H. 2-12-02.
4. Ordinance No. AO 2002-40, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of not to exceed \$46,570,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of educational capital improvements in the Municipality of Anchorage at an election in and for the Municipality of Anchorage, on April 2, 2002, Assemblymember Tremaine. P.H. 2-12-02. (addendum)
  - a. Assembly Memorandum No. AM 136-2002.
5. Ordinance No. AO 2002-41, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$39,730,000 of General Obligation Bonds of Municipality of Anchorage to pay the costs of road, storm drainage and related capital improvements and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs in the Anchorage Roads and Drainage Service Area at an election in and for the Municipality of Anchorage on April 2, 2002, Assemblymembers Taylor, Clementson, and Fairclough. P.H. 2-12-02. (addendum)
  - a. Assembly Memorandum No. AM 137-2002.
6. Ordinance No. AO 2002-42, an ordinance submitting at the April 2, 2002 municipal election, a ballot proposition to the qualified voters residing in the East Denaly Subdivision, namely Block 1, Lots 1-25 which are not presently within the Eagle River Street Light Service Area, to create a new street light service area designated the East Denaly Subdivision Street Light Service Area, and, upon voter approval, amending Anchorage Municipal Code Section 27.30.700 to consolidate the East Denaly Subdivision Street Light Service Area with the existing Eagle River Street Light Service Area, Street Maintenance Department. P.H. 2-12-02. (addendum)
  - a. Assembly Memorandum No. AM 138-2002.

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

7. Ordinance No. AO 2002-43, an ordinance submitting to the qualified voters residing in the Mountain Park Estates Limited Road Service Area and residing in a portion of Chicadee Slopes Subdivision, namely Lots 1A, 1B, 2, 3, 4A, 4B and 5, a portion of Straley Subdivision, namely Lots 1-3 and 8-10, a portion of Tengberg Subdivision, namely Tract B-1, a portion of

Garretson Subdivision, namely Lots 1-3, a portion of Harold Miller Subdivision, namely Lot 4, a portion of Greenbrook Subdivision, namely Block 4, Lots 10-14 and Block 5, Lot 1, Tax Parcel #017-432-37-000-02, Tax Parcel #017-432-36-000-02, Tax Parcel #017-432-35-000-02 and Tax Parcel #015-231-19-000-02 and amend Anchorage Municipal Code Section 27.30.700 at the Regular Municipal Election, April 2, 2002, a ballot proposition to change the boundaries of said service area by including a portion of Straley Subdivision, namely Lots 1-3 and 8-10, a portion of Tengberg Subdivision, namely Tract B-1, a portion of Garretson Subdivision, namely Lots 1-3, a portion of Harold Miller Subdivision, namely Lot 4, a portion of Greenbrook Subdivision, namely Block 4, Lots 10-14 and Block 5, Lot 2, Tax Parcel #017-432-37-000-02, Tax Parcel #017-432-36-000-02, Tax Parcel #017-432-35-000-02 and Tax Parcel #015-231-19-000-02 and, upon voter approval amending Anchorage Municipal Code 27.30.700, Street Maintenance Department. P.H. 2-12-02. (addendum)

a. Assembly Memorandum No. AM 139-2002.

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

8. Ordinance No. AO 2002-44, an ordinance submitting to the qualified voters residing in the **Villages Scenic Parkway Limited Road Service Area** a portion of Paradise Valley Subdivision, namely Block 1, Lots 1-21 and Block 2, Lots 1-4, 5A and 7-20 at the Regular Municipal Election on April 2, 2002, a ballot proposition to change the boundaries of Villages Scenic Parkway Limited Road Service Area by including a portion of Paradise Valley Subdivision, namely Block 1, Lots 1-21, and Block 2, Lots 1-4, 5A, and 7-20 and amending Anchorage Municipal Code 27.30.700, Street Maintenance Department. P.H. 2-12-02. (addendum)

a. Assembly Memorandum No. AM 140-2002.

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

9. Ordinance No. AO 2002-45, an ordinance submitting to the qualified voters of the Municipality of Anchorage at the Regular Municipal Election April 2, 2002, a ballot proposition approving a **special economic development room tax** dedicated to funding a new convention center. P.H. 2-12-02. (TO BE SUBMITTED) (addendum)

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

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

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

NAYS: None.

Mayor Wuerch introduced the following people who were appointed to boards and commissions. Anchorage Parking Authority: William Smith and Hugh Gellert. Arts Advisory Commission: Martha Quimby, Sharon Boling, Michael Morris and Barbara Cash. Budget Advisory Commission: Jeff Staser, John Wanamaker and Garrett Wong. Building Board: Tony Partusch, Colin Maynard and Joel Gunwaldt. Election Commission: William Mans. Emergency Medical Service Board: Tim Garbe, Dr. Vincent Imbriani, Mary Leemhuis and Dr. Keith Winkle. Health and Human Services Commission: Judith Muller, Rusty Myers, Teresa Nelson, Cathy Giessel, Roger Marcil, Michele Christiansen and Dr. B.J. Coopes. Human Resources Advisory Board: Mary Tesch. Investment Advisory Board: Suresh Srivastava and Chris Jay. Light and Power Commission: Russell Nogg, Mark Fryer and Margaret Nelson. Memorial Park Cemetery Advisory Commission: Paul Everett and John Fravel, Jr. On-Site Wastewater System Technical Review Board: J. Wesley Turner and Mark Musial. Port Commission: Stephen Saunders and Eugene Sarrels. Public Transit Advisory Board: Clara Lewis and Lora Newby. Board of Ethics: Kenneth Peaveyhouse. Equal Rights Commission: Julie Eaton. Public Safety Advisory Commission: Curtis Thayer and Loren Marshall. Mt. View Community Recreation Center Advisory Commission: DeNica Sharelle Watts. Sister City Commission: Chris Kennedy. Solid Waste Services Advisory Commission: Dale Nelson. He thanked all the citizens who volunteered their time to service on the boards and commissions. Anyone interested in serving on a board or commission should contact the mayor's office.

## 10. REGULAR AGENDA:

### A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS:

1. Resolution No. AR 2002-36, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Jessica E. Bury for her volunteer work at the World Trade Center Ground Zero Relief Center in New York City**, Assemblymembers Taylor, Clementson, Fairclough, Kendall, Shamberg, Sullivan, Traini, Tesche, Tremaine, Van Etten, and Von Gemmingen.

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

to approve AR 2002-36, but postpone presentation to  
Jessica Bury to February 5, 2002.

2. Resolution No. AR 2002-37, a resolution of the Anchorage Municipal Assembly **recognizing and honoring David E. Hoffenkamp for his nearly 21 years of service with the Public Transportation Department**, Assemblymembers Van Etten, Clementson, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, and Von Gemmingen. (addendum)

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

to approve AR 2002-37.

Ms. Taylor read the resolution.

Mr. Hoffenkamp thanked the Assembly. He has enjoyed working for the Public Transportation Department over the last 21 years. Many nice people use the People Mover system. He felt good buses and good management was a winning combination for the City of Anchorage.

3. Resolution No. AR 2002-38, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Horace D. Johnson** for his nearly 27 years of service with the Public Transportation Department, Assemblymembers Van Etten, Clementson, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, and Von Gemmingen. (addendum)

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

to approve AR 2002-38.

Ms. Shamberg read the resolution.

Horace Johnson thanked the Mayor, the Assembly and Mr. Kniefel. He thanked his family for sticking by him over the last 27 years. The People Mover has been a great service to the City of Anchorage and he has enjoyed his career.

4. Resolution No. AR 2002-39, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Ronald M. Costa** for his 24 years of service with the Public Transportation Department, Assemblymembers Van Etten, Clementson, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, and Von Gemmingen. (addendum)

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

to approve AR 2002-39.

Ms. Clementson read the resolution.

B. RESOLUTIONS FOR ACTION - OTHER:

1. Resolution No. AR 2002-29, a resolution appropriating \$96,600 from the State of Alaska, Department of Transportation and Public Facilities (TORA Project #54441-Amendment #1) to the Municipality of Anchorage Street Department, State Grant Revenue -- Pass Through Fund (231) for the purchase of **liquid magnesium chloride** for use in municipal street sweepers for the reduction of PM-10 on Anchorage roadways, Street Maintenance Department.  
a. Assembly Memorandum No. AM 90-2002.

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

to approve AR 2002-29.

