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MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

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

Minutes for Regular Meeting of March 2, 2004

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1. CALL TO ORDER

16 The Assembly Meeting was convened by Chair Traini at 5:00 p.m. in the Assembly Chambers of the Loussac Library,
17 Room 108, 3600 Denali Street in Anchorage, Alaska.

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

21 PRESENT: Allan Tesche, Brian Whittle, Fay Von Gemmingen, Dick Traini, Anna Fairclough, Doug Van Etten, Dan
22 Kendall, Janice Shamberg, Dick Tremaine and Dan Sullivan, with Melinda Taylor arriving shortly after
23 roll call.

24 ABSENT: None.

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27

3. PLEDGE OF ALLEGIANCE Deputy Municipal Clerk, Linda Heim, led the pledge.

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4. MINUTES OF PREVIOUS MEETING None.

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5. MAYOR'S REPORT None.

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6. ASSEMBLY CHAIR'S REPORT None.

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7. COMMITTEE REPORTS None.

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37

8. ADDENDUM TO AGENDA

38 Chair Traini read the Addendum items. He then called for additional Addendum items. Mr. Tremaine proposed to add
39 AR 2004-57 and Chair Traini assigned it Agenda Number 9.D.12. Chair Traini announced another item was also being
40 added, AR 2004-58, and he assigned it Agenda Number 9.D.13. He called for additional items to be added and there
41 being none, he called for a motion to incorporate the Addendum items into the Regular Agenda.

42
43 Mr. Tesche moved, to approve the inclusion of the Addendum into the
44 Mr. Tremaine seconded, Regular Agenda.
45 and this motion was passed,
46

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

49 NAYES: None.

50
51 Chair Traini called for a motion on the Consent Agenda.

52
53 Mr. Tremaine moved, to approve the Consent Agenda.
54 Mr. Tesche seconded,
55

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

57
58

9. CONSENT AGENDA

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60

9.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS None.

61
62

9.B. RESOLUTIONS FOR ACTION - OTHER

63 9.B.1. Resolution No. AR 2004-51, a resolution of the Municipality of Anchorage appropriating \$74,840 in
64 prior year operating budget contributions to the Anchorage Fire Department, Girdwood Fire Apparatus
65 Capital Improvement (406) Fund for the purchase of **new fire apparatus**, Anchorage Fire Department.
66 a. Assembly Memorandum No. AM 213-2004.

67 9.B.2. Resolution No. AR 2004-52, a resolution authorizing the disposal of a municipal interest, via
68 relinquishment on **Lot 4A, Strand Subdivision** located in the NW ¼ of the NE ¼ of Section 13, T13N,
69 R3W, S.M., Alaska, Anchorage Water & Wastewater Utility.
70 a. Assembly Memorandum No. AM 214-2004.

71 The Administration requested this item be pulled for review on the Regular Agenda. (See item 10.B.2)

72
73

9.C. BID AWARDS None.

74
75

9.D. NEW BUSINESS

76 9.D.1. Assembly Memorandum No. AM 207-2004, 2004/2005 Liquor License Renewals: **Applebees**
77 **Neighborhood Grill #3948, Bruins #1043, Gallo's Mexican Restaurant #2833, Hideaway Club**
78 **#512, Rice Bowl #2973, River City #2988, Sullivan's Steakhouse #3421** (Beverage Dispensary);

1 **Chartroom #1414, Top of the World #1157** (Beverage Dispensary-Duplicate); **Clarion Suites**
2 **Hotel/Choice #3851** (Beverage Dispensary-Tourism); **Genghiskan #3821, Guido's Pizza #2636,**
3 **Peking Palace #1691, Pizza Olympia #888, Tito's Gyros #4062, Vallarta's #3827**
4 (Restaurant/Eating Place); **Crow Creek Mercantile #287, Oaken Keg-3101 Penland Pkwy. #520**
5 (Package Store), **The Odom Corporation #3996** (Wholesale); **35+ Singles Club #1494, BPO Elks**
6 **#1351** (Club); **Anchorage Glacier Pilots #1314** (Recreation) (Downtown, Tudor, Campbell Park,
7 South Addition, Girdwood, Spenard, Old Seward, Turnagain, Fairview, Huffman/O'Malley, Abbott
8 Loop, Taku/Campbell, Bayshore/Klatt, Mountain View, Airport Heights, Eagle River, Russian Jack,
9 University Area Community Councils), Clerk's Office.

10
11 Mr. Tremaine requested this item be pulled for review on the Regular Agenda. (See item 10.D.1)

- 12
13 9.D.2. Assembly Memorandum No. AM 208-2004, 2 Go Mart #2145-NO PREMISE – Renewal for a
14 Package Store Liquor License (All Community Councils), Clerk's Office.

15
16 Chair Traini requested this item be pulled for review on the Regular Agenda. (See item 10.D.2)

- 17
18 9.D.3. Assembly Memorandum No. AM 209-2004, Joy Teriyaki #4360 – New Restaurant/Eating Place and
19 Restaurant Designation Liquor License (Taku/Campbell Community Council), Clerk's Office.
20 9.D.4. Assembly Memorandum No. AM 210-2004, Glacier Reflections Fine Catering #3852 – 2004/2005
21 Renewal of a Theatre Liquor License (Downtown Community Council), Clerk's Office.

22
23 Ms. Fairclough requested this item be pulled for review on the Regular Agenda. (See item 10.D.4)

- 24
25 9.D.5. Assembly Memorandum No. AM 211-2004, Tony Roma's #2344 – Transfer of Ownership for a
26 Beverage Dispensary Liquor License (Campbell Park, Tudor Area and University Area Community
27 Councils), Clerk's Office.

28
29 Mr. Tremaine requested this item be pulled for review on the Regular Agenda. (See item 10.D.5)

- 30
31 9.D.6. Assembly Memorandum No. AM 212-2004, Holiday (#402)-10630 Old Seward Hwy. #3973, Holiday
32 **(#407)-5497 E. Northern Lights Blvd. #264 & Holiday (#431)-285 Muldoon Rd. #660** – Transfers of
33 Ownerships for Package Store Liquor Licenses (Abbott Loop, Bayshore/Klatt, Huffman/O'Malley, Old
34 Seward/Oceanview, Northeast, Russian Jack, Scenic Foothills and University Area Community
35 Councils), Clerk's Office.
36 9.D.7. Assembly Memorandum No. AM 135-2004, proprietary purchase with Kustom Signals, Inc. for
37 providing **laser speed guns and accessories** to the Municipality of Anchorage, Anchorage Police
38 Department (\$37,049), Purchasing.
39 9.D.8. Assembly Memorandum No. AM 136-2004, Change Order No. 5 to Purchase Order 21APD240 with
40 Doolittle & Associates, Inc. for additional **E-911 Project** consultant and management services for the
41 Municipality of Anchorage, Anchorage Police Department (\$281,475).

42
43 Mr. Tremaine requested this item be pulled for review on the Regular Agenda. (See item 10.D.8)

- 44
45 9.D.9. Assembly Memorandum No. AM 193-2004, Amendment No. 2 to USKH, Inc. professional services
46 contract for **capital improvement projects** for the Municipality of Anchorage, Merrill Field Airport.
47 (\$82,482).
48 9.D.10. Assembly Memorandum No. AM 217-2004, sole source contract with Diebold Election Systems for
49 **printing ballots** (\$50,400), Clerk's Office. (**Addendum**)
50 9.D.11. Assembly Memorandum No. AM 219-2004, Amendment No. 3 to contract with Safar Construction for
51 **Midtown Park Access Improvements**, Denali Street to Loussac Library, Contract C-221143, Project
52 No. 99-24A (\$86,500), Project Management & Engineering. (**Addendum**)
53 9.D.12. Resolution No. AR 2004-57, a resolution of the Anchorage Municipal Assembly revising the 2004
54 general government operating budget by appropriating \$10,000 from the areawide general fund 101
55 balance of the Economic Community Development Agency to be used as a grant for the **Alaska**
56 **Moving Image Preservation Society (AMPA)**, Assemblymember Tremaine. (**Laid on the Table**)

57
58 Mr. Sullivan requested this item be pulled for review on the Regular Agenda. (See item 10.D.12)

- 59
60 9.D.13. Resolution No. AR 2004-58, a resolution of the Anchorage Municipal Assembly opposing legislation
61 establishing a statewide tax on **tourist lodging accommodations**, Assemblymembers Traini and
62 Tesche. (**Laid on the Table**)

63
64 Mr. Whittle requested this item be pulled for review on the Regular Agenda. (See item 10.D.13)

65
66 **9.E. INFORMATION AND REPORTS**

- 67 9.E.1. Information Memorandum No. AIM 15-2004, Internal Audit Department 2003 Annual Report,
68 Internal Audit.
69 9.E.2. Information Memorandum No. AIM 16-2004, Internal Audit Report 2004-3 – **2003 Parts, Fuel and**
70 **Lubricants Inventory, Public Transportation Department**, Internal Audit.
71 9.E.3. Information Memorandum No. AIM 17-2004, Internal Audit Report 2004-2 – **Special Assessments,**
72 **Anchorage Water and Wastewater Utility**, Internal Audit.
73 9.E.4. Information Memorandum No. AIM 18-2004, South Addition Woodstave Upgrade, Phase III,
74 Frontier Excavating, Inc. (PO 226075), report of construction contract change orders (\$901,330.55),
75 Anchorage Water & Wastewater Utility.
76 9.E.5. Information Memorandum No. AIM 19-2004, Briarcliff/Newcomb Water Upgrade, CEF, Inc. dba
77 Sonshine Enterprises (PO 226115), report of construction contract change orders (\$1,138,052.14),
78 Anchorage Water & Wastewater Utility.

