

MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

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

Minutes for Regular Meeting of January 6, 2004, Amended

1. CALL TO ORDER

The meeting was called to order by Chair Traini at 5:00 p.m. in the Assembly Chambers, 3600 Denali Street, Room 108, in Anchorage, Alaska.

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

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

3. PLEDGE OF ALLEGIANCE The pledge was led by Ms. Taylor.

4. MINUTES OF PREVIOUS MEETING None.

5. MAYOR'S REPORT

Mayor Begich led a swearing in ceremony of 13 new Municipal AFD Firefighters following their graduation from the Firefighter Academy with completion of over 2900 hours of training. He congratulated them and stated it was an extreme honor to swear them into office. Wives and friends pinned on their new badges. Chair Traini thanked the new firefighters on behalf of the Assembly for taking on the responsibility of this important task of protecting the citizens of Anchorage.

6. ASSEMBLY CHAIR'S REPORT None.

7. COMMITTEE REPORTS None.

8. ADDENDUM TO AGENDA

Chair Traini read the Addendum items. He then called for a motion to incorporate Addendum items into the Regular Agenda.

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

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

Chair Traini called for any additional items to be added. He asked for objections to the incorporation of the Addendum items into the Agenda. There being none, he announced approval of the Agenda document with the inclusion of the Addendum.

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

9. CONSENT AGENDA

9.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

- 9.A.1. Resolution No. AR 2004-6, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Nancy L. Lamson** for her 14 years of service with the Municipality of Anchorage, Mayor Begich; Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen and Whittle.
- 9.A.2. Resolution No. AR 2004-8, a resolution of the Anchorage Municipal Assembly honoring and recognizing **Captain Brian Slack** for his dedication and service to the Administration, the Assembly, and the public, Mayor Begich; Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen and Whittle. **(Addendum)**

Chair Traini requested this item be pulled for review on the Regular Agenda. (See item 10.A.2)

1 **9.B. RESOLUTIONS FOR ACTION - OTHER**

- 2 9.B.1. Resolution No. AR 2004-2, a resolution of the Anchorage Municipal Assembly approving the
3 revised (schematic) design for the **East Anchorage High School Renovation Project, Phase 4A**,
4 Anchorage School District.
5 a. Assembly Memorandum No. AM 2-2004.

6
7 Ms. Von Gemmingen wanted to acknowledge Mr. George Vakalis, of the ASD, in the audience.

- 8
9 9.B.2. Resolution No. AR 2004-7, a resolution of the Municipality of Anchorage amending Assembly
10 Resolution No. 98-363 to permit transfer of **tax exemption** granted to Marc Marlow for a
11 deteriorated area around the McKay Building under certain circumstances, Assemblymember
12 Tesche.
13 a. Assembly Memorandum No. AM 32-2004. **(Addendum)**

14
15 Mr. Tremaine requested this item be pulled for review on the Regular Agenda. *(See item 10.B.2)*

16
17 **9.C. BID AWARDS**

- 18 9.C.1. Assembly Memorandum No. AM 8-2004, recommendation of award to Construction Machinery
19 Industrial, LLC for furnishing a **hydraulic excavator with preventative maintenance** to the
20 Municipality of Anchorage, Solid Waste Services (ITB 23-B082) (\$120,110), Purchasing.
21 9.C.2. Assembly Memorandum No. AM 33-2004, recommendation of award to Alaska Truck Center for
22 furnishing **two infrared total maintenance vehicles** to the Municipality of Anchorage,
23 Maintenance Operations Department & Anchorage Water & Wastewater Utility (ITB 23-B078)
24 (\$193,550), Purchasing. **(Addendum)**

25
26 Chair Traini requested this item be pulled for review on the Regular Agenda. *(See item 10.C.2)*

27
28 **9.D. NEW BUSINESS**

- 29 9.D.1. Assembly Memorandum No. AM 3-2004, 2004/2005 Liquor License Renewal: **Hogg Brothers**
30 **Café & Watering Trough #1872** – Restaurant/Eating Place (Spenard Community Council), Clerk’s
31 Office.
32 9.D.2. Assembly Memorandum No. AM 4-2004, **Hong Kong Restaurant #4347** – New Restaurant/Eating
33 Place Liquor License (Spenard Community Council), Clerk’s Office.

34
35 Ms. Von Gemmingen requested this item be pulled for review on the Regular Agenda. *(See item 10.D.2)*

- 36
37 9.D.3. Assembly Memorandum No. AM 5-2004, **Blondie’s Bar & Grill #3670** – Transfer of Ownership,
38 Location & Name Change for a Beverage Dispensary Liquor License (NO PREMISES), Clerk’s
39 Office.

40
41 Chair Traini requested this item be pulled for review on the Regular Agenda. *(See item 10.D.3)*

- 42
43 9.D.4. Assembly Memorandum No. AM 6-2004, **Club Soraya #4353** – Transfer of Ownership, Location &
44 Name Change for a Beverage Dispensary Liquor License (Downtown & Government Hill Community
45 Councils), Clerk’s Office.

46
47 Ms. Von Gemmingen and Ms. Shamberg requested this item be pulled for review on the Regular Agenda. *(See*
48 *item 10.D.4)*

- 49
50 9.D.5. Assembly Memorandum No. AM 26-2004, **Chepo’s Fiesta Mexican Restaurant #4350** – Transfer
51 of Ownership, Location & Name Change for a Beverage Dispensary Liquor License (Downtown
52 Community Council), Clerk’s Office.

53
54 Ms. Von Gemmingen requested this item be pulled for review on the Regular Agenda. *(See item 10.D.5)*

- 55
56 9.D.6. Assembly Memorandum No. AM 27-2004, **Carousel Cocktail Lounge #200** – Transfer of
57 Ownership for a Beverage Dispensary Liquor License (Spenard Community Council), Clerk’s Office.
58 9.D.7. Assembly Memorandum No. AM 9-2004, Change Order No. 4 to Vendor Contract 21ASC001 with
59 Grubstake Realty & Auction Company for providing **auctioneering services** for disposal of
60 surplus/excess municipal property for the Municipality of Anchorage, Purchasing Department
61 (\$30,000).
62 9.D.8. Assembly Memorandum No. AM 10-2004, proprietary purchase of **copier maintenance services**
63 from Royal Business Systems, Inc. for the Municipality of Anchorage, Purchasing Department
64 (\$75,000).
65 9.D.9. Assembly Memorandum No. AM 11-2004, recommendation of award to the Chariot Group for
66 providing hardware, software and professional services to implement an **audio-video**
67 **conferencing system** for the Municipality of Anchorage, Anchorage Water and Wastewater Utility
68 (RFP 22-P046)(\$187,300), Purchasing.

69
70 Mr. Van Etten requested this item be pulled for review on the Regular Agenda. *(See item 10.D.9)*

- 71
72 9.D.10. Assembly Memorandum No. AM 12-2004, Amendment No. 3 to construction contract with Alaska
73 Construction and Paving Inc., **2002 Parking Lot Improvements** at Tikishla Park, Jade Park, and
74 Whisper Faith Kovach Park, Project No. 00-57 (\$29,436.18), Project Management & Engineering.

9.D.11. Assembly Memorandum No. AM 13-2004, Amendment No. 6 to Alaska Pollution Control contract (P.O. No. 230586) increasing the contract by \$14,000 to an amount NTE \$109,360 for **road maintenance services with the Bear Valley LRSA**, Maintenance & Operations.

9.D.12. Assembly Memorandum No. AM 14-2004, Amendment No. 7 to Alaska Pollution Control contract (P.O. No. 230856) increasing the contract by \$10,108 to an amount NTE \$147,050 for **road maintenance within Rabbit Creek LRSA**, Maintenance & Operations.

9.D.13. Assembly Memorandum No. AM 15-2004, Amendment No. 1 to HD Redmond Company contract (P.O. No. 231296) increasing the contract by \$40,000 for a contract amount NTE \$415,000 for **road maintenance/repair within the Girdwood Valley Service Area**, Maintenance & Operations.

9.D.14. Assembly Memorandum No. AM 16-2004, approval of the Arts Advisory Commission recommendations for **Year 2004 Arts Grants** (\$192,330), Economic & Community Development.

