

MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEETING

Assembly Chambers, Z. J. Loussac Library
3600 Denali Street, Room 108

Minutes for Regular Meeting of November 4, 2003

1. CALL TO ORDER

The meeting was convened at 5:00 p.m. by Assembly Chair Dick Traini on November 4, 2003, in the Assembly Chambers, 3600 Denali Street, Anchorage, Alaska.

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

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

ABSENT: None.

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

4. MINUTES OF PREVIOUS MEETING

4.A. Regular Meeting Minutes of September 9, 2003.

Mr. Tesche moved, to approve Regular Meeting Minutes of
Ms. Shamberg seconded, September 9, 2003.
and this motion passed unanimously,

4.B. Regular Meeting Minutes of September 23, 2003.

Mr. Tesche moved, to approve Regular Meeting Minutes of
Ms. Shamberg seconded, September 23, 2003.
and this motion passed unanimously,

4.C Special Meeting Minutes of September 30, 2003.

Mr. Tesche moved, to approve Special Meeting Minutes of
Mr. Tremaine seconded, September 30, 2003, as amended.
and this motion passed unanimously,

Ms. Von Gemmingen stated that a correction needed to be made, with Ms. Sue Fison representing the Planning Department, and not the P&Z.

4.D Special Meeting Minutes of October 14, 2003; Noon.

Mr. Tesche moved, to approve Special Meeting Minutes of
Mr. Tremaine seconded, October 14, 2003; Noon.
and this motion passed unanimously,

4.E. Special Meeting Minutes of October 14, 2003; 12:30.

Mr. Tesche moved, to approve Special Meeting Minutes of
Mr. Tremaine seconded, October 14, 2003; 12:30.
and this motion passed unanimously,

5. MAYOR'S REPORT

Mayor Begich reported on the small Freon leak at the Sullivan Arena, which was discovered during routine maintenance. Repairs had been completed and the ice was currently being refrozen.

The Mayor distributed copies of legal opinions to Assemblymembers. The first document described how settlements were treated and the second described MESA. He explained these were informational documents concerning tax cap issues. He also handed out a preliminary draft, designed by the Administration, concerning MOA Employees, Assemblymembers or the Mayor serving on a board in a voting capacity. He indicated that he supported the concept of participating as voting members of MOA boards with which MOA employees participate.

The Mayor stated that a work session was scheduled for Friday, from 1:00-2:00 p.m., to cover the subjects of the MOA Fund Balance, the Fee Ordinance and ordinances concerning hate crimes, following the incident over the preceding weekend, where a woman was the victim of a paint-ball incident.

Mr. Tesche stated there was a group of citizens that recommended using the MOA savings to help resolve the current Municipal financial crisis. Mr. Tesche addressed a recent article in the Anchorage Daily News that told the story of a former municipal engineer, who after three years, was still on the MOA payroll, making \$60,000 a year.

Mayor Begich responded that he was looking forward to the work sessions. He mentioned that his Legal Staff had looked into the incident of the former worker still receiving salary after three years and were attempting to publicly disclose the information of this case.

6. ASSEMBLY CHAIR'S REPORT None.

7. COMMITTEE REPORTS None.

8. ADDENDUM TO AGENDA

Chair Traini read the Addendum items. He asked for additional items to be added to the Addendum to the Agenda. There being none, he called for a motion to incorporate the Addendum items into the Regular Agenda.

Mr. Tesche moved, to approve the inclusion of the Addendum items
Ms. Fairclough seconded, into the Regular Agenda.
and this motion was passed,

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

Chair Traini read the Consent Agenda items and called for Assemblymembers to request items be pulled from the Agenda to be moved to the Regular Agenda for discussion.

9. CONSENT AGENDA

9.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

9.A.1 Resolution No. AR 2003-345, a resolution of the Anchorage Municipal Assembly recognizing and remembering **C. H. "Hank" Rosenthal**, Mayor Begich; Assemblymembers Traini, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Tremaine, Van Etten, Von Gemmingen and Whittle.

9.B. RESOLUTIONS FOR ACTION - OTHER

9.B.1. Resolution No. AR 2003-331, a resolution of the Municipality of Anchorage appropriating the sum of \$71,500 from the State of Alaska, Department of Transportation & Public Facilities and reappropriating \$953 of contributions from the 2002 Impaired Driving Blitz grant, State Categorical Grants Fund (231) and \$557 as a contribution from the 2003 Anchorage Police Operating Budget, Anchorage Metropolitan Police Service Area Fund (151) to the State Categorical Grants Fund (231) Anchorage Police Department, for the **Impaired Driving Enforcement Blitz Program**, Anchorage Police Department.

a. Assembly Memorandum No. AM 839-2003.

9.B.2. Resolution No. AR 2003-332, a resolution of the Municipality of Anchorage appropriating the sum of \$38,835 from the State of Alaska, Department of Public Safety, Division of Alaska State Troopers and reappropriating \$10,313 of contributions from the 2001 Methamphetamine Enforcement grant, State Categorical Grants Fund (2131) and reappropriating \$3,452 of contributions from the 2002 Prescription Drug Fraud Enforcement grant, State Categorical Grants Fund (231) to the State Categorical Grants Fund (231) for a **2003 Prescription Fraud Enforcement grant**, Anchorage Police Department.

a. Assembly Memorandum No. AM 840-2003.

Mr. Whittle requested this item be considered for review on the Regular Agenda. (See 10.B.2)

9.B.3. Resolution No. AR 2003-333, a resolution of the Municipality of Anchorage appropriating \$34,500 as a supplemental grant from the U.S. Department of Health & Human Services to the Federal Categorical Grants Fund (241), Department of Health & Human Services, to provide **Family Planning Services**, Health and Human Services.

a. Assembly Memorandum No. AM 841-2003.

9.B.4. Resolution No. AR 2003-334, a resolution of the Municipality of Anchorage providing for the appropriation of \$20,000 restricted donation from Chester Creek Estates to the Anchorage Parks & Recreation Service Fund (161), Office of Economic & Community Development, Parks & Recreation Division 2003 Operating Budget for the purpose of operating an **after-school program**, Office of Economic & Community Development.

a. Assembly Memorandum No. AM 842-2003.