- 1 9.E.6. Information Memorandum No. AIM 20-2004, **Election Data Processing Review Board** appointments
2 (Kirk F. Waldhaus, Eugene F. Kaplanis, Jr., David Michael Jones), Clerk's Office. **(Addendum)**
3
4 **9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION**
5 9.F.1. Ordinance No. AO 2004-28, an ordinance determining and approving the total amount of the **annual**
6 **operating budget of the Anchorage School District** for its fiscal year 2004-2005 and determining
7 and appropriating the portion of the Assembly approved budget amount to be made available from
8 local sources, Anchorage School District. *(Public Hearing set for 3-16-04) (To be submitted 3-01-04,*
9 *pursuant to AMC 6.10.050 C.1.)*
10 a. Assembly Memorandum No. AM 80-2004.
11 9.F.2. Ordinance No. AO 2004-62, an ordinance amending Anchorage Municipal Code Section 8.10.090 to
12 restructure the elements of the **offense**, define a family member, and for other purposes, Legal
13 Department. *(Public Hearing set for 3-16-04)*
14 a. Assembly Memorandum No. AM 216-2004.
15 9.F.3. Resolution No. AR 2004-53, a resolution of the Municipality of Anchorage appropriating \$704,595 of
16 Fund Balance from the **Medical/Dental/Life Self Insurance Fund** (603) as a 2003 contribution to the
17 Areawide General Fund (101) and closing the Medical/Dental/Life Self Insurance Fund (603), Finance.
18 *(Public Hearing set for 3-16-04)*
19 a. Assembly Memorandum No. AM 215-2004.
20 9.F.4. Ordinance No. AO 2004-63, an ordinance of the Anchorage Municipal Assembly amending Anchorage
21 Municipal Code Section 9.48.050, Traffic Citations-Disposition, and Section 9.48.130, Vehicular
22 Offenses Amenable to Disposition without Court Appearance, to clarify the processing procedure and
23 to make illegal **vehicle window tinting** a correctable offense, Assemblymember Tesche. *(Public*
24 *Hearing set for 4-13-04) (Addendum)*
25 a. Assembly Memorandum No. AM 218-2004.
26 b. Information Memorandum No. AIM 22-2004, **Summary of Economic Effects** for AO 2004-63,
27 Assemblymember Tesche.
28 9.F.5. Resolution No. AR 2004-54, a resolution appropriating \$208,474 of Special Assessment and Interest
29 Collections and \$1,450 of Fund Balance within the Special Assessment Bond Redemption Fund
30 (0899) for **special assessment bond debt service**, Finance Department. *(Public Hearing set for 3-*
31 *16-04) (Addendum)*
32 a. Assembly Memorandum No. AM 57-2004.
33 9.F.6. Ordinance No. AO 2004-64, an ordinance amending Anchorage Municipal Code Title 23 to set local
34 building code requirements for **carbon monoxide detectors** in residential occupancies, Development
35 Services Department. *(Public Hearing set for 3-16-04) (Addendum)*
36 a. Assembly Memorandum No. AM 221-2004.
37

38 The Administration requested this item be pulled for review on the Regular Agenda. *(See item 10.F.6)*

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

40
41 Mr. Tremaine moved, to approve the amended Consent Agenda.
42 Mr. Tesche seconded,
43 and this motion was passed,
44

45
46 AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall,
47 Tremaine and Sullivan.

48 NAYES: None.
49

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

52 END OF CONSENT AGENDA

53 10. REGULAR AGENDA

54 **10.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS** None.

55 **10.B. RESOLUTIONS FOR ACTION - OTHER**

- 56 10.B.2. Resolution No. AR 2004-52, a resolution authorizing the disposal of a municipal interest, via
57 relinquishment on **Lot 4A, Strand Subdivision** located in the NW ¼ of the NE ¼ of Section 13, T13N,
58 R3W, S.M., Alaska, Anchorage Water & Wastewater Utility.
59 a. Assembly Memorandum No. AM 214-2004.
60
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64

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

66
67 Ms. Fairclough moved, to approve AR 2004-02.
68 Mr. Tesche seconded,
69

70 Deputy Municipal Manager Michael Abbott proposed a correction to Line 26.

71
72 Ms. Fairclough moved, to amend AR 2004-03, *by correcting* on Line 26,
73 Mr. Tesche seconded, for the date to read, May 6, 1970.
74 and this motion was approved,
75

76 Ms. Fairclough moved, to approve AR 2004-02, as amended.
77 Mr. Tesche seconded,
78 and this motion was passed,

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

5
6 **10.C. BID AWARDS** None.

7
8 **10.D. NEW BUSINESS**

9 10.D.1. Assembly Memorandum No. AM 207-2004, 2004/2005 Liquor License Renewals: **Applebees**
10 **Neighborhood Grill** #3948, **Bruins** #1043, **Gallo's Mexican Restaurant** #2833, **Hideaway Club**
11 **#512**, **Rice Bowl** #2973, **River City** #2988, **Sullivan's Steakhouse** #3421 (Beverage Dispensary);
12 **Chartroom** #1414, **Top of the World** #1157 (Beverage Dispensary-Duplicate); **Clarion Suites**
13 **Hotel/Choice** #3851 (Beverage Dispensary-Tourism); **Genghiskan** #3821, **Guido's Pizza** #2636,
14 **Peking Palace** #1691, **Pizza Olympia** #888, **Tito's Gyros** #4062, **Vallarta's** #3827
15 (Restaurant/Eating Place); **Crow Creek Mercantile** #287, **Oaken Keg**-3101 Penland Pkwy. #520
16 (Package Store), **The Odom Corporation** #3996 (Wholesale); **35+ Singles Club** #1494, **BPO Elks**
17 **#1351** (Club); **Anchorage Glacier Pilots** #1314 (Recreation) (Downtown, Tudor, Campbell Park,
18 South Addition, Girdwood, Spenard, Old Seward, Turnagain, Fairview, Huffman/O'Malley, Abbott
19 Loop, Taku/Campbell, Bayshore/Klatt, Mountain View, Airport Heights, Eagle River, Russian Jack,
20 University Area Community Councils), Clerk's Office.

21
22 Chair Traini read this memorandum title and called for a motion from Mr. Tremaine.

23
24 Mr. Tremaine moved, to approve AM 207-2004.
25 Mr. Tesche seconded,

26
27 Mr. Tremaine stated his concern was with the Elks Lodge, listed in the memorandum as BPO Elks #1351 (Club). He
28 stated that on August 19, 2003, the Assembly approved a transfer location and name change of this liquor license and
29 at that time their approval was contingent (*Line 31 of the accompanying AM*) upon an amendment that was to include
30 an explanation of the PLI zoned property that had an existing use for a commercial recreational golf course. The Legal
31 Staff had determined that the sale of alcoholic beverages was a permitted customary accessory use for the golf
32 course. The applicant was required to amend the existing conditional use, through the Assembly, of the transfer of the
33 license to the listed site. Mr. Tremaine wanted to know if that amendment had been added to the existing conditional
34 use permit.

35
36 Deputy Municipal Clerk Linda Heim stated that she had discussed this issue with the Director of Planning, who had
37 indicated that the existing conditional use permit was in order. Mr. Tremaine stated that he was knowledgeable of the
38 conditional use, but was wondering if the applicant had offered an amendment. Ms. Heim stated the Director was non-
39 specific, describing the license and the conditional use. Mr. Tremaine proposed to bifurcate this item, and discuss it
40 separately from the other establishments listed in AM 207-2004 with a second from Mr. Tesche. With no objections
41 from the body, Chair Traini announced the approval of that motion. Mr. Tremaine proposed to research his question
42 with the Administration during the evening's meeting to allow time to clarify if the minor modification to the conditional
43 use had been made. There were no objections and Chair Traini announced they would return to this item later in the
44 meeting.

45
46 Mr. Tremaine moved, to bifurcate AM 207-2004, pulling The Elks Lodge, BPO Elks
47 Mr. Tesche seconded, #1351 (Club) for further review.
48 and this motion was approved,

49
50 Ms. Fairclough stated she questioned the protest against Glacier Reflections Fine Catering, listed as Agenda item
51 9.D.4. She saw that the Finance Department had indicated that this business owed \$10,479.62 in back taxes. She
52 thought the records indicated that the business had paid over \$1,000, and wondered about the remaining taxes still
53 owed.

54
55 (*Clerk's Note: See Agenda Item 10.D.4, for continued discussion and action on Glacier Reflections Fine Catering*)

56
57 Mr. Tremaine moved, to approve AM 207-2004, as amended, with the exception
58 Mr. Tesche seconded, of The Elks Lodge.
59 and this motion was passed,

60
61 AYES: Sullivan, Tremaine, Shamberg, Kendall, Van Etten, Fairclough, Traini, Von Gemmingen, Taylor,
62 Whittle and Tesche.
63 NAYES: None.

64
65 Later in the evening Chair Traini returned the body to discussion of the Elk's Lodge. He called for a motion from Mr.
66 Tremaine.

67
68 Mr. Tremaine moved, to approve The Elks Lodge, BPO Elks #1351 (Club) for
69 Mr. Tesche seconded, liquor license renewal.
70 and this motion was passed,

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

75
76 10.D.2. Assembly Memorandum No. AM 208-2004, **2 Go Mart** #2145--*NO PREMISE* -- Renewal for a
77 Package Store Liquor License (All Community Councils), Clerk's Office.
78

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

2
3 Ms. Fairclough moved, to approve AM 208-2004.
4 Mr. Tremaine seconded,

5
6 Chair Traini requested this item be pulled because he questioned why there was no premise listed with this license.
7 He understood the Building Safety Code Abatement had denied the renewal because there was no premise listed. He
8 asked the Assembly to consider what their policy should be concerning licenses with no premise listed, since the
9 license properties need to be inspected by the Building Safety Code Abatement Division for approval.

10
11 Ms. Fairclough stated there were some business operators in the municipality who held licenses as a matter of
12 investments and did not have current premises. The Assembly in the past had allowed the licenses to be approved,
13 and had requested they come back before the Assembly for a conditional use permit once the property had been
14 established. She thought it was important to grant approval of these licenses because she did not think it was proper
15 for them to penalize the business owners for not having a property location, since they had an investment in the liquor
16 license. Chair Traini called for a vote.

17
18 and this motion was passed,

19
20 AYES: Sullivan, Tremaine, Shamberg, Kendall, Van Etten, Fairclough, Traini, Von Gemmingen, Taylor,
21 Whittle and Tesche.
22 NAYES: None.

23
24 10.D.4. Assembly Memorandum No. AM 210-2004, **Glacier Reflections Fine Catering** #3852 – 2004/2005
25 Renewal of a Theatre Liquor License (Downtown Community Council), Clerk's Office.

26
27 Chair Traini read this memorandum title and called for a motion from Ms. Fairclough.

28
29 Ms. Fairclough moved, to approve AM 210-2004.
30 Ms. Taylor seconded,

31
32 Ms. Fairclough explained this item was confusing because there was also a valid license listed for the Hotel 4th
33 Avenue. There was confusion with the permit for the theater liquor license and there was no permit listed for the
34 Glacier Reflections Fine Catering. The records, under the name of Glacier Reflections Fine Catering Hotel 4th Avenue,
35 supplied from the Finance Department, showed back taxes owed in the amount of \$10,479.62. She stated the record
36 showed payment from Glacier Reflections in the amount \$1,977.74. Ms. Fairclough stated it was her assumption that
37 the 4th Avenue Theater owed different amounts than Glacier Reflections, but she wanted clarification on the details
38 concerning both of these establishments, their association and the permits for each. She proposed to postpone this
39 item until they could clarify the association and if all back taxes had been paid. Ms. Fairclough moved to postpone
40 until later in the evening to allow time to clarify if back taxes were owed. This was seconded by Mr. Tremaine and
41 approved by the body.

42
43 Later in the evening Ms. Fairclough concluded that confusion remained with this issue and wanted to proceed with a
44 protest to collect taxes.

45
46 Ms. Fairclough moved, to approve AM 210-2004, *with protest*, until back taxes
47 Ms. Taylor seconded, are paid, concerning Glacier Reflections Fine Catering.
48 and this motion was passed,

49
50 AYES: Sullivan, Tremaine, Shamberg, Kendall, Van Etten, Fairclough, Traini, Von Gemmingen, Taylor,
51 Whittle and Tesche.
52 NAYES: None.

