

MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

Assembly Chambers, Z. J. Loussac Library
3600 Denali Street, Anchorage, Alaska

Minutes for Regular Meeting of May 13, 2003

1. CALL TO ORDER

The meeting was convened at 5:00 p.m. by Chair Traini in the Assembly Chambers of the Loussac Library, Room 108.

2. ROLL CALL

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

ABSENT: None. *(Clerk's Note: Allan Tesche left the meeting early and was an excused absence.)*

3. PLEDGE OF ALLEGIANCE

Chief Fiscal Officer Kate Giard led the pledge.

4. MINUTES OF PREVIOUS MEETING None.

5. MAYOR'S REPORT

Mayor Wuerch presented Chair Traini and Ms. Taylor with letters and pins commemorating their fifth anniversary as municipal employees.

The Mayor announced that Chief Fiscal Officer Kate Giard had been appointed as the new Commissioner of the Regulatory Commission of Alaska, by the Governor. Ms. Kate Giard thanked the Administration and the Assembly for the opportunity to serve as the Municipal Chief Fiscal Officer for the last three years.

Mayor Wuerch recognized the new appointments of Mr. Stephen Pratt to the Municipal Light and Power Commission and Ms. Mary Fairbanks to the Municipal Public Transit Advisory Board.

6. ASSEMBLY CHAIR'S REPORT

Chair Traini reported on the Vision Anchorage luncheon, which was a good kickoff for Anchorage as the city headed towards a bright economic future that ensured employment opportunities for future generations.

7. COMMITTEE REPORTS

Ms. Von Gemmingen reported on her trip to Juneau. A sales tax had been proposed at a straight three-percent rate rather than seasonally fluctuating. She had worked to ensure that health care and prescriptions were not taxed, which she felt was a significant issue for Anchorage since it was the health care capital of Alaska. She also worked to ensure that taxes were not imposed on childcare. The Alaska Municipal League did not support a sales tax, but they wanted to work in partnership with the Legislature to ensure things adjusted smoothly if a sales tax was imposed.

Chair Traini discussed the work that had been done in previous years on a proposed sales tax. He felt that food at the grocery store level should not be taxed.

8. ADDENDUM TO AGENDA

Chair Traini read the Addendum items. He then called for additional Addendum items. Two items were Laid on the Table, AR 2003-146 and AR 2003-149, to which Chair Traini assigned Agenda Number 9.B.17 and 9.B.18, respectively. He then called for a motion to incorporate Addendum items into the Regular Agenda.

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

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

NAYES: None.

Chair Traini called for a motion on the Consent Agenda.

Mr. Tesche moved, to approve the Consent Agenda.
Mr. Sullivan seconded,

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

9. CONSENT AGENDA

9.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

- 9.A.1. Resolution No. AR 2003-113, a resolution of the Anchorage Municipal Assembly honoring the **Anchorage Waterways Council**, Assemblymember Van Etten.

Mr. Tremaine requested this item be pulled for review on the Regular Agenda. (*See Item 10.A.1*)

- 9.A.2 Resolution No. AR 2003-129, a resolution of the Anchorage Municipal Assembly recognizing and thanking the **Municipal Clerk and Staff, the Election Commission, and the Data Processing Board** for exceptional performance during the April 2003 Regular Election, Assemblymembers Traini, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Tremaine, Van Etten, Von Gemmingen and Whittle.

Ms. Taylor requested this item be pulled for review on the Regular Agenda. (*See Item 10.A.2*)

- 9.A.3 Resolution No. AR 2003-130, a resolution of the Anchorage Municipal Assembly commending and thanking **Don Bismaier and Diebold Election Systems, Inc.** for the outstanding contract performance and customer support during the past two municipal elections, Assemblymembers Traini, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Tremaine, Van Etten, Von Gemmingen and Whittle.

Mr. Sullivan requested this item be pulled for review on the Regular Agenda. (*See Item 10.A.3*)

- 9.A.4 Resolution No. AR 2003-133, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Senior Fire Captain James L. Kenshalo** for his 22 years of service with the Anchorage Fire Department, Assemblymembers Taylor, Van Etten, Fairclough, Kendall, Shamberg, Sullivan, Tesche, Traini, Tremaine, Von Gemmingen and Whittle.

Mr. Van Etten requested this item be pulled for review on the Regular Agenda. (*See Item 10.A.4*)

- 9.A.5 Resolution No. AR 2003-142, a resolution of the Anchorage Municipal Assembly commemorating the 21st Anniversary of **The Brotherhood, Inc.**, Assemblymembers Taylor, Fairclough, Kendall, Shamberg, Sullivan, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen and Whittle. (**Addendum**)

Ms. Taylor requested this item be pulled for review on the Regular Agenda. (*See Item 10.A.5*)

- 9.A.6 Resolution No. AR 2003-145, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Elvi Gray-Jackson** for her 20 years of services with the Municipality of Anchorage, Assemblymembers Traini, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Tremaine, Van Etten, Von Gemmingen and Whittle. (**Addendum**)

Ms. Taylor requested this item be pulled for review on the Regular Agenda. (*See Item 10.A.6*)

9.B. RESOLUTIONS FOR ACTION - OTHER

- 9.B.1 Resolution No. AR 2003-114, a resolution authorizing the Municipality of Anchorage, Public Transportation Department, to enter into a Transfer of Responsibilities Agreement (TORA) in the amount of \$17,000 with the State of Alaska, Department of Transportation and Public Facilities, for financing the Year 2003 **Alaska Bus Rodeo** and appropriating these funds to the State Categorical Grants Fund (231), Public Transportation.

a. Assembly Memorandum No. AM 424-2003.

- 9.B.2 Resolution No. AR 2003-121, a resolution of the Municipality of Anchorage appropriating \$53,600 to the Areawide General Fund (101), Department of Public Transportation from \$53,600 fuel cost reimbursements to be received from Paratransit Services, Inc. to fund the purchase of **fuel for municipal vanpool vehicles**, Public Transportation Department.

a. Assembly Memorandum No. AM 431-2003.

- 9.B.3. Resolution No. AR 2003-123, a resolution of the Municipality of Anchorage providing for the appropriation of a grant totaling \$24,750 from the Rasmuson Foundation and \$620 as a contribution from the Library 2003 Operating Budget, Areawide General Fund (101) to the Miscellaneous Operational Grants Fund (261), Cultural and Recreational Services Department, for the purchase of **library books and materials** for the Loussac Children's Literature Collection, Cultural and Recreational Services/Library.

a. Assembly Memorandum No. AM 423-2003.

- 9.B.4. Resolution No. AR 2003-124, a resolution authorizing the granting of tax refund as a result of **manifest clerical error** on Real Property Parcel No. 050-041-05-000, Finance.

a. Assembly Memorandum No. AM 434-2003.

- 9.B.5. Resolution No. AR 2003-125, a resolution of the Municipality of Anchorage approving the expenditure of \$8,000 from the state grant for Muldoon Town Center "Planning and Development" to the Anchorage School District for programming and design of the **Muldoon Community Center and Library**, Heritage Land Bank.

a. Assembly Memorandum No. AM 435-2003.

- 9.B.6. Resolution No. AR 2003-127, a resolution of the Municipality of Anchorage appropriating \$90,000 as a supplemental grant to the State Categorical Grants Fund (231), Department of Health and Human Services from the State of Alaska, Department of Health and Social Services to fund **Community Health Nursing Services**, Health and Human Services.

a. Assembly Memorandum No. AM 437-2003.

- 1 9.B.7. Resolution No. AR 2003-120, a resolution authorizing the Municipality of Anchorage to purchase the
2 West One-Half of Block One, Lampert Subdivision No. Four according to Plat P-15C, located on the
3 east side of Seward Highway immediately north of East Fireweed Lane, Anchorage, Alaska, for a
4 **greenbelt**, Real Estate Services.
5 a. Assembly Memorandum No. AM 430-2003.
- 6 9.B.8. Resolution No. AR 2003-128, a resolution amending the April 19, 1998, to June 30, 2004, Collective
7 Bargaining Agreement between the Municipality of Anchorage (MOA) and the **International**
8 **Association of Firefighters, Local 1264** (IAFF), Employee Relations.
9 a. Assembly Memorandum No. AM 438-2003.
- 10 9.B.9 Resolution No. AR 2003-131, a resolution of the Anchorage Municipal Assembly supporting a **South**
11 **Central commuter rail service** and requesting federal funds necessary to support a demonstration
12 project for that service, Assemblymembers Whittle, Shamberg, Taylor, Tesche, Tremaine and Van
13 Etten.
14

15 Mr. Sullivan requested this item be pulled for review on the Regular Agenda. (See Item 10.B.9)

- 16
- 17 9.B.10. Resolution No. AR 2003-132, a resolution of the Anchorage Assembly supporting legislation
18 prohibiting discrimination by **credit rating or credit scoring** in insurance rates, Assemblymembers
19 Tesche and Traini.
- 20 9.B.11. Resolution No. AR 2003-134, a resolution of the Anchorage Municipal Assembly authorizing the
21 Heritage Land Bank to convene a panel of experts to determine the most expeditious steps required to
22 forge appropriate **public-private partnerships** evaluate and implement financing tools and business
23 models to ensure proper development of the Creekside Town Center and similar projects throughout
24 the community, Assemblymembers Taylor, Whittle and Van Etten. (**Addendum**)
25 a. Assembly Memorandum No. AM 422-2003.
- 26 9.B.12 Resolution No. AR 2003-139, a resolution of the Anchorage Municipal Assembly opposing the transfer
27 of **Workforce Investment Act programs** to the State of Alaska, Department of Labor and Workforce
28 Development, Assemblymembers Traini and Tesche. (**Addendum**)
29

30 Ms. Von Gemmingen requested this item be pulled for review on the Regular Agenda. (See Item 10.B.12)

- 31
- 32 9.B.13. Resolution No. AR 2003-140, a resolution of the Anchorage Municipal Assembly revising the 2003
33 General Government Operating Budget by appropriating \$7,500 from Areawide General Fund (101)
34 Balance to the Office of the Mayor to provide a grant to the National Senior Service Corps – Alaska in
35 support of the “Wild Salmon on Parade” **Anchorage Salmon Festival**, Assemblymembers Tesche,
36 Traini, and Van Etten. (**Addendum**)
37 a. Assembly Memorandum No. AM 448-2003.
38

