

MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

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

Minutes for Regular Meeting of August 17, 2004

1. CALL TO ORDER

The Regular Assembly Meeting was convened by Chair Traini at 5:05 p.m.

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

PRESENT: Anna Fairclough, Brian Whittle, Dick Tremaine, Dan Sullivan, Dick Traini, Allan Tesche, Ken Stout,
Pamela Jennings, Debbie Ossiander, Janice Shamberg and Dan Coffey.

ABSENT: None.

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

4. MINUTES OF PREVIOUS MEETING

4.A. Regular Meeting – July 22, 2003

Mr. Tesche moved, to approve Minutes of the Regular Meeting
Mr. Tremaine seconded, of July 22, 2003.
and this motion was passed unanimously,
with Jennings, Stout, Ossiander and Coffey abstaining,

4.B. Regular Meeting – July 6, 2004 (*Postponed from 8-3-04*)

Mr. Tesche moved, to approve Minutes of the Regular Meeting
Mr. Tremaine seconded, of July 6, 2004.
and this motion was passed unanimously,

4.C. Regular Meeting – July 20, 2004

Mr. Tesche moved, to approve Minutes of the Regular Meeting
Ms. Ossiander seconded, of July 20, 2004.
and this motion was passed unanimously,

5. MAYOR'S REPORT None.

6. ASSEMBLY CHAIR'S REPORT

Chair Traini and Anchorage Museum Director Pat Wolf welcomed Edward Rasmuson and thanked him and his family for their donation toward the Anchorage Museum Foundation. Mayor Begich thanked him and stated this was a great opportunity for the museum, helping to create a world-class system. Mr. Rasmuson thanked the Assembly, the Administration, Economic and Community Development Director Mary Jane Michael, Municipal Engineer Howard Holtan and Municipal Attorney Fred Boness for their help getting the Building Board established. He explained that Kumin and Associates would be completing the architectural design in the near future.

7. COMMITTEE REPORTS

Mr. Coffey reported on the Budget Committee Meeting, beginning the budget review process. Mr. Tesche added that members would soon get a meeting schedule. He stated that the review would be similar to past years and predicted an uncomplicated process.

8. ADDENDUM TO AGENDA

Chair Traini read the Addendum items. He added AR 2004-212, AR 2004-213, AR 2004-214, AM 652-2004, AR 2004-126 and AR 2004-215. He assigned these items Agenda Numbers 9.F.18, 9.A.1, 9.D.12, 9.D.13, 9.F.19 and 9.F.20, respectively. He then called for additional Addendum items, and there being none, he called for a motion to incorporate the Addendum items into the Regular Agenda.

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

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.

NAYES: None.

Chair Traini called for a motion on the Consent Agenda.

Mr. Tesche moved, to approve the Consent Agenda.
Ms. Fairclough 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 None.

- 9.A.1. Resolution No. AR 2004-213, a resolution of the Anchorage Municipal Assembly recognizing **Women's Equality Day**, August 26, 2004, Mayor Begich and Assemblymembers Coffey, Fairclough, Jennings, Ossiander, Shamberg, Stout, Sullivan, Tesche, Traini, Tremaine and Whittle. **(Laid on the Table)**

Ms. Ossiander introduced this item on the Regular Agenda. (See item 10.A.1)

9.B. RESOLUTIONS FOR ACTION - OTHER

- 9.B.1. Resolution No. AR 2004-201, a resolution of the Anchorage Municipal Assembly appropriating the sum of \$5,000 from the interest accrued on the Local Law Enforcement Block Grant (241-45522G) to the Federal Categorical Grants Fund (241) for the purpose of funding **police programs and activities**, Anchorage Police Department.
a. Assembly Memorandum No. AM 621-2004.
- 9.B.2. Resolution No. AR 2004-202, a resolution authorizing the Municipality to grant a **telecommunication easement** to Matanuska Telephone Association, Inc., in the southeasterly corner of Lot 48, Tract B, First Addition to Eagle Crest Subdivision, located near Crest View Lane and Eagle River Road, Tax #050-291-01, Project Management & Engineering.
a. Assembly Memorandum No. AM 622-2004.
- 9.B.3. Resolution No. AR 2004-207, a resolution of the Municipality of Anchorage, Alaska, relating to the issuance and sale of not to exceed \$190,000,000 of **2004 General Obligation Refunding Bonds (Schools)** authorized by Ordinance No. AO 2004-72; authorizing the execution of a bond purchase contract and related matters, Finance. **(Addendum)**
a. Assembly Memorandum No. AM 633-2004.
- 9.B.4. Resolution No. AR 2004-208, a resolution of the Municipality of Anchorage, Alaska, relating to the issuance and sale of not to exceed \$72,000,000 of **2004 General Obligation Refunding Bonds (General Purpose)** authorized by Ordinance No. 2004-71; authorizing the execution of a bond purchase contract and related matters, Finance. **(Addendum)**
a. Assembly Memorandum No. AM 633-2004.

9.C. BID AWARDS

- 9.C.1. Assembly Memorandum No. AM 634-2004, recommendation of award to Portable Computer Systems, Inc. for furnishing thirty **Panasonic CF29 Toughbook wireless laptop computers and accessories** to the Municipality of Anchorage, Anchorage Police Department (ITB 24-B036) (\$124,840), Purchasing. **(Addendum)**
- 9.C.2. Assembly Memorandum No. AM 635-2004, recommendation of award to multiple vendors for furnishing **miscellaneous construction equipment** to the Municipality of Anchorage, Solid Waste Services (SWS) and the Maintenance & Operations Department (M&O) (ITB 24-B033) (\$1,933,094.31), Purchasing. **(Addendum)**
- 9.C.3. Assembly Memorandum No. AM 636-2004, recommendation of award to Alyeska Land Services for furnishing year round road maintenance services to **South Goldenview Limited Road Service Area** (LRSA) to the Municipality of Anchorage, Maintenance & Operations Department (ITB 24-B041) (\$135,000/yr), Purchasing. **(Addendum)**
- 9.C.4. Assembly Memorandum No. AM 637-2004, recommendation of award to North Star Paving and Construction, Inc. for **East 36th Avenue & Macinnes Street Channelization Improvements** for the Municipality of Anchorage, Project Management & Engineering Department (ITB 24-C039) (\$771,760.40). **(Addendum)**
- 9.C.5. Assembly Memorandum No. AM 644-2004, recommendation of award to Delta Star, Inc. for furnishing **two substation transformers** to the Municipality of Anchorage, Municipal Light & Power (ML&P) (ITB 24-B040) (\$1,199,346), Purchasing. **(Addendum)**

9.D. NEW BUSINESS

- 9.D.1. Assembly Memorandum No. AM 617-2004, **South Goldenview Limited Road Service Area Board of Supervisors** appointment (Jim Thompson), Mayor's Office.
- 9.D.2. Assembly Memorandum No. AM 615-2004, **Jamico's Pizzeria #3889** – Transfer of Ownership for a Restaurant/Eating Place and Restaurant Designation Liquor License (Russian Jack Community Council), Clerk's Office.
- 9.D.3. Assembly Memorandum No. AM 618-2004, approval of agreement between the Municipality and the Anchorage Museum Foundation for the construction of the expansion and renovation of the **Anchorage Museum of History and Fine Arts**, Office of Economic & Community Development.
- 9.D.4. Assembly Memorandum No. AM 619-2004, Amendment No. 1 to professional engineering services contract with DOWL Engineers for the **Arctic Boulevard Surface Rehabilitation Project, Fireweed Lane to Tudor Road**, Project No. 02-10 (\$314,956), Project Management & Engineering.
- 9.D.5. Assembly Memorandum No. AM 620-2004, Amendment No. 4 to professional services contract with DOWL Engineers for **Denali Street Reconstruction, 40th Avenue to Fireweed Lane**, PM&E Project No. 99-24 (\$55,000), Project Management & Engineering.

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

- 9.D.6. Assembly Memorandum No. AM 638-2004, Change Order No. 2 to Vendor Contract 23AFD166 with KME Fire Apparatus c/o Oregon Fire Equipment Company, Ltd., for furnishing **emergency fire response apparatuses** to the Municipality of Anchorage, Anchorage Fire Department (\$1,253,260.50), Purchasing. **(Addendum)**

- 1 9.D.7. Assembly Memorandum No. AM 639-2004, Change Order No. 6 to Purchase Order 231260 with
2 Mercer Human Resource Consulting, Inc. for providing **benefits consulting services** to the
3 Municipality of Anchorage, Employee Relations (\$181,000), Purchasing. **(Addendum)**
4 9.D.8. Assembly Memorandum No. AM 640-2004, Change Order No. 1 to Vendor Contract 24MLP066 with
5 Goodrich-Rosemount Aerospace, Inc. for providing **gas turbine flame detector products** to the
6 Municipality of Anchorage, Municipal Light & Power (\$70,000), Purchasing. **(Addendum)**
7 9.D.9. Assembly Memorandum No. AM 641-2004, **Eagle River Area High School and Department of**
8 **Corrections Off-Site Water and Sewer Project** – Change Order No. 1 to Tam Construction Inc.
9 (\$385,000), Anchorage Water & Wastewater Utility. **(Addendum)**
10 9.D.10. Assembly Memorandum No. AM 642-2004, Amendment No. 5 to Purchase Order 221723 with Aurora
11 Transportation, Inc. for **junk vehicle towing services** for the Municipality of Anchorage, Anchorage
12 Police Department (\$50,000). **(Addendum)**
13