53
54 10.D.5. Assembly Memorandum No. AM 211-2004, **Tony Roma's** #2344 – Transfer of Ownership for a
55 Beverage Dispensary Liquor License (Campbell Park, Tudor Area and University Area Community
56 Councils), Clerk's Office.

57
58 Chair Traini read this memorandum title and called for a motion from Mr. Tremaine.

59
60 Mr. Tremaine moved, to approve AM 211-2004.
61 Ms. Fairclough seconded,

62
63 Mr. Tremaine requested a protest for back taxes in the amount of \$11,342.00 from Tony Roma's. He stated it
64 appeared the Alcohol Beverage Control Board made a mistake in the original application notification in 2003. Mr.
65 Tremaine recalled that a catering permit may have been used with this license at the Pine's Club within the past year,
66 but could not find documented verification of that incident. Chair Traini recalled the same incident.

67
68 Chair Traini stated that the Clerk's Office had indicated that the back taxes had been paid in full on the previous day.

69
70 Mr. Tremaine proposed to postpone this item until March 16, 2004, so the proper research could answer their
71 questions. He stated that it appeared the license renewal did not expire until March 29, 2004, which would allow time
72 for them to research this issue.

73
74 Mr. Tremaine moved, to *postpone* AM 211-2004 until March 16, 2004, to research
75 Ms. Fairclough seconded, Tony Roma's conditional use permit and the catering issue.
76 and this motion was passed,

77
78 AYES: Sullivan, Tremaine, Shamberg, Kendall, Van Etten, Fairclough, Traini, Von Gemmingen, Taylor,

1 Whittle and Tesche.
2 NAYES: None.

3
4 10.D.8. Assembly Memorandum No. AM 136-2004, Change Order No. 5 to Purchase Order 21APD240 with
5 Doolittle & Associates, Inc. for additional **E-911 Project** consultant and management services for the
6 Municipality of Anchorage, Anchorage Police Department (\$281,475).

7
8 Chair Traini read the title of this memorandum and called for a motion from Mr. Tremaine.

9
10 Mr. Tremaine moved, to approve AM 136-2004.
11 Ms. Fairclough seconded,

12
13 Mr. Tremaine stated the E-911 System had been a problem for over a year. He wanted to make sure the databases
14 being created with this system would be compatible with the MOA systems, with a final product that would be
15 sustainable.

16
17 Deputy Municipal Manager Michael Abbott stated the E-911 system should be implemented by the end of the year and
18 he asked Informational Technology Director Troy Swanson to answer questions of the database and systems.

19
20 Mr. Swanson indicated the E-911 databases being created by the contractors would be integrated with the MOA
21 system and should be operational by the end of 2004. To Mr. Tremaine's question, Mr. Swanson responded that the
22 contractor currently reported to the Anchorage Police Department and that his IT Division oversaw management of
23 downloading data into the system. To Mr. Tremaine's question, Mr. Swanson responded that their department was
24 aware of the past data problems and there would be IT personnel working side-by-side with the Anchorage Police
25 Department, insuring the data was accurate and helping to alleviate some of the problems they had experienced in the
26 past. He added that the intent was to have IT personnel overseeing the operations once the system was implemented.

27
28 Mayor Begich stated that, while past Administrations had made attempts with installation of computerized systems
29 throughout various departments, there had been system problems with data and electronics. For that reason he had
30 hired Mr. Swanson, for his expert computer background, knowledge and proven history of expertise, working with
31 AWWU. Mayor Begich stated that Mr. Swanson would be completely upgrading and unifying the system and the
32 technology would create efficiency and better delivery of information. He stated that Alaska Communication Systems
33 had offered to partnership with this project, and had offered reimbursement of some of the costs of the system.

34
35 Mr. Sullivan stated that in the past the concerns had involved IT integration and dispatch systems. To his question,
36 Mr. Swanson responded that a long-range goal was to use one system that would include the fire department and the
37 police department.

38
39 Mr. Tesche stated he would support this item and was looking forward to the completion of the project.

40
41 Mr. Tremaine moved, to approve AM 136-2004.
42 Ms. Fairclough seconded,
43 and this motion was passed,

44
45 AYES: Sullivan, Tremaine, Shamberg, Kendall, Van Etten, Fairclough, Traini, Von Gemmingen, Taylor,
46 Whittle and Tesche.

47 NAYES: None.

48
49 10.D.12 Resolution No. AR 2004-57, a resolution of the Anchorage Municipal Assembly revising the 2004
50 general government operating budget by appropriating ten thousand dollars (\$10,000) from the
51 areawide general fund (101) balance Economic and Community Development Agency to be used as a
52 grant for the **Alaska Moving Image Preservation Association (AMIPA)**, Assemblymember
53 Tremaine. (**Laid on the Table**)

54
55 Chair Traini read this resolution title and called for a motion from Mr. Sullivan.

56
57 Mr. Sullivan moved, to approve AR 2004-57.
58 Mr. Tremaine seconded,

59
60 Mr. Sullivan stated that this issue had been before the Assembly every year for the past several years. He stated that,
61 while in the past the Assembly and the Administration had respectfully supported the Alaska Moving Image
62 Preservation Association (*AMIPA*), he now wondered if it was appropriate to continue this financial support, with the
63 current critical issues of the budget shortfalls, layoffs and predicted future additional cuts of state appropriated moneys.
64 While he thought it was a wonderful cause, Mr. Sullivan wondered how appropriate it would be to spend ten thousand
65 dollars of taxpayers' money on something that was clearly a want and not a need, and he stated he would not be
66 supporting this grant.

67
68 Ms. Von Gemmingen thought that the Mayor would VETO this grant if there was not enough money in the cash
69 balance to cover this grant.

70
71 Mr. Sullivan moved, to approve AR 2004-57.
72 Mr. Tremaine seconded,
73 and this motion was passed,

74
75 AYES: Tremaine, Shamberg, Van Etten, Von Gemmingen, Taylor, Whittle and Tesche.

76 NAYES: Sullivan, Kendall, Fairclough and Traini.

1 10.D.13 Resolution No. AR 2004-58, a resolution of the Anchorage Municipal Assembly opposing legislation
2 establishing a statewide tax on **tourist lodging accommodations**, Assemblymembers Traini and
3 Tesche. (*Laid on the Table*)
4

5 Chair Traini read this resolution title and called for a motion from Mr. Whittle.

6
7 Mr. Whittle moved, to approve AR 2004-58.
8 Mr. Tesche seconded,
9

10 Mr. Whittle stated that while he was not offended that the state was looking for ways to raise revenues to help finance
11 state operations, he thought that the tax from tourist lodging accommodations within the MOA should be utilized for the
12 economic development of our city.
13

14 Mr. Kendall stated that two weeks ago the Assembly had addressed a proposed ballot proposition which called on the
15 state legislature to devise a fiscal plan. He thought that the Assembly should not put any limitations on allowing the
16 state to adopt a fiscal plan and hesitated to support this resolution.
17

18 Mr. Tesche stated that while the Assembly urged the Alaska State Legislature to adopt a fiscal plan, the tourism
19 taxation of Anchorage needed to remain in our community to help boost economic engines, like the Civic and
20 Convention Center, which would benefit the community. He felt the state was overstepping the municipality by
21 proposing to tax the local tourist accommodations. He urged the body to vote in favor of the resolution and retain local
22 control.
23

24 Mr. Tremaine stated that the targeted tourist lodging tax was opposed by the Alaska Municipal League because of
25 their interpretation of the Alaska Constitution that local taxation was to be used on a local basis. Mr. Tremaine stated it
26 was the intention that the Civic and Convention Center be paid for by tourist taxation dollars and not by local
27 taxpayers. He stated he would be supporting this resolution.
28

29 Ms. Fairclough proposed to specify on Page 2, Line 3, that the taxation the Assembly was opposing for the state to
30 control would be limited to tourism and related taxes on accommodations.
31

32 Ms. Fairclough moved, to amend AR 2004-58, *by changing* on Page 2, Line 3, to
33 read: "The Anchorage Assembly opposes a statewide taxes
34 on hotel/motel tourist and related taxes on lodging
35 accommodations; and..."
36

37 Mr. Sullivan supported the intent that the bed tax should remain a local tax. He stated that he would not support the
38 amendment because there was not clear definition between lodging taxation and cruise ship taxation, and he might
39 consider supporting the state taxation of the cruise ship industry.
40

41 Mayor Begich stated he would like to see the Assembly make changes to the resolution and pass it, to send a strong
42 message to the state legislature that the MOA did not want to lose the hotel/motel tourist taxes in this community.
43

44 Mr. Tesche proposed changes to the Fairclough amendment.
45

46 Mr. Tesche moved, to amend the Fairclough amendment by replacing the
47 Mr. Tremaine seconded, entire sentence to read: "The Anchorage Assembly opposes
48 statewide taxes on tourist lodging facilities;..."
49

50 To Ms. Fairclough's question, Mr. Tesche responded that the cruise ship industry would not confuse this lodging with
51 cruise ship lodging, that this issue only addressed shore-based facilities. Ms. Fairclough urged the clarification be
52 added to the amendment.
53

54 Mr. Sullivan shared Ms. Fairclough's concern and thought their message to the state should be crystal clear. He
55 proposed to postpone this issue so appropriate language could be created to amend this resolution.
56

57 Mr. Sullivan moved, to *postpone* AR 2004-58 to allow time to create
58 appropriate language.
59

60 Chair Traini announced that Mr. Sullivan's amendment died with the lack of a second motion.
61

62 Ms. Fairclough proposed new language for her amendment.
63

64 Ms. Fairclough moved, to amend the Fairclough amendment, *by changing* on Page
65 Mr. Sullivan seconded, 2, Line 3, to read: "The Anchorage Assembly opposes a
66 and this motion was approved, statewide tax on hotel/motel tourist lodging; and..."
67

68 Mr. Tremaine proposed additional amendments to streamline and clarify this resolution, by deleting the Lines 6-8,
69 referring to SB 254 and HB 426; Lines 10-12, referring to SB 254 and HB 426; Lines 24-26, referring to tax on cruise
70 ships and Line 32, referring to tourist tax. He stated this resolution would condense down to one page and thought this
71 would send a clear message to the State Government that Anchorage did not want a state hotel/motel bed tax.
72

73 Mr. Tremaine moved, to amend AR 2004-58 *by deleting* on Page 1, Lines 6-8,
74 Ms. Fairclough seconded, Lines 10-12, Lines 24-26 and Line 32, in their entirety.
75 and this motion was approved,
76

77 Chair Traini called for a vote on the main motion, as amended.
78

1 Mr. Whittle moved, to approve AR 2004-58, as amended.
2 Mr. Tesche seconded,
3 and this motion was passed
4

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

8
9 **10.E. INFORMATION AND REPORTS** None pulled for review.