39 Ms. Taylor requested this item be pulled for review on the Regular Agenda. (See Item 10.B.13)

- 40
- 41 9.B.14. Resolution No. AR 2003-141, a resolution of the Anchorage Municipal Assembly supporting a
42 **neighborhood revitalization project for Mountain View**, a Renaissance Zone Neighborhood,
43 Assemblymember Tesche. (**Addendum**)
- 44 9.B.15. Resolution No. AR 2003-143(S), a resolution of the Municipality of Anchorage appropriating
45 \$99,000 from the Areawide General Fund (101) to the Miscellaneous Capital/Pass-Thru Capital
46 Improvement Program Fund (409) to pay for Alaska Superior Court approval of the Rabbit Creek View
47 Subdivision and Rabbit Creek Heights Subdivision re-survey and monumentation of the new platted
48 lots, Assemblymembers Tremaine and Shamberg. (**Addendum**)
49 a. Assembly Memorandum No. AM 433-2003(A).
50 b. Resolution No. AR 2003-143, a resolution of the Municipality of Anchorage appropriating
51 \$99,000 as a loan from the Areawide General Fund (101) to the Miscellaneous Capital/Pass-
52 Thru Capital Improvement Program Fund (409) to pay for Alaska Superior Court approval of
53 the **Rabbit Creek View Subdivision and Rabbit Creek Heights Subdivision re-survey and**
54 **monumentation** of the new platted lots, Project Management & Engineering, submitted by
55 Assemblymembers Tremaine and Shamberg.
56 c. Assembly Memorandum No. AM 433-2003. (**Laid on the table**)
57

58 Mr. Tremaine requested this item be pulled for review on the Regular Agenda. (See Item 10.B.15)

- 59
- 60 9.B.16. Resolution No. AR 2003-144, a resolution of the Anchorage Assembly recognizing and
61 encouraging residents to contribute to charitable organizations that assist the needy, discouraging
62 gifts of pocket change to panhandlers, and requesting the Anchorage Police Department to enforce
63 existing laws which forbid **street solicitation** or activities of pedestrians which unduly distract drivers,
64 Assemblymember Tesche and Sullivan. (**Addendum**)
65

66 Mr. Tesche requested this item be combined with Agenda item Number 13.B. (See Item 10.B.16)

- 67
- 68 9.B.17. Resolution No. AR 2003-146, a resolution of the Anchorage Municipal Assembly supporting the
69 continuation of the Salvation Army **Clitheroe Center's detoxification services**, Assemblymember
70 Tesche. (**Laid on the Table**)
- 71 9.B.18. Resolution No. AR 2003-149, a resolution of the Anchorage Municipal Assembly requesting that
72 the Legislature and the Governor postponed final action on **HB 191/SB 143** this session and set forth
73 a process that allows all affected parties to meet and jointly work through the problems with the
74 existing program, Assemblymember Tremaine. (**Laid on the Table**)
75

76 Mr. Tremaine introduced this item, to be added to the Regular Agenda. (See Item 10.B.18)

77

9.C. BID AWARDS

- 9.C.1. Assembly Memorandum No. AM 401-2003, recommendation of award to Industrial Roofing, Inc. for East High School **swimming pool roof replacement** for the Municipality of Anchorage, Maintenance and Operations Department (ITB 23-C020) (\$224,000), Purchasing.
- 9.C.2. Assembly Memorandum No. AM 404-2003, recommendation of award to Alaska Truck Center for furnishing a **maintenance utility truck** to the Municipality of Anchorage, Anchorage Water & Wastewater Utility (ITB 23-B031) (\$103,100), Purchasing.
- 9.C.3. Assembly Memorandum No. AM 405-2003, recommendation of award to K & H Painting, Inc. for Anchorage Water & Wastewater Utility **miscellaneous painting contract** for the Municipality of Anchorage, Anchorage Water & Wastewater Utility (ITB 23-C010) (NTE \$150,000/YR), Purchasing.
- 9.C.4. Assembly Memorandum No. AM 406-2003, recommendation of award to Denali Materials, Inc. for furnishing CSS-1 and CRS-2P **asphalt emulsion** to the Municipality of Anchorage, Maintenance & Operations Department (ITB 23-B032) (\$739,300), Purchasing. **(Addendum)**

The Administration requested this item be pulled for review on the Regular Agenda (*See Item 10.C.4*)

9.D. NEW BUSINESS

- 9.D.1. Assembly Memorandum No. AM 415-2003, **Light and Power Commission appointment** (Stephen Pratt), Mayor's Office.
- 9.D.2. Assembly Memorandum No. AM 416-2003, **Public Transit Advisory Board appointment** (Mary Fairbanks), Mayor's Office.
- 9.D.3. Assembly Memorandum No. AM 402-2003, Findings of Fact and Decision on **Kincaid Estates Subdivision**, Board of Adjustment Appeals S-10873 and S-10873-2, Municipal Clerk.

Ms. Von Gemmingen requested this item be pulled for review on the Regular Agenda. (*See Item 10.D.3*)

- 9.D.4. Assembly Memorandum No. AM 417-2003, **Al's Alaskan Inn** – New Beverage Dispensary Tourism Duplicate Liquor License (Taku/Campbell and Abbott Loop Community Councils), Clerk's Office.

Chair Traini requested this item be pulled for review on the Regular Agenda. (*See Item 10.D.4*)

- 9.D.5. Assembly Memorandum No. AM 418-2003, 2003/2004 Liquor License Renewal: **Blondie's Bar & Grill (#3670)** – Beverage Dispensary (Downtown Community Council), Clerk's Office.
- 9.D.6. Assembly Memorandum No. AM 403-2003, proprietary purchase for providing **periodical and serial renewals** from ProQuest Information & Learning to the Municipality of Anchorage, Department of Cultural and Recreational Services (\$67,000), Purchasing.
- 9.D.7. Assembly Memorandum No. AM 408-2003, proprietary purchase with AeroMap U.S., Inc. for providing **digital elevation data services** to the Municipality of Anchorage, Planning Department and Anchorage Fire Department (\$60,007.25), Purchasing.
- 9.D.8. Assembly Memorandum No. AM 409-2003, cooperative purchase with Cardinal Health, Inc. for providing **emergency medical services medications** to the Municipality of Anchorage, Fire Department (\$120,000), Purchasing.
- 9.D.9. Assembly Memorandum No. AM 410-2003, change order No. 2 to purchase order 21APD240 with Doolittle & Associates for additional **E-911 Project** consultant and management services for the Municipality of Anchorage, Anchorage Police Department (\$95,000).
- 9.D.10. Assembly Memorandum No. AM 413-2003, proprietary purchase of **INSIGHT software** from Q S Technologies, Inc. for the Municipality of Anchorage, Health and Human Services Department (\$178,625), Purchasing.
- 9.D.11. Assembly Memorandum No. AM 414-2003, recommendation of award to Na Qenq'a Community Financing Inc. for providing services for the **Homeowners Rehabilitation Program** for the Municipality of Anchorage, Community Development Division (RFP 23-P005) (\$806,500), Purchasing.
- 9.D.12. Assembly Memorandum No. AM 419-2003, recommendation of award to Na Qenq'a Community Financing Inc. for providing services for the **Rental Rehabilitation Program** for the Municipality of Anchorage, Community Development Division (RFP 23-P004) (\$600,000), Purchasing.
- 9.D.13. Assembly Memorandum No. AM 420-2003, **Asplund Wastewater Treatment Facility Headworks Modifications** – Amendment No. 1 to contract for professional services (P.O. 0000226138) during construction with CH2M Hill, Inc. (\$330,000), Anchorage Water & Wastewater Utility.
- 9.D.14. Assembly Memorandum No. AM 421-2003, change order No. 13 to HD Redmond Company contract (P.O. 201371) increasing the contract by \$75,000 for a contract amount not-to-exceed \$960,000 for the Girdwood Valley Service Area (SA) for **road maintenance services**, Street Maintenance.
- 9.D.15. Assembly Memorandum No. AM 411-2003, amendment No. 2 to professional engineering services contract with DOWL Engineers, **West Northern Lights Boulevard Upgrade Project** (Nathaniel Court to Wisconsin Street), Project No. 01-10 (\$271,826), Project Management & Engineering.
- 9.D.16. Assembly Memorandum No. AM 412-2003, Utility Relocation Agreement with ENSTAR Natural Gas Company for **Pine Street Improvement Project** (DeBarr Road to Reka Drive), Project 00-10 (\$66,000), Project Management & Engineering.
- 9.D.17. Assembly Memorandum No. AM 440-2003, Utility Relocation Agreement with Alaska Communications Systems, Inc. (ACS) for the **Pine Street Improvement Project** (DeBarr Road to Reka Drive), Project No. 00-10 (\$234,000), Project Management & Engineering.
- 9.D.18. Assembly Memorandum No. AM 441-2003, Utility Relocation Agreement with GCI for the **Pine Street Improvement Project** (DeBarr Road to Reka Drive), Project No. 00-10 (\$123,000), Project Management & Engineering.
- 9.D.19. Assembly Memorandum No. AM 442-2003, Utility Relocation Agreement with Municipal Light & Power (ML&P) for the **Pine Street Improvement Project** (DeBarr Road to Reka Drive), Project No. 00-10 (\$210,000), Project Management & Engineering.
- 9.D.20. Assembly Memorandum No. AM 443-2003, contract amendment No. 4 to Alaska Construction and Engineering, Inc. for the construction of the **CIRI Glenn Snow storage facility**, PM&E No. 92-59 (\$35,019.23), Project Management & Engineering.

- 1 9.D.21. Assembly Memorandum No. AM 444-2003, amendment No. 1 to professional services contract with
2 USKH, Inc. for **9th Avenue Pavement Rehabilitation**, L Street to Orca Street, Project No. 01-01
3 (\$188,353), Project Management & Engineering.
4 9.D.22. Assembly Memorandum No. AM 451-2003, **Assembly Meeting Schedule** (July-December 2003),
5 Assembly Chair Traini.
6

7 Mr. Tremaine requested this item be pulled for review on the Regular Agenda. (*See Item 10.D.22*)
8

- 9 9.D.23. Assembly Memorandum No. AM 452-2003, recommendation of award to Stancil Corporation to
10 provide **logging recorder systems** for the Municipality of Anchorage Police, Fire, Transit
11 Departments and Emergency Operations Center for the Municipality of Anchorage, Police Department
12 (RFP 22-P048) (\$164,329), Purchasing. (**Addendum**)
13 9.D.24. Assembly Memorandum No. AM 453-2003, lease award to Nicolai Alaska, LLC for providing **leased**
14 **office space** to the Municipality of Anchorage, Municipal Assembly Office (\$6,200), Purchasing.
15 (**Addendum**)
16

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

- 18 9.E.1 Information Memorandum No. AIM 48-2003, Internal Audit Report 2003-5 – **Municipal Payroll**
19 **Review, Employee Relations Department**, Internal Audit.
20

21 Mr. Sullivan requested this item be pulled for review on the Regular Agenda. (*See Item 10.E.1*)
22

- 23 9.E.2. Information Memorandum No. AIM 49-2003, **Monthly Finance Report**-February 2003, Finance.
24 9.E.3. Information Memorandum No. AIM 50-2003, **Investment Advisory Commission Annual Report -**
25 **2002**, Finance.
26 9.E.4. Information Memorandum No. AIM 52-2003, **MOA Trust Fund Status** – 2002 Year in Review,
27 Finance.
28

29 Mr. Sullivan requested this item be pulled for review on the Regular Agenda. (*See Item 10.E.4*)
30

- 31 9.E.5. Information Memorandum No. AIM 51-2003, waiver of formal procedures for turnkey design,
32 construction and lease of a new consolidated **Department of Health and Human Services facility** for
33 the Municipality of Anchorage, Department of Health and Human Services (RFP 23-P011),
34 Purchasing.
35

