

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of March 20, 2001

1. CALL TO ORDER:

The meeting was convened at 5:10 p.m. by Assembly Chair Fay Von Gemmingen in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

2. ROLL CALL:

Present: Dan Sullivan, Dick Tremaine, Pat Abney, Dan Kendall, Allan Tesche, Fay Von Gemmingen,
~~Kevin Meyer~~ Dick Traini, Anna Fairclough, Melinda Taylor, Doug Van Etten, Cheryl Clementson.
Absent: None.

3. PLEDGE OF ALLEGIANCE:

The pledge was led by Ms. Abney.

4. MINUTES OF PREVIOUS MEETING: None.

5. MAYOR'S REPORT:

Mayor Wuerch acknowledged Jun Jon Jwong, a Beijing exchange student. Mayor Wuerch reported that the suspect in the rape of Native women had been arraigned, and the adult member of the paintball incident would be indicted later in the day. He said Planning Director Sue Fison had downloaded the new Census 2000 data, and the new population for Anchorage was 260,283. He said that figure was broken down by house district, and that data would be utilized by the State to develop the redistricting schedule for the State.

Ordinance No. AO 2001-52, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Subsection 2.30.030 I. relating to the **time requirements for public hearings of the Assembly and adjournment of Assembly meetings**, Assemblymember Tesche.
(APPROVED 3-13-01)

Mayor Wuerch vetoed AO 2001-52, approved by the Assembly March 13, 2001, which amended Anchorage Municipal Code, 2.30.030(i), specifically as it related to the time requirements for public hearings of the Assembly and adjournment of Assembly meetings. He said the previous rules ensured that the public's business was conducted in a manner, and at times, generally convenient to the public. He felt it was in the City's best interests to restrict late-night meetings in order to foster open government and public participation. He said copies of the veto would be delivered to the Clerk and Assembly members, and he asked for their support in continuing the practices as previously set out in AMC 2.30.030(i).

(Clerk's Note: No further action was taken on this veto.)

6. ADDENDUM TO AGENDA:

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

Chair Von Gemmingen read the addendum items.

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

7. CONSENT AGENDA:

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

A. BID AWARDS:

1. Assembly Memorandum No. AM 268-2001, recommendation of award to Alaska Power Agency for furnishing **radio read kilowatt-hour meters** to the Municipality of Anchorage, Municipal Light and Power (ITB 20-B010) (\$147,240), Purchasing.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2001-75, an ordinance adopting the **2001 Long-Range Transportation Plan** as an element of the Anchorage Comprehensive Plan and amending Chapter 21.05 of the Anchorage Municipal Code, Planning Department. *public hearing 4-17-01.*
 - a. Information Memorandum No. AIM 29-2001.
2. Resolution No. AR 2001-75, a resolution of the Assembly adopting the **AMATS 2001 Anchorage Bowl Long-Range Transportation Plan**, Planning Department. *public hearing 4-17-01.*

- a. Assembly Memorandum No. AM 275-2001.
- b. Information Memorandum No. AIM 29-2001.
- 3. Ordinance No. AO 2001-76, an ordinance amending the zoning map and providing for the rezoning from R-2M (Multiple-Family Residential District) to R-3 (Multiple-Family Residential District) **South Addition Subdivision, Block 40B, a portion of Lot 1B and all of Lot 7B, Block 40B, South Addition**, located within the Northwest 1/4 of Section 19, T13N, R3W, S.M., AK; generally located on the south side of West 15th Avenue and on the east side of "D" Street (Taku Campbell Community Council) (Planning and Zoning Commission Case 2000-116), Planning Department. *public hearing 4-24-01.*
 - a. Assembly Memorandum No. AM 276-2001.

Ms. Abney requested this item be considered on the Regular Agenda. See item 8.B.

- 4. Ordinance No. AO 2001-77, an ordinance amending the zoning map and providing for the rezoning of approximately 1.72 acres from R-6 (Suburban Residential - Large Lot District) to PLI (Public Lands and Institutions District) for **O'Malley Fire Station Subdivision, Lot 1**; generally located on the north side of O'Malley Road between Birch Road and Main Tree Drive (Mid-Hillside Community Council) (Planning and Zoning Commission Case 2000-190), Planning Department. *public hearing 4-24-01.*
 - a. Assembly Memorandum No. AM 277-2001.
- 5. Ordinance No. AO 2001-73, an ordinance amending Anchorage Municipal Code Subsections 21.40.080D, 21.40.100D, 21.40.110D, and Section AMC 21.45.110, and adding Section 21.50.320 to **allow fences over six (6) feet in height in the R-6, R-8 and R-9 Zoning Districts by conditional use permit** and to provide conditional use standards for fences over six (6) feet in height, Planning Department. *public hearing ~~5-8-01~~ 4-17-01.*
 - a. Assembly Memorandum No. AM 272-2001.

Mr. Tremaine requested this item be considered on the Regular Agenda. See item 8.B.

- 6. Ordinance No. AO 2000-135, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 21.45.110 to **allow for front yard fences to be up to eight feet in height in Zoning Districts R-6, R-8, and R-9 when the fencing material is non-sight obscuring**, Assemblymembers Tremaine and Abney. *public hearing ~~5-8-01~~ 4-17-01.*
 - a. Assembly Memorandum No. AM 833-2000.
 - b. Assembly Memorandum No. AM 273-2001, Planning Department.

Mr. Tremaine requested this item be considered on the Regular Agenda. See item 8.B.

- 7. Resolution No. AR 2001-74, a resolution of the Municipality of Anchorage appropriating \$202,382 from the Heritage Land Bank Fund (221) to the Heritage Land Bank Capital Improvement Program Fund (421) for approved **HLB Capital Improvement Program projects**, Heritage Land Bank. *public hearing 3-27-01.*
 - a. Assembly Memorandum No. AM 274-2001.
- 8. Resolution No. AR 2001-85, a resolution of the Anchorage Municipal Assembly **recognizing the Girdwood Community Association as the Community Council for the Girdwood Valley Community Council District**, Assemblymember Abney. *public hearing 4-17-01.*

Mr. Tremaine requested this item be considered on the Regular Agenda. See item 8.B.

