

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of May 20, 2003

1. CALL TO ORDER:

The meeting was convened at 5:05 p.m. by Assembly Chairman Dick Traini in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

2. ROLL CALL:

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

3. PLEDGE OF ALLEGIANCE:

Municipal Manager Harry Kieling led the pledge.

4. MINUTES OF PREVIOUS MEETING: None.

5. MAYOR'S REPORT:

Mayor Wuerch said the nation's threat level had been raised to orange, indicating a high risk of terrorist activities. The Municipality of Anchorage raised its accordingly and reminded citizens to be vigilant and prepared to be self-sufficient for a short period of time. Reports not justifying the use of 911 could be made at 565-8600. Former colleague Joe Murdy had been hospitalized and the doctors feared that he might be in congestive heart failure. A Canadian delegation reviewed the Community Service Patrol and the Safe City Transfer Station and they were so impressed that they decided to setup similar programs in their regions. He discussed the suspected SARS case at Providence Hospital and stressed that the patient posed no threat to visitors, other patients or the general public. Today a fence cutting ceremony had been held at Hollywood Vista. The city purchased the Hollywood Vista area, which had several deteriorated buildings, for \$1.00 in 1988. Over the years the city removed the deteriorated buildings, cleared the site and entered into a partnership with Anchorage Neighborhood Housing Services to develop the site.

6. ASSEMBLY CHAIR'S REPORT: None.

7. COMMITTEE REPORTS:

Mr. Sullivan reported on his trip to Juneau. The proposed sales tax had been defeated. The Assembly needed to be cautious in their expenditures, because revenue sharing and block grants may no longer exist.

8. ADDENDUM TO AGENDA:

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

Chairman Traini read the addendum items.

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

9. CONSENT AGENDA:

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

A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

1. Resolution No. AR 2003-137, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Sergeant Patricia L. Jones** for her 25 years of service with the Anchorage Police Department, Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen, and Whittle.
2. Resolution No. AR 2003-150, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Captain David Cooper** for his 22 years of service with the Anchorage Police Department, Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen, and Whittle. (**addendum**)
3. Resolution No. AR 2003-153, a resolution of the Anchorage Municipal Assembly recognizing and commending **Tara Henry** for her efforts as the Anchorage-Area Sexual Assault Response Team (SART) Coordinator to make our city a better, safer, more wholesome place to live and work, Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen, and Whittle. (**addendum**)

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

4. Resolution No. AR 2003-154, a resolution of the Anchorage Municipal Assembly recognizing and thanking **Cory Bryant** for her past and continued efforts to serve our community by creating a superb children’s resource center for children who have been victims of sexual abuse, Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen, and Whittle. **(addendum)**

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

**B. RESOLUTIONS FOR ACTION - OTHER**

1. Resolution No. AR 2003-109, a resolution of the Anchorage Municipal Assembly approving the preliminary (conceptual) design for the **Sand Lake Elementary Addition and Renovation Project**, Anchorage School District.  
a. Assembly Memorandum No. AM 343-2003.

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

2. Resolution No. AR 2003-147, a resolution of the Municipality of Anchorage appropriating \$2,000 to the State Grants Fund (231), Department of Public Transportation from a \$1,800 grant from the Alaska Commission on Aging and a contribution of \$200 from the General Fund (101) to assist in the funding of **software purchase** for coordinated transportation services for senior citizens within the Municipality of Anchorage, Public Transportation.  
a. Assembly Memorandum No. AM 449-2003.
3. Resolution No. AR 2003-148, a resolution of the Municipality of Anchorage appropriating \$100,000 from Areawide Service Area Fund Balance (Fund 101) to provide the Areawide Service Area (Fund 101) 2003 General Operating Budget to provide immediate funding for **emergency repairs** to various municipal facilities damaged by the windstorm of March 12, 2003, Maintenance and Operations.  
a. Assembly Memorandum No. AM 450-2003.

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

4. Resolution No. AR 2003-155, a resolution of the Anchorage Municipal Assembly supporting the **Buckle Up Alaska** and **Click It or Ticket** campaigns, Assemblymembers Van Etten, Fairclough, Kendall, Shamberg, Sullivan, Tesche, Tremaine, Von Gemmingen, and Whittle. **(addendum)**

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

5. Resolution No. AR 2003-151, a resolution of the Anchorage Municipal Assembly revising the 2003 General Government Operating Budget by appropriating \$30,000 from Areawide General Fund (101) Balance to the Office of the Mayor to be used as a grant to the **Alaska Moving Image Preservation Association** (AMIPA), Assemblymember Taylor. **(addendum)**  
a. Assembly Memorandum No. AM 457-2003.

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

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

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

7. Resolution No. AR 2003-158, a resolution of the Anchorage Municipal Assembly regarding **2003 HAND Commission Action Plan amendment**, Assemblymembers Tesche and Traini. **(LAID ON THE TABLE)**

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

8. Resolution No. AR 2003-159, a resolution of the Anchorage Municipal Assembly requesting further information and review regarding **site costs and the availability of municipal sites**, including 3500 Tudor, for use in connection with the new facility for the Department of Health and Human Services, Assemblymembers Tesche and Traini. **(LAID ON THE TABLE)**

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

**C. BID AWARDS**

1. Assembly Memorandum No. AM 454-2003, recommendation of award to Rainbow Builders, Inc. for **Anchorage Water & Wastewater (AWWU) Headquarters improvements** for the Municipality of Anchorage, Anchorage Water & Wastewater Utility (ITB 23-C014) (\$219,319.50), Purchasing.
2. Assembly Memorandum No. AM 455-2003, recommendation of award to Alcan Electrical & Engineering Inc, for **Eklutna Water Treatment Facility Utility Wide Supervisory**

**Control and Data Acquisition (SCADA) System Phase 2A** for the Municipality of Anchorage, Anchorage Water & Wastewater Utility (ITB 23-C023) (\$1,554,807), Purchasing.

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

**D. NEW BUSINESS**

- 1. Assembly Memorandum No. AM 460-2003, recommendation of award to Arctic Office Products for leasing a **color copier** to the Municipality of Anchorage, Community Development Division (\$59,400), Purchasing.

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

- 2. Assembly Memorandum No. AM 461-2003, proprietary purchase of **computer software maintenance** from SAS Institute, Inc. for the Municipality of Anchorage, Information Technology Department (ITD) (\$37,230), Purchasing.
- 3. Assembly Memorandum No. AM 462-2003, recommendation of award to MACTEC Engineering and Consulting to provide **engineering services** on an “as required” basis for the Anchorage Regional Landfill for the Municipality of Anchorage, Solid Waste Services (RFP 23-P012) (\$200,000), Purchasing.
- 4. Assembly Memorandum No. AM 464-2003, approving change order No. 4 to Alaska Pollution Control, Inc. (P.O. No. 221078) increasing the contract amount by \$200,000 for a total not-to-exceed amount of \$450,756 for the Upper O’Malley Limited Road Service Area (LRSA), Municipality of Anchorage, Maintenance and Operations Department for Budget Year 2003 **summer and winter road maintenance**, Maintenance and Operations.
- 5. Assembly Memorandum No. AM 465-2003, approving change order No. 9 to GLS, LLC contract (P.O. No. 211619) increasing the contract by \$21,815 for a total not-to-exceed amount of \$225,000 for the South Goldenview Limited Road Service Area (LRSA), Municipality of Anchorage, Maintenance and Operations Department for Budget Year 2003 **road maintenance work**, Maintenance and Operations.
- 6. Assembly Memorandum No. AM 466-2003, **Pump Station 10 Service Area Infiltration and Inflow Study** – Amendment No. 2 to contract for professional services with VEI Consultants (\$42,072), Anchorage Water and Wastewater Utility.
- 7. Assembly Memorandum No. AM 459-2003, **Port Commission appointment** (James Dodson), Mayor’s Office. **(addendum)**

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

- 8. Assembly Memorandum No. AM 472-2003, lease award to James E. Schefers, Metropolitan Office Building, for providing **leased office space** to the Municipality of Anchorage, Department of Assembly (\$5,520), Assembly Chair Traini. **(addendum)**
- 9. Assembly Memorandum No. AM 467-2003, Request to remand Board of Adjustment Appeal S-10811-3 **Grandview Subdivision** to Platting Board, Municipal Clerk. **(addendum)**

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

- 10. Assembly Memorandum No. AM 468-2003, Motion for extension of time to file brief in Board of Adjustment Appeal S-10990, **Kincaid Estates Subdivision**, Municipal Clerk. **(addendum)**

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

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

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

- 12. Assembly Memorandum No. AM 470-2003, change order No. 1 to Contract C-234082 with Power Maintenance Resource, Inc. for Municipal Light & Power Plant 2, Unit 7, **heat recovery steam generator re-tube and main stream line replacement** for the Municipality of Anchorage, Municipal Light & Power (\$710,450), Purchasing. **(addendum)**  
**(TO BE SUBMITTED)**

**E. INFORMATION AND REPORTS**

- 1. Information Memorandum No. AIM 54-2003, **Sole Source Procurement Report** for the month of April 2003, Purchasing.
- 2. Information Memorandum No. AIM 55-2003, **contracts awarded between \$50,000 and \$100,000 through formal competitive processes** for the month of April 2003, Purchasing.
- 3. Information Memorandum No. AIM 56-2003, **Monthly Financial Report** – March 2003, Finance.

