

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of June 10, 2003

1. CALL TO ORDER

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

2. ROLL CALL

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

Chairman Traini noted that Mr. Van Etten's mother had passed away last week and he was taking care of family obligations. He offered Mr. Van Etten and his family the condolences of the Anchorage Assembly.

3. PLEDGE OF ALLEGIANCE

Mayor Wuerch led the pledge.

4. MINUTES OF PREVIOUS MEETING None.

5. MAYOR'S REPORT None.

6. ASSEMBLY CHAIRS' REPORT

Chairman Traini discussed the Governor's cuts to the municipality's budget. The state is removing municipal revenue sharing and municipal assistance. They added \$3,800,000 of a \$15,000,000 federal appropriation. The total loss would be about \$6,500,000. Capital matching grants were deleted for an additional loss of \$4,300,000. Proposed capital program projects cuts have not yet been disclosed.

In response to Chairman Traini, Mayor Wuerch said the projects utilizing capital matching grants were not started until the funds were confirmed. The capital program was for new projects and would not affect the operation of efficient government. Mayor Wuerch shared that the municipal engineer said there was enough money to fund the \$700,000 to build Elmore Road through bonds and other sources, which was important due to the fact that it served the new south Anchorage high school. The "catch-all" money pools, for miscellaneous projects, which is about 1.2 million of that, will be used for curb-cuts for wheelchair access at intersections. Loss of the park bond and matching grants would delay the pool rehabilitation program and more money would have to be spent on repairs instead of rehabilitation. A public announcement has been made of swimming pool lifeguards at lakes, also. Mayor believes we can deliver the right services in the affordable range of the new budget. He had no advanced information on additional cuts that would be announced at the Thursday press conference. He felt the city could continue government operations and deliver the essential services with the funds available.

In response to Ms. Taylor, Mayor Wuerch said there would be an impact on capital projects this year, which could be worked around or deferred to a later date. They could complete the Elmore Road project, but other projects and expenses may have to be trimmed.

7. COMMITTEE REPORTS

Mr. Tesche reported on the Search Committee, which consisted of Mr. Tesche, Ms. Fairclough, Mr. Tremaine and Ms. Taylor. A resolution later in the meeting would seek to appoint Barbara Gruenstein as the new Municipal Clerk, addendum to agenda, item 9B.9.

8. ADDENDUM TO AGENDA

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

Chairman Traini read the addendum items.

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

9. CONSENT AGENDA

Mr. Tesche moved, to approve all items on the Consent Agenda
seconded by Ms. Fairclough, as amended.

First item pulled addressing the addendum to the agenda, item passed without objection.

A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

B. RESOLUTIONS FOR ACTION - OTHER

1. Resolution No. AR 2003-170, a resolution appropriating a grant from Youth Service America to Miscellaneous Operational Grants Fund (261) in the amount of \$2,000 and from the Areawide General Fund (101) in the amount of \$50 as a voluntary contribution from the Cultural and Recreational Services 2003 Operating Budget for the purpose of planning and coordinating **National Youth Service Day 2003**, Cultural and Recreational Services.
 - a. Assembly Memorandum No. AM 499-2003.
2. Resolution No. AR 2003-171, a resolution of the Municipality of Anchorage appropriating \$2,365 from BP2001 Miscellaneous Revenues, and \$2,000 from BP2002 Anticipated Miscellaneous Revenues as an appropriation to the State Categorical Grants Fund (231), Cultural and Recreational Services Department Grant 52312G, for operating support at the **Anchorage Museum of History and Art** (\$4,365), Cultural and Recreational Services.
 - a. Assembly Memorandum No. AM 500-2003.
3. Resolution No. AR 2003-172, a resolution of the Municipality of Anchorage appropriating \$80,000 as a grant from the State of Alaska, Department of Community and Economic Development, to the State Categorical Grants Fund (231) for the **Alaska Coastal Impact Assistance Program**, Information Technology Department.
 - a. Assembly Memorandum No. AM 501-2003.
4. Resolution No. AR 2003-173, a resolution of the Anchorage Municipal Assembly revising the 2003 General Government Operating Budget by appropriating \$81,720 from Areawide General Fund (101) Balance to the Department of Assembly to cover increased costs for the **2002 Independent Audit**, Assemblymember Von Gemmingen.
 - a. Assembly Memorandum No. AM 503-2003.
5. Resolution No. AR 2003-174, a resolution of the Municipality of Anchorage appropriating the sum of \$39,500 from the State of Alaska, Department of Transportation & Public Facilities and \$820 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. (**addendum**)
 - a. Assembly Memorandum No. AM 480-2003.
6. Resolution No. AR 2003-175, a resolution of the Anchorage Municipal Assembly approving the **Comprehensive Economic Development Strategy** for the Municipality of Anchorage as require by the Federal Economic Development Administration, Municipal Manager's Office. (**addendum**)
 - a. Assembly Memorandum No. AM 517-2003.
7. Resolution No. AR 2003-176, a resolution of the Anchorage Municipal Assembly appropriating \$75,000 and revising the Municipal Light and Power Operating Budget and Anchorage Water and Wastewater Budget to provide a grant to the Anchorage Economic Development Corporation in support of the implementation of a **Global Marketing/Public Relations Campaign**, Assemblymembers Traini and Whittle. (**addendum**)
8. Resolution No. AR 2003-177, a resolution of the Anchorage Municipal Assembly revising the 2003 General Government Operating Budget by appropriating \$7,500 from Areawide General Fund (101) Balance to the Mayor's Office to be used as a grant to assist in the costs for the **Elmendorf Air Force Base Open House and Air Show**, Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Tremaine, Van Etten, Von Gemmingen, and Whittle. (**addendum**)
 - a. Assembly Memorandum No. AM 519-2003.
9. Resolution No. AR 2003-178, a resolution of the Anchorage Municipal Assembly appointing Barbara Englert Gruenstein as **Municipal Clerk**, Assembly Chair Traini . (**LAID ON THE TABLE**)

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

10. Resolution No. AR 2003-179, a resolution of the Anchorage Municipal Assembly urging the Administration to suspend implementation of AO 2003-32, **relocation of Department of Health and Human Services** and construction of new facility, pending approval of business plan for the new facility by the Assembly and to allow a policy review of the proposed project by the new Administration, Assemblymember Tesche. (**LAID ON THE TABLE**)

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

C. BID AWARDS

1. Assembly Memorandum No. AM 473-2003, recommendation of award to Construction Unlimited, Inc. for **C Street at Chester Creek Oil-Grit Separator (OGS)/Outfall Upgrades** for the Municipality of Anchorage, Project Management & Engineering (ITB 23-C025) (\$1,545,810),. Purchasing.
2. Assembly Memorandum No. AM 474-2003, recommendation of award to Alaska Road Boring Company for **36th Avenue Storm Drain Reconstruction – C Street East to McDonalds** for the Municipality of Anchorage, Project Management & Engineering (ITB 23-C029) (\$465,460), Purchasing.
3. Assembly Memorandum No. AM 475-2003, recommendation of award to Universal Roofing of Alaska, Inc. for **Loussac Library roof repair** for the Municipality of

- 1 Anchorage, Maintenance and Operations Department (ITB 23-C024) (\$121,200),
2 Purchasing.
- 3 4. Assembly Memorandum No. AM 476-2003, recommendation of award to Tam
4 Construction, Inc. for **Orca 17th to 20th Water Upgrade** (Schedule A) and **Orca 17th to**
5 **20th Sewer Upgrade** (Schedule B) for the Municipality of Anchorage, Anchorage Water
6 and Wastewater Utility (ITB 23-C026) (\$579,782), Purchasing.
- 7 5. Assembly Memorandum No. AM 477-2003, recommendation of award to GMG General,
8 Inc. for 2003 **surface restoration contract** for the Municipality of Anchorage, Anchorage
9 Water and Wastewater Utility (ITB 23-C035) (\$750,000/YR), Purchasing. (**addendum**)
- 10 6. Assembly Memorandum No. AM 506-2003, recommendation of award to Cullips
11 Excavating, Inc. for **Windsor Village Subdivision Area Street Reconstruction Road**
12 **Improvement District** (R.I.D.) for the Municipality of Anchorage, Project Management &
13 Engineering Department (ITB 23-C032) (\$861,154), Purchasing. (**addendum**)
- 14 7. Assembly Memorandum No. AM 507-2003, recommendation of award to QAP for **Denali**
15 **Street Surface Rehabilitation; 40th Avenue to Fireweed Lane**, for the Municipality of
16 Anchorage, Project Management & Engineering Department (ITB 23-C040) (\$3,395,010),
17 Purchasing. (**addendum**)
- 18 8. Assembly Memorandum No. AM 508-2003, recommendation of award to GMG General,
19 Inc. for **2003 Americans with Disabilities (ADA) playground improvements** for the
20 Municipality of Anchorage, Project Management & Engineering Department (ITB 23-
21 C030) (\$528,634.40), Purchasing. (**addendum**)

22
23 **D. NEW BUSINESS**

- 24 1. Assembly Memorandum No. AM 510-2003, **Marah's** (#4291) – New Restaurant Eating
25 Place Liquor License (Spenard Community Council), Clerk's Office.
- 26 2. Assembly Memorandum No. AM 463-2003, **Port Intermodal Expansion Project**, Port of
27 Anchorage.

28
29 Mr. Tesche requested this item be considered on the Regular Agenda. See item 10F.

- 30
31 3. Assembly Memorandum No. AM 481-2003, proprietary purchase with The Gartner Group
32 for **subscription services** for the Municipality of Anchorage, Information Technology
33 Department (\$53,750), Purchasing.
- 34 4. Assembly Memorandum No. AM 482-2003, recommendation of award to Shannon &
35 Wilson, Inc., Hart Crowser, and Golder Associates, Inc. for providing **environmental**
36 **engineering services** on an "as required" basis for the Municipality of Anchorage,
37 Maintenance and Operations Department (RFP 23-P013) (\$200,000 Each), Purchasing.
- 38 5. Assembly Memorandum No. AM 483-2003, proprietary purchase for providing **repair**
39 **parts** from New Flyer Industries Limited for the Municipality of Anchorage, Public
40 Transportation Department (\$300,000), Purchasing.
- 41 6. Assembly Memorandum No. AM 484-2003, change order No. 2 to Vendor Contract
42 21SWS142 for **Freon removal services** on "as required" basis for the Municipality of
43 Anchorage, Solid Waste Department (\$130,000), Purchasing.
- 44 7. Assembly Memorandum No. AM 485-2003, proprietary contract award to DOWL
45 Engineers for providing professional engineering services for **40th Avenue Improvement**
46 **Project** for the Municipality of Anchorage, Project Management & Engineering
47 (\$285,000), Purchasing.
- 48 8. Assembly Memorandum No. AM 486-2003, amendment No. 2 to contract with Safar
49 Construction for **Midtown Park Access Improvements**, Denali Street to Loussac
50 Library, Contract No. C-221143, Project No. 99-24A (\$255,000), Project Management &
51 Engineering.

52
53 Mr. Tremaine requested this item be considered on the Regular Agenda. See item 10D.

- 54
55 9. Assembly Memorandum No. AM 487-2003, recommendation of award to USKH, Inc. for
56 providing professional engineering services for design of **roadway channelization,**
57 **traffic signals, signage, and markings** on an "as required basis" for the Municipality of
58 Anchorage, Traffic Department (RFP 23-P014) (\$700,000), Purchasing.
- 59 10. Assembly Memorandum No. AM 491-2003, change order No. 1 to purchase order No.
60 0000216162 for **TSAIA Terminal Expansion Landslide Civil Improvements PH II**
61 (\$19,449.54), Anchorage Water and Wastewater Utility.

62
63 Mr. Sullivan requested this item be considered on the Regular Agenda. See item 10D.