C. RESOLUTIONS FOR ACTION:

- 1. Resolution No. AR 2001-76, a resolution requesting **FY 2002 Safe Communities funding** from the Department of Community and Economic Development, Office of Management and Budget.
 - a. Assembly Memorandum No. AM 267-2001.
- 2. Resolution No. AR 2001-84, a resolution of the Municipality of Anchorage providing for the appropriation of \$9,500 from donations to the Areawide General Fund (101) for the **Fair Housing Conference**, Anchorage Equal Rights Commission.
 - a. Assembly Memorandum No. AM 280-2001.

Mr. Sullivan requested this item be considered on the Regular Agenda. See item 8.C.

- 3. Resolution No. AR 2001-86, a resolution of the Anchorage Municipal Assembly urging the Anchorage Parking Authority to **continue allowing use of the city-owned parking lot on Third Avenue between C and E Streets for Fur Rendezvous activities**, Assemblymembers Sullivan and Kendall. (**addendum**)

Mr. Sullivan requested this item be considered on the Regular Agenda. See item 8.C.

- 4. Resolution No. AR 2001-87, a resolution of the Anchorage Assembly **identifying the specific sales tax exemption** for which there is a majority consensus of Assembly members, Assemblymember Traini. (**addendum**)
 - a. Assembly Memorandum No. AM 291-2001.

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 265-2001, 2001-2002 Liquor License Renewals: **Whale's Tail** (#1224) (Beverage Dispensary), **Aladdin's Fine Mediterranean & American Cuisine** (Restaurant/Eating Place); **BPO Elks Lodge #2682** (#3241) (Club); **Go Mart #073** (#3991); **2 Go Mart #071** (#3732); **2 Go Mart #055** (#1596); **2 Go Mart #054** (#664); **2 Go Mart #015** (#4054); **2 Go Mart #062** (#1568); **2 Go Mart #003** (#2278); **2 Go Mart #007** (#2553); **2 Go Mart #056** (#1198); **2 Go Mart #006** (#157); **2 Go Mart #002** (#2803); **2 Go Mart #009** (#2614); **Alyeska Prince Hotel** (#3449) (Package Store) (Downtown, Spenard, Campbell, Park, Tudor, Eagle River, Northeast, Girdwood, Abbott Loop, University, Rogers Park, Taku/Campbell, Huffman/ O'Malley and Turnagain Arm Community Councils), Clerk's Office.
2. Assembly Memorandum No. AM 266-2001, **Thai House Restaurant** (License No. 3057) - Transfer of Ownership and Application for a Restaurant Designation Permit for a Restaurant/Eating Place Liquor License (Spenard and Rogers Parks Community Councils), Clerk's Office.
3. Assembly Memorandum No. AM 281-2001, change order No. 1 to purchase order 200138 to exercise the first option period with Plunkett Enterprises for providing **courier service** between the Anchorage Municipal Libraries for the Municipality of Anchorage, Department of Cultural & Recreation Services (\$17,988), Purchasing.
4. Assembly Memorandum No. AM 282-2001, proprietary purchase of **workstations** from Capital Office Systems for the Municipality of Anchorage, Development Services Department (\$43,757.08), Purchasing.
5. Assembly Memorandum No. AM 283-2001, proprietary purchase with Meridian Technologies for **medicines** for the Municipality of Anchorage, Anchorage Fire Department (\$30,990), Purchasing.
6. Assembly Memorandum No. AM 284-2001, proprietary purchase of **computer software maintenance/support** from Compuware Corporation for the Municipality of Anchorage, Management Information Systems Department (MISD) (\$78,935), Purchasing.

Ms. Taylor requested this item be considered on the Regular Agenda. See item 8.D.

7. Assembly Memorandum No. AM 285-2001, change order No. 2 to vendor contract 20MLP425 with Cutler-Hammer Engineering Services for **on-line transformer testing** for the Municipality of Anchorage, Municipal Light and Power (\$50,000), Purchasing.
8. Assembly Memorandum No. AM 286-2001, change order No. 1 to purchase order 204357 to exercise the final option period with LewGab Enterprises for providing **custodial services** to the Municipality of Anchorage, Municipal Light and Power (\$58,371), Purchasing.
9. Assembly Memorandum No. AM 287-2001, proprietary purchase of **Thermacam PM 695 Predictive Maintenance System** from Flir Systems for the Municipality of Anchorage, Municipal Light and Power (\$66,400), Purchasing.
10. Assembly Memorandum No. AM 288-2001, proprietary purchase of **computer software maintenance and modification** from Southeastern Data Cooperative for the Municipality of Anchorage, Municipal Light and Power (\$71,600), Purchasing.

Ms. Taylor requested this item be considered on the Regular Agenda. See item 8.D.

11. Assembly Memorandum No. AM 289-2001, proprietary purchase of **excitation equipment, training and engineering services** from Basler Electric Company for the Municipality of Anchorage, Municipal Light and Power (\$200,000), Purchasing.
12. Assembly Memorandum No. AM 290-2001, change order No. 1 to purchase order 206164 with Jim Jose Associates to provide **facilitation, process redesign and report preparation support services** for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (AWWU) (\$52,500), Purchasing.

Ms. Clementson requested this item be considered on the Regular Agenda. See item 8.D.

