

**ANCHORAGE MUNICIPAL ASSEMBLY
ASSEMBLY MEETING**

**Assembly Chambers, Loussac Library
3600 Denali Street, Room 108**

Minutes for Regular Meeting of October 21, 2003

1. CALL TO ORDER

The meeting was convened at 5:00 p.m. by Assembly Chair Dick Traini at the Assembly Chambers, 3600 Denali Street, Anchorage, Alaska.

2. ROLL CALL A Quorum was achieved with Assemblymembers present.

PRESENT: Dan Sullivan, Fay Von Gemmingen, Melinda Taylor, Doug Van Etten, Dick Traini, Anna Fairclough, Allan Tesche, Janice Shamberg, Dick Tremaine, Dan Kendall and Brian Whittle.

ABSENT: None.

3. PLEDGE OF ALLEGIANCE Ms. Fairclough led the pledge.

4. MINUTES OF PREVIOUS MEETING None.

5. MAYOR'S REPORT

Mayor Begich stated that on October 20, 2003 they held a Parks and Recreation Meeting, discussing the topic of user fee increases. He stated there were many ideas generated by Parks & Recreation users on how to meet the fee increases.

Mayor Begich mentioned that Don Alspach had been appointed Planning Director for six months. He stated that Sue Fison was retiring and this was the last Assembly Meeting she would be attending in the capacity of Director of the Planning Department. He asked her to summarize the new public notification system. Ms. Fison explained that the email notification system (www.muni.org/planning) was a planning alert system that would activate within 24-hours after a case was filed, notifying homeowners of development changes within close proximity of their property.

Ms. Fairclough mentioned her gratitude to Ms. Fison for all of the work she had accomplished while with the MOA.

6. ASSEMBLY CHAIRS' REPORT

Chair Traini stated that the Administration would like to change the date of the Public Hearing for AR 2003-326, a resolution concerning the Special Assessment District No. 1P97, from November 18, 2003 to December 16, 2003.

Mr. Tesche, the sponsor of AO 2003-136, an ordinance creating the North Ship Creek Development and Safety Commission, asked for the Public Hearing to be delayed until November 4, 2003.

Ms. Fairclough, the sponsor of AO 2003-86, requested this ordinance on instituting a city sales tax be postponed indefinitely.

7. COMMITTEE REPORTS

Mr. Kendall stated that the Fire Lake Community Council held their first organizational meeting last night and their next one would be November 17, 2003. He stated he would like to postpone the associated ordinance, AO 2003-144, until December. It was scheduled for December 16, 2003.

8. ADDENDUM TO AGENDA

Chair Traini read the Addendum items and called for a motion to incorporate them into the Regular Agenda.

Mr. Tesche moved, to incorporate the Addendum items into the Regular
Ms. Von Gemmingen seconded, Agenda.
and this motion passed without objection,

9. CONSENT AGENDA

9.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

- 9.A.1. Resolution No. AR 2003-329, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Susan Fison** for her 15 years of service with the Municipality of Anchorage, Mayor Begich; Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen and Whittle. (**Addendum**)

Ms. Von Gemmingen requested this item be pulled from the Consent Agenda. *See item 10.A.1.*

9.B. RESOLUTIONS FOR ACTION - OTHER

- 9.B.1. Resolution No. AR 2003-327, a resolution of the Anchorage Municipal Assembly appointing **Richard Michael Gutierrez** as Utility Budget Analyst, Assembly Chair Traini.
- 9.B.2. Resolution No. AR 2003-301, a resolution of the Anchorage Municipal Assembly approving the professional service selection for the **Chester Valley Elementary School Addition and Renovation - Design Services**, Anchorage School District.
- a. Assembly Memorandum No. AM 749-2003.
- 9.B.3. Resolution No. AR 2003-330, a resolution of the Municipality of Anchorage appropriating \$94,000 as a contribution to the Areawide General Fund (101), 2003 Finance Department Operating Budget, from the Building Safety Fund (181) Fund Balance to enhance the Property Appraisal Division ability to assess **new construction**, Finance. (*Laid on the Table*)
- a. Assembly Memorandum No. AM 809-2003.

9.C. BID AWARDS

- 9.C.1. Assembly Memorandum No. AM 806-2003, recommendation of award to KME Fire Apparatus c/o Oregon Fire Equipment Company, Ltd. and their Leasing Agent KME HotLease Direct Financing for furnishing **emergency fire response apparatus** via lease/purchase agreement to the Municipality of Anchorage, Anchorage Fire Department (ITB 23-B021)(\$1,449,906.90), Purchasing. (**Addendum**)

9.D. NEW BUSINESS

- 9.D.1. Assembly Memorandum No. AM 804-2003, **AWWU Archives Building and AWWU Operations Facility HVAC Improvements** – Amendment No. 2 to contract for professional services (P.O. 0000236074) with USKH, Inc. (\$23,030), Anchorage Water & Wastewater Utility.
- 9.D.2. Assembly Memorandum No. AM 805-2003, extension of cooperative agreement between the Alaska Department of Natural Resources, Division of Forestry (DOF) and the Municipality of Anchorage to allow for reimbursement of an additional \$199,500 for **2003 fall wildfire mitigation efforts**, Anchorage Fire Department.
- 9.D.3. Assembly Memorandum No. AM 811-2003, **Library Advisory Board** appointment (David Harrington), Mayor's Office.
- 9.D.4. Assembly Memorandum No. AM 812-2003, **Talus West Limited Road Service Area Board of Supervisors** appointment (Anthony Winsor), Mayor's Office.
- 9.D.5. Assembly Memorandum No. AM 813-2003, **Youth Advisory Commission** reappointments (Karl Wing, Stephanie Abrego, Patricia Posey), Mayor's Office.
- 9.D.6. Assembly Memorandum No. AM 814-2003, **Eddie's Sports Bar #4317** – New Beverage Dispensary/Duplicate Liquor License (Taku/Campbell Community Council), Clerk's Office.

Mr. Whittle requested this item be pulled from the Consent Agenda. See 10.D.6.

- 9.D.7. Assembly Memorandum No. AM 815-2003, **Houlihans of Alaska** – Transfer of Ownership, Transfer of Location (NO PREMISE) and Name Change for a Beverage Dispensary Liquor License (All Community Councils), Clerk's Office.

Mr. Whittle requested this item be pulled from the Consent Agenda. See 10.D.7.

- 9.D.8. Assembly Memorandum No. AM 816-2003, **Building Board** appointment (Skipp Bringmann), Mayor's Office. (**Addendum**)
- 9.D.9. Assembly Memorandum No. AM 817-2003, **Health and Human Services Commission** appointment (Michele Czajkowski), Mayor's Office. (**Addendum**)
- 9.D.10. Assembly Memorandum No. AM 818-2003, **Housing and Neighborhood Development Commission** appointments (Glenn Gellert, Timothy Sullivan, Shannon Planchon, Rev. Paul Everett), Mayor's Office. (**Addendum**)

Ms. Taylor requested this item be pulled from the Consent Agenda. See 10.D.10.

- 9.D.11. Assembly Memorandum No. AM 819-2003, **Port Commission** appointment (Susanne DiPietro), Mayor's Office. (**Addendum**)
- 9.D.12. Assembly Memorandum No. AM 820-2003, **Public Safety Advisory Commission** appointment (Lynda Zaugg), Mayor's Office. (**Addendum**)
- 9.D.13. Assembly Memorandum No. AM 821-2003, **Rabbit Creek View/Rabbit Creek Heights Limited Service Area Board of Supervisors** appointment (Jamie Pazaruski), Mayor's Office. (**Addendum**)
- 9.D.14. Assembly Memorandum No. AM 822-2003, **Totem Limited Service Area Board of Supervisors** appointment (Steve Harris), Mayor's Office. (**Addendum**)
- 9.D.15. Assembly Memorandum No. AM 823-2003, **Transportation Commission** appointment (Byron Huffman), Mayor's Office. (**Addendum**)
- 9.D.16. Assembly Memorandum No. AM 824-2003, **Women's Commission** appointment (Linda Ayagarak-Daney), Mayor's Office. (**Addendum**)
- 9.D.17. Assembly Memorandum No. AM 826-2003, recommendation of award to DOWL Engineers for providing professional engineering services for the **Creekside Town Center Road Improvements Project** for the Municipality of Anchorage, Project Management & Engineering (RFP 23-P009 Project D) (\$952,703), Purchasing. (**Addendum**)
- 9.D.18. Assembly Memorandum No. AM 827-2003, proprietary purchase with Dataradio Corporation for providing **mobile radios** to the Municipality of Anchorage, Anchorage Police Department (\$155,263.78), Purchasing. (**Addendum**)
- 9.D.19. Assembly Memorandum No. AM 828-2003, recommendation of award to Kempel, Huffman & Ellis, P.C., for providing **legal services** pertaining to issues before the Regulatory Commission of Alaska on an "as required" basis for the Municipality of Anchorage, Municipal Light & Power (RFP 23-P036) (\$150,000), Purchasing. (**Addendum**)
- 9.D.20. Assembly Memorandum No. AM 829-2003, Amendment No. 3 to professional legal services contract with the Law Firm of Gilmore & Doherty, regarding **constitutional issue services** (\$240,000), Legal Department. (**Addendum**)

Mr. Tremaine requested this item be pulled from the Consent Agenda. See 10.D.20.