- 64
65 11. Assembly Memorandum No. AM 502-2003, change order No. 2 to purchase order No.
66 220527 for the grant agreement with the Abused Women's Aid in Crisis, Inc. (AWAIC) for
67 the **AWAIC Transitional Housing and Expansion Project** (PY) 2003 (\$37,600),
68 Planning Department.
- 69 12. Assembly Memorandum No. AM 504-2003, contract amendment No. 8 to professional
70 services contract with KPMG LLP for the **2002 Independent Financial Statement Audit**
71 (\$81,720), Assemblymember Von Gemmingen.
- 72 13. Assembly Memorandum No. AM 488-2003, recommendation of award to Indus Utility
73 Systems to provide a **Customer Information System** (CIS) for the Municipality of
74 Anchorage, Anchorage Water and Wastewater Utility (RFP 22-P025) (\$2,700,000),
75 Purchasing. (**addendum**)
- 76 14. Assembly Memorandum No. AM 489-2003, amendment No. 3 to contract for professional
77 engineering services with CH2M Hill for completion of the design for the **Pump Station 2**

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40
- 41
- 42
- 43
- 44
- 45
- 46
- 47
- 48
- 49
- 50
- 51
- 52
- 53
- 54
- 55
- 56
- 57
- 58
- 59
- 60
- 61
- 62
- 63
- 64
- 65
- 66
- 67
- 68
- 69
- 70
- 71
- 72
- 73
- 74
- 75
- 76
- Upgrade – Chester Creek Project for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (\$48,500), Anchorage Water and Wastewater Utility. (addendum)
15. Assembly Memorandum No. AM 490-2003, proprietary purchase with the National Development Council for professional services related to the Creekside Town Center and other development projects for the Municipality of Anchorage, Heritage Land Bank (\$84,000), Purchasing. (addendum)
16. Assembly Memorandum No. AM 511-2003, Tony Roma’s (#4294) – New Beverage Dispensary Duplicate Liquor License Permit (Campbell Park Community Council), Clerk’s Office. (addendum)

Chairman Traini requested this item be considered on the Regular Agenda. See item 10D.

17. Assembly Memorandum No. AM 512-2003, Max’s (#4296) – New Restaurant/Eating Place Liquor License (Girdwood Community Council), Clerk’s Office. (addendum)
18. Assembly Memorandum No. AM 513-2003, Peter’s Sushi Spot (#1866) – Transfer of Ownership and Name Change for a Restaurant/Eating Place Liquor License (Spenard Community Council), Clerk’s Office. (addendum)
19. Assembly Memorandum No. AM 514-2003, The Original Bar BQ Pit (#3500) – Transfer of Ownership and Name Change for a Restaurant/Eating Place Liquor License (Eagle River Community Council), Clerk’s Office. (addendum)
20. Assembly Memorandum No. AM 515-2003, Uncle Joe’s Pizzeria (#4293) – New Restaurant/Eating Place Designation Liquor License (University and Tudor Community Councils), Clerk’s Office. (addendum)
21. Assembly Memorandum No. AM 516-2003, Café Savannah (#4295) – New Restaurant/Eating Place Liquor License (Downtown Community Council), Clerk’s Office. (addendum)
22. Assembly Memorandum No. AM 509-2003, sole source contract with Cole Layer Trumble to develop an on-line filing component of the new Personal and Business Property System (\$45,000), Finance. (addendum)
23. Assembly Memorandum No. AM 518-2003, recommendation of proprietary award to Emulsion Products of Alaska, Inc. for furnishing CSS-1 and CRS-2P asphalt emulsion to the Municipality of Anchorage, Maintenance & Operations Department (\$835,300), Purchasing. (addendum)

E. INFORMATION AND REPORTS

1. Appeal S-10999, Preliminary Plat of the Park West Subdivision, has been set for hearing before the Board of Adjustment on June 24, 2003, Municipal Clerk.
2. Information Memorandum No. AIM 57-2003, 2003 Annual Report – Lobbyists, Clerk’s Office.

Ms. Von Gemmingen requested this item be considered on the Regular Agenda. See item 10E.

3. Information Memorandum No. AIM 58-2003, waiver of formal procedures for wood lot operations for Anchorage and Eagle River residents for the Municipality of Anchorage, Anchorage Fire Department (ITB 23-B027) (NTE \$200,000), Purchasing.
4. Information Memorandum No. AIM 59-2003, Monthly Financial Report – April 2003, Finance. (addendum)

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

1. Ordinance No. AO 2003-68, an ordinance amending Anchorage Municipal Code Titles 14, 21, 23, and 24 to provide for dedication and improvement of public facilities within and adjacent to certain types of development, Assemblymembers Fairclough, Shamberg, and Tremaine. P.H. 9-23-03.

a. Assembly Memorandum No. AM 505-2003.

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

2. Ordinance No. AO 2003-91, an ordinance of the Anchorage Municipal Assembly suspending implementation of AO 2003-32, relocation of Department of Health and Human Services and construction of new facility, pending submission approval of an economic study and business plan for that action to the Assembly, policy review of the proposed action by the new administration, and providing for an effective date, Assemblymember Tesche. P.H. 6-24-03. (TO BE SUBMITTED)

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

3. Resolution No. AR 2003-161, a resolution of the Municipality of Anchorage, Alaska, accepting and appropriating a State of Alaska Drinking Water Fund loan offer increase in the amount of \$255,000 for financing a portion of the costs of the Disinfection Alternative Water Upgrades, Anchorage Water and Wastewater Utility. P.H. 6-24-03.

a. Assembly Memorandum No. AM 493-2003.

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

4. Resolution No. AR 2003-162, a resolution of the Municipality of Anchorage, Alaska, approving the Girdwood Phase II water line extension along Alyeska Highway,

- 1 Hightower Road and Ski View Road and providing for assessment of benefited properties
- 2 at time of service connection, Anchorage Water and Wastewater Utility. P.H. 7-15-03.
- 3 a. Assembly Memorandum No. AM 494-2003.
- 4 5. Resolution No. AR 2003-163, a resolution of the Municipality of Anchorage, Alaska,
- 5 confirming and levying assessments for the water special improvements within **Levy**
- 6 **Upon Connection (LUC) Roll 03-W-1**, setting date of payment and providing for
- 7 penalties and interest in the event of delinquency, Anchorage Water and Wastewater
- 8 Utility. P.H. 7-15-03.
- 9 a. Assembly Memorandum No. AM 495-2003.
- 10 6. Resolution No. AR 2003-164, a resolution of the Municipality of Anchorage appropriating
- 11 \$3,915,000 from the Equipment Maintenance Internal Service Area Operating Fund 601
- 12 Retained Earnings Unreserved Account to the Equipment Maintenance Internal Service
- 13 Capital Fund 606 for the purpose of purchasing **vehicles and equipment**, Maintenance
- 14 and Operations. P.H. 6-24-03.
- 15 a. Assembly Memorandum No. AM 496-2003.
- 16

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

- 17
- 18
- 19 7. Resolution No. AR 2003-165, a resolution of the Municipality of Anchorage appropriating
- 20 \$42,880,000 of proceeds of General Obligation Bonds to the Areawide CIP Fund (401),
- 21 and Anchorage Roads and Drainage Service Area CIP Fund (441), to pay the costs of
- 22 public safety, road, and storm drainage capital improvements projects; and contributing
- 23 \$912,000 from the Anchorage Roads and Drainage Service Area CIP Fund (441) to the
- 24 Equipment Maintenance Internal Service Fund (601) for the purchase of **maintenance**
- 25 **vehicles**, Office of Management and Budget. P.H. 6-24-03.
- 26 a. Assembly Memorandum No. AM 497-2003.
- 27 8. Resolution No. AR 2003-166, a resolution appropriating annual entitlement grants from
- 28 the U.S. Department of Housing and Urban Development and anticipated program
- 29 income in the amounts of \$2,330,000 of entitlement and \$180,000 of anticipated program
- 30 income for the **Community Development Block Grant (CDBG)**, \$1,114,921 of
- 31 entitlement and \$20,000 of anticipated recaptured funds for the **HOME Investment**
- 32 **Partnership Program (HOME)**, and \$78,000 of entitlement for the **Emergency Shelter**
- 33 **Grant (ESG)**, and appropriating said funds to the Federal Categorical Grants Fund (241),
- 34 Planning Department. P.H. 6-24-03.
- 35 a. Assembly Memorandum No. AM 498-2003.
- 36 9. Ordinance No. AO 2003-92, an ordinance of the Anchorage Municipal Assembly relating
- 37 to **adult-oriented establishments**, Assemblymember Sullivan. P.H. 10-28-03.
- 38 **(addendum) (TO BE SUBMITTED)**
- 39 10. Ordinance No. AO 2003-96, an ordinance of the Municipality of Anchorage (MOA)
- 40 authorizing the Heritage Land Bank to forgive accrued lease debt of approximately
- 41 \$116,500 owed to the MOA by the **Alaska Aviation Heritage Museum (AAHM)**,
- 42 assignment of MOA interest as lessee in a State of Alaska lease at Ted Stevens
- 43 Anchorage International Airport to AAHM, and transfer of MOA interests, including
- 44 building and facilities, to AAHM, Heritage Land Bank. **(LAID ON THE TABLE)**
- 45 a. Assembly Memorandum No. AM 479-2003.
- 46

Mr. Tesche, Ms. Fairclough, and Chairman Traini joined in introducing AO 2003-96. The public hearing was scheduled for June 24, 2003.

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

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

- 55
- 56 10. **REGULAR AGENDA**
- 57 A. **RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS:** None.
- 58
- 59 B. **RESOLUTIONS FOR ACTION - OTHER:**
- 60 10B1. Resolution No. AR 2003-178, a resolution of the Anchorage Municipal Assembly
- 61 appointing Barbara Englert Gruenstein as **Municipal Clerk**, Assembly Chair Traini .
- 62 **(LAID ON THE TABLE)**
- 63

Mr. Sullivan moved, to approve AR 2003-178.
seconded by Ms. Taylor,

In response to Mr. Sullivan, Mr. Tesche said Ms. Gruenstein had no direct municipal election experience, but she had enough management experience that the committee felt she could quickly learn the process with the cooperation of the staff. Municipal elections are handled with assistance of hundreds of volunteers. The Clerk's responsibilities included organizing those effects, which the committee was confident Ms. Gruenstein could do.

Question was called on the motion to approve AR 2003-178 and it passed without objection.

- 73
- 74 10B2. Resolution No. AR 2003-179, a resolution of the Anchorage Municipal Assembly urging
- 75 the Administration to suspend implementation of AO 2003-32, **relocation of Department**
- 76 **of Health and Human Services** and construction of new facility, pending approval of
- 77 business plan for the new facility by the Assembly and to allow a policy review of the

proposed project by the new Administration, Assemblymember Tesche. **(LAID ON THE TABLE)**

(Clerk's Note: At Mr. Kendall's request this item was addressed later in the meeting. See after Item 10F4.)

C. BID AWARDS: None.

D. NEW BUSINESS:

10D1. Assembly Memorandum No. AM 463-2003, **Port Intermodal Expansion Project**, Port of Anchorage.

Mr. Tesche moved, to approve AM 463-2003.
seconded by Mr. Whittle,

Mr. Tesche noted that later in the agenda the Assembly would discuss an intergovernmental agreement between the United States and the Municipality of Anchorage with respect to a \$250,000,000 port expansion project. A work session was held last Friday and a number of issues were raised. He felt this was a very significant project and required more time to review the issues.

Mr. Tesche moved, to postpone AM 463-2003 to June 24, 2003.
seconded by Mr. Tremaine,

Mayor Wuerch said a postponement would not be fatal to the project. He had discussed the importance of the project with mayor-elect Mark Begich and encouraged a work session to further discuss the project.

Chairman Traini set a work session on AM 463-2003 for June 20, 2003 from 12:00 noon to 1:30 p.m.

In response to Mr. Tesche, Mayor Wuerch said \$15,000,000 in general obligations bonds would be committed to the project.

Ms. Taylor said she had received a number of e-mails concerning this project and requested a public hearing.