2. Resolution No. AR 2002-35, a resolution of the Anchorage Municipal Assembly revising the 2002 General Government Operating Budget by appropriating \$21,000 from Areawide General Fund (101) Balance to the Department of Facility Management to cover the costs for **recycling services**, Assemblymembers Shamberg and Van Etten.  
a. Assembly Memorandum No. AM 120-2002.

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

to Postpone Indefinitely AR 2002-35.

3. Resolution No. AR 2002-46, a resolution of the Anchorage Municipal Assembly appropriating \$50,000 from the Equipment Maintenance Fund (601) Balance as a contribution to the Metropolitan Police Service Area Fund (151) and revising the 2002 General Government Operating Budget by appropriating \$50,000 to the Police Department to replace the **tactical rifle inventory** for the Crisis Intervention Response Team, Assembly Chair Traini. (addendum)  
a. Assembly Memorandum No. AM 147-2002.

Mr. Sullivan moved,  
seconded by Mr. Tremaine,

to approve AR 2002-46.

In response to Mr. Sullivan, Mr. Mike Hawker, a Class 3 Weapons Dealer, responded that surplus equipment such as of this specific type, is often bartered and exchanged for additional materials needed within the department.

Anchorage Police Chief Walt Monegan responded that in the past APD has taken some of its weapons that are specifically isolated to law enforcement and swapped deals and that is how we came across a number of MP 5s just recently by taking some of the weapons that they did need and swapped out some of the M-16's that they had prior.

In response to Mr. Tesche, Chief Monegan provided the number and types of Crisis Intervention Response Teams (CIRT), currently available and in the training stage as well as the current weapons used by members of the department.

In response to Mr. Tesche, Chief Monegan advised that the appropriation would provide the CIRT officers the same type of weapon and in a number sufficient to provide a weapon for each officer.

In response to Ms. Von Gemmingen, Chief Monegan replied that if they were to bring the CIRT Commanders in here, they would tell the Assembly the first priority is winter clothing, second would be additional training, and the third would be weapons.

In response to Ms. Von Gemmingen, Chief Monegan replied he would check to determine the effectiveness of the department's stun gun. Ms. Von Gemmingen noted Fairbanks has 9 stun guns and Anchorage has 1.

In response to Chairman Traini and Ms Clementson, Mr. Hawker advised he is a licensed law enforcement firearms dealer, but he has no financial interest in the transaction whatsoever in any way, shape or form.

Question was called on the motion to approve AR 2002-46 and it passed:

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

NAYS: Fairclough

Mr. Kendall was not present.

C. BID AWARDS:

1. Assembly Memorandum No. AM 89-2002, recommendation of award to Corporate Software for furnishing a 3-year Microsoft Desktop 6.0 Enterprise License Agreement to the Municipality of Anchorage, Information Technology (IT) Department (ITB 21-B104) (\$1,855,440), Purchasing.

Ms. Taylor moved, to approve AM 89-2002.  
seconded by Mr. Van Etten,  
and it passed without  
objection,

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 97-2002, Animal Control Advisory Board appointments (Sandy Traini, Michael Walsh), Mayor's Office.

Mr. Sullivan moved, to approve AM 97-2002.  
seconded by Ms. Shamberg,  
and it passed without  
objection,

Chairman Traini abstained from the vote. Mr. Kendall was not present at the meeting.

E. INFORMATION AND REPORTS: None.

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Resolution No. AR 2002-31, a resolution approving Amendment #4 (\$240,760) of the 2000 Action Plan of the Municipality of Anchorage, a component of the **2000-2002 Housing and Community Development Consolidated Plan**, Planning Department. P.H. 2-12-02.
  - a. Assembly Memorandum No. AM 92-2002.

Ms. Shamberg moved, to introduce AR 2002-31.  
seconded by Mr. Sullivan,  
and it passed without  
objection,

2. Ordinance No. AO 2002-42, an ordinance submitting at the April 2, 2002 municipal election, a ballot proposition to the qualified voters residing in the **East Denaly Subdivision, namely Block 1, Lots 1-25** which are not presently within the Eagle River Street Light Service Area, to create a new street light service area designated the East Denaly Subdivision Street Light Service Area, and, upon voter approval, amending Anchorage Municipal Code Section 27.30.700 to consolidate the East Denaly Subdivision Street Light Service Area with the existing Eagle River Street Light Service Area, Street Maintenance Department. P.H. 2-12-02. **(addendum)**
  - a. Assembly Memorandum No. AM 138-2002.

Mr. Tesche moved, to introduce AO-2002-42.  
seconded by Ms. Fairclough,  
and it passed without

objection,

3. Ordinance No. AO 2002-43, an ordinance submitting to the qualified voters residing in the **Mountain Park Estates Limited Road Service Area** and residing in a portion of Chicadee Slopes Subdivision, namely Lots 1A, 1B, 2, 3, 4A, 4B and 5, a portion of Straley Subdivision, namely Lots 1-3 and 8-10, a portion of Tengberg Subdivision, namely Tract B-1, a portion of Garretson Subdivision, namely Lots 1-3, a portion of Harold Miller Subdivision, namely Lot 4, a portion of Greenbrook Subdivision, namely Block 4, Lots 10-14 and Block 5, Lot 1, Tax Parcel #017-432-37-000-02, Tax Parcel #017-432-36-000-02, Tax Parcel #017-432-35-000-02 and Tax Parcel #015-231-19-000-02 and amend Anchorage Municipal Code Section 27.30.700 at the Regular Municipal Election, April 2, 2002, a ballot proposition to change the boundaries of said service area by including a portion of Straley Subdivision, namely Lots 1-3 and 8-10, a portion of Tengberg Subdivision, namely Tract B-1, a portion of Garretson Subdivision, namely Lots 1-3, a portion of Harold Miller Subdivision, namely Lot 4, a portion of Greenbrook Subdivision, namely Block 4, Lots 10-14 and Block 5, Lot 2, Tax Parcel #017-432-37-000-02, Tax Parcel #017-432-36-000-02, Tax Parcel #017-432-35-000-02 and Tax Parcel #015-231-19-000-02 and, upon voter approval amending Anchorage Municipal Code 27.30.700, Street Maintenance Department. P.H. 2-12-02. **(addendum)**
  - a. Assembly Memorandum No. AM 139-2002.

Mr. Tremaine, Mr. Sullivan and Ms. Fairclough joined in introducing AO 2002-43. The public hearing was scheduled for February 12, 2002.

In response to Mr. Tremaine, Municipal Attorney Bill Greene requested title substitutions on AO 2002-42, AO 2002-43 and AO 2003-44, because minor typographical corrections had been made to them.

4. Ordinance No. AO 2002-44, an ordinance submitting to the qualified voters residing in the **Villages Scenic Parkway Limited Road Service Area** a portion of Paradise Valley Subdivision, namely Block 1, Lots 1-21 and Block 2, Lots 1-4, 5A and 7-20 at the Regular Municipal Election on April 2, 2002, a ballot proposition to change the boundaries of Villages Scenic Parkway Limited Road Service Area by including a portion of Paradise Valley Subdivision, namely Block 1, Lots 1-21, and Block 2, Lots 1-4, 5A, and 7-20 and amending Anchorage Municipal Code 27.30.700, Street Maintenance Department. P.H. 2-12-02. **(addendum)**
  - a. Assembly Memorandum No. AM 140-2002.

Mr. Tremaine, Ms. Clementson and Ms. Shamberg joined in introducing AO 2002-44. The public hearing was scheduled for February 12, 2002.

Mr. Tremaine said he knew nothing about this ordinance until this meeting, which he found extremely unusual and inappropriate. He noted that exhibit C contained a letter from two supervisors speaking against this.

In response to Mr. Tremaine, Mayor Wuerch said the citizens in the limited service areas had the right to be heard. If this were not processed through to the Assembly, they would be limiting their options. It was up to the Assembly whether or not they wanted to put it on the ballot. The administration was not trying to advocate or inhibit the issue; they were merely processing the issue.

Mr. Tremaine noted that the ordinance had been prepared on December 10, 2001. Everything was signed off by January 8, 2002, except for the municipal manager and the attorney, but that had not been moved forward.

5. Ordinance No. AO 2002-45, an ordinance submitting to the qualified voters of the Municipality of Anchorage at the Regular Municipal Election April 2, 2002, a ballot proposition approving a **special economic development room tax** dedicated to funding a new convention center. P.H. 2-12-02. **(TO BE SUBMITTED)** **(addendum)**

Mr. Tesche, Mr. Van Etten and Ms. Shamberg joined in introducing AO 2002-45. The public hearing was scheduled for February 12, 2002.