- 9.D.21. Assembly Memorandum No. AM 825-2003, **2004 Budget Schedule**, Assemblymember Tesche. (**Addendum**)

Mr. Tesche requested this item be pulled from the Consent Agenda. See 10.D.21.

- 9.D.22. Assembly Resolution No. AR 2003-330, a resolution of the Municipality of Anchorage, appropriating \$94,000 of the contributions to the Areawide General Fund 2003 Finance Department Operating Budget for Building Safety Fund (181 fund) to enhance the **Property Appraisal Division**, built to assess new construction. (**Addendum**)

Ms. Fairclough requested this item be pulled from the Consent Agenda. See 10.D.22.

9.E. INFORMATION AND REPORTS

- 9.E.1. Information Memorandum No. AIM 93-2003, Internal Audit Report 2003-11 - **Ward North Contract Compliance, Risk Management, Municipal Manager**, Internal Audit.

Mr. Tremaine requested this item be pulled from the Consent Agenda. See 10.E.1.

- 9.E.2. Information Memorandum No. AIM 94-2003, transmittal of the Planning and Zoning Commission recommendation of denial for a rezoning application request to rezone 2.01 acres from R-1A (Single family residential) to B-3 (General business district) for a relinquished right of way parcel and **Lots 1, 2, 3, 4, 5 and 10, Block D, Deborah Subdivision**, generally located at 12907 Old Glenn Highway, Eagle River (Planning and Zoning Commission Case 2003-094), Planning Department.

Mr. Tesche requested this item be pulled from the Consent Agenda. See 10.E.2.

9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

- 9.F.1. Ordinance No. AO 2003-145, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the borrowing from the State of Alaska Clean Water Fund of an aggregate amount not to exceed \$8,450,000 for the purpose of financing a portion of the costs of various **AWWU sewer improvement projects** in the Municipality, and providing for related matters, Anchorage Water & Wastewater Utility. P.H. 11-4-03.
(Clerk's note: Public Hearing was scheduled for 11-04-03)
a. Assembly Memorandum No. AM 800-2003.
- 9.F.2. Ordinance No. AO 2003-146, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the borrowing from the State of Alaska Drinking Water Fund of an aggregate amount not to exceed \$14,935,300 for the purpose of financing a portion of the costs of various **water capital improvement projects** in the Municipality, and providing for related matters, Anchorage Water & Wastewater Utility. P.H. 11-4-03.
(Clerk's note: Public Hearing was scheduled for 11-04-03)
a. Assembly Memorandum No. AM 801-2003.
- 9.F.3. Ordinance No. AO 2003-148, an ordinance amending the zoning map and providing for the rezoning from R-3 (Multiple Family Residential) to B-3S SL (General Business with Special Limitations), for **Lintner Subdivision, Lots 21, 22, 23, 24 and 25**, generally located on the south side of Carolina Drive and the west side of McRae Road (Spenard Community Council) (Planning and Zoning Commission Case 2003-093), Planning Department. P.H. 12-2-03.
(Clerk's note: Public Hearing was scheduled for 12-02-03)
a. Assembly Memorandum No. AM 803-2003.
- 9.F.4. Resolution No. AR 2003-326, a resolution confirming and levying special assessments for **Special Assessment District No. 1P97**, which provided paving and street lights on 32nd Avenue between Denali Street and Gambell Street, and setting the date of assessment installment payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency, Project Management & Engineering. P.H.-11-4-03 12-16-03.
(Clerk's note: Public Hearing was scheduled for 12-16-03)
a. Assembly Memorandum No. AM 799-2003.
- 9.F.5. Resolution No. AR 2003-328, a resolution of the Municipality of Anchorage appropriating the \$199,600 from the Alaska Department of Transportation and Public Facilities as a pass through grant from the Federal Highway Administration to the State Categorical Grants Fund (231) Department of Health and Human Services for the **Air Quality Public Awareness Campaign**, Health and Human Services. P.H. 11-4-03. **(Addendum)**
(Clerk's note: Public Hearing was scheduled for 11-04-03)
a. Assembly Memorandum No. AM 808-2003.
- 9.F.6. Ordinance No. AO 2003-149, an ordinance amending Anchorage Municipal Code Section 12.15.015 to amend the filing requirements for **exemption from property tax** for senior citizens and disabled veterans, Finance. **(Addendum)** (Laid on the Table)
(Clerk's note: Public Hearing was scheduled for 11-04-03)

- a. Assembly Memorandum No. AM 807-2003.

END OF CONSENT AGENDA

Chair Traini called for any additional items to be added to the Addendum.

Mayor Begich added AR 2003-330 as an Addendum item, and read the resolution. Chair Traini assigned its position in the Agenda as 9.D.22. The Mayor also submitted AO 2003-149 to be added as an Addendum item. Chair Traini assigned its position in the Agenda as 9.F.6.

Mr. Tesche moved, to add 9.D.22 and 9.F.6 to the Agenda.
Ms. Fairclough seconded,
and this motion was passed without objection,

Chair Traini asked if there were any more items to be added to the Addendum. There being none, he asked for objections to incorporate the Addendum into the Agenda, and there were no objections. He announced the Addendum was incorporated into the Agenda.

The Administration noted that when the Assembly reached 14.N., AR 2003-312 concerning SMG, in the Agenda, they would be requesting a postponement until the November 4, 2003 meeting. Chair Traini stated that he was following through with the pre-scheduled Public Hearing because the Assemblymembers would be able to help the Administration with clarity on that issue.

The Consent Agenda was approved unanimously, with the exception of those items that were pulled for further discussion on the Regular Agenda.

Chair Traini asked Mayor Begich if he would like to introduce any of the people, recently appointed to MOA Boards and Commissions. The Mayor responded by asking for all those recently appointed to please stand. *Applause.*

10. REGULAR AGENDA

10.A RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

10.A.1. Resolution No. AR 2003-329, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Susan Fison** for her 15 years of service with the Municipality of Anchorage, Mayor Begich; Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen and Whittle. (**Addendum**)

Ms. Von Gemmingen moved, to approve AR 2003-329.
Ms. Fairclough seconded,
and this motion was passed,

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

NAYES: None.

This resolution, read by Ms. Shamberg, honored Ms. Susan Fison for her 15 years of service with the MOA. Ms. Fison was originally hired by the MOA as the Division Manager for the Research Section in the Planning Department on January 18, 1988. Ms. Shamberg explained that Ms. Fison had held two different positions of management, one as the Research and Technical Service Manager until the June, 2000, and as the Planning Director for the remainder of her employment. Ms. Shamberg explained that Ms. Fison had been MOA's distinguished demographer and population expert. Ms. Fison stated her thanks and said she was excited about her new position with the Anchorage Neighborhood Housing Division. Ms. Fison stated that public service was her life vocation, and she was delighted to be continuing it.

Mr. Tesche thanked her for all her hard work with the MOA and he was glad she would be continuing in another, similar capacity.

Mayor Begich thanked her for all the work she had done while at the MOA. He said she was such an asset, that it was a guarantee that they would seek her out for assistance in the future.

Ms. Von Gemmingen stated it had been a pleasure working with her. She said Ms. Fison's professionalism and good naturedness always shone through.

Ms. Shamberg told Ms. Fison that she had always appreciated her being so helpful and kind when she was first elected to the Assembly.