13. Assembly Memorandum No. AM 292-2001, **Historic Preservation Board appointments** (Jerry Allen, Rose Ragsdale), Mayor's Office. **(addendum)**
14. Assembly Memorandum No. AM 293-2001, **Parks and Recreation Commission reappointments** (Richard Miller, William Neher), Mayor's Office. **(addendum)**
15. Assembly Memorandum No. AM 294-2001, **Senior Citizens Advisory Commission appointments** (Peg Stout, Charleen McBratney, Mary Jane Bader), Mayor's Office. **(addendum)**
16. Assembly Memorandum No. AM 295-2001, **Veterans Affairs Commission reappointments** (Kipper Keller, Thomas Peterson), Mayor's Office. **(addendum)**
17. Assembly Memorandum No. AM 296-2001, **Water and Wastewater Commission reappointment** (Patricia Curl), Mayor's Office. **(addendum)**

E. INFORMATION AND REPORTS:

1. Appeal S-10625, Eagle Crossing Subdivision, has been set for hearing before the Board of Adjustment on April 24, 2001, Clerk's Office.
2. Information Memorandum No. AIM 28-2001, MOA Trust Fund status, Finance.

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

AYES: Sullivan, Traini, Abney, Kendall, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten, Clementson.
NAYS: None.

8. REGULAR AGENDA:

A. BID AWARDS: None.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2001-79, an ordinance amending Anchorage Municipal Code Section 21.35.020 and amending Anchorage Municipal Code Section 21.50.210 to amend the **definitions for Open Space and Usable Open Space**; add a definition for **Common Open Space**; and to provide standards for the provision of **Common Usable Open Space** in cluster housing development, Assemblymember Fairclough. *public hearing 4-17-01. (LAID ON THE TABLE)*

Ms. Fairclough, Mr. Tesche, and Ms. Clementson joined in introducing this ordinance. The public hearing was scheduled for April 17, 2001.

Ms. Fairclough said this ordinance had been unanimously supported by both the Planning and Zoning Commission and the Platting Board.

2. Resolution No. AR 2001-82, a resolution of the Anchorage Municipal Assembly Anchorage **protesting a beverage dispensary license renewal for The Raven**, Assemblymembers Clementson, Fairclough, and Traini. **(NOT SUBMITTED)**
(LAID ON THE TABLE 3-13-01; PUBLIC HEARING WAS SET FOR 3-27-01)

Ms. Clementson moved, to postpone action on AR 2001-82 indefinitely.
seconded by Mr. Tesche,
and it passed without
objection,

3. Ordinance No. AO 2001-76, an ordinance amending the zoning map and providing for the rezoning from R-2M (Multiple-Family Residential District) to R-3 (Multiple-Family Residential District) **South Addition Subdivision, Block 40B, a portion of Lot 1B and all of Lot 7B, Block 40B, South Addition**, located within the Northwest 1/4 of Section 19, T13N, R3W, S.M., AK; generally located on the south side of West 15th Avenue and on the east side of "D" Street (Taku Campbell Community Council) (Planning and Zoning Commission Case 2000-116), Planning Department. *public hearing 4-24-01.*

Ms. Abney, Mr. Tremaine, and Ms. Clementson joined in introducing this ordinance. The public hearing was scheduled for April 24, 2001.

Mr. Tesche moved, to amend AO 2001-76 to reflect the correct community council.
seconded by Ms. Clementson,
and it passed without
objection,

4. Ordinance No. AO 2001-73, an ordinance amending Anchorage Municipal Code Subsections 21.40.080D, 21.40.100D, 21.40.110D, and Section AMC 21.45.110, and adding Section 21.50.320 to **allow fences over six (6) feet in height in the R-6, R-8 and R-9 Zoning Districts by conditional use permit** and to provide conditional use standards for fences over six (6) feet in height, Planning Department. *public hearing ~~5-8-01~~ 4-17-01.*
 - a. Assembly Memorandum No. AM 272-2001.

Mr. Tremaine, Mr. Tesche, and Mr. Sullivan joined in introducing this ordinance.

Mr. Tremaine moved, to schedule the AO 2001-73 public hearing
seconded by Mr. Tesche, for April 17, 2001.
and it passed without
objection,

5. Ordinance No. AO 2000-135, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 21.45.110 to **allow for front yard fences to be up to eight feet in height in Zoning Districts R-6, R-8, and R-9 when the fencing material is non-sight obscuring**, Assemblymembers Tremaine and Abney. *public hearing ~~5-8-01~~ 4-17-01.*
 - a. Assembly Memorandum No. AM 833-2000.
 - b. Assembly Memorandum No. AM 273-2001, Planning Department.

Mr. Tremaine, Ms. Clementson, and Mr. Sullivan joined in introducing this ordinance. The public hearing was scheduled for April 17, 2001.

6. Resolution No. AR 2001-85, a resolution of the Anchorage Municipal Assembly **recognizing the Girdwood Community Association as the Community Council for the Girdwood Valley Community Council District**, Assemblymember Abney. *public hearing 4-17-01.*

Mr. Tremaine, Mr. Tesche, and Ms. Fairclough joined in introducing this resolution. The public hearing was scheduled for April 17, 2001.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 2001-84, a resolution of the Municipality of Anchorage providing for the appropriation of \$9,500 from donations to the Areawide General Fund (101) for the **Fair Housing Conference**, Anchorage Equal Rights Commission.
 - a. Assembly Memorandum No. AM 280-2001.

Mr. Sullivan moved, to postpone action on AR 2001-84 until March 27, 2001.
seconded by Mr. Kendall,
and it passed without
objection,

2. Resolution No. AR 2001-86, a resolution of the Anchorage Municipal Assembly urging the Anchorage Parking Authority to **continue allowing use of the city-owned parking lot on Third Avenue between C and E Streets for Fur Rendezvous activities**, Assemblymembers Sullivan and Kendall. (**addendum**)

Mr. Sullivan moved, to postpone action on AR 2001-86 until May 15, 2001
seconded by Mr. Kendall,
and it passed without
objection,

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 284-2001, proprietary purchase of **computer software maintenance/support** from Compuware Corporation for the Municipality of Anchorage, Management Information Systems Department (MISD) (\$78,935), Purchasing.