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

**F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION**

- 1. Resolution No. AR 2003-156, a resolution of the Municipality of Anchorage appropriating \$671,200 from the Chugiak, Birchwood, Eagle River Rural Road Service Area (CBERRRSA) Fund Balance (Fund 119) to the CBERRRSA 2003 Operating Budget (Fund

- 119) for CBERRRSA 2003 **summer maintenance program**, Maintenance and Operations. P.H. 6-10-03.
- a. Assembly Memorandum No. AM 471-2003.
2. Resolution No. AR 2003-157, a resolution of the Anchorage Municipal Assembly ratifying Executive Order 2003-03, an Executive Order naming an un-named right of way, from Dennis Way north to Sunview Drive, **Aleut Way**, Municipal Clerk. P.H. 6-24-03. **(addendum)**
- a. Assembly Memorandum No. AM 456-2003.
3. Ordinance No. AO 2003-86, an ordinance of the Anchorage Municipal Assembly providing for a ballot proposition to be submitted to the qualified voters of the Municipality of Anchorage at the Regular Election of April 6, 2004, for the authorization of a **sales tax** not to exceed eight percent (8%), contingent upon the State of Alaska adopting a statewide sales tax, which shall reduce the Municipality's real property taxes in an amount proportionate to the revenue collected by the sales tax, Assemblymember Fairclough. P.H. ~~6-24-03~~ 10-14-03. **(TO BE SUBMITTED) (addendum)**

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

4. Ordinance No. AO 2003-87, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 9.20.060, **Pedestrians Soliciting Rides or Business**, to clarify that it applies to the collection of contributions from the occupant of a vehicle on a roadway, and to add a Subsection C to prohibit an occupant of a vehicle from aiding or abetting acts in violation of Anchorage Municipal Code 9.20.060, Assemblymember Sullivan. P.H. 6-24-03. **(addendum)**

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

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

Mr. Tesche, Mr. Tremaine and Mr. Van Etten joined in introducing AO 2003-88. The public hearing was scheduled for June 10, 2003.

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

Ms. Von Gemmingen, Ms. Fairclough and Mr. Tremaine joined in introducing AO 2003-89. The public hearing was scheduled for June 10, 2003.

7. Ordinance No. AO 2003-90, an ordinance of the Anchorage Municipal Assembly providing for the regulation of **site condominiums**, Assemblymember Fairclough. **(TO BE SUBMITTED) (LAID ON THE TABLE)**

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

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

**10. REGULAR AGENDA**

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

- 10A1. Resolution No. AR 2003-153, a resolution of the Anchorage Municipal Assembly recognizing and commending **Tara Henry** for her efforts as the Anchorage-Area Sexual Assault Response Team (SART) Coordinator to make our city a better, safer, more wholesome place to live and work, Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen, and Whittle. **(addendum)**

Mr. Sullivan moved, to approve AR 2003-153.  
seconded by Ms. Fairclough,  
and it passed without objection,

Mr. Sullivan read the resolution.

Chief of Police Walt Monegan presented a resolution to Tara Henry and her staff for their individual contributions to the Sexual Assault Response Team on behalf of the Anchorage Police Department and the citizens of Anchorage.

Ms. Fairclough pointed out that Alaska Regional Hospital had provided services above and beyond the call of duty for a number of years by bearing the cost of \$50,000 to \$75,000 to respond to people in crisis on a 24 hour a day, 7 days a

1 week basis. Tara Henry, as well as many other nurses and staff at Alaska Regional Hospital, dedicated their lives to  
2 providing support and technical assistance to prosecutors, the district attorney's office and the police department to help  
3 put criminals in jail. She thanked Alaska Regional Hospital and Tara Henry for their commitment.  
4

5 10A2. Resolution No. AR 2003-154, a resolution of the Anchorage Municipal Assembly  
6 recognizing and thanking **Cory Bryant** for her past and continued efforts to serve our  
7 community by creating a superb children's resource center for children who have been  
8 victims of sexual abuse, Assemblymembers Fairclough, Kendall, Shamberg, Sullivan,  
9 Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen, and Whittle. (**addendum**)  
10

11 Mr. Whittle moved, to approve AR 2003-154.  
12 seconded by Mr. Tesche,  
13 and it passed without objection,  
14

15 Mr. Whittle read the resolution.  
16

17 Ms. Fairclough noted that April was sexual assault awareness month. The Anchorage-Area Sexual Assault Response  
18 Team, the Child Abuse Response and Evaluation Services and the Anchorage Police Department were the key  
19 responders to sexual crisis situations. In 2002, the Child Abuse Response and Evaluation Services responded to over  
20 650 cases of child molestation and abuse. The number was increasing with 300 reported cases in the first few months of  
21 2003. She commended all those involved for the services they provide to the community.  
22

23 Ms. Fairclough noted that Dave Parker was appointed as the new lead for the Sexual Response Unit.  
24

25 Chief of Police Walt Monegan presented a resolution to Cory Bryant and her staff for their individual contributions to  
26 the Child Abuse Response and Evaluation Services, Alaska Cares, on behalf of the Anchorage Police Department and  
27 the citizens of Anchorage.  
28

29 **B. RESOLUTIONS FOR ACTION – OTHER:**

30 10B1. Resolution No. AR 2003-109, a resolution of the Anchorage Municipal Assembly approving  
31 the preliminary (conceptual) design for the **Sand Lake Elementary Addition and**  
32 **Renovation Project**, Anchorage School District.  
33 a. Assembly Memorandum No. AM 343-2003.  
34

35 Ms. Von Gemmingen moved, to approve AR 2003-109.  
36 seconded by Mr. Tremaine,  
37

38 Ms. Von Gemmingen pointed out that they were going from 24 to 26 classrooms, which would max out the school. A  
39 new elementary school would be needed in the Sand Lake area, which was still growing. She noted that there was a  
40 problem with vehicles speeding in the area and asked the Anchorage Police Department to monitor the situation.  
41

42 Question was called on the motion to approve AR 2003-109 and it passed without objection.  
43

44 10B2. Resolution No. AR 2003-148, a resolution of the Municipality of Anchorage appropriating  
45 \$100,000 from Areawide Service Area Fund Balance (Fund 101) to provide the Areawide  
46 Service Area (Fund 101) 2003 General Operating Budget to provide immediate funding for  
47 **emergency repairs** to various municipal facilities damaged by the windstorm of March 12,  
48 2003, Maintenance and Operations.  
49 a. Assembly Memorandum No. AM 450-2003.  
50

51 Mr. Tremaine moved, to approve AR 2003-148.  
52 seconded by Mr. Tesche,  
53

54 In response to Mr. Tremaine, Municipal Manager Harry Keiling, said the \$100,000 covered the standard deductible on  
55 the insurance policy even though the total damages exceeded that amount. The \$100,000 would come out of the general  
56 fund, not the first quarter budget revision.  
57

58 In response to Mr. Tremaine, Mayor Wuerch said the reports of windstorm damage came in over a period of several  
59 weeks. An amendment could have been made to the first quarter budget revision if one had been proposed. Risk  
60 Management had collected the windstorm damage reports. He preferred not to answer more detailed questions unless  
61 the staff was present with the exact facts and figures.  
62

63 Mr. Tesche moved, to postpone AR 2003-148 to June 10, 2003.  
64 seconded by Mr. Van Etten,  
65

66 Mayor Wuerch said they preferred to have the repairs done on the building without delay.  
67

68 Ms. Fairclough asked Mr. Tesche and Mr. Van Etten to withdraw the motion. The money could be moved from a  
69 building fund, if available, and put back into the general fund. July and August were rainy months and more damage  
70 would be caused if the repairs were not done.  
71

72 In response to Mr. Tremaine, Mr. Keiling said the repairs had not been started, but the contracts were ready to go as  
73 soon as the deductible was received.  
74

75 Mr. Tremaine withdrew his motion. Mr. Van Etten withdrew his second of the motion.  
76

77 Question was called on the motion to approve AR 2003-148 and it passed without objection.  
78

10B3. Resolution No. AR 2003-155, a resolution of the Anchorage Municipal Assembly supporting the **Buckle Up Alaska** and **Click It or Ticket** campaigns, Assemblymembers Van Etten, Fairclough, Kendall, Shamberg, Sullivan, Tesche, Tremaine, Von Gemmingen, and Whittle. **(addendum)**

Mr. Van Etten moved, to approve AR 2003-155.  
seconded by Ms. Fairclough,  
and it passed without objection,

Ms. Shamberg read the resolution. Mr. Sullivan presented the Alaska Injury Prevention Center with a plaque.