9.B.5. Resolution No. AR 2003-335, a resolution of the Municipality of Anchorage appropriating \$5,000 from the Federal Emergency Management Agency to the Federal Categorical Grants Fund (241) for the development of the **A.W.A.R.E. Program** in the Office of the Municipal Manager.

a. Assembly Memorandum No. AM 843-2003.

- 1 9.B.6. Resolution No. AR 2003-336, a resolution of the Municipality of Anchorage appropriating \$75,000
2 from **Upper O'Malley Limited Road Service Area** (LRSA) Fund Balance (Fund 143) to Upper
3 O'Malley LRSA BY2003 Operating Budget (Fund 143) for year round road maintenance services,
4 Maintenance & Operations Department.
5 a. Assembly Memorandum No. AM 844-2003.
- 6 9.B.7. Resolution No. AR 2003-337, a resolution authorizing the disposal via relinquishment of a municipal
7 interest in an easement within **Lot 8, Block 2, O'Brien Subdivision** located in the vicinity of East 68th
8 Avenue and Lake Otis Parkway, Project Management & Engineering.
9 a. Assembly Memorandum No. AM 845-2003.
- 10 9.B.8. Resolution No. AR 2003-338, a resolution authorizing the Municipality to grant a 15-foot-wide
11 easement to Enstar Natural Gas Company across a portion of **Tract B2, Turnagain View East**
12 **Subdivision**, Tax #018-411-76, Project Management & Engineering.
13 a. Assembly Memorandum No. AM 846-2003.

14
15 Mr. LeBlanc, the Municipal Manager, requested this item be pulled for review on the Regular Agenda. (See 10.B.8)

- 16
17 9.B.9. Resolution No. AR 2003-339, a resolution authorizing the Municipality to grant a 10-foot-wide
18 easement to Enstar Natural Gas Company across a portion of **Lots 8 and 9 within Section 7, T12N,**
19 **R2W, S.M.**, Alaska located south of the Glenn Highway, Tax #074-061-02 and 074-071-01, Project
20 Management & Engineering.
21 a. Assembly Memorandum No. AM 847-2003.

22
23 Mr. Kendall requested to abstain from voting on this item due to a conflict of interest.

- 24
25 9.B.10. Resolution No. AR 2003-346, a resolution of the Anchorage Municipal Assembly appropriating
26 \$62,050 from the State of Alaska, Department of Community and Economic Development, to the
27 State Categorical Grants Fund (231) for continuing implementation of the **Anchorage Coastal**
28 **Management Program**, Planning Department. **(Addendum)**

29
30 **9.C. BID AWARDS**

- 31 9.C.1. Assembly Memorandum No. AM 831-2003, recommendation of award to Potelcom Supply for
32 furnishing **15Kv cable** to the Municipality of Anchorage, Municipal Light & Power (ITB 23-B065)
33 (\$124,800), Purchasing.
- 34 9.C.2. Assembly Memorandum No. AM 832-2003, recommendation of award to Mythics, Inc. for furnishing
35 **Oracle database software & software services** to the Municipality of Anchorage, Anchorage Water
36 & Wastewater Utility (ITB 23B-064) (\$122,005.72), Purchasing.

37
38 **9.D. NEW BUSINESS**

- 39 9.D.1. Assembly Memorandum No. AM 830-2003, Change Order No. 3 to Contract C-234082 with Power
40 Maintenance Resource, Inc. for **ML&P Plant 2, Unit 7, Heat Recovery Steam Generator Re-tube**
41 **and Main Stream Line Replacement** for the Municipality of Anchorage, Municipal Light & Power
42 (\$400,056), Purchasing.

43
44 Ms. Taylor requested to abstain from voting on this item, due to a conflict of interest. (See item 10.D.1)

- 45
46 9.D.2. Assembly Memorandum No. AM 833-2003, recommendation of proprietary contract award to RCC
47 Consultants, Inc. for providing project management services for the **Police Mobile Data**
48 **Communication System** (MDCS) project for the Municipality of Anchorage, Anchorage Police
49 Department (\$164,100), Purchasing.

50
51 Mr. Whittle requested this item be pulled for review on the Regular Agenda. (See item 10.D.2)

- 52
53 9.D.3. Assembly Memorandum No. AM 834-2003, proprietary purchase with PTP Management, Inc. for **City**
54 **Hall renovations** for the relocation of the Employees Relations Department for the Municipality of
55 Anchorage, Employee Relations Department (\$80,000), Purchasing.
- 56 9.D.4. Assembly Memorandum No. AM 835-2003, proprietary purchase with Hughes Supply for providing
57 **fire hydrant replacement parts** for the Municipality of Anchorage, Anchorage Water & Wastewater
58 Utility (\$100,000), Purchasing.
- 59 9.D.5. Assembly Memorandum No. AM 836-2003, proprietary award to the Alaska Railroad Corporation for
60 **railroad crossing upgrades** for the Municipality of Anchorage, Project Management & Engineering
61 (\$727,064).

62
63 Mr. Whittle requested this item be pulled for review on the Regular Agenda. (See item 10.D.5)

- 64
65 9.D.6. Assembly Memorandum No. AM 837-2003, Assembly approval of change order #3 to contract with
66 Clapp, Peterson & Stowers to provide legal services in the area of **tort liability** (\$50,000), Finance.
- 67 9.D.7. Assembly Memorandum No. AM 838-2003, Amendment No. 4 to professional legal services contract
68 with the Law Firm of Orrick, Herrington & Sutcliffe LLP, regarding **ML&P Bond Audit** (\$74,000),
69 Legal Department.
- 70 9.D.8. Assembly Memorandum No. AM 856-2003, **Geotechnical Advisory Commission** appointment
71 (David Cole), Mayor's Office. **(Addendum)**
- 72 9.D.9. Assembly Memorandum No. AM 857-2003, **Housing and Neighborhood Development**
73 **Commission** appointment (Melissa Charmley), Mayor's Office. **(Addendum)**