Chair Traini stated that he had enjoyed working with Ms. Fison from when he first joined the Assembly, back in 1991, and that he wanted to thank her for all her help. He said that wherever Ms. Fison had worked she had been a real star.

10.D. NEW BUSINESS

10.D.6. Assembly Memorandum No. AM 814-2003, **Eddie's Sports Bar #4317** – New Beverage Dispensary/Duplicate Liquor License (Taku/Campbell Community Council), Clerk's Office.

Mr. Whittle moved, to approve AM 814-2003.
Mr. Tesche seconded,
and this motion passed,

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

NAYES: None.

Mr. Whittle said he pulled this item to say that this was a protest and that the owner had been notified of the Assembly's refusal to approve the memorandum. The Clerk stated the owners of Eddie's Sports Bar had been notified that they still owe taxes.

10.D.7. Assembly Memorandum No. AM 815-2003, **Houlihans of Alaska** – Transfer of Ownership, Transfer of Location (NO PREMISE) and Name Change for a Beverage Dispensary Liquor License (All Community Councils), Clerk's Office.

Chair Traini read this memorandum and called for a motion.

Mr. Whittle moved, to approve AM 815-2003.
Mr. Tesche seconded,
and this motion passed,

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

NAYES: None.

Mr. Whittle said he pulled this item to say that this was a protest, that the owner had been notified of being delinquent in paying taxes. He stated that the Assembly needed to make a protest against the owners being in violation.

Chair Traini stated this was one of the ways the Assembly could see that taxes were paid, and that they would continue to protest until the taxes were paid.

10.D.10. Assembly Memorandum No. AM 818-2003, **Housing and Neighborhood Development Commission** appointments (Glenn Gellert, Timothy Sullivan, Shannon Planchon, Rev. Paul Everett), Mayor's Office. (**Addendum**)

Ms. Taylor moved, to approve AM 818-2003.
Mr. Tremaine seconded,
and this motion passed,

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

Ms. Taylor thanked Mayor Begich for his excellent choice for filling these appointments, particularly Mr. Tim Sullivan, Ms. Shannon Planchon and Reverend Paul Everett. She stated that she did want to share that she was disappointed to see the lack of east Anchorage items and projects in the budget for 2004. She hoped the newly appointed professionals would make a difference to east Anchorage receiving more bonds.

10.D.20 Assembly Memorandum No. AM 829-2003, Amendment No. 3 to professional legal services contract with the Law Firm of Gilmore & Doherty, regarding **constitutional issue services** (\$240,000), Legal Department. (**Addendum**)

Mr. Tremaine moved, to approve AM 829-2003.
Mr. Kendall seconded,
and this motion passed,

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

Mr. Tremaine asked the Administration to explain the constitutional issues that the Legal Department was addressing with this item. Municipal Attorney, Mr. Boness, explained the Law Firm of Gilmore and Doherty was representing the MOA in five separate cases, including two cases involving the Firemens' Fund and one involving a labor dispute. The labor dispute was heading to trial in early November, and they were predicting trial costs of between \$50,000 and \$70,000. To Mr. Tremaine's question, Mr. Boness responded that they hoped to retain the contract with Gilmore and Doherty Law Firm to assist with constitutional and local government issues.

Mr. Tesche spoke of his briefing on a number of legal cases pending with the MOA. He said that several cases with this law firm were discussed and he was convinced that it was appropriate to proceed with the Municipal Attorney's recommendation, continuing to use this law firm. He stated that he would support this memorandum.

Chair Traini recognize Beverly Wooley, the newly appointed MOA Director of Health and Human Services. The Mayor stated that Ms. Wooley would be carrying an incredible load with the Health and Human Services, a MOA division with multiple funding sources and incredible financial pressures.

Chair Traini continued with these unscheduled announcements, and introduced Mr. Richard Michael Gutierrez, who would be working in the budget department.

10.D.21 Assembly Memorandum No. AM 825-2003, **2004 Budget Schedule**, Assemblymember Tesche. (**Addendum**)

Mr. Tesche requested this item be reviewed for consideration in the Regular Agenda, and requested the discussion and action be deferred until after the Assembly took up the Public Hearing on item 14.L. Mr. Tesche moved, there was a second, and with no objections, Chair Traini announced that item 10.D.21, No. AM 825-2003 would be heard following item 14.L.

(Clerk's note: The Assembly returned to action on AM 825-2003 following action 14.L, see Minutes, Page 19)

Chair Traini read this memorandum and called for a motion.

Mr. Tesche moved, to approve AM 825-2003.
Mr. Kendall seconded,
and this motion passed,

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

NAYES: None.

Mr. Tesche stated the purpose of this memorandum was to supercede previously set schedules for Public Hearing and action on bills in 2004. He explained that under this schedule the MOA would be taking final action on the budget on Tuesday December 2, 2003. He encouraged all proposals be submitted to Ms. Gray-Jackson's office in a timely fashion.

Ms. Fairclough proposed to change the Anchorage Water and Wastewater Utility Public Hearing.

Ms. Fairclough moved, to extend the AWWU Public Hearing
Mr. Tremaine seconded, from November 18, 2003 until December 2, 2003.
and this motion failed,

AYES: Fairclough, Shamberg and Sullivan.

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

Ms. Fairclough stated options should be allowed within the AWWU budget and therefore, a time extension on the Public Hearing should be allowed.

Mr. Tremaine agreed that MOA options should remain flexible in respect with AWWU. He stated that even if the Public Hearing deadline remained for November 18th, it could be extended at that time.

Mr. Tesche stated this was a tariff issue, and thought an attempted change may be illegal, and could possibly justify a recall. He would not support her amendment proposal.

10.D.22. Assembly Resolution No. AR 2003-330, a resolution of the Municipality of Anchorage, appropriating ninety four thousand dollars (\$94,000) as a contribution to the Areawide General Fund (101), 2003 Finance Department Operating Budget, from the Building Safety Fund (181) Fund Balance to enhance the Property Appraisal Division ability to assess new construction. Administration. **(Addendum)** (*Laid on the Table*)

Chair Traini read this resolution, added by the Administration as an Addendum item, and called on Ms. Fairclough to make a motion.

Ms. Fairclough moved, to approve AR 2003-330.
Mr. Kendall seconded,
and this motion passed,

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

NAYES: None.

Ms. Von Gemmingen thanked the Finance Department for bringing this \$94,000 forward, so they would be able to get more assessors on board to assist with updating the MOA's books.

10.E. INFORMATION AND REPORTS

10.E.1. Information Memorandum No. AIM 93-2003, Internal Audit Report 2003-11 - **Ward North Contract Compliance, Risk Management, Municipal Manager**, Internal Audit.

Mr. Tremaine moved, to approve AIM 93-2003.
Mr. Kendall seconded,
and this motion passed,

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

NAYES: None.

Mr. Tremaine stated that he had looked over the contract with Ward North and the company appeared to be out-of-compliance.

Mr. Lance Smith, Director of Trafficking, stated that the MOA had given them 30 days to bring the department into compliance. He had scheduled the audit for Ward North, after noticing some problems developing. He explained the contract called for a level of experience, and the company had experienced a high level of turn-over in the past year and currently did not have the proper expertise.

To Ms. Von Gemmingen question, Mr. Smith responded that he was interested in an additional, follow-up audit. Ms. Von Gemmingen, the Head of the Audit Committee, stated they were planning a meeting later on during this month to discuss this issue and she would put it on their Agenda.

10.E.2. Information Memorandum No. AIM 94-2003, transmittal of the Planning and Zoning Commission recommendation of denial for a rezoning application request to rezone 2.01 acres from R-1A (Single family residential) to B-3 (General business district) for a relinquished right of way parcel and **Lots 1, 2, 3, 4, 5 and 10, Block D, Deborah Subdivision**, generally located at 12907 Old Glenn Highway, Eagle River (Planning and Zoning Commission Case 2003-094), Planning Department.

Mr. Kendall moved, to approve AIM 94-2003.
Ms. Fairclough seconded,

Mr. Tesche questioned the method by which this matter had become before the Assembly. Mr. Tesche suggested the informational memorandum should come to the Assembly as a motion to introduce a rezoning ordinance. Mr. Tesche stated his concern was strictly with the procedure of introduction.