Mr. Sullivan requested this item be pulled for review on the Regular Agenda. (See item 10.D.14)

9.D.15. Assembly Memorandum No. AM 17-2004, a grant to Alaska Arts & Culture Foundation (AACF) for the purpose of administering the **2004 Municipal Arts Grants Program** for the Municipality of Anchorage, Economic and Community Development (\$204,450).

Ms. Von Gemmingen requested this item be pulled for review on the Regular Agenda. (See item 10.D.15)

9.D.16. Assembly Memorandum No. AM 18-2004, 2004 grant award for operation costs at the **Chugiak Senior Center** (\$250,000), Health and Human Services.

9.D.17. Assembly Memorandum No. AM 19-2004, 2004 grant award for operating and maintenance costs at the **Anchorage Senior Center** (\$348,500), Health and Human Services.

9.D.18. Assembly Memorandum No. AM 29-2004, **Chugiak, Birchwood, Eagle River Rural Road Service Area Board of Supervisors** appointment (Roger Van Ornum), Mayor's Office. (Addendum)

9.D.19. Assembly Memorandum No. AM 30-2004, **Upper Grover Road Service Area Board of Supervisors** appointment (Chris Tower Zafren), Mayor's Office. (Addendum)

9.D.20. Assembly Memorandum No. AM 31-2004, **Sunset of Boards and Commissions** (Youth Advisory Commission, Investment Advisory Commission, Animal Control Advisory Board), Clerk's Office. (Addendum)

9.D.21. Assembly Memorandum No. AM 34-2004, **C-5-7 Campbell Lake Sewer** – Amendment No. 4 to contract for professional construction management services with HDR Alaska, Inc. (\$220,000) (P.O. 0000216115), Anchorage Water & Wastewater Utility. (Addendum)

9.D.22. Assembly Memorandum No. AM 35-2004, **Briarcliff/Newcomb Water Upgrade** - Change Order No. 4 to contract for construction CEF, Inc. dba Sonshine Enterprises (\$27,840.22), Anchorage Water & Wastewater Utility. (Addendum)

9.D.23. Assembly Memorandum No. AM 36-2004, recommendation of award to DOWL Engineers for providing professional engineering support for **Highway Safety Improvements Projects** for the Municipality of Anchorage, Traffic Department (RFP 23-P037) (\$726,885), Purchasing. (Addendum)

9.E. INFORMATION AND REPORTS

9.E.1. Information Memorandum No. AIM 1-2004, **2003 Anchorage Bowl Long-Range Transportation Plan**, Traffic Department.

Mr. Van Etten requested this item be pulled for review on the Regular Agenda. (See item 10.E.1)

9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

9.F.1. Ordinance No. AO 2003-124, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Sections 21.35.020 and 21.40.060 to change the definition of **gross floor area and floor area ratio** to exclude underground parking and access to underground parking, Assemblymember Tesche. (Public Hearing set for 2-3-04.)

a. Assembly Memorandum No. AM 687-2003.

b. Assembly Memorandum No. AM 20-2004, AO 2003-124; Planning and Zoning Commission recommendation for a proposed change to Title 21 regarding definitions and Floor Area Ratio (F.A.R.) requirements in the R-4 Multiple-Family Residential District (Planning and Zoning Commission Case 2003-147), Planning Department.

Mr. Tesche requested this item be pulled for review on the Regular Agenda. (See item 10.F.1)

9.F.2. Ordinance No. AO 2004-1, an ordinance repealing Anchorage Municipal Code Section 21.70.030 regarding **Mobile Home Park Annual Permits**, amending Anchorage Municipal Code Chapter 14.60.030 to delete the fine for mobile home permits, repealing Anchorage Municipal Code of Regulations Chapter 21.70 regarding Mobile Home Park Annual Permits, and repealing Anchorage Municipal Code of Regulations Subsection 21.20.007G. regarding fees, Planning Department. (Public Hearing set for 2-3-04.)

a. Assembly Memorandum No. AM 7-2004.

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

9.F.3. Ordinance No. AO 2004-4, an ordinance of the Anchorage Municipal Assembly amending AO 83-68, Section 4, Subparagraph (B) to increase the number of dwelling units from a maximum of 30 to 32 dwelling units and amending the zoning map and providing for the rezoning of approximately 1.38 acres from R-3SL (Multiple-Family Residential District) with Special Limitations to R-3 SL

(Multiple-Family Residential) with Special Limitations to R-3 SL (Multiple-Family Residential District) with Special Limitations for **Lots 1, 2, 3, and 4, Block 2, Patterson Parkway Subdivision**, generally located at the northeast corner of Patterson Parkway and Tudor Road (Scenic Foothills Community Council) (Planning and Zoning Commission Case 2003-116), Planning Department. *(Public Hearing set for 2-3-04.)*

a. Assembly Memorandum No. AM 28-2004.

Mr. Whittle requested this item be pulled for review on the Regular Agenda. *(See item 10.F.3)*

9.F.4. Ordinance No. AO 2004-2, an ordinance of the Municipality of Anchorage creating **Special Assessment District 1P03** for road improvements to Marston Drive and Foraker Drive, and determining to proceed with proposed improvements therein, Project Management & Engineering. *(Public Hearing set for 2-3-04.)*

a. Assembly Memorandum No. AM 21-2004.

The Administration requested this item be pulled for review on the Regular Agenda. Mr. Abbott explained the Administration was not requesting discussion but requesting Public Hearing be rescheduled for February 17, 2004.

9.F.5. Ordinance No. AO 2004-3, an ordinance amending Anchorage Municipal Code Section 3.301.72 to add and classify two **new executive positions** (Deputy Director I, Deputy Director II), Employee Relations. *(Public Hearing set for 1-20-04.)*

a. Assembly Memorandum No. AM 22-2004.

9.F.6. Resolution No. AR 2004-3, a resolution of the Anchorage Municipal Assembly appropriating \$332,132 from the U.S. Department of Justice, Office of Community Oriented Policing Services, Homeland Security Overtime Program and \$110,710 as a contribution from the Police Investigation Fund (257) and \$7,160 as a contribution from the Anchorage Police Service Area Fund (151), Anchorage Police Department 2003 Operating Budget, to the Federal Categorical Grants Fund (241), Anchorage Police Department, for the purpose of a **Homeland Security Overtime Program**. *(Public Hearing set for 1-20-04.)*

a. Assembly Memorandum No. AM 23-2004.

9.F.7. Resolution No. AR 2004-4, a resolution of the Municipality of Anchorage authorizing the Port of Anchorage to transfer \$4,100,000 and \$4,088,000 to the Maritime Administration to comply with federal grant matching fund requirements for the **expansion of the Port of Anchorage**. *(Public Hearing set for 1-20-04.)*

a. Assembly Memorandum No. AM 24-2004.

9.F.8. Resolution No. AR 2004-5, a resolution accepting and appropriating **Federal Highway grant funds** in the amount of \$3,002,000 to Fund 409, and \$4,498,000 to Fund 441, for projects located within the Municipality of Anchorage, Project Management & Engineering. *(Public Hearing set for 1-20-04.)*

a. Assembly Memorandum No. AM 25-2004.

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

9.F.9. Ordinance No. AO 2004-Unnumbered, an ordinance of the Anchorage Municipal Assembly, amending the Anchorage Municipal Code, Subsection 21.40.200B, to include **Beauty Shops** as a permitted use in the I1 Light Industrial District., Assemblymember Tesche. *(Clerk's note: introduced 1-06-04)*

Mr. Tesche introduced this item and requested it be pulled for review on the Regular Agenda. *(See item 10.F.9)*

9.F.10. Resolution No. AR 2004-9, a resolution appropriating three hundred sixty-six thousand seven hundred seven dollars (\$366,707) of interest earnings from the Jail Bond Revenue Bond Investment to the Anchorage Metropolitan Police Service Area Capital Improvement Program Fund (451) for costs for the **Anchorage Jail Project**, Administration. *(Clerk's note: introduced 1-06-04)*

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

Chair Traini called for a motion on the remaining Consent Agenda.

Mr. Tesche moved,	to approve the balance of the Consent Agenda, as
Mr. Sullivan seconded,	amended, with the exception of those items pulled for
and this motion passed unanimously,	review.

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

NAYES: None.

ABSENT: Kendall, excused.