Ms. Taylor moved, to approve AM 284-2001.
seconded by Mr. Tesche,
and it passed without
objection,

2. Assembly Memorandum No. AM 288-2001, proprietary purchase of **computer software maintenance and modification** from Southeastern Data Cooperative for the Municipality of Anchorage, Municipal Light and Power (\$71,600), Purchasing.

Ms. Taylor moved, to approve AM 288-2001.
seconded by Mr. Tremaine,
and it passed without
objection,

3. Assembly Memorandum No. AM 290-2001, change order No. 1 to purchase order 206164 with Jim Jose Associates to provide **facilitation, process redesign and report preparation support services** for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (AWWU) (\$52,500), Purchasing.

Ms. Clementson moved, to approve AM 290-2001.
seconded by Mr. Tremaine,

Bruce Robeson of AWWU addressed Ms. Clementson's concerns regarding the expansion of the scope of services on the original sole source contract with Jim Jose Associates.

Purchasing Officer Bart Mauldin said that based on Mr. Robeson's comments, he felt it would not be appropriate to put this item forward as a proprietary purchase, and he requested that AM 290-2001 be postponed indefinitely.

Ms. Clementson moved, to postpone action on AM 290-2001 indefinitely.
seconded by Ms. Fairclough,
and it passed without
objection,

Mayor Wuerch recognized Jerry Allen and Rose Ragsdale, recently appointed to the Historic Preservation Board; Richard Miller and William Neher, new appointments to the Parks and Recreation Commission; Peg Stout, Charleen McBratney, and Mary Jane Bader, appointed to the Senior Citizens Advisory Commission; Kipper Keller and Thomas Peterson, appointed to the Veterans Affairs Commission; and Patricia Curl, reappointed to the Water and Wastewater Commission.

E. INFORMATION AND REPORTS: None.

9. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS:

- A. Resolution No. AR 2001-80, a resolution of the Anchorage Municipal Assembly **empaneling a special citizens task force to review and recommend any needed improvements to existing municipal building, fire, and life safety codes**, Assemblymember Tesche.
 1. Assembly Memorandum No. AM 271-2001, Municipal Manager.
(POSTPONED FROM 3-13-01)

Chair Von Gemmingen gave the history of the resolution and noted there were no motions on the floor.

Mr. Tesche moved, to postpone action on AR 2001-80 until June 19, 2001.
seconded by Ms. Taylor,

Mr. Tesche said he and Office of Planning, Development and Public Works Director Craig Campbell had discussed this item, and he would like the special citizens task force to coordinate with ongoing committees on revision of the codes. Therefore he requested that the Assembly defer action on this item until the Administration could brief them on its plans in this regard.

Question was called on the motion to postpone action on AR 2001-80 and it passed without objection.

- B. Assembly Memorandum No. AM 39-2001, grant subrecipient agreement with Anchorage Neighborhood Housing Services to **administer the World Changers Housing Rehabilitation Project** for the Municipality of Anchorage, Office of Planning, Development, and Public Works (\$41,200), Purchasing. (POSTPONED TO 2-27-01; NOTICE OF RECONSIDERATION WAS GIVEN BY MS. ABNEY 1-24-01; NOTICE OF RECONSIDERATION WAS WITHDRAWN BY MS. ABNEY 1-30-01; POSTPONED FROM 2-27-01 AND 3-13-01)

Chair Von Gemmingen gave the history of the memorandum and noted there were no motions on the floor.

This item was considered later in the meeting. See after item 11.A.

10. APPEARANCE REQUESTS:

- A. **Gordon Glaser**, Chairman-North Star Community Council: Recognition of the fine work of Brown Jug in helping the North Star community.

Mike Holesman said North Star Community Council wanted to publicly thank Brown Jug Liquor Stores. Mr. Holesman said Brown Jug had: 1) helped to reduce the rate of under-age drinking, 2) used radios to advise other stores when inebriated customers attempted to buy alcohol, 3) facilitated the arrest of drunken drivers, and 4) worked with the community councils to reduce alcohol related problems. He said the North Star Community Council appreciated Brown Jug's innovative work in helping to protect the community.

Ed O'Neal introduced the Brown Jug managers in attendance, and he thanked Mr. Holesman for the recognition. Mr. O'Neal presented Mr. Holesman, Mayor Wuerch, and Chair Von Gemmingen with digital alcohol detectors.

Mayor Wuerch recognized Mr. Holesman as a role model for his efforts to help his neighborhood in dealing with alcohol related problems.

On behalf of the North Star Community Council, Mr. Holesman presented a plaque to Mr. O'Neal and Brown Jug Liquors.

11. CONTINUED PUBLIC HEARINGS:

- A. Ordinance No. AO 2001-49, an ordinance repealing Ordinance 77-351 concerning a **portion of Tract B-1, Waldron Subdivision**, and amending the zoning map and providing for the rezoning from PLI (Public Lands and Institutions) District and R-O SL (Residential Office) District with Special Limitations for **Tract 2A, Waldron Subdivision**; generally located south of Tudor Road and east of Shelikof Street (Campbell Park Community Council) (Planning and Zoning Commission Case No. 2000-243), Assemblymember Traini.
1. Ordinance No. AO 2001-49(S), an ordinance repealing Ordinance 77-351 concerning a portion of Tract B-1, Waldron Subdivision, and amending the zoning map and providing for the rezoning from PLI (Public Lands and Institutions) District and R-O SL (Residential Office) District with Special Limitations for Tract 2A, Waldron Subdivision; generally located south of Tudor Road and east of Shelikof Street (Campbell Park Community Council) (Planning and Zoning Commission Case No. 2000-243), Planning Department.
 2. Assembly Memorandum No. AM 279-2001.
(CONTINUED FROM 3-13-01)

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak.