Mr. Tesche noted that there were a modest number of sponsors on AO 2002-45. The administration had requested that this be introduced by title only.

In response to Mr. Tesche, Ms. Gaird said they introduced AO 2002-45 by title and they had a subsequent ordinance to introduce.

Mr. Tesche, Ms. Fairclough and Mr. Sullivan joined in introducing an unnumbered ordinance AO 2002-46. The public hearing was scheduled for February 12, 2002. "An ordinance amending the Anchorage Municipal Code to enact provisions for the levy, collection, enforcement and implementation of a special economic development room tax dedicated to funding a new convention center consistent with a ballot proposition in Anchorage Ordinance AO 2002-45, and the use of the special economic development tax funds derived therefrom."

6. Ordinance No. AO 2002-46, an ordinance amending the Anchorage Municipal Code to enact provisions for the **levy, collection, enforcement and implementation of a special economic development room tax** dedicated to funding a new convention center consistent with the ballot proposition in Anchorage Ordinance No. 2002-45 and the use of the special economic development tax funds derived therefrom, Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Van Etten, and Von Gemmingen. **(LAID ON THE TABLE)** **(TO BE SUBMITTED)** P.H. 2-12-02.

7. Ordinance No. AO 2002-47, an ordinance providing for the submission to the qualified voters of Anchorage, Alaska the question of the issuance of \$8,930,000 of General Obligation Bonds of the Municipality of Anchorage to pay the costs of **parks and recreation and related capital improvements** both in the Anchorage Parks and Recreation Service Area and the Girdwood Valley Service Area, and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs, at an election in and for the Municipality of Anchorage on April 2, 2002, Assemblymember Tremaine. **(LAID ON THE TABLE) (TO BE SUBMITTED) P.H. 2-12-02.**

Chairman Traini ruled that they would take up item 12, Appearance Requests.

- A. **Smokefree Anchorage Youth Coalition**, to thank the Assembly for passage of the Smokefree Anchorage Ordinance.

A member of the organization thanked the Anchorage Assembly for the Smokefree Anchorage Ordinance. By voting yes, the Assembly demonstrated how important public health, the community and the future generations were. As a result of June 20, 2000, the passing of the Smokefree Anchorage Ordinance, many Anchorage youth were encouraged to become more involved in their community. The Smokefree Anchorage Youth Coalition was formed, as well as TOAST, Teens of Anchorage Against Smoking and Tobacco. On behalf of TOAST, the Smokefree Anchorage Youth Coalition and the Smokefree Anchorage Coalition, they presented the Assembly with photo collages to thank them for their dedication, commitment and support of the Smokefree Anchorage Ordinance. She thanked the Assembly for making Anchorage a safer place to live, not only today, but also in the years to come.

- B. **Pam Siegfried**, regarding the Mayor's library exhibits policy.

PAM SIEGFRIED said a library policy was in place. Succinctly put, it was no rainbows or gay stuff. You get this policy by professing mystification at a library policy that everybody else understood. The Library Committee drafted essentially what they had before. The matter was then referred to the Legal Department, which took the position that they were unavailable for comment. The policy would sit there until the Mayor left office. The problem is that he is the Mayor and we have to pretend to take all this seriously, even when he invokes the church/state separation issue, which anyone with any legal background could tell you was unfounded. We did not tell him that last winter there was an exhibit sponsored by the World Buddhist Federation that promoted non-violence, which he did not mind. If he were not the mayor, his shifting objections, including church, State and the idea of promotion, meaning anything but business advertisements, would be in a letter to the editor signed "I am not a crackpot." But he is the mayor, so nobody says it. She felt the policy was wrong and the emperor was naked. The title she originally submitted for this speech was "The Library Policy and Flight 93." Flight 93 was the flight number of the plane that on September 11, 2001 plummeted into the ground in rural Pennsylvania instead of into Washington, D.C. The men on that plane overpowered the hijackers and bought 1,000 lives with theirs. One of those men, Mark Bingham, was openly gay. They gave an American flag to his partner, which means he was considered married gay. This would not appear on CNN, because it did not matter when he walked up the aisle. In a perfect world, it would not matter that he was gay. She questioned if anyone did not remember where they were when they heard about the incident on September 11, 2001. One person posted on the net that she was no longer an African American, but an American. We spoke to strangers. New Yorkers held doors for each other. We came together. This policy splits us apart. There are two ways to kill a country: in one mortal blow, which Bin Laden tried or you can nibble it to death. She hated to think of our armed forces risking their lives for freedoms that were being undercut behind them. She refused to believe that September 11<sup>th</sup> could happen and we could just shrug it off and go back to the way we were. If September 11<sup>th</sup> has changed us then we must change. We cannot allow one religious belief to bash another one. On September 11<sup>th</sup>, chance fell down on us and common people found that they were heroes. One of those people was Mark Bingham. She wanted to ask the Mayor, in public, if he would allow a hero space on the library walls.

- C. **Helen D. Mason**, concerning public transportation.

HELEN MASON said she had lived on 15<sup>th</sup> Avenue and Medfra since 1956. She wanted to complain about the bus routes. She was on the bus the other day and made a mistake and did not get off the bus at her usual stop at 14<sup>th</sup> Avenue and Medfra. She went down to the Senior Center and came back to 15<sup>th</sup> Avenue and Medfra, which was the only place you could cross the street at a light within a mile. She has problems walking even a block. The bus driver said he could not let her off at the light across the street, because there was a medium there. The bus driver took her all the way to Humana Hospital so she could catch a bus that came back to her house. She was told that the bus route had been changed last year. She had been riding that bus since 1972. It was very inconvenient for her to try to cross the street. When you get to 15<sup>th</sup> Avenue and Medfra, all hell breaks loose. She was very upset about the bus changes.

In response to Mr. Sullivan, Mayor Wuerch said Mr. Kniefel would speak with Ms. Mason after the meeting. He noted that 15<sup>th</sup> Avenue had undergone major construction changes, including a large medium, and the bus routes may have been changed accordingly.

Mr. Kniefel said he had talked to Ms. Mason many times regarding this issue. This was a safety issue for the buses. He said he would talk to Ms. Mason to see if they could get the problem sorted out.

Ms. Mason said she could not accept that. She had been calling Mr. Kniefel for years complaining about the bus stop, the dirt, the trash and the snow she had to climb over to get the bus stop.

Chairman Traini asked Ms. Mason to discuss the issue with Mr. Kniefel after the meeting.

Mr. Tesche asked Mr. Kniefel to provide a report after he had talked with Ms. Mason.

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

- A. Assembly Memorandum No. AM 58-2002, Planning and Zoning Commission appointments (Ken Klein, Dan Coffey, Gayle Knepper), Mayor's Office.  
(POSTPONED FROM 1-15-02; QUESTION DIVIDED: APPOINTMENTS TO BE CONSIDERED INDIVIDUALLY)

Chairman Traini gave the history of AM 58-2002 and noted no motion was on the floor.

Ms. Fairclough moved, to approve the appointment of Ken Klein.  
seconded by Ms. Shamberg,

Question was called on the motion to approve the appointment of Ken Klein and it passed:

AYES: Sullivan, Von Gemmingen, Taylor, Van Etten, Traini, Fairclough, Tesche, Shamberg, Tremaine, Clementson.  
NAYS: None.

Ms. Fairclough moved, to approve the appointment of Gayle Knepper.  
seconded by Mr. Tremaine,

Question was called on the motion to approve the appointment of Gayle Knepper and it passed:

AYES: Sullivan, Von Gemmingen, Taylor, Van Etten, Traini, Fairclough, Tesche, Shamberg, Tremaine, Clementson.  
NAYS: None.

Mr. Sullivan moved, to approve the appointment of Dan Coffey.  
seconded by Ms. Von Gemmingen,

Ms. Shamberg applauded Mr. Coffey's willingness to serve on the Planning and Zoning Commission. As an attorney, he was held to a much higher ethical standard than the majority of individuals who would be willing to serve on this board. She felt there was an appearance of conflict of interest and recommended against approving Mr. Coffey for the position.

In response to Mr. Sullivan, Ms. Shamberg said Mr. Coffey owned and developed a number of properties. He was also a lobbyist. She felt there would be many times that he would have to recuse himself during deliberations. She felt they should put someone on the commission who would not have those conflicts.