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

10. REGULAR AGENDA

10.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

10.A.2. Resolution No. AR 2004-8, a resolution of the Anchorage Municipal Assembly honoring and recognizing **Captain Brian Slack** for his dedication and service to the Administration, the Assembly, and the public, Mayor Begich; Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen and Whittle. **(Addendum)**

Chair Traini read the title of this resolution, honoring Captain Brian Slack. He called for a motion to approve.

Mr. Tremaine moved, to approve AR 2004-8.

Mr. Sullivan seconded,

and this motion passed unanimously,

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

NAYES: None.

ABSENT: Kendall, excused.

Chair Traini asked Captain Slack to come forward. With Municipal Clerk Barbara Gruenstein reading the proclamation, Chair Traini presented the award. Captain Slack received recognition for his 5 ½ years of dedication and service to the Administration, the Assembly and the public.

Captain Slack introduced the newly installed officer, Mr. Paul Bartlett. He had enjoyed working with the Administration and the Assembly and staff, who he found helpful, courteous and professional. He mentioned the outstanding professionalism of the MOA Budget Director, Ms. Elvi Gray-Jackson.

Mr. Sullivan thanked Captain Slack for his professionalism, and thought that he had set the standards for how security was to efficiently run.

Ms. Von Gemmingen, Ms. Shamberg and Chair Traini thanked Captain Slack for everything he had very capably done. Mayor Begich thanked him for the security and the protection in the parking lot and wished him the best of luck with his endeavors.

10.B. RESOLUTIONS FOR ACTION - OTHER

10.B.2. Resolution No. AR 2004-7, a resolution of the Municipality of Anchorage amending Assembly Resolution No. 98-363 to permit transfer of **tax exemption** granted to Marc Marlow for a deteriorated area around the McKay Building under certain circumstances, Assemblymember Tesche.

a. Assembly Memorandum No. AM 32-2004. **(Addendum)**

Chair Traini read the title of this resolution and called for a motion from Mr. Tremaine.

Mr. Tremaine moved, to approve AR 2004-7.

Mr. Tesche seconded,

and this motion passed,

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

NAYES: None.

ABSENT: Kendall, excused.

ABSTAIN: Sullivan.

Mr. Sullivan requested abstaining from voting on this item, due to a conflict of interest.

Mr. Tremaine stated this was a transfer of tax exemption for the McKay Building and he wanted to know the details of the current circumstances, and to share some of the history of this issue with new Assemblymembers.

Mr. Tesche stated that in 1998 the Assembly granted a tax exemption and tax deferral for the McKay Building, following Alaska Statutes and MOA Code, specifying that taxation would not begin until the building renovations were completed. At the time this agreement was approved, the issue of transferability of the tax exemption was not clearly addressed. The owner, Mr. Marlow, had requested the exemption be transferable for the finalization of the project.

Mayor Begich had agreed with Mr. Marlow's proposal. Municipal Attorney, Mr. Boness, stated that the Legal Department had found the exemption would be allowed under law. The language used in this resolution assured the transfer would only take place after the project was completed.

Mr. Tremaine stated the original agreement referenced a 5-year exemption, following a 5-year deferral, for a total period of ten years and saw this as an advantage to MOA taxpayers. Mayor Begich responded that the deferral was not transferable, and stated that Mr. Marlow had been paying taxes, about \$30,000 per year. The Mayor stated the exemption would take place when the McKay Building, including the secondary annex, was completed.

Ms. Fairclough recalled that when Mr. Marlow appeared in 1999-2000, she asked if substantial renovations had been completed, and he responded "yes." She stated she did not want to halt renovations.

MARK MARLOW, owner, testified that the current MOA taxes on the tower were \$8000, and about \$30,000 for all property. He stated the language now used the term *substantial completion* rather than *renovations*.

To Ms. Fairclough, MOA Municipal Attorney, Mr. Boness responded that the law defined the term *substantial completion* to mean the project was 99% completed, with perhaps a punch-list to be completed before a certificate of occupancy was issued.

10.C. BID AWARDS

10.C.2. Assembly Memorandum No. AM 33-2004, recommendation of award to Alaska Truck Center for furnishing **two infrared total maintenance vehicles** to the Municipality of Anchorage, Maintenance Operations Department & Anchorage Water & Wastewater Utility (ITB 23-B078) (\$193,550), Purchasing. (**Addendum**)

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

Mr. Tesche moved, to postpone AM 33-2004 until January 20, 2004.
Mr. Tremaine seconded,
and this motion passed unanimously,

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

NAYES: None.

ABSENT: Kendall, excused.

Chair Traini acted upon request from the Administration and pulled this item for discussion with the possibility of postponement. The MOA Purchasing Officer, Mr. Bart Mauldin, and Mayor Begich concurred in the postponement. The Mayor added the Administration wanted to review all options before addressing this item.

10.D. NEW BUSINESS

10.D.2. Assembly Memorandum No. AM 4-2004, **Hong Kong Restaurant #4347** – New Restaurant/Eating Place Liquor License (Spenard Community Council), Clerk's Office.

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

Ms. Von Gemmingen moved, to approve AM 4-2004.
Mr. Tremaine seconded,

Ms. Von Gemmingen requested explanation of this item, concerning the Hong Kong Restaurant and item 9.D.5 (*See item 10.D.5*), concerning Chepo's Fiesta Mexican Restaurant, were transferring licenses with no conditional use permit.

The Municipal Clerk, Barbara Gruenstein, explained that Hong Kong Restaurant had a conditional use permit for many years for a full dispensary license. Because they were selling this license to Chepo's, Hong Kong was applying for a new license for beer and wine. Ms. Gruenstein explained that even though they were downgrading their license, they still were required to complete a new conditional use permit.

Ms. Von Gemmingen stated that the Assembly could not approve licensing for either of these restaurants because they did not have conditional use permits. Ms. Gruenstein agreed, but suggested their approval, with protest, until the conditional use permit was granted.

Mr. Tremaine pointed out a correction was needed with the restaurant's address, which should have been 2412 Spenard Road.

Ms. Von Gemmingen moved, to amend AM 4-2004, with protest until a new conditional use permit has been issued and approved and address correction of 2412 Spenard Road has been recorded.
Mr. Tremaine seconded,

Ms. Von Gemmingen moved, to approve AM 4-2004, as amended.
Mr. Tremaine seconded,
and this motion was passed,

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

NAYES: None.

ABSENT: Kendall, excused.

Mr. Sullivan questioned the requirement of a restaurant with a conditional use permit for a full liquor license having to repeat the process for a new conditional use permit for a beer and wine license, which would be a downgrade of the license. Ms. Gruenstein responded it was confusing, and she was in the process of trying to improve the process and requirements.

10.D.3. Assembly Memorandum No. AM 5-2004, **Blondie's Bar & Grill #3670** – Transfer of Ownership, Location & Name Change for a Beverage Dispensary Liquor License (NO PREMISES), Clerk's Office.

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

Mr. Tesche moved, to approve AM 5-2004.
Mr. Sullivan seconded,

Chair Traini asked for this item to be pulled upon the request of Municipal Clerk, Ms. Gruenstein. Ms. Gruenstein explained that she had recently learned from the Treasury Department that, in fact, Blonde's Bar and Grill, was delinquent in paying MOA taxes.

Mr. Tesche moved, to amend AM 5-2004, with protest, pending all
Mr. Sullivan moved, delinquent taxes due to the Municipality of Anchorage
and this motion passed unanimously, were paid in full.

KENNETH FULLER, testified that he was in the process of transferring back the property.

Chair Traini explained that the previous owner was behind with taxes owed and the Assembly would amend this memorandum, with protest until all taxes were paid in full. He explained that when the taxes were paid and the new conditional use permit was approved, then the protest would go away and the license would be granted.

HECTOR J. ORTIZ, Soraya's current owner, testified that this was confusing to him because the transfer of permits of Soraya and Blondie's, with a conditional use permit that would have cost him \$750 last year to \$4000 for this year, with no change to his business. Mr. Ortiz argued that he had not received notice of application deadlines or due dates, or that he had been scheduled to meet before the Assembly.

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

Mr. Tesche moved, to approve AM 5-2004, as amended.
Mr. Sullivan seconded,
and this motion was passed,

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

Later in the Assembly Meeting Mr. Tesche introduce an ordinance which would resolve the matter concerning failure to meet liquor license and conditional use permitting deadlines, as was in this case, by eleven days.
(Clerk's note: Mr. Tesche's new unnumbered, untitled ordinance is found in Meeting Minutes, under item 10.F.11, Ordinances and Resolutions for Introduction.)