- 1 9.D.10. Assembly Memorandum No. AM 858-2003, **Parks and Recreation Commission** appointment
2 (William Bryson), Mayor's Office. **(Addendum)**
- 3 9.D.11. Assembly Memorandum No. AM 859-2003, **School Budget Advisory Commission** reappointments
4 (Anne Reed, David Cottrell), Mayor's Office. **(Addendum)**
- 5 9.D.12. Assembly Memorandum No. AM 860-2003, **School Budget Advisory Commission** appointment
6 (Ann Spohnholz), Mayor's Office. **(Addendum)**
- 7 9.D.13. Assembly Memorandum No. AM 862-2003, **Mt. Park Estates #2 Limited Road Service Area Board**
8 **of Supervisors** appointment (Gary Russell, Richard Andrews, Lynn Evans), Mayor's Office.
9 **(Addendum)**
- 10 9.D.14. Assembly Memorandum No. AM 863-2003, **Paradise Valley South Limited Road Service Area**
11 **Board of Supervisors** appointments (Catherine Woods-Roeterink, W. Steve Jones, Lois
12 Uitdeflesch), Mayor's Office. **(Addendum)**
- 13 9.D.15. Assembly Memorandum No. AM 864-2003, lease award to Department of the Air Force for providing
14 use of leased land for the **Mountain View Snow Disposal Site** to the Municipality of Anchorage,
15 Maintenance and Operations Department (\$25,000). **(Addendum)**.

16
17 **9.E. INFORMATION AND REPORTS**

- 18 9.E.1. Information Memorandum No. AIM 96-2003, **contracts awarded between \$50,000 and \$100,000**
19 **through formal competitive processes** for the month of September 2003, Purchasing.
- 20 9.E.2. Information Memorandum No. AIM 97-2003, **Sole Source Procurement Report** for the month of
21 September 2003, Purchasing.
- 22 9.E.3. Information Memorandum No. AIM 98-2003, Anchorage Municipal Code 3.70.090 B. Bargaining
23 Status Report – **APDEA**, Employee Relations.

24
25 **9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION**

- 26 9.F.1. Ordinance No. AO 2003-147, an ordinance creating **Highland Water Special Assessment District**
27 **1077**, and determining to proceed with the proposed improvements therein, Anchorage Water &
28 Wastewater Utility. *(Public Hearing set for 12-16-03)*
29 a. Assembly Memorandum No. AM 810-2003.
- 30 9.F.2. Ordinance No. AO 2003-150, an ordinance amending Anchorage Municipal Code Title 21 by
31 amending Subsection 21.15.010.B pertaining to submittal requirements for obtaining a **variance** from
32 the Zoning Board of Examiners and Appeals, Planning Department. *Public Hearing set for 12-16-03.*
33 a. Assembly Memorandum No. AM 848-2003.
- 34 9.F.3. Resolution No. AR 2003-340, a resolution of the Municipality of Anchorage accepting when tendered
35 the sum of \$109,756 from the State of Alaska, Department of Transportation & Public Facilities; and
36 appropriating said grant, \$50,038 as a contribution from the 2003 Anchorage Police Operating
37 Budget, Anchorage Metropolitan Police Service Area Fund (151), to the State Categorical Grants
38 Fund (231) Anchorage Police Department, for the **Youth at Risk Driving Enforcement Program**,
39 Anchorage Police Department. *(Public Hearing set for 11-18-03)*
40 a. Assembly Memorandum No. AM 849-2003.
- 41 9.F.4. Resolution No. AR 2003-341, a resolution appropriating \$5,213,594 of Lease Revenue from the Jail
42 Lease Revenue Fund (266) to pay the debt service for the **jail bonds**, Finance. *Public Hearing set*
43 *for 12-16-03.*
44 a. Assembly Memorandum No. AM 850-2003.
- 45 9.F.5. Resolution No. AR 2003-342, a resolution amending the Anchorage Municipal Code of Regulations
46 creating **Rules of Procedure for the Urban Design Commission**, Planning Department.
47 a. Assembly Memorandum No. AM 851-2003. *(Public Hearing set for 12-16-03)*
- 48 9.F.6. Resolution No. AR 2003-343, a resolution of the Municipality of Anchorage, Alaska, confirming and
49 levying special assessments for sanitary sewer improvements for **32nd and Denali Lateral**
50 **Improvement District (LID) A211**, setting date of payment and providing for penalties and interest in
51 the event of delinquency, Anchorage Water & Wastewater Utility. *(Public Hearing set for 12-16-03)*
52 a. Assembly Memorandum No. AM 852-2003.
- 53 9.F.7. Resolution No. AR 2003-344, a resolution confirming and levying assessments for the water special
54 improvements within **32nd and Denali Water Improvement District (WID) A438**, setting date of
55 payment and providing for penalties and interest in the event of delinquency, Anchorage Water &
56 Wastewater Utility. *(Public Hearing set for 12-16-03)*
57 a. Assembly Memorandum No. AM 853-2003.
- 58 9.F.9. Ordinance No. AO 2003-152, an ordinance amending Anchorage Municipal Code Chapters 6.70,
59 9.28, 9.30, 11.10, 11.60, 11.70, 12.20, 14.60, 17.70, 19.20, 23.10, 23.10. Tables 3A-3M, 24.30, 25.60
60 and Anchorage Municipal Code of Regulations Chapters 9.30, 15.05, 21.20, 21.60, 21.67 and 25.10,
61 to establish or increase **fees, fines and/or penalties** in an effort to improve cost recovery and reduce
62 or eliminate taxpayer subsidy of municipal programs in the departments and divisions of Development
63 Services, Finance, Treasury, Property Assessment, Health & Human Services, Law, Merrill Field,
64 Planning, Police, Project Management & Engineering, Public Transportation, Transportation
65 Inspection, Economic & Community Development, Parks & Recreation, and Anchorage Museum,
66 Legal Department. *(Postponed Indefinitely)*
- 67 9.F.9S Ordinance No. AO 2003-152S, an ordinance amending Anchorage Municipal Code Chapters 6.70,
68 9.28, 9.30, 11.10, 11.60, 11.70, 12.20, 14.60, 17.70, 19.20, 23.10, 23.10. Tables 3A-3M, 24.30, 25.60
69 and Anchorage Municipal Code of Regulations Chapters 9.30, 15.05, 21.20, 21.60, 21.67 and 25.10,
70 to establish or increase **fees, fines and/or penalties** in an effort to improve cost recovery and reduce
71 or eliminate taxpayer subsidy of municipal programs in the departments and divisions of Development
72 Services, Finance, Treasury, Property Assessment, Health & Human Services, Law, Merrill Field,
73 Planning, Police, Project Management & Engineering, Public Transportation, Transportation