36 Mr. Tesche requested this item be pulled for review on the Regular Agenda. (*See Item 10.E.5*)
37

- 38 9.E.6. Information Memorandum No. AIM 53-2003, informational report as required by AO 2002-95
39 concerning the effects and impacts on the changes in the **abbreviated platting procedures** adopted
40 July 16, 2002, Planning Department. (**Addendum**)
41

42 **9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION**

- 43 9.F.1. Ordinance No. AO 2003-82, an ordinance amending the zoning map and providing for the rezoning of
44 **Lot 3, Ship Creek Crossing Subdivision** from PC (Planned Community) and I-2 (Heavy Industrial) to
45 I-2 SL (Heavy Industrial with Special Limitations), generally located at 101 West Whitney Road
46 (Government Hill Community Council) (Planning and Zoning Commission Case 2003-016), Planning
47 Department. (*Public Hearing set for 6-24-03*)
48 a. Assembly Memorandum No. AM 400-2003.
49 9.F.2. Ordinance No. AO 2003-83, an ordinance of the Anchorage Municipal Assembly amending Anchorage
50 Municipal Code Title 21 by adding definitions of **Commercial multi-lot development** and for
51 **Monument signs**, amending sign location provisions to allow signage on an adjacent or contiguous
52 lot or tract in a commercial multi-lot development, and adding conditional use standards for signs in
53 commercial multi-lot developments, Planning Department. (*Public Hearing set for 6-24-03*)
54 a. Assembly Memorandum No. AM 439-2003.
55 9.F.3. Ordinance No. AO 2003-75, an ordinance amending Anchorage Municipal Code Chapter 2.40 related
56 to **Community Council Redistricting**; including lengthening the interval of periodic comprehensive
57 review of community council boundaries; providing wider notice and greater opportunity to participate
58 in public hearing review; adding descriptions and maps of recognized community council districts, and
59 amending a number of council district boundaries to better reflect present day neighborhoods, as
60 recommended by the *Community Council Redistricting Report And Recommendations*, dated
61 December 9, 2002, Planning Department. (*Public Hearing set 6-10-03*)
62 a. Assembly Memorandum No. AM 370-2003.
63 9.F.4. Resolution No. AR 2003-136, a resolution of the Anchorage Assembly acknowledging the Planning
64 and Zoning Commission recommendation to **establish community councils for Midtown and**
65 **Cheney Lake/Nunaka Valley**; and stating the intent to consider the recommended boundaries for
66 Midtown and Cheney Lake/Nunaka Valley district as they appear on the *Community Council*
67 *Redistricting Report and Recommendations*, dated December 9, 2002, Planning Department. (*Public*
68 *Hearing set 6-10-03*)
69 9.F.5. Ordinance No. AO 2003-84, an ordinance of the Municipality of Anchorage authorizing the **lease of**
70 **the Municipality's interest in portions of City Hall** to Denali Alaskan Federal Credit Union and to
71 Alejandro Vargas, dba Kimberly's Café at market value, Real Estate Services.
72 a. Assembly Memorandum No. AM 445-2003. (*Public Hearing set 6-10-03*)
73

74 The Administration requested this item be pulled for review on the Regular Agenda. (*See Item 10.F.5*)
75

- 76 9.F.6. Resolution No. AR 2003-115, a resolution of the Municipality of Anchorage appropriating the sum of
77 \$500,000 from the Public Safety Foundation of America and \$10,790 as a contribution from the 2003
78 Anchorage Police Operating Budget, Anchorage Metropolitan Police Service Area Fund (151) to the

- 1 Federal Categorical Grants Fund (241) Anchorage Police Department for an **Enhanced 911 Project**
2 grant, Anchorage Police Department. (*Public Hearing set 5-20-03*)
3 a. Assembly Memorandum No. AM 425-2003.
4

5 Ms. Shamberg requested this item be pulled for review on the Regular Agenda. (*See Item 10.F.6*)
6

- 7 9.F.7. Resolution No. AR 2003-116, a resolution of the Municipality of Anchorage appropriating \$406,000
8 from the State of Alaska Highway Maintenance Revenues to reimburse the Anchorage Roads and
9 Drainage Service Area Fund 141 in the amount of \$324,000 and to the Areawide General Operating
10 Fund 101 in the amount of \$82,000 for the **sweeping of state roads**, Maintenance & Operations
11 Department. (*Public Hearing set 5-20-03*)
12 a. Assembly Memorandum No. AM 426-2003.
13 9.F.8. Resolution No. AR 2003-117, a resolution of the Municipality of Anchorage appropriating supplemental
14 award of \$220,000 to the State Categorical Grants Fund (231) from the Alaska Department of Labor
15 and Workforce Development for the Program Year (PY) 2002/Federal Fiscal Year (FFY) 2003
16 **Workforce Investment Act** Statewide Projects Adult Grant within the Planning Department. (*Public*
17 *Hearing set 5-20-03*)
18 a. Assembly Memorandum No. AM 427-2003.
19 9.F.9. Resolution No. AR 2003-118, a resolution of the Municipality of Anchorage appropriating \$500,000 as
20 a supplemental award to the State Categorical Grants Fund (231), Department of Health and Human
21 Services, from the Alaska Department of Education and Early Development to fund the **Child Care**
22 **Assistance Program**, Health and Human Services. (*Public Hearing set 5-20-03*)
23 a. Assembly Memorandum No. AM 428-2003.
24 9.F.10. Resolution No. AR 2003-119, a resolution authorizing the Municipality of Anchorage to purchase ~~Tract~~
25 ~~H-2A~~ H-3A, Southport Tracts (pending re-plat) for the purpose of building a **new fire station in South**
26 **Anchorage**, Real Estate Services. (*Public Hearing set 6-10-03*)
27 a. Assembly Memorandum No. AM 429-2003.
28

29 The Administration requested this item be pulled for review on the Regular Agenda. (*See Item 10.F.10*)
30

- 31 9.F.11. Resolution No. AR 2003-122, a resolution of the Municipality of Anchorage appropriating \$462,100 of
32 revenues from within the Areawide General Capital Improvement Fund (401), \$144,000 of revenues
33 from within the Anchorage Parks and Recreational Capital Improvement Fund (461), and \$15,000 from
34 within the Chugiak-Eagle River Parks and Recreation Service Area Capital Improvement Fund (462)
35 for **facility and equipment improvements** at the Alaska Center for the Performing Arts, Anchorage
36 Golf Course, Ben Boeke and Dempsey Anderson Ice Arenas, William A. Egan Civic and Convention
37 Center, George M. Sullivan Arena, and the Harry J. McDonald Memorial Center, Cultural and
38 Recreational Services. (*Public Hearing set 5-20-03*)
39 a. Assembly Memorandum No. AM 432-2003.
40 9.F.12. Resolution No. AR 2003-126, a resolution of the Anchorage Municipal Assembly approving the
41 **Heritage Land Bank 2003 Work Program** and **2004-2008 Five-Year Management Plan**, Heritage
42 Land Bank. (*Public Hearing set 5-20-03*)
43 a. Assembly Memorandum No. AM 436-2003.
44 9.F.13. Resolution No. AR 2003-135, a resolution of the Municipality of Anchorage appropriating \$700,000
45 from the MOA Trust Fund (730) for expert **financial management and support services** provided in
46 calendar year 2003, Finance. (*Public Hearing set 5-20-03*)
47 a. Assembly Memorandum No. AM 446-2003.
48 9.F.14. Resolution No. AR 2003-138, a resolution approving a three-(3) year collective bargaining agreement
49 between the Municipality of Anchorage and the **International Association of Machinists &**
50 **Aerospace Workers, Inc.**, Local Lodge 1690, Employee Relations. (**Addendum**)
51 a. Assembly Memorandum No. AM 447-2003. (*Public Hearing set 6-10-03*)
52 9.F.15. Ordinance No. AO 2003-85, an ordinance amending the **Anchorage Food Code** Chapter 16.60 of the
53 Anchorage Municipal Code and providing for consistency with State regulations requiring cooling and
54 cold holding at 41°F or below, fee adjustment for temporary and seasonal facilities, caterer notice
55 requirements, addition of time as a food safety control measure and clarifying verbiage, Health and
56 Human Services. (*Public Hearing set 6-10-03*) (**Addendum**)
57 a. Assembly Memorandum No. AM 407-2003.
58

59 Chair Traini called for a vote to approve the remaining items on the Consent Agenda.
60

61 Mr. Tesche moved, to approve the Consent Agenda, as amended.
62 Mr. Sullivan seconded,
63 and this motion was passed,
64 with Ms. Taylor abstaining from 9.B.13,
65

66 AYES: Tesche, Whittle, Taylor, Von Gemmingen, Traini, Fairclough, Van Etten, Kendall, Shamberg,
67 Tremaine and Sullivan.
68 NAYES: None.
69

70 Chair Traini requested that item 9.D.4 also be pulled for discussion on the Regular Agenda. (*See Item 10.D.4.*)
71

72 Mr. Tesche moved, for immediate reconsideration of the Consent Agenda to pull
73 Ms. Fairclough seconded, item 9.D.4, AM 417-2003, for review on the Regular Agenda.
74 and this was unanimously approved,
75

76 Chair Traini announced the unanimous approval of the amended Consent Agenda, with the exception of the pulled
77 items and proceeded into discussion of those items on the Regular Agenda.
78

79 **10. REGULAR AGENDA**

10.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

10.A.1. Resolution No. AR 2003-113, a resolution of the Anchorage Municipal Assembly honoring the **Anchorage Waterways Council**, Assemblymember Van Etten.

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

Mr. Van Etten moved, to approve AR 2003-113.
Ms. Fairclough seconded
and it passed without objection,

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

NAYES: None.

Chair Traini invited the Waterways Council honorees to come before the Assembly. Mr. Tremaine read the resolution, while Mr. Van Etten presented the proclamation, recognizing these volunteers and organizers for keeping our waterways clean, to improve fisheries and access, fish passage and the aesthetic value of this resource. Mr. Tremaine stated that the Anchorage Waterways Council had been reconfiguring their organization to better serve the community. The Council had hoped to change their image of being opposed to development because they were in favor of development as long as it preserved the waterways in the community.

10.A.2. Resolution No. AR 2003-129, a resolution of the Anchorage Municipal Assembly recognizing and thanking the **Municipal Clerk and Staff, the Election Commission, and the Data Processing Board** for exceptional performance during the April 2003 Regular Election, Assemblymembers Traini, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Tremaine, Van Etten, Von Gemmingen and Whittle.

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

Ms. Taylor moved, to approve AR 2003-129.
Mr. Tesche seconded,
and it passed without objection,

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

NAYES: None.

Ms. Taylor read the resolution and Chair Traini presented the proclamation to the Municipal Clerk and Staff. Several Assemblymembers offered their thanks and congratulations to the Municipal staff that had assisted with the recent, Regular Municipal Election on April 1, 2003. Acting Municipal Clerk Ms. Linda Heim accepted this award.