14 Ms. Fairclough requested this item be pulled for review on the Regular Agenda. *(See item 10.D.10)*
15

- 16 9.D.11. Assembly Memorandum No. AM 643-2004, **Alaska Airlines Board Room #4423** – Transfer of
17 Location for a Beverage Dispensary/Tourism Liquor License (Turnagain & Sand Lake Community
18 Councils), Clerk's Office. **(Addendum)**
19 9.D.12. Resolution No. AR 2004-214, a resolution of the Anchorage Municipal Assembly stating its temporary
20 non-objection to the transfer of ownership of the restaurant/eating place license, operated at the **Villa**
21 **Nova Restaurant**, located at 5121 Arctic Boulevard, Suite 1, Anchorage, Alaska,
22 Chair Traini and Assemblymember Coffey. **(Laid on the Table)**
23

24 Mr. Tesche moved this item for introduction, Mr. Tremaine seconded and Ms. Fairclough was the concurring third. It
25 was approved unanimously on the Consent Agenda, with Public Hearing set for September 7, 2004.
26

- 27 9.D.13. Assembly Memorandum Shogun AM 652-2004, **Shogun Restaurant #4435** – New Restaurant Eating
28 Place/Restaurant, Designated Liquor License, Sand Lake Community Council. **(Laid on the Table)**
29

30 Ms. Fairclough moved this item for introduction, Mr. Tesche seconded and Mr. Tremaine was the concurring third. It
31 was approved on the Consent Agenda, with Public Hearing set for September 7, 2004. Mr. Coffey requested to
32 abstain from participation with this item, due to a conflict of interest.
33

34 **9.E. INFORMATION AND REPORTS**

- 35 9.E.1. Information Memorandum No. AIM 72-2004, AO 2003-7; clarification of **rezoning boundaries** for AO
36 2003-7, Planning Case 2002-176, rezoning approximately 75 acres, from R-6 (Suburban Residential –
37 Large Lot) to R-1 (Urban Residential) and R-6 (Suburban Residential – Large Lot), Planning
38 Department.
39

40 Mr. Tremaine requested this item be pulled for review on the Regular Agenda. *(See item 10.E.1)*
41

- 42 9.E.2. Information Memorandum No. AIM 73-2004, Assembly request for information regarding **Animal Care**
43 **and Control Hearing Decisions**, Health and Human Services.
44 9.E.3. Information Memorandum No. AIM 74-2004, Solid Waste Services **"Waste Reduction and Recycling**
45 **Challenge Grant Program"**, Purchasing. **(Addendum)**
46 9.E.4. Information Memorandum No. AIM 75-2004, Notice of Award for various Requests for Quotations for
47 **Community Development Block Grant Park Improvements** for the Municipality of Anchorage,
48 Purchasing. **(Addendum)**
49

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

- 51 9.F.1. Ordinance No. AO 2004-112, an ordinance of the Anchorage Municipal Assembly authorizing the long
52 term lease between the Municipality of Anchorage as lessor and Aero Center LLC, a Limited Liability
53 Company, as lessee of **Lot 1, Block 3, Merrill Field Replat**, located between Runway 15/33 and
54 Merrill Field Drive, Merrill Field Airport. *(Public Hearing set for September 7, 2004)*
55 a. Assembly Memorandum No. AM 590-2004.
56 9.F.2. Ordinance No. AO 2004-117, an ordinance providing for the submission to the qualified voters of
57 Anchorage, Alaska, the question of the issuance of not to exceed **\$29,950,000 of General Obligation**
58 **Bonds** of the Municipality of Anchorage to pay the costs of educational capital improvements in the
59 Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay
60 associated operations and maintenance costs at a special election in and for the Municipality of
61 Anchorage on November 2, 2004, Anchorage School District. *(Public Hearing set for September 7,*
62 *2004)*
63 a. Assembly Memorandum No. AM 616-2004.
64 9.F.3. Ordinance No. AO 2004-118, an ordinance providing for the submission to the qualified voters of
65 Anchorage, Alaska, the question of the issuance of not to exceed **\$52,000,000 of General Obligation**
66 **Bonds** of the Municipality of Anchorage to pay the costs of educational capital improvements in the
67 Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay
68 associated operations and maintenance costs at a special election in and for the Municipality of
69 Anchorage on November 2, 2004, Anchorage School District. *(Public Hearing set for September 7,*
70 *2004)*
71 a. Assembly Memorandum No. AM 616-2004.
72 9.F.4. Ordinance No. AO 2004-119, an ordinance amending Anchorage Municipal Code Section 9.30.235 to
73 clarify use of **handicap parking permits** and comply with Anchorage Charter §21.01, Legal
74 Department. *(Public Hearing set for September 7, 2004)*
75 a. Assembly Memorandum No. AM 627-2004.
76 9.F.5. Ordinance No. AO 2004-120, an ordinance of the Anchorage Municipal Assembly amending
77 Anchorage Municipal Code Chapter 4.05 to add a new section, 4.05.155 to require annual notification
78 of **boards and commissions** and its membership, Assemblymember Fairclough. *(Public Hearing set*
79 *for September 7, 2004)*

- 1 a. Assembly Memorandum No. AM 628-2004.
- 2 9.F.6. Resolution No. AR 2004-203, a resolution of the Municipality of Anchorage appropriating \$500,000
- 3 from the U.S. Department of Health and Human Services, Substance Abuse and Mental Health
- 4 Services Administration (SAMHSA), to the Federal Categorical Grants Fund (241), Department of
- 5 Health and Human Services for **substance abuse treatment programs** for women. (*Public Hearing*
- 6 *set for September 7, 2004*)
- 7 a. Assembly Memorandum No. AM 623-2004.
- 8 9.F.7. Resolution No. AR 2004-204, a resolution of the Municipality of Anchorage, Alaska, accepting and
- 9 appropriating a State of Alaska Drinking Water Fund loan offer in the amount of \$5,000,000 for
- 10 financing a portion of the costs of the **SCADA Project – Water**, Anchorage Water & Wastewater
- 11 Utility. (*Public Hearing set for September 7, 2004*)
- 12 a. Assembly Memorandum No. AM 624-2004.
- 13 9.F.8. Resolution No. AR 2004-195, a resolution confirming the assessment roll and levying special
- 14 assessments for services on property specially benefited in the **Downtown Business Improvement**
- 15 **District**, Special Assessment District 1SD97, setting the dates of assessment, and providing for
- 16 assessment billing, payment due dates, application of payments, delinquency, penalties, interest and
- 17 costs for delinquency and enforcement and appropriating the sum of \$105,581 in assessment
- 18 revenues when tendered to Special Assessment Fund 271 for services benefiting the property owners
- 19 in Special Assessment District 1SD97, Office of Management & Budget. (*Public Hearing set for*
- 20 *September 7, 2004*)
- 21 a. Assembly Memorandum No. AM 605-2004.
- 22 9.F.9. Resolution No. AR 2004-205, a resolution of the Municipality of Anchorage, Alaska, confirming and
- 23 levying special assessments for sanitary sewer improvements for **Colonial Lateral Improvement**
- 24 **District (LID) 50-18**, setting date of payment and providing for penalties and interest in the event of
- 25 delinquency, Anchorage Water & Wastewater Utility. (*Public Hearing set for September 7, 2004*)
- 26 a. Assembly Memorandum No. AM 625-2004.
- 27 9.F.10. Resolution No. AR 2004-206, a resolution of the Municipality of Anchorage, Alaska, confirming and
- 28 levying assessments for the sewer special improvements within **Levy-Upon-Connection (LUC) Roll**
- 29 **04-S-7**, setting date of payment and providing for penalties and interest in the event of delinquency,
- 30 Anchorage Water & Wastewater Utility. (*Public Hearing set for September 7, 2004*)
- 31 a. Assembly Memorandum No. AM 626-2004.
- 32 9.F.11. Ordinance No. AO 2004-121, an ordinance of the Anchorage Municipal Assembly re-adopting
- 33 Anchorage Municipal Code Section 17.10.090 pertaining to **off-leash dog park spaces**,
- 34 Assemblymembers Traini and Tesche. (**Addendum**) (*Public Hearing set for September 7, 2004*)
- 35 a. Assembly Memorandum No. AM 630-2004.
- 36 9.F.12. Ordinance No. AO 2004-122, an ordinance providing for the submission to the qualified voters of
- 37 Anchorage, Alaska, the question of the issuance of not to exceed **\$29,600,000 of General Obligation**
- 38 **Bonds** of the Municipality of Anchorage to pay the costs of educational capital improvements in the
- 39 Municipality of Anchorage and the question of an increase in the municipal tax cap limitation to pay
- 40 associated operations and maintenance costs at a special election in and for the Municipality of
- 41 Anchorage on November 2, 2004, Assembly Chair Traini; Assemblymember Fairclough. (**Addendum**)
- 42 (*Public Hearing set for September 7, 2004*)
- 43 a. Assembly Memorandum No. AM 631-2004.
- 44 9.F.13. Ordinance No. AO 2004-123, an ordinance amending Anchorage Municipal Code Section 4.50.030 to
- 45 define the purpose and describe the duties of the **Budget Advisory Commission**, Office of
- 46 Management & Budget. (**Addendum**) (*Public Hearing set for September 7, 2004*)
- 47 a. Assembly Memorandum No. AM 647-2004.
- 48 9.F.14. Ordinance No. AO 2004-124, an ordinance amending Anchorage Municipal Code Title 7 to add a new
- 49 Chapter 7.80 providing for creation of the **Anchorage Cooperative Services Authority**, Finance.
- 50 (**Addendum**) (*Public Hearing set for September 7, 2004*)
- 51 a. Assembly Memorandum No. AM 648-2004.
- 52 9.F.15. Ordinance No. AO 2004-125, an ordinance amending Anchorage Municipal Code Chapters 3.30 and
- 53 3.70 regarding **health and insurance benefits programs** to add new definitions, to clarify availability
- 54 of programs to employees, and to clarify that only the Municipality's contribution to the cost of the
- 55 premium, not the coverage, terms or conditions of the programs, is subject to negotiation with unions,
- 56 Employee Relations. (**Addendum**) (*Public Hearing set for September 7, 2004*)
- 57 a. Assembly Memorandum No. AM 649-2004.
- 58