Inspection, Economic & Community Development, Parks & Recreation, and Anchorage Museum, Legal Department. **(Addendum)** *(Public Hearing set for 12-18-03)*
9.F.10 Ordinance No. AO 2003-153, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Codes Section 10.40.50, Adult-Oriented Establishment License to Require Adult Cabarets be licensed. Sullivan **(Addendum)** *(Introduced 11-04-03) (Public Hearing set for 12-02-03)*

Mr. Sullivan moved to introduce a new ordinance, item No. AO 2003-153, an ordinance to replace the original ordinance involving adult-oriented establishments, AO 2003-92, which would be postponed indefinitely. Chair Traini assigned this item number 9.F.10 in the Agenda. *(See item 10.F.10)*

Mr. Tesche asked if the Administration had submitted AO 2003-152, and Chair Traini responded it was on the Agenda as item 9.F.9. Mr. Tesche stated the record needed to show this was the "S" version of that ordinance.

Chair Traini requested items be pulled for further discussion. Assemblymembers stated their requests for items to be considered on the Regular Agenda.

Chair Traini excused himself and asked Mr. Tesche to fill the position of Acting Chair while he and Mayor Begich went to the Airport to participate with a ceremonial greeting for the South Korean President.

Chair Tesche called for a vote on the remaining items on the Consent Agenda, and the motion passed without objection, with Mr. Kendall abstaining from voting on item 9.B.9.

Mr. Tesche moved,	to approve the Consent Agenda, with the exception of
Ms. Fairclough seconded,	those items pulled for review on the Regular Agenda, and
and this motion was passed,	with Mr. Kendall abstaining from voting on item 9.B.9. due
	to a conflict of interest.

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

Chair Traini announced the unanimous approval of the amended Consent Agenda, with the exception of the pulled items and proceeded into discussion of those items.

END OF CONSENT AGENDA

10. REGULAR AGENDA
10.B. RESOLUTIONS FOR ACTION - OTHER

10.B.2. Resolution No. AR 2003-332, a resolution of the Municipality of Anchorage appropriating the sum of \$38,835 from the State of Alaska, Department of Public Safety, Division of Alaska State Troopers and reappropriating \$10,313 of contributions from the 2001 Methamphetamine Enforcement grant, State Categorical Grants Fund (2131) and reappropriating \$3,452 of contributions from the 2002 Prescription Drug Fraud Enforcement grant, State Categorical Grants Fund (231) to the State Categorical Grants Fund (231) for a **2003 Prescription Fraud Enforcement grant**, Anchorage Police Department.
a. Assembly Memorandum No. AM 840-2003.

Chair Tesche read this resolution and called for a motion from Mr. Whittle on this item.

Mr. Whittle moved,	to approve AR 2003-332.
Ms. Taylor seconded,	
and this motion passed,	

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

To Mr. Whittle's question, APD Chief Monegan responded there was a growing concern with prescription drugs in Anchorage. He explained these prescriptions were obtained legally and illegally, through prescriptions and through falsified prescriptions. He explained the Federal DEA and the Alaska State Troopers were involved with investigations of these types of crimes. Chief Monegan explained that associated crimes with prescription fraud included vehicle thefts, writing bad checks, theft and other types of fraud.

10.B.8. Resolution No. AR 2003-338, a resolution authorizing the Municipality to grant a 15-foot-wide easement to Enstar Natural Gas Company across a portion of **Tract B2, Turnagain View East Subdivision**, Tax #018-411-76, Project Management & Engineering.
a. Assembly Memorandum No. AM 846-2003.

Chair Tesche read this resolution title and called for a motion.

Mr. LeBlanc requested this item be postponed indefinitely and explained the Administration had intentions of writing another resolution concerning the gas easement issue.

Mr. Sullivan moved, *to postpone indefinitely* AR 2003-338.
Ms. Fairclough seconded,
and this motion was passed,

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

10.D. NEW BUSINESS

10.D.1. Assembly Memorandum No. AM 830-2003, Change Order No. 3 to Contract C-234082 with Power Maintenance Resource, Inc. for **ML&P Plant 2, Unit 7, Heat Recovery Steam Generator Re-tube and Main Stream Line Replacement** for the Municipality of Anchorage, Municipal Light & Power (\$400,056), Purchasing.

Chair Tesche read this memorandum title and called for a motion.

Ms. Taylor moved, *to approve* AM 830-2003.
Mr. Tremaine seconded,
and this motion was passed,

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

Ms. Taylor stated that she had a possible conflict of interest because she was a member of the IBEW. To Chair Tesche's question, Ms. Taylor said she had not participated with any of the contractual negotiations of the matters of this memorandum. Chair Tesche ruled, as Assembly Chair, that she did not have a conflict with voting on this issue.

10.D.2. Assembly Memorandum No. AM 833-2003, recommendation of proprietary contract award to RCC Consultants, Inc. for providing project management services for the **Police Mobile Data Communication System** (MDCS) project for the Municipality of Anchorage, Anchorage Police Department (\$164,100), Purchasing.

Chair Tesche read this memorandum title and called for a motion.

Mr. Whittle moved, *to approve* AM 833-2003.
Mr. Tremaine seconded,
and this motion was passed,

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

To Mr. Whittle's question, APD Chief Monegan responded that this memorandum would authorize maintenance of the mobile data transmitter units that were in patrol cars. He explained that once the mobile data units were working again the officers would have the capability to complete electronic reporting directly from their vehicles.