10.A.3. Resolution No. AR 2003-130, a resolution of the Anchorage Municipal Assembly commending and thanking **Don Bismaier and Diebold Election Systems, Inc.** for the outstanding contract performance and customer support during the past two municipal elections, Assemblymembers Traini, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Tremaine, Van Etten, Von Gemmingen and Whittle.

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

Mr. Sullivan moved, to approve AR 2003-130.
Ms. Fairclough seconded,
and it passed without objection,

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

NAYES: None.

Mr. Sullivan read the resolution and proclamation, honoring Don Bismaier and Diebold Elections, Inc. for their outstanding efforts and involvement with the recent election. Chair Traini commented on the new election system and its accuracy.

10.A.4. Resolution No. AR 2003-133, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Senior Fire Captain James L. Kenshalo** for his 22 years of service with the Anchorage Fire Department, Assemblymembers Taylor, Van Etten, Fairclough, Kendall, Shamberg, Sullivan, Tesche, Traini, Tremaine, Von Gemmingen and Whittle.

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

Mr. Van Etten moved, to approve AR 2003-133.
Mr. Tesche seconded,
and this motion was passed,

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

NAYES: None.

Mr. Van Etten read the resolution, and Ms. Taylor presented the award, honoring Senior Fire Captain James L. Kenshalo, for his 22 years of service to the Anchorage Fire Department. Captain Kenshalo accepted his award and thanked the Assembly and the Administration for supporting public safety in the community. He thanked Ms. Taylor for

her support over the years. The downtown fire station was possibly the only fire station in America that provided an outhouse in the alley for the homeless and he encouraged the Assembly to continue supporting its maintenance to provide dignity to the homeless. Mayor Wuerch thanked Mr. Kenshalo for his dedicated service to the Municipality of Anchorage.

10.A.5. Resolution No. AR 2003-142, a resolution of the Anchorage Municipal Assembly commemorating the 21st Anniversary of **The Brotherhood, Inc.**, Assemblymembers Taylor, Fairclough, Kendall, Shamberg, Sullivan, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen and Whittle. **(Addendum)**

Ms. Taylor moved, to approve AR 2003-142.

Mr. Tremaine seconded,
and this motion was passed,

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

NAYES: None.

Mr. Whittle read the resolution and Ms. Taylor presented the award, honoring and commemorating the 21st Anniversary of the Brotherhood, Incorporated, for their dedicated involvement with youth of the community. Members of The Brotherhood thanked the Assembly and noted that over the last five years The Brotherhood had given over \$100,000 to graduating students in the Anchorage School District, as well as yearly donations to the Salvation Army and other organizations within the Municipality of Anchorage.

10.A.6. Resolution No. AR 2003-145, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Elvi Gray-Jackson** for her 20 years of services with the Municipality of Anchorage, Assemblymembers Traini, Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Tremaine, Van Etten, Von Gemmingen and Whittle. **(Addendum)**

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

Ms. Taylor moved, to approve AR 2003-145.

Mr. Tesche seconded,
and it passed without objection,

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

NAYES: None.

Ms. Taylor read the resolution and Chair Traini presented the award to Ms. Elvi Gray-Jackson, honoring her for twenty years of respected and dedicated service with the Municipality of Anchorage, in the departments of Transit and the Assembly and Legislative Services. Chair Traini read a proclamation from Mayor Wuerch thanking Ms. Gray-Jackson for her service to the Municipality of Anchorage and presented her with a pin commemorating her twenty years of service.

10.B RESOLUTIONS FOR ACTION - OTHER

10.B.9 Resolution No. AR 2003-131, a resolution of the Anchorage Municipal Assembly supporting a **South Central commuter rail service** and requesting federal funds necessary to support a demonstration project for that service, Assemblymembers Whittle, Shamberg, Taylor, Tesche, Tremaine and Van Etten.

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

Mr. Sullivan moved, to approve AR 2003-131.

Mr. Whittle seconded,

Mr. Sullivan felt the resolution had good intent, but thought it might be premature. It was his understanding that the Alaska Railroad was not ready to launch a commuter rail service. The resolution sought to create a Regional Transportation Authority, which should be done before seeking federal funding for commuter rails. He felt AR 2003-131 had merit, but he could not support it as written. He felt the Railroad should be responsible they had stated they were not ready to build a commuter rail system.

Mr. Tesche stated that Assemblymembers had been given the opportunity to visit the Alaska Railroad's new terminal at the Anchorage International Airport where they received information on a number of new projects being built, including the multi-modal transit facility in the Ship Creek area and the tract-straightening project that was currently underway between Anchorage and Wasilla, which would reduce the commute time to Wasilla to 53 minutes. Congressman Young supported a new program in Washington, D.C. that would provide federal funding to local communities interested in setting up regional transit authorities for the purpose of commuter rails. The pilot program was designed to give communities an opportunity to implement and test commuter rail systems and operations dollars were available. A commuter rail project between the Matanuska-Susitna Borough and Anchorage would fit into the program. The Alaska Railroad was interested in this program and would be a willing participant in the project, but they made it clear that the impetus for the project must come from the Municipality of Anchorage and the associated municipalities, cities and boroughs that wanted to form a regional transit authority. The project had strategic consequences to Anchorage in resolving issues of population density, transportation and alleviating the traffic pressures on the Glenn Highway. He urged a YES-vote.

Mr. Whittle felt Anchorage and the Matanuska-Susitna Borough needed to begin planning for a transit authority so they could pursue the federal funds. There would be a demonstration commuter rail car in Anchorage this summer. Mr. Whittle urged a YES-vote.

Mr. Kendall felt the Assembly needed more information on issues such as cost impacts and whether there was enough traffic to warrant such an operation before passing AR 2003-131. The Seward Highway had twice as much traffic as the Glenn Highway and he questioned whether the commuter rails should be going in the other direction.

Mr. Sullivan said the commuter study received from the Alaska Railroad indicated that a commuter rail to the Matanuska-Susitna Borough was not justifiable at this time. He felt it would be helpful to have a representative from the Alaska Railroad testify on the issue and provide a letter of endorsement before the municipality sought federal funding or set up a transportation authority.

Mr. Tesche stated that Anchorage needed to address the issue of density, transit, automobile traffic and the road between Anchorage and Palmer. He stated that the cost estimate for another ribbon of highway between Anchorage and Wasilla was \$100,000,000. He said that by adding more lanes of traffic to an already crowded highway would not solve the transportation problems. He said that AR 2003-131 would allow for the first step in moving forward with the project. Mr. Tesche reiterated that the project had the support of the Alaska Railroad.

Mr. Whittle pointed out that there was no fiscal note attached to the resolution. He suggested that the framework for the regional transportation authority would be presented to the Assembly. He felt they should move ahead with the project.

Mr. Kendall was concerned that AR 2003-131 was being considered without fiscal information, public testimony or a public process.

Ms. Fairclough moved, *to postpone* AR 2003-131 until May 20, 2003.
Mr. Sullivan seconded,

Ms. Fairclough felt the Assembly needed more information. There had been discussions with the City of Soldotna, the Kenai Peninsula and the Matanuska-Susitna Borough regarding creating a transportation authority, but questions on taxation and the composition of the transportation authority were still unanswered.

Mr. Tesche opposed the motion to postpone AR 2003-131. Answering all the questions would require a lot of research, which would be done, but he felt it was important that the concept had the policy approval of the Assembly through a resolution before the work was undertaken.

To Ms. Fairclough, Mr. Tesche responded that he did not know if the State had approved the issue or if that was even required. After Assembly approval, the next step would be to take the issue to the Regional Transportation Planning Organization for their concurrence, at which point there would be state participation.

Ms. Fairclough felt the issue should have gone to the Regional Transportation Planning Organization first so they could make a recommendation to the Assembly. Ms. Fairclough supported postponing AR 2003-131.

Mr. Sullivan supported postponing AR 2003-131, which was not time sensitive, to allow the Assembly time to review the issue and have their questions answered.

Mr. Tremaine opposed postponing AR 2003-131. The governor had just proposed legislation that would create a Matanuska-Susitna Borough and Anchorage Knik Arm Bridge and Toll Authority. AR 2003-131 supported the governor by endorsing the formation of a regional transportation authority. He urged the Assembly to vote against the postponement and in favor of the resolution.

and the motion to postpone failed,

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

Ms. Von Gemmingen stated that the Alaska Municipal League had approached the governor and his staff regarding regional economic development organizations, which they supported. She felt AR 2003-131 fit with that type of planning and would support it.

Chair Traini called for a vote on the main motion.

and this motion passed,

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

Mr. Tesche moved for immediate reconsideration and urged a NO-vote.

Mr. Tesche moved, *for immediate reconsideration* of AR 2003-131.
Ms. Shamberg seconded,
and this motion failed,

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

Mr. Tesche requested a worksession be scheduled with the Anchorage Assembly, the Alaska Railroad and other entities to commence the process as outlined in the resolution.

10.B.12. 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. **(Addendum)**

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

Mr. Tremaine moved, to approve AR 2003-139.
Mr. Tesche seconded,

Ms. Von Gemmingen stated that a board member had requested the postponement of action on AR 2003-139. The resolution had been on the Addendum to the Agenda on the website and some people did not realize that the issue would be discussed at that evening's meeting.

To Mr. Tesche, Mayor Wuerch responded that the issue would be discussed with the Governor on May 22, 2003.

Ms. Von Gemmingen moved, to postpone AR 2003-139 until May 20, 2003.
Mr. Tremaine seconded,
and it passed without objection,

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

NAYES: None.

- 10.B.13. Resolution No. AR 2003-140, 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 Office of the Mayor to provide a grant to the National Senior Service Corps – Alaska in support of the “Wild Salmon on Parade” **Anchorage Salmon Festival**, Assemblymembers Tesche, Traini and Van Etten. **(Addendum)**
a. Assembly Memorandum No. AM 448-2003.

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

Ms. Taylor moved, to approve AR 2003-140.
Mr. Tesche seconded,

Ms. Taylor gave the floor to Ms. Jo Lamson, Director of Development for the Foster Grandparents and Senior Companion Programs of Alaska.

JO LAMSON stated that the Anchorage salmon derbies on Ship Creek had been a fundraising event for their organization for the past several years. She discussed the history of the salmon derbies and reported on the events that were scheduled for this summer. She stated the sponsors included IBEW Local 1547, Color Art Printing, Anchorage Convention and Visitors Bureau, Mark Pfeffer and the Creekside Town Center, the Anchorage Downtown Partnership, the Andrews Group, Blomfeld Company, KPMG Pete Marwick, Conoco Phillips, McKinley Capital Management, Glacier Brewhouse, the Alaska State Council of the Arts and the Municipality of Anchorage.

Ms. Taylor stated that her union was involved in the project and she would abstain from voting, but she supported the resolution. The impetus of the project was to bring people to downtown Anchorage and establish Anchorage as a festival site. Incoming Mayor Mark Begich supported this wholeheartedly and felt it should become an annual event. Chair Traini ruled Ms. Taylor had a conflict of interest and directed her to not participate.