In response to Mr. Sullivan, Mr. Coffey said he owned two commercial properties and the Express Lubes, most of which were on leased properties. He also had a nine-acre track on West Dimond, which was zoned residential. He did not know of any issues that would come before the Planning and Zoning Commission with regard to his particular properties. The only issue he might have to recuse himself from would be the Sign Ordinance, because he worked on that with the Alaska Sign Association. His contract expired about a month ago, but it would probably behoove him to recuse himself from that issue.

Mr. Van Etten felt Mr. Coffey, as an attorney, would be held to a higher ethical standard than the common citizen. He noted that other members of the Planning and Zoning Commission were architects, engineers and large property owners. He did not feel that Mr. Coffey's potential for conflict would be any greater than the other board members. From experience, he knew that Mr. Coffey would ask very pointed questions and would not hesitate to speak his mind. The Assembly needed to keep in mind that the Planning and Zoning Commission's actions were advisory to the Assembly and they could vote differently than Mr. Coffey if they did not agree with his opinions.

Ms. Shamberg did not dispute what Mr. Van Etten or Mr. Coffey said. She commented on the appearance of conflict of interest. She believed the citizens of Anchorage looked to the Assembly to monitor things and any appearance of conflict should be avoided.

Ms. Clementson said the Planning and Zoning Commission was advisory to the Assembly in rezones and the selection of school sites only. On all other issues, they were a quasi-judicial

Question was called on the motion to approve the appointment of Dan Coffey and it passed:

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

- B. Assembly Memorandum No. AM 50-2002, recommendation of award to Quest Engineering, Inc. to provide and install a radio frequency Automated Meter Reading system for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (RFP 21-P047) (\$1,100,000), Purchasing.  
(POSTPONED FROM 1-15-02)

This item addressed later in the meeting. See item 14.

- C. Assembly Memorandum No. AM 17-2002, Anchorage Golf Course/O'Malley on the Green (License #4172) -- New Golf Course Liquor License (Abbott Loop & Huffman/O'Malley Community Councils), Clerk's Office.  
(AMENDED 1-8-02; POSTPONED FROM 1-8-02 AND 1-15-02)

This item addressed later in the meeting. See item 14.

- D. Resolution No. AR 2002-27, a resolution of the Anchorage Municipal Assembly appropriating \$50,000 from the Anchorage Metropolitan Police Service Area to the Police Department to replace the tactical rifle inventory for the Crisis Intervention Response Team, Assembly Chair Traini.

1. Assembly Memorandum No. AM 80-2002.  
(POSTPONED FROM 1-15-02)

This item addressed later in the meeting. See item 17.

- E. Ordinance No. AO 2001-174, an ordinance amending the Updated Far North Bicentennial Park Master Plan to allow development of active recreation sports fields at the designed community park-site located in the southwest corner of Far North Bicentennial Park, Project Management and Engineering Department.
  1. Assembly Memorandum No. AM 874-2001.  
(CONTINUED FROM 11-20-01 AND 12-11-01; PUBLIC HEARING CLOSED 12-18-01 CARRIED OVER FROM 12-18-01; POSTPONED FROM 1-15-02)

**12. APPEARANCE REQUESTS:**

- A. Smokefree Anchorage Youth Coalition, to thank the Assembly for passage of the Smokefree Anchorage Ordinance.
- B. Pam Siegfried, regarding the Mayor's library exhibits policy.
- C. Helen D. Mason, concerning public transportation.

These items addressed earlier in the meeting. See item 10.

**13. CONTINUED PUBLIC HEARINGS:**

- A. Resolution No. AR 2002-13, a resolution of the Anchorage Assembly adopting recommendations to be forwarded to the Anchorage Metropolitan Area Transportation Study (AMATS) Policy Committee regarding an amendment to FFY 2001-2003 Transportation Improvement Program (TIP), Traffic Department.
  1. Assembly Memorandum No. AM 29-2002.  
(CONTINUED FROM 1-15-02)

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

MIKE MITCHELL said he was the president of the Anchorage Trails and Greenways Coalition, which was a local non-profit formed to promote and enhance trails and greenways in Anchorage. One of their priorities was trying to fill what they perceived as a void in trail planning at the municipal level. They urged the Assembly to act to increase the amount spent on trails both by providing adequate funding in the AMATS budgeting process and by taking the necessary steps to insure that the funds for trails are actually spent on trails. The projects that have been talked about for years are lagging. The available dollars for the trail projects were not being spent correctly. The trail system sets Anchorage apart from other cities in the United States. The trails are an economic engine that attracts and keeps business in Anchorage. They also enhance the quality of life for everyone. He felt they needed to create a trails coordinator position. Given their constraints, the Policy Committee did a good job of monitoring the AMATS process to insure that money allocated for trails were spent on trails. The Anchorage Trails and Greenways Coalition urged the Assembly to insure that the money allocated for trails were actually being spent on trails and to move projects forward.

Ms. Fairclough pointed out that they received quarterly reports, which were available to the public. The Policy Committee has modified the way they do business to be more aware of what was happening with the projects.

In response to Mr. Sullivan, Mr. Mitchell felt that legislators should serve on the AMATS Committee in an advisory capacity.

SPROCKETEER said he was representing 10,000 to 20,000 children in Anchorage who he had worked with over the last eight years on bike safety programs. He has been trying to increase the bike safety programs, but the money keeps getting held up. He has been doing bike safety programs in schools. He would like to add a program that allowed physical education teachers to do follow-ups with questions, answers and scenarios. He has setup rodeos in some schools where children can bring in their bicycles and learn with hands-on training. If monies were available, they could produce a video on bicycle safety. He would like to teach teenagers how to teach the younger children bicycle safety. He felt that many of the trails in Anchorage were in poor shape and bicycle safety was important to make Anchorage a safer city for children, which would make it safer for the automobile drivers. He urged the Assembly to take steps to insure that the available money was used where it was meant to be used.

In response to Ms. Clementson, Lance Wilber of Community Planning and Development said funding for a Bike Safety Education Program was available, but they did not currently have the staff to implement it. The trails coordinator was being considered within the Traffic Department. Funds were not available to non-profit organizations, but they could work with the school district, the police department or another agencies. It could also be contracted out.

In response to Mr. Van Etten, Mr. Wilber said the source of the money for the trails coordinator position would come from CMAQ. He tried to hire a staff trails coordinator position three or four years ago. They did not have anyone apply for the position that met the qualifications. There were no current vacancies in the department. He has approached other departments to see if they had staff that could help complete this task. The funding from the CMAQ Program could be used to support a staff level person.

Mr. Van Etten said he would like to meet with Mr. Wilber to discuss how they could partner with the State or private industry to create a trails coordinator position with the existing CMAQ resources.

Ms. Fairclough referenced the amendment on table 5, Congestion, Mitigation and Air Quality (CMAQ), rank 19, for \$125,000. She noted that the AMATS Policy Committee was meeting on February 14, 2002 from 1:00 to 3:00 p.m. She suggested that Mr. Van Etten talk to Mr. James Armstrong to add the item to the agenda to address the issue and then send it to the Technical Committee to see if they could move forward, whether they had a coordinator or not.

Ms. Von Gemmingen noted that CMAQ stood for Congestion, Mitigation and Air Quality.

CHERYL RICHARDSON said she worked for the Anchorage Citizens' Coalition and has focused on transportation issues for about 20 years. A couple of years ago she spent an afternoon with the transportation programs in one hand and the trail construction receipts in the other. She found that between 1993 and 1998 they spent about half the dollars that were budgeted on trail construction. The railroad crossing that Ms. Fairclough mentioned was outrageously expensive. There have been many requests at AMATS for an updated report on that project. From what we can tell on the public record, they were not closer to getting that resolved. She felt it was a great idea to hire a contractor to do this work. She pointed out that they had a new freight plan and intelligence transportation system report. A lot of work has gone into these issues, but the money was still sitting out there for bicycle safety. There was a trails plan, even though the projects were not prioritized for construction and have lagged. There is no such thing as a pedestrian plan in Anchorage. The staff tried to create a pedestrian plan in 1986, but it did not get anywhere. Trails are very important. Pedestrians are also very important. We need sidewalks, multi-purpose paths, pedestrian access throughout town and curb cuts from parking lots to sidewalks. She asked the Assembly to keep pedestrians in the equation when they went after these issues.

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

Ms. Fairclough moved, to postpone action on AR 2002-13 until February 12, 2002.  
seconded by Mr. Van Etten,

Ms. Fairclough said the long-range transportation plan needed to catch up with the TIP amendments.