10
11 **10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION**

12 10.F.6. Ordinance No. AO 2004-64, an ordinance amending Anchorage Municipal Code Title 23 to set local
13 building code requirements for **carbon monoxide detectors** in residential occupancies, Development
14 Services Department. (*Public Hearing set for 3-16-04*)
15 a. Assembly Memorandum No. AM 221-2004.

16
17 Chair Traini read the ordinance title and called for a motion from the Mayor.

18
19 Mayor Begich moved, to introduce AO 2004-64.
20 Mr. Tesche seconded,
21 Ms. Shamberg was the concurring third,
22

23 Chair Traini announced the introduction of this ordinance and set Public Hearing for March 16, 2004.

24
25 **11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS**

26 11.A. Assembly Memorandum No. AM 203-2004, **Platting Board** reappointments (Bud Caress, Sharen
27 Walsh, Christopher Capps), Mayor's Office.
28 (*Postponed from 2-17-04*)
29

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

31
32 Ms. Fairclough moved, to approve AM 203-2004.
33 Ms. Taylor seconded,
34 and this motion was passed,
35

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

39
40 11.B. Assembly Memorandum No. AM 205-2004, **Zoning Board of Examiners and Appeals** appointments
41 (John Dunham, Kenneth Burkhart, William Earnhart, Cindy Thomas), Mayor's Office.
42 (*Postponed from 2-17-04*)
43

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

45
46 Ms. Von Gemmingen moved, to approve AM 205-2004.
47 Mr. Tremaine seconded,
48 and this motion was passed,
49

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

53
54 Upon request from Chair Traini, two of the appointees came before the Assembly and introduced themselves. William
55 Earnhart thanked the Mayor and the Assembly for the opportunity to serve his community. Cindy Thomas also
56 thanked the Assembly and the Mayor for the opportunity to serve. Chair Traini thanked both individuals for their
57 service to the city.
58

59 11.C. Assembly Memorandum No. AM 204-2004, **Planning and Zoning Commission** appointment (Jim
60 ~~Lottsfeld~~ Lottsfeldt), Mayor's Office.
61 (*Postponed from 2-17-04*)
62

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

64
65 Ms. Von Gemmingen moved, to approve AM 204-2004.
66 Mr. Tremaine seconded,
67

68 Ms. Von Gemmingen proposed corrections to the memorandum, with both the spelling of Mr. Lottsfeldt's name and the
69 address correction.
70

71 Ms. Von Gemmingen moved, to amend AM 204-2004, on Page 1, Line 11 *by correcting* the
72 Mr. Tremaine seconded, spelling of the appointment's name to be: "Jim Lottsfeldt" and
73 and this was unanimously approved, *by changing* Jim Lottsfeldt's address to be Line 13 only, and
74 *by deleting* Line 14.
75

76 Ms. Von Gemmingen moved, to approve AM 204-2004, as amended.
77 Mr. Tremaine seconded,
78 and this motion was passed,

1
2 AYES: Sullivan, Tremaine, Shamberg, Kendall, Van Etten, Fairclough, Traini, Von Gemmingen, Taylor,
3 Whittle and Tesche.

4 NAYES: None.

5
6 11.D. Assembly Memorandum No. AM 206-2004, Planning and Zoning Commission appointments (Robin
7 Ward, Art Isham), Mayor's Office.
8 *(Postponed from 2-17-04)*

9
10 Chair Traini read this memorandum title and called for a motion.

11
12 Ms. Fairclough moved, to approve AM 206-2004.
13 Mr. Tesche seconded,

14
15 Ms. Shamberg stated her understanding that Robin Ward had a tremendous investment in the community in various
16 properties and real estate, and questioned the possible conflicts of interest that Ms. Ward may have with her
17 appointment to the Planning and Zoning Commission.

18
19 Ms. Von Gemmingen also questioned Ms. Ward's possible conflicts of interests. To Ms. Von Gemmingen's question,
20 Municipal Attorney Mr. Fred Boness responded that the MOA did not provide instruction on the issues of ethics. He
21 added that he intended to begin training programs applicable to boards of the MOA.

22
23 Mr. Tesche requested to abstain from voting on the appointment of Mr. Isham, because of a potential conflict of
24 interest. He stated he supported the appointment of Robin Ward. Ms. Von Gemmingen stated she had a possible
25 conflict of interest in supporting Ms. Ward because of her husband's professional involvement with her in a capacity
26 with the homeowners associations. Chair Traini ruled that Mr. Tesche did have a conflict of interest with his vote with
27 Mr. Isham, that Ms. Von Gemmingen did have a conflict of interest with her vote with Ms. Ward, and he requested the
28 Clerk to note these Assemblymembers would abstain from voting on those particular individuals.

29
30 Mr. Sullivan spoke in support of Mr. Ward's experience and knowledge. He assured the Assembly that Ms. Ward was
31 aware of the conflict of interest requirements and knew the rules. Chair Traini stated he also could verify Ms. Ward's
32 expertise, and stated that she was exactly the type of person they needed to have serve. Ms. Taylor also stated that
33 she knew Ms. Ward, and found her to be fair and reasonable, and thought that she was an excellent addition to the
34 commission. Ms. Taylor proposed a technical correction to the memorandum.

35
36 Ms. Taylor moved, to amend AM 206-2004, on Line 12, *by adding* the word
37 Mr. Tremaine seconded, "Box" to Ms. Ward's address.
38 and this motion was approved,

39
40 Mayor Begich praised Ms. Ward's knowledge and experience which included being a past Chair of the Zoning Board of
41 Appeals, a past Chair of the Platting Board and had taken many required classes in ethics. He added she was a
42 certified teacher and instructed many of the required courses in real estate.

43
44 Ms. Fairclough stated she had the pleasure of working with Ms. Ward through the site condominium issues last year
45 and she proved to be very much a partner in trying to reach a positive solution to that very difficult issue. She stated
46 that Mr. Isham was a past Commissioner of Planning & Zoning and was familiar with Title 21. Ms. Fairclough urged a
47 YES-vote to approve both candidates.

48
49 Chair Traini asked Assembly Attorney Michael Gatti to explore the idea of developing a course for boards and
50 commissions, in particular a class on ethics and conflicts on interest. Mr. Gatti agreed to accept the assignment.
51 Chair Traini called for a vote on the main motion, as amended.

52
53 Ms. Fairclough moved, to approve AM 206-2004, as amended, with Mr. Tesche
54 Mr. Tesche seconded, abstaining on his vote for Mr. Isham and with Ms.
55 and this motion was passed, Von Gemmingen abstaining on her vote for Ms. Ward.

56
57 AYES: Sullivan, Tremaine, Kendall, Van Etten, Fairclough, Traini, Von Gemmingen, Taylor, Whittle and
58 Tesche.

59 NAYES: None.

60 *(Clerk's Note: Shamberg was temporarily out of room.)*

61
62 11.E. Assembly Memorandum No. AM 86-2004, 2004 grant agreement with Anchorage Economic
63 Development Corporation (\$491,500), Municipal Manager's Office.
64 *(Carried Over from 2-3-04 and 2-17-04)*

65
66 Chair Traini read this memorandum title and called for a motion.

67
68 Mr. Tesche moved, to approve AM 86-2004.
69 Mr. Tremaine seconded,

70
71 Mr. Tremaine stated they had completed a workshop with the Anchorage Economic Development Corporation (AEDC)
72 and was looking forward to a strong working relationship. He urged a YES-vote on this memorandum and
73 recommended scheduling a worksession in another six months, following the appointment of the new AEDC Director.
74 Chair Traini asked Ms. Elvi Gray-Jackson to schedule that worksession.

75
76 Mr. Tesche also urged a YES-vote. He yielded the floor to the Mayor, to allow him to share his thoughts on the further
77 partnership with AEDC.

78

1 Mayor Begich responded that the MOA and the AEDC were building a strong relationship, working towards common
2 goals of economic development in the municipality. He urged the Assembly to meet with the ADEC when the new
3 director was selected and not to wait for six months.

4
5 Mr. Whittle stated that he supported this memorandum. He understood that private sector was very involved with
6 projects throughout our community and worked in partnership with AEDC.

7
8 Mr. Tesche moved, to approve AM 86-2004.
9 Mr. Tremaine seconded,
10 and this motion was passed,

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

15
16 11.F. Resolution No. AR 2004-12, a resolution of the Municipality of Anchorage supporting development of a
17 **natural gas pipeline** with a spur line to Anchorage to meet future energy needs, Mayor's Office.
18 *(Postponed from 1-20-04; Carried Over from 2-3-04 and 2-17-04)*

19
20 *(Clerk's note: AR 2004-12 Died, From Lack of Action)*

21
22 **12. APPEARANCE REQUESTS**

23 12.A. **Joseph Biegel & Linda Kellen**, concerning the towing process for abandoned and junk vehicles.

24
25 JOSH (*sic*) BIEGEL and LINDA KELLEN testified before the Assembly. Mr. Beigel explained that they were present to
26 share the events surrounding the removal and destruction of his 1987 Ford Ranger by Aurora Transportation and
27 Towing. His truck had been tagged as an abandoned, junked vehicle and had been tagged by the Anchorage Police
28 Department. He argued that he had been continually using his truck for work and school and it should not have been
29 tagged. When the truck disappeared he reported it stolen with the Anchorage Police Department and did not find out
30 until days later that it had been towed. The truck ended up at Aurora Towing's demolition pile and was destroyed.
31 While Aurora did not take responsibility for this error, they made offers to compensate this couple, first with \$1150
32 cash, then much later, with a comparable truck. The couple argued this was not a fair trade. Ms. Kellen argued that
33 the current junk car ordinances and MOA tow procedures left the vehicle owners powerless to correct mistakes. She
34 urged the Assembly to set up a board to review this concern and to try to correct the problems. Mr. Tesche questioned
35 Mr. Biegel, concerning the parking placement of the vehicle, how long they had been without a vehicle, what they were
36 currently using for transportation and if they had been offered a vehicle to use during the 90 days. Mr. Biegel also
37 responded that the report from the MOA Ombudsman, Greg Moyer, was accurate.

38
39 12.B. **Tony Joseph**, Transportation Manager for Aurora Transportation Services, Inc., regarding various
40 aspects of the DEQ contract. **(Addendum)**

41
42 STEVEN PRITTLE, an attorney, spoke on behalf of Mr. Tony Joseph, manager of Aurora Towing. He had spoken with
43 various individuals and departments about this incident, including APD Impound Division, Mr. Biegel's mechanic, both
44 Mr. Biegel, Ms. Kellen, and Ms. Kellen's mother. He gave day-to-day events leading up to the impoundment and told
45 of conflicts with their testimony. While Aurora was not responsible for the decision to tow the truck and they were not
46 liable for its destruction, he felt they had made gracious attempts of compensation, first with money then with a 1992
47 4WD Toyota pickup, which the couple rejected. To Mr. Tesche's questions, Mr. Prittle responded that the contract with
48 Aurora had provisions that indicated the MOA would not be liable. Mr. Joseph responded that Aurora did not agree
49 with the report written by the couple who lost their vehicle.