Mr. Kendall moved, to postpone AIM 94-2003 until November 18, 2003.
Ms. Fairclough seconded,
and this motion passed,

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

Mr. Kendall stated he also had questions on the procedure of this Agenda item. He proposed to postpone further action to allow time to confer with Legal concerning submission procedure.

Ms. Fairclough requested that the MOA Legal Department address the appropriate Code citation for an issue that was denied by the P&Z. She requested additional public testimony. She suggested if this item were heard again in November that it would be appropriate to notify homeowners who had previously testified in opposition.

Mr. Sullivan asked if the petitioner was planning to pursue this issue. Mr. Kendall acknowledged that the petitioner was pursuing this issue, and it was his intention to follow through.

Mr. Boness stated that submitting an informational memorandum to deny a zoning change would require an ordinance to approve the zoning change. The procedure that had been followed in the past, when the Administration was not recommending a zoning change, had been to bring the matter before the Assembly through an AIM, attaching an ordinance. If an Assemblymember wanted to support the zoning change, an Assemblymember could push the adoption of an ordinance. The Code required a zoning change be done through an ordinance.

10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

- 10.F.1. Ordinance No. AO 2003-145, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the borrowing from the State of Alaska Clean Water Fund of an aggregate amount not to exceed \$8,450,000 for the purpose of financing a portion of the costs of various **AWWU sewer improvement projects** in the Municipality, and providing for related matters, Anchorage Water & Wastewater Utility.
- a. Assembly Memorandum No. AM 800-2003.

(Clerk's note: Public Hearing was scheduled for 11-4-03)

- 10.F.2. Ordinance No. AO 2003-146, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the borrowing from the State of Alaska Drinking Water Fund of an aggregate amount not to exceed \$14,935,300 for the purpose of financing a portion of the costs of various **water capital improvement projects** in the Municipality, and providing for related matters, Anchorage Water & Wastewater Utility.
- a. Assembly Memorandum No. AM 801-2003.
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- 10.F.3. Ordinance No. AO 2003-148, an ordinance amending the zoning map and providing for the rezoning from R-3 (Multiple Family Residential) to B-3S SL (General Business with Special Limitations), for **Lintner Subdivision, Lots 21, 22, 23, 24 and 25**, generally located on the south side of Carolina Drive and the west side of McRae Road (Spenard Community Council) (Planning and Zoning Commission Case 2003-093), Planning Department.
- a. Assembly Memorandum No. AM 803-2003.
- (Clerk's note: Public Hearing was scheduled for 12-2-03)*
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- a. Assembly Memorandum No. AM 799-2003.
- (Clerk's note: Public Hearing was scheduled for 12-16-03)*
- 10.F.5. Resolution No. AR 2003-328, a resolution of the Municipality of Anchorage appropriating the \$199,600 from the Alaska Department of Transportation and Public Facilities as a pass through grant from the Federal Highway Administration to the State Categorical Grants Fund (231) Department of Health and Human Services for the **Air Quality Public Awareness Campaign**, Health and Human Services. P.H. 11-4-03. **(Addendum)**
- a. Assembly Memorandum No. AM 808-2003.
- (Clerk's note: Public Hearing was scheduled for 11-4-03)*
- 10.F.6. Ordinance No. AO 2003-149, an ordinance amending Anchorage Municipal Code Section 12.15.015 to amend the filing requirements for **exemption from property tax** for senior citizens and disabled veterans, Finance. **(Addendum)** *(Laid on the Table)*
- a. Assembly Memorandum No. AM 807-2003.
- (Clerk's note: Public Hearing was scheduled for 11-4-03)*

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS

- 11.A.1. Ordinance No. AO 2003-129, an ordinance adopting the **U-Med/Universities and Medical District Framework Master Plan** as an element of the Anchorage 2020-Anchorage Bowl Comprehensive Plan and amending Chapter 21.05 of the Anchorage Municipal Code (Planning and Zoning Commission Case 2003-100), Planning Department.
1. Assembly Memorandum No. AM 725-2003.
- (Clerk's note: Postponed from 10-7-03)*

Chair Traini read the ordinance and with no motion pending from the last meeting, he called for a motion.

Mr. Van Etten moved, to approve AO 2003-129.
Mr. Tremaine seconded,

Mr. Van Etten proposed two amendments to the U-Med ordinance. He passed out copies and read his first amendment, proposing to change on Page 1, Line 15, deleting the words "Wright Street and," for that sentence to read: ".....the extension of Piper Street, between 40th Avenue."

Mr. Van Etten moved, to amend AO 2003-129, *deleting* on Page 1,
Mr. Tremaine seconded, Line 15, the words "Wright Street and."
and this motion failed,

AYES: Taylor, Traini and Van Etten,

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

Mr. Van Etten explained the reason for his amendment was to protect this street. He and the neighborhood felt there was a large number of children and pets using this street as a playground because it was currently a dead-end. The neighborhood had already fought to restrict a foot path with the construction of a fence at the end of the street. Mr. Van Etten wanted to remove Wright Street from consideration for future development.

Mr. Whittle asked the MOA Staff their opinion of the deletion of Wright Street as a future access route, and the Planning Department responded that they wanted Wright Street to remain included for consideration, to allow for maximum accessibility in that area. Mr. Gary Katsion, a transportation consultant from Kittleston and Associates, Inc. was introduced. Mr. Katsion stated their study had purposefully left Wright Street with the maximum flexibility for the future. He proposed to have Wright Street remain a consideration until after the more detailed study was completed, which had been scheduled for 2004. He gave many examples of future expansion possibilities, and reminded the Assembly that Wright Street may pose a future, best alternative for intersecting.

Ms. Fairclough urged a NO-vote.

Mr. Van Etten proposed his second amendment to add on Page 1, Line 18, a new Subsection B to read: "Before any action to extend or make additions or other significant alterations to Wright Street, Piper Steer, 40th Avenue and/or 42nd Avenue or other public rights of way in the general area, with the exception of Laurel Street, there shall be a traffic study with public participation and an approved circulation plan adopted. Such a plan shall also include other intra-district circulation options and traffic calming opportunities."

Mr. Van Etten moved,
Mr. Tremaine seconded,
and this motion passed,

to amend AO 2003-129, *adding a new Subsection B*, on Page 1, Line 18, to read: "Before any action to extend or make additions or other significant alterations to Wright Street, Piper Steer, 40th Avenue and/or 42nd Avenue or other public rights of way in the general area, with the exception of Laurel Street, there shall be a traffic study with public participation and an approved circulation plan adopted. Such a plan shall also include other intra-district circulation options and traffic calming opportunities."

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

Mr. Van Etten explained that the Planning Department told him there was \$100,000 programmed for the capital improvement bond for 2003, to accomplish this proposal. Planning responded that the current CIP entitled the project Tudor Road Corridor Traffic Improvements to that appropriated money, which would assist with the scope and preliminary project estimate.

Mr. Tremaine stated he thought this amendment was appropriate and he supported it.

Ms. Fairclough referred to Title 21, describing "open space." She stated that she was aware of the current rewrite, and wanted to recommend a new wording, "preservation open space." She then referred to the designated "open space" on the map, describing the U-Med area. She was concerned that the layout of this "open space" would create problems in the future for the U-Med district. She quoted her recommendation of "preservation open space" as interpreted to mean "land and open space of lake and streams together with primary wetlands should be permanently protected from development through a conservation easement or similar instrument." She then referred to Section I in the Master Plan, defining "right of way." The Planning staff stated that they had already proposed an amendment addressing that issue, and directed Ms. Fairclough to that item, on Page V11. Ms. Fairclough then moved to amend the Executive Summary, on Page V11, and Plan, on Page 37, by adding the following to be the last sentence: "Where appropriate, new vehicular accessed to serve the district is not precluded by the *Preservation Open Space* classification."

Ms. Fairclough moved,

to amend AO 2003-129, to change on Page V11

Mr. Sullivan seconded,
and this motion passed,

of the Executive Summary and on Page 37 of the Plan, by *adding* the following: "Where appropriate, new vehicular access to serve the District is not precluded by the *Preservation Open Space* classification."

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

Ms. Fairclough urged a YES-vote. The Planning Department stated this amendment was redundant, repeating the amendment their department had already made with the U-Med Plan. Ms. Fairclough stated there were miscommunications, because she had received a call from one of the Commissioners who told her it was still an issue for road right-of-way. Ms. Fairclough stated that she was content to have it clear on the record (all of the light green on the U-Med Plan map, from the light gray arrow on the center of Page 1 of the Executive Summary, to the center arrow) that everyone could agree would be opened to road right-of-way development.