59 The Administration requested this item be pulled for review on the Regular Agenda. (*See item 10.F.15*)

60

- 61 9.F.16. Resolution No. AR 2004-210, a resolution of the Municipality of Anchorage appropriating \$109,350 as
- 62 a grant from the Federal Emergency Management Agency (FEMA) and \$17,990 as a contribution from
- 63 the Chugiak Fire Service Area 2004 Operating Budget to the Federal Categorical Grants (241) Fund
- 64 for the purchase of new **emergency response air packs** for use by the Chugiak Volunteer Fire
- 65 Department, Anchorage Fire Department. (**Addendum**) (*Public Hearing set for September 7, 2004*)
- 66 a. Assembly Memorandum No. AM 645-2004.
- 67 9.F.17. Resolution No. AR 2004-211, a resolution of the Municipality of Anchorage appropriating \$481,231 to
- 68 the State Categorical Grants Fund (231) from the Federal Highway Administration through the Alaska
- 69 Department of Transportation and Public Facilities to provide funding for **congestion management**
- 70 **and air quality mitigation** through public transportation services within the Municipality of Anchorage,
- 71 Public Transportation Department. (**Addendum**) (*Public Hearing set for September 7, 2004*)
- 72 a. Assembly Memorandum No. AM 646-2004.
- 73 9.F.18. Resolution No. AR 2004-212, a resolution of the Anchorage Municipal Assembly and Mayor Mark
- 74 Begich to name the APD Downtown substation the **"Officer Jonathon Flora Substation."** (**Laid on**
- 75 **the Table**)
- 76 a. Assembly Memorandum No. AM 651-2004.
- 77

78 Mr. Tesche moved for introduction of AR 2004-214, it was seconded by Mr. Tremaine and Ms. Fairclough was the

79 concurring third. It was approved on the Consent Agenda, with Public Hearing set for September 21, 2004.

9.F.19. Ordinance No. AO 2004-126, an ordinance **amending Anchorage Municipal Code Chapters 21.20 and 21.30** to clarify procedures for the Planning and Zoning Commission, Board of Adjustment, and Zoning Board of Examiners and Appeals, regarding filing appeals, new evidence, changed circumstances, remands, preparation of appeals by Municipal staff, issuance of decisions, appeals to Superior Court and related matters, Chair Traini at the request of Mayor Begich. ***(Laid on the Table)***

Mr. Tesche moved for introduction of this item, it was seconded by Ms. Fairclough and Mr. Whittle was the concurring third. It was approved on the Consent Agenda, with Public Hearing set for September 21, 2004.

9.F.20. Ordinance No. AR 2004-215, a resolution **amending Anchorage Municipal Code of Regulations Chapters 21.10, 21.11 and 21.12** to establish uniform procedures for Planning and Zoning Commission, Platting Board, Zoning Board of Examiners and Appeals and Urban Design Commission for issuing decisions and modifying procedures regarding allegations of new evidence or changed circumstances, Chair Traini at the Request of Mayor Begich. ***(Laid on the Table)***

Mr. Tesche moved for introduction of this item, it was seconded by Ms. Fairclough and Mr. Whittle was the concurring third. It was approved on the consent Agenda, with Public Hearing set for September 21, 2004.

Chair Traini called for a motion to approve the remainder of Consent Agenda.

Mr. Tremaine moved, to approve the amended Consent Agenda.
Mr. Tesche seconded,
and this motion was passed,
with Mr. Coffey abstaining on item 9.D.13, *(AM 652-2004)*, with a conflict of interest,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

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

END OF CONSENT AGENDA

10. REGULAR AGENDA

10.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

10.A.1. Resolution No. AR 2004-213, a resolution of the Anchorage Municipal Assembly recognizing **Women's Equality Day**, August 26, 2004. ***(Laid on the Table)***

Ms. Ossiander moved, introduced AR 2004-213.
Ms. Fairclough seconded,
Mr. Tesche was the concurring third,
and this motion was passed unanimously,

Ms. Ossiander read this resolution and Ms. Fairclough presented it to Tonya Abraham, with the Inner Agency Committee of the Federal Women's Program. She announced that a symposium would be held at the Loussac Library, on August 26, 2004, from one to four o'clock in the afternoon, celebrating this event. Barbara Jones, with the Equal Rights Commission, also accepted the resolution, in celebration of promoting tolerance and diversity.

10.B. RESOLUTIONS FOR ACTION - OTHER None were pulled for review.

10.C. BID AWARDS None were pulled for review.

10.D. NEW BUSINESS

10.D.5. Assembly Memorandum No. AM 620-2004, Amendment No. 4 to professional services contract with DOWL Engineers for **Denali Street Reconstruction, 40th Avenue to Fireweed Lane**, PM&E Project No. 99-24 (\$55,000), Project Management & Engineering.

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

Mr. Coffey moved, to approve AM 620-2004.
Mr. Tesche seconded,

Mr. Coffey requested a response from the Administration to explain why the additional \$55,000 was needed to an existing contract. Municipal Engineer Howard Holtan responded that this memorandum involved a change order that covered expenses that had already been completed. He explained the bulk of this work was corrective work performed by Dowl Engineering, and the costs of these improvements had been deducted from the original contract. They were currently in the process of completing those improvements, which involved changes to the landscaping and design.

Ms. Shamberg stated that two years ago the Assembly had agreed that they would reluctantly accept any after-the-fact notices of additional costs, and questioned what would happen if they did not approve the requests for additional costs when they came before the Assembly.

and this motion was passed,

AYES: Fairclough, Whittle, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: Tremaine.

10.D.10. Assembly Memorandum No. AM 642-2004, Amendment No. 5 to Purchase Order 221723 with Aurora Transportation, Inc. for **junk vehicle towing services** for the Municipality of Anchorage, Anchorage Police Department (\$50,000). **(Addendum)**

Ms. Fairclough moved, to approve AM 642-2004.
Mr. Tremaine seconded,

Mr. Whittle reported that the Assembly had a recent meeting to discuss this topic. He requested an explanation from the Administration, of the addition of the \$50,000 and how long it would last for this service. Deputy Municipal Manager Michael Abbott responded this money was designed to maintain the towing services contract through the third year, when they would re-bid the contract.

To Ms. Fairclough, Mr. Abbott responded that the Municipality did tow abandoned vehicles in the rights-of-way, and that he would address the three abandoned vehicles that she had mentioned.

To Mr. Stout, Mr. Abbott responded the Municipality had a program, called "Rust In Peace," funded through the Community Development Block Grant, that allowed, with the property and vehicle owner's permission, removal of junk cars on private property.

Mr. Sullivan added that Health and Human Services could deem junk vehicles unsafe or a health risk and the Municipality could assume responsibility for their removal.

and this motion was passed unanimously,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

10.E. INFORMATION AND REPORTS

10.E.1. Information Memorandum No. AIM 72-2004, AO 2003-7; clarification of **rezoning boundaries** for AO 2003-7, Planning Case 2002-176, rezoning approximately 75 acres, from R-6 (Suburban Residential – Large Lot) to R-1 (Urban Residential) and R-6 (Suburban Residential – Large Lot), Planning Department.

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

Mr. Tremaine moved, to accept AIM 72-2004.
Ms. Ossiander seconded,

Mr. Tremaine was concerned with reference on page two of this memorandum, allowing the Planning Department to change the zoning map to reflect the final boundary. He stated this particular parcel involved three acres or less, and thought a zoning map boundary change of a parcel that size should involve the public process. He recommended a NO-vote.

Deputy Municipal Manager Michael Abbott responded that if the Assembly chose to reject this item, they would redirect the issue to the property owner to seek the rezoning, as Mr. Tremaine had indicated.

To Mr. Sullivan, Mr. Abbott responded that the Zoning Official did have the authority to correct the mistakes or errors in a zoning map, but he did not know if this proposed change would be categorized by that authority. He thought it was a relatively minor issue and was consistent with a rezone that the Assembly had previously endorsed for this property. Mr. Abbott thought it would possible to waive the fees. He recommended postponement until later in the evening, when the Administration would have legal alternatives for the Assembly to consider.

Mr. Coffey stated he had been on the Planning and Zoning Commission when this issue had been reviewed. He stated the neighbors of this property had agreed to revisions and thought the proposed revisions seemed adequate, and to reject this item would require the process to be repeated, which had already taken two years. He thought it may be considered a replatting issue, not a rezoning issue. He urged a YES-vote.

Ms. Shamberg thought the agreement with the neighbors was more of a facade than what it was in reality.

Mr. Tesche stated the Assembly had set precedence on dealing with issues like this one, and would not support it. He did not think the Assembly had a choice other than to reject this memorandum.

Mr. Tremaine referred to the Municipal Charter, which stated under Section 10, that rezoning required an ordinance. It was his opinion that a parcel of this size would not be considered a minor rezoning. He stated that the packet previously reviewed by the Assembly on this rezone had a petition of fifty percent of the neighbors opposing the rezone. He added that he had received calls from constituents who were upset that this issue would possibly be approved without Public Hearing. He called for a NO-vote.

To Ms. Fairclough, Municipal Attorney Fred Boness responded that an AIM (*Informational Memorandum*) was not the proper procedure for making a zoning change. Assembly Attorney Michael Gatti concurred.

Mr. Abbott stated that it was not the Administration's intention to break new ground, but rather to correct an existing problem. He agreed the AIM should be withdrawn.