50
51 To both of the parties who testified, Chair Traini stated that it was a personal matter and could not be resolved by the
52 Assembly.

53
54 12.C. **Gary Olson**, Chairman of The Alaska Moose Federation, to request support of Senate Bill 329.
55 **(Addendum)**

56
57 GARY OLSON, representing The Alaska Moose Federation, addressed Bill 329, legislation that had been introduced
58 to the Alaska State Senate. This bill would allow the transplantation of nuisance moose from the Anchorage Bowl to
59 areas north of Anchorage and throughout other areas of Alaska. He proposed that the Alaska Moose Federation
60 would pay for these operations, and they estimated a removal of 250 moose per year. Mr. Olson explained Bill 329
61 addressed the Anchorage moose population, a growing hazard, both as a traffic concern and as a safety issue with
62 children at bus stops and playgrounds. He requested a letter of support from the Assembly, to help their efforts in
63 passing the legislation before the Alaska State Senate. He mentioned the growing support of departments, automobile
64 insurance companies, rural Alaska towns and native groups across the state. He handed out summaries of their intent
65 and explained their efforts could be used as a tool by the Alaska Department of Fish and Game to address these ever-
66 increasing problems. To Mr. Sullivan's questions, Mr. Olson responded they would be relying on donations, grants,
67 pursuing insurance companies and securing state and federal appropriations. Moose transplanting had already been
68 highly successful in the State of Alaska, establishing new moose herds in Burners Bay and on Caligan Island. He
69 agreed with Mr. Sullivan, that the local moose were a highly unique item for the tourists, but that there were 2400
70 moose in the bowl, and their proposed removal of 250 would balance the moose 25% recruitment rate. To Chair
71 Traini's question, he responded that the idea of a local hunt had been addressed by ADF&G and the Advisory Board,
72 and they seemed to remain concerned with the safety issue of firearms within the city limits. Mr. Olson stated there
73 were herds in Alaska which desperately needed rebuilding, including Unit 13, and they would focus on revitalizing
74 those moose herds.

75
76 **13. CONTINUED PUBLIC HEARINGS** None.

77
78 **14. NEW PUBLIC HEARINGS**

1 14.A. Assembly Memorandum No. AM 190-2004, Employee Relations Board reappointment (Michael
2 Reeves), Mayor's Office.

3
4 Chair Traini read this memorandum title and opened Public Hearing. There being no one to testify, he closed Public
5 Hearing and called for a motion.

6
7 Ms. Fairclough moved, to approve AM 190-2004.
8 Mr. Tremaine seconded,

9
10 To Ms. Taylor's question, Mr. Abbott responded he would collect a summary for their review on the composition of the
11 Employee Relations Board and that this was not a time sensitive item. Ms. Taylor requested this item be postponed
12 until they could review the summary. Chair Traini also requested a demographic breakdown of this organization.

13
14 Ms. Taylor moved, to *postpone* AM 190-2004 until March 16, 2004.
15 Ms. Tremaine seconded,
16 and this motion was passed,

17
18 AYES: Sullivan, Tremaine, Shamberg, Kendall, Van Etten, Fairclough, Traini, Von Gemmingen, Taylor,
19 Whittle and Tesche.

20 NAYES: None.

21
22 14.B. Resolution No. AR 2004-43, a resolution authorizing the Municipality of Anchorage, Public
23 Transportation Department, to enter into a Transfer of Responsibilities Agreement (TORA) in the
24 amount of \$137,250 with the State of Alaska, Department of Transportation and Public Facilities, and
25 appropriating these funds to the State Categorical Grants Fund (231) for the summer landscaping and
26 winter ice and snow removal at selected bus stops within the Anchorage Area through an
27 **Enhancement Youth Work Program**, Public Transportation Department.

28 1. Assembly Memorandum No. AM 168-2004.

29
30 Chair Traini read this resolution title and opened Public Hearing. There being no one to testify, he called for a motion.

31
32 Ms. Fairclough moved, to approve AR 2004-43.
33 Mr. Tremaine seconded,
34 and this motion was passed,

35
36 AYES: Sullivan, Tremaine, Shamberg, Van Etten, Fairclough, Traini, Von Gemmingen, Taylor,
37 Whittle and Tesche.

38 NAYES: None.

39 *(Clerk's Note: Kendall, temporarily out of room)*

40
41 Mr. Sullivan highly commended this project, saying it provided a public service and involved the youth in our city.

42
43 14.C. Resolution No. AR 2004-46, a resolution of the Municipality of Anchorage appropriating \$375,830 as a
44 contribution from the Anchorage Metropolitan Police Service Area Fund (151), Anchorage Police
45 Department 2004 Operating Budget, to the Federal Categorical Grants Fund (241) Anchorage Police
46 Department, for the second year local matching funds requirement of the **COPS in Schools Program**
47 grant, Anchorage Police Department.

48 1. Assembly Memorandum No. AM 171-2004.

49
50 Chair Traini read this resolution title and opened Public Hearing. With no one to testify he closed Public Hearing and
51 called for a motion.

52
53 Ms. Fairclough moved, to approve AR 2004-46.
54 Mr. Tremaine seconded,

55
56 Chair Traini shared that he had received a call from Anchorage School District Superintendent, Carol Comeau, who
57 had to miss the Assembly Meeting that evening. Chair Traini stated that her message was that the entire the
58 Anchorage School District and the Anchorage Police Department wholeheartedly supported this important program.

59
60 To Mr. Tesche, APD Chief Monegan stated that this program received nothing but positive praise, both from the school
61 district and the public, and he would arrange a presentation with a to-date summary with statistics for the Assembly at
62 a later date. He stated the APD was continually seeking a permanent source of funding for this project, and were
63 finishing the third year of a three-year grant, and they felt positive that they would find additional funding to be able to
64 continue.

65
66 To Mr. Sullivan, Chief Monegan responded the APD staff involved with this project included Sergeant Denise Rollins
67 and Lieutenant Gardner Cobb. The Chief stated that with commitments to all the high schools and middle schools it
68 was difficult to monitor all school parking lots immediately after school was out, because there were many schools, and
69 the COPS Program Officers were in high demand.

70
71 Ms. Fairclough moved, to approve AR 2004-46.
72 Mr. Tremaine seconded,
73 and this motion was passed,

74
75 AYES: Sullivan, Tremaine, Shamberg, Kendall, Van Etten, Fairclough, Traini, Von Gemmingen, Taylor,
76 Whittle and Tesche.

77 NAYES: None.

78

- 1 14.D. Resolution No. AR 2004-44, a resolution of the Municipality of Anchorage appropriating \$1,250,000
2 from the Maintenance and Operations Department Areawide Service Area Fund (Fund 101) approved
3 in the 2004 General Government Operating Budget as a contribution to the Areawide Service Area
4 Capital Improvement Program (Fund 401) for **major municipal facility upgrades and repairs**, Street
5 Maintenance Department.
6 1. Assembly Memorandum No. AM 169-2004.

7
8 Chair Traini read this resolution title and opened Public Hearing. With no one to testify he closed Public Hearing and
9 called for a motion.

10 Ms. Fairclough moved, to approve AR 2004-44.
11 Mr. Tremaine seconded,

12
13 To Mr. Tremaine's question, the Mayor responded that on Page 2, under Parks and Recreation, the blank space was
14 designated for the description of the sewer lines, with the funds coming out of Fund 101. Mr. Abbott stated that
15 \$100,000 could be sourced out of the fire service area fund, or it may stay with the 101. He urged the Assembly to act
16 on the issue that evening, and the Administration would offer an ordinance at a later date to accommodate any
17 necessary adjustments that were needed.

18
19 Ms. Fairclough moved, to approve AR 2004-44.
20 Mr. Tremaine seconded,
21 and this motion was passed,

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

- 26
27 14.E. Resolution No. AR 2004-45, a resolution of the Municipality of Anchorage appropriating \$1,980,190 of
28 2004 tax revenues as a contribution from the Chugiak, Birchwood, Eagle River Rural Road Service
29 Area (CBERRRSA) Fund (Fund 119) to the CBERRRSA Capital Improvement Program (Fund 419) for
30 **road and drainage and capital improvement projects within the CBERRRSA**, Street Maintenance
31 Department.
32 1. Assembly Memorandum No. AM 170-2004.

33
34 Chair Traini read this resolution title and opened Public Hearing. There being no one to testify, he closed Public
35 Hearing and called for a motion.

36
37 Ms. Fairclough moved, to approve AR 2004-45.
38 Mr. Tremaine seconded,
39 and this motion was passed,

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

- 44
45 14.F. Resolution No. AR 2004-50(S), a resolution revising the **2004 General Government Capital**
46 **Improvement Budget**, Office of Management & Budget. (**Addendum**)
47 F.1. Assembly Memorandum No. AM 163-2004.
48 F.2. Resolution No. AR 2004-50, a resolution revising the **2004 General Government Capital**
49 **Improvement Budget**, Office of Management & Budget.
50 F.3. Assembly Memorandum No. AM 220-2004. (**Addendum**)

51
52 Chair Traini read the title of this "S" version of the resolution and opened Public Hearing. There being no one to testify,
53 he closed Public Hearing and called for a motion.

54
55 Ms. Tremaine moved, to approve AR 2004-50(S).
56 Mr. Fairclough seconded,
57 and this motion was passed,

58
59 AYES: Sullivan, Tremaine, Shamberg, Kendall, Van Etten, Fairclough, Traini, Von Gemmingen, Taylor,
60 Whittle and Tesche.
61 NAYES: None.

62
63 Mr. Tremaine thanked the Administration for their efforts on the budget, which closely balanced the bond proposals on
64 the Capital Improvement Budget.

- 65
66 14.G. Resolution No. AR 2004-33, a resolution of the Municipality of Anchorage, Alaska, confirming and
67 levying assessments for the water special improvements within **Levy Upon Connection (LUC) Roll**
68 **03-W-2**, setting date of payment and providing for penalties and interest in the event of delinquency,
69 Anchorage Water & Wastewater Utility.
70 1. Assembly Memorandum No. AM 95-2004.

71
72 Chair Traini read this resolution title and opened Public Hearing. There being no one to testify, he closed Public
73 Hearing and called for a motion.

74
75 Ms. Von Gemmingen moved, to approve AR 2004-33.
76 Mr. Tremaine seconded,
77 and this motion was passed,

78

1
2 AYES: Sullivan, Tremaine, Shamberg, Kendall, Van Etten, Fairclough, Traini, Von Gemmingen, Taylor,
3 Whittle and Tesche.

4 NAYES: None.

5
6 Ms. Fairclough requested the Municipal Clerk set the Public Hearing dates for this resolution.