10.D.4. Assembly Memorandum No. AM 6-2004, Club Soraya #4353 – Transfer of Ownership, Location & Name Change for a Beverage Dispensary Liquor License (Downtown & Government Hill Community Councils), Clerk's Office.

Ms. Von Gemmingen and Ms. Shamberg requested this item be pulled for review from the Consent Agenda. Chair Traini read this memorandum title and asked Ms. Shamberg to make a motion.

Ms. Shamberg moved, to approve AM 6-2004.
Mr. Tesche seconded,

Ms. Shamberg explained she had pulled this item to discuss a possible delay. Ms. Shamberg explained that she, along with other Assemblymember, had received emails or letters requesting postponement of the transfer of this license.

JOHN PATEE, Downtown Community Council President, testified that there had been a misunderstanding, with what they interpreted as a double transfer of two separate licenses. When they read this on the Assembly's Agenda, they interpreted it to mean that the license from Blondie's was being transferred to Club Soraya and the Club Soraya license was being transferred to Blondie's, which their CC would oppose. He thought that the Assembly had already approved the transfer of the license from Blondie's to Club Soraya and he and the CC approved of the transfer.

Mr. Tesche stated he had received correspondence from the applicant, as had other Assemblymembers, raising the issue of whether or why the applicant would have to get a new conditional use permit for this establishment, at an estimated cost of \$4000, because they had always maintained a conditional use permit. Mr. Jerry Weaver, with the Administration, responded that the conditional use "runs with the land." The conditional use permit remained active as long as there was active liquor at that premise and there were no lapses in the permit greater than 60 days.

Mr. Sullivan stated there was a memo in Assemblymembers' packets which mentioned that Club Soraya had 60 days from the date that the license was removed to apply to the ABC Board for a transfer. It stated the deadline was November 20, 2003, and the owner applied for the transfer on December 2, 2003, therefore a new conditional use for a beverage dispensary license was required.

Mr. Tesche stated that the facts and the law concerning this procedure were fairly clear, and his application was not

made during that time period and Mr. Ortiz would be required to get a new conditional use permit. Mr. Tesche stated that the Assembly did not have the authority to waive the requirements governed by an ordinance pertaining to those laws.

To Mr. Sullivan, Mr. Weaver replied that the deadline dates were defined by the ABC Board, with the 60-day period starting when they were notified by the previous license owner, sometime in September, that the license was no longer active at that location. Mr. Ortiz responded he was never notified.

Mr. Tremaine moved, to amend AM 6-2004, *by changing* Line 22, to read:
Mr. Sullivan seconded, "Approval of this memorandum will protest the transfer of
and this motion passed unanimously, ownership of the beverage dispensary liquor license until
a conditional use permit is approved for this site."

Ms. Shamberg moved, to approve AM 6-2004, as amended.
Mr. Tesche seconded,
and this motion was passed,

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

NAYES: None.

ABSENT: Kendall, excused.

Bound by the State Law and Municipal Code, Mr. Sullivan stated he felt troubled that the Assembly would not be allowed to assist with resolving this matter. Chair Traini and Mr. Tesche agreed. Mr. Sullivan stated the Assembly could consider extending a time period or an appeal process because in Mr. Ortiz's case, it may save him \$4000. Mr. Tesche stated this was a possibility.

Ms. Von Gemmingen voiced her frustration, and said she was not aware of the 30-day notice requirement for a new license. She suggested investigating lengthening this time period.

Mr. Tremaine felt badly that Mr. Ortiz had been caught in a poor process and agreed with Ms. Von Gemmingen to consider lengthening the time periods. He felt that perhaps the Assembly could make this retroactive to affect Mr. Ortiz.

Mayor Begich stated that the Administration would be happy to work with the Clerk's Office to create a more streamlined licensing process and to better inform the public.

Chair Traini stated the Clerk's Office would contact the Administration to discuss process improvements.

10.D.5. **Assembly Memorandum No. AM 26-2004, Chepo's Fiesta Mexican Restaurant #4350 – Transfer of Ownership, Location & Name Change for a Beverage Dispensary Liquor License (Downtown Community Council), Clerk's Office.**

Chair Traini read this memorandum title and called for a motion from Ms. Von Gemmingen.

Ms. Von Gemmingen moved, to approve AM 26-2004.
Mr. Tremaine seconded,

Ms. Von Gemmingen stated that with approval, the wording in this memorandum, similar with the issue of 10.D.2, could also include the terms of the protest. Ms. Von Gemmingen added that the new conditional use was supposed to be addressed at 243 East Fifth Avenue. (*Clerk's note: ABC files list the current address as 223 East 5th Avenue*)

To Chair Traini, Ms. Gruenstein responded that the liquor license number stayed with the transfer. She said the process was confusing and the Assembly could approve this memorandum, as they did with the licensing for Hong Kong Restaurant, with a protest.

Ms. Von Gemmingen moved, to amend AM 26-2004, *to include with protest of the*
Mr. Tremaine seconded, transfer of ownership, location, name change for beverage
and this motion passed unanimously, dispensary liquor license for Chepo's until a conditional
use permit is approved and address change has
been recorded.

Ms. Von Gemmingen moved, to approve AM 26-2004, as amended.
Mr. Tremaine seconded,
and this motion passed unanimously,

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

NAYES: None.

ABSENT: Kendall, excused.

Mr. Tremaine requested that the Clerk's Office make certain of the correct address changes for both Hong Kong Restaurant and Chepo's Fiesta Mexican Restaurant.

Chair Traini explained they were all attempting to correct this process and he was working with Ms. Gruenstein to improve the procedure.

10.D.9. Assembly Memorandum No. AM 11-2004, recommendation of award to the Chariot Group for providing hardware, software and professional services to implement an **audio-video conferencing system** for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (RFP 22-P046)(\$187,300), Purchasing.

Chair Traini read the title of this memorandum and asked Mr. Van Etten to make a motion.

Mr. Van Etten moved, to approve AM 11-2004.
Mr. Tremaine seconded,
and this motion was passed,

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

Mr. Van Etten applauded the appropriation for the audio-video conferencing system for AWWU, lessening the travel time for many MOA employees, traveling between the headquarters. He added that not only would this be saving time, it would be lessening the traffic congestion of the busiest intersection of Lake Otis and Tudor Roads.

10.D.14. Assembly Memorandum No. AM 16-2004, approval of the Arts Advisory Commission recommendations for **Year 2004 Arts Grants** (\$192,330), Economic & Community Development.

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

Mr. Van Etten moved, to approve AM 16-2004.
Ms. Fairclough seconded,

Mr. Sullivan moved, to amend AO 16-2004, *to bifurcate* the list of grantees,
Mr. Tremaine seconded, *by separating out the Anchorage Youth Symphony.*
and this motion passed unanimously,

Mr. Sullivan wished to abstain from voting on this item because his daughter was a member of the Anchorage Youth Symphony. Mr. Tremaine also wished to abstain from voting because his daughter was a member of the Anchorage Dance Theatre, and offered a motion.

Mr. Tremaine moved, to amend AO 16-2004, *to bifurcate* the list of grantees,
Mr. Sullivan seconded, *by separating out the Anchorage Dance Theater.*
and this motion passed unanimously,

Mr. Van Etten moved, to approve AM 16-2004, as amended.
Ms. Fairclough seconded,
and this motion was passed,

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

10.D.15. Assembly Memorandum No. AM 17-2004, a grant to Alaska Arts & Culture Foundation (AACF) for the purpose of administering the **2004 Municipal Arts Grants Program** for the Municipality of Anchorage, Economic and Community Development (\$204,450).

Chair Traini read this memorandum title and called for a motion from Ms. Von Gemmingen.

Ms. Von Gemmingen moved, to approve AM 17-2004.
Mr. Van Etten seconded,
and this motion passed unanimously,

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

Ms. Von Gemmingen stated it was confusing to review this new grant for the Alaska Arts and Culture Foundation when the Arts Advisory Commission had always administered the Arts Grants Program in the past. To Ms. Von Gemmingen, Mayor Begich responded that the Administration wanted to streamline functions of this organization and save money by eliminating administrative staff. The Arts Advisory Commission would continue to exist, supplying the recommendations, with the AACF doing all the accounting and administration. He stated it would be beneficial to the MOA for the Arts Advisory Commission to be involved, because they would remain networked with the State of Alaska and stay informed of the available grants.