Mr. Van Etten disclosed that his wife was working on a team that was constructing some of the salmon sculpture, and explained that there was no financial gain to him from her involvement. Chair Traini ruled he did not have a conflict of interest and directed him to participate.

To Mr. Sullivan, Ms. Lamson responded the grant would be used for marketing, which would make things easily available and tangible for tourists.

and this motion was passed,
with Ms. Taylor abstaining from voting,

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

NAYES: None.

- 10.B.15. Resolution No. AR 2003-143(S), a resolution of the Municipality of Anchorage appropriating \$99,000 from the Areawide General Fund (101) to the Miscellaneous Capital/Pass-Thru Capital Improvement Program Fund (409) to pay for Alaska Superior Court approval of the Rabbit Creek View Subdivision and Rabbit Creek Heights Subdivision re-survey and monumentation of the new platted lots, Assemblymembers Tremaine and Shamborg. **(Laid on the Table)**
a. Assembly Memorandum No. AM 433-2003(A).
b. Resolution No. AR 2003-143, a resolution of the Municipality of Anchorage appropriating \$99,000 as a loan from the Areawide General Fund (101) to the Miscellaneous Capital/Pass-Thru Capital Improvement Program Fund (409) to pay for Alaska Superior Court approval of the **Rabbit Creek View Subdivision and Rabbit Creek Heights Subdivision re-survey and monumentation** of the new platted lots, Project Management & Engineering, submitted by Assemblymembers Tremaine and Shamborg.
c. Assembly Memorandum No. AM 433-2003. **(Addendum)**

Mr. Tremaine requested this Agenda item be consolidated with Agenda item No. 14.G. He moved, Mr. Sullivan seconded and there were no objections. *(Clerk's Note: Refer to item 14.G.)*

10.B.16 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, Assemblymembers Tesche and Sullivan. **(Addendum)**

Mr. Tesche requested this Agenda item be consolidated with Agenda item No. 13.B. He moved, Mr. Sullivan was the second and there were no objections. Mr. Sullivan requested his name be added as a sponsor. *(Clerk's Note: Refer to item 13.B) (Carried Over to 6-10-03)*

10.B.18 Resolution No. AR 2003-149, a resolution of the Anchorage Municipal Assembly requesting that the Legislature and the Governor postpone final action on **HB 191/SB 143** this session and set forth a process that allows all affected parties to meet and jointly work through the problems with the existing program, Assemblymember Tremaine. **(Laid on the Table)**

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

Mr. Tremaine moved, to approve AR 2003-149.
Ms. Von Gemmingen seconded,

Mr. Tremaine said Anchorage was a coastal community and would be at a disadvantage if House Bill 191 and Senate Bill 143 passed. The existing law needed work and he suggested forming a task force of affected parties to review the issue over the summer rather than throwing it out.

Mr. Sullivan pointed out that the State Legislature had numerous committee hearings with hours of testimony that allowed them to make decisions on whether or not to approve changes to the scope of the management plan. He had a hard time supporting the resolution, because the Assembly did not have enough information.

Ms. Von Gemmingen spoke in support of AR 2003-149. The Alaska Municipal League had met with the State Legislature to review House Bill 191 and Senate Bill 143 and felt that the issue was moving forward, even though it was far from being perfect.

Ms. Taylor supported AR 2003-149.

Mr. Tremaine moved, to amend AR 2003-149, on Line 2, *by changing* ~~[NB]~~ 191 to "HB" 191; *by adding* on Line 18, to read "environmental conservation DEC statutes and regulations;" and *by adding* on Line 33, to read "on HB 191;" and on Line 32, *by deleting* the word [tø] after "governor."

Ms. Von Gemmingen seconded,
and it passed without objection,

To Mr. Sullivan, Ms. Von Gemmingen stated that the Alaska Municipal League had not passed a formal resolution on this issue.

Mr. Tremaine moved, to approve AR 2003-149, as amended.
Ms. Von Gemmingen seconded,
and this motion was passed,

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

10.C. BID AWARDS

10.C.4. Assembly Memorandum No. AM 406-2003, recommendation of award to Denali Materials, Inc. for furnishing CSS-1 and CRS-2P **asphalt emulsion** to the Municipality of Anchorage, Maintenance & Operations Department (ITB 23-B032) (\$739,300), Purchasing. **(Addendum)**

Chair Traini read this memorandum title and called on the Administration, who requested this item be postponed until the following week.

Mr. Tremaine moved, to postpone AM 406-2003 until May 20, 2003.
Ms. Fairclough seconded,
and this motion was unanimously approved,

10.D. NEW BUSINESS

10.D.3. Assembly Memorandum No. AM 402-2003, Findings of Fact and Decision on **Kincaid Estates Subdivision**, Board of Adjustment Appeals S-10873 and S-10873-2, Municipal Clerk.

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

Ms. Von Gemmingen moved, to approve AM 402-2003.
Ms. Fairclough seconded,

Mr. Kendall stated that he was not present during the majority of the deliberations and would abstain from voting. chair Traini ruled that he not participate.

Mr. Tremaine declared a potential conflict of interest due to an ex-parte communication. He read an advertisement that had been placed in the newspaper by the developer, who reported the water in the subdivision was fine.

Ms. Von Gemmingen stated that Mr. Tremaine did not have a conflict of interest. An ex-parte contact would be a one-on-one discussion with an Assemblymember and one of the parties. An ad in the newspaper would not be an ex-parte contact that would be prohibited by Code in Section 21.30.170(d).

In response to Ms. Von Gemmingen, Ms. Fairclough said the fact that Eric Wolhforth's name was misspelled would not affect the validity of the findings.

Ms. Von Gemmingen moved, to amend AM 302-2003 by renumbering the sections,
Ms. Fairclough seconded, since Number 5 appeared twice.
and it passed without objection,

Chair Traini called for a vote on the main motion to approve AM 402-2003.

Ms. Von Gemmingen moved, to approve AM 302-2003, as amended.
Ms. Fairclough seconded,
and this motion was passed,

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

10.D.4. Assembly Memorandum No. AM 417-2003, Al's Alaskan Inn – New Beverage Dispensary Tourism Duplicate Liquor License (Taku/Campbell and Abbott Loop Community Councils), Clerk's Office.

Chair Traini read this memorandum title and opened public testimony.

DAN COFFEY, of the Law Offices of Dan Coffey, representing the owner Allen Choi, testified in favor of AM 417-2003. A letter had been received from the Municipal Planning Department that said Al's Alaskan Inn had to apply for a new conditional use permit because of an addition of a new fixed service bar, being located within the existing premises. There would be no changes to the size of the building, location, extension of the alcohol approved premises, seating, parking, landscaping or other issues. He felt it was cumbersome and costly to require a new conditional use application when there was an existing one in place. Al's Alaskan Inn had no State Alcoholic Beverage Control Board violations in the past 42 years.

To Ms. Von Gemmingen, Mr. Coffey responded that Al's Alaskan Inn was outside the city limits when they started their business in 1961 and there was no conditional use required at that time. The law said a business that did not have a conditional use permit when the law became applicable to that business would automatically be deemed to have one. He knew of two other establishments that would be brought before the Assembly on the same issue. He discussed the differences between conditional use permits and land use permits.

To Mr. Kendall, Municipal Attorney Bill Greene, explained Line 6 of the letter. It was his opinion that the letter was speaking to the fact that the Assembly action could be either a protest or waiver of protest on the liquor license, which would trigger determination if the license required or had a conditional use permit. He referenced to Title 21, Chapter 55, which made no distinction between a license and a duplicate license, therefore the requirement for a conditional use permit would apply. In order for the duplicate license to be covered by code requirements that had a conditional use permit, the Assembly would have to take action. He recommended treating this as a minor modification, which could be accomplished through a minor amendment to AM 417-2003.

Mr. Coffey noted that they were simply making a modification to the interior of the building. He felt it was inappropriate for conditional use questions to come up on licensing issues. He felt the conditional use should be revisited if the size of the building had changed, but this was an interior change only.

With no additional public testimony Chair Traini closed Public Hearing and called for a motion.

Ms. Fairclough moved, to approve AM 417-2003.
Mr. Kendall seconded,

Ms. Fairclough moved, to amend AM 417-2003 by deleting the sentence, on Page 1,
Mr. Kendall seconded, [This establishment requires a new duplicate conditional use permit.] and by adding "The conditional use permit, pursuant
and it passed without objection, to AMC 21.55.070 and 21.15.030(g) is hereby amended in
accordance with the plan document, exhibit A."

Mr. Sullivan moved, to amend AM 417-2003 replacing [PROTEST] to "APPROVE"
Mr. Kendall seconded, on Page 1, in the fourth paragraph.
and this was passed without objection,

Chair Traini called for a vote on the main motion, as amended.

Mr. Kendall moved, to approve AM 417-2003, as amended.
Ms. Fairclough seconded,
and this motion was approved,

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

10.D.22. Assembly Memorandum No. AM 451-2003, Assembly Meeting Schedule (July-December 2003),
Assembly Chair Traini.

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

Mr. Tremaine moved, to approve AM 451-2003.
Ms. Fairclough seconded,

The Assembly discussed the proposed Assembly schedule of the remainder of 2003. Chair Traini noted that the schedule could be amended in the future, as necessary.

Mr. Tremaine pointed out that there were four times on the schedule that the Assembly had a three-week hiatus, which made him nervous.

Ms. Fairclough moved, to amend AM 451-2003 *by restoring* the Assembly
Mr. Tremaine seconded, Meeting of June 24, 2003.
and this was unanimously approved,

Mr. Tremaine moved, to approve AM 451-2003, as amended.
Ms. Fairclough seconded,
and the motion was passed unanimously,

10.E. INFORMATION AND REPORTS

10.E.1. Information Memorandum No. AIM 48-2003, Internal Audit Report 2003-5 – **Municipal Payroll Review, Employee Relations Department**, Internal Audit.

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

Mr. Sullivan moved, to accept AIM 48-2003.
Mr. Tremaine seconded,
and it passed without objection,

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

10.E.4. Information Memorandum No. AIM 52-2003, MOA Trust Fund Status – 2002 Year in Review, Finance.

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

Mr. Sullivan moved, to accept AIM 52-2003.
Ms. Von Gemmingen seconded,

To Mr. Sullivan, Treasurer Dan Moore responded that AIM 52-2003 had been drafted in mid-April. Mr. Moore stated that a week after the drafting, the Assembly had taken action to move the balance of the reserve into the main trust. The calculation of the annual payment from the trust remained at five percent of the total, above the main trust and the reserve. The change would be the Assembly's ability to fund the shortfall. There should be about \$250,000 to \$300,000 of additional annual income from the main trust utilizing the five percent formula.

and this motion was unanimously approved,

10.E.5. 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.