10.D.5. Assembly Memorandum No. AM 836-2003, proprietary award to the Alaska Railroad Corporation for **railroad crossing upgrades** for the Municipality of Anchorage, Project Management & Engineering (\$727,064).

Chair Tesche read this memorandum title and called for a motion from Mr. Whittle.

Mr. Whittle moved, *to approve* AM 836-2003.
Ms. Fairclough seconded,
and this motion was passed,

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

The Administration explained that railroad tracks that intersect municipal roads required permits. The permits required maintenance be completed on the tracks, but the railroad would not allow the MOA to complete the maintenance. He explained these were sole-source purchases.

10.E. INFORMATION AND REPORTS

10.E.2. Information Memorandum No. AIM 97-2003, Sole Source Procurement Report for the month of September 2003, Purchasing.

Chair Tesche read this memorandum title and called for a motion from Ms. Fairclough.

Ms. Fairclough moved, to approve AIM 97-2003.
Mr. Tremaine seconded,
and this motion was passed,

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

Ms. Fairclough asked what types of reports were expected as advisements to the Mayor and his Administration, referring to the Wohlforth contract of \$30,000. Mr. Abbott of the Administration explained that this was a contract for a period of twelve months for a variety of reports. He explained that some of the work had been completed, with others not yet assigned. Mr. Boness responded this was a retainer contract with a flat fee for a twelve month period, or \$2500 per month. Mr. Abbott responded to Ms. Fairclough, offering to provide her with a list of the specific projects.

10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

10.F.3. Resolution No. AR 2003-340, a resolution of the Municipality of Anchorage accepting when tendered the sum of \$109,756 from the State of Alaska, Department of Transportation & Public Facilities; and appropriating said grant, \$50,038 as a contribution from the 2003 Anchorage Police Operating Budget, Anchorage Metropolitan Police Service Area Fund (151), to the State Categorical Grants Fund (231) Anchorage Police Department, for the **Youth at Risk Driving Enforcement Program**, Anchorage Police Department. (*Public Hearing set for 11-18-03*)
a. Assembly Memorandum No. AM 849-2003.

Chair Tesche read this resolution title and called for a motion from Mr. Tremaine.

Mr. Tremaine moved, to introduce AR 2003-340.
Ms. Fairclough seconded,
Ms. Fairclough was the concurring third motion,

Mr. Tremaine explained this was a corrective resolution, to clarify concerns about the Board of Adjustment. He stated this was a change to Title 21, and he wanted to check the legalities if this was required to be submitted to the Planning and Zoning Commission. The Assembly Attorney, Mr. Mike Gatti stated this was a technical, housekeeping, corrective measure to clarify some language previously used by the P&Z.

Chair Tesche announced the approval of introduction of AR 2003-340 and stated this item was set for Public Hearing on November 18, 2003.

10.F.10 Ordinance No. AO 2003-153, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Codes Section 10.40.50, Adult-Oriented Establishment License to Require Adult Cabarets be licensed. Sullivan (**Addendum**) (*Public Hearing set for 12-02-03*)

Mr. Sullivan moved to introduce a new ordinance, item No. AO 2003-153.

Mr. Sullivan moved, to introduce AO 2003-153, with Public Hearing
Mr. Van Etten seconded, set for December 2, 2003.
Ms. Fairclough was the concurring third,

To Mayor Begich's question, Mr. Sullivan responded that he would gladly allow the Public Safety Commission to review this ordinance. He stated he met with the Public Safety Commission a couple of weeks ago, describing the intent of the ordinance, and he promised them a copy.

Chair Traini announced that Mr. Sullivan was prepared to move to Postpone Indefinitely item 14.K, another ordinance on the subject of adult-oriented establishments.

To Mr. Tesche's question, Mr. Sullivan responded that he thought there was time for the Public Safety Commission review on the newly introduced ordinance. It was his understanding that the Commission would meet in two weeks, and this issue was on their Agenda. He added he thought there was time for a work session and the Public Hearing before the Assembly had been scheduled. To Mr. Tesche, Mr. Sullivan responded there was no summary of economic effects accompanying this ordinance.

The Assembly introduced Mr. Sullivan's new bill to replace the original ordinance involving adult-oriented establishments, AO 2003-92, which would be postponed indefinitely. Chair Tesche set Public Hearing on this item for December 2, 2003.

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS None.

12. APPEARANCE REQUESTS

12.A **Jay Binkley and Ken Anderson**, regarding gross violation of the new sign code requirements and enforcement. *(Clerk's note: This Appearance Request was withdrawn.)*

13. CONTINUED PUBLIC HEARINGS

- 13.A. 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. *(Continued from 10-21-03) (Public Hearing extended until 12-16-03)*
1. Assembly Memorandum No. AM 778-2003.

Chair Tesche addressed the resolution to the Administration, which requested discussion and action be postponed until December 16, 2003. Assistant Municipal Manager, Mr. Mike Abbott, responded that they wanted an additional six weeks to continue working on this resolution. Municipal Manager, Mr. Denis LeBlanc, stated that the additional time would allow the Administration to brief the Assembly on all SMG contracts for the Sullivan Arena and other recreation facilities.

Chair Tesche opened Public Hearing on AR 2003-312. There being no one to testify, he asked for objections. There being none, he announced the Public Hearing would continue until December 16, 2003.

Ms. Fairclough moved, to extend Public Hearing for item AR 2003-312
Mr. Van Etten seconded, until December 16, 2003.
and this motion passed,

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

14. NEW PUBLIC HEARINGS

- 14.A. Resolution No. AR 2003-289, a resolution approving the **2004-2009 Municipal Utilities Capital Improvement Program**, Office of Management and Budget.
1. Assembly Memorandum No. AM 751-2003. *(Second Public Hearing)*
- 14.B. Ordinance No. AO 2003-138, an ordinance adopting and appropriating funds for the **2004 Municipal Utilities Operating and Capital Budgets** for the Municipality of Anchorage, Office of Management and Budget.
1. Assembly Memorandum No. AM 751-2003. *(Second Public Hearing)*
- 14.C. Resolution No. AR 2003-290, a resolution of the Municipality of Anchorage adopting the **2004-2009 General Government Capital Improvement Program**, Office of Management and Budget.
1. Assembly Memorandum No. AM 752-2003. *(Second Public Hearing)*
- 14.D. Ordinance No. AO 2003-140, an ordinance adopting the **2004 General Government Capital Improvement Budget**, Office of Management and Budget.
1. Assembly Memorandum No. AM 752-2003. *(Second Public Hearing)*

Because the items were all associated with the budget, Chair Tesche called for a motion to combine the first four items, 14.A – 14.D, into one Public Hearing.