7
8 14.H. Resolution No. AR 2004-34, a resolution of the Municipality of Anchorage, Alaska, confirming and
9 levying assessments for the sewer special improvements within **Levy Upon Connection (LUC) Roll**
10 **03-S-2**, setting date of payment and providing for penalties and interest in the event of delinquency,
11 Anchorage Water & Wastewater Utility.

12 1. Assembly Memorandum No. AM 96-2004.

13
14 Chair Traini read this resolution title and opened Public Hearing. There being no one to testify, he closed Public
15 Hearing and called for a motion.

16
17 Ms. Fairclough moved, to approve AR 2004-34.
18 Mr. Sullivan seconded,

19
20 Ms. Fairclough moved, to amend AR 2004-34, *by adding March 2, 2004 on*
21 Mr. Tremaine seconded, Line 21.
22 and this was unanimously approved,

23
24 Ms. Fairclough moved, to approve AR 2004-34, as amended.
25 Mr. Sullivan seconded,
26 and this motion was passed,

27
28 AYES: Sullivan, Tremaine, Shamberg, Kendall, Van Etten, Fairclough, Traini, Von Gemmingen, Taylor,
29 Whittle and Tesche.

30 NAYES: None.

31
32 14.I. Ordinance No. AO 2004-59, an ordinance of the Anchorage Municipal Assembly authorizing the **lease**
33 **of Lot 4A-1, Port of Anchorage Subdivision** to Horizon Lines of Alaska, LLC, Port of Anchorage.

34 1. Assembly Memorandum No. AM 167-2004.

35
36 Chair Traini read this ordinance title and opened Public Hearing. There being no one to testify, he closed Public
37 Hearing and called for a motion.

38
39 Ms. Fairclough moved, to approve AO 2004-59.
40 Mr. Tremaine seconded,
41 and this motion was passed,

42
43 AYES: Sullivan, Tremaine, Shamberg, Kendall, Van Etten, Fairclough, Traini, Von Gemmingen, Taylor,
44 Whittle and Tesche.

45 NAYES: None.

46
47 14.J. Ordinance No. AO 2004-61, an ordinance of the Anchorage Municipal Assembly amending AO 2003-
48 155(AM), Section 4, effective date of amendments to Anchorage Municipal Code Sections 8.65.030,
49 **Soliciting**, 9.28.026 and 9.28.027 relating to impoundment and forfeiture of vehicles operated, driven,
50 or in the physical control of an individual during the commission of the offense of soliciting for
51 prostitution, Assembly Chair Traini.

52 1. Assembly Memorandum No. AM 194-2004.

53 2. Information Memorandum No. AIM 21-2004, **Summary of Economic Effects** for AO 2004-61,
54 Assembly Chair Traini. (**Addendum**)

55
56 Chair Traini read this resolution title and explained the Assembly had passed the resolution allowing forfeiture of
57 vehicles from persons involved with prostitution in the municipality. They were adding a clause to that resolution that
58 evening, making it possible for state authorization of this new law. He opened Public Hearing. There being no one to
59 testify, he closed Public Hearing and called for a motion.

60
61 Ms. Fairclough moved, to approve AR 2004-61.
62 Mr. Tremaine seconded,
63 and this motion was passed,

64
65 AYES: Sullivan, Shamberg, Kendall, Van Etten, Fairclough, Traini, Von Gemmingen, Taylor,
66 Whittle and Tesche.

67 NAYES: Tremaine.

68
69 14.K. Resolution No. AR 2004-35, a resolution adopting the 2004 Action Plan of the Municipality of
70 Anchorage, which constitutes the application of the U.S. Department of Housing and Urban
71 Development for the **Community Development Block Grant**, the **HOME Investment Partnership**
72 **grant** and the **Emergency Shelter grant**, Community Development Division.

73 1. Assembly Memorandum No. AM 117-2004.

74
75 Chair Traini read this resolution title and opened Public Hearing. There being no one to testify, he closed Public
76 Hearing and called for a motion.

77
78 Ms. Fairclough moved, to approve AR 2004-35.

1 Mr. Tremaine seconded,
2

3 Mr. Tesche proposed three changes to this resolution. He explained that his first amendment would resolve the issue
4 of addressing funds to sustain the Brother Francis Shelter. He proposed to add this amendment on Page 1-13,
5 following "... up to \$49,000 may be available from the CDBG Program to support the Task Force Efforts, including
6 research and other support." This addition would allow the Mayor's Task Force to review the study of services
7 commissioned by the Assembly, and determine the appropriate elements to support with the existing budget.
8

9 To Ms. Fairclough, Chair Traini responded that it was his ruling that she did not have a conflict of interest with her
10 association with STAR, and directed her to participate with the discussion and action on this resolution.
11

12 To Mr. Kendall's question, Mr. Tesche responded that the Commission had not reviewed or commented on his
13 proposed amendments because of a timing consideration.
14

15 Mr. Tesche moved,
16 Ms. Shamberg seconded,
17 and this motion was approved,
18

to amend AR 2004-35, (*referred to as Amendment No. 1*) by
adding on Page 1.13, "The Task Force is also requested to
consider completion of the comprehensive independent
evaluation of programs to address homelessness in
Anchorage and reduction of neighborhood impacts
commissioned by the Anchorage Assembly on March 5, 2002
through passage of AR 2002-68(S) as amended. For the
(sic) economy and to eliminate duplication of effort, action
taken by the Mayor's Task Force on the homelessness study
commissioned by the Assembly through passage of AR 2002-
68(S) as amended is deemed an acceptable means of
accomplishing the purposes of that study."

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

30 NAYES: Kendall.
31

32 In his second amendment, Mr. Tesche proposed to clarify that money would be available to Mountain View for a
33 community plan, provided the residents form an active planning committee which included residents and district
34 business owners.
35

36 To Mr. Kendall's question, Mr. Tesche responded that the Commission had not reviewed or commented on this
37 proposed amendment because of a timing consideration.
38

39 Mr. Tesche moved,
40 Mayor Begich seconded,
41 and this motion was approved,
42

to amend AR 2004-35 (*referred to as Amendment No. 2*) on
Page 2.10, by *changing* text of the portions of Projects
Description for Consolidated Plan Listing of Projects, project
entitled Administration, Planning, Technical Assistance, and
Grant Management (unnumbered page) are amended as
follows: "...During the 2004 program year, up to \$65,000 will
be made available through an RFP to accomplish two
neighborhood planning goals: A) Facilitate the first
Community 2020 Neighborhood Plan in Mountain View, from
the citizen participation through Assembly approval... CDBG
funding for the Mountain View Community Plan is a (sic)
contingent formation of an active Planning Committee by
Mountain View residents and representatives of
neighborhood businesses and institutions which will actively
involve the community and secure broad based community
input from Mountain View to the planning effort." It is
anticipated that with this first plan completed, additional
neighborhood plans will follow..."

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57
58 AYES: Sullivan, Tremaine, Shamberg, Van Etten, Fairclough, Traini, Von Gemmingen, Taylor,
59 Whittle and Tesche.

60 NAYES: Kendall.
61

62 Mr. Tesche proposed a third amendment on Page 2.10, adding Government Hill to the list of proposed historic surveys
63 of housing stock. He explained there were references made to Fairview and Government Hill, and both qualified under
64 CBDG rules.
65

66 To Mr. Kendall's question, Mr. Tesche responded that the Commission had not reviewed or commented on this
67 amendment.
68

69 Ms. Von Gemmingen noted needed spelling corrections to the words analyzing, neighborhood, and stock. Mr. Tesche
70 accepted these as friendly amendments.
71

72 Mr. Tesche moved,
73 Mr. Tremaine seconded,
74

to amend AR 2004-35 (*referred to Amendment No.3*), by
adding the following description of historic surveys found on
Page 2.10: "This activity, funded by up to \$40,000 in CDBG
housing rehabilitation funds in 2004, will begin the process of
analyzing (sic) analyzing Anchorage neighborhoods' (sic)
neighborhoods' historic resources by commissioning, as
funds are available, a historic survey of housing stock (sic)

75
76
77
78

1 stock in the neighborhoods on Mountain View, Government
2 Hill and Fairview...”

3
4 Mr. Sullivan proposed to amend the Tesche Amendment No. 3, by adding Spenard. He thought that Spenard would
5 fulfill the requirements and allow Spenard to be considered. Mr. Tesche accepted this as a friendly amendment and
6 urged a YES-vote on the amendment.

7
8 Mr. Sullivan moved, to amend Amendment No. 3 *by adding* “...Mountain View,
9 Ms. Fairclough seconded, Government Hill, ~~and~~ Fairview ~~and~~ Spenard...”
10 and this motion was approved,

11
12 AYES: Sullivan, Tremaine, Shamberg, Van Etten, Fairclough, Traini, Von Gemmingen, Taylor,
13 Whittle and Tesche.
14 NAYES: Kendall.

15
16 Mr. Kendall proposed adding Birchwood to the Tesche amendment. Mr. Tesche would not accept this as a friendly
17 amendment. Mayor Begich stated Birchwood would not qualify with the low income standards, and perhaps more
18 importantly, it would not qualify because it was not in the required Renaissance Zone.

19
20 Mr. Kendall moved, to amend Amendment No. 3 *by adding* “...Mountain View,
21 and this motion failed, Government Hill, ~~and~~ Fairview, ~~and~~ Spenard and
22 Birchwood...”

23
24 AYES: Kendall.
25 NAYES: Sullivan, Tremaine, Shamberg, Van Etten, Fairclough, Traini, Von Gemmingen, Taylor,
26 Whittle and Tesche.

27
28 Mr. Tesche moved, to approve Amendment No. 3, as amended, following the
29 Mr. Tremaine seconded, description of historic surveys found on Page 2.10: “This
30 and this motion was passed, activity, funded by up to \$40,000 in CDBG housing
31 rehabilitation funds in 2004, will begin the process of
32 analyzing Anchorage neighborhoods’ historic resources by
33 commissioning, as funds are available, a historic survey of
34 housing stock in the neighborhoods on Mountain View,
35 Government Hill, Fairview and Spenard ...”

36
37 AYES: Sullivan, Tremaine, Shamberg, Van Etten, Fairclough, Traini, Von Gemmingen, Taylor,
38 Whittle and Tesche.
39 NAYES: Kendall.

40
41 Mr. Tesche proposed a forth amendment, to change text in the second paragraph, under “a) Affordable
42 Homeownership Program – Citywide,” on Page 2.7, adding the words “garages” and “fencing” to the listed activities.

43
44 To Mr. Kendall’s question, Mr. Tesche responded that the Commission had not reviewed or commented on this
45 amendment.

46
47 Mr. Tremaine stated he would not support the garages amendment.

48
49 Mayor Begich proposed a technical correction on the Tesche amendment, for the funding to be \$300,000. Mr. Tesche
50 stated it was his intention to have the text be exactly as in the main document and only wished to add the words
51 garages and fencing. To Mayor Begich’s request, Mr. Tesche accepted the changes because the original document
52 had the \$300,000 figure.