Mr. Kendall objected to the withdrawal of the amendment. He stated and Chair Traini agreed that it was a good idea to follow through with the amendment, as a safety precaution.

Mr. Sullivan stated he supported the amendment, to ensure the possible development in the area in question on the U-Med Map.

Mr. Whittle stated that he would not vote for this amendment if this allowed for future development in this area.

Ms. Fairclough responded that it was not her intent to encourage future development, but rather simply to change the boundaries of the map's green areas.

Mr. Sullivan proposed to amend AO 2003-129, to change on the map in the Executive Summary, on Page 1 and Page 23 of the Plan, to have the connection showing Wright Street to the north, beyond 40th Avenue, be indicated as a dotted line instead of a solid line.

Mr. Sullivan moved,
Ms. Fairclough seconded,
and this motion passed,

to amend AO 2003-129, *to change* on all maps showing Wright Street, the portion north of 40th Avenue as a *dotted line* instead of a solid line.

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

Mr. Sullivan indicated he was uneasy with the map showing Wright Street as a solid line, and urged a YES-vote.

Mr. Van Etten moved,
Mr. Tremaine seconded,
and this motion passed,

to approve AO 2003-129, as amended.

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

Mr. Sullivan thanked the Planning Staff and the professional consultants who worked on this issue. He said it was one of the better master plans he had seen, and it would be one of the most necessary ones for the future.

Chair Traini interrupted the Agenda to greet State Representative Mike Hawker. Ms. Shamberg asked if their visiting (referring to last week's visit from Representative Cissna) the Assembly was a requirement of the Legislature, and thanked him for being there. Representative Hawker responded that his visit was merely a good community activity. Chair Traini added that an action before the Assembly that evening appropriated state money, and Representative Hawker was responsible for that money.

12. APPEARANCE REQUESTS

- 12.A. **Darrel Hess**, President – Fairview Community Council, to thank the Assembly for support on community council boundary changes and proclaiming Fairview Community Pride Day.

Mr. Darrel Hess, President of Fairview Community Council, testified. He wanted to speak before the Assembly and the Administration to thank them for all the support and assistance they have given Fairview over the past year. He explained that Fairview was a community moving in a positive direction. He summarized many Fairview 2003 activities, including the Fairview Educational Summit, the celebration of diversity and community pride at their annual Block Party, on September 25, 2003 the dedication the Officer H. B. Hanson Anchorage Police Department Substation and celebration of Fairview Community Pride Day. He said Fairview was fortunate to have Mr. Allan Tesche as their Anchorage Assembly Representative, and he thanked him. He thanked Chair Traini and all the Assemblymembers for their support. Mr. Hess stated that the efforts of Mrs. Traini, Chair Traini's wife needed to be noted also.

Chair Traini reminded Mr. Hess that communities like Fairview would not be what they are today if it weren't for dedicated people like him, who were willing to put the time and effort in to the Fairview Community Council.

Mr. Tesche stated it was rare to get such a formal 'thank-you.' He said that Mr. Hess and fellow volunteers had done an outstanding job, and that he had been getting more complaints of raising tax assessments from that area. He thought that rising property taxes indicated that the community was making progress.

- 12.B. **Victor Mollozi**, to introduce Michelle Brown as United Way of Anchorage President and CEO.

Mr. Vic Mollozi, Board Chair of United Way of Anchorage appeared before the Assembly to introduce Ms. Michelle Brown, as the new President and CEO of United Way of Anchorage. The United Way helped start the Foraker Group, dedicated to increase leadership and volunteer management skills of professionals and volunteers, working for the non-profits and tribal organizations. Mr. Mollozi explained that Mr. Dennis McMillan was the CEO of the Foraker Group and Ms. Brown had replaced him as the CEO of the United Way. Mr. Mollozi also stated that the United Way was currently in the middle of their annual fund-raising campaign, with staff and volunteers out in force through out the community.

Ms. Brown gave a general description of the United Way, describing how citizens were assisted through funds generated by their organization. Their 2003 goal was \$9.4 million dollars. She pledged to continue working with the Assembly and the Administration, doing all she could do to assist in providing for the needs of our Anchorage residents.

Mr. Van Etten and Ms. Fairclough thanked Ms. Brown for all she and the United Way have done for Anchorage.

Mayor Begich gave the reminder that the United Way was conducting their annual fund drive, and employees with the Municipality could make contributions by requesting a payroll deduction.

Chair Traini asked to Change the Order of the Day, and there were no objections. He continued the Agenda to Take Up item 14.I, AR 2003-321, concerning Alaska Legislative Grants.

(Clerk's note: Item 14.I, AR 2003-321 is found in the Minutes on Page 17.)

Ms. Fairclough move, to Change the Order of the Day, to Take Up item 14.I,
Mr. Tremaine seconded, No. AR 2003-321.
and this motion passed without objection,

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

NAYES: None.

14. NEW PUBLIC HEARINGS

- 14.A. Resolution No. AR 2003-313, a resolution of the Municipality of Anchorage appropriating \$179,500 as a grant from the Alaska Department of Health and Social Services to the State Categorical

Grants Fund (231), Department of Health and Human Services, for the provision of **HIV Prevention and Partner Notification and Field Work**, Health and Human Services.

1. Assembly Memorandum No. AM 779-2003.

Chair Traini opened Public Hearing on this resolution. With no public testimony, Chair Traini closed Public Hearing and called for a motion.

Mr. Tesche moved, to approve AR 2003-313.
Mr. Tremaine seconded,
and this motion was passed,

AYES: Tesche, Whittle, Taylor, Traini, Fairclough, Shamberg, Van Etten, Tremaine and Sullivan.
NAYES: None.
ABSENT: Von Gemmingen and Kendall, temporarily out of room.

- 14.B. Resolution No. AR 2003-314, a resolution of the Municipality of Anchorage appropriating \$539,723 as a grant to the State Categorical Grants Fund (231), from the Alaska Department of Health and Social Services to the Department of Health and Human Services for the provision of **Public Health Preparedness and Response for Bioterrorism**, Health and Human Services.

1. Assembly Memorandum No. AM 780-2003.

Chair Traini opened Public Hearing on this resolution. With no public testimony, Chair Traini closed Public Hearing and called for a motion. He then called for discussion, and there being none, called for a vote.

Mr. Van Etten moved, to approve AR 2003-314.
Mr. Sullivan seconded,
and this motion was passed,

AYES: Tesche, Whittle, Taylor, Von Gemmingen, Traini, Fairclough, Shamberg, Van Etten, Tremaine and Sullivan.
NAYES: None.
ABSENT: Kendall, temporarily out of room.

- 14.C. Resolution No. AR 2003-315, a resolution of the Municipality of Anchorage appropriating \$544,750 as a grant from the U.S. Department of Health and Human Services to the Federal Categorical Grants Fund (241), Department of Health and Human Services to fund **Family Planning Services**, Health and Human Services.

1. Assembly Memorandum No. AM 781-2003.

Chair Traini opened Public Hearing on this resolution. With no public testimony, Chair Traini closed Public Hearing and called for a motion. He then called for discussion, and there being none, called for a vote.

Mr. Tremaine moved, to approve AR 2003-315.
Mr. Sullivan seconded,
and this motion was passed,

AYES: Tesche, Whittle, Taylor, Von Gemmingen, Traini, Fairclough, Shamberg, Van Etten and Tremaine.
NAYES: None.
ABSENT: Kendall and Sullivan, temporarily out of room.

- 14.D. Resolution No. AR 2003-316, a resolution of the Municipality of Anchorage appropriating \$550,000 as a supplemental grant award from the Alaska Department of Education and Early Development to the State Categorical Grants Fund (231), Department of Health and Human Services to fund the **Child Care Assistance Program**, Health and Human Services.

1. Assembly Memorandum No. AM 782-2003.

Chair Traini opened Public Hearing on this resolution. With no public testimony, Chair Traini closed Public Hearing and called for a motion.