Ron Perkins, Executive Director of the Alaska Injury Prevention Center, thanked the Assembly for passing the resolution and supporting the Buckle Up Alaska Program. Sixty percent of the automobile crashes in Alaska occur in Anchorage. Hospitalization costs for people in automobile accidents that wear their seatbelts were about \$479,000 a year and \$2,900,000 for those not wearing seatbelts. Alaska had one of the lowest seatbelt usage rates in the country. Observational surveys indicated that if the driver did not wear a seatbelt then the passengers probably would not wear one either. Changing the seatbelt law to a primary law would increase seatbelt usage by about 15 percent.

Tricia Lillibridge, trauma nurse and injury prevention specialist, said people drive in Anchorage on a daily basis with the expectation of arriving safely to their destination. Unfortunately, there are other drivers who are unsafe and put others at risk. She discussed an educational program that included children handing out reward incentives to students for using their seatbelts, which has increased seatbelt usage at Dimond High School to 78 percent.

Ms. Shamberg pointed out that in the event of a car crash, a person not wearing a seatbelt could kill the other occupants.

10B4. Resolution No. AR 2003-151, a resolution of the Anchorage Municipal Assembly revising the 2003 General Government Operating Budget by appropriating \$30,000 from Areawide General Fund (101) Balance to the Office of the Mayor to be used as a grant to the **Alaska Moving Image Preservation Association** (AMIPA), Assemblymember Taylor. **(addendum)**  
a. Assembly Memorandum No. AM 457-2003.

Mr. Tesche moved, to postpone AR 2003-151 to June 24, 2003.  
seconded by Mr. Whittle,  
and it passed without objection,

10B5. Resolution No. AR 2003-152, a resolution of the Anchorage Municipal Assembly supporting the implementation of a **global marketing/public relations campaign** aimed at select industries, markets and corporate decision makers by the Anchorage Economic Development Corporation (hereafter "AEDC"), and appropriating \$75,000 from the Areawide General Fund (101) Balance to the Mayor's Office to be used as a matching grant to AEDC to begin that effort, Assemblymembers Whittle and Traini. **(addendum)**  
a. Assembly Memorandum No. AM 458-2003.

Mr. Van Etten moved, to approve AR 2003-152.  
seconded by Mr. Whittle,

Ms. Fairclough requested a work session on AR 2003-152. She had grave concerns about the fate of the state's financial budget. With the possible loss of \$8,000,000 to \$9,000,000 of revenue sharing, she questioned contributing \$75,000 to a corporation that receives hundreds of thousands of dollars for economic development without reviewing how the current contributions were expended.

After further discussion, the Assembly agreed to postpone AR 2003-152 to June 6, 2003 and schedule a work session for May 30, 2003 from 1:00 to 2:00 p.m.

Chairman Traini introduced the Canadian delegation reviewing the Community Service Patrol and Safe City Transfer Station Programs to be used as a possible international model.

Mr. Tremaine asked the Canadian delegation for any observations they had regarding Anchorage's facilities or services.

10B6. Resolution No. AR 2003-158, a resolution of the Anchorage Municipal Assembly regarding **2003 HAND Commission Action Plan amendment**, Assemblymembers Tesche and Traini. **(LAID ON THE TABLE)**

Mr. Tremaine moved, to approve AR 2003-158.  
seconded by Mr. Tesche,

Mr. Tremaine was concerned that the Assembly had a large number of projects and only \$3,200,000 to spend. He questioned if the resolution would give the Mt. View project priority over other projects.

In response to Mr. Tremaine, Mr. Tesche said the Assembly had approved the Mt. View project, but it had not been approved as part of the amended consolidated plan. The passage of this resolution asked the staff to conduct hearings on the Mt. View project so the Assembly had the option of funding it in June.

In response to Mr. Kendall, Mr. Tesche said the law required the Assembly to respect the recommendations presented by both the staff and the HAND Commission after appropriate public hearings, but ultimately the decision would come to the Assembly. He felt it would be inappropriate to directly state that the HAND Commission had to approve this project or give it preference over other projects.

Mr. Kendall said the Assembly gave board and commissions the authority and responsibility to look at various projects and provide recommendations, but there had been outcries when the Assembly decided to change or amendment those recommendations. He felt it would be more appropriate for the Assembly to take action after reviewing the commission's recommendations, because an advisory resolution might sway the HAND Commission's decision.

In response to Mr. Scott, Mr. Tesche said the Assembly would make the final decision on the amendments to the plan. The purpose of the resolution was to insure that the commission reviewed the project and provided the Assembly with a recommendation.

Mr. Scott pointed out that the HAND Commission would be recommending a list of projects to be funded. Mt. View was not a single project, but a series of different projects, some of which may or may not be eligible.

In response to Chairman Traini, Mr. Scott said the HAND Commission had been reviewing the list of projects to be approved for funding and tentative lists had been made. Some of these projects may not make the list, but they were all being given due consideration.

Mr. Tesche expected to see the Mt. View projects before the Assembly. He also expected to see the recommendation of the HAND Commission as to which projects among the Mt. View group, as well as other projects, should be funded. He was trying to avoid the situation where Assemblymembers felt they could not consider the Mt. View project, because it had not been reviewed by the HAND Commission.

In response to Mr. Scott, Chairman Traini said the HAND Commission advises the Assembly, but the Assembly had the ultimate vote on the issue.

In response to Ms. Fairclough, Mr. Tesche anticipated that there would be people from the Arts and Cultural District testifying on the Mt. View project.

Ms. Fairclough pointed out that there had been a presentation on the project and it was an action item that the Assembly had taken enough credence in to justify a work session to review the project to see what it could do for the community.

Mr. Sullivan questioned the need for the resolution, because line 27 indicated that a number of projects to be located in the Mt. View Arts and Cultural District were presented to the Housing and Neighborhood Development Commission at its May 14<sup>th</sup> meeting. The last three lines read: "The purpose of this request is to enable the Assembly to make a final decision on appropriate amendments to the plan at the meeting of June 24, 2003, including the Mt. View project." He felt the intent of the last lines were inappropriate, because it indicated that the Mt. View project had to be in the final amendments.

Mr. Sullivan moved, to amend AR 2003-158, line 44 and 45, to delete  
seconded by Mr. Kendall, "including the Mt. View project."

Mr. Tesche supported the motion with the understanding that the intent of the resolution remained intact to indicate that the HAND Commission and the staff reviewed the Mt. View project and provide a recommendation on funding.

Question was called on the motion to amend AR 2003-158 and it passed without objection.

In response to Mr. Sullivan, Beverly Jones, Director of Community Development Block Grant Division, said Anchorage Neighborhood Housing Service presented a list of recommended projects to the HAND Commission at their May 14<sup>th</sup> meeting, just as others had submitted information. This particular piece of legislation required that there be a meeting before the Assembly on June 24, 2003. The public participation process required meeting dates within a 30-day period. Meetings were scheduled for June 11<sup>th</sup> and June 25<sup>th</sup>. If the HAND Commission was required to come back before the Assembly on June 24, 2003, that would supercede any final resolution that they would submit. She did not know why the resolution was necessary, because the Mt. View projects had been considered along with the other projects.

Elise Huggins, Vice Chair of the HAND Commission, said she was in favor of appropriate public processes. She felt AR 2003-158 might undercut some of the public process. The HAND Commission hoped that they could evaluate all projects equally and the resolution put undue weight on a specific project.

Mr. Tesche reiterated that the resolution requested that the HAND Commission go through the public process for the Mt. View project.

Ms. Jones felt that if the Assembly passed this resolution then a resolution should be passed for the other projects as well. The resolution indicated the Assembly was suggesting to the Hand Commission and the general public that the Mt. View project had priority over the other projects.

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

12. APPEARANCE REQUESTS (SHALL BEGIN NO EARLIER THAN 6:00 P.M. AND NO LATER THAN 6:30 P.M.):  
A. **B. George Holcombe**, regarding site condo planning ordinance to allow public review before approval. (addendum)

GEORGE HOLCOMBE noted that the administration and elected officials spoke of their commitment to making Anchorage a beautiful city, but then they allow housing projects to be built with little or no oversight or planning. The site condo projects are future slums in the making. The Kobuk Subdivision was not brought before the community council or the Assembly and did not go through the normal planning and oversight processes. The builder demonstrated a complete lack of concern for the infrastructure and esthetics of the existing neighborhood. No fences were required

1 along Muldoon Road and items stored in the residents’ backyard would be visible from the adjacent streets. With no  
2 direct access to Muldoon Road, it would be difficult for fire trucks to reach the inner row of buildings parallel to  
3 Muldoon, which would result in higher fire insurance premiums. He was confused why the Assembly allowed these  
4 types of projects to be built. He was disappointed and angry that no ordinance had been passed to address the lack of  
5 planning and community oversight for site condo projects. If the Assembly continued to allow these types of projects to  
6 be built, Anchorage would become ugly and congested in the near future. With several site condo projects planned for  
7 the Muldoon area, there would be traffic problems as well. He encouraged the Assembly to take immediate action and  
8 declare a moratorium on all site condo projects until a plan and ordinance could be passed to protect the city.