Mr. Tesche moved, to schedule a public hearing on AM 463-2003 for June 24, 2003.
seconded by Ms. Taylor,
and it passed without objection,

Question was called on the motion to postpone AM 463-2003 to June 24, 2003 and it passed without objection.

10D2. Assembly Memorandum No. AM 486-2003, amendment No. 2 to contract with Safar Construction for **Midtown Park Access Improvements**, Denali Street to Loussac Library, Contract No. C-221143, Project No. 99-24A (\$255,000), Project Management & Engineering.

Mr. Tremaine moved, to approve AM 486-2003.
seconded by Ms. Fairclough,
and it passed without objection,

10D3. Assembly Memorandum No. AM 491-2003, change order No. 1 to purchase order No. 0000216162 for **TSAIA Terminal Expansion Landslide Civil Improvements PH II** (\$19,449.54), Anchorage Water and Wastewater Utility.

Mr. Sullivan moved, to approve AM 491-2003.
seconded by Mr. Kendall,

Mr. Sullivan moved, to amend AM 491-2003 to change "AIA" to "TSAIA" throughout the document to accurately reflect the name Ted Stevens Anchorage International Airport.
seconded by Mr. Kendall,
and it passed without objection,

Question was called on the motion to approve AM 491-2003 as amended and it passed without objection.

10D4. Assembly Memorandum No. AM 511-2003, **Tony Roma's (#4294)** – New Beverage Dispensary Duplicate Liquor License Permit (Campbell Park Community Council), Clerk's Office. **(addendum)**

Mr. Tesche moved, to approve AM 511-2003.
seconded by Ms. Taylor,

Mr. Coffey, representing Tony Roma's, said this issue was similar the issue previously addressed by the Assembly for Al's Alaskan Inn. He requested that the same action be taken.

Mr. Sullivan moved, to approve the duplicate license.
and it passed without objection,

Question was called on the motion to approve AM 511-2003 as amended and it passed without objection.

E. INFORMATION AND REPORTS

10E1. Information Memorandum No. AIM 57-2003, 2003 Annual Report – **Lobbyists**, Clerk's Office.

Ms. Von Gemmingen moved, to accept AIM 57-2003.
seconded by Ms. Fairclough,

In response to Ms. Von Gemmingen, Mr. Sullivan said he had asked the clerk to make a new list correcting the spelling of Mr. Gravo's name.

Ms. Fairclough moved, to substitute AIM 57-2003 for the new copy containing
seconded by Ms. Von Gemmingen, the corrected spelling of Mr. Gravo's name.
and it passed without objection,

Question was called on the motion to accept AIM 57-2003 as substitute and it passed without objection.

Mr. Tremaine discussed the definition of a lobbyist and suggested that the regulation should be reviewed.

Chairman Traini appointed Mr. Tremaine and Mr. Sullivan to a subcommittee to review the lobbyist ordinance and asked them to report back to the Assembly in 60 days.

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

10F1. Ordinance No. AO 2003-68, an ordinance amending Anchorage Municipal Code Titles 14, 21, 23, and 24 to provide for **dedication and improvement of public facilities** within and adjacent to certain types of development, Assemblymembers Fairclough, Shamborg, and Tremaine. P.H. 9-23-03.
a. Assembly Memorandum No. AM 505-2003.

Mr. Tremaine, Ms. Fairclough and Ms. Von Gemmingen joined in introducing AO 2003-68. The public hearing was scheduled for September 23, 2003.

Mr. Tremaine pointed out that based on the public testimony at the last meeting, he and Ms. Fairclough had introduced a motion to deal with site condos. AO 2003-68 was before the Planning and Zoning Committee and should be substituted for the title that was introduced at the last meeting.

10F2. Ordinance No. AO 2003-91, an ordinance of the Anchorage Municipal Assembly suspending implementation of AO 2003-32, relocation of **Department of Health and Human Services** and construction of new facility, pending ~~submission~~ approval of an economic study and business plan for that action to the Assembly, policy review of the proposed action by the new administration, and providing for an effective date, Assemblymember Tesche. P.H. 6-24-03. **(TO BE SUBMITTED)**

(Clerk's Note: This item discussed later in the meeting. See after Item 10F4.)

10F3. Resolution No. AR 2003-161, a resolution of the Municipality of Anchorage, Alaska, accepting and appropriating a State of Alaska Drinking Water Fund loan offer increase in the amount of \$255,000 for financing a portion of the costs of the **Disinfection Alternative Water Upgrades**, Anchorage Water and Wastewater Utility. P.H. 6-24-03.
a. Assembly Memorandum No. AM 493-2003.

Mr. Sullivan, Mr. Kendall and Mr. Tremaine joined in introducing AR 2003-161. The public hearing was scheduled for June 24, 2003.

In response to Mr. Sullivan, (AWWU, spokesman) said the disinfection alternative was a different and safer form of introducing chlorine into the water.

10F4. Resolution No. AR 2003-164, a resolution of the Municipality of Anchorage appropriating \$3,915,000 from the Equipment Maintenance Internal Service Area Operating Fund 601 Retained Earnings Unreserved Account to the Equipment Maintenance Internal Service Capital Fund 606 for the purpose of purchasing **vehicles and equipment**, Maintenance and Operations. P.H. 6-24-03.
a. Assembly Memorandum No. AM 496-2003.

Mr. Tremaine, Ms. Fairclough and Ms. Von Gemmingen joined in introducing AR 2003-164. The public hearing was scheduled for June 24, 2003.

Mr. Tremaine noted that when this issue was discussed he would be focusing on how much money would be left in the Equipment Maintenance Internal Service Area Operating Fund once this money was removed.

The Assembly then returned to Item 10F2, AO 2003-91.

10F2. Ordinance No. AO 2003-91, an ordinance of the Anchorage Municipal Assembly suspending implementation of AO 2003-32, relocation of **Department of Health and Human Services** and construction of new facility, pending ~~submission~~ approval of an economic study and business plan for that action to the Assembly, policy review of the proposed action by the new administration, and providing for an effective date, Assemblymember Tesche. P.H. 6-24-03. **(TO BE SUBMITTED)**

Mr. Tesche, Mr. Tremaine and Ms. Fairclough joined in introducing AO 2003-91 with the exception that “submission” be changed to “approval.” The public hearing was scheduled for June 24, 2003.

The Assembly then returned to Item 10B2.

10B2. Resolution No. AR 2003-179, a resolution of the Anchorage Municipal Assembly urging the Administration to suspend implementation of AO 2003-32, **relocation of Department of Health and Human Services** and construction of new facility, pending approval of business plan for the new facility by the Assembly and to allow a policy review of the proposed project by the new Administration, Assemblymember Tesche. **(LAID ON THE TABLE)**

Mr. Tesche moved, to approve AR 2003-179.
seconded by Mr. Tremaine,

Mr. Tesche discussed the request for proposal process on the construction of the City Health Department building in the U-Med district. Preliminary proposals had been made for phase one. Upon the Assembly’s request for a detailed economic analysis and five-year business plan, they received a one-page informational summary. The resolution asked the administration to suspend implementation of the ordinance and request for proposal pending Assembly approval of a complete business plan. The resolution would also allow the incoming administration to review the project. The proposed facility would double the usable space currently at 825 L Street, which should be reviewed.

Ms. Fairclough said the Health and Human Services building was falling down and the Assembly had agreed that it needed to be replaced nine months ago. The real issue was that the Assembly did not want to take action on the ordinance until Mayor-elect Mark Begich was in office.

In response to Mr. Tesche, Purchasing Officer Bart Mauldin discussed the request for proposal process. Step one selected the site, reviewed the contractors’ qualifications and financial information. The top three qualified sites and contractors would be selected from phase one and advanced into a phase two proposal. Phase two would deal with the detailed designs, site amenities and financial arrangements of the actual build to suit leased facility. They were currently at the end of phase one and prepared to go forward with phase two.

In response to Mayor Wuerch, Mr. Mauldin said a specific date had not been set under phase one. Upon completion of phase one, they hoped to have an AIM before the Assembly and then a phase two proposal immediately following. He was not sure what the developers had in terms of land security, but the Mental Land Trust was interested in offering one of the selected properties to the federal government for an archive facility if this project did not go forward.

In response to Ms. Fairclough, Mr. Mauldin said the Mental Land Trust anticipated that phase two of the request for proposal process would be completed by the end of July. He felt both the selected contractors would be willing to do the project even if it were postponed to July.

Mayor Wuerch noted that the Health and Human Services building at 825 L Street was failing and needed to be replaced. The two step proposal process had been utilized to advance the timeline between 12 and 18 months so the Assembly had the ability to decide on the award earlier than they would have otherwise. A two-week delay would not be fatal, but a longer delay might be due to the short construction season.

Health and Human Services Director Jewel Jones said the new facility would increase the available square footage, which would bring offsite programs, such as the Weatherization Program and the WIC Program, into the site as well as providing adequate parking. The facility would be privately owned and the paid taxes would go back into the municipal coffers to help defray the costs. The old building had continuing and escalating maintenance costs. As cuts came down from state agencies, Health and Human Services would continue to receive and increase the number of grants from the federal government. Each program allowed (us to) charge a reasonable amount of the grant to house the program. The sale of 825 L Street had been built into the equation. The largest new source of revenue was the opportunity for Medicaid reimbursements. If this building were available with additional clinics and space, there would be an opportunity to provide the public services required by Anchorage citizens and recoup the costs. The point of being in the U-Med district was to be closely located near the University of Alaska as well as Alaska Native Medical Hospital and Providence Hospital. They had discussed opportunities for sublease to agencies that were compatible, such as a Juvenile Assessment Center. They felt the additional space was necessary for future growth.

In response to Mr. Tesche, Ms. Jones said the sale price of \$5,000,000 on the financial projections for the old building at 825 L Street included the land.

Mr. Tremaine pointed out that most non-profit organizations did not have the money to rent class A office space.

In response to Mr. Sullivan, Mark Pfeiffer said a delay in the project would impact the contractor’s ability to respond to phase two of the request for proposal process. He felt a two-week delay would be manageable, but an extended delay would be more difficult to work around.

In response to Mr. Sullivan, Mr. Tesche said he needed time to review the complete financial package and the time delay would depend on how long it took the administration to submit the complete package.

In response to Mr. Sullivan, Mr. Frampton said a two-week delay would not adversely affect them, but longer delays could impact their ability to develop the property for other users.

Mayor Wuerch pointed out that Mr. Tesche was asking for a complete financial package, but phase two would determine the final cost of the project. Once the final prices were set, the project would come back before the Assembly for approval.

Question was called on the motion to approve AR 2003-179 and it passed.

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

NAYES: Fairclough, Kendall, Sullivan.

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

Chairman Traini changed the order of the day to take up Item 12, Appearance Requests.

12. APPEARANCE REQUESTS (SHALL BEGIN NO EARLIER THAN 6:00 P.M. AND NO LATER THAN 6:30 P.M.)

12A. **James Kingera**, regarding construction/use of Goose Lake Park; upcoming construction project.
(addendum)

JAMES KINGERA, owner and operator of Element Paintball, said they were presently providing a safe and supervised place for people to engage in paintball activities at Goose Lake Park. Parks and Recreation told them last month that their permit would be cut short to July 1, because the construction project building a ballpark and pavilion project, estimated at \$290,000, would be going forward. There were currently about 350 people that actively used the park for paintball purposes. Paintball was a \$3,000,000,000 to \$4,000,000,000 annual business in the United States, the fourth largest sport in the United States and the fastest growing sport in the world. Paintball was played worldwide with 26 colleges and universities having paintball teams. The sport would soon be televised and would become part of the Olympics in the next four to eight years. Several retailers said they would continue to sell paintball guns and it was up to the community to provide places for them to be used. Element Paintball had approached the Parks and Recreation Department about providing a designated area where safety could be taught and the children could play with their paintball guns. They were given the old snow dump at the back of Goose Lake Park, which they cleaned and maintain. He did not understand why the municipality was spending \$290,000 to build a ballpark and pavilion that they hoped to rent, while displacing a number of user groups. Element Paintball used the area on weekends and dog trainers and other people utilized the area during the week. There were a number of ballpark facility in the municipality that were currently not being utilized.