Ms. Taylor moved, to combine Public Hearing on budget related items
Mr. Von Gemmingen seconded, 14.A – 14.D, AR 2003-289, AO 2003-138, AR 2003-290,
and this motion was passed, and AO 2003-140.

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

Chair Tesche opened Public Hearing on all the mentioned budget-related items.

CLINTON R. HODGES II, a 23-year resident of N.E. Anchorage, testified to the Assembly about the capital improvement budget for the Creekside Town Center. He stated that in the MOA preliminary summary for the CIP and the CID, the Mayor referred to the Creekside Town Center road improvements. He stated there were no road improvements necessary because there were no roads. He stated he was opposed to the use of tax-payer funds for the development any roads within the Town Center. He suggested spending available moneys on already existing roads in the Municipality of Anchorage that were in need of maintenance. Mr. Hodges stated that creating any new roads at this time would burden the tax-payer. He felt the MOA should wait for the report from the Heritage Land Bank on the tax increment funding that was being proposed.

MIKE HARROD, resident of Sand Lake, spoke in support of road improvements. He proposed using concrete for intersections in the MOA. He cited statistics that the use of concrete required a larger initial cost for installation but lasted for 20 years with less maintenance. To Mr. Tremaine's question, Mr. Harrod responded there were currently no concrete intersections in Anchorage, but that Anchorage had concrete downtown crosswalks and weigh scales, which had been operating for the past 15 years. He mentioned the concrete runway at Eieleon Air Force Base had been completed two years ago, and the approaches and plane stands at the International Airport were concrete. To Mr. Tremaine's question, Mr. Harrod responded that concrete cracking was common, but was generally surface cracking

only and would not effect the structural composition of the concrete. Mr. Harrod said he could supply figures of initial costs for intersections, which would be based on contracts from companies in Seattle. He mentioned companies American Concrete & Paving Association and The Northwest District, both of Seattle. He said that the equipment needed for completing concrete intersections was not currently in Alaska. To Mr. Tremaine's question, Mr. Harrod responded that the wear on Alaska's roads had much to do with studded tires but that intersections deterioration was generally caused from vehicles stopping and starting effect that did the rippling damage. He stated he had communicated with the State Highway Department and had good reception, but no one had tried concrete yet. To Mr. Kendall, Mr. Harrod responded that concrete was not affected by salt because concrete technology had improved drastically over the years and that no rebar was required. To Mr. Van Etten's questions, Mr. Harrod responded that he felt the reason that Alaska had not tried concrete was because of the initial costs. He said he would supply statistics and competitive costs of using concrete in Anchorage.

TED KENNEDY, spoke on the Capital Budget. He thought that the MOA was not responsibly managing the budget. With declining state revenues and the current MOA mill rate, the MOA would not be able to maintain services over the next five years. To Ms. Fairclough's question, Mr. Kennedy responded that he recommended pulling the CIP mill levy away from the tax cap and using that as a source of CIP investment only. To Mr. Kendall's question, Mr. Kennedy responded that Eagle River had approved bond packages, but they had not been approved municipality-wide. Mr. Kennedy stated that the Eagle River Road Board recommended initiating a one-mill flat CIP levy, every year, to create a cash flow to take care of capital needs. Mr. Denis LeBlanc reminded the Body of a meeting scheduled for November 7, 2003 at 11:00 a.m., with Chugiak-Eagle River and Girdwood invited.

KATHLEEN PLUNKETT, member of the Russian Jack CC, testified. She handed out proposals, referring to the first phase of renovation and landscaping of a neighborhood park in Russian Jack District. She said they still needed funds to complete this project. Ms. Plunkett mentioned two individuals, Rod Hill and Tim Potter, who had been instrumental in completing what had been done to-date. To Mr. Van Etten's question, Ms. Plunkett responded that they had experienced frustration because of the bureaucracy, with the required bonding, required licensed professionals, time, refusal of allowing volunteerism and costs. They were currently going through AHC and Native Health Organizations to secure the needed finances to complete the project. They had discovered that the money did not go very far when they were required to hire professionals instead of using volunteers. Mr. Van Etten requested Assembly Attorney, Mr. Gatti research Mat-Su Volunteer Trails Committee, to determine how the volunteers were allowed with the Mat-Su Trail projects. Ms. Plunkett guessed they would need an additional \$10,000 to complete the project.

With no additional public testimony on these items, Chair Traini closed Public Hearing. He recommended a motion to adopt AR 2003-289, and postpone Action. Mr. Tremaine pointed out that the Assembly passed an ordinance in 2001 that any change to the Capital Budget Programs can be made only by a majority vote of the Assembly.

Mr. Whittle wanted to have on record, his suggestion that the MOA take a serious look at getting smaller busses for the Public Transit System. Ms. Fairclough stated she understood that currently all MOA busses were purchased with federal dollars and while there might be a maintenance cost difference between smaller and larger buses, we should maintain the advantage of these federally funded, larger busses.

Chair Traini allowed an unscheduled appearance of the Boy Scouts Troop #104, and introduced members Travis, a Life Scout, Henry, a Star Scout and Roman, a Life Scout. They said their Troop was sponsored by the Elizabeth Ann Seton Church and they were currently working on their badge for communications.

Chair Traini closed Public Hearing on 14.A – 14. D. He then called for a motion to approve each one of these items.

Mr. Tremaine moved,	to approve each item, including AR 2003-289, AO
Mr. Tesche seconded,	2003-138, AR 2003-290 and AO 2003-140.