Zoning Division Administrator Jerry Weaver agreed, and stated that he was uncomfortable with the AIM, as it was. He recommended that the owner conform to the boundaries as approved by the Assembly, as outlined in the revised Exhibit A.

and this motion failed,

AYES: Coffey.

NAYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander and Shamberg.

10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

10.F.15. Ordinance No. AO 2004-125, an ordinance amending Anchorage Municipal Code Chapters 3.30 and 3.70 regarding **health and insurance benefits programs** to add new definitions, to clarify availability of programs to employees, and to clarify that only the Municipality's contribution to the cost of the premium, not the coverage, terms or conditions of the programs, is subject to negotiation with unions, Employee Relations. (~~Public Hearing set for 9-7-04~~) (**Addendum**)

a. Assembly Memorandum No. AM 649-2004.

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

Ms. Fairclough moved, *to postpone indefinitely* AO 2004-125.

Mr. Tesche seconded,

Mr. Whittle was the concurring third,

Deputy Manager Michael Abbott stated it was their intention to have this ordinance postponed indefinitely.

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.

NAYES: None.

Ms. Fairclough moved, *to Change the Order of the Day to take-up item 11.B.*

Mr. Tremaine seconded,

and this was unanimously approved,

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS

11.A. Assembly Memorandum No. AM 598-2004, **Coastal Impact Assistance Program** (CIAP) grant contribution of \$100,000 to Great Land Trust, Planning Department.
(*Postponed from 8-3-04*)

Chair Traini stated this item had been discussed at the previous Assembly Meeting and there was a motion to approve on the floor from Ms. Ossiander and Mr. Tremaine. To Chair Traini, Ms. Ossiander responded that her questions from the last meeting had been answered.

Ms. Ossiander moved, *to approve* AM 598-2004.

Mr. Tremaine seconded,

and this was unanimously passed,

11.B. Information Memorandum No. AIM 57-2004, transmittal of the Planning and Zoning Commission record for the denial of a rezoning application to rezone approximately two acres from B-3 (General Business District) to I-1 (Light Industrial), for the **North ½ and South ½ of Lot 47 of Section 11, T14N, R2W, S.M., Alaska**, generally located at 16650 and 16670 Eagle River Road (Eagle River Community Council) (Planning & Zoning Commission Case 2004-046), Planning Department.
(*Postponed from 7-6-04 and 7-20-04*)

Chair Traini read this informational memorandum title, briefly explained its history and called for a motion. Ms. Fairclough urged a YES-vote.

Ms. Fairclough moved, *to accept* AIM 57-2004.

Mr. Tremaine seconded,

Ms. Fairclough stated that this item had been postponed several times because the developer wanted a rezone to his property. The Planning and Zoning Commission turned it down, and this Assembly action simply was concurring with that recommendation.

and this was approved unanimously,

12. APPEARANCE REQUESTS

12.A **Poli Gaiduk, Kathy Hartman & Carol Hartman**, regarding construction.

POLI GAIDUK, KATHY HARTMAN and CAROL HARTMAN appeared before the Assembly to discuss the road improvements on 5th Avenue, affecting their business property ingress and egress, accessing the state right-of-way. Ms. Hartman thought that the Municipality of Anchorage and the State of Alaska were not working in cooperation with businesses and felt economic hardships were not being considered. They had disregarded property owners, patrons and neighboring property owners, and had ignored the historic aspect and values of the properties. Ms. Hartman explained that their shared property was losing an established, curbed exit to their business parking lot. They were concerned that the improvements would cut off the traffic flow, dramatically affecting their businesses, in particular the coffee-espresso stand in the parking lot, which depended upon traffic flow. She explained there were three curb-cut entrances onto their shared business property, and it was their desire to have the middle, unused entrance eliminated instead of the proposed heavily-used entrance. Ms. Fairclough summarized that there did not appear to be any history of accidents involving the entrances to this business parking lot and that the coffee shop, owned by Ms. Gaiduk, had existed for many years, prior to her purchase of the business and prior to the permitting. To Ms. Fairclough, Mayor Begich responded that there was a process regarding the joint-use agreement on the parking and that the required landscaping could be reconsidered by the Municipal Traffic Department. He thought the bigger problem would concern Alaska Department of Transportation (DOT), and the Administration had limited capacity to negotiate DOT's choice of traffic access points, especially on 5th and 6th Avenues. Ms. Fairclough requested that a letter from the

Assembly, signed by Chair Traini, be sent to the State of Alaska DOT, asking them to work with these three businesses. She also requested that the Assembly encourage State Legislators' involvement on behalf of the business owners and DOT. In response to Chair Traini's request, Vice Chair Tesche stated he would write a letter from the Assembly, addressing the issue, and understanding it was an urgent matter, he would draft it immediately.

12.B. **Jacqueline Avery-Albuoy**, regarding establishing an Affiliate to the National Urban League in Anchorage.

JACQUELINE AVERY-ALBUOY appeared with citizens who were interested in starting an Urban League affiliate in Anchorage. She explained a brief history of the National Urban League established in 1910, that there were currently one hundred and four affiliates in thirty-five states and the District of Columbia, and the organizations were involved with issues concerning education, youth development, employment and training, civil rights and health initiatives. Chair Traini, Mr. Whittle and Mr. Tesche thanked her for traveling to Alaska and for her address. Chair Traini explained that the Assembly had a historic commitment to Civil Rights and Affirmative Action, and offered Assembly support with establishing an affiliate of the National Urban League. Ms. Avery-Albuoy responded that the web site www.nul.org was an insightful site for learning more about the National Urban League.

13. **CONTINUED PUBLIC HEARINGS** None.

14. **NEW PUBLIC HEARINGS**

14.A. Ordinance No. AO 2004-109, an ordinance of the Anchorage Municipal Assembly amending Chapter 8.75, Violations, to enact a new Section 8.75.170, to prohibit aggressive **panhandling** and panhandling at various locations, and to establish as a penalty a fine, completion of community service, or referral to an alcohol, drug, or other appropriate rehabilitation program, Assemblymembers Sullivan, Jennings, Tesche, Shamberg and Traini.

1. Information Memorandum No. AIM 70-2004.

2. Assembly Memorandum No. AM 629-2004, AO 2004-109 – Prohibited Panhandling, Assemblymember Sullivan. (**Addendum**)

Chair Traini read the ordinance title and opened Public Hearing.

TROY MAULDEN, President of the Midtown Community Council, praised Mr. Sullivan and participating Assemblymembers who crafted this ordinance, and thought it was great for the community. The council fully supported the ordinance and hoped it would be enforced. To Mr. Maulden, Mr. Sullivan responded that the included wording "proof of completion" of a drug, alcohol or other appropriate rehabilitation program was required and meant completion of the program.

BONNIE HARRIS, resident of downtown, spoke in support of the ordinance. She stated that she had been solicited for handouts, and had experienced four of the six panhandling interactions listed in the ordinance. She had been blocked, approached and followed after saying "no," approached by two or more people at the same time, she had received profanity and been called a racist. Ms. Harris was concerned with the third offense penalty that, with conviction, there would be no less than a three-hundred dollar fine or proof of completion of a rehabilitation program. She did not see a connection with the panhandler and the need for rehabilitation and wondered if it could legally be enforced. To Mr. Tesche, Ms. Harris responded that of the harassment she had received, approximately seven out of ten incidents she considered to be aggressive behavior. To Ms. Fairclough she responded that more than half of the people who had approached her had been drinking and it was often quite frightening. Mr. Sullivan responded that her testimony concurred with reports from Seattle policemen. He stated the goal was to eliminate the panhandler approaching citizens.

DAVID DUNSMORE supported the ordinance and asked for consideration of amendments that he had drafted, including removal of Line 6.C, which banned panhandling in groups and on Line 6.D, by adding a line to allow job training or related programs to substitute for community service. He thought the ordinance alone would not improve homelessness or joblessness of these people and encouraged consideration of appropriations for job training and homes. To Mr. Sullivan the Mayor responded that the city would be involved with a citizens' educational campaign, called "Change For The Better," designed to let the public know they should donate to local social services that would provide assistance to these people, rather than giving handouts to panhandlers on the streets.

BECKY BECK, with the Anchorage Downtown Partnership, spoke in favor of the education campaign for the involved people and the citizens. She encouraged support to organizations which understood the problem and could help. She explained that she was working with the Administration on "Change For The Better," which encouraged citizens and organizations to give donations to programs and services designed to offer assistance to those who were in need. She displayed examples of their advertisements and stated that local utility companies had agreed to include messages with their monthly billings to customers. Mr. Tesche and Mr. Sullivan each thanked her for her involvement with this important issue. To Mr. Sullivan, Ms. Beck responded that she had heard of "collection boxes" that citizens could offer contributions.

With no further public testimony, Chair Traini closed Public Hearing. He called for a motion and asked Mr. Sullivan, the sponsor, to summarize the ordinance he had created.

Mr. Sullivan moved, to approve AO 2004-109.
Mr. Tesche seconded,

Mr. Sullivan summarized that this ordinance had been designed to put into place a law that would give the police an additional tool to help deal with the problem of panhandlers. He felt the ordinance had been carefully crafted to protect First Amendment rights and, at the same time, improve the quality of life and the economic vitality of an area. He had delineated six specific instances that were categorized as aggressive panhandling.

Mr. Tesche stated the intent of the Assembly and the Administration was to pursue programs and services that would bring changes for the better. He praised "Change For The Better," and thought it would help educate the public and

bring about a change that would support Alaskans in need. To his question, Municipal Attorney Fred Boness responded that this ordinance would be supported by the Municipal Attorney's Office and would be defensible in a court of law. Assembly Attorney Michael Gatti concurred. Mr. Tesche moved to incorporate the additional memorandum from Mr. Sullivan to accompany this ordinance and urged a YES-vote.