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

Mr. Sullivan moved, to accept AIM 51-2003.
Ms. Von Gemmingen seconded,

Mr. Van Etten moved, *to postpone* AIM 51-2003 to May 20, 2003.
Mr. Tremaine seconded,
and it passed without objection,

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

10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

10.F.5. 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.
a. Assembly Memorandum No. AM 445-2003. (*Public Hearing set for 6-10-03*)
b.

Chair Traini read this ordinance title and called for a motion.

Mr. Tremaine moved, *to introduce* AO 2003-84.
Ms. Fairclough seconded,
Mr. Sullivan was the concurring third,

Municipal Manager Harry Kieling requested a technical correction for the accompanying AM 445-2003, on Page 1, Line 17.

Ms. Fairclough moved, *to amend* AM 445-2003, *by changing* on Page 1, Line 17 (*Sic* 18) to read: "...annual rents will be [~~\$8858.40~~] \$8585.40."
Mr. Tremaine seconded,
and it passed without objection,

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

10.F.6. Resolution No. AR 2003-115, a resolution of the Municipality of Anchorage appropriating the sum of \$500,000 from the Public Safety Foundation of America and \$10,790 as a contribution from the 2003 Anchorage Police Operating Budget, Anchorage Metropolitan Police Service Area Fund (151) to the Federal Categorical Grants Fund (241) Anchorage Police Department for an **Enhanced 911 Project** grant, Anchorage Police Department. (*Public Hearing set for 5-20-03*)
a. Assembly Memorandum No. AM 425-2003.
b.

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

Ms. Shamberg moved, *to introduce* AR 2003-115, with Public Hearing scheduled.
Mr. Whittle seconded, for May 20, 2003.
Ms. Fairclough was the concurring third,

Ms. Shamberg questioned the \$400,000 miscellaneous expenditures listed in the accompanying memorandum. The Administration stated they would research that item and report back to the Assembly.

10.F.10. Resolution No. AR 2003-119, a resolution authorizing the Municipality of Anchorage to purchase ~~Tract H-2A~~ H-3A, Southport Tracts (pending re-plat) for the purpose of building a **new fire station in South Anchorage**, Real Estate Services. (*Public Hearing set for 6-10-03*)
a. Assembly Memorandum No. AM 429-2003.

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

Mr. Van Etten moved, *to introduce* AR 2003-119.
Ms. Fairclough seconded,
Mr. Tremaine was the concurring third,

The Administration requested a technical correction to Line 11 and Line 26.

Ms. Fairclough moved, *to amend* AR 2003-119, Lines 11 and 26, *by changing* [~~Tract H-2A~~] to "Tract H-3A."
Mr. Tremaine seconded,
and it passed without objection,

Chair Traini announced the introduction of AR 2003-119, as amended, with Public Hearing set on June 10, 2003.

Mr. Tremaine stated that when AR 2003-119 came up for future discussion he would question why they were paying \$327,000 an acre for undeveloped residential land.

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS

11.A. Assembly Memorandum No. AM 330-2003, proprietary contract award to ZGF Architects for providing consultant services for a **Transit Center** for the Municipality of Anchorage, Transportation (\$62,305), Purchasing. (*Postponed from 4-15-03*)

Chair Traini gave the history of AM 330-2003 and noted a motion from Ms. Fairclough and Mr. Tremaine to approve AM 330-2003 was on the floor.

In response to Mr. Sullivan, Transit Director Tom Wilson reviewed ZGF Architects' qualifications for providing consultant services for the transit center for the Municipality of Anchorage.

Ms. Fairclough moved, *to approve* AM 330-2003.
Mr. Tremaine seconded,
and it passed without objection,

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

12. APPEARANCE REQUESTS

12.A. **Brookside Coalition**, regarding update with trailer relocations.

TIMOTHY HUIT, Public Relations Director for Brookside Coalition, testified. Mr. Huit said that they were a non-profit Alaskan corporation with the mission of helping mobile home owners who were forced to move from trailer parks which were being redeveloped. Some Brookside Manor residents had completed their moves and relocated their trailers while others were without adequate housing at this time. Those who did not fall within the grant requirements incurred relocation costs without the possibility of reimbursement, including some elderly and veteran residents. Those forced to relocate to the Matanuska-Susitna Valley due to code compliance problems or lack of available trailer spaces had not completed their trailer setups, lacking any grants or financial means to do so. He requested a contact person with the Municipality of Anchorage who would work with Brookside Coalition to complete this relocation as well as future relocations. He discussed the impacts on the families that had to move out of the Brookside Manor, including loss of family structure, financial hardships, homelessness, psychological problems and substance abuse.

To Mr. Whittle, Mr. Huit responded that they were working on a complete impact study with the assistance of the University of Alaska, which would be available at the end of the summer.

In response to Chair Traini, Mr. Huit stated the former leadership of the coalition had misappropriated the funds from the settlement received from Hawkins Enterprises and currently there were no funds available. There was a case pending regarding the misappropriation of the funds and he encouraged the Assemblymembers to expedite the case.

To Ms. Taylor, Municipal Manager Harry Kieling responded that the Municipality of Anchorage would appoint a contact person to work with the Brookside Coalition.

12.B. **Romig students**, regarding the legality of the teen curfew law. *(Addendum)*

ROMIG MIDDLE SCHOOL STUDENTS, Heather Pollock, Kirsten Dunn, Scott Landers, Nicole Foster and Monique Spanetti testified regarding the legality of the teen curfew law. The curfew ordinance applied to anyone under 18 during the hours of 11:00 p.m. to 5:00 a.m. from Sunday through Thursday and 1:00 a.m. to 5:00 a.m. on Friday and Saturday nights and summer vacation. Both adults and children protested the curfew law, which violated the first and fourteenth amendments of the Constitution. The curfew wasted the time and resources of the Anchorage Police Department and made criminals of kids who had not committed any real crimes.

To Mr. Tremaine, Municipal Attorney Bill Greene responded that age limitations were chosen for a variety of reasons as a policy decision made by legislative bodies that addressed various issues.

13. **CONTINUED PUBLIC HEARINGS**

13.A. **Ordinance No. AO 2003-43**, an ordinance amending Anchorage Municipal Code Section 3.30.127 *Length of Service* to provide **service recognition pay** in recognition of continuous service, Employee Relations.

1. Assembly Memorandum No. AM 173-2003. *(Continued from 3-18-03 and 4-8-03)*

Chair Traini read the ordinance title and opened Public Hearing on AO 2003-43.

LOIS WEBER testified in support of the ordinance.

LINDA BARBER WILTSIE, an engineer with the Anchorage Waste Water Utility, testified in support of the ordinance.

Chair Traini called for further public testimony. There being none, he closed Public Hearing and called for a motion.

Ms. Fairclough moved, to approve AO 2003-43.
Ms. Taylor seconded,
and this motion passed,

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

NAYES: None.

ABSENT: Tesche, excused; Whittle and Sullivan temporarily out of the room.

(Clerk's Note: *Mr. Tesche was excused and left the meeting before the vote was cast.*)

13.B. **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. *(Continued from 4-22-03) (Combined Public Hearing)*

1. Assembly Memorandum No. AM 221-2003.

2. Ordinance No. AO 2003-57(S), 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. *(Addendum) (Combined Public Hearing)*

3. Ordinance No. AO 2003-57, 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. *(Addendum) (Combined Public Hearing) (Also listed in Agenda as 10.B.4).*

10.B.16. 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. *(Addendum) (Combined Public Hearing) (Also listed as Agenda item 10.B.16)*

Chair Traini stated that Agenda item No. 13.B, before the Assembly, was also referred to as the "Panhandling" issue. He explained the main ordinance was AO 2003-57. He added that all ordinances and any other submitted substitute versions would be combined, included in 13.B. He called for a motion to combine these items.

Mr. Tesche moved, to *combine* Public Hearing and Action on AO 2003-57,
Mr. Tremaine seconded, and all versions, combined with 10.B.16, AR 2003-144.
and this motion was passed,

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

NAYES: None.

ABSENT: Tesche, excused.

Chair Traini explained that the main item was Number AO 2003-57(S-1) and opened the combined Public Hearing.

ALICE BECKENDAHL testified in support of the ordinance. In response to Mr. Sullivan, Ms. Beckendahl stated she did not feel it was beneficial to the panhandlers when motorists made cash donations and suggested donating sandwiches and juice instead.

ROBERT SMITH testified in support of the ordinance. In response to Mr. Van Etten, Mr. Smith stated that the city could not prevent panhandling, because there was not an ordinance in place.

STEVEN DAVID DYKSTRA testified against the ordinance and questioned whether it was constitutional with respect to freedom of speech. Mr. Tremaine responded that it was unlawful for any person to enter upon any part of the right-of-way of a public street or highway for the purpose of directing, diverting, enticing or inducing any motorist into a place of business or for the purpose of hawking, touting, soliciting or collecting contributions.

BRENDA SMART, Chair of the Spenard Community Council, testified in support of the ordinance.

BECKY BECK, with the Downtown Partnership, testified in support of the ordinance. In response to Mr. Van Etten, Ms. Beck said panhandling could be stopped by not giving funds directly to the panhandlers, but to the organizations that provided services to help the homeless. This would make the city safe and comfortable for the tourists while providing services to the people who really need them. In response to Mr. Sullivan, Ms. Beck noted that most cities had problems with panhandlers and Anchorage could learn from what other cities had done, which included campaigns to education the public.

ROMIG MIDDLE SCHOOL STUDENTS, Heather Pollock, Kirsten Dunn, Scott Landers, Nicole Foster and Monique Spanetti testified in support of the ordinance. Mr. Tremaine congratulated this group of young adults who had taken Second Place in the State of Alaska for their Project Citizenship Competition.

RON ALLEVA, owner of property adjacent to the Brother Francis Shelter, testified that he had hired homeless individuals, and gave an example of one of his workers leaving his job to participate with what he referred to as "signing," which he described as panhandling with a sign. He described one of his workers leaving work and in a forty-five minute period, taking in \$357.00 worth of cash and food items. In response to Mr. Alleva's statement, Mr. Sullivan agreed that the motorists who were handing out the contributions should realize the consequences. He stated that Title 1 had a provision that stated that anyone who abided, enticed or assisted in the commission of a traffic violation was also guilty and subject to the same fines and penalties. The goal of the ordinance was to keep people out of moving traffic while soliciting donations, which occurred by both organizations and individuals in the community.

DAVID DUNSMORE testified against the ordinance. To Mr. Dunsmore's statement, Mr. Sullivan pointed out that public safety applied to everyone and the resolution insured the safety of the panhandlers and organizations by setting standards. He felt that Anchorage was self-insured and faced a liability every time someone stepped into the roadway to accept a contribution. In response to Mr. Sullivan, Mr. Dunsmore felt the solution was enforcing the existing laws rather than extending the laws and expecting them to be enforced.

TODD BURNS testified against the ordinance.

DAN COONS supported doing something about the panhandlers, but he was not sure this ordinance was the right thing to do. He questioned the legality of being on the sidewalk or in the roadway.

Chair Traini called for additional public testimony. There being none, he closed Public Hearing and called for a motion.