Ms. Fairclough pointed out that AR 2003-290 had an attached ordinance which had not yet heard public testimony. To Ms. Fairclough's question, Mr. Abbott stated that all the mentioned documents needed to supply at least one Public Hearing, unless otherwise stated in the language of the document. The Legal Staff said they thought this ordinance might require additional public testimony.

Mr. Tremaine moved,	to extend Public Hearing on AR 2003-289, AO 2003-138,
Mr. Tesche seconded,	AR 2003-290 and AO 2003-140.
and this motion was passed,	

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

NAYES: None.

14.E. 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.

1. Assembly Memorandum No. AM 807-2003.

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

Mr. Tremaine moved,	to approve AO 2003-149.
Mr. Sullivan seconded,	

The Administration explained this bill was designed to amend four provisions of the current tax exemption program. Their proposed changes included an increase of the eligibility requirement from the current 30 days to 105 days; it eliminated the requirement for annual filing for eligible seniors and veterans; it moved the deadline from March 15th to January 15th and it authorized the MOA Assessor to waive the occupancy requirements in cases of extreme personal hardship.

Ms. Fairclough questioned the number of days of residency required for eligibility. The Administration responded that it was 185 days, and this mirrored the state requirements for the PFD. To Ms. Shamberg question, the Administration responded they would be using the PFD data base for their records. Ms. Taylor recalled the PFD residency requirements had allowances to live outside of the state 180 days to still qualify for the PFD. She stated that requirements were one year of residency and questioned if the requirements in this ordinance were correct. MOA Assessor, Mr. Marty McGee, responded that the intent was to make this ordinance match the PFD criteria, and residency requirements were only six months. Mr. Sullivan commented that the text stated that upon initial application the person must have been a resident of the state in the year prior to the exemption.

Ms. Fairclough proposed to postpone this item until the next Assembly Meeting to allow time to research state statutes to the PFD requirements. The Administration stated that action was needed on this item that evening because they had deadlines already set for applications for November 15th. Chair Traini asked the MOA Legal Staff to research these questions, during that evening's meeting, to define "resident," and called for a motion to postpone further discussion and action on this bill until the end of the Agenda, to allow the MOA Legal staff to research the bill's language and to make comparisons with the PFD.

Ms. Fairclough moved,	to <i>postpone</i> action on AO 2003-149 until the end
Ms. Taylor seconded,	of the Agenda.
and this motion passed unanimously,	

The MOA Legal Department responded that persons could not be absent from the state for more than 180 days and needed to be a resident in the state for more than 185 days to qualify for the PFD. Mr. Sullivan suggested the possibility of simply adding an amendment to make the necessary changes.

Upon completion of the Agenda items, Chair Traini returned to the unfinished Action on this item. The MOA Legal Staff proposed an amendment to AO 2003-149, to change, on Page 1, Line 17, by deleting the words "in the" and replacing them with the words "or the entire."

Mr. Tremaine moved,	to amend AO 2003-149, <i>by changing</i> , on Page 1, Line
Mr. Sullivan seconded,	17, <i>by deleting</i> the words " <u>in the</u> " and replacing them and
this motion was approved,	with the words " <u>or the entire</u> ."

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

NAYES: None.

Ms. Fairclough stated that the Senior Citizens' Advisory Commission understood the residency requirements be raised from 30 to 185 days.

Mr. Tremaine stated that the Advisory Commission requested the requirements be raised to 185 days to reflect the same legal qualifications as the PFD. Mr. Tremaine stated that the Permanent Fund Dividend required a full year of residency to qualify.

He proposed to change Lines 22, 23 and 24 by making two separate sentences.

Mr. Tremaine moved,	to amend AO 2003-149, <i>by changing</i> on Lines 23 and 24,
Ms. Taylor seconded,	making these sentences each a new paragraph <i>to include</i> :
and this motion passed,	" <u>Calendar year due to extreme personal hardship</u> " and " <u>To</u>
	<u>qualify for this exemption the applicant must be...</u> "

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

NAYES: None.

To Ms. Taylor's question, the MOA Legal Staff said they would continue to use the State of Alaska's eligibility requirements for the Permanent Fund Dividend.

To Ms. Fairclough's question, the MOA Legal Staff responded that the first year eligibility required being in the state for the entire year. In subsequent years, 185 days of being in residency was required, following the same prescribed eligibility requirements as the PFD.

With no further discussion, Chair Traini called for a vote.

Mr. Tremaine moved,	to approve AO 2003-149, as amended.
Mr. Sullivan seconded,	
and this motion passed,	

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

NAYES: None.

Ms. Fairclough moved for immediate reconsideration of AO 2003-249 and urged a NO-vote.

Ms. Fairclough moved, for *immediate reconsideration* of AO 2003-149.
Mr. Tremaine seconded,
and this motion failed,

AYES: None.

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

Chair Traini explained with the failure of this motion, this bill would not be reconsidered by the Assembly.

- 14.F. 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.
1. Assembly Memorandum No. AM 800-2003.

Chair Traini read this ordinance title and opened Public Hearing. There being none, the Chair closed Public Hearing and called for a motion.

Mr. Tremaine moved, to approve AO 2003-145.
Ms. Taylor seconded,
and this motion passed,

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

NAYES: None.

ABSENT: Kendall temporarily out of room.

- 14.G. 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.
1. Assembly Memorandum No. AM 801-2003.

Chair Traini read this ordinance title and opened Public Hearing. There being none, the Chair closed Public Hearing and called for a motion.

Mr. Tremaine moved, to approve AO 2003-146.
Ms. Taylor seconded,
and this motion passed,

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

NAYES: None.

ABSENT: Kendall temporarily out of room.

- 14.H. 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.
1. Assembly Memorandum No. AM 808-2003.

Chair Traini read this ordinance and opened Public Hearing. There being none, he closed Public Hearing and called for a motion.

Mr. Tremaine moved, to approve AR 2003-328.
Ms. Taylor seconded,
and this motion passed,

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

NAYES: None.

ABSENT: Kendall temporarily out of room.