Mr. Tesche moved, to incorporate AM 629-2004 as a part of AO 2004-109.
Mr. Sullivan seconded,
and this motion was unanimously approved,

To Mr. Coffey, Mr. Sullivan responded that several worksession had already been held in which the Anchorage Police Department had participated. Mr. Sullivan encouraged an immediate, concentrated effort to enforce these new laws. He felt it involved a small, fairly organized group of people which now could easily be addressed.

Mayor Begich stated that the Administration was committed to continue working with the Downtown Partnership and would focus on educating the public to change old habits of citizens giving money to the panhandlers.

Ms. Ossiander thought that rehabilitation might include job training, in conjunction with community service. Chair Traini responded that in the past Anchorage had maintained a job training program, under Workforce Development, but the State of Alaska had removed it under provisions of House Bill 192. Mr. Sullivan responded that many of the current rehabilitation programs included community service, designed to correct the violation. He added that many of the programs offered food, shelter, freedom from drug and alcohol dependency and eventually job training. Mayor Begich concurred.

Ms. Jennings agreed that this ordinance would be another tool that could be used in conjunction with *Change For The Better*, to inform the public of the alternatives to assist these people in need by supporting programs and institutions. She stated that she would be supporting this ordinance.

Chair Traini thanked Mr. Sullivan for bringing this ordinance forward and he called for a vote.

Mr. Sullivan moved, to approve AO 2004-109, as amended.
Mr. Tesche seconded,
and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

- 14.B. Resolution No. AR 2004-191, a resolution approving and ratifying a three year extension of the collective bargaining agreement between the Municipality of Anchorage and the **Public Employees, Local 71**, Employee Relations.
1. Assembly Memorandum No. AM 590-1004.

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

Mr. Tesche moved, to approve AR 2004-191.
Mr. Tremaine seconded,

Mr. Sullivan repeated for the record that the Municipality was giving up too much in return for what they were getting for a one-year budget fix.

and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: Sullivan.

Mayor Begich thanked the Local 71 bargaining unit for their hard work with the negotiations. He stated there was a new publication summarizing private sector employers' expectations of increases, compared to what they had dealt with in the past. He felt the Municipality of Anchorage was below the average wage of increases.

- 14.C. Resolution No. AR 2004-178, a resolution of the Municipality of Anchorage, Alaska, confirming and levying assessments for the water special improvements within **Levy Upon Connection (LUC) Roll 04-W-1**, setting date of payment and providing for penalties and interest in the event of delinquency, Anchorage Water & Wastewater Utility.
1. Assembly Memorandum No. AM 541-2004.

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

Mr. Tesche moved, to approve AR 2004-178.
Mr. Tremaine seconded,
and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

- 14.D. Resolution No. AR 2004-185, a resolution of the Municipality of Anchorage, Alaska, confirming and levying assessments for the water special assessments within **Levy Upon Connection (LUC) Roll 04-W-2**, setting date of payment and providing for penalties and interest in the event of delinquency, Anchorage Water & Wastewater Utility. (*Public Hearing Continued to September 7, 2004*)

1. Assembly Memorandum No. AM 572-2004.
2. Information Memorandum No. AIM 71-2004.

Ms. Fairclough requested that, before the Chair opened Public Hearing, she wanted consideration for postponement of 14.D and 14.E. She had received phone calls from constituents asking these to be postponed, until they had an opportunity to review the documents on the Chester Creek levies. She recommended that Public Hearing be opened that evening and continued until the next Assembly Meeting, in three weeks.

Mr. Whittle stated that he had also been contacted by constituents and requested more time for their review of the documents.

Mr. Stout had the same concern and agreed with the three-week postponement. He urged AWWU General Manager Mr. Premo to speak to the issue.

Mr. Tesche had also been contacted by residents in that area and requested a response from the Administration if there were any objections of opening Public Hearing and continuing the matter until the next meeting to allow the citizens time to review the document and get additional information.

Ms. Fairclough explained that the Assembly was required to open Public Hearing that evening because it had been advertised and the public was only offered one chance to testify on any given item. If they chose to testify that evening, they would not be allowed to testify at the next meeting.

AWWU General Manager Mark Premo stated that the department was very familiar with residents and developers involved with this issue. He requested that all Assemblymembers' questions be directed to AWWU staff prior to the next meeting and encouraged the body to consider holding Public Hearing that evening.

Mr. Whittle thought that citizens would have difficulty understanding the process.

Mr. Premo stated that it was the wish of the homeowners involved with this project that the local developer would be in charge of the improvements and the developer would be reimbursed for completion of those connections. He explained the assessment could be either the actual certified project costs or the lower LUC rate, which was the lower of the two rates and what was being assessed by the city. To Mr. Whittle, he responded the developers identified what they constructed and it was to be reviewed by AWWU.

To Ms. Fairclough, Mr. Premo responded that the citizens needed to understand that these residents had been connected to a privately owned sewer main, which ultimately dumped into the city's main. The developer had been informed that there would be a charge for that process, to help with transporting and processing of the sewage. The pipe that connected the residents to the main was not maintained by the Utility, and when the developer had gone out of business, the service had been discontinued.

Chair Traini explained that he had to open Public Hearing and then would request a motion to continue Public Hearing to the next meeting. He reminded the public they would be able to testify only once. He opened Public Hearing. There was no one to testify and he called for a motion.

Ms. Fairclough moved, *to continue* Public Hearing on AR 1004-185 until
Mr. Sullivan seconded, the Assembly Meeting on September 7, 2004.
and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

Ms. Fairclough reminded fellow Assemblymembers that specific questions needed to be addressed to Mr. Premo and the Assembly by Friday of that week, to ensure the issues could be address by AWWU staff.

- 14.E. Resolution No. AR 2004-186, a resolution of the Municipality of Anchorage, Alaska, confirming and levying assessments for the sewer special improvements within **Levy-Upon-Connection (LUC) Roll 04-S-6**, setting date of payment and providing for penalties and interest in the event of delinquency, Anchorage Water & Wastewater Utility. (*Public Hearing Continued to September 7, 2004*)
1. Assembly Memorandum No. AM 573-2004.
 2. Information Memorandum No. AIM 71-2004.

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

Ms. Fairclough moved, *to continue* Public Hearing on AR 2004-186 until
Mr. Coffey seconded, the Assembly Meeting on September 7, 2004.
and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

- 14.F. Resolution No. AR 2004-194, a resolution of the Anchorage Municipal Assembly appropriating \$153,081.04 of unappropriated revenues from the sale of **Municipality of Anchorage Standard Specifications (M.A.S.S.)** and contractor specifications, Project Management & Engineering.
1. Assembly Memorandum No. AM 602-2004.

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

Mr. Tremaine moved, to approve AR 2004-194.
Mr. Ossiander seconded,
and this motion was passed,

AYES: Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.
(Clerk's Note: Fairclough, temporarily out of room)

- 14.G. Resolution No. AR 2004-196, a resolution of the Municipality of Anchorage appropriating \$191,571 from the State of Alaska Department of Transportation and Public Facilities to the State Categorical Grants Fund (231) for the Traffic Department, Traffic Engineering Division, Signal Operations Section for the **Traffic Control and Signalization Project**, Traffic Department.
1. Assembly Memorandum No. AM 611-2004.

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

Mr. Tremaine moved, to approve AR 2004-196.
Mr. Ossiander seconded,

Mr. Whittle thought this project was long overdue, and hoped progress with traffic improvements would continue.

Municipal Traffic Engineer Glenda Radvansky summarized the project, saying they currently had approximately 245 of the 250 signals interconnected, with the ability to communicate with those signals through the Bragaw Office. She explained that they had the ability to download signalization from their desks. They were considering test locations for cameras in conjunction with the signals, but there currently were no cameras being used.

To Ms. Shamberg, Ms. Radvansky responded there were provisions to allow progression timing, which would allow traffic to continue to keep moving with green lights if they traveled at or below the speed limit.

To Mr. Coffey, Mayor Begich responded that consideration was being given to transit busses being given authority to change signals, and the Administration would confer with the Assembly on that issue as it was studied.

and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

- 14.H. Ordinance No. AO 2004-114, an ordinance of the Anchorage Municipal Assembly authorizing the long term lease between the Municipality of Anchorage as lessor and **Flight Safety Alaska, Inc.** as lessee of Lot 3, Block 2, Merrill Field Replat, located between Runway 06/24 and East 5th Avenue, Merrill Field Airport.
1. Assembly Memorandum No. AM 600-2004.

Chair Traini read this ordinance title and opened Public Hearing. With no one to speak, he closed Public Hearing and called for a motion.

Mr. Tesche moved, to approve AO 2004-114.
Mr. Coffey seconded,
and this motion was passed,

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

- 14.I. Resolution No. AR 2004-199, a resolution approving the acquisition of real property at the southeast corner of Lake Otis and Tudor, formerly operated as a Chevron service station, from Cook Inlet Marketing Group for \$650,000 for **municipal right-of-way acquisition**, Office of Economic & Community Development.
1. Assembly Memorandum No. AM 614-2004.

Chair Traini read this resolution title and opened Public Hearing.

MARY WILLIAMS urged the Assembly to review alternatives to this proposed acquisition and wait until the Bragaw extension was completed, when the traffic pattern could be studied again. Ms. Ossiander stated she was not the only citizen who had expressed that opinion.

There was no further public testimony and Chair Traini closed Public Hearing and called for a motion.

Mr. Tesche moved, to approve AR 2004-199
Mr. Sullivan seconded,

Mr. Sullivan thought Ms. Williams brought up good points. He stated that his personal experiences of the Lake Otis and Tudor intersection had made him question if the proposed turning lanes might not be the answer to the high congestion. He thought that waiting for federal funding for a real fix should be a consideration, instead of using local taxpayers' money.