Mr. Sullivan moved, to approve AO 2003-57(S-1).
Ms. Von Gemmingen seconded,

To Mr. Sullivan, Mr. Lance Wilber responded that the Traffic Department managed the special activity permits for parades, marches and similar activities to ensure public safety. Large masses of people holding big signs caused a public safety hazard and the permitting process would allow the Traffic Department to know where they were and provide guidance on where they should be. Special activity permits allowed people to hold one event in multiple locations. The Traffic Department recommended a minimum insurance bond of \$1,000,000. Title 9 currently stated that no pedestrians could solicit within a right-of-way, which was currently being reviewed and would be made consistent with AO 2003-57(S-1). He felt the location of the ordinance was appropriate and would give the Traffic Department the opportunity to review what solicitations were being held and where they were being held.

To Ms. Von Gemmingen, Assembly Attorney Michael Gatti responded that he thought the cost of a creating a bond was typically about ten percent of the bond.

To Ms. Von Gemmingen, Mr. Sullivan responded that his brother held a block party every 4th of July and was able to obtain the required bond by placing a rider on his homeowners insurance at the cost of about \$375 per event.

To Mr. Van Etten, Mr. Wilber responded that AO 2003-57(S-1) would allow organizations to solicit and raise funds as long as they went through the permitting process, whereas it was completely prohibited by Title 9.

Mr. Tremaine stated that the definition of a roadway was the area that the cars traveled on, exclusive of curbs, snow berms or shoulders.

To Mr. Tremaine, Mr. Wilbur responded that the Anchorage Fire Department currently did not obtain a permit for their yearly fundraiser. He stated that the Fire Department would prefer that they obtained a permit and wore reflective outerwear, which would be discussed with the Fire Department.

Ms. Fairclough thought that there had been one death attributed to panhandling on the Glenn Highway. She discussed the enforcement problems, which included the fact that the panhandlers knew not to enter the roadway if a police car was present. She thanked Mr. Sullivan for bringing the issue forward, because there were multiple safety problems.

Anchorage Police Department Deputy Chief Bill Miller said the APD was in favor of AR 2003-57(S-1), which would outline safety requirements for people engaged in activities close to a roadway and would allow police officers to monitor and reduce the risk of accidents. People in the right-of-way and close to the roadway were a distraction to drivers. The ordinance provided for activities such as the Firemen's' Pass-the-Boot or car washes as long as the safety requirements were followed. He discussed police enforcement of the existing ordinances and statutes. The ordinance indirectly addressed the panhandling issue, which he felt fit with other programs they were working on.

Mr. Sullivan pointed out that the state laws banning all advertising or activities on state roads were not fully enforced. Prosecutors did not always enforce Title 9, because they felt soliciting was the act of standing on the sidewalk, not stepping out into the street to collect the donations. AR 2003-57(S-1) added language that made the act of collecting contributions an illegal activity, which they hoped would help enforcement issues.

Deputy Police Chief Miller felt any law that was specific and clear about what kind of conduct was required or prohibited made the law stronger and easier to enforce.

To Mr. Sullivan, Deputy Chief Miller responded that he did not know of any motorists who had received a ticket for giving donations to panhandlers. The Anchorage Police Department would be supportive of a public relations campaign to educate motorists and panhandlers on the law, as well as encourage donations to social service agencies.

To Ms. Von Gemmingen, Assembly Attorney Mr. Gatti responded that the person providing the contribution to someone walking into the roadway would be subject to a violation under the aiding and abetting provisions of Title 1.

Mr. Sullivan read Title 1, 1.45.020, aiding or abetting a violation, which was cross-referenced to Title 8, the penal code, and Title 9, vehicles in traffic; "The prohibition of any act in this code and in any rule or regulation adopted under this code shall include the causing, securing, aiding or abetting of another person to do such act."

Ms. Von Gemmingen said it had to be made clear that both sides would be held responsible, but the police department was often too busy to enforce the codes.

To Ms. Von Gemmingen, Deputy Chief Miller responded that a seat belt violation would be a secondary offense. The Anchorage Police Department did direct enforcement of safety belt violations, because it was part of a public education campaign to keep people safe. Given the right circumstances and public safety campaign, the police department would enforce the panhandling ordinance.

In response to Mr. Tremaine, Deputy Chief Miller discussed the department's lack of results in arrests of prostitutes until they started arresting the persons soliciting prostitution. It was not the police department's policy to prohibit a police officer from enforcing any law unless the task at hand was more important than the infraction. Clarifying Anchorage Municipal Code 1.45.020 or adding language to the ordinance that stated a person would be in violation if they solicited or took part in the activity would make the law stronger.

In response to Mr. Van Etten, Deputy Chief Miller said the current law talked specifically about soliciting donations on the roadway and did not address the issue of accepting donations. Panhandling in parking lots, in front of stores or various other places was not specifically addressed in the ordinance.

Mr. Sullivan stated that the purpose of AR 2003-57(S-1) was not to make more things illegal, and intended to permit certain worthwhile activities while insuring public safety. He discussed the history behind proposing the ordinance. He had been contacted by REI regarding panhandlers who had begun camping out overnight and harassing the workers. Frontier Business Machines on Gambell and 15th Avenue had similar problems. AO 2003-57(S-1) would not solve the problem entirely, but it would provide the police department another tool for enforcement. He explained that the Municipality of Anchorage was self-insured but the first \$2,000,000 of a claim came out of the city's pocket. Mr. Sullivan reviewed the changes that had been made to AO 2003-57(S-1). On page 1, section A of 24.45.010, prohibiting solicitations, they added the language that included collecting contributions as part of the prohibited activity, the cost of the permit would be \$100, the requirement of \$1,000,000 of insurance had been added and an indemnification and "hold harmless" agreement was also included. The Municipal Risk Manager now had authority to increase the requirements if he determined the scope of the activity warranted it, the age limitation had been set to 16 years of age or greater; language had been added to clarify that these activities could occur during daylight hours only; participants needed to have their permits handy, wear brightly colored vests and the activity was not to exceed 24 hours in a 48-hour period; a restriction had been added which allowed no one within two feet of the roadway, and; a penalty fine had been added of \$50 for a first offense and \$250 for a second offense. He urged the Assembly to approve AR 2003-57(S-1).

Ms. Von Gemmingen noted that panhandling was very distracting to the drivers. The community councils, as well as everyone who contacted her office, were in favor of AO 2003-57(S-1).

To Ms. Von Gemmingen, Mr. Sullivan responded that the original version of AO 2003-57 had the Traffic Department providing the brightly colored vests, but the Traffic Department was not involved in distributing the vests. They were available at Warning Lights of Alaska, the Army Navy Surplus and other vendors in Anchorage. The paper nylon vests were inexpensive and readily available.

Ms. Von Gemmingen moved, to amend AO 2003-57(S-1), Page 2, Line 11,
Mr. Whittle seconded, by replacing [~~\$1,000,000~~] with "\$500,000."
and this motion was approved,

Ms. Von Gemmingen noted that many people holding such activities could not afford the \$375 to obtain the \$1,000,000 bond and the bonds were hard to obtain.

Mr. Sullivan noted that the \$1,000,000 bond requirement was at the recommendation of the Traffic Department. Obtaining a bond could be done with one phone call. He was willing to approve the amendment, because the Municipality of Anchorage Risk Manager had the option of raising the requirement.

To Mr. Van Etten, Mr. Sullivan responded that the Traffic Department had reviewed the permitting process and was satisfied it would work. It was decided that groups would not need a permit for a car wash as long as they stayed two feet from the roadway. The ordinance was not meant to cure all the problems experienced with panhandling, but it would set new rules and regulations regarding the solicitation of contributions along roadways while insuring public safety. The ordinance would not address panhandlers who might harass people in parks or in front of stores.

Mr. Van Etten felt the ordinance needed to go further in addressing public safety issues associated with panhandling that did not occur in the roadways.

Mr. Van Etten moved, to postpone AO 2003-57(S-1) as amended, until
Mr. Whittle seconded, June 10, 2003, and schedule a worksession with
the Public Safety Committee.

Mr. Sullivan pointed out that the process had been started last year in the Public Safety Committee and delaying the ordinance would only serve to increase liability for the City of Anchorage.

Mr. Whittle said AO 2003-57(S-1) would affect the homeless people of Anchorage and that the Assembly needed time to find solutions to this problem. He encouraged postponing AO 2003-57(S-1) until June.

Being the Chair of the Public Safety Committee, Ms. Taylor welcomed scheduling a worksession to discuss the issues brought forward in the public testimony and the Assembly's debate.

Chair Traini called for a vote on the motion to postpone AO 2003-57(S-1), as amended, until June 10, 2003 and this motion was passed.

and the motion to postpone was passed,

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

14. NEW PUBLIC HEARINGS

- 14.A. Resolution No. AR 2003-90, a resolution of the Municipality of Anchorage appropriating \$224,520 in prior year operating budget contributions to the Anchorage Fire Department, Girdwood Fire Apparatus Capital Improvement (406) Fund for the purchase of **new fire apparatus**, Anchorage Fire Department.
1. Assembly Memorandum No. AM 350-2003.

Chair Traini read the resolution title and opened Public Hearing. With no public testimony, he closed Public Hearing and called for a motion.

Ms. Taylor moved, to approve AR 2003-90.
Ms. Fairclough seconded,
and this motion was passed,

AYES: Taylor, Von Gemmingen, Traini, Fairclough, Shamberg and Tremaine.
NAYES: None.
ABSENT: Tesche, excused. (Clerk's Note: Whittle, Van Etten, Kendall and Sullivan, temporarily out of the room)

Ms. Von Gemmingen moved to take up Agenda item 9.E.4. It was seconded by Ms. Fairclough and there were no objections. (Clerk's Note: See Agenda Item 10.E.4)

- 14.B. Resolution No. AR 2003-73, a resolution of the Municipality of Anchorage, Alaska confirming and levying special assessments for sanitary sewer improvements for **Freeman Lateral Improvement District (LID) A205**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 296-2003.

Chair Traini read the resolution title and opened Public Hearing. There was no one to testify and he closed Public Hearing and called for a motion.

Ms. Taylor moved, to approve AR 2003-73.
Ms. Fairclough seconded,
and this motion was passed,

AYES: Whittle, Taylor, Von Gemmingen, Traini, Fairclough, Van Etten, Shamberg, Tremaine and Sullivan.
NAYES: None.
ABSENT: Tesche, excused. (*Clerk's Note: Kendall, temporarily out of the room.*)

- 14.C. Ordinance No. AO 2003-76, an ordinance amending Anchorage Municipal Code 26.80.050A. to add a new subsection for **recycling non-residential electronic waste** at the Anchorage Regional Landfill and setting fees for electronic waste recycling, Solid Waste Services.
1. Assembly Memorandum No. AM 376-2003.

Chair Traini read this ordinance title and opened Public Hearing. There was no one to testify and he closed Public Hearing and called for a motion.

Ms. Fairclough moved, to approve AO 2003-76.
Ms. Shamberg seconded,

To Chair Traini, the Administration responded that the fees recovered would pay for the recycling charges and for transportation costs of recycled items to the Lower '48. When businesses disposed of electronic equipment, it was considered disposal of hazardous wastes, but private households were exempt from these hazardous waste regulations.