Ms. Von Gemmingen explained that once she understood the explanation, she was in agreement with the Administration's plan and would approve this new administration of the Arts Grants Program.

10.E. INFORMATION AND REPORTS

10.E.1. Information Memorandum No. AIM 1-2004, 2003 Anchorage Bowl Long-Range Transportation Plan, Traffic Department.

Chair Traini read the title of this memorandum and called on Mr. Van Etten to make a motion.

Mr. Van Etten moved, to approve AIM 1-2004.
Mr. Sullivan seconded,
and this motion passed unanimously,

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

Mr. Van Etten asked the Administration about the question marks on the 2003, Anchorage Bowl, Long-Range map. He stated the Bragaw Extension and the Dowling Extension, connecting east with Bragaw, still showed as question marks on the map. The Administration responded that they had addressed removing the question marks, and they were currently refining the text to clarify environmental review and consistency with the maps.

10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

10.F.1. Ordinance No. AO 2003-124(S), an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Sections 21.35.020 and 21.40.060 to change the definition of **gross floor area and floor area ratio to exclude underground parking and access to underground parking, Assemblymember Tesche. (*Public Hearing set for 1-20-04.*)**
a. Assembly Memorandum No. AM 687-2003.
b. Assembly Memorandum No. AM 20-2004, AO 2003-124; Planning and Zoning Commission recommendation for a proposed change to Title 21 regarding definitions and Floor Area Ratio (F.A.R.) requirements in the R-4 Multiple-Family Residential District (Planning and Zoning Commission Case 2003-147), Planning Department.

Chair Traini read the title of this ordinance and called on Mr. Tesche to make a motion.

Mr. Tesche moved, to introduce AO 2003-124(S), as a substitute ordinance
Mr. Sullivan seconded, for AO 2003-124, with Public Hearing set for
Mr. Tremaine was the concurring third, January 20, 2004.

Chair Traini announced the introduction of AO 2003-124(S), with Public Hearing set for January 20, 2004.

10.F.2. Ordinance No. AO 2004-1, an ordinance repealing Anchorage Municipal Code Section 21.70.030 regarding **Mobile Home Park Annual Permits, amending Anchorage Municipal Code Chapter 14.60.030 to delete the fine for mobile home permits, repealing Anchorage Municipal Code of Regulations Chapter 21.70 regarding Mobile Home Park Annual Permits, and repealing Anchorage Municipal Code of Regulations Subsection 21.20.007G. regarding fees, Planning Department. (*Public Hearing set for 2-3-04.*)**
a. Assembly Memorandum No. AM 7-2004.

Chair Traini read this memorandum title and called on Mr. Tesche to make a motion.

Ms. Taylor moved, to introduce AO 2004-01 with Public Hearing
Mr. Tremaine seconded, set for February 3, 2004.
Mr. Whittle was the concurring third,

Chair Traini announced the introduction of this new ordinance with Public Hearing set for February 3, 2004. He called for discussion.

Ms. Taylor stated that recently there had been several closures of trailer parks in the MOA and she requested impact studies from the Administration and any additional information of proposed closures in the near future.

Mayor Begich responded that they would look into that issue, but did not have any knowledge of additional closures in the near future.

10.F.3. Ordinance No. AO 2004-4, an ordinance of the Anchorage Municipal Assembly amending AO 83-68, Section 4, Subparagraph (B) to increase the number of dwelling units from a maximum of 30 to 32 dwelling units and amending the zoning map and providing for the rezoning of approximately 1.38 acres from R-3SL (Multiple-Family Residential District) with Special Limitations to R-3 SL (Multiple-Family Residential) with Special Limitations to R-3 SL (Multiple-Family Residential District) with Special Limitations for **Lots 1, 2, 3, and 4, Block 2, Patterson Parkway Subdivision, generally located at the northeast corner of Patterson Parkway and Tudor Road (Scenic Foothills Community Council) (Planning and Zoning Commission Case 2003-116), Planning Department. (*Public Hearing set for 3-2-04.*)**
a. Assembly Memorandum No. AM 28-2004.

Chair Traini read the title of this ordinance and requested a motion from Mr. Whittle.

Mr. Whittle moved, to *introduce* AO 2004-04 with Public Hearing set.
Mr. Tremaine seconded, for March 2, 2004.
Ms. Taylor was the concurring third,

There was no discussion and Chair Traini announced the approved introduction of AO 2004-04, with Public Hearing set for March 2, 2004.

- 10.F.8. Resolution No. AR 2004-5, a resolution accepting and appropriating **Federal Highway grant funds** in the amount of \$3,002,000 to Fund 409, and \$4,498,000 to Fund 441, for projects located within the Municipality of Anchorage, Project Management & Engineering. (*Public Hearing set for 3-2-04.*)
a. Assembly Memorandum No. AM 25-2004.

Chair Traini read this resolution title and requested a motion from Mr. Tremaine.

Mr. Tremaine moved, to *introduce* AR 2004-05, with Public Hearing set.
Mr. Tesche seconded, for March 2, 2004.
Ms. Taylor was the concurring third,

Mr. Tremaine moved, to amend AR 2004-5, on Line 3, *by correcting* to read:
Ms. Taylor seconded, \$4,498,000.
and this motion passed unanimously,

With no further discussion, Chair Traini announced the approved introduction of AR 2004-05, as amended with technical changes, with Public hearing set for March 2, 2004.

- 10.F.9. Ordinance AO 2004-Unnumbered, an ordinance of the Anchorage Municipal Assembly, amending the Anchorage Municipal Code, Subsection 21.40.200B, to include **Beauty Shops** as a permitted use in the I1 Light Industrial District., Assemblymember Tesche. (*Clerk's note: Introduced 1-06-04*) (*Public Hearing set for 1-20-04*)

Mr. Tesche moved, to *introduce* AO 2004-Unnumbered, a new, untitled and
Mr. Tremaine seconded, unnumbered ordinance, with Ms. Shamberg added as a
Ms. Taylor was the concurring third, cosponsor, with Public Hearing set for January 6, 2004.

This ordinance was introduced by Mr. Tesche and he requested Public Hearing be set for January 20, 2004. He, several Assemblymembers and members of the Administration had received calls from a property and business owner, requesting allowances for operating a beauty shop in an I-1 district. To this new ordinance Chair Traini assigned this ordinance Agenda number 9.F.9. Mr. Tesche welcomed Ms. Shamberg's request to be added as a co-sponsor.

- 10.F.10. Resolution No. AR 2004-9, a resolution appropriating three hundred sixty-six thousand seven hundred seven dollars (\$366,707) of interest earnings from the Jail Bond Revenue Bond Investment to the Anchorage Metropolitan Police Service Area Capital Improvement Program Fund (451) for costs for the **Anchorage Jail Project**, Administration. (*Clerk's note: introduced 1-06-04*) (*Public Hearing set for 1-20-04.*)

Mr. Tesche moved, to *introduce* AR 2004-9, with Public Hearing set for
Ms. Taylor seconded, January 20, 2004.
Mr. Sullivan was the concurring third,

Chair Traini announced the introduction of this resolution. Mr. Abbott requested Public Hearing be set for January 20, 2004.

- 10.F.11. Ordinance AO 2004-Unnumbered, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code, Section 21.15.030-J2, to enlarge the sixty-day expiration **period for a liquor license conditional use permit** to one hundred and twenty days and providing a retroactive effective date, Assemblymember Tesche.

Mr. Tesche moved to introduce an untitled ordinance, changing the time period requirements for a liquor license from 60 to 120 days, and providing a retroactive effective date.

Mr. Tesche moved, to introduce AO 2004-Unnumbered ordinance.
Ms. Von Gemmingen seconded,
Mr. Sullivan was the concurring third,

Chair Traini heard no objections and announced the introduction of this untitled ordinance. He reminded Mr. Tesche and the body that this would have to be taken up by the Planning Commission prior to the Assembly addressing it.