Ms. Fairclough recalled that a traffic study had indicated, even with the proposed improvements, that in two and one-half years, the intersection would be exactly as congested as it currently was. The Bragaw Extension would slightly ease the east-west transportation, but there were numbers and counts that indicated action was needed on Tudor

1 Road. The Mayor responded that there were many pieces to the solution of controlling traffic congestion in this area of
2 Anchorage. He thought that the purchase of this property could qualify for federal reimbursement.

3
4 Municipal Traffic Engineer Glenda Radvansky explained that the East Study was a Planning Department document
5 developed for an overview of the area. There were recommendations to complete a detail analysis and proposed
6 improvements for the Dowling and Bragaw Extensions and the improvements at Lake Otis and Tudor would be
7 resulting from that study. The Municipal Traffic Department viewed the information from the consultant that the
8 Bragaw Extension was not to be considered an end-all fix. They had requested additional solutions for this area. To
9 Mr. Sullivan, Ms. Radvansky responded that all study information would be provided to Assemblymembers

10
11 To Mr. Tesche, Ms. Radvansky responded that the two primary studies had been completed by the consultant working
12 on the Bragaw Extension and the Municipal Traffic Department had added to that analysis. Mr. Tesche thought this
13 project should be approved, purchasing the land while prices were low. He urged a YES-vote.

14
15 Mr. Coffey stated that he had studied the designs and plans for improving transportation flow. He thought that the
16 acquisition was an appropriate use of funds and stated he would support the resolution.

17
18 Mr. Stout stated that there was much controversy involved with this intersection and that alternative routes were badly
19 needed. He thought that, with acquisition of enough property, a solution was a possibility, and he would support this
20 resolution.

21
22 Ms. Ossiander had heard from constituents that this may not be the most appropriate solution to the Lake Otis and
23 Tudor congestion. She had requested summaries of traffic studies from the Administration, to help show the plan. To
24 Ms. Ossiander, the Mayor responded that these land acquisitions may become the responsibility of the city, but the
25 Administration was diligently pursuing efforts to secure other sources of reimbursement funding, including from the
26 federal government. The city was prepared to take responsibility for one-fourth of the costs of this project, but would
27 remain in direct communications with U.S. Congressman Don Young and Commissioner Barton, and wanted to remain
28 optimistic about federal and state assistance for these projects. To Ms. Ossiander, Municipal Project Management
29 and Engineering Administrator Howard Holtan responded that the Municipality was buying this property to hold for the
30 project, and there would be a likelihood of future state or federal fund reimbursement.

31
32 Ms. Fairclough agreed there were other possibilities for this project to qualify for reimbursements.

33
34 Mr. Tremaine stated that these projects had been identified as the most highly congested intersections in the state.
35 Municipal Traffic Engineer Glenda Radvansky responded that she had managed those studies and they had analyzed
36 five intersections, with a focus on signage and road striping, had not included a capacity analysis and had identified
37 Lake Otis and Tudor as the highest congested intersection in Alaska. Mr. Tremaine thought this acquisition was a
38 wise business venture and he urged a YES-vote.

39
40 Ms. Jennings agreed that the acquisition was a good business opportunity and suggested a YES-vote.

41
42 Mr. Sullivan reiterated that the traffic study analysis needed to be shared with Assemblymembers, particularly with the
43 new members, who had recently become involved with the issue.

44
45 Chair Traini stated that for the years that he had been involved with the Assembly, the Lake Otis and Tudor
46 intersection had always been a main issue and it had never been fixed. He hoped the Administration would persevere,
47 despite the delays and controversy, and find a solution. He felt improvements were needed for the Bragaw Extension,
48 the Tudor and Lake Otis intersection and an extension of Dowling Road to provide relief. He approved of this land
49 acquisition and urged a YES-vote.

50
51 Ms. Fairclough explained that the Municipality of Anchorage had never designed a change for the Lake Otis and Tudor
52 intersection, that it was a State of Alaska right-of-way and the state had always taken responsibility for presenting
53 solutions until now.

54
55 and this motion was passed,

56
57 AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
58 NAYES: None.

59
60 Mayor Begich stated that this was the most studied intersection in Alaska. He thought this land acquisition was a rare
61 opportunity and he appreciated the support the Administration was receiving from the Assembly.

62
63 Mr. Tremaine moved, to Change the Order of the Day to take up item,
64 Ms. Ossiander seconded, 14.0, AO 2004-107.
65 and this motion was passed,

66
67 AYES: Fairclough, Whittle, Tremaine, Traini, Tesche, Stout, Ossiander and Shamberg.
68 NAYES: Sullivan, Jennings and Coffey.

69
70 14.J. Ordinance No. AO 2004-111, an ordinance of the Municipality of Anchorage authorizing a trade of a
71 8.26 acre parcel municipally owned property commonly known as **Tract B, Campbell Lake Outfall**,
72 located at the outfall of Campbell Lake in southwest Anchorage, Heritage Land Bank. (*Public Hearing*
73 *Closed*) (*Continued to Meeting of September 7, 2004*)
74 1. Assembly Memorandum No. AM 591-2004.

75
76 Chair Traini read this ordinance title and opened Public Hearing.

77
78 SHERRY JACKSON, Volunteer Chair of the Sand Lake Community Council, testified in opposition of the land swap at
79 this time and urged the Assembly to postpone this item until the third-party review water analysis was completed, the

1 report had been reviewed, and the council had an opportunity to review the legal paperwork involved with the land
2 exchange. To Ms. Jennings, she responded that if the report was not completed by the end of August, they would
3 request postponement until the final water analysis was released. To Mr. Coffey, she stated the council and the
4 executive board had not had time to address the issue and they would be prepared by October.

5
6 WAYNE PICHON, representing the Executive Officers of the Bayshore/Klatt Community Council, testified that they
7 unanimously opposed the land swap. They felt this issue should not be further discussed until the council had the
8 opportunity to further discuss it with members and were disappointed that the Administration would propose such a
9 controversial land exchange in their district without their input. Mr. Pichon stated they wanted the final review of the
10 hydrological study and questioned why the Administration was seemingly pushing this through. He urged
11 postponement until the legal documents and water analysis report were available for their review.

12
13 TIM BRIDGMAN, President of the Ocean View/Old Seward Community Council, urged postponement of this land
14 swap, to allow time for his council to discuss the issue. He requested the documents be made available to their
15 council, including the hydrological report on the aquifer and the legal document pertaining to the land exchange.

16
17 MIKE SHAMINO testified that without the hydrological report, he did not think there was enough evidence to determine
18 if the swap would positively affect the community. He urged postponement until the water data was released and
19 citizens could see the documentation related to the trade.

20
21 BETTY DODDS supported taking the aquifer on Tract 10 out of the development, but she requested the land
22 exchange be tabled until the Bayshore/Klatt, Oceanview and Sand Lake Community Councils could review all of the
23 information.

24
25 DEANNA ESSERT, member of the Sand Lake Community Council, stated that no notice had been given to her council
26 and they were waiting for the water quality report. She urged the Assembly to postpone this issue until all parties were
27 notified and all reports and facts had been issued.

28
29 CAROL SCHROYER asked to table this issue, until a later date.

30
31 EILEEN HUGHES, an Early Childhood Development instructor at the University Alaska, testified that she was
32 concerned that decisions were being made without reviewing critical information. She urged the Assembly to wait until
33 all reports and documents were completed and made available and proposed cancellation of this issue until January of
34 2005.

35
36 PATRICK WITHERELL, member of Seacliff Water Association, testified that there were questions on the water quality
37 and the integrity of the reports. Mr. Witherell urged the Assembly to reject this request and postpone further
38 discussion until studies were completed on the aquifer.

39
40 JIM ARNESEN appreciated the Mayor's efforts in preserving the property in Kincaid Estates. He urged the Assembly
41 to consider postponement of this item and requested an economic study of this property. He thought consideration
42 should be given to use this property as a park. He questioned why a formal bid process was not conducted and he
43 stated he would have been interested in acquiring this property.

44
45 GEOFF PARKER, an attorney representing fifteen clients, opposed the land exchange for many reasons. He thought
46 that the Assembly should wait for all reports and information associated with this property. He felt that none of the
47 information was going to change, it was not logical to be in such a hurry and he felt it was important for public
48 testimony to be included. This land was intertwined into the Coastal Trail and there were no exchange documents
49 included with the ordinance. He thought this land offered unique opportunities to see wildlife and nature, which he
50 thought was important to consider before this valuable property was given away.

51
52 VANESSA TONDINI, staff representative of Lesil McGuire, stated that while they were not taking a stand on the issue,
53 she respected the public testimony given that evening and stated that in order to make good public policy any land
54 trade consideration should be made with the intent to benefit the communities affected. She respectfully requested the
55 Assembly to hold off until all the community councils had an opportunity to meet and discuss the issue.

56
57 Chair Traini called for additional public testimony, and there being none, he closed Public Hearing.

58
59 *(Clerk's Note: Public Hearing Closed; Continued to Meeting of September 7, 2004)*

- 60
61 14.K. Ordinance No. AO 2004-115, an ordinance of the Municipality of Anchorage authorizing a sale of
62 Heritage Land Bank Parcel 5-017, a .58 acre parcel commonly known as **Lot 4, Lake Center**
63 **Subdivision**, located at southwest corner of 82nd Avenue and Jewel Lake Road, at fair market value,
64 Heritage Land Bank.
65 1. Assembly Memorandum No. AM 601-2004.