Ms. Fairclough moved, to approve AO 2003-76.
Ms. Shamberg seconded,
and this motion was passed,

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

Mr. Kendall moved to change the order of the day to take up 9.F.10. It was seconded by Ms. Fairclough and there were no objections. (*Clerk's Note: Refer to Agenda item 10.F.10*)

- 14.D. Ordinance No. AO 2003-69, an ordinance of the Anchorage Municipal Assembly extending the term of the existing **lease with Totem Ocean Trailer Express, Inc.** for an area in the southern portion of the Transit Warehouse Building at the Port of Anchorage, totaling approximately 6,909 square feet, pursuant to an exercised option to renew, Port of Anchorage.
1. Assembly Memorandum No. AM 332-2003.

Chair Traini read the ordinance title and opened Public Hearing. There was no one to testify, and he closed Public Hearing and called for a motion.

Ms. Fairclough moved, to approve AO 2003-69.
Ms. Taylor seconded,
and this motion was passed,

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

- 14.E. Resolution No. AR 2003-111, a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages conditional use for a restaurant/eating place alcohol license in the B-3 and B-1A Districts for The Barbecue Pit Restaurant, per AMC 21.40.140D.9; 21.40.180D.8; 21.50.020 and 21.50.160, located on Barnett Subdivision, Lots 4 and 5; generally located at 1160 West Dimond Boulevard, Anchorage (**The Barbecue Pit**) (Case 2003-059), Planning Department.
1. Assembly Memorandum No. AM 395-2003.

Chair Traini read this resolution title and opened Public Hearing. There was no one to testify, and he closed Public Hearing and called for a motion.

Ms. Fairclough moved, to approve AR 2003-111.
Mr. Tremaine seconded,
and this motion was passed,

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

- 14.F. Ordinance No. AO 2003-66, an ordinance of the Anchorage Municipal Assembly amending the zoning map and providing for the rezoning of approximately 1.3 acres from R-1 and R-3 to B-3 SL for **Kirchner Subdivision, Lot 26A**, generally located at the northeast corner of Spenard Road and Barbara Drive (Turnagain Community Council) (Planning and Zoning Commission Case 2002-150), Planning Department.

1. Assembly Memorandum No. AM 306-2003.

Chair Traini read this ordinance title and opened Public Hearing.

BRENDA SMART, Chair of the Spenard Community Council, testified in support of the ordinance. To Mr. Tremaine, Ms. Smart responded that the council supported the rezone to include the proposed plan only for the Motel 6 and not for other businesses. To Ms. Von Gemmingen, Ms. Smart responded that technically the property was in the Turnagain Community Council area, but potential boundary changes would place it in the Spenard Community Council area.

To Ms. Taylor, Planning Department Platting Supervisor Jerry Weaver responded that the ordinance had been reviewed by the Spenard Commercial District Plan and they ensured that the project conformed to the plan.

To Ms. Taylor, Ms. Smart responded they realized that the Spenard Commercial District Plan would be compromised, but they felt this would be a working solution.

Mr. Kendall read the special limitation condition from the commission report. "All development or redevelopment on this site shall be subject to an administrative site plan review, which shall comply with the Spenard commercial district development strategy. Prior to administrative site plan review, the proposed site plan shall be reviewed by the Spenard and Turnagain Community Councils."

To Mr. Van Etten, Mr. Weaver responded that an Administrative site plan review did not include public testimony. The only venue for public comment would be the requirement to meet with the community councils.

Chair Traini asked if anyone else wished to testify. There was no one, and he closed Public Hearing and called for a motion.

Ms. Fairclough moved, to approve AO 2003-66.
Ms. Von Gemmingen seconded,

To Ms. Shamberg, Mr. Weaver responded that the land was currently zoned as R-1 and B-3SL. If the Assembly believed there needed to be further public scrutiny, they could require a Public Hearing on the issue.

Mr. Van Etten noted that permitted uses for land zoned B-3 also included private clubs, lodges and unlicensed nightclubs, provided the nightclubs conformed to Code requirements of Section 21.45.245. He noted that rezoning the land could result in unexpected development.

Ms. Shamberg moved, to amend AO 2006-66 *by requiring a public review of*
Mr. Van Etten seconded, the site plan by the community councils.
and this motion was withdrawn,

Ms. Von Gemmingen referenced on Page 1, Lines 21 and 22, which stated that prior to the administrative site plan review the proposed site plan was to be reviewed by the Spenard and Turnagain Community Councils. She did not feel the amendment was necessary.

In response to Mr. Kendall, Ms. Smart responded that the Spenard Community Council still supported AO 2006-66. She felt their bases were covered through the written document and/or the proposed public site review process.

Mr. Kendall urged a NO-vote on the amendment.

Deputy Municipal Attorney Dennis Wheeler stated the Municipal Code required that a parcel of land be a minimum of 1.75 acres to be rezoned, unless there was an amendment extending the boundary of an existing use district. He thought that by extending this boundary it would be extending the boundaries of B-3 lots.

Ms. Shamberg withdrew her motion with concurrence from the second.

Chair Traini called for a vote on the main motion.

and this motion was passed,

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

14.G. Assembly Memorandum No. AM 396-2003, amendment No. 4 to the professional survey services contract with Kean and Associates for **Rabbit Creek View Subdivision and Rabbit Creek Heights Subdivision Survey Improvement Assessment District 1V96** (\$99,000), Project Management & Engineering.

10.B.15 Resolution No. AR 2003-143(S), a resolution of the Municipality of Anchorage appropriating \$99,000 as a loan from the Areawide General Fund (101) to the Miscellaneous Capital/Pass-Thru Capital Improvement Program Fund (409) to pay for Alaska Superior Court approval of the **Rabbit Creek View Subdivision and Rabbit Creek Heights Subdivision re-survey and monumentation** of the new platted lots, Project Management & Engineering. **(Addendum)**
a. Assembly Memorandum No. AM 433-2003(A).

Mayor Wuerch requested that items 14.G, AM 396-2003 and 10.B.15, AR 2003-143(S), be combined for Public Hearing and discussion, and there were no objections. Chair Traini read these item titles and opened Public Hearing on these items. There was no one to testify and he closed Public Hearing and called for a motion on the first item, 10.B.15, AR 2003-143(S).

Mr. Tremaine moved to approve and recommended a YES-vote.

Mr. Tremaine moved, to approve AR 2003-143(S).
Ms. Fairclough seconded,

In response to Ms. Von Gemmingen, Municipal Project Manager Howard Holtan stated that Chief Fiscal Officer Kate Giard had indicated that unless there were specific payback provisions in the resolution, an approval of the loan would not be appropriate. Until the district was assessed, they had no numbers for calculation. Mr. Holtan added that the value of the property would increase dramatically as a result of this work.

The Administration did not believe Assembly Action that evening would determine whether this would be paid back through assessment. That determination would be made by the Assembly and affirmed by a court of law.

Deputy Municipal Attorney Dennis Wheeler stated that the special state legislation required the court to approve the assessment on a per lot basis as part of its platting approval process. Following the initial assessment made through the court, the Assembly could choose to take any action it wished with respect to the assessment, including paying down or forgiving a portion of the assessment.

To Ms. Gemmingen, Mr. Wheeler responded that the expenses of the replatting process, including the expenses of the monumentation and the court action, would be included the appropriation. The Assembly could review the assessment of each after the court made its final determination. The difference between the original resolution and the (S)Version was the inclusion of interest collected for a set period of time on a loan, but that would not be part of the assessment.

Mayor Wuerch added that all prior appropriations for the survey had been made from the general fund. The accumulated expenditures would be added up and allocated proportionally by the courts. The Assembly could then decide to buy down some of that obligation as a special grant to the homeowners.

and this motion was passed,

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

Chair Traini called for a motion on the accompanying AM 396-2003.

Mr. Tremaine moved, to approve AM 396-2003.
Ms. Fairclough seconded,
and this motion passed,

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

- 14.H. 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. *(Clerk's Note: Continued to May 20, 2003)*
1. Assembly Memorandum No. AM 391-2003.

Chair Traini read this resolution title and opened Public Hearing. There was no public testimony and he closed Public Hearing and called for a motion.

To Chair Traini, the Administration responded that they had requested this Public Hearing be continued because they had heard that the allocations of federal funds would be less than previously thought. They were planning to review the entire program before the Assembly took action and made recommendations.

Ms. Fairclough moved, to continue Public Hearing on AR 2003-110 to May 20, 2003.
Ms. Shamberg seconded,
and this motion was approved,

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

- 14.I. 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). *(Clerk's Note: Continued to June 10, 2003)*
1. Information Memorandum No. AIM 47-2003.

Chair Traini read this resolution title and opened Public Hearing. There was no public testimony and he closed Public Hearing and called for a motion.

Ms. Fairclough moved, to continue AO 2003-81 to June 10, 2003.
Ms. Shamberg seconded,

and this motion was approved,

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

- 14.J. 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. *(Clerk’s Note: Continued to June 10, 2003)*
1. Assembly Memorandum No. AM 177-2003.

Chair Traini read the ordinance title and opened Public Hearing. There was no one to testify and he closed Public Hearing and called for a motion.

Mr. Van Etten moved, *to continue* AO 2003-47 to June 10, 2003.
Ms. Fairclough seconded,
and it passed without objection,

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

- 14.K. Ordinance No. AO 2003-79, an ordinance of the Anchorage Municipal Assembly enacting a new Subsection (J) within AMC 3.30.172 **Classification of Executive Positions** relating to continued employment of executives appointed to non-executive positions prior to a change in administration; enacting a new section AMC 7.15.110 providing for termination of professional service contracts made with municipal executives before a mayoral transition; and providing for an effective date, Assemblymembers Traini, Tesche, Von Gemmingen, and Taylor. *(Clerk’s Note: Continued until May 20, 2003)*

Chair Traini read this resolution title and opened Public Hearing and there was no one to testify. He closed Public Hearing and called for a motion on AO 2003-79.

Ms. Fairclough moved, *to continue* AO 2003-79 to May 20, 2003.
Ms. Taylor seconded,
and this motion was approved,

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

15. **BOARD OF ADJUSTMENT/ASSEMBLY APPEALS** None.
16. **SPECIAL ORDERS** None.
17. **UNFINISHED AGENDA** None.
18. **AUDIENCE PARTICIPATION** None.
19. **ASSEMBLY COMMENTS** None.
20. **EXECUTIVE SESSIONS** None.
21. **ADJOURNMENT**
22.

Chair Traini called for a motion to adjourn.

Mr. Kendall moved, *to adjourn* the Regular Assembly Meeting.
Mr. Tremaine seconded,
and it passed without objection,

(Clerk’s Note: The meeting adjourned at 10:45 p.m.)

ATTEST: DICK TRAINI, Assembly Chair

LINDA HEIM, Municipal Clerk
Date Minutes Approved: October 26, 2004
MC:BG