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS

- 11.A. Assembly Memorandum No. AM 989-2003, recommendation of award to Tryck Nyman Hayes to provide professional engineering services to complete the **Delaney Park Design Study Project** for

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75

the Municipality of Anchorage, Project Management & Engineering (RFP 23-P019 Project A) (\$140,000), Purchasing. *(Clerk's note: Approved 12-17-03; Notice of Reconsideration was given by Mr. Traini on 12-18-03.)*

Mr. Traini moved, to approve reconsideration of AM 998-2003.
Mr. Tesche seconded,
and this motion was withdrawn,

Chair Traini read this memorandum title and explained that this memorandum had been approved by the Assembly on December 17, 2003, but he had given notice of reconsideration, seconded by Mr. Tesche, on December 18, 2004. He wanted to make sure that Parks and Recreation Commission had been included with the study. Both Chair Traini and Mr. Tesche had recently discussed with the Administration the importance of including citizens, boards and commissions because it was a public park, which belonged to the community. They were satisfied with the answers they received from the Administration and withdrew their motion of reconsideration.

11.B. Resolution No. AR 2003-389, a resolution of the Anchorage Municipal Assembly supporting **Alaska Senate Concurrent Resolution 12**, acknowledging the natural unfairness in the current local governmental structure and requesting the Local Boundary Commission to present a recommendation for borough incorporation to the Legislature in order to formally request residents living in certain unorganized areas of Alaska to help operate and financially provide for their local school system, Assemblymembers Tesche, Traini, Fairclough, Sullivan, and Von Gemmingen.
1. Assembly Memorandum No. AM 976-2003. *(Postponed from 12-16-03)*

Chair Traini read this resolution title and explained a work session was scheduled for January 16, 2004 at noon. He stated a motion was currently on the floor for this item and recommended a motion to postpone until January 20, 2004.

Mr. Tesche moved, to postpone AR 2003-389 until January 20, 2004,
Mr. Sullivan seconded, to allow a work session on January 16, 2004.
and this motion was passed,

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

11.C. Assembly Memorandum No. AM 973-2003, **Al's Alaskan Inn #10** – Renewal of a Beverage Dispensary/Tourism Liquor License (Old Seward/Taku-Campbell & Abbott Loop Community Councils), Clerk's Office. *(Carried over from 12-16-03; Postponed from 12-17-04)*

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

Mr. Sullivan moved, to approve AM 973-2003.
Mr. Tesche seconded,

Chair Traini explained that the applicant was requested to appear before the Assembly and welcomed Allen H. Choy, owner and full-time operator of Al's Alaska Inn.

Mr. Tremaine questioned Mr. Choy about the 21 listed DUIs, attributable to Al's Alaskan Inn. He explained the majority were calls collected by the APD from each arrested defendant who identified Al's Alaskan Inn.

ALLEN H. CHOY, owner of Al's Alaskan Inn, introduced himself and explained that he took his business very seriously. He had been in this business for his entire life, had a security staff of nine employees who maintained walkie-talkie communications watching the parking lot, offered cab rides, personally drove customers home and offered discounted or free rooms to people who had had too much to drink. He said his employees were the best trained professionals in the business.

To Mr. Sullivan Mr. Choy responded that he set high standards in his business. He maintained policy of no drinking for at least four hours before employees began their shifts. He reminded the Assembly that of the 23 DUIs reported, two of those were calls he had made. Mr. Choy argued that the drunks reported in his area were probably from other establishments. He stated the vehicles pulled into his parking lots by policemen for DUI arrests and were not customers of his, but his establishment would be listed as the attributable establishment incorrectly.

Mr. Tremaine again questioned Mr. Choy about the 21 listed DUIs and read the very high alcohol levels of breathalyzer tests of those DUIs. He stated that of all the years that he had been on the Assembly he had never seen any list with numbers quite so high and this had all Assemblymembers concerned. To Mr. Tremaine's question, Mr. Choy responded that he had one license, one duplicate license, four fixed bars on his establishment and one lounge bar and he was in compliance with ABC regulations.

Mr. Tesche assumed the Chair, to allow Mr. Traini the opportunity to speak on the issue. Mr. Traini stated these DUIs were indeed hearsay and that they did not mean Mr. Choy was a bad operator. Mr. Train added that this was not a violation from the ABC board, which would constitute license suspension. To Mr. Traini's question, Mr. Choy responded that its forty-two history the business had never received an ABC violation. Mr. Van Etten agreed with Mr. Traini.

Mr. Sherman Ernouf, from the Law Offices of Dan Coffey, testified in support of Mr. Choy. He upheld the professionalism of Mr. Choy and explained that Mr. Choy was doing much more than most operators for preventing DUIs.

To Ms. Fairclough's questions, Mr. Choy responded that \$3.50 was the least expensive drink he served; he had a capacity of 530 people in his establishment and changed his security camera tapes every six hours. Ms. Fairclough stated in order to protect himself, he should install twelve-hour tapes, to prove these DUIs were not his customers.

To Ms. Fairclough, APD Chief Monegan stated that Al's Alaskan Inn was a fairly quiet place and Mr. Choy did run high security. He suggested that the owners keep records to prove the use of taxi cabs for their customers.

Chief Monegan suggested holding a work session to discuss how to collect statistics that were not hearsay. He stated that police would be one source of information, but taxi cabs and the ABD Board would be others who had access to violations and concerns of different operators. To Mr. Tremaine, the Chief explained liquor establishments were not required by law to turn in confiscated, fake identifications of under aged drinkers.

Mr. Tremaine said that he was impressed with the standards this bar was maintaining.

Chair Traini asked the Municipal Clerk to schedule a work session. Mr. Tremaine suggested inviting the Director of Health and Human Service Department, members of the ABC Board and representatives from the liquor, bar and taxi cab industries to the work session. Ms. Taylor suggested inviting Chief Monegan, the APD and the Public Safety Committee.

Mr. Tesche stated he looked forward to the work session on correcting the problem of accountability. He summarized by saying that this issue had brought to their attention the difference of hearsay and substantiated allocations of violations, and he was looking forward to fixing the problem.

Ms. Taylor stated she appreciated Mr. Choy coming before them and appreciated his attempts of being a good operator because there were many operators in the MOA who were not good operators.

Chair Traini stated the work session would be scheduled by the Clerk's Office.

Ms. Fairclough urged a YES-vote.

Mr. Sullivan moved, to approve AM 973-2003.
Mr. Tesche seconded,
and this motion passed unanimously,

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

11.D. Resolution No. AR 2003-342, a resolution amending the Anchorage Municipal Code of Regulations creating **Rules of Procedure for the Urban Design Commission**, Planning Department.
1. Assembly Memorandum No. AM 851-2003.
(Carried Over from 12-16-03; Postponed from 12-17-03)

Chair Traini read this resolution title and explained this item was carried over from the Assembly Meeting of December 16 and postponed on December 17, 2003. He read the amendments approved on December 16th, which included: 1) Tremaine: to change on Page 3, Line 3, *by adding* the words "or the designee"; 2) Tesche: to change on Page 6, Line 13, *by deleting* the words "cross examination;" and, 3) Tremaine: to change on Page 6, Line 29, *by correcting* the spelling of "staf" to "staff." Chair Traini stated the motion was still on the floor, and repeated the motions.

Mr. Tremaine moved, to approve AR 2003-342.
Mr. Tesche seconded,

Mr. Tesche voiced his concern about the current rules governing the Urban and Design Commission, and summarized the unfinished discussion of the last Assembly Meeting. Municipal Attorney, Mr. Boness, who offered legal interpretation of the procedures in the current Code of Regulations by saying these were going to be reviewed under the new Title 21 rewrite, as would many of the rules for other boards and commissions.

Mr. Tesche stated he agreed with Mr. Boness, that all of the rules of procedure for the boards and commissions should be reviewed all at once under the Title 21 rewrite.

Ms. Fairclough moved, to amend AR 2003-342, *to change* on Page 6, Line 26 *by deleting* "cross examination should be only through the Chair."
Mr. Tremaine seconded,
and this motion passed unanimously,

Ms. Fairclough moved, to amend AR 2003-342, *to change* on Page 6, Line 33 and Line 34, (Officers of the Commission may modify or and restrict the scope) *by deleting the comma (,) inserting "or," extend, by deleting the comma(,) and deleting "or*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74

method of cross examination.”

Ms. Fairclough moved,
Mr. Tremaine seconded,
and this motion passed unanimously,

to amend AR 2003-342, *to change* on Line 35, after “to prevent undo delay,” *by deleting* “irrelevant cross examination.”