In response to Chairman Traini, AMATS Coordinator James Armstrong said the LRTP was the 20-year planning document and should lead the TIP. The TIP could lead the LRTP in this instance, but they would bring the TIP and the LRTP concurrently before the AMATS Policy Committee on February 14, 2002.

Lance Wilber of Community Planning and Development said they could postpone AR 2002-13 until February 26, 2002 if they had to, but it would not be desirable. They would like to complete the TIP as soon as possible so the projects could receive the money they needed. Postponing AR 2002-13 would require the AMATS Policy Committee to hold a special meeting after the Assembly meeting to expedite that approval.

Ms. Fairclough noted that they had a work session on this issue and there was fairly unanimous support of TIP amendment #4. Anyone having questions could contact the staff, Mr. Van Etten or Ms. Fairclough.

In response to Ms. Von Gemmingen, Chairman Traini said he would talk to the Legal Department about starting the Assembly meeting of February 12, 2002 at 4:00 p.m. to allow time to address all the issues.

Question was called on the motion to postpone AR 2002-13 until February 12, 2002 and it passed without objection.

- B. Ordinance No. AO 2001-182, an ordinance amending the zoning map and providing for the rezoning of approximately 9.54 acres from B-3 SL (General Business District with Special Limitations) to B-3 SL (General Business District with Special Limitations) for a portion of Section 24, T13N, R3W, S.M., AK, generally located south of DeBarr Road and on the east side of Muldoon Road, for the purpose of allowing tire repair, wheel alignment and brake service as permitted uses (Northeast Community Council) (Planning and Zoning Commission Case 2001-027), Planning Department.
1. Assembly Memorandum No. AM 899-2001.  
(CARRIED OVER FROM 12-18-01; CONTINUED FROM 1-8-02)

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

JOE STIMSON, Stimson Consulting, said he represented Mr. Baltazar. The staff, the Planning Commission and the Community Council recommended approval of AO 2001-182. Mr. Stimson gave a brief history. Mr. Baltazar bought an existing tire repair business. He went in to get a building permit to do some physical upgrades to the building and discovered that the special limitation did not permit it. Mr. Baltazar began the rezoning process and they have been working on that for almost a year. Mr. Baltazar could not get a building permit until the rezoning was approved. The staff made recommendations for special limitations and an effective clause, which Mr. Baltazar has agreed to. The effective clause States that it would not become effective for three years or until Mr. Baltazar submitted a non-public hearing site plan review addressing the landscaping to current standards, access, storage and disposal of tires, fluids, architectural, parking and signage. With approval of the zoning, Mr. Baltazar will go to an architect to begin that process, which would be submitted to the Planning and Zoning Commission for their approval. At that point, Mr. Baltazar could get his building permit and begin to make noticeable improvements to the property.

In response to Ms. Von Gemmingen, Mr. Stimson said there was an existing 25-foot sign and the reader board was changed to read Baltazar Tire Shop.

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

Mr. Sullivan moved, to adopt AO 2001-182.  
seconded by Ms. Von Gemmingen,

Mr. Sullivan moved, to amend AO 2001-182 to change line 12 from  
seconded by Ms. Fairclough, "Case 2001-018" to "Case 2001-027."  
and it passed without  
objection,

In response to Mr. Tremaine, Planning Department Director Sue Fison said it was her understanding that what they were allowing was much more restrictive than the current zoning, because they cut the number of uses. She realized that this was in the vicinity of the Muldoon town center, but it was on the periphery of what would likely be the town center area. She had discussed this with both Mr. Nelson and Mr. Weaver and they did not feel that this business would be a problem relative to what could be there under the existing zoning.

Mr. Tremaine noted that the larger petition area was directly across the street from the town center. He questioned why they were not adjusting the special limitation for just the one lot. He questioned why they were splitting the area that was currently under special limitation and going for a much larger area. He noted this was not Mr. Baltazar's petition, but the Planning Department's decision.

In response to Mr. Tremaine, Mayor Wuerch said that was the staff's recommendation to the Planning and Zoning Commission. He did not feel they were in a position to interpret the votes of the Planning and Zoning Commission and the question should be directed to those who voted on the issue.

In response to Mr. Tremaine, Mr. Stimson said they originally went before the Planning and Zoning Commission to discuss whether or not they could go in for the single lot. The original ordinance was very confusing and poorly written. There were questions about spot zoning. We had to have a large enough parcel to be legitimate and we could not limit it to just the one property which we would have preferred.

Ms. Clementson suggested incorporating some of the same sorts of design standards that are being incorporated on the other side of the road.

Ms. Clementson moved, to postpone AO 2001-182 to February 26, 2002.  
seconded by Mr. Van Etten,  
and it passed without  
objection,

#### 14. NEW PUBLIC HEARINGS:

- A. Resolution No. AR 2002-24, a resolution of the Municipality of Anchorage appropriating supplemental award of \$324,484 to the State Categorical Grants Fund (231) from the Alaska Department of Labor and Workforce Development for the PY 2001 Workforce Investment Act Administrative Grant within the Planning Department
- I. Assembly Memorandum No. AM 75-2002.

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 2002-24.  
seconded by Mr. Sullivan,  
and it passed without  
objection,

- B. Resolution No. AR 2002-26, a resolution of the Municipality of Anchorage appropriating \$199,000 from the Southcentral Foundation to the Federal Categorical Grants Fund (241) for emergency alcohol services in the Department of Health and Human Services.
- I. Assembly Memorandum No. AM 77-2002.

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 2002-26.  
seconded by Mr. Van Etten,  
and it passed without  
objection,

- C. Ordinance No. AO 2002-1, an ordinance authorizing the third renewal option of the Preferential Usage Agreement which provides for CSX Lines LLC's preferential berthing privileges and use of 920 feet of the Port of Anchorage's pier, the exclusive use of Port Transit Area "B" Lot, totaling approximately 278,784 square feet, the exclusive use of Terminal #2 Stevedore Building, totaling approximately 1,600 square feet, and the exclusive use of Port Transit Warehouse Crane Maintenance Space, totaling approximately 1,524 square feet, Port of Anchorage.
- I. Assembly Memorandum No. AM 8-2002.

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

Ms. Fairclough moved, to adopt AO 2002-1.  
seconded by Ms. Shamberg,  
and it passed without  
objection,

- D. Ordinance No. AO 2002-2, an ordinance authorizing the first renewal option of the Preferential Usage Agreement which provides for Totem Ocean Trailer Express, Inc.'s preferential berthing privileges and use of 848 feet of the Port of Anchorage's pier and the exclusive use of Port Transit Area "C" Lot, totaling approximately 291,832 square feet, Port of Anchorage.

## 1. Assembly Memorandum No. AM 9-2002.

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 2002-2.  
seconded by Ms. Shamborg,  
and it passed without  
objection,

- E. Ordinance No. AO 2002-5, an ordinance submitting to the qualified voters residing in the **Birch Tree/Elmore Limited Road Service Area** at the Regular Municipal Election April 2, 2002, a ballot proposition approving the continuation of said limited road service area for an additional period of three years. Anchorage Municipal Code Sections 27.20.200 and 27.30.290. Assemblymembers Tremaine and Shamborg.
1. Assembly Memorandum No. AM 22-2002.
  2. Ordinance No. AO 2002-5(S), an ordinance submitting to the qualified voters residing in the **Birch Tree/Elmore Limited Road Service Area** at the Regular Municipal Election April 2, 2002, a ballot proposition approving the continuation of said limited road service area for an additional period of three years. Anchorage Municipal Code Sections 27.20.200 and 27.30.290. Assemblymembers Shamborg and Tremaine. **(LAID ON THE TABLE)**

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

Ms. Fairclough moved, to adopt AO 2002-5(S)  
seconded by Mr. Tesche,  
and it passed without  
objection,

- F. Ordinance No. AO 2002-6, an ordinance submitting to the qualified voters residing in the **South Goldenview Area Limited Road Service Area** at the Regular Municipal Election April 2, 2002, a ballot proposition approving the continuation of said limited road service area for an additional period of three years. Anchorage Municipal Code Sections 27.20.190 and 27.30.280. Assemblymembers Tremaine and Shamborg.
1. Assembly Memorandum No. AM 22-2002.
  3. Ordinance No. AO 2002-6(S), an ordinance submitting to the qualified voters residing in the **South Goldenview Area Limited Road Service Area** at the Regular Municipal Election April 2, 2002, a ballot proposition approving the continuation of said limited road service area for an additional period of three years. Anchorage Municipal Code Sections 27.20.190 and 27.30.280. Assemblymembers Shamborg and Tremaine. **(LAID ON THE TABLE)**

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

Ms. Fairclough moved, to adopt AO 2002-6(S)  
seconded by Mr. Tesche,  
and it passed without  
objection,

- G. Ordinance No. AO 2002-10, an ordinance amending Anchorage Municipal Code Section 6.50.060 to **define the MOA Trust Fund (730)** as an endowment and implement a controlled spending policy for future annual dividends, Finance.
1. Information Memorandum No. AIM 11-2002, Joint Resolution from Budget Advisory Commission and Investment Advisory Commission defining the MOA Trust Fund as an Endowment, Finance.
  2. Assembly Memorandum No. AM 122-2002.
- H. Ordinance No. AO 2002-11, an ordinance submitting to the qualified voters of the Municipality of Anchorage at the next regular election a **ballot proposition to amend Charter Section 13.11 to define the MOA Trust Fund (730)** as an endowment and implement a controlled spending policy for future annual dividends, Finance.
1. Information Memorandum No. AIM 11-2002.
  2. Assembly Memorandum No. AM 123-2002.