In response to Mr. Tremaine, Mr. Kingera said between 100 and 150 people utilized the paintball area on an average weekend.

Mr. Tremaine said John Rodda said the schedule might be extended to July 27 and they were considering moving the paintball area to the Hillside Ski area if that was agreeable.

In response to Mr. Tremaine, Mr. Kingera said they paid a usage fee of \$50 per season. They also cleaned and maintained the area.

In response to Mr. Tremaine, Parks and Beautification Acting Manager John Rodda said they hoped to find an alternative location for the paintball groups. The Hilltop area was large enough for multiple paintball groups. Since both paintball and skiing were seasonal sports, Hilltop would be an ideal location. They had been working on the Goose Lake expansion project for many years and had received many requests for expanded amenities at the park.

In response to Chairman Traini, Mr. Rodda said Park and Recreation would be happy to talk to Animal Control about the dog park situation.

12B. **Maria Vonkoehnen**, regarding snakes, crocodiles and alligators. (addendum)

MARIA VONKOEHNEN discussed dangerous animals that were sold within the Municipality of Anchorage. Burmese pythons, reticulated pythons, green and yellow anacondas, alligators and crocodiles were some of the most dangerous non-venomous animals. Anyone with enough money could purchase one of these animal from pet stores that did not provide accurate information on how large and aggressive these animals could become. The average Burmese python can be over 20 feet and weigh over 200 pounds. The anaconda could be 20 to 36 feet and weigh 300 to 550 pounds. The reticulated python could be over 30 feet long and weigh up to 250 pounds and was one of the few snakes known to hunt people even though they were too big to eat. Snakes were extremely aggressive and had been known to have to attack due to their aggressive nature. An 8-foot python smothered a 7-year-old girl in November of 1980. In 1982 a 21-month-old was killed. In California a 28-year-old man was strangled. In 1993 an 11-foot Burmese python killed a 15-year-old. In 1993 a 13-foot Burmese killed a 19-year-old. In 2002 a 10-foot Burmese killed a 9-year-old little girl in Pennsylvania. She asked the Assembly to ban the sale of these snakes within the Municipality of Anchorage.

In response to Chairman Traini, Ms. Vonkoehnen said she ran a rescue service for snakes and had 21 snakes in her home, 16 of which were rescued from one person on a single day.

In response to Mr. Tesche, Ms. Vonkoehnen said she had no documentation on snake attacks in Anchorage. Snakes could be aggressive towards anyone at any time. If snakes are hungry, disturbed or spooked, they lash out and bite. She had been bitten four times, but no one else in her home had been bitten. She fed the snakes mostly dead rats, but she had a 12-foot Burmese python that ate dead rabbits.

1 Mr. Tesche moved, to change the order of the day to take up
2 seconded by Ms. Fairclough, Items 11B and 11C.
3 and it passed without objection,
4

5 11B. Assembly Memorandum No. AM 467-2003, Request to remand Board of Adjustment Appeal
6 S-10811-3 **Grandview Subdivision** to Platting Board, Municipal Clerk.
7 (POSTPONED FROM 5-20-03)
8

9 Chairman Traini gave the history of AM 467-2003 and noted no motions were pending.
10

11 Ms. Fairclough moved, to remand AM 467-2003 back to the Platting Board.
12 seconded by Mr. Tesche,
13 and it passed without objection,
14

15 11C. Assembly Memorandum No. AM 469-2003, Request to file late verbatim transcript for Board of
16 Adjustment Appeal 2003-013 – Amendment to Conditional Use Permit for **Brother Francis**
17 **Shelter**, Municipal Clerk.
18 (POSTPONED FROM 5-20-03)
19

20 Chairman Traini gave the history of AM 469-2003 and noted no motions were pending.
21

22 Mr. Tesche moved, to approve AM 469-2003.
23 seconded by Ms. Taylor,
24

25 Municipal Attorney Bill Greene said he was acting on behalf of staff and not as counsel to the Board of
26 Adjustment. The staff opposed this request, because the applicant and the applicant's attorney should have
27 known that timely filing was required. Further delay would harm the interests of the municipality in building the
28 new Brother Francis Shelter.
29

30 Ms. Fairclough spoke against allowing additional testimony, because the appeal was not timely. Mr. Nangle and
31 Mr. Alleva had been before the Assembly on many occasions and knew the rules of an appeal.
32

33 Mr. Tesche pointed out that Mr. Greene was acting as an advocate to the staff, not legal counsel, in this matter.
34 He discussed how courts looked at procedural rules. More mature judges looked at these rules in terms of the
35 relative prejudice to the parties. Allowing the appeal to go forward would cause a delay of about 45 days. The
36 prejudice to the appellants would be that they could not now, or ever, bring issues before the Assembly on a
37 project that would impact their neighborhood for a hundred years. If you balance the harm to both parties, he felt
38 the parties should be allowed to pursue the appeal.
39

40 Ms. Fairclough said Mr. Alleva was a well-educated and well-spoken man who had been before the Assembly on
41 numerous occasions. Mr. Alleva had been opposed to this project for almost two years and exerted power to
42 delay the process at every opportunity. He has continued to exert efforts to stop the project, even outside of the
43 law, and she felt a judge would look at his particular actions. She felt this was just another delay tactic to stop the
44 project. The Assembly needed to let the project go forward and urged a no vote.
45

46 Mr. Tesche said the standard the court would apply would be abuse of discretion. His opinion as an attorney was
47 that the Municipality would be setting themselves up for appellate failure if they did not grant a procedural request
48 of this type, particularly in light of the lack of significant prejudice to the municipality or the opposing side. Simply
49 to punish somebody with the loss of their entire appellate right because they did not meet a deadline was an
50 abuse of discretion that the Assembly should avoid. If the issue went up on appeal, he would prefer that the issue
51 was judged on the its merits and not a procedural technicality. He urged the Assembly for grant the request.
52

53 Jewel Jones said the Brother Francis Shelter needed to move forward. The project had been before the
54 Assembly several times. The Cook Inlet Housing Authority was the project manager and they had a number of
55 priorities and pressures to utilize the dollars that had been committed to this project. Cook Inlet Housing Authority
56 would be the developer and would lease the facility back to Catholic Social Services. This would delay the project
57 another year and could jeopardize the funds. The current shelter had been a temporary shelter that had outlived
58 its usefulness.
59

60 Mr. Tremaine said it was the attorney's job to know the law and he felt no remorse in refusing to grant additional
61 time.
62

63 Ms. Von Gemmingen referenced the letter from the acting municipal clerk to the attorney, which said if the
64 appellant failed to file the transcript within 30 days of the filing of the notice of appeal then the appeal would be
65 automatically denied. The appeal was filed on March 14 and the verbatim transcript was due April 14, but had not
66 been received to date. Based on the dates in the letter, the request should be denied.
67

68 Chairman Traini said he would vote against AM 469-2003.
69

70 Larry Peterson, representing the appellant, said he filed a reply to the municipality's opposition, which he had
71 received Friday afternoon. The agency should have given a notice of deficiency and an opportunity to cure it.
72 They were ready, willing and able to complete the transcript and they wanted to go forward with the appeal.
73

74 In response to Ms. Fairclough, Mr. Peterson said he was of counsel to Mr. Nangle's firm. He had practiced law in
75 the Municipality of Anchorage for 20 years. He had brought appeals before the Planning and Zoning Commission
76 in the past and was familiar with the municipal code on appeals.
77

1 Question was called on the motion to approve AM 469-2003 and it failed.

2
3 AYES: Tesche.

4 NAYES: Whittle, Taylor, Von Gemmingen, Traini, Fairclough, Shamberg, Tremaine.

5
6 (Clerk's Note: Mr. Kendall and Mr. Sullivan were out of the room at the time of the vote.)

7
8 Chairman Traini changed the order of the day to take up Item 13, Continued Public Hearings.

9
10 **13. CONTINUED PUBLIC HEARINGS** (SHALL BEGIN NO EARLIER THAN 6:00 P.M.)

- 11 13A. Resolution No. AR 2003-110, a resolution of the Anchorage Municipal Assembly adopting
12 recommendations to be forwarded to the Anchorage Metropolitan Area Transportation Solutions
13 (AMATS) Policy Committee regarding the adoption of the **FFY 2004-2006 Transportation**
14 **Improvement Program** (TIP), Traffic Department.
15 1. Assembly Memorandum No. AM 391-2003.
16 (CONTINUED FROM 5-13-03 AND 5-20-03)

17
18 Chairman Traini noted that a work session had been set for AR 2003-110 for June 20, 2003.

19
20 In response to Mr. Tesche, Chairman Traini said he was not aware of a time deadline. The Anchorage
21 Metropolitan Area Transportation Solutions Policy Committee would meet on June 12, 2003 to make
22 recommendations.

23
24 Chairman Traini opened the public hearing and asked if anyone wished to speak. There was no one, and he
25 closed the public hearing.

26
27 Mr. Tesche moved, to continue public hearings on AR 2003-110 to
28 seconded by Ms. Taylor, June 24, 2003.
29 and it passed without objection,

- 30
31 13B. Ordinance No. AO 2003-81, an ordinance of the Anchorage Municipal Assembly amending the
32 zoning map and providing for the rezoning of approximately 0.262 acres from R-5 to B-3 SL for
33 **Moorehand Subdivision, Lot 20**, generally located at the northwest corner of Elim Street and
34 Abbott Road (Abbott Loop Community Council) (Planning and Zoning Commission Cased 2003-
35 015).
36 1. Information Memorandum No. AIM 47-2003.
37 (CONTINUED FROM 5-13-03)

38
39 Chairman Traini opened the public hearing and asked if anyone wished to speak.

40
41 DAVID JENSON testified in support of AO 2003-81.

42
43 In response to Chairman Traini, Mr. Jenson said he planned to open a pet photography studio in the location.

44
45 In response to Mr. Tesche, Mr. Jenson said he was not aware of any neighbors that opposed the development.
46 There were two individuals before the Planning and Zoning Commission who had concerns about any
47 development along the frontage road. After discussing the issue with them, one seemed ambivalent and the other
48 expressed general support. He had unsuccessfully tried to speak before the community council on a number of
49 occasions. At the January Planning and Zoning Commission meeting, one community council member spoke
50 against the project, but he was not aware if the Abbott Loop Community Council had passed a formal resolution
51 on the issue. The property was currently being used as a pet photography studio and he was not aware of any
52 complaints. He discussed some of the improvements made to the property.

53
54 In response to Mr. Tremaine, Mr. Jenson said he applied for B-3 as the only option that was offered to him, but
55 had originally requested R-O zoning. He would agree to any zoning that would allow him to conduct business in a
56 positive and proper manner.

57
58 Ms. Taylor noted that the landscaping that had been done to the property was very nice.

59
60 In response to Ms. Shamberg, Mr. Tremaine said R-O zoning could be residential and/or office, but it was not
61 mandatory that it be residential.

62
63 In response to Mr. Whittle, Mr. Jenson said they had added parking for the staff and patrons and did not anticipate
64 any on-street parking.

65
66 In response to Mr. Tesche, Mr. Jenson said he was not completely satisfied with the ordinance before the
67 Assembly. He and the neighbors would prefer R-O zoning.

68
69 Mayor Wuerch felt it would be a good idea to postpone AO 2003-81 for two weeks to allow time for the staff to
70 work on the issue. He was troubled that this was not consistent with the Anchorage 2020 Plan and would be spot
71 zoning.

72
73 In response to Mr. Tesche, Mr. Jenson said he would like the ordinance to go forward.

74
75 Chairman Traini asked if anyone else wished to speak. There was no one, and he closed the public hearing.