Mr. Tremaine moved, to approve AR 2003-316.
Mr. Sullivan seconded,
and this motion was passed,

AYES: Tesche, Whittle, Taylor, Traini, Fairclough, Shamberg, Van Etten and Tremaine.
NAYES: None.
ABSENT: Von Gemmingen, Kendall and Sullivan temporarily out of room.

- 14.E. Resolution No. AR 2003-317, a resolution of the Municipality of Anchorage appropriating \$1,005,748 as a grant award from the Alaska Department of Health and Social Services to the State Categorical Grants Fund (231) Department of Health and Human Services to fund the **Child Care Assistance Program**, Health and Human Services.
1. Assembly Memorandum No. AM 783-2003.

Chair Traini opened Public Hearing on this resolution. With no public testimony, Chair Traini closed Public Hearing and called for a motion. He then called for discussion, and there being none, called for a vote.

Mr. Tremaine moved, to approve AR 2003-317.
Mr. Kendall seconded,
and this motion was passed,

AYES: Tesche, Whittle, Taylor, Von Gemmingen, Traini, Fairclough, Shamberg, Van Etten and Tremaine.
NAYES: None.
ABSENT: Kendall and Sullivan, temporarily out of room.

- 14.F. Resolution No. AR 2003-318, a resolution to appropriate the amount of \$180,010 in Intragovernmental Revenues to Public Transportation Department's 2003 Direct Operating Budget in the Areawide General Fund (101) to provide increased **fixed route transportation service**, Public Transportation Department.
1. Assembly Memorandum No. AM 784-2003.

Chair Traini opened Public Hearing on this resolution. With no public testimony, Chair Traini closed Public Hearing and called for a motion. He then called for discussion, and there being none, called for a vote.

Mr. Van Etten moved, to approve AR 2003-318.
Mr. Kendall seconded,
and this motion passed,

AYES: Tesche, Whittle, Taylor, Von Gemmingen, Traini, Fairclough, Shamberg, Van Etten and Tremaine.
NAYES: None.
ABSENT: Kendall and Sullivan, temporarily out of room.

- 14.G. Resolution No. AR 2003-319, a resolution of the Municipality of Anchorage appropriating \$478,646 to the State Grants Fund (231), Department of Public Transportation from the Alaska Department of Health and Social Services to assist in the funding of **coordinated transportation services** for senior citizens within the Municipality of Anchorage, Public Transportation Department.
1. Assembly Memorandum No. AM 785-2003.

Chair Traini opened Public Hearing on this resolution. With no public testimony, Chair Traini closed Public Hearing and called for a motion. He then called for discussion, and there being none, called for a vote.

Ms. Fairclough moved, to approve AR 2003-319.
Ms. Shamberg seconded,
and this motion was passed,

AYES: Tesche, Whittle, Taylor, Von Gemmingen, Traini, Fairclough, Shamberg, Van Etten and Tremaine.
NAYES: None.
ABSENT: Kendall and Sullivan temporarily out of room.

- 14.H. Resolution No. AR 2003-320, a resolution of the Municipality of Anchorage authorizing the acceptance of a Federal Transit Administration Section 5307 grant and appropriating \$2,812,200 from the Federal Transit Administration to the Public Transportation Capital Improvement Fund (485) for the purchase of capital items and \$188,000 from the Federal Transit Administration along with \$47,000 for local matching funds from the Public Transportation Department's 2002 and 2003 Operating Budgets as a contribution to the Federal Categorical Grants Fund (241) for the **Americans with Disabilities Act (ADA) operating assistance**, Public Transportation Department.
1. Assembly Memorandum No. AM 786-2003.

Chair Traini opened Public Hearing on this resolution. With no public testimony, Chair Traini closed Public Hearing and called for a motion. He then called for discussion, and there being none, called for a vote.

Ms. Fairclough moved, to approve AR 2003-320.
Mr. Tremaine seconded,
and this motion was passed,

AYES: Tesche, Whittle, Taylor, Von Gemmingen, Traini, Fairclough, Shamberg, Van Etten and Tremaine
NAYES: None.
ABSENT: Kendall and Sullivan, temporarily out of room.

- 14.I. Resolution No. AR 2003-321, a resolution of the Municipality of Anchorage accepting and appropriating 2003 State of Alaska **legislative grants** (\$1,294,083) per Senate Bill 100, Office of Management & Budget.
1. Assembly Memorandum No. AM 787-2003.

Chair Traini read the resolution and opened Public Hearing on this issue.

Alaska State Representative Mike Hawker, representing District 32 in Anchorage, spoke. He said he had noticed that there were many appropriations of state money to Health and Social Services being made that evening. He explained it was his pleasure to serve as Chair of the Health and Social Services Budget Subcommittee in the State House of Representatives. He stated that state money was difficult to come by these days and everyone would be facing increased budget constraints in the future.

Representative Hawker listed examples of the issues in Anchorage that were important to him, including the Campbell Airstrip Road. He explained that there have been many attempts from the Assembly, but the critically needed improvements for that area had not been completed. He stated another area that had received a state-funded grant was the Anchorage Crisis Intervention and Response Team of the APD, and this CIRT team was important to him.

Ms. Taylor thanked Representative Hawker for his assistance with the state funds appropriated for the people in her area last session. Representative Hawker stated that he knew how important that appropriation was and he hoped this type of funding was the just the beginning with what they would be able to do with potential fire concerns in the future.

Ms. Fairclough thanked him for his representation and asked Representative Hawker a question concerning the sales tax issue, coming up for discussion that evening. He responded by saying the state sales tax bill was not dead, but did not think it would be reviewed again this year.

Ms. Shamberg gave her thanks and said to continue all he was doing to help secure funds for Anchorage.

Mr. Tesche gave Representative Hawker praise for assisting the State of Alaska with creating a Fiscal Plan.

Mayor Begich gave his thanks and said they would continue to pressure the State of Alaska to appropriate funds for Anchorage.

Ms. Von Gemmingen stated her thanks and invited Representative Hawker to a luncheon the following week, to meet with people from UAA, the Assemblymembers, the School District and State Legislators.

Mr. Van Etten stated his thanks and said that he had noticed many State of Alaska appropriations that supported many issues in his area.

Ms. Fairclough requested to insert the date of "October 21, 2003," to be added to the memorandum attached to this resolution No. AR 2003-321. She proposed to add, on Page 1, Line 16, to read: "...whereas, on October 21, 2003...."

Mr. Fairclough moved, to approve AM 787-2003, as amended,
Mr. Tremaine seconded, adding the date of October 21, 2003.
and this motion passed,

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

NAYES: None.

Chair Traini announced the prescheduled break, and that the Assembly would return to item 14A.

- 14.J. Ordinance No. AO 2003-141, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Title 3.87 to comply with Internal Revenue Service legislation replacing the Premium and Retiree Medical Expense Reimbursement Plan with the **Health Reimbursement Arrangement**, Employee Relations.
1. Assembly Memorandum No. AM 788-2003.

Chair Traini opened Public Hearing on this ordinance. With no public testimony, Chair Traini closed Public Hearing and called for a motion.

Ms. Fairclough moved, to approve AO 2003-141.
Mr. Tremaine seconded,
and this motion was passed,

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

NAYES: None.

ABSENT: Kendall and Sullivan temporarily out of room.

- 14.K. Ordinance No. AO 2003-135, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Title 9, **Vehicles and Traffic**, Chapter 9.36, Miscellaneous Rules, by adding Sections 9.36.015 and 9.36.020 exempting certain unattended vehicles and limiting idling time, Assembly Chair Traini.
1. Assembly Memorandum No. AM 746-2003.
 2. Information Memorandum No. AIM 92-2003.

Chair Traini opened Public Hearing on this ordinance.

Mr. Gilbert Morein asked the Assembly what this ordinance was concerning. Chair Traini explained that current laws do not allow the new 'remote starts' for vehicles in the MOA. Mr. Morein thanked him for the explanation.

Chair Traini closed Public Hearing and called for a motion. He then called for discussion.

Ms. Fairclough moved, to approve AO 2003-135.
Mr. Tremaine seconded,

Mr. Tremaine pointed out that the new ordinance, in Section 9.36.101, stated the responsibilities of the driver who was leaving the vehicle unattended included: stop the engine, lock the ignition, remove the key from the ignition and effectively set the parking brake. He asked if that meant the parking brake needed to be set every time a driver stopped the car. Chair Traini responded that section could be amended, to remove those restrictions.