66
67 *(Clerk's Note: This Item was Carried Over to Meeting of September 7, 2004)*

- 68
69 14.L. Ordinance No. AO 2004-116, an ordinance amending Anchorage Municipal Code Chapter 12.35 to
70 incorporate amendments adopted by the State of Alaska regarding **deteriorated property and**
71 **deteriorated areas**, and to clarify tax incentive application requirements, Office of Economic &
72 Community Development.
73 1. Assembly Memorandum No. AM 613-2004.

74
75 *(Clerk's Note: This Item was Carried Over to Meeting of September 7, 2004)*

- 76
77 14.M. Ordinance No. AO 2004-113(S), an ordinance repealing Chapter 16.55 of the Anchorage Municipal
78 Code in its entirety and reenacting a new Chapter 16.55, **Child Care and Educational Facilities**, to
79 comply with State of Alaska standards, add child care home requirements, increase staff educational

requirements, improve play yard safety, increase staff accountability, and improve staff background checks, Department of Health and Human Services. ***(Laid on the Table)*** *(Public Hearing Closed, Continued to September 7, 2004)*

1. Assembly Memorandum No. AM 595-2004.
2. Ordinance No. AO 2004-113, an ordinance repealing Chapter 16.55 of the Anchorage Municipal Code in its entirety and reenacting a new Chapter 16.55, Child Care and Educational Facilities, to comply with State of Alaska standards, add child care home requirements, increase staff educational requirements, improve play yard safety, increase staff accountability, and improve staff background checks, Department of Health and Human Services.

Mr. Tesche moved to extend the Assembly Meeting until midnight to allow the public time for testimony; it was seconded by Mr. Tremaine and was passed with a vote of nine to two, with Ms. Fairclough and Mr. Sullivan opposing.

Chair Traini read the Agenda item titles AO 2004-113 and AR 2004-193, explained there was a substitute version for the ordinance and opened combined Public Hearing.

KARLA HICKS, a licensed child care provider, spoke on behalf of homecare providers, opposing this ordinance and stated that its passage would put her out of business. To Ms. Fairclough, she responded that she clearly understood that the Municipality needed to meet State of Alaska Statutes. To Ms. Ossiander, Ms. Hicks responded that the ordinance was difficult to understand with the small allowances of square feet per child.

EILENE HUGHES, Early Childhood Development instructor at the University of Alaska, supported the ordinances. She gave examples how the new requirements would improve child care in Alaska, by educating providers and qualified administrators and raising standards for accredited centers. She supported the change in requirements from the nine credits to the twelve credits of additional education courses. To Ossiander, Ms. Hughes responded that new research showed that there were differences in training that showed significant improvements in how young children learn.

DAVID DUNSMORE, speaking on behalf of the Health and Human Services Commission, testified in favor of the ordinances. He acknowledged that child care centers provide very basic public health services and it was imperative they meet the highest standards that the city could reasonably apply. He encouraged the city to exceed state standards.

MELINDA MEYERS, Director of Success By Six, testified in support of the revised regulations. She described her program, operated by the United Way, which worked with community partners to support issues concerning children's development from ages zero to six, in preparation for them to attend kindergarten. She also expressed complete support from Childcare Connection, with Executive Director Candace Winkler, who could not attend that evening's meeting to testify.

EVA HANSMEYER, Director of Rural CAP Child Development Center, testified in support of the child care regulation changes, in regards to centers, only. She explained that she had a community partnership with the University of Alaska, which involved students attending her center to complete their assignments. She thought more credits should be required for child care administrators. They supported the changes in ratios and classifications of age groups, and maximum group sizes. To Ms. Ossiander, she responded her center was licensed for younger children, ages six weeks to five years of age.

KIM KOVOL, Director for Licensed Child Care at Boys and Girls Club, testified in support of the changes of the regulations for child care. She emphasized their main concern was the credit requirements for administrators was the same for frontline staff, but there would be a wage difference. Under the new requirements, their facility would need nine or ten credited child care personnel. The University of Alaska did not offer a school-aged child accreditation certificate. They were also troubled with additional costs, estimating \$1200 per person, not including lab fees, and the time it would take for staff to fulfill new educational requirements.

NOELLE HARDT, Senior Director of Community Outreach with Boys and Girls Clubs of South-Central Alaska, testified that she had only one concern with the ordinance, which was with the exemption proposed for the open-campus programs. She stated the Boys and Girls Clubs across the state operated open-campus programs, and they did not agree with the exemption, which included an age perimeter of age eight. She agreed with using the language "school aged," describing this group. Ms. Hardt approved of the safety issue and other improvements the Assembly was proposing to the child care ordinance. Ms. Ossiander responded that she was proposing new language for this program.

TERRI ROBERTSON, child care facility owner, testified of the high costs of the proposed changes to the regulations. Eighty five percent of their two hundred children were subsidized, and she was concerned they would lose returning students. She mentioned the many rising costs over the years, including insurance, additional education requirements, employees training, program and facility requirements and reducing the ratios of infants and toddlers with adult supervision.

VIVIAN MARKSELL, from Gingerbread Child Care Center, questioned some of the changes the Assembly was proposing to the ordinances. She disagreed with the changes in the policy with interviews and the ratios of adults to infants. She thought a better definition was needed, for "responding to babies crying."

BARB DUBOVICH, Executive Director of Campfire USA, Alaska Council, spoke of their twenty-six licensed, school-aged child care programs within the Municipality of Anchorage, serving over 1200 youth. She spoke of some of the proposed changes of regulations and the additional costs involved with the changes. She recommended that the licensing department extend the deadline date for completion of educational requirements to August, 2006. She recommended the Municipality create specific regulations addressing the issues, needs and requirements for school-aged child care programs. Ms. Ossiander commented on how important the Campfire Programs were to the public schools in Anchorage and to her question, Ms. Dubovich responded there were over seven hundred children on their

1 waiting list for each fall enrollment. She stated that one-half of their employees currently would qualify under the new
2 education requirements.

3
4 HANNAH CARLSON, a child care center employee, spoke of her concerns of the newly proposed changes in taking
5 infants outside when it was cold. Ms. Ossiander responded that she was going to propose an amendment, addressing
6 that issue.

7
8 DEBRA BRUNEAU, an employee with the Rural CAP Headstart Child Care Development Centers in Alaska, spoke of
9 their accredited programs and that they supported quality education. To Ms. Jennings, Ms. Bruneau stated there were
10 numerous education programs offered in the Anchorage area and thought it would be easier for students to get the
11 requirements locally, compared with rural Alaska. To Mr. Sullivan, Ms. Bruneau responded that the assorted programs
12 offered by the University of Alaska on-line and through the College of Rural Alaska, offering classes via videos and
13 teleconferences. To Mr. Whittle, Ms. Bruneau responded the child care assistance and subsidies that were offered to
14 students were based on the income level of the families and did not cover all the costs involved with day care. Mr.
15 Whittle responded that he agreed that early childhood intervention was necessary to ensure proper care, but the
16 system was not set up for the improvements and ultimately would cost the families more for child care. He wondered if
17 the centers would lose more children than would gain from the improvements.

18
19 KALEN SAXTON, former child care provider representing the Better Baby Care of Alaska, testified. She supported the
20 draft, and made recommendations for improvements, including changes of adult to infant ratios, an increase of
21 education, decreasing group sizes and she agreed that taking babies outside was a healthy activity.

22
23 LAURI WADE, with Rabbit Creek Community Association, a non-profit child care center, testified in support of the new
24 changes. She stated it had been confusing with all the conflicting state and city regulations over the years. To Ms.
25 Shamberg, she responded that the additional education requirements would not affect her center because she and her
26 staff had education degrees. Ms. Wade responded that children should be accompanied by a licensed professional if
27 there was a criminal investigation. Ms. Jennings thanked Ms. Wade for the work she did in the child care field and that
28 she was very much valued in the community.

29
30 YVONNE CHASE, Executive Director of Catholic Social Services and also Chair of the Child Care Task Force
31 Committee, testified. Her committee was addressing some of the proposed changes in regulations and making
32 recommendations, including defining school-aged children, child care issues in homes, criminal history background
33 checks and adult to child ratios.

34
35 LAURI SHIELDS spoke in favor of the changes and thought the insurance issue was possible with companies in the
36 city. Her only question was the new regulation, allowing a stranger to question a child.

37
38 GARY GUARD, owner of Camai Child Center, licensed for 78 children, testified that the insurance increase over the
39 past years was a concern. He was also concerned of the requirements for additional education courses and the time
40 that would be needed for their completion. He questioned why the city and state couldn't work together to create one
41 set of child care regulations. Mr. Sullivan praised him for his professional child care center. To his question, Mr.
42 Guard responded the new education requirements would put a strain on the employees, and he urged consideration of
43 an on-line education course that would fulfill the additional credits. To Ms. Jennings, he responded his center did not
44 accept infants. With the proposed adult to child ratios they would lose \$14,000 per year and would have a four or five
45 percent increase of child care costs.

46
47 SHELLY BOYER-WOOD, a mother of a three-year-old, testified that she was most concerned with the changes in the
48 quality of child care as staff members finished the required classes, homework and tests. She urged consideration of
49 outside air quality when requiring infants to be outside. She felt there was no part-time child care available in the city.

50
51 BABE CASSEL, from the Anchorage Gymnastic Association, with 125 to 150 students, testified that all of the changes
52 would mean increased child care costs and families would find alternate accommodations for their children. Ms.
53 Cassel was concerned with the rising costs of inspections, requirements and improvements.

54
55 CAROL JENSEN, with the Childcare Connection and member of the Code Rewrite Committee, strongly approved of
56 the reduced ratio numbers of children to adults in groups and the additional educational requirements. To Mr. Sullivan,
57 she responded that she thought there were many child care administrators who currently did not have the required
58 education. She stated that they offered accredited classes at their center, where workers could receive eight credit
59 hours in one day, and there were more options for distance delivery of classes through the University of Alaska.