53
54 Mr. Tesche moved, to amend AR 2004-35 (*Amendment No. 4*), on Page 2.7, to
55 Ms. Fairclough seconded, read: “New funds for this activity in the 2004 Action Plan
56 (~~\$400,000~~) (\$300,000) will also ~~require~~ (*sic*) require that
57 ~~habitat~~ (*sic*) Habitat for Humanity consult with the local
58 community council during the design phase and respond to
59 comments received by the Council. Garages, landscaping
60 (*sic*) landscaping, and fencing appropriate to the
61 ~~neighborhood~~ (*sic*) neighborhood will also be required.

62
63
64 Mayor Begich urged the Assembly to pass this issue, and stated that he supported the amendments made that
65 evening. In reference to the garages amendment, he stated that he supported it because he believed that not only
66 affordable housing was a priority in Anchorage, but also the quality of living.

67
68 Mr. Kendall stated he lived in Eagle River and he did not have a garage and he would not support this amendment.

69
70 KIM ROSS, Director of Habitat for Humanity testified, as requested by Ms. Shamberg. Ms. Ross stated that with their
71 limited funds for building affordable housing, they typically built homes for people and did not build garages for
72 vehicles. For every four garages, they could build one house for a family. She was concerned that the addition of a
73 garage would raise the value of the home \$25,000 and many of their applicants would not qualify for the higher
74 mortgage.

75
76 Mayor Begich argued that the applicants and potential owners of these properties could apply for the Anchor Grant
77 Program, to off-set the additional costs of garages. While the Anchor Grant Program was intended to be paid back,

1 those funds would be forgiven after ten years, if they did not sell the property. The Mayor stated he did not look at this
2 grant program as give away money.

3
4 Ms. Ross agreed with the Mayor that the debate whether to have or not have garages was a philosophical difference
5 of opinion. She felt there would be more of a disadvantage with the additional rise of assessed property value and
6 taxes and ultimately higher mortgage payments to the property owner.

7
8 Mr. Van Etten agreed that the mortgage payment may be a little higher but it may offset the costs of maintaining a
9 vehicle. He thought there would also be an incentive for increasing the quality of housing for the neighborhood. A
10 quality home may be a catalyst for surrounding homes in the area. He thought that new homeowners could accept the
11 Federal assistance, and thought they should take a quality approach for establishing the properties. Mr. Van Etten
12 stated he would be casting a YES-vote for the amendment.

13
14 JIM FREDERICK, construction manager for Habitat for Humanity, testified. To Mr. Sullivan's questions he responded
15 that as the value and appraisal of these properties increased, it would keep eliminating more people from the bottom of
16 the income spectrum.

17
18 Ms. Fairclough stated that she originally thought that garages were not necessary and she thought it was important not
19 to subsidize with assisting the transition of allowing people to take responsibility for themselves. She stated to Ms.
20 Ross that she had not heard that argument from her that evening and was now, more than ever, perplexed with the
21 correct stand on this issue.

22
23 Ms. Ross stated that all over the Nation there were differences on zoning regulations and ordinances and if it were
24 written into the law to include a garage, then they would build a garage. That was Habitat's statement at the recent
25 meeting with the Mayor. They saw this as language and not law, which would be established out of regulations of a
26 zoning ordinance. To Ms. Fairclough, Ms. Ross replied there were other cities in the nation that were required by
27 ordinances to have garages, including Denver, Colorado.

28
29 Mr. Tesche stated that it was time to raise our standards and expectations in our community. He urged the Assembly
30 to support the amendment.

31
32 Mr. Kendall stated that in the past Habitat had received property from the MOA , but remembered those properties had
33 a lot of problems associated with them, including removing old structures, cleaning up the lots, taking care of the liens
34 and water bills. They did a great service with their action with some of these lots, even though they were gifts. But he
35 would not support the addition of garages and urged a NO-vote on this amendment.

36
37 To Mr. Whittle, the Administration responded that they could accept the grant, and an amendment could be created at
38 a later date. He stated it now appeared there would be little change in the mortgage payments.

39
40 Ms. Shamberg stated she now understood that the mortgage payments would not be higher and would not reduce the
41 numbers of applicants who would qualify. She thought that the quality of life would be an issue that she would support.
42 She was casting a YES-vote for the garage amendment.

43
44 Mr. Sullivan stated that adding a garage to a home would in fact raised the appraised value of the house and therefore,
45 raise the mortgage and taxes. The Anchor Grant Program was a loan, not a give away, and would have to be repaid.
46 He thought that this would make it more difficult for low income people to qualify. He urged a NO-vote.

47
48 Ms. Fairclough stated that she would vote no on the Tesche garage amendment, and voiced her concern to Habitat
49 that they were running a risk of not receiving future funding from the Municipality.

50
51 Mr. Tesche moved,
52 Ms. Fairclough seconded,
53 and this motion was approved,

to amend AR 2004-35 (*Amendment No. 4*), on Page 2.7, to
read: "New funds for this activity in the 2004 Action Plan
(~~\$400,000~~) (\$300,000) will also ~~require~~ (*sic*) require that
~~habitat~~ (*sic*) Habitat for Humanity consult with the local
community council during the design phase and respond to
comments received by the Council. Garages, landscaping
(*sic*) landscaping, and fencing appropriate to the
~~neighborhood~~ (*sic*) neighborhood will also be required.

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60
61 AYES: Shamberg, Van Etten, Traini, Von Gemmingen, Taylor, Whittle and Tesche.
62 NAYES: Fairclough, Kendall, Tremaine and Sullivan.

63
64 Chair Traini called for a vote on the main motion, as amended. Mr. Tesche urged a YES-vote.

65
66 Ms. Fairclough moved,
67 Mr. Tremaine seconded,
68 and this motion was passed,

to approve AR 2004-35, as amended.

69
70 AYES: Sullivan, Tremaine, Shamberg, Van Etten, Fairclough, Traini, Von Gemmingen, Taylor,
71 Whittle and Tesche.
72 NAYES: Kendall.

73
74 Mr. Tesche moved for immediate reconsideration and urged a NO-vote.

75
76 Mr. Tesche moved,
77 Mr. Tremaine seconded,
78 and this motion failed,

for *immediate reconsideration* on AR 2004-35, as amended.

1
2 AYES: Shamberg and Sullivan.
3 NAYES: Tremaine, Kendall, Van Etten, Fairclough, Traini, Taylor, Whittle and Tesche.
4 (Clerk's Note: Von Gemmingen, temporarily out of room)
5

- 6 14.L. Ordinance No. AO 2004-54, an ordinance authorizing elements for site selection, site plan, limited
7 waiver of Title 7 procedures and establishment of boundaries for a **new convention center** and
8 establishing the Anchorage Assembly as the approving authority for site selection and site plan
9 approval, Office of Economic & Community Development.
10 1. Assembly Memorandum No. AM 133-2004.
11

12 Chair Traini read the title of the ordinance and opened Public Hearing.
13

14 PAUL LAVERTY testified that he was concerned with this ordinance and the process of this Site Plan Review and the
15 Landscaping Plan Review by the Zoning Commission. He cited a previously passed ordinance waiving many
16 requirements, including a traffic analysis, applying to the Alaska Railroad property designated for the proposed site of
17 the convention center. He also voiced concern with the attached memorandum and saw problems with the special
18 accommodations. He urged the Assembly to not put this bond proposition on the ballot before these concerns had
19 been addressed.
20

21 With no additional public testimony, Chair Traini closed Public Hearing and called for a motion.
22

23 Mr. Tesche moved, to approve AO 2004-54.
24 Mr. Sullivan seconded,
25

26 Mayor Begich gave a brief history of the convention center and included an explanation of the Administration's current
27 plans. At this stage they would begin a 30-day bid period, when the MOA would accept bids, requesting the developer
28 to submit a design build operation concept, a site location under their control and list a construction team. Mayor
29 Begich stated that their accepting of bids would be a 30-day process, to test the market, and it would begin in the third
30 week in March. If it was supported by the Assembly and the public, it should be on the August primary election. He
31 urged support for this project because property was becoming scarce in Anchorage.
32

33 The Municipal Purchasing Officer Bart Mauldin stated that part of the reason for the technical waivers under Title 7
34 was because the project could come back in three modes, including private ownership, public ownership or private-
35 public ownership. He stated it would be difficult to draft any contract that would have any of those mentioned
36 combination modes. They needed certain aspects of Title 7 to be waived in order to efficiently address the convention
37 center and they wanted to have the Assembly's understanding and supported the Administration while they explored
38 the convention center concept. To Mr. Tesche's question, Mr. Mauldin stated he was confident that the basic
39 fundamental requirements of the Charter, Title 7, including a competitive bid process and selection were in order. He
40 stated there were three documents which were incorporated into the RFP, which included the 2020 Plan, Downtown
41 Framework and other studies.
42

43 Chair Traini called for a vote.
44

45 Mr. Tesche moved, to approve AO 2004-54.
46 Mr. Sullivan seconded,
47 and this motion was passed,
48

49 AYES: Sullivan, Tremaine, Shamberg, Kendall, Van Etten, Fairclough, Traini, Von Gemmingen, Taylor,
50 Whittle and Tesche.
51 NAYES: None.
52

- 53 14.M. Resolution No. AR 2004-38, a resolution of the Anchorage Municipal Assembly approving an alcoholic
54 beverages conditional use for a new restaurant license (Beer and Wine) in the B-3 District for **Hong**
55 **Kong Restaurant, Inc.**, per AMC 21.40.180 D.8, located at Block 1, Lot 2B, Clayton Subdivision,
56 generally located at 2412 Spenard Road (Case 2004-042), Planning Department.
57 1. Assembly Memorandum No. AM 138-2004.
58

59 Chair Traini read the title of the resolution and opened Public Hearing.
60

61 To Mr. Sullivan, the owner's wife responded that they were interested in changing their liquor license to beer and wine,
62 which would be a downgrade from their current permit. She submitted proposed amendments to the Assembly.
63

64 With no further testimony, Chair Traini closed Public Hearing and called for a motion.
65

66 Mr. Fairclough moved, to approve AR 2004-38.
67 Mr. Sullivan seconded,
68

69 Mr. Sullivan stated that he fully supported this resolution. They did not regularly see an operator downgrade their
70 license from a full-beverage dispensary to a beer and wine. Mr. Sullivan stated that Hong Kong Restaurant had been
71 operating on Spenard Road for many years, and had a good record.
72

73 Chair Traini addressed the requested changes submitted by the owner, which included amendments to Page 2, for a
74 each of the sentences in No. 6, 7, 8 and 9, (Lines 5, 8, 11 and 14) to be followed by, "...and/or to establish a non-
75 conforming rights (*sic*) to these conditions."
76

77 Mr. Sullivan moved, to amend AR 2004-38, with changes proposed by the owner,
78 Ms. Shamberg seconded, by adding on Page 2, to the end of each of the sentences in

1 and this motion was approved,

No. 6, 7, 8 and 9, (*Lines 5, 8, 11 and 14*): “and/or to establish a non-conforming rights (*sic*) to these conditions.”