Mr. Tremaine proposed to amend AO 2003-135, to remove, in Section 9.36.101, on Line 16, eliminating the requirement of setting the parking brake.

Mr. Tremaine moved, to amend AO 2003-135, *deleting* the words:
Mr. Kendall seconded, ", effectively setting the brake thereon."
and this motion passed unanimously,

Ms. Von Gemmingen stated she thought it was important to propose another change to this ordinance and moved to eliminate any required stickers associated with the remote start electronic device. She proposed to change, in Section 9.36.151, Section A, Line 27, to delete the word "and," and delete "2."

Mr. Von Gemmingen, to amend AO 2003-135, eliminating the
Mr. Sullivan seconded requirement of a sticker for the remote start.
and this motion passed unanimously,

Ms. Shamberg stated she questioned why police vehicles were often left idling in front of the court house building. She asked the APD Chief why the APD was exempt from this ordinance. Chief Walt Monegan explained the mobile data transmitters, or "MBTs" in the vehicles often have data reconfiguration problems when the vehicles were turned off. Chief Monegan stated the APD was currently trying to correct the problems.

Ms. Von Gemmingen thanked Chair Traini for addressing this issue. She stated there were many people in the MOA who did not realize they were in violation of this ordinance. Chair Traini gave credit to Ms. Elvi Gray-Jackson for bringing this issue to his attention.

Chair Traini called for further discussion, and there being none, he called for a vote.

Ms. Fairclough moved, to approve AO 2003-135, as amended.
Mr. Tremaine seconded,
and this motion was passed,

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

NAYES: None.

ABSENT: Kendall, temporarily out of room.

(Clerk's note: The Order of the Day was changed to Take Up items 14.N, 14.O, 14.P, and 14.Q, see Page 19)

14.L. Ordinance No. AO 2003-144, an ordinance submitting a ballot proposition to qualified voters of the Municipality of Anchorage at a special election on November 25, 2003, authorizing levy of a special tax to provide **fire hydrant maintenance and infrastructure** on an areawide basis, Assemblymembers Tesche, Traini, Whittle, Tremaine, Van Etten and Von Gemmingen.

1. Assembly Memorandum No. AM 802-2003.
2. Information Memorandum No. AIM 95-2003, ballot proposition authorizing a levy of a special tax to provide fire hydrant maintenance and infrastructure - Summary of Economic Effects, Assembly Chair Traini. **(Addendum)**

Chair Traini returned the Assembly to address items, 14.L and 14.M, following action on 14.Q. Chair Traini called for a motion to combine Public Hearing on these items.

Mr. Tesche moved, to combine Public Hearing on items
Mr. Tremaine seconded, No. AO 2003-144 and AR 2003-302.

and this passed without objection,

Chair Traini opened Public Hearing on items AO 2003-144 and AR 2003-302.

Phillip C. Petrie, a resident of the Thunderbird Heights area, spoke in opposition to the proposed budget cuts of all the fire fighters.

Virgil Higgins, an International Airport employee, recommended users tax and opposed the proposed budget.

Bobbi Wells, a Chugiak resident, spoke in opposition to the proposed budget and suggested putting it out to vote.

Debbie Ossiander testified in opposition to the budget proposals, as-is.

Gilbert S. Morein, opposed the budget proposals as-is and wanted user fees.

Ed Earnhart, spoke in opposition to the budget proposals and wanted to know if it's too late to change the ordinance.

Nancy Todd spoke of her concerned about the tax cap, and opposed the proposed budget.

Carl Loerbs testified in opposition of the budget proposals.

Eva Loken testified in opposition of the proposed budget.

Mitch Brown was opposed to fire hydrant maintenance and the costs of the election.

Sandy Molineau testified in favor of maintenance fire departments on the Hillside but opposed the Special Election.

Pat Luby, a member of AARP, said she would support tax increases to prevent layoffs.

Raymond Rzesnut, a Hillside homeowner, was concerned about cut backs with fire department and said he was opposed to the Special Election.

Carl Vernon spoke in opposition of the proposed budget and voiced his concerned about rising taxes.

Chair Traini welcomed Mr. Larry Baker, former Assembly Chair, spoke on the Tax Cap and their intent. To Mr. Sullivan, Mr. Baker responded that while he was active with the Assembly, the original tax cap and the spending cap had both been passed at almost the same time. The formulas for each were extremely complex, and the two intertwined to cover the MOA fiscal needs. He pointed out that the upcoming MOA election, at the cost of \$100,000, might be 5% of what the election might raise through this process. He did not think that was a very responsible use of municipal finds, but that the Assembly had the final say. He said that in the early 80's the MOA accumulated fund balances many years, partly because utilities back then generated money.

Mayor Begich stated that his Administration's plan was to take utilities out of the State's regulatory control. Ms. Fairclough added that this cost the MOA \$30 million. The Mayor stated the MOA would not need their regulatory services, and Chair Traini agreed.

AFD Chief Fullenwider explained there would not be a cost savings in delaying building construction when implementing new fire stations. He stated there were 14 positions already accounted for in their budget, and if they waited, those 14 positions would be laid-off, in addition to the proposed 22 positions. The Mayor stated that the amount of money allocated was calculated into the personnel count that was already in the budget.

Ms. Fairclough was interested in ways of using the MOA savings as collateral for the bond rating. Mayor Begich the Administration would be addressing all options for resolving the cut-back crisis.

Of the \$900,000 available for direct service costs of fire hydrant maintenance, Ms. Fairclough asked, could the MOA could use AFD personnel to complete the maintenance needed for the 5500 fire hydrants. Chief Fullenwider

responded they were limited, because of the employees' union contracts. Mr. Premo said they were looking into using third parties to do this work. Mr. Premo also believed that there was a possibility of redefining the divisions, based on how the AFD and the Utility run their business. Ms. Fairclough also suggested looking into MESA, the budget of Public Safety and selling parcels out of HLB, for additional sources to balance the current budget gaps. The Mayor responded by saying he and the Administration would not be using one-time money, but they would be continuing to look at other possibilities of securing funding sources.

To Mr. Kendall's reference of the ladder truck approved in a 1999 bond package, the Mayor stated that Operation and Maintenance costs were not included in that package. Mayor Begich indicated it had been assumed incorrectly that O&M costs were included, but they were not.

Ms. Von Gemmingen recommended if the MOA was considering moving the fire costs charges out of the fire service area to the AWWU, then they should increase the water utility service area at the State Regulatory Commission. Mr. Premo responded that it took about 18 months to achieve a change through the Regulatory Commission of Alaska.

Chair Traini called for additional public testimony, and there being none, he closed Public Hearing for items No. AO 2003-144 and AR 2003-302. He called for a motion on the first item, No. AO 2003-144.

Mr. Tesche moved, approve AO 2003-144.
Ms. Shamberg seconded,

Mr. Tesche proposed to amend AO 2003-144, on Page 1, Line 47 and 48, by deleting the words, "fire prevention services and training for first responders."

Mr. Tesche moved, to amend AO 2003-144 by *deleting* the words,
Ms. Shamberg seconded, "fire prevention services and training for
and this motion passed, for first responders."

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

Mr. Tremaine stated the Assembly should review what their options were, including whether the voters should be asked if they wanted a new tax and if they wanted to create a new service. Mr. Tremaine stated that because this method of funding was so unusual, he suggested reserving action until further study could give additional options.

Ms. Diane Percy, of AWWU, stated their cost-of-service study was prepared in order to allocate costs appropriately, to insure that no one customer would be subsidizing another customer. The method used for this study involved an industry standard approach to determine the system's cash flow demands.

Ms. Fairclough asked AWWU about "cost shifting," and asked what would happen if the MOA refused to pay the bills. AWWU responded that the debt would turn up in the auditing process and they would be required to collect amounts due. AWWU added that there were very few regulated municipal utilities in the nation.

Chair Traini announced the time limit previously established for the discussion of these two items had expired, and he called for a vote on the pending motion to approve AO 2003-144.

Mr. Tesche moved, to approve AO 2003-144, as amended.
Ms. Shamberg seconded,
and this motion passed,

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

Mr. Tesche moved, for immediate reconsideration of AO 2003-144,
Mr. Tremaine seconded, as amended.

and this motion failed,

AYES: Von Gemmingen, Fairclough, Kendall and Sullivan.