76

Ms. Shamberg moved, to approve AO 2003-81.
seconded by Mr. Tesche,

Ms. Shamberg noted that if the property were rezoned to B-3 and then sold, it could be used for purposes contrary to what the neighbors would be expecting. She felt it would be better to rezone the property as R-O.

Mr. Tremaine moved, to amend AO 2003-81, line 14, to change "B-3"
seconded by Ms. Taylor, to "R-O."

Mr. Tremaine said this would be inline with the envisioned town center concept, as well as the Assembly's previous action on a lot two blocks up. The only reason the applicant could not apply for R-O zoning was the size of the property and he recommended approval of the amendment.

Ms. Von Gemmingen spoke in favor of rezoning the property to R-O.

Ms. Fairclough supported the amendment to rezone the property to R-O, but also supported Mayor Wuerch in postponing AO 203-81 so Planning and Zoning could review the zoning in case there were special limitations that should be placed on the property because of its size.

In response to Ms. Von Gemmingen, Mr. Jenson said he had not had a pleasant relationship with (a particular individual) at the Planning and Zoning Commission, but was willing to have the issue go back before them at the Assembly's guidance.

Question was called on the motion to amend AO 2003-81 and it passed without objection.

Ms. Fairclough moved, to postpone AO 2003-81 to June 24, 2003 for staff
seconded by Mr. Sullivan, recommendations.

Ms. Taylor noted that Mr. Jenson had indicated that he had some problems with Planning and Zoning. He was a small businessman that had done a fabulous job of improving the property. She felt it was unnecessary to entrap him in bureaucracy that had been working against him. She urged a no vote on the postponement.

Mr. Tesche also urged a no vote on postponement for same reasons.

Ms. Fairclough said the Planning and Zoning Commission unanimously voted against AO 2003-81. She was sorry that bureaucracy had caused problems for the petitioner, but they were adding value to a piece of property without knowing the entire consequences of that action. She did not feel there was any harm in allowing staff review the issue.

In response to Mr. Sullivan, Deputy Municipal Attorney Dennis Wheeler read code 21.20.070, which said no zoning map could be amended if the lot was less than 1.75 acres, unless it expands or extends the boundary of the existing use district. The zoning map indicated that the lot was not adjacent to R-O zones, which raised the question of whether or not the Assembly could approve a zoning map amendment to R-O.

Ms. Fairclough felt it would be more appropriate to zone the property as B-3 with special limitations to remain in compliance with the code and the Comprehensive Plan.

Mr. Tremaine noted that two lots from this property was another property that had been approved as R-O by the Assembly. If the two lot owners in between wanted to go to R-O then they could extend the zoning, accomplishing several things, including extending the concept of the town center plan. He felt the Assembly needed to find a way to rezone the property R-O.

In response to Mr. Tesche, Ms. Sue Fison (Planning and Zoning) said the town center plan for this area had not been finalized. The area was still residential, but it was next to a major street with B-3 immediately across the street. She felt R-O would be more compatible with the area than B-3. The real concern was that the B-3 district allowed many things that were not compatible with a residential area. She felt a two-week postponement would be a good idea.

Mr. Tesche said what was before the Assembly was an ordinance, which should be placed on the same plane as the ordinance cited by the municipal attorney. While they could make technical arguments about what was in the code, and in the absence of any evidence that they would be challenged, he was comfortable with staying with the original idea of zoning this property R-O. He would vote against postponement.

Question was called on the motion to postpone AO 2003-81 and it failed.

AYES: Fairclough, Kendall, Tremaine, Sullivan.

NAYES: Tesche, Whittle, Taylor, Von Gemmingen, Traini, Shamberg.

Question was called on the motion to approve AO 2003-81 as amended and it passed.

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

NAYES: Fairclough, Kendall.

13C. Ordinance No. AO 2003-47, an ordinance of the Anchorage Municipal Assembly amending the Anchorage Municipal Code Title 21 by enacting a new Section 21.45.035 – **Accessory Dwelling Units**, Assemblymember Van Etten.

1. Assembly Memorandum No. AM 177-2003.

(CONTINUED FROM 5-13-03)

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

DAN COFFEY, speaking on behalf of the Planning and Zoning Commission, testified in support of AO 2003-47.

In response to Mr. Tesche, Mr. Coffey said the overlays would be permitted in any of the single-family zones. Under the overlay district ordinance, the minimum size of the district was two acres. A person that wanted to build an accessory dwelling unit on his 10,000 square foot lot, in a neighborhood of 10,000 square foot lots, would have to get enough of his neighbors to agree to make up the two-acre overlay district. After the overlay district was formed, the applicant would file an application for rezoning, which would go before the Planning and Zoning Commission and the Anchorage Assembly. The entire process would take between three and six months.

In response to Mr. Tesche, Mr. Coffey said AO 2003-47 was not inconsistent with the Comprehensive Plan. It was a question of where you wanted to put the burden. The Planning and Zoning Commission considered using the conditional use process, but rejected it. The policy and value judgment reached was that they wanted the ordinance to be more restrictive than permissive.

In response to Ms. Fairclough, Mr. Coffey said the Planning and Zoning Commission approved the ordinance unanimously at their last meeting.

ROGER SHAW, President of the Scenic Foothills Community Council, testified against the ordinance.

Ms. Fairclough moved, to postpone AO 2003-47 indefinitely.
seconded by Mr. Kendall,

Ms. Fairclough said, on advice of counsel, the new public hearing would have to be re-noticed for the amended document that would be coming forward from the Planning and Zoning Commission.

Deputy Municipal Attorney Dennis Wheeler said the Planning and Zoning Commission opened their public hearing on this ordinance and then closed it and asked staff to address the issue. There were substantial amendments made, none of which has had a public hearing. He advised the Assembly that the ordinance should be reintroduced and re-noticed since it would be substantially different.

In response to Mr. Tremaine, Mr. Wheeler said there was a range of amendments that could be made to an ordinance after the public hearing was closed. The question in land use cases was whether or not that required a new public hearing. He referenced the case of Griswold versus City of Homer where they addressed a rezone and then the Homer City Council added a special limitation. In that case, the court ruled that was a minor amendment and did not require re-noticing and rehearing, but left open the question as to whether something substantial would require reopening the public hearing. Given the substantial changes made to this ordinance, he advised the Assembly to re-notice the ordinance for public hearing.

Mr. Tremaine recommended continuing the public hearing with an S version of the ordinance before the Assembly and the public with sufficient time to allow for comments.

Mr. Sullivan pointed out that there was no guarantee that the Assembly would agree with the amendments made by the Planning and Zoning Commission and this document should remain before the Assembly. The Assembly could move the version of the ordinance they preferred at the next meeting. He did not support postponing the ordinance indefinitely, but felt it should be postponed until they had a chance to review the Planning and Zoning Commission's amendments.

Mr. Wheeler said a number of the Planning and Zoning Commission's changes included amendment to the title provisions, so the ordinance could not come before the Assembly as an S version.

Ms. Fairclough withdrew her motion to postpone AO 2003-47 indefinitely. She did not want people to testify if the Assembly knew that the ordinance would substantially change. Mr. Kendall withdrew his second of the motion.

SARAH WRIGHT, President of the Eagle River Valley Community Council, testified against the ordinance.

BRENDA SMART, President of the Spenard Community Council, testified against the ordinance.

REGINA MANTEUFEL testified against the ordinance as written.

In response to Mr. Tesche, Ms. Manteufel said there was a need for moderate priced housing in the Fairview neighborhood, but there was not enough available land. They needed to do something to provide more handicapped accessible housing and garages which are easy to convert. She was opposed to someone building an unattached second house on a lot.

DIANE ETTERAH, Chairman of the Tudor Community Council, testified against the ordinance.

Mr. Tremaine moved, to continue the public hearing on AO 2003-47
seconded by Mr. Tesche, to July 22, 2003.
and it passed without objection,

Ordinance No. AO 2003-97, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Title 21 by enacting a new Section 21.45.035 – **Accessory Dwelling Units** (ADUs); amending other sections therein; amending Chapter 14.60; and amending

Anchorage Municipal Code of Regulations Section 21.20.007; to permit and regulate ADUs, Assemblymember Tremaine. **(LAID ON THE TABLE) (TO BE SUBMITTED)**

Mr. Tremaine, Mr. Van Etten and Mr. Tesche joined in introducing AO 2003-97. The public hearing was scheduled for July 22, 2003.

Question was called on the motion to continue the public hearing on AO 2003-47 to July 22, 2003.

Chairman Traini changed the order of the day to take up Item 14, New Public Hearings.

- 14. NEW PUBLIC HEARINGS** (SHALL BEGIN NO EARLIER THAN 6:00 P.M. AND END NO LATER THAN 11:00 P.M.)
- 14A. Resolution No. AR 2003-138, a resolution approving a three-(3) year collective bargaining agreement between the Municipality of Anchorage and the **International Association of Machinists & Aerospace Workers, Inc.**, Local Lodge 1690, Employee Relations.
1. Assembly Memorandum No. AM 447-2003.

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

Mayor Wuerch moved, to approve AR 2003-138.
seconded by Ms. Fairclough,

Mayor Wuerch requested that this item be retroactive to June 2, 2003, because the Assembly did not have a meeting before that date.

Mayor Wuerch moved, to amend AR 2003-138, line 23, section 2, to change the
seconded by Ms. Fairclough, effective date (retroactively) to June 2, 2003.
and it passed without objection,

In response to Mr. Tesche, Debbie English said there were about 69-70 employees in the International Association of Machinists & Aerospace Workers Union. The four percent increase would be retroactive to June 2, 2003 per the amendment approved by the Assembly. The wage increases for the other unions were similar, except that of the Plumbers and Pipefitters Union. In the third year the Machinists & Aerospace Workers Union could either request a wage reopener in October to take the CPI-U (cost of living increase) or accept the CPU-U, with a maximum of three percent, in January of 2005. This proposed 3-year wage increase is similar to other unions.

In response to Mr. Tesche, Mayor Wuerch said it was incorrect to say that inflation adjustments were not included in the tax cap. The tax cap formula includes inflation, population growth, new capital investment in the city and voter approved debts. The tax cap formula would grow each year as long as those four factors were positive. There was nothing in the tax cap that spoke directly to labor contract increases, but inflation was calculated on the entire tax base. He viewed this as customary bargaining that produced a meaningful wage for valued workers.

In response to Ms. Fairclough, Ms. English said the vote for ratification of the contract was approximately two-thirds for the contract and one-third against.

In response to Mr. Tremaine, Ms. English said the four-percent increase would be effective upon ratification of the contract. There was a one-time \$900 bonus in January and another one time bonus of \$900 in July of 2004.

Mr. Tremaine noted that the FY04 increase of \$522,000, divided by 70 employees was approximately \$7,457 per person, which was significantly more than four percent plus \$1,800 for the two bonuses.

In response to Mr. Tremaine, Ms. English said the figures for the contract were prepared by an employee in the Public Transportation Department and approved by the internal auditor.

Mayor Wuerch noted that the \$522,000 total included the increased wages, bonuses and benefits, explaining the differences in total calculation figures. Ms. English noted the discrepancies also reflect service recognition, i.e.: longevity benefits increases.

In response to Mr. Tremaine, Ms. English said the union employees included mechanics, equipment servicemen, body and paint men, heavy equipment operators and welders, who are specialized and skilled employees.

In response to Mr. Tremaine, Mayor Wuerch said the administration would be happy to provide the Assembly with a spreadsheet to show how the increases were calculated.

Ms. Fairclough said at some point the city would have to face the concerns brought forward on continuing escalation in contract prices and how that affected the city and services delivered. This contract was negotiated in good faith with the bargaining unit and she urged a yes vote.

In response to Ms. Von Gemmingen, Mayor Wuerch said the Carpenters Union was the only contract still being negotiated. The Firefighters and the Police Union contracts were not due to be negotiated in his three-year term, and will expire December 31, 2003.

1 Question was called on the motion to approve AR 2003-138 as amended and it passed.

2
3 AYES: Von Gemmingen, Traini, Fairclough, Kendall, Shamberg, Tremaine, Sullivan, Tesche, Whittle, Taylor.
4 NAYES: None.