9  
10 Ms. Fairclough noted that action was being taken on the issue. There is an ordinance on Mike Scott’s desk to address  
11 site condos. They were looking at a total rewrite of Title 21, which would address site condos. Mayor-elect Mark  
12 Begich indicated that he supported the review of the site condo ordinance and would be willing to look at the legislation  
13 that would be pending in front of the Planning Department.

14  
15 In response to Mr. Holcombe, Ms. Fairclough said she had been waiting for the ordinance since January. A moratorium  
16 could be declared, but it was very difficult.

17  
18 Mr. Tremaine said his interpretation of the state law was that the Assembly could not declare a moratorium on site  
19 condos unless they declared it on other types of structures as well.

20  
21 In response to Mr. Tremaine, Planning Department Director Sue Fison said the earliest the Planning and Zoning  
22 Department could hear the site condo ordinance would be July.

23  
24 Mr. Tremaine suggested introducing the site condo ordinance by title only and setting a time specific for it to come back  
25 before the Assembly.

26  
27 Ms. Fairclough appreciated Mr. Tremaine’s support in moving the site condo ordinance forward and noted that the  
28 problem was with the state loophole. Any effect in asking the state legislature to define what an actual condominium is  
29 would be helpful.

30  
31 Mr. Whittle noted that many other Muldoon residents were concerned about the site condo project.

32  
33 Ms. Fairclough noted that the problem was with the state statute. They could not take away the rights of people who  
34 own property and they had to tread very carefully on the issue.

35  
36 The Assembly then returned to consider item 10B6, AR 2003-158.

37  
38 Question was called on the motion to approve AR 2003-158 as amended and it passed.

39  
40 AYES: Tesche, Whittle, Traini, Fairclough, Van Etten, Tremaine.

41 NAYES: Von Gemmingen, Kendall.

42  
43 (Clerk’s Note: Ms. Shamberg and Mr. Sullivan were out of the room time of the vote.)

44  
45 Mr. Tesche moved, to for immediate reconsideration of AR 2003-158.  
46 seconded by Mr. Whittle,

47  
48 Mr. Tesche recommended a no vote.

49  
50 Question was called on the motion for immediate reconsideration of AR 2003-158 and it failed.

51  
52 AYES: Kendall.

53 NAYES: Tesche, Whittle, Von Gemmingen, Traini, Fairclough, Van Etten, Tremaine.

54  
55 (Clerk’s Note: Ms. Shamberg and Mr. Sullivan were out of the room at the time of the vote.)

56  
57 10B7. Resolution No. AR 2003-159, a resolution of the Anchorage Municipal Assembly requesting  
58 further information and review regarding **site costs and the availability of municipal sites**,  
59 including 3500 Tudor, for use in connection with the new facility for the Department of  
60 Health and Human Services, Assemblymembers Tesche and Traini.  
61 **(LAID ON THE TABLE)**

62  
63 Mr. Tesche moved, to incorporate AR 2003-159 with Item 11D,  
64 seconded by Ms. Fairclough, AIM 51-203.  
65 and it passed without objection,

66  
67 (Clerk’s Note: This item addressed later in the meeting. See Item 11D.)

68  
69 **C. BID AWARDS:**

70 10C1. Assembly Memorandum No. AM 455-2003, recommendation of award to Alcan Electrical &  
71 Engineering Inc, for **Eklutna Water Treatment Facility Utility Wide Supervisory**  
72 **Control and Data Acquisition (SCADA) System Phase 2A** for the Municipality of  
73 Anchorage, Anchorage Water & Wastewater Utility (ITB 23-C023) (\$1,554,807),  
74 Purchasing.

75  
76 Ms. Von Gemmingen moved, to approve AM 455-2003.  
77 seconded by Ms. Fairclough,

78



1 In response to Ms. Von Gemmingen, Purchasing Officer Bart Mauldin said the contract was awarded to Alcan Electric  
2 even though H.C. Price submitted the lowest bid, which was unsigned. He read Title 7, Section 060. “The Assembly or  
3 Mayor, for bids of \$50,000 or less, shall have the authority to waive irregularities on any and all bids, except timeliness  
4 and manual signature requirements shall not be waived.” Without a signature, the municipality did not have a legal or  
5 binding commitment.  
6

7 Question was called on the motion to approve AM 455-2003 and it passed without objection.  
8

9 **D. NEW BUSINESS:**

10 10D1. Assembly Memorandum No. AM 460-2003, recommendation of award to Arctic Office  
11 Products for leasing a **color copier** to the Municipality of Anchorage, Community  
12 Development Division (\$59,400), Purchasing.  
13

14 Mr. Tesche moved, to approve AM 460-2003.  
15 seconded by Ms. Fairclough,  
16

17 Administration requested that AM 460-2003 be postpone indefinitely.  
18

19 Ms. Fairclough moved, to postpone AM 460-2003 indefinitely.  
20 seconded by Mr. Tesche,  
21 and it passed without objection,  
22

23 10D2. Assembly Memorandum No. AM 459-2003, **Port Commission appointment**  
24 (James Dodson), Mayor’s Office. **(addendum)**  
25

26 Mr. Tesche noted that the port was very important to the economic development of Anchorage, as well as the State of  
27 Alaska. A Port Commission appointment was very important and he felt the new administration needed an opportunity  
28 to review it.  
29

30 Mr. Tesche moved, to postpone AM 459-2003 to June 24, 2003.  
31 seconded by Mr. Tremaine,  
32 and it passed with Mr. Kendall and  
33 Mr. Sullivan objecting,  
34

35 10D3. Assembly Memorandum No. AM 467-2003, Request to remand Board of Adjustment Appeal  
36 S-10811-3 **Grandview Subdivision** to Platting Board, Municipal Clerk. **(addendum)**  
37

38 Municipal Attorney Bill Greene asked the Assembly to postpone item AM 467-2003 and AM 469-2003 to allow the  
39 opposing parties an opportunity to comment on the issues.  
40

41 Ms. Fairclough moved, to postpone AM 467-2003 to June 10, 2003.  
42 seconded by Mr. Tesche,  
43 and it passed without objection,  
44

45 10D4. Assembly Memorandum No. AM 468-2003, Motion for extension of time to file brief in  
46 Board of Adjustment Appeal S-10990, **Kincaid Estates Subdivision**, Municipal Clerk.  
47 **(addendum)**  
48

49 Mr. Tesche moved, to approve AM 468-2003.  
50 seconded by Mr. Whittle,  
51 and it passed without objection,  
52

53 10D5. Assembly Memorandum No. AM 469-2003, Request to file late verbatim transcript for  
54 Board of Adjustment Appeal 2003-013 – Amendment to Conditional Use Permit for **Brother**  
55 **Francis Shelter**, Municipal Clerk. **(addendum)**  
56

57 Ms. Fairclough moved, to postpone AM 469-2003 to June 10, 2003.  
58 seconded by Mr. Tesche,  
59 and it passed without objection.  
60

61 **E. INFORMATION AND REPORTS:**

62 10E1. Information Memorandum No. AIM 56-2003, **Monthly Financial Report** – March 2003,  
63 Finance.  
64

65 Ms. Fairclough moved, to accept AM 470-2003.  
66 seconded by Mr. Tesche,  
67

68 Mr. Tesche said the Municipality of Anchorage might incur serious budget cuts and the Assembly needed to readjust  
69 their sights and look at financial projections for expenditures and revenues for 2003 and 2004. He asked the  
70 administration to provide the Assembly with financial projections for 2003 and 2004 by June 2, 2003.  
71

72 Mr. Scott asked for Mr. Tesche’s request in writing. The administration was working on the projections, but he was not  
73 sure if they would be complete by June 2, 2003, because the new administration would need time to review them.  
74

75 In response to Ms. Von Gemmingen, Mr. Scott said he would check on the progress of the proposed state car rental tax.  
76

77 Question was called on the motion to accept AM 470-2003 and it passed without objection.  
78

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

10F1. Ordinance No. AO 2003-86, an ordinance of the Anchorage Municipal Assembly providing for a ballot proposition to be submitted to the qualified voters of the Municipality of Anchorage at the Regular Election of April 6, 2004, for the authorization of a **sales tax** not to exceed eight percent (8%), contingent upon the State of Alaska adopting a statewide sales tax, which shall reduce the Municipality's real property taxes in an amount proportionate to the revenue collected by the sales tax, Assemblymember Fairclough. P.H. ~~6-24-03~~ 10-14-03. **(TO BE SUBMITTED) (addendum)**

Ms. Fairclough, Mr. Tremaine and Mr. Van Etten joined in introducing AO 2003-86. The public hearing was scheduled for October 14, 2003.

Ms. Fairclough said as a person who wanted to support the state in making good financial and equitable decisions, she preferred to offer the state some solutions to their budget problems. She suggested considering a biannual budget and discussed the process for implementing the proposed statewide tax.