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

ROGER SHAW, Vice Chair of the Budget Advisory Commission, advised these actions would lend to a more predictably of the dividend from the trust fund and also a more likely sustainability of the dividend in the future.

JONATHAN LACK, member of the Budget Advisory Commission, discussed the budgeting of the funds available in the fund and the future growth.

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

Ms. Clementson moved,  
seconded by Ms. Fairclough,

to postpone items AO 2002-10 and AO 2002-11  
until February 5, 2002.

Mr. Sullivan noted that they had a work session on this issue a month ago and all the parameters were laid out. There were some minor details, which were fairly well explained in the ordinance. He felt the concept was outstanding. It was a methodology used all over the country for endowments. He was ready to proceed with the issue.

Question was called on the motion to postpone AO 2002-10 and AO 2002-11 until February 5, 2002 and it passed:

AYES: Taylor, Van Elten, Traini, Fairclough, Tesche, Shamberg, Tremaine, Clementson.

NAYS: Sullivan, Von Gemmingen.

- I. Ordinance No. AO 2002-13, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Subsection 6.20.020 A. by reenacting the requirement of a dual majority vote for issuance of general obligation bonds in service areas, Assemblymembers Fairclough, Clementson, and Sullivan.
  1. Assembly Memorandum No. AM 85-2002.

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

DEBBIE OSSIANDER said she was a long-time resident of the Chugiak area and an active member of the executive board of the Chugiak/Eagle River Chamber of Commerce. She lives in an area of the municipality where they have a volunteer fire department. She lives on a dirt road with fairly minimal regular maintenance. She had a voice in selecting her road service, Park Board members and the level of service that she receives from those bodies. Because of her strong support of the service area, she was concerned about the article she read in the paper that said the Assembly had changed the way that bonds were approved in service areas. It was not clear to her what had been changed when reading the newspaper articles. She discussed the issue with other people in her neighborhood to see if they knew what had been changed and found a number of conflicting opinions. She researched it further and has some serious concerns with this action. She felt AO 2002-13 should go back to the way it used to be. Her rationale was based on the conversations she had and the extended discussion they had with the board at the Chamber of Commerce. She believed that there was a possibility that an area of their community could be against a particular bond proposition, but the majority of the municipality could approve it. The people in the community that did not vote for the bond proposition would still be obligated to pay for it. She felt if they moved in the direction of combined bonds for all areas, it would grow increasingly difficult for those parts of our town that represented a minority of the population to get their projects in place on a bond proposition. The discussion at the Chamber of Commerce centered on the Recreation Center and the interest in the community in enlarging that center and possibly adding another sheet of ice, which would be fairly expensive. She felt it would be problematic to add that into an areawide park bond. Park bonds have historically been difficult to pass. She felt it was a disservice to weaken the voice of a minority part of the community and that should be done very carefully. She applauded the intent of the ordinance. She understood and shared the concern and frustration that the Girdwood citizens felt when they wanted something for their community, but the rest of Anchorage turned it down. She did not feel that was just or fair. She applauded the Assembly for looking for a solution, but she did not feel this was the right solution. The Chamber of Commerce felt the best solution was to explain bond propositions more clearly, definitively and regularly. She felt the ordinance needed thorough community discussion. Among the 12-member Chamber of Commerce Board there was no support for this approach. She urged support for the ordinance before the Assembly, which would bring it back to the way it was.

Mr. Tremaine said the concerns expressed in Eagle River were transmitted down to Girdwood. He and Ms. Shamberg went down there for the Board of Supervisors meeting a week and a half ago and spoke with people who had the same concerns as Ms. Ossiander. The bond titles for the upcoming election were set with one exception. He did not feel anyone had concerns about the upcoming election, but there was concern about what the future might bring. The Assembly had a work session today and it was generally agreed that they needed to find a better middle ground, but going back to the old method probably was not the best choice.

In response to Mr. Tremaine, Ms. Ossiander said they would be very interested in seeing any of the middle ground ideas that the Assembly came up with.

Mr. Tesche said it was his understanding that under the current law the Assembly could package bonds for the outlying service areas with the larger service areas for a single proposition.

In response to Mr. Tesche, Ms. Ossiander said the Chamber of Commerce Board of Directors felt that they could get the items that were of highest priority to their community more easily if they were separated. She would be interested in any intermediary solutions. She felt there might be situations where it would be ideal to combine parks bonds in different areas, particularly if there were similar services, buildings or capital projects that would be distributed throughout the municipality. Their concern was particular to a project and the fact that balancing bonds often meant appropriating dollars evenly over the community, which could be particularly dangerous in park bonds.

In response to Chairman Traini, Ms. Ossiander said she was careful not to say that Eagle River would rather have stand-alone bonds.

JACK MILLER said the proposal was confusing and he was not sure what it said. After it passed, he thought he understood that they were going to an areawide vote on areawide bond issues. After reading several newspaper articles, he became more confused as to the Assembly's intent. The indication was that a bond may pass areawide, but a debt service would be imposed on a particular service area. He did not feel that would be fair or legal. He felt clarification needed to be made on the issue. He would support AO 2002-13 and encouraged discussing the issue to find other ways to change it. He felt it was unfair to have an areawide vote on a bond issues and impose the debt service on a given area.

Ms. Fairclough said Chairman Traini's intent was not to have the larger percentage of votes tell a service area what to do. Mr. Sullivan and Mr. Kendall pointed out that could happen given the way the current the ordinance was written and adopted. They were trying to find some middle ground that would fix the ordinance.

JOHN STEINER said he was the president of the Eagle River Community Council. Elimination of the dual majority would strip local service areas of the choice of whether to tax them on a particular bond debt financed project. Without the dual majority, the decision of whether to sell a bond and to tax a local area would be in the hands of the voters who would not pay the taxes. In the current situation, the larger area could veto, but could not impose a bonded indebtedness on another area. The distinction between voting to tax oneself and pledge the full faith and credit of the municipality was confusing. When you collapse them entirely on a single vote, on a single majority, you are actually sending the message that voters are all going to be paying for all the bonds, which is the opposite of what you want to do. You would be more likely to lose bonds within a local service area. He would be happy to work with bond council to develop language to clarify whether a service area would tax themselves with the full faith and credit of the municipality behind them. The proposition should say the service areas would be allowed to vote to tax itself and the municipality would be willing to stand behind it. He felt as long as they were carefully constructed to be parallel, they could be put into separate propositions. The real concern was that Anchorage could end up deciding whether or not to build a project in Eagle River, whether Eagle River wanted that project or not. He felt the dual majority requirement should be reenacted. The packaging and grouping of bonds was a separate issue. He felt they could work through the issue without losing the dual majority.

In response to Mr. Tesche, Mr. Steiner felt it would be easier to package the bonds so that they were on the full faith and credit proposition, but all the actual votes to sell the bonds would be individual within each service area. When the people of Anchorage said should we do this full faith and credit thing, it would be to allow the full faith and credit for the bonds in their own area as well as the other areas. If it were done that way, it could be made clear that this was an authorization for the service areas to do what they saw fit. He was concerned about the legality of packaging the bonds with a single proposition that would refer to park bonds in Anchorage and park bonds in Eagle River. If you package Eagle River and Anchorage together, you actually have three different majorities involved. It was not clear if majorities could be split within a single package. He felt that would work if the dual majority for each area could still be effective.

In response to Ms. Fairclough, Mr. Steiner said the Community Council was not notified of the change. The first time they heard about it was when Ms. Fairclough came to their meeting the next day.