60
61 SHELLY BERGMAN, mother and home daycare provider, spoke in favor of the new regulations to improve the safety,
62 environment, facility conditions and raising the standards of child care.

63
64 DAWN SKEETE addressed the education requirements and thought the credits should not need to come from the
65 University of Alaska. She thought the area allowances for a child in home-care centers was not enough space. She
66 stated that the wording concerning a child's interview, should not include "if necessary." Ms. Skeete thought the
67 proposed changes would be good improvements to child care.

68
69 MARY LORENCE, Manager of the State of Alaska Child Care Program, testified that the proposed changes to this
70 ordinance would bring important differences in caring for children. She described the child care business as a tough
71 job with many rules. She thought it was difficult for employees to get the additional credits. To Ms. Jennings, she
72 responded that the State of Alaska would be reluctant to allow changes to the education requirements being met by
73 January 2006. To Mr. Coffey, she responded that if the city did not comply with the higher standards involved with
74 licensing, the state would take away much of the funding.

75
76 DIANA THOMAS, licensed family child care provider, testified that she fully supported the regulation changes and was
77 a member of the committee which addressed the code revisions.

78

1 KAREN ANN DARBY, with the State of Alaska Child Care Licensing Program, testified that there were many ways to
2 obtain qualifications of the training requirements for administrators and child development leaders. She explained the
3 credits could be obtained through University of Alaska, obtaining a Child Development Associate (CDA) degree and
4 the Montessori Certification Programs. She stated the Office of Children Services was responsible for investigations
5 and interviewing children in the cases of family child abuse and neglect, but her department, along with the police
6 department, responded to criminal investigations in child care facilities. They needed the availability of interviewing the
7 children without child care providers or other adults in those proceedings. To Ms. Osslander, Ms. Darby responded
8 that a CDA required one-hundred hours of training and an assessment process, which were available outside of the
9 University of Alaska.

10
11 MARY SUE FOSTER, owner of Sunshine Preschool and Child Care, licensed for 150 kids, testified there was a need
12 in the city for more infant care. She thought it may be difficult to interpret some of the regulations with all of the
13 different child care centers in the city.

14
15 There was no one else to testify and Chair Traini closed combined Public Hearing and called the Question on the
16 ordinance.

17
18 Mr. Tesche moved to approve AO 2004-113(S).
19 Mr. Coffey seconded,
20

21 Chair Traini recommended that all Assemblymembers prepare amendments, ready to present to the Administration by
22 October 30th. He recommended that the Administration prepare a response, taking into consideration all comments
23 and suggestions, to present at the November 9, 2004 Assembly Meeting. Chair Traini requested Ms. Wooley to
24 research the important issues, including interviewing children, to see how the proposed regulations compared with the
25 Anchorage School District.

26
27 *(Clerk's Note: Public Hearing Closed; Continued to Meeting of September 7, 2004)*
28

- 29 14.N. Resolution No. AR 2004-193, a resolution of the Anchorage Municipal Assembly requesting the State
30 of Alaska, Department of Health and Social Services to delegate **Child Care Facility Licensing**
31 **authority** to the Municipality, Department of Health and Human Services, pursuant to Alaska Statute
32 47.35.010 and 4 Alaska Administrative Code Chapter 62, Department of Health and Human Services.
33 1. Assembly Memorandum No. AM 595-2004.
34

35 *(Clerk's Note: See Agenda Item above, 14.M, AO 2004-113(S) for related Assembly Public Hearing, Discussion and*
36 *Action; Carried Over to Meeting of September 7, 2004)*
37

- 38 14.O. Ordinance No. AO 2004-107, an ordinance amending the zoning map and providing for the rezoning
39 of approximately 15,246 square feet from R-1A (Single Family Residential) to R-2M SL (Multiple
40 Family Residential with Special Limitations) for **Lots 15 and 16, Block 21, Poggas Subdivision**,
41 generally located at 13211 Venus Way (Old Seward/Oceanview Community Council) (Planning and
42 Zoning Commission Case 2004-047), Planning Department. *(Public Hearing Closed, Continued to*
43 *September 7, 2004)*
44 1. Assembly Memorandum No. AM 539-2004.
45

46 Chair Traini read this ordinance title and opened Public Hearing.
47

48 JAY DURYCH, attorney representing the petitioners Don and Rebecca Duryea, stated that he was present to testify on
49 their behalf, and requested that his client be allowed to speak first.
50

51 DON DURYEA testified that he and his wife had purchased the duplex of subject, located at 13211 Venus Way, with
52 the understanding it was a duplex, and the city had identified it as a residential duplex. They had rented out the
53 downstairs. They had been informed by Code Enforcement that using the property as a duplex, was illegal and they
54 were subject to fines of \$300 per day. He and his wife had tried unsuccessfully to resolve the issue and now
55 understood that variances would not be granted to change the allowable use, established in 1971 as R-1A. He wished
56 to legalize the use of their property, which had existed unchanged for the past twenty years. They had been legally
57 advised that their only resolve would involve a change in zoning and he requested assistance from the Assembly and
58 the Administration to change the two lots from R-1A to R-21, with special limitations. His proposal was consistent with
59 the Municipality's 1982 Comprehensive Plan, the Land Use Intensity Map and the Anchorage 2020 Plan. To Mr.
60 Tremaine, Mr. Duryea responded that they had received a non-objection to their proposal and had received a
61 recommendation from the Planning Staff. They had received unanimous approval from the Planning and Zoning
62 Commission. To Mr. Sullivan, he responded the property appraisal had classified the duplex as single family, R-1A,
63 while the Municipal assessment was zoned as a residential duplex. To Ms. Jennings, Mr. Duryea responded that the
64 only changes to the property had been improvements, including establishing a lawn and a retaining wall. To Ms.
65 Shamberg, he responded that he bought it because it was a duplex and he had been told that he did not need a permit
66 to build a retaining wall. He had received letters of support from many of their neighbors and there had never been a
67 complaint against his property. To Mr. Tesche, he responded he was surrounded on the north, east and south by
68 condominiums and many other multiple-family dwellings.
69

70 MARIA ADAMS opposed the proposed rezone, because of her fear of growing congestion with loss of property values.
71 She stated that a copy of a petition of additional neighbors opposing this rezone had been distributed to the body.
72

73 CAROL JUNE JOHNSON, a neighbor, opposed the rezone. To Mr. Stout, she responded she was aware of the
74 history of the home, but knew it had originally been zoned as R-1A in 1972. To Mr. Tremaine, she responded that one
75 of her fears was the growing numbers of parked vehicles and the retaining wall.
76

77 KEITH WEEDIN, a neighbor, opposed the rezone. He stated the subject property was a home with an accessory
78 dwelling unit which was in conflict with the Anchorage 2020 Comprehensive Plan and was in code violation. He stated

a neighborhood plan had not been developed for this subdivision and would not include R-2 for the east side of Venus Way. To Mr. Tremaine, Mr. Weedin responded there was a platted alley that separated these two zoning districts.

JAY DURYCH, representing the petitioner, distributed aerial photographs of this neighborhood to help identify boundaries. He thought this rezone would comply with the Anchorage 2020 Plan by furthering the city's goal of creating additional dwelling units to house the expanding population. He respectfully requested approval from the Assembly. To Ms. Jennings, Mr. Durych explained that Mr. Duryea had applied for a non-conforming use, which was denied by the Division of Code Enforcement because the lot had originally been zoned in 1972 as R-1A, and the duplex was built in 1984. To Mr. Sullivan, Mr. Durych stated there were two entrances for each unit. Mr. Sullivan thought that under the R-1A zoning, this subject property would not be allowed an accessory dwelling and he had reservations with its traditional use as a duplex. To Ms. Shamberg, Mr. Durych responded that there were three vehicles on this subject premises and his client had installed the retaining wall to provide additional parking to accommodate these vehicles, so as not to offend the neighbors by parking on the street.

With no additional testimony, Chair Traini closed Public Hearing.

Ms. Fairclough called for a Point of Order, and requested that AO 2004-107 be continued at the Assembly Meeting of September 7, 2004.

Mr. Tremaine moved,	<i>to Continue</i> AO 2004-107 until the Meeting of
Ms. Shamberg seconded,	September 7, 2004.
and the motion passed with no objections,	

Mr. Tremaine moved,	to Change the Order of the Day to take up item 14.M and
Ms. Shamberg seconded,	14.N, to accommodate public testimony.
and the motion passed with no objections,	

14.P. Ordinance No. AO 2004-108, an ordinance amending Anchorage Municipal Code Sections 21.15.030, 21.35.020, 21.40.180, 21.40.190, 21.40.200, 21.45.080, 21.45.290 and 21.50.085, adding new and revising current definitions and standards for a self-storage facility and vehicle storage yards, and allowing the yards in certain zoning districts; adding Section 21.50.400, Conditional Use Standards for vehicle storage yards; adding Section 21.50.450 Conditional Use Standards for containerized storage units in conjunction with self storage facilities; and adding Section 21.55.140, amortization requirements for **self-storage facilities and vehicle storage operations**, Planning Department.

1. Assembly Memorandum No. AM 580-2004. (*Carried Over to September 7, 2004*)

15. SPECIAL ORDERS None.

16. UNFINISHED AGENDA None.

17. AUDIENCE PARTICIPATION None.

18. ASSEMBLY COMMENTS None.

19. EXECUTIVE SESSIONS None.

20. ADJOURNMENT

Chair Traini called for a motion to adjourn the meeting.

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

The Regular Assembly Meeting was adjourned at 11:50 p.m.

ATTEST:

DICK TRAINI, Assembly Chair

BARBARA GRUENSTEIN, Municipal Clerk
Date Minutes Approved: November 9, 2004
MC/BG