Mr. Tremaine stated that he was hesitant of making corrections to the Code, when the Code would be reviewed later by Administration.

Assembly Attorney, Michael Gatti, stated under the current Code, the Urban Design Commission had duties which appeared to be quasi-judicial, although most of the duties were advisory and administrative. In Subsection B of the ordinance, it provided the Commission to review and decide special limitations of zoning map amendments, conditional uses, plats and site plans, in accordance of authority delegated by the Planning and Zoning Commission.

Mr. Tremaine stated the Assembly did not have ex-parte restrictions, except in those matters where they sit as a quasi-judicial body, which were covered elsewhere in the Code. He suggested, rather than prohibiting outside contact, they would restrict it.

Mr. Whittle stated this was an important point and that needed to be addressed.

Mr. Tremaine moved,
Ms. Taylor seconded,
and this motion passed unanimously,

to amend AR 2003-342, *by deleting* on Page 8, Line 25 through 37, Section 21.13.330, in its entirety.

Mr. Fairclough moved,
Mr. Tremaine seconded,
and this motion passed unanimously,

to amend AR 2003-342, *by deleting* on Page 2, Line 5, under Section 21.13.320, the words, “and cross examination.”

Ms. Fairclough moved,
Mr. Tremaine seconded,
and this motion passed unanimously,

to amend AR 2003-342, *by deleting* on Page 7, Section 21.13.330, concerning the power of subpoenas.

Ms. Fairclough moved,
Mr. Tremaine seconded,
and this motion passed unanimously,

to amend AR 2003-342, *by deleting* on Page 2, all of Line 6.

Ms. Fairclough moved,
Mr. Tremaine seconded,
and this motion passed unanimously,

to amend AR 2003-342, *by deleting* on Page 2, all of Line 10.

Chair Traini called for additional comments, and there being none, he called for a vote on the main motion, as amended.

Mr. Tremaine moved,
Mr. Tesche seconded,
and this motion was passed,

to approve AR 2003-342, as amended.

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

NAYES: Traini.

ABSENT: Kendall, excused.

12. APPEARANCE REQUESTS

12.A. **Vernon C. Pearce**, President-Regency Park Homeowners Association, to petition the city to take back ownership of Sycamore Loop in the Regency Park Subdivision.

VERNON C. PEARCE, Regency Park Homeowners Association President, appeared to formally request that the MOA assume traffic enforcement on Sycamore Loop in the Regency Park Subdivision. He explained that the subdivision had originally been granted variances by the MOA which had led to liability concerns due to the less-than-20-foot easements between buildings. The AFD had threatened fines of \$300 per day for violations for not maintaining the easements for emergency vehicles. He stated that they were concerned with safety issues in their subdivision and that the MOA had detoured highway traffic from Lake Otis through their subdivision on occasion.

To Ms. Fairclough, Mr. Pearce responded that their subdivision were 8-year-old single-family, individual family homes with double car garages and their homeowner dues were \$58 per month. She stated she knew this was going to be a concern, when they passed legislation concerning the site condo issue in Anchorage and she did not support the MOA taking responsibility for the roads. She stated that Mr. Pearce was the first of many homeowners who the Assembly was expecting to challenge rules and variances set for some developers and not for others.

Mayor Begich stated he and the Administration were familiar with this project and opposed it when it was proposed for development because their roads fell below MOA standards in many regards. He stated this was the reason that in February of 1993 the Commission approved the cluster housing site plan but specifically included language that their roads would never be maintained by the MOA, and “...homeowners would forever be responsible for

maintenance and snow removal.” He added that in the real estate business it was rare to use the word *forever* on plats.

Mr. Tremaine recommended that the homeowners association not allow parking within the fire lanes, so fines would not be imposed. He recommended they raise their homeowners’ dues and to change the convenience to allow no parking on streets. Mr. Tremaine stated the MOA would not maintain the road, but perhaps would consider assisting with enforcement.

Ms. Fairclough offered to meet with this homeowners’ group and further discuss this issue. She recommended putting up signs, to assist with no-parking enforcement.

Mayor Begich stated he knew of cluster housing units that had enforced tight covenants to allow no parking, not even for 15 minutes and it was very effective.

Mr. Van Etten asked the Mayor about the updated site-condo regulations, promised 40-65 days after the passing of the ordinance. Mr. Howard Holtan said the draft of those standards would be ready by January 9, 2004, for review by contractors and the Assembly. Mr. Tremaine stated he would not be in support of any more site condos permits until these problems of standards were resolved.

Chair Traini stated a work session would be set, discussing this issue.

13. CONTINUED PUBLIC HEARINGS None.

14. NEW PUBLIC HEARINGS

14.A. Resolution No. AR 2003-375, a resolution of the Anchorage Municipal Assembly and Mayor Mark Begich naming 120 South Bragaw, Municipal Parks and Recreation Department offices in Mountain View, in honor of the late **Randolph “Randy” C. Smith Memorial Building**, Mayor’s Office.

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

Mr. Tesche moved, to approve AR 2003-375.
Ms. Fairclough seconded,
and this motion was passed,

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

Mr. Tremaine stated that the concept of honoring Mr. Smith was an excellent one. Chair Traini stated Mr. Smith would be missed in the Community.

14.B. Ordinance No. AO 2003-169, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Sections 2.30.050, **Introduction of Ordinances; Actions on Ordinances**, Assembly Chair Traini.
1. Assembly Memorandum No. AM 1010-2003.

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

Mr. Sullivan moved, to approve AO 2003-169.
Mr. Tesche seconded,

Ms. Shamberg moved, to amend AO 2003-169, *by changing* on Line 25, the
Mr. Traini seconded, majority vote from $\frac{3}{4}$ to: “...a minimum of 6 votes.”
and this motion passed unanimously,

Mr. Whittle asked if other Assemblymembers had received emails, questioning the length of time of introduction.

Chair Traini responded that this ordinance assisted with perfecting the process of introduction, making certain nothing was omitted and ensuring that once Public Hearing was completed, Assembly Action would follow.

Mr. Tesche stated he was going to vote in favor of this ordinance, insuring the process was orderly.

Chair Traini answered Ms. Shamberg’s question by clarifying that the language in the ordinance meant that newly introduced items would be handled by the Assembly, to insure they would eventually go through Public Hearing, be discussed and acted upon by the Assembly. He stated that the newly required majority vote would ensure the legislation would be moved forward and not held as unfinished business of the Assembly.

Mr. Tremaine further clarified that this would not apply to ordinances introduced by title, when the text was not included. He stated this ordinance would be a fine addition.

Mr. Sullivan moved, to approve AO 2003-169, as amended.
Mr. Tesche seconded,
and this motion passed unanimously,

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

5
6 14.C. Ordinance No. AO 2003-166, an ordinance of the Municipality of Anchorage, Alaska, approving
7 submission by the Anchorage Water & Wastewater Utility (AWU, ASU) **proposed rate changes** to
8 the Regulatory Commission of Alaska, Anchorage Water & Wastewater Utility.
9 1. Assembly Memorandum No. AM 985-2003.

10
11 Chair Traini read this ordinance and opened Public Hearing. There being no public testimony, he closed Public
12 Hearing and called for a motion.

13
14 Mr. Tremaine moved, to approve AO 2003-166.
15 Mr. Sullivan seconded,
16

17 Ms. Von Gemmingen stated that it was important for tax payers to know that tax increases for water would be
18 14.2% in 2004 and an additional 7.17% increase proposed for 2005, for a total rate increase of 21.37%.
19 Wastewater increases would be 8.06% in 2004 with a projected increase in 2005 for 6.83%, for a total of 14.89%
20 increase. She added there was also an increase of administrative fees from \$6.80 to \$7.75 per month for 2004,
21 and would rise to \$8.25 per month in 2005. Ms. Von Gemmingen read additional rate changes in wastewater
22 would change from \$4.00 to \$4.30 per month, and to \$4.60 in 2005.

23
24 Mr. Premo stated that the last rate increase for water was in 1992 and the last rate of increase for wastewater was
25 in 1991. Mr. Van Etten said it was important for tax payers to know that this was not an annual increase.

26
27 Mayor Begich stated all competitive rates were required to be regulated by the State of Alaska. The Mayor stated
28 that Anchorage and Juneau were the only cities in Alaska that were being regulated by the RCA, and the
29 Administration was trying to change that.