2
3
4 Chair Traini called for additional discussion, and there being none, he called for a vote.

5
6 Mr. Fairclough moved, to approve AR 2004-38, as amended.
7 Mr. Sullivan seconded,
8 and this motion was passed,

9
10 AYES: Sullivan, Tremaine, Shamberg, Kendall, Van Etten, Fairclough, Traini, Von Gemmingen, Taylor,
11 Whittle and Tesche.

12 NAYES: None.

- 13
14 14.N. Resolution No. AR 2004-39, a resolution of the Anchorage Municipal Assembly approving an
15 amendment to an alcoholic beverages conditional use in the I-1 District with a beverage dispensary
16 use/license per AMC 21.40.200 B.1.k; located on Lot 45, Dowling Subdivision; site address being
17 2000 East Dowling Road, generally located on the southeast corner of Petersburg Street and Dowling
18 Road (**Los Arcos Mexican Restaurant**) (Case 2004-051), Planning Department.
19 1. Assembly Memorandum No. AM 139-2004.

20
21 Chair Traini read the title of the resolution and opened Public Hearing. With no one to testify, he closed Public Hearing
22 and called for a motion.

23
24 Ms. Fairclough moved, to approve AR 2004-39.
25 Mr. Sullivan seconded,
26 and this motion was passed,

27
28 AYES: Sullivan, Tremaine, Shamberg, Kendall, Van Etten, Fairclough, Traini, Von Gemmingen, Taylor,
29 Whittle and Tesche.

30 NAYES: None.

- 31
32 14.O. Ordinance No. AO 2004-4, an ordinance of the Anchorage Municipal Assembly amending AO 83-68,
33 Section 4, Subparagraph (B) to increase the number of dwelling units from a maximum of 30 to 32
34 dwelling units and amending the zoning map and providing for the rezoning of approximately 1.38
35 acres from R-3SL (Multiple-Family Residential District) with Special Limitations to R-3 SL (Multiple-
36 Family Residential) with Special Limitations to R-3 SL (Multiple-Family Residential District) with
37 Special Limitations for **Lots 1, 2, 3, and 4, Block 2, Patterson Parkway Subdivision**, generally
38 located at the northeast corner of Patterson Parkway and Tudor Road (Scenic Foothills Community
39 Council) (Planning and Zoning Commission Case 2003-116), Planning Department.
40 1. Assembly Memorandum No. AM 28-2004.

41
42 Chair Traini read the title of the ordinance and opened Public Hearing.

43
44 JANICE JOHNSTONE testified that she had no objections of the zoning being changed from 30 to 32 units. She
45 explained that this developer had a plan that allowed him to build 30 units, but he went ahead and built 32 units, and
46 now he was asking for his plan to be approved. She disapproved of the process and ultimate deviation of the permit
47 within the MOA.

48
49 JOSEPH MATHIEU, resident in the area of this development, testified that he was concerned with the already
50 cramped space for all the residents of the site. This presented problems with the area, including space for children to
51 play and space for parking. He was concerned that the developer had built two additional units and wondered if the
52 building inspectors had questioned the plans for these facilities.

53
54 BOB BURNETT testified that he was the person who completed the paperwork for the Planning & Zoning Commission
55 to approve the site plan change for this development. He explained the site plan for 30 units was approved in the mid-
56 1980s, but because of the crash in the economy, it was not completed. They had gone back and requested a full
57 rezone on this project, and it was approved, with the total number of 32 units. He remembered there was a question if
58 a new traffic study was to be introduced, and the P&Z Commission found that with the addition of the two units it was
59 not a significant change that would warrant a new traffic study. To Mr. Kendall's question, Mr. Burnett responded they
60 took it back to the Planning Commission to address the changes, over a year ago, and the building permit for the 32
61 units was issued after the P&Z reviewed the case the second time, about a year ago. He explained their number of
62 units changed because the site plan had changed, to require a five-foot setback from Ambler Street to a ten-foot
63 setback, and they had to change the lot lines to accommodate the change. In order for the project to work, they added
64 two more units, and it was approved unanimously by the Commission.

65
66 LEE BAKER, the developer of this project, reported this had been a 20-year project, and the Commission had
67 supported the changes because it fell into the category of higher densities.

68
69 With no further public testimony, Chair Traini closed Public Hearing and called for a motion.

70
71 Ms. Fairclough moved, to approve AO 2004-4.
72 Mr. Sullivan seconded,

73
74 Ms. Fairclough stated it did not appear that the developer was trying to deceive on any accounts, and it appeared to be
75 a technical error. She urged the Assembly to approve this resolution and allow them to move forward, and agreed with
76 the Commission that the addition of two more units would not warrant a new traffic study.

77

1 Mr. Tremaine questioned why a building permit was issued before a rezone was approved by the Assembly. Chair
2 Traini added that he wanted a reply from the Administration and from Mr. Thompson as to why this had been
3 overlooked.

4
5 Deputy Municipal Manager Abbott stated they were trying to improve the system. He viewed it clearly as a mistake
6 which should have been flagged at the zoning plan review and the building permit process.

7
8 Mr. Tremaine requested the Mayor and the Administration set a worksession to study conditional use and special
9 limitation permits, be scheduled after April 16, 2004 following the installment of the three new Assemblymembers.

10
11 Mr. Whittle stated that Ms. Shamberg had been aware of the mistake, but it was evident that this was not a conspiracy,
12 and he knew Mr. Thompson to be an honest professional. He stated that some of the development complexes in East
13 Anchorage were being reviewed for additional single-family units. He wanted the communications to improve and
14 mixed-use planning to be addressed. Mr. Baker agreed with Mr. Whittle, that mixed-use builds a community, and his
15 Discovery Construction Company had plans for an additional 300 to 400 units in Muldoon in the next eighteen months.

16
17 Ms. Taylor agreed this issue had not been intentional and she stated that mixed-use needed to be addressed for East
18 Anchorage.

19
20 Ms. Fairclough moved, to approve AO 2004-4.
21 Mr. Sullivan seconded,
22 and this motion was passed,

23
24 AYES: Sullivan, Tremaine, Shamberg, Kendall, Van Etten, Fairclough, Traini, Taylor, Whittle and Tesche.
25 NAYES: Von Gemmingen.

26
27 **15. SPECIAL ORDERS** None.

28
29 **16. UNFINISHED AGENDA** None.

30
31 **17. AUDIENCE PARTICIPATION**

32
33 Chair Traini announced the unscheduled appearance of a group of citizens in attendance, and asked them to come
34 forward and introduce themselves. Ms. Vickie McCubbin introduced co-organizer, Ms. Karen Iris, with participating
35 readers, which included second grade students Stacey Allum, Lexi Kollman, Ace Keil, Connor Rall and Dustin Hoffman
36 and Hanshew Middle School Reading class students Kou Lee, Stacy Lundy, Katie Dayan and Suzie Yang. Ms.
37 McCubbin explained these students were celebrating the 100th birthday of America's Dr. Seuss, in conjunction with
38 events of National Education Association and Read Across America. Their birthday celebration included students
39 reading from selections of Dr. Seuss' books, and initiating new members of the Administration and new
40 Assemblymembers by giving them tall, red and white striped, Cat-in-the-Hat hats.

41
42 RAY CRAIG, spoke on his behalf, testifying on the incident that happened a year ago over, when a Chugiak Electric
43 Board candidate and his attorney, were arrested and jailed for peaceably advertising at the Sullivan Arena. He
44 presented a photograph, and spoke of the incident. He stated these charges were still standing, and the city was still
45 prosecuting these individuals for trespassing. He asked the body and the Administration to address this incident and
46 situation. To Mr. Sullivan's question, Municipal Attorney Boness responded that he recently learned of this case and he
47 understood it was still pending with the defendants losing the last arguments in court. He did not know how much time
48 or money the MOA had invested in this case. Mr. Sullivan stated he thought this was not a wise use of our city
49 resources, and there were many more critical issues that needed to be addressed at the MOA. The Mayor stated he
50 was reviewing the matter and would have a response in the next couple of days. To Mr. Tesche's question, Mayor
51 Begich stated the property in the photograph handed out by Mr. Craig, was owned by the MOA and managed by SMG.
52 Mr. Tesche urged the Administration to look closely at the management agreement in the contract with SMG. Mr.
53 Whittle stated that he knew there was a little more to this issue than had been addressed. He remembered it had
54 involved the lessee of the building, who had asked the two solicitors to move to the sidewalk, and when they refused
55 the lessee complained to the police.

56
57 **18. ASSEMBLY COMMENTS**

58
59 Ms. Taylor reported that the upcoming Youth Court Ball would be held on Saturday. She explained that it was a fund
60 raiser for the Youth Court and she had tickets for sale to interested people.

61
62 Ms. Von Gemmingen announced the MOA Employee of the Year Award was scheduled for March 11, 2004 and she
63 urged all Assemblymembers to attend. She added there was entertainment scheduled and it sounded like a fun event.

64
65 Ms. Von Gemmingen stated that she recently attended the grand opening of the almost-new ice rink at Inlet View
66 Elementary School.

67
68 Mr. Sullivan asked the Administration to supply them with the dates of Union negotiations, and questioned how soon
69 the new contacts and terms would be available for review. Mayor Begich responded that Assemblymembers would
70 soon receive a memo, giving current updated information on all municipal contract negotiations. They were scheduled
71 to meet with MEA the following evening. There were three more contracts with labor parties currently being
72 negotiated, and the Mayor stated he would inform the Assembly of the outcomes of those contracts when they were
73 finalized. Mr. Sullivan stated that having all of the information then would help the Assembly determine future MOA
74 budgets.

75
76 Mr. Sullivan reminded the Chair of his suggestion on confirming the new appointments of the Administration, which
77 would be in addition to the Assembly approving those appointments. The Mayor stated he would be happy to arrange
78 the opportunity for his new appointments to be confirmed.

1
2 Mr. Sullivan requested that Assemblymembers receive a current list of scheduled Public Hearings, which he had found
3 helpful in the past.
4

5 Ms. Taylor stated that in the letter the body had received from Mr. Craig, it mentioned Lieutenant Paul Honeman and
6 intimated this officer had taken action because he lost an election. She knew Mr. Honeman and wished to clarify that
7 this gentleman was an honorable man who had served his community well. She was offended that innuendo had been
8 made.
9

10 **19. EXECUTIVE SESSIONS** None.

11
12 **20. ADJOURNMENT** Chair Traini called for a motion to adjourn the meeting.

13
14 Ms. Taylor moved, to adjourn the Regular Assembly Meeting.
15 Mr. Van Etten seconded,
16 and this motion was passed,
17

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

20 NAYES: None.
21

22 The Regular Assembly Meeting was adjourned at 10:25 p.m.
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29

30 _____
31 DICK TRAINI, Assembly Chair

32 ATTEST:
33
34
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36
37

38 _____
39 BARBARA GRUENSTEIN, Municipal Clerk
40 Date Minutes Approved: June 8, 2004
MC/BG