5
6 Mr. Tesche moved, for immediate reconsideration of AR 2003-138.
7 seconded by Ms. Von Gemmingen,
8 and it failed with no objections.
9

10 14B. Ordinance No. AO 2003-84, an ordinance of the Municipality of Anchorage authorizing the **lease**
11 **of the Municipality's interest in portions of City Hall** to Denali Alaskan Federal Credit Union
12 and to Alejandro Vargas, dba Kimberly's Café at market value, Real Estate Services.
13 1. Assembly Memorandum No. AM 445-2003.
14

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

17
18 Ms. Fairclough moved, to approve AO 2003-84.
19 seconded by Mr. Whittle,
20

21 Question was called on the motion to approve AO 2003-84 and it passed.

22
23 AYES: Traini, Fairclough, Kendall, Shamberg, Tremaine, Sullivan, Tesche, Whittle, Taylor, Von Gemmingen.
24 NAYES: None.
25

26 14C. Resolution No. AR 2003-156, a resolution of the Municipality of Anchorage appropriating
27 \$671,200 from the Chugiak, Birchwood, Eagle River Rural Road Service Area (CBERRRSA)
28 Fund Balance (Fund 119) to the CBERRRSA 2003 Operating Budget (Fund 119) for CBERRRSA
29 2003 **summer maintenance program**, Maintenance and Operations.
30 1. Assembly Memorandum No. AM 471-2003.
31

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

34
35 Ms. Fairclough moved, to approve AR 2003-156.
36 seconded by Mr. Kendall,
37

38 Question was called on the motion to approve AR 2003-156 and it passed.

39
40 AYES: Fairclough, Kendall, Shamberg, Tremaine, Sullivan, Tesche, Whittle, Taylor, Von Gemmingen, Traini.
41 NAYES: None.
42

43 14D. Resolution No. AR 2003-119, a resolution authorizing the Municipality of Anchorage to purchase,
44 Tract H-3A, Southport Tracts (pending re-plat) for the purpose of building a **new fire station in**
45 **South Anchorage**.
46 1. Assembly Memorandum No. AM 429-2003.
47

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

49
50 An Anchorage Fire Department official testified in support of the resolution and site-D selection for location.

51
52 In response to Mr. Tremaine, Ms. Bushue said this was the best location to serve all the residents in the area with
53 respect to response time. There were other alternatives, but they did not serve the different locations as well.
54

55 Mr. Tremaine pointed out that response time to some areas, including most of Bayshore, was over eight minutes,
56 which was unacceptable and would not change until a new fire station was built.
57

58 In response to Mr. Tremaine, Ms. Bushue said the two-acre parcel of land was part of a 26-acre parcel that was
59 originally owned by Carr Gottstein. The other 24 acres had been purchased by a developer. They met with the
60 developer to see what his plans were for the adjacent property, which included 8-plexes and duplexes. The
61 developer was concerned about having a fire station in that area in terms of siren noise, fire trucks and various
62 other issues, and did not offer to sell the Municipality additional property.
63

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

65
66 Mr. Kendall moved, to approve AR 2003-119.
67 seconded by Mr. Tremaine,
68

69 Mr. Tremaine said this area was under served and needed a fire station. The 26 acres of land was covered with
70 peat from three to five feet deep and has discontinuous permafrost. The fire station could be built with a shallow
71 foundation once the peat was removed, and indicates photographs he took of the site are on the Chairman's
72 computer. Site D was an open field with spoiled disposal on top of the peat. The 26-acre parcel was a planned
73 community development, owned by Carr Gottstein. The uses on the site were R-O and B-1-A. A fire station was
74 allowed in PLI or a planned community if you creatively read what is allowed. The fire station could be built
75 without rezoning. Of the 26 acres, four acres could be developed in R-O, B-1-A. The other 22 acres were to be
76 developed with no more than 10 dwelling units per acres. The developer bought 24 of the 26 acres. He bought
77 all 22 of the residential developable acres and two of the business developable acres. Within the past six or eight

1 months, the market place had valued the dirt at \$2.01 per square foot or less than \$100,000 an acre. An
2 appraisal was done by a reputable firm that compared the property to other I-1, B-3 and R-3 properties. They
3 found that comparable R-3 property was worth \$2.91 a square foot, the I-1 property was worth between \$8.21 and
4 \$16.47 per square foot and the B-3 was worth between \$15.75 to \$20.00 a square foot. The appraisers came up
5 with a value of \$7.50 a square foot for R-O, B-1-A. He did not feel this property was comparable to R-3, I-1 or B-
6 3. The Assembly was being asked to approve taxpayers' bond money for \$357,000 an acre for spoil covered
7 spruce, which may or may not have discontinuous permafrost under it. He did not feel this was responsible and
8 would vote no. He was sorry that it was the best choice, but it was the wrong price.

9
10 Ms. Shamberg was appalled at the price of land that is priced over \$300,000 an acre, which still requires quite a
11 bit of fill and remediation. She had a 2.5-acre lot with high, dry land that had a view for sale for a number of years
12 at under \$100,000 and had not sold it. She did not understand how they were expected to pay \$300,000 an acre
13 for this parcel of land.

14
15 Mayor Wuerch said comparable values were extremely important, which was why the administration had an
16 appraisal done. He asked Gladys Wilson and to speak and share her findings.

17
18 Gladys Wilson said the Municipality usually pays a high price for property, because they could not wheel and deal
19 like the public sector. The first step of the process was a site selection study. The appraiser addressed Mr.
20 Tremaine's concerns, which she would provide to the Assembly. Mr. Tremaine was concerned about soils,
21 comparables and the highest and best use of the property. She read the appraiser's response to Mr. Tremaine's
22 concerns. The appraisal utilized the Discovery Heights areas. Based on a conversation with the Municipal Fire
23 Department, it was the appraiser's understanding that the Dowl report had been based on the findings of the H4M
24 Corporation and the soils were taken into consideration. The second issue was the comparables. There was a
25 lack of comparable R-O and B-1-A two-acres tracts for comparison purposes, so they utilized B-3, I-1, R-3 and D-
26 2 zoned transactions in an effort to bracket the estimated unit value of the subject. They discussed the property
27 with several commercial realtors with regard to the soil conditions, locational amenities and potential highest and
28 best use. The appraiser concluded that a mixed-office use would be suitable for the two acres, which was the
29 only two acres within the planned community suitable for commercial development. He restricted the commercial
30 development to insurance, real estate and attorney offices, medical and dental offices and retail shops such as
31 specialty food shops, beauty salons, florists and perhaps an exercise center or spa. The appraiser felt that any of
32 those uses would be comparable to the surrounding developments and represented the highest and best use of
33 said property. The appraiser said the two acres represented the only commercially oriented tract within the 141-
34 acre Southport planned community. Mr. Peterson, who recently purchased the property from Carr Gottstein, said
35 that if the Fire Department did not purchase the property, he had no plans to acquire it, because he did not need it
36 for his development. The appraiser felt his estimate of the value was reasonable and well supported. The original
37 offer from Carr Gottstein was for \$8.50 per square foot. The appraisal was secured, because they felt the price
38 was very high. They were disappointed that the appraisal was not lower, but it was not.

39
40 Mr. Tremaine said of the 26 acres, four acres were allowed to be developed R-O, B-1-A. He questioned whether
41 Mr. Peterson gave up the rights to two of those acres when the land was subdivided. If the rights were not given
42 up by Mr. Peterson, he still had the right develop four of his acres on a first come, first serve basis. The concept
43 that the land would be commercial was germane to the value of the property. The appraisal was based on the
44 assumption that the land could be commercially developed and he questioned the basis of that assumption.

45
46 In response to Ms. Shamberg, Ms. Wilson said the municipal assessor would have assessed the property as a
47 larger parcel, not a subdivided parcel.

48
49 In response to Mr. Kendall, Ms. Wilson said the property was currently zoned P-C. According to the master plan,
50 it was slated to be a village center, and assumed that likely is the reason the aid property is commercially zoned
51 as it is.

52
53 In response to Mr. Kendall, Ms. Wilson thought the appraiser arrived at the higher price by considering this as
54 commercial property rather than multi-family.

55
56 Question was called on the motion to approve AO 2003-119 and it failed.

57
58 AYES: Sullivan, Whittle, Von Gemmingen, Kendall.

59 NAYES: Shamberg, Tremaine, Tesche, Taylor, Traini, Fairclough.

- 60
61 14E. Ordinance No. AO 2003-70, an ordinance authorizing the **sale of properties foreclosed** by the
62 Municipality for delinquent taxes and/or special assessments, Real Estate Services.
63 1. Assembly Memorandum No. AM 310-2003.
64

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

67
68 Mr. Tesche moved, to approve AO 2003-70.
69 seconded by Ms. Fairclough,
70

71 Question was called on the motion to approve AO 2003-70 and it passed, 9-0.

72
73 AYES: Tremaine, Sullivan, Tesche, Whittle, Taylor, Von Gemmingen, Traini, Fairclough, Shamberg.

74 NAYES: None.
75

Mr. Tesche moved, to change the order of the day to take up
seconded by Ms. Von Gemmingen, Items 14K, 14L and 14M with the public
and it passed without objection, hearings combined.

- 14K. Ordinance No. AO 2003-75, an ordinance amending Anchorage Municipal Code Chapter 2.40 related to **Community Council Redistricting**; including lengthening the interval of periodic comprehensive review of community council boundaries; providing wider notice and greater opportunity to participate in public hearing review; adding descriptions and maps of recognized community council districts, and amending a number of council district boundaries to better reflect present day neighborhoods, as recommended by the *Planning Council Redistricting Report And Recommendations*, dated December 9, 2002, Planning Department.
1. Assembly Memorandum No. AM 370-2003.
- 14L. Resolution No. AR 2003-136, a resolution of the Municipality of Anchorage acknowledging the Planning and Zoning Commission recommendation to **establish community councils for Midtown and Cheney Lake/Nunaka Valley**; and stating the intent to consider the recommended boundaries for Midtown and Cheney Lake/Nunaka Valley district as they appear on the *Community Council Redistricting Report and Recommendations*, dated December 9, 2002, Planning Department.
- 14M. Ordinance No. AO 2003-80, an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code Chapter 2.40 to approve and adopt **new community council boundaries**, increase the interval between boundary reviews, expand participation in public hearings, provide description and maps of the community council districts, create new community councils for Midtown and other locations, and to enact similar related and implementing amendments, Assemblymembers Fairclough, Tesche, and Tremaine. **(TO BE SUBMITTED)**

Mayor Wuerch questioned if the public hearing could be opened on AO 2003-80 (Ordinance 14M), because the public had not received a copy of the ordinance.

Mr. Tesche moved, to postpone AO 2003-80 indefinitely.
seconded by Ms. Fairclough,
and it passed without objection,

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

RANDY SMITH, Mt. View Community Council, testified against the ordinance.

In response to Mr. Tesche, Mr. Smith said the Mt. View Community Council did not want to change their northern boundary. They wanted to add the Lion's Park and Davis Park to the east side of their boundary. They wanted to extend to the intersection of the Glenn Highway and Boniface, westward to where it turned into 5th Avenue, up to Gambell with the understanding that would be as far west as the Downtown Community Council wanted to go with their boundaries. They wanted to draw a straight line to Ship Creek using Ship Creek as the northern boundary clear to Elmendorf, using the Elmendorf southern fence as their northern boundary. The Mountain View Community Council disagrees that Merrill Field should be placed in any community council area. They feel Merrill Field should be a joint oversight of the surrounding community council areas, which would be Airport Heights, Fairview, Downtown, Mt. View and Russian Jack. That particular facility and infrastructure affected all of the surrounding community councils. Mt. View was part of Merrill Field's runway fly zone and crash zone.

In response to Mr. Tremaine, Mr. Smith said if Merrill Field were split, the Mt. View Community Council did not want a piece of it. Merrill Field should be kept intact.