DR. BILL GERACE expressed concern that the Drug Enforcement Administration (DEA) building that was being constructed in the Waldron Subdivision was next to the Boys and Girls Club soccer field, across the street from a daycare center, and one block from a grade school. He asked that common sense prevail and that the Assembly send a message to developers that protecting our children was our first priority.

TOM MIEN, of Dowl Engineers, representing Tony Blomfield and Blomfield Company, explained how the location for the DEA building was determined. He also explained how Blomfield Company was selected for the GSA contract and DOWL Engineers' role in the project. Mr. Mien noted that Blomfield Company, in full cooperation with the Boys and Girls Club of Greater Anchorage, Inc., had entered into a replat for the site. Mr. Mien read into the record a memorandum from the Drug Enforcement Administration regarding the holding cell in the new building.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one, and she closed the public hearing.

Mr. Traini moved, to adopt AO 2001-49(S).
seconded by Mr. Van Etten,

Mr. Traini stated that the community council had met numerous times with the developer and held a council meeting in the Drug Enforcement Administration building. He said the council felt they would be good neighbors, and he urged a yes vote.

Mr. Tremaine noted his opposition to after-the-fact rezoning.

Mr. Tesche also expressed concern with after-the-fact rezoning, but he noted that the ordinance had the support of the community council and two Assembly members. He said it should be judged on the merits, and he intended to vote in favor of the ordinance.

Question was called on the motion to adopt AO 2001-49(S) and it passed:

AYES: Sullivan, Traini, Abney, Tesche, Von Gemmingen, Fairclough, Taylor, Van Etten.

NAYS: Kendall, Tremaine, Clementson.

The meeting recessed at 6:25 p.m. and reconvened at 7:05 p.m.

B. Resolution No. AR 2001-55, a resolution of the Municipality of Anchorage adopting amendment number one to the 2000 Action Plan, a component of the **2000-2002 Housing and Community Development Consolidated Plan**, Planning Department.

1. Assembly Memorandum No. AM 120-2001.

2. Assembly Memorandum No. AM 120-2001(A), Legal Department.

(CONTINUED FROM 2-27-01 AND 3-13-01)

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one, and she closed the public hearing.

Mr. Tesche moved, to approve AR 2001-55 and AM 120-2001(A).
seconded by Mr. Sullivan,

In response to Ms. Clementson, Acting Division Manager for CDBG and Assistant Municipal Attorney Shelley Ebenal, introduced Steve Warnke, the accountant for CDBG, and said he could explain the amount of demolition funds available. Ms. Ebenal also responded to Ms. Clementson's questions regarding whether money allocated to the Home Investment Partnership Program could be earmarked for displaced residents of Alaskan Village Mobile Home Park and Plaza 36 Mobile Home Park.

Ms. Clementson moved, to amend AM 120-2001(A) at line 25 to read, "Priority shall
seconded by Ms. Taylor, be given to displaced residents of Plaza 36 Mobile Home Park
and it passed without and Alaskan Village Mobile Home Park."
objection,

Question was called on the motion to approve AR 2001-55 and AM 120-2001(A) as amended and it passed:

AYES: Sullivan, Traini, Abney, Kendall, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten, Clementson.

NAYS: None.

Assembly Memorandum No. AM 39-2001, grant subrecipient agreement with Anchorage Neighborhood Housing Services to **administer the World Changers Housing Rehabilitation Project** for the Municipality of Anchorage, Office of Planning, Development, and Public Works (\$41,200), Purchasing. (POSTPONED TO 2-27-01; NOTICE OF RECONSIDERATION WAS GIVEN BY MS. ABNEY 1-24-01; NOTICE OF RECONSIDERATION WAS WITHDRAWN BY MS. ABNEY 1-30-01; POSTPONED FROM 2-27-01 AND 3-13-01)

Mr. Tesche moved, to approve AM 39-2001.
seconded by Mr. Traini,
and it passed without
objection,

Ms. Abney requested a point of personal privilege to recognize Russell Hamlin, Second Class Scout of Troop 209 of Rabbit Creek. She said Russell was attending tonight in furtherance of the requirements for his government badge.

C. Ordinance No. AO 2001-24, an ordinance amending the zoning map and providing for the rezoning from R-3 (Multiple-Family Residential District) to B-3 SL (General Business District with Special Limitations) for approximately 37 acres of a 69 acre parcel, the eastern half of **The Alaskan Village Subdivision** platted as Tract A, The Alaskan Village #1 Subdivision and Lots 32 thru 45, Block 1, Lots 20 thru 47, Block 2 and a portion of the NE 1/4, NW 1/4, The Alaskan Village Subdivision, all located within Section 24, T13N, R3W, S.M., AK; generally located on the southwest corner of DeBarr Road and the west side of Muldoon Road (Northeast Community Council) (Planning and Zoning Commission Case 2000-051), Planning Department.

1. Assembly Memorandum No. AM 66-2001.

2. Ordinance No. AO 2001-24(S), an ordinance amending the zoning map and providing for the rezoning from R-3 (Multiple-Family Residential District) to B-3 SL (General Business District with Special Limitations) for approximately 37 acres of a 69 acre parcel, the eastern half of The Alaskan Village Subdivision platted as Tract A, The Alaskan Village #1 Subdivision and Lots 32 thru 45, Block 1, Lots 20 thru 47, Block 2 and a portion of the NE 1/4, NW 1/4, The Alaskan Village Subdivision, all located within Section 24, T13N, R3W, S.M., AK; generally located on the southwest corner of DeBarr Road and the west side of Muldoon Road (Northeast Community Council) (Planning and Zoning Commission Case 2000-051), Assemblymembers Clementson and Tesche.

(CONTINUED FROM 2-27-01)

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak.