10F2. Ordinance No. AO 2003-87, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 9.20.060, **Pedestrians Soliciting Rides or Business**, to clarify that it applies to the collection of contributions from the occupant of a vehicle on a roadway, and to add a Subsection C to prohibit an occupant of a vehicle from aiding or abetting acts in violation of Anchorage Municipal Code 9.20.060, Assemblymember Sullivan. P.H. 6-24-03. **(addendum)**

Mr. Tesche, Mr. Sullivan and Ms. Fairclough joined in introducing AO 2003-87. The public hearing was scheduled for June 24, 2003.

Mr. Tesche requested that AO 2003-87 be referred to the Public Safety Committee. It was his understanding that a public hearing had been scheduled by the Public Safety Committee to review the earlier ordinance authored by Mr. Sullivan and it made sense to review this ordinance as well.

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

13. CONTINUED PUBLIC HEARINGS (SHALL BEGIN NO EARLIER THAN 6:00 P.M.) :
- A. Resolution No. AR 2003-110, a resolution of the Anchorage Municipal Assembly adopting recommendations to be forwarded to the Anchorage Metropolitan Area Transportation Solutions (AMATS) Policy Committee regarding the adoption of the **FFY 2004-2006 Transportation Improvement Program (TIP)**, Traffic Department.
1. Assembly Memorandum No. AM 391-2003.  
(CONTINUED FROM 5-13-03)

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

Ms. Fairclough moved, to continue the public hearing on AR 2003-110 to  
seconded by Mr. Tremaine, June 10, 2003.  
and it passed without objection,

- B. 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. **(TO BE SUBMITTED)**  
(CONTINUED FROM 5-13-03)

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

Mr. Tesche moved, to postpone AO 2003-79 indefinitely.  
seconded by Ms. Fairclough,  
and it passed without objection,

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

14. NEW PUBLIC HEARINGS (SHALL BEGIN NO EARLIER THAN 6:00 P.M. AND END NO LATER THAN 11:00 P.M.):
- A. 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.
1. Assembly Memorandum No. AM 425-2003.

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

Ms. Fairclough moved, to approve AR 2003-115.  
seconded by Mr. Kendall,

In response to Ms. Shamberg, Chief of Police Walt Monegan said he had conferred with the grant manager and the charges were labeled as miscellaneous due to the fact that there were no defined divisions of outlay. The project had two other bonds plus federal grant money. Without knowing how much of a particular grant would satisfy a particular portion of the project, the granting agency labeled it as miscellaneous so it could be adjusted. He reviewed the cost of the components of the enhanced 911 system.

In response to Ms. Shamberg, Chief Fiscal Officer Kate Giard said it was the Finance Department's responsibility to insure that the granting agency approve the classification of the expenditures. The granting agency would provide a written report, which would go along with the financial report, to discuss the methods and manners by which the funds were expended. As long as the granting agency had authorized the categorization of the expenditure, the Finance Department considered it reasonable.

Ms. Fairclough moved, to amend AR 2003-115, lines 12 and 17, to change  
seconded by Mr. Tesche, Fund 241 to Fund 261.  
and it passed with Mr. Tremaine objecting,

Ms. Von Gemmingen moved, to change all items listed as Fund 241 to Fund 261  
seconded by Ms. Fairclough, on the Assembly Memorandum.  
and it passed without objection,

Question was called on the motion to approve AR 2003-115 as amended and it passed.

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

- B. Resolution No. AR 2003-116, a resolution of the Municipality of Anchorage appropriating \$406,000 from the State of Alaska Highway Maintenance Revenues to reimburse the Anchorage Roads and Drainage Service Area Fund 141 in the amount of \$324,000 and to the Areawide General Operating Fund 101 in the amount of \$82,000 for the **sweeping of state roads**, Maintenance & Operations Department.  
1. Assembly Memorandum No. AM 426-2003.

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

Ms. Fairclough moved, to approve AR 2003-116.  
seconded by Ms. Von Gemmingen,

Question was called on the motion to approve AR 2003-116 and it passed.

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

- C. Resolution No. AR 2003-117, a resolution of the Municipality of Anchorage appropriating supplemental award of \$220,000 to the State Categorical Grants Fund (231) from the Alaska Department of Labor and Workforce Development for the Program Year (PY) 2002/Federal Fiscal Year (FFY) 2003 **Workforce Investment Act** Statewide Projects Adult Grant within the Planning Department.  
1. Assembly Memorandum No. AM 427-2003.

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

Ms. Fairclough moved, to approve AR 2003-117.  
seconded by Mr. Tesche,

Question was called on the motion to approve AR 2003-117 and it passed.

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

- D. Resolution No. AR 2003-118, a resolution of the Municipality of Anchorage appropriating \$500,000 as a supplemental award to the State Categorical Grants Fund (231), Department of Health and Human Services, from the Alaska Department of Education and Early Development to fund the **Child Care Assistance Program**, Health and Human Services.  
1. Assembly Memorandum No. AM 428-2003.

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

Ms. Fairclough moved, to approve AR 2003-118.  
seconded by Ms. Von Gemmingen,

Question was called on the motion to approve AR 2003-118 and it passed.

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

NAYES: None.

AO 2003-90 an ordinance of the Municipality of Anchorage providing for the regulation of site condominiums.

Ms. Fairclough, Mr. Tremaine and Mr. Tesche joined in introducing the unnumbered ordinance. The public hearing was scheduled for the second meeting in July.

E. Resolution No. AR 2003-122, a resolution of the Municipality of Anchorage appropriating \$462,100 of revenues from within the Areawide General Capital Improvement Fund (401), \$144,000 of revenues from within the Anchorage Parks and Recreational Capital Improvement Fund (461), and \$15,000 from within the Chugiak-Eagle River Parks and Recreation Service Area Capital Improvement Fund (462) for **facility and equipment improvements** at the Alaska Center for the Performing Arts, Anchorage Golf Course, Ben Boeke and Dempsey Anderson Ice Arenas, William A. Egan Civic and Convention Center, George M. Sullivan Arena, and the Harry J. McDonald Memorial Center, Cultural and Recreational Services.

1. Assembly Memorandum No. AM 432-2003.

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

Ms. Fairclough moved, to approve AR 2003-122.  
seconded by Ms. Von Gemmingen,

In response to Mr. Tremaine, John Rodda said the damage to the corner of the Performing Arts Center was due to an accident and would be repaired as soon as Risk Management collected on the insurance. The repairs to the Anchorage Golf Course would come from the reserve account.

Chairman Traini suggested painting a band-aide on the Performing Arts Center until the repairs were completed so the public knew they were doing something about it.

Ms. Von Gemmingen asked the administration to put a rush on the repairs to the Performing Arts Center, because this was the middle of the tourist season and it presented a bad image.

Question was called on the motion to approve AR 2003-122 and it passed.

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

NAYES: None.

F. Resolution No. AR 2003-135, a resolution of the Municipality of Anchorage appropriating \$700,000 from the MOA Trust Fund (730) for expert **financial management and support services** provided in calendar year 2003, Finance.

1. Assembly Memorandum No. AM 446-2003.

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

Mr. Kendall moved, to approve AR 2003-135.  
seconded by Ms. Fairclough,

Question was called on the motion to approve AR 2003-135 and it passed.

AYES: Tesche, Whittle, Traini, Fairclough, Van Etten, Kendall, Shamberg, Tremaine, Sullivan.

NAYES: Von Gemmingen.

G. Resolution No. AR 2003-126, a resolution of the Anchorage Municipal Assembly approving the **Heritage Land Bank 2003 Work Program** and **2004-2008 Five-Year Management Plan**, Heritage Land Bank.

1. Assembly Memorandum No. AM 436-2003.

Mr. Tesche moved, to postpone AR 2003-126 until later in the meeting.  
seconded by Ms. Fairclough,  
and it passed without objection,

(Clerk's Note: This item discussed later in the meeting. See after item 11E.)

H. Ordinance No. AO 2003-77, an ordinance amending Anchorage Municipal Code Chapter 8.55 to redefine prohibited criminal acts, add new prohibited criminal acts, and to revise penalties and fines for **cruelty to animals** within the municipality, including animal cruelty, animal fighting, accidents involving animals, animal trapping, and other matters, Health and Human Services.

1. Assembly Memorandum No. AM 363-2003.

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

NEIL KOENIGER, a member of the Animal Control Advisory Board, testified in support of the ordinance.

1 In response to Mr. Tremaine, Mr. Koeniger said the definition of an animal was the same as that approved by the  
2 Assembly in Title 17. The ordinance excluded non-domestic animals.

3  
4 Chairman Traini asked if anyone else wished to speak. There was no one, and he closed the public hearing.

5  
6 Ms. Fairclough moved, to approve AO 2003-77.  
7 seconded by Mr. Tremaine,  
8

9 Question was called on the motion to approve AO 2003-77 and it passed.

10  
11 AYES: Tesche, Whittle, Von Gemmingen, Traini, Fairclough, Van Etten, Kendall, Shamberg, Tremaine, Sullivan.  
12 NAYES: None.