30
31 Mr. Tremaine moved, to approve AO 2003-166.
32 Mr. Sullivan seconded,
33 and this motion was passed,
34

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

39
40 14.D. Ordinance No. AO 2003-167, an ordinance amending Anchorage Municipal Code Section 6.50.060
41 to extend the period for determining average market value when calculating the annual endowment
42 formula payout and clarifying procedures and authority used in the selection process associated
43 with selecting money managers servicing the **MOA Trust Fund**, Finance.
44 1. Assembly Memorandum No. AM 1007-2003.

45
46 Ms. Fairclough moved to Change the Order of the Day to take up this item, because there were people waiting to
47 testify on this issue. The motion was seconded and passed and Chair Traini read this ordinance title and opened
48 Public Hearing.

49
50 SURESH SRIVASTAVA, Chair of the Investment Advisory Commission, testified that the ordinance proposed a
51 change of the payout from twelve quarters to twenty quarters, with the impact creating a more stable payout from
52 year to year. Mr. Shivastava stated the consultant to the Commission also recommended this change. He
53 explained that other large investment and payout programs use this system, including the State of Alaska
54 Permanent Dividend Fund.

55
56 Mr. Shivastava explained the second part of this ordinance concerned the choice of managers. He stated that
57 currently managers were selected for each separate fund under this Trust Fund Series. The Finance Department
58 proposed deleting this requirement of having separate managers for each fund. Mr. Shivastava explained the
59 newly managed trust fund would be similar to the mutual fund setup.

60
61 Ms. Fairclough thanked Mr. Shivastava for his assistance and recommendations.

62
63 Chair Traini called for additional public testimony. There being none, he closed Public Hearing and called for a
64 motion.

65
66 Ms. Fairclough moved, to approve AO 2003-167.
67 Mr. Tremaine seconded,
68 and this motion passed unanimously,
69

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

74

- 114.E. Ordinance No. AO 2003-168, an ordinance amending Anchorage Municipal Code Section 10.45.050 pertaining to surcharges on events held in **George M. Sullivan Sports Arena**, Office of Economic & Community Development.
1. Assembly Memorandum No. AM 1009-2003.

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

Ms. Fairclough moved,

Mr. Tremaine seconded,

to approve AO 2003-168.

Ms. Fairclough explained she had worked on resolving the issues with the Sullivan Arena since 1999, trying to find a way to reduce maintenance costs, with a goal of having the users' entrance fees pay for the building maintenance. Ms. Von Gemmingen stated that the sports events were the events which created the most revenues. Ms. Fairclough explained that on Page 2, E, Subsection A, recalculated the fees into new areas for payments of management or maintenance of the facility.

Mr. Tremaine thanked Ms. Fairclough for her diligent dedication on seeing this issue through to completion. Ms. Fairclough gave credit to the Administration.

Ms. Shamberg asked for clarification on the new fees.

Mr. Boness stated that the first charge was the first one put in place and enacted in the original ordinance. He explained those fees were collections that in reality did not go to paying for the arena itself.

Mr. Sullivan suggested changing the wording to explain these moneys were revenues of the arena and to explain the purposes of the surcharge fees.

Mr. Sullivan moved,

Ms. Shamberg seconded,

and this motion was passed unanimously,

to amend AO 2003-168, *by further explaining* the intent of the surcharge in Section B, *by including* "...revenues of the arena..."

Ms. Fairclough hoped the citizens understood that the costs were greater to operate and maintain than what was generated at the arena. She stated that it was not their intention to raise fees unjustly, but for long-term stability. She urged a YES-vote.

Mr. Sullivan moved,

Ms. Shamberg seconded,

and this motion was passed,

to approve AO 2003-168, as amended.

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

NAYES: None.

ABSENT: Kendall, excused.

- 14.F. Resolution No. AR 2003-394, a resolution of the Municipality of Anchorage appropriating \$299,000 as a contribution to the Areawide General Fund (101) and Management Information Systems Fund (607), 2003 Operating Budget, from the Building Safety Fund (181) Fund Balance to complete the **expansion of the Planning and Development Center**, Municipal Manager's Office.
1. Assembly Memorandum No. AM 998-2003.

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

Ms. Fairclough moved,

Mr. Tremaine seconded,

to approve AR 2003-394.

To Ms. Fairclough's question, the Administration explained that this would pay for the parking lot completion, and the contract terms did not require a C.O. (*certification of occupancy*). They added the MOA had met all contract requirements.

Mr. Tremaine moved,

Ms. Fairclough seconded,

and this motion passed unanimously,

to amend AR 2003-394, *by adding* on Page 1, Line 27, "...2004."

Ms. Fairclough moved,

Mr. Tremaine seconded,

and this motion was passed,

to approve AR 2003-394, as amended.

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

NAYES: None.

ABSENT: Kendall, excused.

114.G. Resolution No. AR 2003-393, a resolution of the Anchorage Municipal Assembly appropriating \$1,500,000 and **revising the 2003 Municipal Light and Power Operating Budget**, Municipal Light & Power.
1. Assembly Memorandum No. AM 996-2003.

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

Ms. Fairclough moved, to approve AR 2003-393.
Mr. Tremaine seconded,
and this motion was passed,

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

Ms. Taylor stated that she did not believe she had a conflict with this issue because of her affiliation with IBEW. Municipal Attorney, Mr. Boness, agreed that she did not have a conflict of interest. Chair Traini ruled she did not have a conflict of interest and directed Ms. Taylor to participate with the vote.

14.H. Resolution No. AR 2003-388, a resolution of the Municipality of Anchorage appropriating \$500,000 from the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA), to the Federal Categorical Grants Fund (241), Department of Health and Human Services for **Substance Abuse Treatment Programs for women**.
1. Assembly Memorandum No. AM 968-2003.

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

Ms. Fairclough moved, to approve AR 2003-388.
Mr. Tremaine seconded,
and this motion passed unanimously,

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

Ms. Fairclough stated this resolution was not accompanied by a list of grantees, trying to determine a possible conflict of interest with her affiliation with STAR. Chair Traini found one reference to South Central Foundation but ruled there was no conflict of interest and directed Ms. Fairclough to participate with the vote.

To Mr. Whittle's question, the Administration stated that this program was opened to all women. Mr. Whittle said he would support this important resolution if it was opened to *all* women, with no restrictions.

14.I. Resolution No. AR 2003-397, a resolution of the Municipality of Anchorage appropriating \$168,880 of Areawide Service Area Fund (Fund 101) Unappropriated Insurance Recovery Revenues to the Areawide Service Area Fund (Fund 101) Maintenance and Operations Department 2003 General Operating Budget to provide funding for **emergency repairs to various municipal facilities** damaged by the windstorm of March 12, 2003, Maintenance & Operations Department.
1. Assembly Memorandum No. AM 1006-2003.

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

Ms. Von Gemmingen moved, to approve AR 2003-397.
Mr. Van Etten seconded,
and this motion passed unanimously,

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

15. SPECIAL ORDERS None.
16. UNFINISHED AGENDA None.
17. AUDIENCE PARTICIPATION None.

Chair Traini and Mayor Begich signed students' proof of attendance sheets for a dozen West High School students in attendance of the evening's Assembly Meeting for a government class assignment.

18. ASSEMBLY COMMENTS

Mr. Whittle stated that earlier that evening the Assembly had addressed Al's Alaskan Inn, concerning the DUI situation, based on police reports. He stated it was the Assembly intent to reduce DUIs, and change the behavior of the citizens to know they cannot drink and drive. It appeared they were slowly moving in the right direction, because there were currently less DUI convictions. He stated it was not their intent to punish or harass liquor establishment owners. He said they would continue to pursue this issue and were optimistic they could do a lot more to educate the public and continue to reduce DUIs.

19. EXECUTIVE SESSIONS None.

20. ADJOURNMENT The Assembly Meeting was adjourned at 9:30 p.m.

Chair Traini called for a motion to adjourn the meeting

Mr. Van Etten moved, to adjourn the Regular Assembly Meeting,
Ms. Shamberg seconded,
and this motion was passed unanimously,

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

Pub. THE ANCHORAGE CHRONICLE
P.O. 52464-484-03

DICK TRAINI, Assembly Chair

ATTEST:

BARBARA GRUENSTEIN, Municipal Clerk
Date Minutes Approved: February 3, 2004.
MC/bg