In response to Mr. Whittle, Mr. Smith of the Mt. View Community Council said the Planning and Zoning Commission had not paid any attention to the feelings of the community councils. Planning and Zoning took away one of their largest industrial areas, which they had represented from the beginning. They patrolled the area continually and had a very close working relationship with those businesses through the Community Patrol, an iatrical part of the Mt. View Community Council.

TONI JONES and DAN COFFEY, of the Planning and Zoning Commission testified in support of the ordinance. Ms. Jones explained the overall P&Z process that was utilized in the community council redistricting.

In response to Mr. Kendall, Mr. Coffey said Merrill Field had an advisory committee, which was composed of members of the various community councils. Merrill Field had impacts that went beyond the specific geographic areas and should respond to all of the adjacent community councils and not be split up between them.

In response to Mr. Kendall, Ms. Jones said the Planning and Zoning Commission received and considered input from community councils on issues that were outside of their boundary that could potentially have an impact on their areas.

MARGARET AUTH, member of the Spenard Community Council, testified against the ordinance.

In response to Mr. Kendall, Ms. Auth discussed the proposed boundary changes to the Spenard area and the formation of the Midtown Community Council. The Spenard Community Council was concerned about the low residential density and felt it would be overwhelmed by the number of businesses that had differing opinions on what was best for the community.

In response to Mr. Whittle, Ms. Auth said they were concerned about the Spenard Lake Park and felt that the Spenard Community Council should have some input into its development.

1 KATHLEEN PLUNKETT, President of the Russian Jack Community Council, and also a member of the Boundary
2 Review Committee, testified against the ordinance.

3
4 ROBERT AUTH, Vice Chair of the Spenard Community Council, testified against the ordinance.

5
6 BILL WICHOWSKI, President of the Northeast Community Council, testified against the ordinance.

7
8 In response to Ms. Taylor on how the Northeast Community Council responded to issues, Mr. Wichowski said the
9 community council often dealt with issues of importance through committees. Under their bylaws, the chairman,
10 the board and the body could establish committees.

11
12 In response to Mr. Whittle, Mr. Wichowski felt it was possible for their community council to handle the issues that
13 came up. They had a large community council, but they were successful in moving issues out to the committees.

14
15 COLETTE GRABENAY, Northeast Community Council, testified against the ordinance.

16
17 In response to Ms. Taylor, Ms. Grabenay said she had been active in the Northeast Community Council since
18 1999, starting with the Cheney Lake issue. The council members were very responsive to the district's concerns.
19 She felt this was the wrong time to divide the community council, because they were working on the town center
20 and eastside transportation study issues. The Northeast Community Council has collected over 300 signatures
21 from residents in the district opposing the ordinance. Ms. Grabenay said she might support it in the future, but
22 current issues were too volatile.

23
24 DAVID CALISHMAN, Northeast Community Council, testified against the ordinance.

25
26 MARIE HALVERSON, Northeast Community Council, testified against the ordinance.

27
28 LORI NELSON, 30-year resident in Northeast district, testified against the ordinance.

29
30 SUZANNE CAMELOS, Rabbit Creek Community Council, testified against the ordinance.

31
32 In response to Mr. Tremaine, there was an extensive conversation regarding the proposed redistricting maps.

33
34 DAN COFFEY provided a package on the proposed, new Midtown Community Council. He commended the
35 Spenard Community Council for doing a fine job, but they had a very large district and their main interests were
36 focused on Spenard Road, the Airport, International and the area west of Arctic Boulevard.

37
38 In response to Chairman Traini, Mr. Coffey discussed the proposed boundaries for the Midtown Community
39 Council.

40
41 In response to Mr. Kendall, Mr. Coffey said the model the proposed Midtown Community Council would use would
42 be that of the Spenard Community Council.

43
44 SAM ROSE, President of the North Star Community Council, testified against the ordinance.

45
46 SARA WRIGHT, of the Eagle River Valley Community Council, testified against the ordinance.

47
48 DICK ARMSTRONG, member of the Merrill Field Airport Advisory Commission, felt Merrill Field should remain as
49 a separate area run by the Merrill Field Airport Advisory Commission.

50
51 ALLEN KEMPLER, Vice President of Fairview Community Council, testified against the ordinance.

52
53 In response to Ms. Von Gemmingen, Mr. Kempler said he was speaking on behalf of himself even though as a
54 member of the community council's boundary committee, he had spent many hours working on the boundary
55 issue. The president of the Fairview Community Council would be speaking on behalf of the council later in the
56 meeting.

57
58 In response to Mr. Tesche, Mr. Kempler did not feel the Central Lutheran Church area should be put in the South
59 Addition. Comments received from the executive director of AWAIC, as well as the membership and the pastor of
60 the Central Lutheran Church, expressed their desire to remain in the Fairview Community Council.

61
62 DARYL HESS, President of the Fairview Community Council, testified against the ordinance.

63
64 MARY JO ROBINSON, of the North Star Community Council, testified against the ordinance.

65
66 REGINA MANTEUFEL, former Beautification Director of the Fairview Community Council, testified against the
67 ordinance.

68
69 JENNIFER HALBECK, Northeast Community Council, presented a petition and testified against the ordinance.

70
71 In response to Ms. Taylor, Ms. Halbeck said the names that she collected on the petition were people who were
72 currently in the Northeast Community Council area and did not want to be removed. She had served on the Parks
73 Committee for the Northeast Community Council and dealt with the Nunaka Park and Cheney Lake issues.

74
75 In response to Mr. Whittle, Ms. Halbeck felt she had a strong voice through the Northeast Community Council.

76
77 TIM SULLIVAN, Program Coordinator for Weed and Seed East Anchorage, testified against the ordinance.

In response to Ms. Taylor, Mr. Sullivan said the process to get the Weed and Seed designation took about a year.

In response to Mr. Sullivan, Mr. Sullivan said the proposed new community council had been very vocal in their opposition to the new Creekside Town Center. He did not know if they would be interested in being part of the Weed and Seed Program.

Mr. Tremaine moved, to extend the meeting to 12:00 midnight to complete
seconded by Ms. Von Gemmingen, public testimony on AO 2003-75 and AO 2003-136.
and it passed without objection,

AINSLEY PHILLIPS, of the Northeast Community Council, testified against the ordinance on behalf of the Nunaka Valley Community Patrol and the Northeast Community Patrol.

BOBBY WELLS, of the Birchwood Community Council, testified against the ordinance.

BILL BREDESON, on behalf of the Spenard Community Council and the Alano Club of Fairview, testified against the ordinance.

LORI JOHNSTON, of the Northeast Community Council, testified in support of the ordinance.

In response to Mr. Sullivan, Ms. Johnston said the Northeast Community Council represented 23,351 people in 1996, compared to a citywide average of 6,000 per district.

In response to Mr. Sullivan, Chairman Traini said approval of the ordinance would not create new community councils, but would allow the process for new community councils to come forward.

WENDY MURKOWSKI, representing Eklutna Native Corporation, testified in support of the ordinance, with the exception that the Powder Reserve be annexed into the Eagle River Community Council versus the Birchwood Community Council.

PAT REDMOND, of the Land Use Chairman of the League of Women Voters and Turnagain Community Council, testified against the ordinance.

KATHY GLEASON, of the Turnagain Community Council, testified against the ordinance.

BARBARA SMART, with a business in the Spenard Community Council, and a resident in the North Star district testified against the ordinance.

MICHAEL G. MITCHELL, of the North Star Community Council, testified in support the ordinance.

In response to Ms. Von Gemmingen, Mr. Mitchell felt Chilkook Charlie's should remain in the Spenard Community Council.

BONNIE HARRIS, of the Cordova Street neighborhood, testified in support of the ordinance.

In response to Mr. Tesche, Ms. Harris said everyone in Cordova neighborhood had signed the petition, with the exception of one person who considered herself a snowbird. The area south of 13th Avenue was an important part of the Cordova neighborhood and 18 of the people who signed the petition lived in that area. She felt the area that included the Central Lutheran Church was isolated from Fairview proper. Other churches' outreach activities did not seem to be impaired by not being in the same community council as their target group. The activities of the former pastor of Central Lutheran Church tied in with the Cordova neighborhood's local effort, which was independent of the Fairview Community Council effort. The church had an after school program in the Fairview area, but the Fairview Elementary School had an after school program as well.

HARRIET DRUMMOND, of the North Star Community Council, testified in support of the ordinance.

LAURIE BODKER, of the Cordova neighborhood, testified in support of the ordinance.

In response to Mr. Tesche, Ms. Boker felt the Central Lutheran Church was located within the Cordova neighborhood. She did not feel that the drawing of the new boundary lines would affect the church's ability to do outreach in the Fairview area.

BARBARA PENTAK, North Star Community Council, testified in support of the ordinance.

STUART HALL, of the Fairview Community Council Boundary Review Committee, introduced the members of the committee. He spoke in support of the ordinance and noted amendments which would be proposed to address the concerns expressed. As a recognized community council, Girdwood needed a separate subsection in the ordinance recognizing their Board of Supervisors.

In response to Mr. Sullivan, Mr. Hall said the committee recommended that the West 9th Avenue boundary between the South Addition and Downtown be extended all the way out to the water. He felt the Central Lutheran Church was a social service agency that served the entire community and saw nothing preventing them from reaching out to any neighborhood. They recommended that the boundary be extended down Cordova Street to 16th Avenue and over to A Street, which would be a more contiguous and compact boundary for the South Addition.

BRENDA SMART, of the Spenard Community Council, testified against the ordinance.

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

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS

- 11A. **NOTICE OF RECONSIDERATION:** Information Memorandum No. AIM 51-2003, waiver of formal procedures for turnkey design, construction and lease of a new consolidated **Department of Health and Human Services facility** for the Municipality of Anchorage, Department of Health and Human Services (RFP 23-P011), Purchasing.
(FAILED 5-20-03; RECONSIDERATION WAS ENTERED ON THE MINUTES BY MS. FAIRCLOUGH 5-20-03)

(Clerk's Note: This item carried over to 6-24-2003.)

- 11B. Assembly Memorandum No. AM 467-2003, Request to remand Board of Adjustment Appeal S-10811-3 **Grandview Subdivision** to Platting Board, Municipal Clerk.
(POSTPONED FROM 5-20-03)

(Clerk's Note: This item discussed earlier in the meeting. See after Item 10F4.)

- 11C. Assembly Memorandum No. AM 469-2003, Request to file late verbatim transcript for Board of Adjustment Appeal 2003-013 – Amendment to Conditional Use Permit for **Brother Francis Shelter**, Municipal Clerk.
(POSTPONED FROM 5-20-03)

(Clerk's Note: This item discussed earlier in the meeting. See after Item 10F4.)

- 11D. Resolution No. AR 2003-139, a resolution of the Anchorage Municipal Assembly opposing the transfer of **Workforce Investment Act programs** to the State of Alaska, Department of Labor and Workforce Development, Assemblymembers Traini and Tesche.
(POSTPONED FROM 5-13-03 AND 5-20-03)

(Clerk's Note: This item carried over to 6-24-2003.)

- 11E. Resolution No. AR 2003-152, a resolution of the Anchorage Municipal Assembly supporting the implementation of a **global marketing/public relations campaign** aimed at select industries, markets and corporate decision makers by the Anchorage Economic Development Corporation (hereafter "AEDC"), and appropriating \$75,000 from the Areawide General Fund (101) Balance to the Mayor's Office to be used as a matching grant to AEDC to begin that effort, Assemblymembers Whittle and Traini.
1. Assembly Memorandum No. AM 458-2003.
(POSTPONED FROM 5-20-03)

(Clerk's Note: This item carried over to 6-24-2003.)

- 11F. Ordinance No. AO 2003-57(S-1), an ordinance of the Anchorage Municipal Assembly enacting a new Chapter 24.35 establishing public safety requirements for **soliciting business or contributions** and prohibiting the distribution of literature from within street or highway rights-of-way, Assemblymember Sullivan.
(AMENDED & POSTPONED FROM 5-13-03)

(Clerk's Note: This item carried over to 6-24-2003.)