13  
14 Chairman Traini thanked the Animal Control Advisory Board, the Legal Department and everyone else involved for  
15 their exception work on this issue.

- 16  
17 I. Ordinance No. AO 2003-74, an ordinance of the Municipality of Anchorage amending Anchorage  
18 Municipal Code Chapter 21.05 adopting the **Eagle River Central Business District Revitalization**  
19 **Plan** as an element of the Comprehensive Plan, Planning Department.  
20 1. Assembly Memorandum No. AM 348-2003.

21  
22 Chairman Traini opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the  
23 public hearing.

24  
25 Ms. Fairclough moved, to approve AO 2003-74.  
26 seconded by Mr. Kendall,  
27

28 Question was called on the motion to approve AO 2003-74 and it passed.

29  
30 AYES: Tesche, Whittle, Von Gemmingen, Traini, Fairclough, Van Etten, Kendall, Shamberg, Tremaine, Sullivan.  
31 NAYES: None.

- 32  
33 J. Ordinance No. AO 2003-78, an ordinance of the Anchorage Municipal Assembly amending the  
34 **Utility Corridor Plan** to add a new electrical transmission line corridor alignment, Planning  
35 Department.  
36 1. Assembly Memorandum No. AM 375-2003.

37  
38 Chairman Traini opened the public hearing and asked if anyone wished to speak.

39  
40 Chairman Traini noted that Chugach Electric would like to postpone AO 2003-78, but testimony would be taken.

41  
42 MR. STYER said Chugach Electric had not had an opportunity to review all the options that might be available within  
43 the right-of-way and would like to have the issue postponed to June 24, 2003.

44  
45 Ms. Fairclough suggested postponing AO 2003-78 to the first meeting in July to give the new administration an  
46 opportunity to review the issue and meet with Chugach Electric.

47  
48 MICHAEL BILL, CEO of the Seldovia Native Association and the Dimond Center Hotel, testified against the  
49 ordinance.

50  
51 In response to Mr. Tesche, Mr. Bill said the Dimond Center Hotel paid approximately \$6,000 to \$8,000 a month for  
52 electricity. They were willing to pay higher electric bills to have the corridor put in underground.

53  
54 DAVID FORD, Chairman of the Ironworkers Apprenticeship and Journeyman Training Trust, testified against the  
55 ordinance.

56  
57 ALLEN THORNHILL, a small business owner, testified against the ordinance.

58  
59 STEVE SAUTNER, an Anchorage businessman, testified against the ordinance.

60  
61 Chairman Traini asked if anyone else wished to speak. There was no one, and he closed the public hearing.

62  
63 Ms. Fairclough moved, to continue the public hearing on AO 2003-78  
64 seconded by Mr. Van Etten, to the first meeting in July.  
65 and it passed without objection,  
66

67 The Assembly then returned to the Regular Agenda.

68  
69 **11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS:**

- 70 11A. **NOTICE OF RECONSIDERATION:** Assembly Memorandum No. AM 414-2003,  
71 recommendation of award to Na Qenq'a Community Financing Inc. for providing services for the  
72 **Homeowners Rehabilitation Program** for the Municipality of Anchorage, Community Development  
73 Division (RFP 23-P005) (\$806,500), Purchasing.  
74 (APPROVED 5-13-03; NOTICE OF RECONSIDERATION WAS GIVEN BY MR. TESCHE  
75 5-13-03)  
76

77 Chairman Traini gave the history of AM 414-2003 and noted no motions were pending.  
78

1 Mr. Tesche moved, to reconsider AM 414-2003.  
2 seconded by Mr. Whittle, AM 414-2003.  
3

4 Mr. Tesche asked the administration if the proposed funding had anything to do with the funding that was being  
5 examined by the HAND Commission and staff with respect to the various projects that would be coming forward by  
6 amendments to the consolidated plan in June. If the answer was no and the funds were completely separate then he  
7 would recommend against reconsideration and allow the action to stand.  
8

9 In response to Mr. Tesche, Manager of Community Development Division Beverly Jones said the funding for  
10 AM 414-2003 was part of the compressed 2002 and 2003 program years and not subject to reallocation. Passage of  
11 AM 414-2003 would have no financial affect on the monies available for the HAND Commission and staff.  
12

13 In response to Mr. Tesche, Mayor Wuerch said the administration would have to research the issue before concurring,  
14 but Ms. Jones was the operational manager and it was her responsibility to identify the appropriate funds.  
15

16 Ms. Jones said when they talked about the spend-down effort, the \$3,250,000, they reviewed all of the funding received  
17 including past and current HUD funding. They were required to maintain a 1.5 percent down ratio at all times and  
18 anything over and above that was subject to recapture by HUD. Anything over and above those funds would be  
19 reallocated and these particular contracts would not be affected.  
20

21 Ms. Fairclough urged a no vote on the reconsideration.  
22

23 Mr. Tesche recommended a yes vote and requested letter from the administration certifying the funds.  
24

25 In response to Chairman Traini, Ms. Jones said they ran the risk of ultimately losing funds when they were held up.  
26 These funds had been in the works since the 2002 program year and any delays in the process would further delay  
27 spend-down of the funds, as well as delivery of service to a much needed community.  
28

29 Mayor Wuerch referenced page 2 of AM 414-2003, which certified the funds by Kate Giard, the municipal manager and  
30 the mayor.  
31

32 Question was called on the motion to reconsider AM 414-2003 and it failed.  
33

34 AYES: Tesche, Whittle, Traini.

35 NAYES: Von Gemmingen, Fairclough, Kendall, Shamberg, Tremaine, Sullivan.  
36

37 (Clerk's Note: Mr. Van Etten was out of the room at the time of the vote.)  
38

39 11B. **NOTICE OF RECONSIDERATION:** Assembly Memorandum No. AM 419-2003,  
40 recommendation of award to Na Qenq'a Community Financing Inc. for providing services for the  
41 **Rental Rehabilitation Program** for the Municipality of Anchorage, Community Development  
42 Division (RFP 23-P004) (\$600,000), Purchasing.  
43 (APPROVED 5-13-03; NOTICE OF RECONSIDERATION WAS GIVEN BY MR. TESCHE  
44 5-13-03)  
45

46 Chairman Traini gave the history AM 419-2003 and noted a motion to reconsider was on the floor.  
47

48 In response to Mr. Tesche, Ms. Jones and Mayor Wuerch said AM 419-2003 was the same as AM 414-2003.  
49

50 Question was called on the motion to reconsider AM 419-2003 and it failed.  
51

52 AYES: Tesche, Whittle, Von Gemmingen.

53 NAYES: Traini, Fairclough, Kendall, Shamberg, Tremaine, Sullivan.  
54

55 (Clerk's Note: Mr. Van Etten was out of the room at the time of the vote.)  
56

57 11C. Resolution No. AR 2003-139, a resolution of the Anchorage Municipal Assembly opposing the  
58 transfer of **Workforce Investment Act programs** to the State of Alaska, Department of Labor and  
59 Workforce Development, Assemblymembers Traini and Tesche.  
60 (POSTPONED FROM 5-13-03)  
61

62 Chairman Traini gave the history of AR 2003-139 and noted a motion to approve was on the floor.  
63

64 Mr. Tesche felt this was an important transfer of an administrative responsibility from the municipality to the state and  
65 he wanted to hear from a representative of the State of Alaska and AMEA.  
66

67 Ms. Von Gemmingen said there were concerns that the money currently being spend on overhead could be better spent  
68 on the program, which was the Governor's intent in consolidating the program in Juneau and forming an advisory group  
69 in Anchorage and Palmer.  
70

71 Ms. Fairclough said a work session had been scheduled for May 30, 2003 so the board members could share  
72 information on this issue with the Assembly.  
73

74 In response to Mr. Tesche, Mayor Wuerch said there were about 30 people involved in the program and about \$2,400,00  
75 was administered through the program on an annual basis. He estimated that the overhead was about 20 percent of the  
76 \$2,400,000.  
77

78 Community Planning Director, Sue Fison, said overhead to other departments was about \$370,000 to \$390,000.

1  
2 In response to Mr. Tesche, Mayor Wuerch said the Municipality of Anchorage would have no overhead if the program  
3 were transferred to the State of Alaska. If the program shifted to the state then the money would go with it. He did not  
4 know how much of the \$2,400,000 would be spent for overhead by the state, but they were alleging a net program  
5 savings of about \$240,000. They could arrange to have a state representative at the work session. If the state ran the  
6 program, the implementation would be up to their management. The savings would be in eliminating one layer of the  
7 processing.

8  
9 In response to Chairman Traini, Mayor Wuerch said the State Commission said state employment would be offered to  
10 most of the 30 employees. Those who were not offered state employment would be offered reassignments within the  
11 municipality. He thought the state could unilaterally take the function back from the city, because this was a federal  
12 program that was passed through the state to the municipality for implementation.

13  
14 Chairman Traini requested that the administration provide all the documents relating to this issue for the work session.