ED WILLIS said he was from Eagle River. He served three terms on the old Greater Anchorage Area Borough Assembly representing the Chugiak/Eagle River area. Those were the years of the great debates and the writing of the Unification Charter that was eventually accepted. One of the major elements that led to the Charter's acceptance was the service area concept that was practiced under the old Greater Anchorage Area Borough. This concept was written into the Charter and has been working for a quarter of a century. Why fix something that is not broken? He supported AO 2002-13, which returns us back to the original dual majority system. He questioned how a major policy change that affected so many people could be implemented without some Assemblymembers, Community Councils and Service Area Boards knowing anything about it. He suggested fixing the process that allowed such things to happen. He noted that the words "The price of freedom was eternal vigilance" were very appropriate.

Chairman Traini noted that the ordinance was publicly noticed for the required amount of time.

LEE JORDAN urged the Assembly to support AO 2002-13. He felt it was important to preserve the service area vote. He had been a champion of the service area since the beginning. The intent was to simplify things and avoid some of the injustices that occurred in other areas such as Girdwood and Eagle River by keeping the areawide vote from overriding the intent of the service area and the people who would pay for the bonds. The change did not accomplish that, but going back to the dual majority would. The problem in those elections that were passed in the service area and overridden by the areawide vote was not because of the system. The problem was that all the people who were involved were not able to convince the rest of the voters of the need for those projects and the fact that they did not have to pay for them. Another example that shows that combining the vote was not a good idea was the recent school bond election where the Eagle River school was combined with those of Anchorage. Some people felt that was what shot the bond issue down for everyone. AO 2002-13 would be the best way to handle this problem. We need to do more to convince people of the need for bonds and clarify who would be paying for them.

In response to Mr. Tesche, Mr. Jordan said he did not know much about the packaging of bonds, but based on what he had heard at the meeting, he was afraid of it. There were a number of regional facilities in his area that were used by others within the municipality. They might want to build a large facility at one of those areas that would appeal to the people of Anchorage, but the people in the service area would be reluctant to pay for those facilities.

Mr. Tesche pointed out that Ms. Fairclough was attempting to add a requirement that addressed that issue. Before a service area paid for a grandiose improvement, the service area would have to vote in favor of the improvement. He was concerned about maintaining the flexibility to decide on a case-by-case basis whether bonds were packaged or not, even though they would require a dual majority vote.

In response to Mr. Tesche, Mr. Jordan said he had a problem with that, because of what had happened with the school bond issues. They packaged bonds together and they all failed. He suggested a possible amendment or alternative. The Chugiak/Eagle River road district boundary and the Chugiak/Eagle River park district boundary could be made separate and responsible for all the operations of services within those areas.

In response to Mr. Sullivan, Mr. Jordan said another possibility would be for Eagle River to stand alone as its own city.

Chris Minson, Chairman of the Eagle River Road Board, offered her support for those speaking prior to her.

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

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

to postpone AO 2002-13 to February 5, 2002.

Ms. Clementson and Mr. Sullivan requested they be added as co-sponsors.

- J. Ordinance No. AO 2002-4, an ordinance amending Anchorage Municipal Code Sections 3.30.152, 3.30.153, 3.30.154 and 3.30.156 regarding leave accumulation and usage rules, and discontinuing the Tier III Employee's Leave Buyback Program, Employee Relations.
  - 1. Assembly Memorandum No. AM 21-2002.

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

In response to Ms. Clementson, Mr. David Otto, Director of Employee Relations, explained the proposed changes in the leave accumulation and usage rules to the Assembly members.

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

Mr. Sullivan moved,  
Seconded by Mr. Van Etten,

to adopt AO 2002-4.

Question was called on the motion to approve AO 2002-4 and it passed without objection.

Clerk's note: Ms. Clementson was out of the room at the time of the vote.

- K. Resolution No. AR 2002-28, a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages (Beverage Dispensary License) conditional use in the I-1 District for a restaurant per AMC 21.40.200.B.1.k., generally located on Independence Park Subdivision, Tract 1B-1; at 1811 Abbott Road (Abbott Road and East 88<sup>th</sup> Avenue) (Chili's Grill and Bar Restaurant) (Case 2002-027), Planning Department.
  - 1. Assembly Memorandum No. AM 88-2002.

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

DAN COFFEY, representing Mr. John Dehaven, one of the principals from Chili's, presented the application for conditional use for an alcoholic beverage license. Mr. Coffey addressed the concerns of the Health and Human Resources Department on impacts of sanitation, childcare neighborhood safety and family protection.

In response to Mr. Sullivan, Mr. Dehaven said the restaurant would be a non-smoking facility and the bar was in the center with seating all around it. They were requesting a conditional use permit. Mr. Dehaven advised the Assembly they would be back before the Assembly after appearing before the Abbott Loop community council to request issuance of the liquor license permit.

JIM GARRIGUES testified historically the Abbott Loop district has opposed additional liquor licenses in the neighborhood. Mr. Garrigues requested the Assembly postpone a decision until the issue has been brought up with due notice before the Abbott Loop Community Council for our consideration.

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

Mr. Sullivan moved,  
seconded by Ms. Von Gemmingen

to approve AR 2002-28.

Mr. Van Etten moved,  
seconded by Mr. Tesche,  
and it passed with Ms. Fairclough  
objection.

to postpone AR 2002-28 to February 26, 2002.

- L. Ordinance No. AO 2002-12, an ordinance of the Anchorage Municipal Assembly providing for the submission to the qualified voters of the Municipality of Anchorage at its next regular election on April 2, 2002 an advisory proposition on the question of whether the citizens of Anchorage shall urge the Alaska Legislature to resolve the subsistence issue by placing a constitutional amendment before the voters at the November 2002 General Election, Assemblymembers Traini, Tesche, Tremaine, Taylor, Shamberg, and Van Etten.
  - 1. Assembly Memorandum No. AM 81-2002.

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

JULIE KITKA said they had been involved with this specific conflict for 30 years. She had been involved with the current federal/state conflict as a result of the McDowell case since 1989. They have participated in every public process, legislative hearing and legislative session. Since 1989, they have seen overwhelming support from the people of both Anchorage and Alaska. People recognized that subsistence was a vital economy in Alaska and a viable culture and tradition of the Native people, as well as other people who have adopted that way of life. There were other Alaskans who had other views. She felt putting this issue on the ballot would allow both groups of people to weigh in with their positions and be part of the democracy of making decisions. They do not feel that this issue should stay grid locked and unresolved, because it would foster more conflicts. In recent years they have seen a growing divide between rural and urban Alaska. She commended the

Mayor and the Assembly for some of the steps they had taken to bridge the gap and open dialog. They felt this would be a helpful step in bringing resolution to the conflict.

In response to Mr. Tesche, Ms. Kitka said the Alaska Federation of Natives was willing to support the ballot proposition. They would urge Anchorage residents to vote in favor of the proposition. They felt it was a positive step in resolving a larger conflict and it was very important for the people of Anchorage to have the opportunity to express their views. The Alaska Federation of Natives intended to be involved in an educational effort to explain the importance of resolving this issue, the importance of supporting subsistence and why it was good for the State.

MS. AUDIE said she worked for the Association of ANCSA Regional Corporation Presidents and CEOs, which was the association of the 13 regional corporations in the State. She was a resident of Anchorage and lived in the lower Hillside area. She has a strong interest in Anchorage. A couple of years ago she worked at the Alaska Native Justice Center and was instrumental in having Anchorage designated as a Department of Justice Weed and Seed site, which was very monumental for Anchorage. She was one of three cofounders of the Safe Harbor Inn that recently opened. She was involved in encouraging Alaska Natives to vote. They were pleased to see the Assembly taking on this issue and were willing to help. She noted that there had been a number of polls that were conducted on this issue.

Mr. Van Etten said he would appreciate seeing the polls. He felt they all needed to work together to put an important issue before the voters to obtain a responsible showing of the public opinion.

JIM GARRIGUES said we needed to resolve this issue and get on with the business at hand. He supported the ordinance, because he felt it would encourage the Legislature to take care of the problem.

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 2002-12.  
seconded by Mr. Tremaine,

Ms. Von Gemmingen requested that her name be taken off the ordinance as a co-sponsor. She supported the ordinance, but she did not want to be a co-sponsor. After her discussions in Juneau, she felt this was a State issue. Although their vote would be important, she did not feel it would mean anything. The people in Juneau felt this was their business. They have conducted polls all over the State and people want the ability to vote on this issue. If the issue were put before her in a voting booth, she would vote yes.