NAYES: Tesche, Whittle, Taylor, Traini, Van Etten, Shamberg and Tremaine.

Mr. Tesche urged a NO-Vote.

Chair Traini explained the failure of this motion would not allow this issue to come back before the Assembly.

- 14.M. Resolution No. AR 2003-302, a resolution of the Anchorage Municipal Assembly **calling a Special Election** in and for the Municipality of Anchorage on November 25, 2003, for the purpose of voting on a ballot proposition authorizing fire hydrant maintenance and infrastructure on an areawide basis, Assemblymembers Traini and Tesche.

Chair Traini called for a motion.

Mr. Tesche moved, to approve AR 2003-302.
Mr. Whittle seconded,
and this motion passed,

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

NAYES: Fairclough, Kendall and Sullivan.

Mr. Tesche called for immediate reconsideration on this item.

Mr. Tesche moved, for immediate reconsideration of AR 2003-302.
Mr. Whittle seconded,
and this motion failed,

AYES: Von Gemmingen, Fairclough, Kendall and Sullivan.

NAYES: Tesche, Whittle, Taylor, Traini, Van Etten, Shamberg and Tremaine.

Chair Traini asked for a motion to extend time in the evening's meeting for discussion and action on the Agenda issues remaining.

Mr. Tesche moved, to extend time for discussion and action of remaining
Mr. Whittle seconded, items on the Agenda.
and this motion passed,

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

NAYES: Kendall and Sullivan.

Mr. Tesche stated that the resolution was designed to bring this matter before the voters.

Mr. Sullivan expressed his disappointment the discontinuation of debate on the important issue concerning the fire hydrant maintenance, noting that the Assembly had missed several people in the audience. He thought the Special Election was a disservice to the public, being held over the Thanksgiving week and because of the costs. He predicted because of the holiday there would be a low turn out. He also thought this debate was premature, because the budget Public Hearings had not even started. He stated he would oppose the resolution for the Special Election.

Mr. Tesche stated that he respected Chair Traini for running a difficult debate, and he supported the Chair's decision on staying with the predetermined time allowed for Public Hearing. He also agreed that the costs of this election were high, but he thought that there would be a large turnout of voters.

Mr. Kendall stated that he would not be supporting this Special Election because of the high cost and because of the predicted low turn out.

- 14.N. Resolution No. AR 2003-312, a resolution of the Municipality of Anchorage appropriating \$139,372 of unappropriated revenue and reappropriating \$163,628 from the Areawide General Capital Improvement Fund (401), as a contribution to the Areawide General Fund (101) for the purpose of reimbursement to **SMG of Alaska** for the 2002 operating deficit, Economic & Community Development.
1. Assembly Memorandum No. AM 778-2003.

Chair Traini opened Public Hearing on this ordinance. Chair Traini explained this item would be continued at a later date, because the Administration was still accumulating more information on this issue. Municipal Attorney, Mr. Boness, affirmed this statement. With no public testimony, Chair Traini closed Public Hearing and called for a motion.

Ms. Fairclough moved, to postpone Public Hearing on AR 2003-312
Mr. Tremaine seconded, until November 4, 2003.
and this motion was passed,

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

Chair Traini suggested all questions on this item be directed to Ms. Mary Jane Michael, Director of Office of Economic and Community Development.

- 14.O. Ordinance No. AO 2003-136, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 4.60 and creating the **North Ship Creek Development and Safety Commission**, Assemblymember Tesche.
1. Assembly Memorandum No. AM 760-2003.

Chair Traini opened Public Hearing on this ordinance. Chair Traini explained that Public Hearing would be continued on this item for a month.

Ms. Fairclough moved, to postpone Public Hearing on AO 2003-136.
Mr. Tremaine seconded, until November 4, 2003.

Ms. Megan Boatlid, who drafted the Ship Creek Unplugged Program for Anchorage, testified that she and the Anchorage Waterways Council supported this issue. To Ms. Von Gemmingen, Ms. Boatlid explained that their organization was working entirely in the Ship Creek District to rejuvenate and to make it more assessable to citizens of Anchorage. This new ordinance would allow for better communications among the many parties who work with the different fractions of the Ship Creek District.

Mr. Steve Horn, a pre-construction engineer with the State of Alaska Department of Transportation, stated the Department had objections to the proposed ordinance. Mr. Horn stated that this ordinance would force the Department of Transportation to create an additional State Advisory Commission and cost additional time and expense. He disagreed that the ordinance would bring any significant change to the Ship Creek District and suggested it would only further the complexity of the problems. He stated there were many municipal divisions and departments and Community councils reviewing transportation and building projects within the MOA. He suggested the proposed ordinance would further delay their progress of delivering transportation projects in the Ship Creek Area. To Ms. Von Gemmingen question, Mr. Horn stated the Department of Transportation did not normally attend meetings of the Anchorage Waterways Council. He stated if the Department of Transportation determined the Anchorage Waterways Council was a group which offered significant input to their preliminary environmental study, their organization would be added to their list for review.

Chair Traini stated there would be no action taken on this item until the Public Hearing was closed, in a month.

Mr. Tesche moved, to continue Public Hearing on AO 2003-136
Ms. Fairclough seconded, until December 16, 2003.

and this motion was passed,

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

NAYES: None.

Mr. Tesche stated that his involvement with this proposed ordinance had brought excellent feedback and wonderful support from many groups in the Ship Creek District. He gave the reminder that Ship Creek was a very busy place, and announced that he was formalizing an additional ordinance that would address a number of suggestions that he had received.

- 14.P. Ordinance No. AO 2003-114, an ordinance establishing a new **Fire Lake Community Council** pursuant to Anchorage Municipal Code Chapter 2.40; modifying the boundaries for Eagle River, Birchwood and Chugiak Community Councils; and amending Community Council maps in accordance therewith, Assemblymember Kendall.

Chair Traini opened Public Hearing on item AO 2003-114. There was no public testimony and Chair Traini closed Public Hearing and called for a motion.

Mr. Kendall moved, to continue Public Hearing on AO 2003-114
Mr. Tremaine seconded, until December 16, 2003.
and this motion was passed,

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

NAYES: None.

Mr. Kendall stated that the new rules for Community Councils called for two organizational meetings before the ordinance could be reviewed for action by the Assembly. The Municipal Attorney's Office stated the completed text of this ordinance would be submitted when the meetings were completed and released to the public.

- 14.Q. Ordinance No. AO 2003-86, an ordinance of the Anchorage Municipal Assembly providing for a ballot proposition to be submitted to the qualified voters of the Municipality of Anchorage at the Regular Election of April 6, 2004, for the authorization of a **sales tax** not to exceed eight percent (8%), contingent upon the State of Alaska adopting a statewide sales tax, which shall reduce the Municipality's real property taxes in an amount proportionate to the revenue collected by the sales tax, Assemblymember Fairclough.

Chair Traini opened Public Hearing on item AO 2003-86. With no public testimony, Chair Traini closed Public Hearing for discussion and called for a vote.

Ms. Fairclough moved, to postpone AO 2003-86 indefinitely.
Mr. Tremaine seconded,
and this motion was passed,

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

NAYES: None.

Ms. Fairclough stated that it appeared the state sales tax issue was losing momentum, and therefore would urge a YES-vote to postpone this ordinance indefinitely.

Chair Traini returned the Assembly to items 14.L and 14.M and called for a motion to combine these items. (*Clerk's note: for action and discussion, see Minutes, Page 19*).

15. SPECIAL ORDERS

Mr. Sullivan suggested the Work Session on item No. AM 845-2003 be changed from noon until 2:00 p.m. on November 14, 2003.

Mr. Whittle stated the first Public Hearing on the Budget would be the Mayor's Conference Room, on October 28, 2003 at 5:00 p.m.

16. **UNFINISHED AGENDA** None.
17. **AUDIENCE PARTICIPATION** None.
18. **ASSEMBLY COMMENTS** None.
19. **EXECUTIVE SESSIONS**
 - A. Pending Litigation.
20. **ADJOURNMENT** Chair Traini Adjourned the Assembly Meeting at 11:11 p.m.

Pub. THE ANCHORAGE CHRONICLE
P.O. 52464-478-03

DICK TRAINI, Assembly Chair

ATTEST:

BARBARA GRUENSTEIN, Municipal Clerk

Date Minutes Approved: _____, 2003
MC:BG