15  
16 In response to Mr. Tesche, Mayor Wuerch said he did not know if any action would be taken to implement this change  
17 before the work session was held. The Governor and his staff had a departmental meeting on this subject scheduled for  
18 May 22, 2003.

19  
20 In response to Mr. Tesche, AMEA President George Felder said Work Force Development provided direct services to  
21 businesses and citizens of Anchorage in regards to helping people acquire the skills to obtain jobs. They counsel  
22 dislocated workers, administers programs through other agencies for older youth and provided employment training.  
23 They are located at 1251 Muldoon Road, Suite 103, and he did not believe the location would change if the function  
24 transferred to the state. He could not address whether there would be any savings if the function were transferred to the  
25 state, but he felt the program was very efficient as it is currently run. He was not aware of any other justification for  
26 transferring the program to the state beyond cost savings. He felt union issues were an important consideration that had  
27 not been discussed and could be devastating to the workers if they lost their seniority from transferring from the  
28 municipal union to the state union. His opinion was the program benefited local citizens by being controlled and  
29 operated locally. The service was being done well and the people that were served worked and spent their money in the  
30 municipality. Other states saw this program as a model and he did not see the point in changing it.

31  
32 In response to Mr. Van Etten, Mr. Felder said the focus of the program was on the clients and helping them achieve  
33 their objectives including more education, more skills, certification and other issues. The state seemed to be headed in  
34 the direction of providing services directly to businesses, not clients.

35  
36 Ms. Von Gemmingen urged Mr. Felder to attend the meeting on May 30, 2003 at 12:00 to 1:00 p.m. to provide  
37 additional information to the Assembly.

38  
39 Ms. Von Gemmingen moved, to postpone AR 2003-139 to the next meeting.  
40 seconded by Mr. Tremaine,  
41 and it passed without objection,  
42

43 Chairman Traini noted that items 11D, AIM 51-2003, and Item 10B7, AR 2003-158, had been consolidated earlier in  
44 the meeting.

45  
46 11D. Information Memorandum No. AIM 51-2003, waiver of formal procedures for turnkey design,  
47 construction and lease of a new consolidated **Department of Health and Human Services facility**  
48 for the Municipality of Anchorage, Department of Health and Human Services (RFP 23-P011),  
49 Purchasing.  
50 (POSTPONED FROM 5-13-03)  
51

52 10B7. Resolution No. AR 2003-159, a resolution of the Anchorage Municipal Assembly requesting further  
53 information and review regarding **site costs and the availability of municipal sites**, including 3500  
54 Tudor, for use in connection with the new facility for the Department of Health and Human Services,  
55 Assemblymembers Tesche and Traini. **(LAID ON THE TABLE)**  
56

57 Chairman Traini gave the history of AIM 51-2003 and AR 2003-158 and noted a motion to accept AIM 51-2003 was on  
58 the floor.

59  
60 Mr. Tesche said he had two concerns. At the time this procurement started, 3500 Tudor Road, which belonged to the  
61 municipality and had been used as a municipal office building since the early 1970s, was not on the table. The land  
62 was not in the preferred area and was being designated for the School District headquarters, which was the subject of a  
63 \$42,000,000 bond proposition that the voters had rejected.  
64

65 In response to Mr. Tesche, Mayor Wuerch said time had been the main issue. The administration looked at what it  
66 would take to do the typical site selection, site approval, rezoning and replatting to clear a parcel of land, regardless of  
67 whether it was owned by the city or privately owned. They reviewed what was being done around the country and  
68 within Anchorage and found that government agencies were contracting for design builds on leased facilities. They held  
69 meetings with the stakeholders and came to the opinion that they wanted to have the Health and Human Services  
70 building in the vicinity of the medical/university campus, which fit the 2020 Comprehensive Plan goals, the operational  
71 needs and provided the synergy of life function. The second issue was availability of land. They felt going with a  
72 private sector proposal would significantly reduce the time. He was not sure if the Health and Human Services building  
73 would survive long enough to go back and use the traditional method. They had pushed for timeliness and the  
74 opportunity to explore locations that were not readily available to the city.  
75

76 In response to Mr. Tesche, Mayor Wuerch said the 3500 Tudor Road was already cleared, but would require lengthy  
77 procedural clearance. Procedurally, 3500 Tudor Road was the worst of all locations. There was a requirement for a site  
78 plan and the School District expressed an interest in keeping the site open for a future school administration building,

1 which had been agreed upon since the site was not responsive time-wise to needs of Health and Human Services. There  
2 had not been a cost analysis or comparison done using the 3500 Tudor Road site.

3  
4 Purchasing Officer Bart Mauldin said Jewel Jones and Ed Maybery did an extensive inventory of the lots that were  
5 available around Anchorage. Originally they proposed coming up with a site that was owned by the city, whether we  
6 already owned it, purchased it or traded for it. The owners of the properties that were chosen refused to sell. As a  
7 result, we went back to the standard mode of putting the properties, sites and development into a package. At some  
8 point, preliminary numbers had been calculated on the cost of development, not the cost of the land. The property at  
9 3500 Tudor had the lowest number, because the infrastructures were closer and/or already available compared to other  
10 sites that required roads, utility extensions, power, water and sewer and those costs increased the price. There had been  
11 an analysis done, but he did not know how comprehensible it had been.

12  
13 Mr. Tesche moved, to approve AR 2003-159.  
14 seconded by Mr. Van Etten,  
15

16 Ms. Fairclough said if the issue was offsetting the cost of the project then they could look at the Heritage Land Bank  
17 work plan and try to sell off a piece of property to offset the cost on the project.

18  
19 Mr. Van Etten said traffic continued to be a concern, particularly at Tudor Road and Lake Otis. He did not feel they  
20 could move forward on any project in that area until the traffic impact analysis had been done, presented and evaluated.  
21 DOWL Engineers was proposing to expand the scope of the traffic impact analysis to include all the areas south of  
22 Tudor Road to Boniface. He would support AR 2003-159.

23  
24 Question was called on the motion to approve AR 2003-159 and it passed.

25  
26 AYES: Tesche, Whittle, Von Gemmingen, Traini, Van Etten, Shamberg, Tremaine.  
27 NAYES: Fairclough, Kendall, Sullivan.

28  
29 Mr. Tesche moved, for immediate reconsideration of AR 2003-159.  
30 seconded by Mr. Van Etten,  
31

32 Question was called on the motion for immediate reconsideration of AR 2003-159.

33  
34 AYES: Fairclough, Kendall, Sullivan.  
35 NAYES: Tesche, Whittle, Von Gemmingen, Traini, Van Etten, Shamberg, Tremaine.

36  
37 Question was called on the motion to accept AIM 51-2003 and it failed.

38  
39 AYES: Von Gemmingen, Kendall, Sullivan.  
40 NAYES: Tesche, Whittle, Traini, Fairclough, Van Etten, Shamberg, Tremaine.

41  
42 Ms. Fairclough spread reconsideration on the minutes, because Ms. Taylor was not present.

43  
44 11E. Assembly Memorandum No. AM 406-2003, recommendation of award to Denali Materials, Inc. for  
45 furnishing CSS-1 and CRS-2P **asphalt emulsion** to the Municipality of Anchorage, Maintenance &  
46 Operations Department (ITB 23-B032) (\$739,300), Purchasing.  
47 (POSTPONED FROM 5-13-03)  
48

49 Chairman Traini gave the history of AM 406-2003 and noted no motion was on the floor.

50  
51 Mr. Kendall moved, to approve AM 406-2003.  
52 seconded by Ms. Fairclough,  
53

54 Mr. Mauldin said the administration had asked for postponement of AM 406-2003, because the vendor had not been  
55 sure that they would be able to perform. Today the vendor informed the administration that they would be able to  
56 perform.

57  
58 Ms. Fairclough urged a yes vote.

59  
60 Question was called on the motion to approve AM 406-2003 and it passed.

61  
62 AYES: Tesche, Whittle, Von Gemmingen, Traini, Fairclough, Van Etten, Kendall, Shamberg, Tremaine, Sullivan.  
63 NAYES: None.

64  
65 The Assembly then returned to Item 14G, AR 2003-126.

66  
67 14G. Resolution No. AR 2003-126, a resolution of the Anchorage Municipal Assembly approving the  
68 **Heritage Land Bank 2003 Work Program** and **2004-2008 Five-Year Management Plan**, Heritage  
69 Land Bank.  
70 1. Assembly Memorandum No. AM 436-2003.

71  
72 Chairman Traini opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the  
73 public hearing.

74  
75 Ms. Fairclough moved, to approve AR 2003-126.  
76 seconded by Mr. Kendall,  
77



Question was called on the motion to approve AR 2003-126 and it passed.

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

NAYES: None.

Mr. Kendall moved, for immediate reconsideration of AR 2003-126.  
seconded by Ms. Fairclough,

Mr. Kendall urged a no vote.

Question was called on the motion for immediate reconsideration of AR 2003-126 and it failed.

AYES: None.

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

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

Ms. Fairclough asked the administration to express the Assembly's thanks to Mr. Cannelos for moving the Heritage Land Bank forward.