MARK PFEFFER, said he was one of the partners in the ownership of the Alaskan Village Trailer Park. He said they had acquired the site approximately four weeks ago from former owner Pete Zamarillo after a year of reviewing the site and working with various entities to determine the issues that would be involved in redevelopment of the site. He gave a photographic presentation on various aspects of the proposed redevelopment, and he asked the Assembly to approve the rezone as the first step in redevelopment process. He said the owners agreed with everything in the (S) version except Sections 2.D, 2.E.7, and 2.E.9.

TIM POTTER, DOWL Engineers, and Mr. Pfeffer responded to Assembly member questions.

DAN COFFEY, Muldoon Mall owner, said significant investment had gone into improving the mall and procuring tenants that would be suitable for the community. He said he supported the (S) version of the rezone with the changes suggested by Mr. Pfeffer and Mr. Potter. He felt the proposed redevelopment would address problems associated with the current site and benefit the community in numerous ways. He urged the Assembly's support of the project.

TERRY ANDERSON, Alaskan Village resident, stated his support for the rights of property owners to do what they wished with their property, but he said Mr. Zamarillo's tenant moving policy was breached by both Mr. Zamarillo and the new owners through the sale of the property. He urged the Assembly not to rush to its decision until the ethical improprieties were resolved. He said he would provide copies of the Zamarillo agreement to the Assembly. In response to an Assembly member question, he said he would be satisfied with the terms of the original agreement, that a contractor be hired to move his mobile home to another location, regardless of the cost.

Vice Chairman Tremaine assumed the Chair .

CINDY STOLL, Anchorage Waterways Council member, said the Council concurred with the recommendations of the Department of Fish and Wildlife for a 100-foot setback along Chester Creek to protect the creek's water quality and a trail next to the creek as a benefit to the public. She said runoff from the parking lot should be treated before it gets to the storm drain. She said if the creek is rechanneled, it must be done in a responsible and appropriate manner.

ANGELA LISTON, former Mobile Homes Task Force member, recapped the Archdiocese's involvement in the proposed project and its efforts to address the needs of the residents of Alaskan Village and Plaza 36 Mobile Home Parks. She noted that the lack of affordable housing in Anchorage contributes to poverty for its residents. Ms. Liston commended the Assembly for listening to and working with the tenants of the mobile home parks. She recognized that the developers had been benevolent and generous in their offerings to the tenants. She asked that the Assembly consider codifying some of the issues raised by this project for the benefit of mobile home park residents faced with the same issues in the future. She also asked that the Assembly require that tenants receive adequate notice of public hearings affecting them in the future.

In response to Ms. Taylor, Ms. Liston read provisions of California's Human Impact Study and said she would provide Ms. Taylor the regulation number at a later time. Ms. Taylor requested a work session be scheduled to discuss affordable housing, and she invited Dan Fousky, AHFC, to attend or send a representative.

Ms. Fairclough requested that the Health and Human Service Commission be tasked with reviewing the California Human Impact Study to determine if they would support introduction of a similar ordinance for the Municipality of Anchorage.

ROBERT MARKS stated his concern that the redevelopment of Alaskan Village should be discussed in the context of the Anchorage 2020 Plan. He expressed his disappointment to learn that the community seemed to be more concerned with the placement of fast food restaurants, box stores, and gas stations than with the prospect of 90 families losing their homes.

MATT MOWREY, Chester Valley resident, disputed some of the statements in the Summary of Economic Effects, prepared by the Acting Manager of Zoning and Platting. He said many issues had not been addressed or resolved, and the Chester Valley Subdivision water issue was one that kept getting sidetracked. He said the economic impacts have not been addressed and he wanted to know who would have to pay for the services.

Chair Von Gemmingen returned to the Chair.

ROBERT McCOY, Chair of the Northeast Community Council, said this issue had been a discussion item on the council's agenda each month for a year, and it was an extremely important issue to northeast Anchorage. He said the council's primary concern was the welfare of the tenants. The Council had worked with the developer and Mr. Potter of DOWL Engineers to address these concerns. Mr. McCoy said the council had originally approved of the rezoning provided the Council would have full involvement in future development and that the developer's February, 2001 letter of intent was honored. He noted that the map provided by the developer at this meeting did not honor their earlier commitment to the council. He said due to that breach, the council, at this time, could not support the rezone.

Mr. Pfeffer responded to Mr. McCoy's statements and Assembly member questions related to the zoning bubble map and the plans for the site.

MARGARET FRIEDENHAUER said her comments were similar to Ms. Liston's and Mr. McCoy's, and she was disheartened by the developer's presentation. She said in his half-hour presentation, never was the plight of the displaced homeowners mentioned. She expressed her appreciation to those individuals and groups who were trying to address this problem, and she asked the Assembly members to keep that aspect in mind as they made their decision on this issue.

LOUISE GIBSON, property owner in the Chester Valley Subdivision, said the Planning and Zoning Commission (P&Z) in a recent article, had suggested that prior to the rezoning becoming effective, the water problem involving Well No. 3 on Alaskan Village Subdivision and Chester Valley No. 6 be resolved, and that Chester Valley residents never be in jeopardy of losing their water. Ms. Gibson cited from "Building and Land Use Restrictions" from September 4, 1970, which indicated that the covenants were to run with the land and would be binding on all parties for a period of 35 years from the date the covenants were recorded, after which time, the covenants would be automatically extended for successive periods of 10 years, unless there was a recorded agreement otherwise that was signed by the majority of the then owners of the lots. She said the owners of the subdivision had never requested that this provision be changed.

Ms. Clementson noted that Ms. Gibson had given her a packet of information, and she had made that packet available to the developers, legal, and others for their review. She said she had attempted to resolve this issue by including in the (S) version a requirement for an easement for water and wastewater so that if future site development eliminated the well, the most economic and feasible access to water for the properties would be required. She said that legal had advised that this was a civil issue, and the Municipality had no authority to approve or enforce subdivision covenants. Therefore, the Municipality had no ability to require subdivisions to provide free water to the residents. In other words, this was a matter between the developers and the residents.