- 14.I. Ordinance No. AO 2003-133, an ordinance amending the zoning map and providing for the rezoning from B-3 SL (General Business with Special Limitations) to R-O SL (Residential-Office with Special Limitations) for **Lots 1 and 2, Town Square Subdivision**, generally located on the south side of DeBarr Road, east of Lake Otis Parkway (Airport Heights Community Council) (Planning and Zoning Commission Case 2003-083), Planning Department.
1. Assembly Memorandum No. AM 743-2003.

Chair Traini read this ordinance title and opened Public Hearing.

TIM POTTER stated that the MOA Planning Department was completing a routine housekeeping on this matter. The Charter North Hospital property had been constructed in 1983. In 1984-85 there were many rewrites of the Code and the zoning, and now the Charter North Hospital property did not comply. Mr. Potter explained that when the building sold, the new owners made the effort to meet code and zoning compliance. Mr. Potter said the current zoning did comply with the 2020 Plan, and was compatible with the surrounding residential area. He said the MOA Planning Department and the P&Z recommended approval of this ordinance.

With no further public testimony, Chair Traini closed Public Hearing on this item and called for Assembly Discussion. There being none, he called for a vote.

Mr. Tremaine moved, to approve AO 2003-133.
Ms. Taylor seconded,
and this motion passed,

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

- 14.J. Ordinance No. AO 2003-134, an ordinance amending the zoning map and providing for the rezoning of approximately 62.3 acres from R-3 (Multiple Family Residential), PLI (Public Lands and Institutions) and PLI-P (Public Lands and Institutions – Parks) to PLI (Public Lands and Institutions – Parks) for a portion of **Merrill Field Replat #4, Tract A (Plat 97-26)**; generally located on the south side of East 15th Avenue, east of Orca Street (Fairview Community Council) (Planning and Zoning Commission Case 2003-073), Planning Department.
1. Assembly Memorandum No. AM 744-2003.

Chair Traini read this ordinance title and opened Public Hearing.

SHARON MAHONEY, a 56-year resident of Anchorage and a 14-year resident and member of the Board of Directors of East Ridge Three Townhouse Association, testified. She said she was representing herself and the 240 residents of her area. Ms. Mahoney explained their townhouse bordered Sitka Street Park. She explained the reason for her appearance was to urge the Assembly to keep the zoning of this area as PL1 and not change it to high-density zoning, as much of the surrounding area had been. She and the residents in this area were concerned about higher density and their property values. She said the Sitka Street Park and the surrounding greenbelt of wetlands and wildlife needed protection. Ms. Mahoney said they were also concerned with Merrill Field, and the field of approach for the aircraft.

Chair Traini called for further public testimony, and there being no one to testify, he closed Public Hearing and called for a motion.

Mr. Tremaine moved, to approve AO 2003-134.
Ms. Taylor seconded,
and this motion passed,

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

- 14.K. Ordinance No. AO 2003-92, an ordinance of the Anchorage Municipal Assembly relating to **adult-oriented establishments**, Assemblymember Sullivan.

Chair Traini read this ordinance, and called for Mr. Sullivan to explain his intentions. Mr. Sullivan requested this ordinance, AO 2003-92 be postponed indefinitely, and he introduced a new ordinance that related to adult oriented establishments. Chair Traini explained to the public this ordinance would be canceled, with the introduction of Mr. Sullivan's new ordinance, and they would be able to testify on the newer ordinance. He opened Public Hearing on AO 2003-92, and there being none, closed Public Hearing, and called for a motion.

Mr. Sullivan moved, to postpone indefinitely AO 2003-92.
Mr. Tremaine seconded,
and this motion passed without objection,

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

15. SPECIAL ORDERS

Mr. LeBlanc stated that a work session was scheduled for Friday, from 1:00-2:00 p.m.; and would cover the subjects of the fund balance, the Fee Ordinance and bills concerning hate crimes, following the incident over the preceding weekend, when a woman had been the victim of a paint-ball incident.

16. UNFINISHED AGENDA None.

17. AUDIENCE PARTICIPATION

DON SMITH, owner of Cabinet Doctors, testified with Ms. Cheryl Clementson. He had recently purchased the former Sand & Gravel building from Safeway/Carrs. He explained his business was primarily computer and drafting. Mr. Smith and Ms. Clementson discussed a number of problems with the Code Enforcement Division, ending with his business being shut down.

Ms Fairclough asked what relief the Assembly could give them.

Ms. Clemenston suggested that the Assembly require the MOA to assist with resolving the problem, beginning with communicating with the Building Safety Department.

To Ms. Fairclough's question, Mr. LeBlanc responded that he had met with Mr. Ron Thompson of Building Services and the MOA Ombudsman and they had already resolved the issue.

Mayor Begich said he was familiar with this issue and there were many other surrounding issues, regarding electrical, ventilation and materials produced and they would help resolve the details and issue a summary report.

18. ASSEMBLY COMMENTS

Ms. Von Gemmingen shared that the memorial service of Mr. Hank Rosenthal had been that afternoon, that he would be missed and that he had been one of the *Good Guys*.

Mr. Tremaine reminded the Body that television footage, shot at Girdwood, Alaska, was going to be included in that week's T.V. episode of *The Bachelor*, to air on Channel 2, broadcast in Anchorage.

Ms. Von Gemmingen reminded the Body that the Municipal League was meeting in Nome the following week.

Mr. Whittle wanted to congratulation East High for winning the Football Championship in Alaska.

Mr. Tesche reminded Assemblymembers that any amendments they would like to submit to the Capital Budget were due tomorrow at noon in Ms. Gray- Jackson's office.

19. EXECUTIVE SESSIONS None.

20. ADJOURNMENT The Assembly Meeting adjourned at 8:40 p.m.

Mr. Sullivan moved, to adjourn the Assembly Meeting.
Mr. Tremaine seconded,
and this motion passed unanimously,

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

DICK TRAINI, Assembly Chair

Attest:

BARBARA GRUENSTEIN, Municipal Clerk
Date Minutes Approved _____, 2004
MC:bg