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

- A. **B. George Holcombe**, regarding site condo planning ordinance to allow public review before approval. (**addendum**)

(Clerk's Note: This item addressed earlier in the meeting. See after item 10B6.)

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

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

(Clerk's Note: This item considered earlier in the meeting. See after Item 10F2.)

- B. 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. (**TO BE SUBMITTED**)  
(CONTINUED FROM 5-13-03)

(Clerk's Note: This item considered earlier in the meeting. See after Item 10F2.)

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

- A. 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.  
1. Assembly Memorandum No. AM 425-2003.

(Clerk's Note: This item discussed earlier in the meeting. See after Item 10F2.)

- B. Resolution No. AR 2003-116, a resolution of the Municipality of Anchorage appropriating \$406,000 from the State of Alaska Highway Maintenance Revenues to reimburse the Anchorage Roads and Drainage Service Area Fund 141 in the amount of \$324,000 and to the Areawide General Operating Fund 101 in the amount of \$82,000 for the **sweeping of state roads**, Maintenance & Operations Department.  
1. Assembly Memorandum No. AM 426-2003.

(Clerk's Note: This item discussed earlier in the meeting. See after Item 10F2.)

- C. Resolution No. AR 2003-117, a resolution of the Municipality of Anchorage appropriating supplemental award of \$220,000 to the State Categorical Grants Fund (231) from the Alaska Department of Labor and Workforce Development for the Program Year (PY) 2002/Federal Fiscal Year (FFY) 2003 **Workforce Investment Act** Statewide Projects Adult Grant within the Planning Department.  
1. Assembly Memorandum No. AM 427-2003.

(Clerk's Note: This item discussed earlier in the meeting. See after Item 10F2.)

- D. Resolution No. AR 2003-118, a resolution of the Municipality of Anchorage appropriating \$500,000 as a supplemental award to the State Categorical Grants Fund (231), Department of Health and

Human Services, from the Alaska Department of Education and Early Development to fund the **Child Care Assistance Program**, Health and Human Services.  
1. Assembly Memorandum No. AM 428-2003.

(Clerk’s Note: This item discussed earlier in the meeting. See after Item 10F2.)

E. Resolution No. AR 2003-122, a resolution of the Municipality of Anchorage appropriating \$462,100 of revenues from within the Areawide General Capital Improvement Fund (401), \$144,000 of revenues from within the Anchorage Parks and Recreational Capital Improvement Fund (461), and \$15,000 from within the Chugiak-Eagle River Parks and Recreation Service Area Capital Improvement Fund (462) for **facility and equipment improvements** at the Alaska Center for the Performing Arts, Anchorage Golf Course, Ben Boeke and Dempsey Anderson Ice Arenas, William A. Egan Civic and Convention Center, George M. Sullivan Arena, and the Harry J. McDonald Memorial Center, Cultural and Recreational Services.  
1. Assembly Memorandum No. AM 432-2003.

(Clerk’s Note: This item discussed earlier in the meeting. See after Item 10F2.)

F. Resolution No. AR 2003-135, a resolution of the Municipality of Anchorage appropriating \$700,000 from the MOA Trust Fund (730) for expert **financial management and support services** provided in calendar year 2003, Finance.  
1. Assembly Memorandum No. AM 446-2003.

(Clerk’s Note: This item discussed earlier in the meeting. See after Item 10F2.)

G. Resolution No. AR 2003-126, a resolution of the Anchorage Municipal Assembly approving the **Heritage Land Bank 2003 Work Program** and **2004-2008 Five-Year Management Plan**, Heritage Land Bank.  
2. Assembly Memorandum No. AM 436-2003.

(Clerk’s Note: This item discussed earlier in the meeting. See after Item 11E.)

H. Ordinance No. AO 2003-77, an ordinance amending Anchorage Municipal Code Chapter 8.55 to redefine prohibited criminal acts, add new prohibited criminal acts, and to revise penalties and fines for **cruelty to animals** within the municipality, including animal cruelty, animal fighting, accidents involving animals, animal trapping, and other matters, Health and Human Services.  
1. Assembly Memorandum No. AM 363-2003.

(Clerk’s Note: This item discussed earlier in the meeting. See after Item 10F2.)

I. Ordinance No. AO 2003-74, an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code Chapter 21.05 adopting the **Eagle River Central Business District Revitalization Plan** as an element of the Comprehensive Plan, Planning Department.  
1. Assembly Memorandum No. AM 348-2003.

(Clerk’s Note: This item discussed earlier in the meeting. See after Item 10F2.)

J. Ordinance No. AO 2003-78, an ordinance of the Anchorage Municipal Assembly amending the **Utility Corridor Plan** to add a new electrical transmission line corridor alignment, Planning Department.  
1. Assembly Memorandum No. AM 375-2003.

(Clerk’s Note: This item discussed earlier in the meeting. See after Item 10F2.)

**15. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS:**

**16. SPECIAL ORDERS:**

A. Resolution No. AR 2003-149, a resolution of the Anchorage Municipal Assembly requesting that the Legislature and the Governor postponed 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.  
(APPROVED 5-13-03)

**17. UNFINISHED AGENDA: None.**

**18. AUDIENCE PARTICIPATION:**

CHRIS MANN addressed a need for revision of ordinances in the Planning and Zoning Commission rules of procedure. Case 2003-030 before the Planning and Zoning Commission had been postponed twice by the petitioner and was scheduled to be heard on August 4, 2003. On March 10, 2003, the first scheduled date, the hearing was postponed just two hours before the hearing, which was frustrating and disrespectful to the people who had shown up to give testimony. On May 12, 2003, the second scheduled date, the hearing was postponed four and a half hours before the hearing was due to take place. The reason given for this delay was that there was a short board, but seven of the nine commissioners were present. Now the hearing has been rescheduled for a time when many of those who had prepared testimony for the last two hearings would be out of town on vacation. These problems have arisen in part because the ordinances governing postponement were poorly written, confusing and lend themselves to being manipulated to the advantage of the petitioner. She realized that Title 21 was presently undergoing complete review, but recommended

that these two ordinances be revised as soon as possible. She referenced section B, the ordinance on postponements. “When the commission has only a quorum in attendance, the petitioner shall have the option of postponement without prejudice on the case before the commission.” The question was whether this meant that the petitioner had the right to postpone a hearing only if there was just a quorum of commissioners present or if the petitioner could postpone a hearing at any time. It was their interpretation that the petitioner had no right to postpone the two hearings, because there was more than a quorum of commissioners present. The only other means of postponement was clearly stated in section A. “Upon its own motion, at any time before a decision on the matter is made, at the request of a commission member or a person appearing before the commission, the commission may postpone any matter before the commission for cause stated on the record.” The petitioner did not appear before the commission to request postponement on either March 10 or May 12. A representative of the Baxter Community Council requested that the hearing be postponed from August 4 to September so that more of the concerned public could be present, but this was voted on and denied. A letter from Jerry Weaver stated the following. “The petitioner controlled their application submission and may postpone a hearing up to the time said application was before the commission for a hearing and may withdraw or request postponement of said application at any time. There are no codified requirements or standards limiting the time in which a petitioner may request a postponement nor outlining the reason allowed for such.” She questioned if this was the correct interpretation of the ordinances. This policy may be appropriate for withdrawals, but not for postponements. The ordinances should stipulate a reasonable deadline on postponements in order to prevent manipulations of the review process. The second ordinance was on quorums. Section C said full membership meant a majority of nine, less the number of commissioners excused for conflicts of interest. According to section C, full membership equals the majority of nine, which is five, when no commissioners are excused. Sections A and B indicate that a quorum was equal to three and a petition could be passed by three favorable votes. They assumed this was incorrect wording and it should read full membership means nine, less the number of commissioners excused for conflicts of interest. She asked the Assembly to examine the two ordinances and consider revision of the process by which petitions submitted to the Planning and Zoning Commission were handled in the future. It was important to encourage and protect public participation in the planning process.

In response to Mr. Van Etten, Municipal Attorney Bill Greene said the ordinances had been previously amended and he would provide the Assembly with a legal analysis of the ordinances.

Mr. Whittle pointed out that there were many people concerned about this issue.

THERESA OBERMEYER did not believe the Municipality of Anchorage held fair elections. She had provided lengthy documents to the U.S. Attorney and received no responses. When she had tried to drop documents off to the attorney representing the municipality, the police had been called on her. She asked the Assembly to get rid of the Accu-vote system and start over and she would like to be involved in that process. The fact that she only got 1.9 percent of the vote when she ran for mayor was a red flag.

**19. ASSEMBLY COMMENTS:** None

**20. EXECUTIVE SESSIONS:** None

**21. ADJOURNMENT:**

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

The meeting adjourned at 9:20 p.m.

*Refer to Document Archives for Signatures*

Chairman

ATTEST:

*Refer to Document Archives for Signatures*

Acting Municipal Clerk  
LINDA HEIM

Date Minutes Approved: September 19 , 2003.

LH:KRON