MAKENNA JOHNS expressed her appreciation to the Assembly for their work on this issue. She also thanked the developer for providing a plan that tried to address the community's needs. She thanked the residents of the mobile home parks and the community as a whole for bringing the issues forward so they could be addressed. She said she would be asking the Assembly for its assistance in the future on the affordable housing issue as well as the manufactured home issue. She said she was sure the Assembly would do the best for the residents that it could at this time, and then they could improve on that in the future.

Ms. Taylor expressed her appreciation to Ms. Johns for all her hard work and for the time and effort she had taken to educate the Assembly on the issues. She asked Ms. Johns to continue her involvement and invited her to attend the work session that would be held with the manufactured housing representatives.

Chair Von Gemmingen concurred with Ms. Taylor's comments.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one, and she closed the public hearing.

Ms. Clementson moved,
seconded by Ms. Taylor,

to adopt AO 2001-24(S).

Ms. Clementson moved,
seconded by Ms. Taylor,
and it passed without
objection,

to amend AO 2001-24(S) on page 5 at line 32, item h, to
move the bracket before "10" to before the word "or," and to
delete the "g" at the end of line 36.

Mr. Traini moved,
seconded by Ms. Abney,
and it was withdrawn,

to amend page 5, item 9, to delete the entire section and
renumber the remaining items.

In response to Ms. Fairclough, Assistant Municipal Attorney Dennis Wheeler advised that Section 2 would have to be revised to give the Assembly control over where fast food restaurants and other businesses were located within the development.

Ms. Taylor said item 9 which Mr. Traini wished to delete did not prohibit fast food restaurants, it only said they must be located on interior lots within the parcel. She pointed out that Muldoon had numerous fast food restaurants, and she did not feel item 9 should be deleted.

In response to Assembly member comments, Mr. Potter expressed frustration that the Assembly was talking about changing individual components of the redevelopment proposal before the developer had a chance to put a plan before them. He asked the Assembly to give the developer the chance to present his plan to the Assembly so that it could be judged on its merits.

Mr. Pfeffer echoed Mr. Potter's comments and advised that if fast food restaurants and other businesses could not be located on the exterior lots, the developer would not accept the ordinance and the townsite development would not go forward. At Chair Von Gemmingen's request, Mr. Pfeffer said they would, through the Planning and Zoning Commission process, provide the Assembly a specific design for the site, and specific plans for stores that could be approved individually by the Assembly.

In response to Mr. Tesche, Mr. Pfeffer clarified that access to any fast food restaurants would be interior to the parcel, and none would have access from Muldoon or Debarr Roads. Mr. Pfeffer emphasized that this change would have a very serious economic impact to the project.

In response to Ms. Clementson's objections to fast food restaurants and gas stations in the town center area, Planning Director Sue Fison explained what they envisioned with respect to a town center framework plan for the Muldoon area. Ms.

Clementson added that each town center plan for different areas of Anchorage would be different because the plans would provide general parameters developed by each community depicting what that community's vision was for its town center.

Mr. Tesche moved, to amend the amendment at line 13, item 9, to read: "Access
seconded by Mr. Traini, to fast food and/or drive-through style restaurants shall be
and it was withdrawn, prohibited along Muldoon or Debarr Roads."

The meeting recessed at 9:55 p.m. and reconvened at 10:10 p.m.

Ms. Taylor moved, to amend AO 2001-24(S) at page E.2, line 48, to read: "The
seconded by Ms. Clementson, site plan regarding the PUD shall be addressed by the
Planning and Zoning Commission and the Assembly."

Ms. Taylor moved, to extend the time limit for debate on this issue for one
seconded by Ms. Clementson, half-hour.

AYES: Sullivan, Traini, Abney, Kendall, Tesche, Tremaine, Fairclough, Taylor, Van Etten, Clementson.

NAYS: Von Gemmingen.

Ms. Clementson moved, to amend the amendment to revise the end of the sentence at
and it was accepted as a friendly amendment, page E.2, line 48 to read, "...by the Planning and Zoning
Commission and submitted to the Assembly for approval prior
to December 31, 2001."

Question was called on Ms. Taylor's motion to amend as amended and it passed:

AYES: Sullivan, Traini, Abney, Kendall, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten, Clementson.

NAYS: None.

Mr. Taylor moved, to amend AO 2001-24(S) at page 5, line 13, number 9 to read,
seconded by Ms. Clementson, "The location of fast food and/or drive-through style
restaurants along Muldoon or Debarr Roads must be approved
by the Assembly."

Individual Assembly members thanked Mr. Pfeffer and Mr. Potter for their hard work on this project and their willingness to work with the community and the Assembly.

Ms. Fairclough moved, to extend the public hearings until 11:00 p.m.
seconded by Ms. Taylor,

AYES: Sullivan, Traini, Abney, Kendall, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten, Clementson.

NAYS: None.

Question was called on Ms. Taylor's motion to amend AO 2001-24(S) and it passed:

AYES: Sullivan, Traini, Abney, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten, Clementson.

NAYS: Kendall, Tesche.

Ms. Fairclough moved, to amend AO 2001-24(S) at page 5, line 4, number 7,
seconded by Mr. Sullivan, "Signage," to read, " Signage limited to monument or building
signs. Monument signs shall be no greater than eight feet
above final grade. Pole-mounted signs shall be prohibited."

AYES: Sullivan, Traini, Abney, Kendall, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten, Clementson.

NAYS: None.

In response to Ms. Clementson's question regarding size limits for building signs, a Planning Department staff member said there were no signage restrictions for B-3 zoning.

Mr. Potter noted that within the PUD process, signage was reviewed as part of the site plan review. He said the P&Z and the Assembly would be able to view the signage before it was permitted and installed.

Ms. Clementson moved, to amend AO 2001-24(S) to include a provision for the
seconded by Ms. Taylor, prohibition of mini-storage facilities on page 2.