Mr. Tesche said the intent of the resolution was not to provide a specific solution to the question of subsistence in Alaska. The Assembly recognized that this was a complex issue and they were not attempting to say how this issue should be resolved. They were saying that the voters of Anchorage should be given the opportunity to tell the Legislature to get to the task of unifying rural and urban areas by resolving this issue through a constitutional amendment. He addressed the two objections that he had heard on this issue. It had been stated that this was not our issue and we were only a small legislative body in a town that should not tell the State Legislature what to do. He strongly disagreed with that opinion. We have the right to stand up and say that the issue should be resolved. He felt the Legislature should get to the task and resolve the issue. He felt it was the Assembly's place to say that was what they wanted. The second argument was there was a small, but determined, faction in the Legislature that would not move on this issue and we should just give up because they would not change their minds. He disagreed with that as well. If people got together, we could get these people to listen and do their job of resolving this issue. If we gave up, we would validate what we complained of, which was their inactivity. He would not give up. He felt they should make every effort to convince the Legislature to do the jobs that they were elected to do. Mr. Tesche would be voting in favor of the ordinance.

Mr. Tremaine said Anchorage had 40 percent of the people in the State. We have more hunters and fishermen than any other community in the State. We have more people in Anchorage who grew up in a subsistence lifestyle than any other community in Alaska. Depending on wording of the constitutional amendment, there may be some disagreement on the issue within Anchorage. Everyone he had talked to agreed that it was time to get this issue on the ballot and move on with life. He felt it was the Assembly's duty and responsibility to give the Legislature that extra push, which they seemed to require, doing the people's will. He was proud to be a co-sponsor of the ordinance and would vote in favor of it.

Ms. Taylor concurred with Mr. Tesche and Mr. Tremaine. She commended Chairman Traini for his leadership on this issue and for bringing it forward. She was proud to be a co-sponsor of the ordinance.

Ms. Fairclough said she would also vote in favor of this issue in a ballot box, however the Legislature felt that this was a State issue. She has received e-mails from constituents who agreed that this was a State issue and not a municipal issue. She could not vote to put it on the ballot, because it was a State issue. She felt the Assembly should pass a resolution in favor of putting the issue on the ballot and lobby for that change. She felt this action would divide the Anchorage Assembly from the State Legislature. This was a very difficult issue for the legislators and they want it resolved. She felt the Legislature would resolve the issue in this session. She noted that this would only heat up a situation that was already inflamed.

Mr. Sullivan noted that this issue had divided us for a long time. He knew most of the legislators personally and he knew most of their positions on this issue. While the statement could be made that we should not give up the fight, the bottom line was that most of their positions were intractable and their minds were made up. He felt a resolution by the Anchorage Assembly or a vote of the people of Anchorage would not change their minds. We would be asking the voters to place a constitutional amendment on the ballot that would resolve the subsistence issue. He felt it was vague to ask the voters to urge a constitutional amendment when there was no specific language developed to consider. He felt it was bad policy to ask the people to vote on a constitutional ballot that did not currently exist.

Mr. Van Etten said he could understand the Legislature feeling that the Anchorage Assembly was doing something that would cause a divide if they developed the language for the constitutional amendment. He thought they could convey to the Legislature that they were willing to take a little bit of the heat and put something before them for consideration that would

be better than just a poll. He felt this would take some heat off of the Legislature and allows them to move forward. At the joint meeting in November, we asked the Legislature to pass legislation that would give us authority that we do not currently have so we could take on some large issues that would take pressure off of them. He felt they could tie the two offers together and let the Legislature know that they were working to make their jobs a little bit easier.

Mr. Sullivan said the voters had an opportunity to send a very strong message to the legislators in November, because they were up for re-election this fall. If the voters did not feel their legislators were not representing their position on this issue, they could vote for somebody else. If the polls are correct and a majority of the people favors this, an initiative petition could be started to put a constitutional amendment on the ballot.

Mr. Tesche said it was his understanding that the initiative could not be used to place a constitutional amendment on the ballot. The issue was squarely before the Legislature for them to resolve by a joint resolution of those bodies or putting them on the ballot.

In response to Mr. Tesche, Municipal Attorney Bill Greene said he would check to see if an initiative could put a constitutional amendment on the ballot.

Chairman Traini noted that he would be supporting the ordinance. Anchorage was the largest Native community in Alaska. He felt it was time the State dealt with the issue. The question was whether or not the citizens wanted this issue put before them by the State Legislature. He felt they owed it to their citizens and their future to deal with the issue of subsistence, because it was hurting the State and local community.

Question was called on the motion to adopt AO 2002-12 and it passed:

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

Mr. Tesche moved, for immediate reconsideration of AO 2002-12,  
seconded by Mr. Tremaine,

Mr. Tesche recommended a no vote.

Ms. Fairclough pointed out that Mr. Kendall was not present. The Assembly had chastised him for a reconsideration that was done on his behalf without giving the body an opportunity to have new information. She urged a yes vote.

Ms. Taylor said they had an ordinance that allowed a person to vote via the telephone, which had been exercised by a number of members. That option had been open to Mr. Kendall. She urged a no vote.

Mr. Fairclough noted that Mr. Kendall was sick and that was probably why he was not on the phone.

Question was called on the motion for immediate reconsideration of AO 2002-12 and it failed:

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

Mr. Tremaine, Mr. Tesche and Ms. Taylor joined in introducing an unnumbered ordinance, (AO 2002-22). The public hearing was scheduled for February 2, 2002. "An ordinance providing for the submission to the qualified voters of Anchorage, Alaska, the question of the issuance of \$8,930,000 of general obligation bonds of Municipality of Anchorage to pay the costs of parks and recreation and related capital improvements both in the Anchorage Parks and Recreation Service Area and the Girdwood Valley Service Area, and the question of an increase in the municipal tax cap limitation to pay associated operations and maintenance costs at an election in and for the Municipality of Anchorage on April 2, 2002."

Mr. Tremaine said this was the same proposal that he introduced last week, but it added Girdwood into the ordinance.

15. **BOARD OF ADJUSTMENT/ASSEMBLY APPEALS:** None.  
16. **SPECIAL ORDERS:** None.  
17. **UNFINISHED AGENDA:**

The Assembly then returned to consider item 11, Old Business and Unfinished Action on Public Hearing Items.

1. Assembly Memorandum No. AM 50-2002, recommendation of award to Quest Engineering, Inc. to provide and install a radio frequency Automated Meter Reading system for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (RFP 21-P047) (\$1,100,000), Purchasing.  
(POSTPONED FROM 1-15-02)

Chairman Traini gave the history of AM 50-2002 and noted a motion to approve was on the floor.

Mr. Sullivan said they received a detailed explanation from Purchasing Officer Bart Mauldin regarding how the process and scoring worked. He was satisfied that the process was fair.

Question was called on the motion to approve AM 50-2002 and it passed:

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

Clerk's note: Ms. Clementson was out of the room for the vote.

- 2. Assembly Memorandum No. AM 17-2002, Anchorage Golf Course/O'Malley on the Green (License #4172) – New Golf Course Liquor License (Abbott Loop & Huffman/O'Malley Community Councils), Clerk's Office.  
(AMENDED 1-8-02; POSTPONED FROM 1-8-02 AND 1-15-02)

Chairman Traini gave the history of AM 17-2002 and noted no motion was on the floor.

Ms. Fairclough moved, to postpone AM 17-2002 indefinitely.  
 seconded by Mr. Tremaine,  
 and it passed without  
 objection,


- 3. Resolution No. AR 2002-27, a resolution of the Anchorage Municipal Assembly appropriating \$50,000 from the Anchorage Metropolitan Police Service Area to the Police Department to replace the tactical rifle inventory for the Crisis Intervention Response Team, Assembly Chair Traini.
  - 1. Assembly Memorandum No. AM 80-2002.

Mr. Tremaine moved, to postpone AR 2002-27 indefinitely.  
 seconded by Ms. Fairclough,  
 and it passed without  
 objection,

- 18. **AUDIENCE PARTICIPATION:** None.
- 19. **ASSEMBLY COMMENTS:** None.
- 20. **EXECUTIVE SESSIONS:** None.
- 21. **ADJOURNMENT:**

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

The meeting adjourned at 10:22 p.m.

  
 \_\_\_\_\_  
 Chairman

ATTEST:

  
 \_\_\_\_\_  
 Municipal Clerk

Date Minutes Approved: 7-16, 2002

GM:cmw