- 11G. Resolution No. AR 2003-144, a resolution of the Anchorage Assembly recognizing and encouraging residents to contribute to charitable organizations that assist the needy, discouraging gifts of pocket change to panhandlers, and requesting the Anchorage Police Department to enforce existing laws which forbid **street solicitation** or activities of pedestrians which unduly distract drivers, Assemblymember Tesche and Sullivan.
(CARRIED OVER FROM 5-13-03)

(Clerk's Note: This item carried over to 6-24-2003.)

12. APPEARANCE REQUESTS (SHALL BEGIN NO EARLIER THAN 6:00 P.M. AND NO LATER THAN 6:30 P.M.)

- 12A. **James Kingera**, regarding construction/use of Goose Lake Park; upcoming construction project. **(addendum)**

(Clerk's Note: This item addressed earlier in the meeting. See after Item 10F4.)

- 12B. **Maria Vonkoehnen**, regarding snakes, crocodiles and alligators. **(addendum)**

(Clerk's Note: This item addressed earlier in the meeting. See after Item 10F4.)

13. CONTINUED PUBLIC HEARINGS (SHALL BEGIN NO EARLIER THAN 6:00 P.M.)

- 13A. Resolution No. AR 2003-110, a resolution of the Anchorage Municipal Assembly adopting recommendations to be forwarded to the Anchorage Metropolitan Area Transportation Solutions (AMATS) Policy Committee regarding the adoption of the **FFY 2004-2006 Transportation Improvement Program (TIP)**, Traffic Department.
1. Assembly Memorandum No. AM 391-2003.

(CONTINUED FROM 5-13-03 AND 5-20-03)

(Clerk's Note: This item addressed earlier in the meeting. See after Item 10F4.)

- 13B. Ordinance No. AO 2003-81, an ordinance of the Anchorage Municipal Assembly amending the zoning map and providing for the rezoning of approximately 0.262 acres from R-5 to B-3 SL for **Moorehand Subdivision, Lot 20**, generally located at the northwest corner of Elim Street and Abbott Road (Abbott Loop Community Council) (Planning and Zoning Commission Cased 2003-015).
1. Information Memorandum No. AIM 47-2003.
(CONTINUED FROM 5-13-03)

(Clerk's Note: This item addressed earlier in the meeting. See after Item 10F4.)

- 13C. Ordinance No. AO 2003-47, an ordinance of the Anchorage Municipal Assembly amending the Anchorage Municipal Code Title 21 by enacting a new Section 21.45.035 – **Accessory Dwelling Units**, Assemblymember Van Etten.
1. Assembly Memorandum No. AM 177-2003.
(CONTINUED FROM 5-13-03)

(Clerk's Note: This item addressed earlier in the meeting. See after Item 10F4.)

14. NEW PUBLIC HEARINGS (SHALL BEGIN NO EARLIER THAN 6:00 P.M. AND END NO LATER THAN 11:00 P.M.)

- 14A. Resolution No. AR 2003-138, a resolution approving a three-(3) year collective bargaining agreement between the Municipality of Anchorage and the **International Association of Machinists & Aerospace Workers, Inc.**, Local Lodge 1690, Employee Relations.
1. Assembly Memorandum No. AM 447-2003.

(Clerk's Note: This item addressed earlier in the meeting. See after Item 13C.)

- 14B. Ordinance No. AO 2003-84, an ordinance of the Municipality of Anchorage authorizing the **lease of the Municipality's interest in portions of City Hall** to Denali Alaskan Federal Credit Union and to Alejandro Vargas, dba Kimberly's Café at market value, Real Estate Services.
1. Assembly Memorandum No. AM 445-2003.

(Clerk's Note: This item addressed earlier in the meeting. See after Item 13C.)

- 14C. Resolution No. AR 2003-156, a resolution of the Municipality of Anchorage appropriating \$671,200 from the Chugiak, Birchwood, Eagle River Rural Road Service Area (CBERRRSA) Fund Balance (Fund 119) to the CBERRRSA 2003 Operating Budget (Fund 119) for CBERRRSA 2003 **summer maintenance program**, Maintenance and Operations.
1. Assembly Memorandum No. AM 471-2003.

(Clerk's Note: This item addressed earlier in the meeting. See after Item 13C.)

- 14D. Resolution No. AR 2003-119, a resolution authorizing the Municipality of Anchorage to purchase, Tract H-3A, Southport Tracts (pending re-plat) for the purpose of building a **new fire station in South Anchorage**, Real Estate Services.
1. Assembly Memorandum No. AM 429-2003.

(Clerk's Note: This item addressed earlier in the meeting. See after Item 13C.)

- 14E. Ordinance No. AO 2003-70, an ordinance authorizing the **sale of properties foreclosed** by the Municipality for delinquent taxes and/or special assessments, Real Estate Services.
1. Assembly Memorandum No. AM 310-2003.

(Clerk's Note: This item addressed earlier in the meeting. See after Item 13C.)

- 14F. Ordinance No. AO 2003-85, an ordinance amending the **Anchorage Food Code** Chapter 16.60 of the Anchorage Municipal Code and providing for consistency with State regulations requiring cooling and cold holding at 41°F or below, fee adjustment for temporary and seasonal facilities, caterer notice requirements, addition of time as a food safety control measure and clarifying verbiage, Health and Human Services.
1. Assembly Memorandum No. AM 407-2003.

(Clerk's Note: This item carried over to 6-24-2003.)

- 14G. Ordinance No. AO 2003-88, an ordinance amending the Anchorage Municipal Code to protect the **public health and safety** by enacting provisions providing authority for the Municipal Medical Officer and the Mayor to issue orders regarding the examination, treatment, isolation, quarantine, transportation and housing of persons having or suspected of having infectious diseases and providing for standards, procedures, regulations, penalties and review pertaining thereto.
(TO BE SUBMITTED)

(Clerk's Note: This item carried over to 6-24-2003.)

- 14H. Ordinance No. AO 2003-56, an ordinance amending Anchorage Municipal Code Subsection 21.45.245B to exempt **teen nightclubs** and underage dances from the 300 foot location restriction, Assembly Chair Traini.
1. Assembly Memorandum No. AM 478-2003, AO 2003-56; Planning and Zoning Commission recommendation on an ordinance amendment to exempt teen nightclubs and underage dances from the 300-foot location restrictions for unlicensed nightclubs, Planning Department. (**addendum**)

(Clerk's Note: This item carried over to 6-24-2003.)

- 14I. Ordinance No. AO 2003-54, an ordinance of the Anchorage Municipal Assembly adopting an amendment to the Official Streets and Highways Plan (OS&HP), an element of the Anchorage Bowl Comprehensive Plan (AMC 21.05.030E), to redesignate **Karluk Street**, between East Fifth Avenue and East Fifteen Avenue, from a Class 1 Residential Collector to a Class 1C Neighborhood Collector, Assemblymember Tesche.
1. Assembly Memorandum No. AM 196-2003.
2. Information Memorandum No. AIM 28-2003.

(Clerk's Note: This item carried over to 6-24-2003.)

- 14J. Ordinance No. AO 2003-52, an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code Subsection 21.15.005.E. requiring that the Department of Community Planning and Development provide **notice of public hearing** by mailing to property owners within 1,000 feet of land subject to an application for variances, conditional uses, subdivision approval, and other special land use permits, Assemblymembers Taylor, Shamberg, Van Etten, Whittle, Sullivan, Tesche, Traini, and Fairclough.
1. Assembly Memorandum No. AM 175-2003.
2. Assembly Memorandum No. AM 492-2003, Planning and Zoning Commission recommendation concerning AO 2003-52; amending AMC 21.15.005.E to require notice of mailing to property owners within 1,000 feet of land subject to an application for variances, conditional uses, subdivision approval, and other special land use permits, Planning Department. (**addendum**)

(Clerk's Note: This item carried over to 6-24-2003.)

- 14K. Ordinance No. AO 2003-75, an ordinance amending Anchorage Municipal Code Chapter 2.40 related to **Community Council Redistricting**; including lengthening the interval of periodic comprehensive review of community council boundaries; providing wider notice and greater opportunity to participate in public hearing review; adding descriptions and maps of recognized community council districts, and amending a number of council district boundaries to better reflect present day neighborhoods, as recommended by the *Community Council Redistricting Report And Recommendations*, dated December 9, 2002, Planning Department.
1. Assembly Memorandum No. AM 370-2003.

(Clerk's Note: This item addressed earlier in the meeting. See after Item 13C.)

- 14L. Resolution No. AR 2003-136, a resolution of the Anchorage Assembly acknowledging the Planning and Zoning Commission recommendation to **establish community councils for Midtown and Cheney Lake/Nunaka Valley**; and stating the intent to consider the recommended boundaries for Midtown and Cheney Lake/Nunaka Valley district as they appear on the *Community Council Redistricting Report and Recommendations*, dated December 9, 2002, Planning Department.

(Clerk's Note: This item addressed earlier in the meeting. See after Item 13C.)

- 14M. Ordinance No. AO 2003-80, an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code Chapter 2.40 to approve and adopt **new community council boundaries**, increase the interval between boundary reviews, expand participation in public hearings, provide description and maps of the community council districts, create new community councils for Midtown and other locations, and to enact similar related and implementing amendments, Assemblymembers Fairclough, Tesche, and Tremaine. (**TO BE SUBMITTED**)

(Clerk's Note: This item addressed earlier in the meeting. See after Item 13C.)

- 14N. Ordinance No. AO 2003-89, an ordinance amending the Anchorage Municipal Code Title 12 sections relating to the **Board of Equalization** and specified processes, procedures and requirements applicable to appeals of assessed valuations of property for tax purposes to provide for multiple panels of the Board of Equalization consisting of five members with a four member quorum; compensation of the members of the Board of Equalization; the required submission of evidence by property owners; and the confidentiality of specified evidence of commercial property values affecting confidentiality. (**TO BE SUBMITTED**)

(Clerk's Note: This item carried over to 6-24-2003.)

15. **BOARD OF ADJUSTMENT/ASSEMBLY APPEALS** None.

16. **SPECIAL ORDERS**

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- A. **Veto Override**
161. Resolution No. AR 2003-159, a resolution of the Anchorage Municipal Assembly requesting further information and review regarding **site costs and the availability of municipal sites**, including 3500 Tudor, for use in connection with the new facility for the Department of Health and Human Services, Assemblymembers Tesche, Traini. (APPROVED 5-20-03; IMMEDIATE RECONSIDERATION FAILED 5-20-03; VETOED 5-27-03; POSTPONED ACTION FROM 6-3-03 *SPECIAL MEETING*)

9

(Clerk's Note: This item carried over to 6-24-2003.)

- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 16B. Ordinance No. AO 2003-97, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Title 21 by enacting a new Section 21.45.035 – **Accessory Dwelling Units** (ADUs); amending other sections therein; amending Chapter 14.60; and amending Anchorage Municipal Code of Regulations Section 21.20.007; to permit and regulate ADUs, Assemblymember Tremaine. **(LAID ON THE TABLE) (TO BE SUBMITTED)**

18

(Clerk's Note: This item addressed earlier in the meeting. See after Item 13C.)

- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
17. **UNFINISHED AGENDA** None.
18. **AUDIENCE PARTICIPATION** None.
19. **ASSEMBLY COMMENTS** None.
20. **EXECUTIVE SESSIONS** None.
21. **ADJOURNMENT**

30

31

32

33

Mr. Tremaine moved, to adjourn the meeting.
seconded by Ms. Von Gemmingen,
and it passed without objection.

34

The meeting adjourned at 11:52 p.m.

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

57

58

59

Chairman

ATTEST:

51

52

53

Municipal Clerk
BARBARA GRUENSTEIN

54

Date Minutes Approved: October 7, 2003.

55

56

57

58

59

LH:KRON:MFC