AYES: Sullivan, Traini, Abney, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten, Clementson.

NAYS: Kendall.

Mr. Traini moved, to amend AO 2001-24(S) at page 2, line 9, to delete the
seconded by Mr. Sullivan, reference to "gas stations and other facilities providing on-site
automobile maintenance service."

Ms. Clementson noted her objection, pointing out that this type of facility was provided across the street, the developer was paying \$1.8 million to remediate this site, and a gas station would have a further negative environmental impact on the area. She urged a no vote.

Question was called on Mr. Traini’s motion to amend AO 2001-24(S) and it failed:

AYES: Sullivan, Traini, Kendall, Van Etten.
NAYS: Abney, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Clementson.

Mr. Tremaine moved, to amend AO 2001-24(S) at page 3, line 24, to read:
seconded by Ms. Clementson, "Although there may be a commercial 'anchor', which shall not exceed 30,000-square feet."

At Chair Von Gemmingen's request, Mr. Pfeffer explained that the previous land owner had entered into a purchase and sale agreement with a large retail establishment, and the current developers had inherited that agreement when they purchased the property, so they were legally bound to honor the contract made by the previous land owner with the big box retailer.

Mr. Tremaine pointed out that the property was zoned R-4, and the land owner could not make such promises until they had sought and received Assembly approval.

Mr. Potter again expressed his desire for the Assembly to allow the developer to submit his plan for Assembly review and approval. He pointed out that big box stores have not had an adverse impact on the cost of living in this city.

Mr. Pfeffer again urged the Assembly to allow the planning process to go forward and let the Municipal Planning Department address the town center concept and all of the related aspects of that after the initial plan has been submitted to the Assembly for review.

Assistant Municipal Attorney Dennis Wheeler clarified that the property is currently zoned R-3, not R-4, and a business PUD would be allowed.

Mr. Tesche moved, to postpone action on AO 2001-24(S) until March 27, 2001.
seconded by Mr. Kendall,

AYES: Kendall, Tesche.
NAYS: Sullivan, Traini, Abney, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten, Clementson.

A re-vote on the motion to postpone was taken:

AYES: Tremaine.
NAYS: Sullivan, Traini, Abney, Kendall, Tesche, Von Gemmingen, Fairclough, Taylor, Van Etten, Clementson.

Ms. Taylor moved, to call the previous question.
seconded by Ms. Fairclough,

AYES: Sullivan, Abney, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten, Clementson.
NAYS: Traini, Kendall.

Question was called on the motion to adopt AO 2001-24(S) as amended and it passed:

AYES: Sullivan, Traini, Abney, Kendall, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten, Clementson.
NAYS: None.

Mr. Traini moved, to change the orders of the day to consider item 12.H,
seconded by Mr. Sullivan, AO 2001-59.

AYES: Sullivan, Traini, Kendall, Tesche, Tremaine, Van Etten.
NAYS: Von Gemmingen, Fairclough, Clementson.

(Clerk’s Note: This motion failed for lack of eight votes required to change the orders of the day. Ms Abney and Ms. Taylor were out of the room at the time of the vote.)

A re-vote on the motion to change the orders of the day was taken:

AYES: Sullivan, Traini, Abney, Kendall, Tesche, Tremaine, Taylor, Van Etten.
NAYS: Von Gemmingen, Fairclough, Clementson.

(Clerk’s Note: Although this motion passed, the Assembly continued with the regular order.)

Mr. Tremaine moved, to extend the public hearings to 12:00 midnight.
seconded by Ms. Taylor,

AYES: Sullivan, Traini, Abney, Kendall, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten.
NAYS: None.

(Clerk’s Note: Ms. Clementson was out of the room at the time of the vote.)

12. NEW PUBLIC HEARINGS:

- A. Resolution No. AR 2001-57, a resolution of the Municipality of Anchorage appropriating \$365,000 of revenues as a contribution from the Areawide General Capital Improvement Fund (401) to the Areawide

General Fund (101) for the **operation of the William A. Egan Civic and Convention Center** by the Anchorage Convention and Visitors Bureau for Budget Year 2001, Cultural and Recreational Services.

1. Assembly Memorandum No. AM 193-2001.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one, and she closed the public hearing.

Mr. Sullivan moved, to approve AR 2001-57
seconded by Ms. Taylor,

AYES: Sullivan, Traini, Abney, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten.

NAYS: None.

(Clerk's Note: Mr. Kendall and Ms. Clementson were out of the room at the time of the vote.)

B. Resolution No. AR 2001-71, a resolution of the Municipality of Anchorage appropriating \$3,329,800 from various sources to the Equipment Maintenance Internal Service Capital Fund (606) for the purpose of **purchasing vehicles and equipment**, Department of Facility Management.

1. Assembly Memorandum No. AM 248-2001.

Mr. Sullivan moved, to approve AR 2001-71.
seconded by Ms. Taylor,

AYES: Sullivan, Traini, Abney, Tesche, Von Gemmingen, Fairclough, Taylor, Van Etten.

NAYS: Tremaine.

(Clerk's Note: Mr. Kendall and Ms. Clementson were out of the room at the time of the vote.)

C. Ordinance No. AO 2001-56, an ordinance amending Anchorage Municipal Code Section 3.30.172 to **classify executive positions**, Employee Relations.

1. Assembly Memorandum No. AM 191-2001.

Mr. Sullivan moved, to adopt AO 2001-56.
seconded by Ms. Fairclough,

AYES: Sullivan, Traini, Abney, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten.

NAYS: None.

(Clerk's Note: Mr. Kendall and Ms. Clementson were out of the room at the time of the vote.)

D. Ordinance No. AO 2001-55, an ordinance of the Anchorage Assembly amending Anchorage Municipal Code Section 14.60.030 to provide a civil fine schedule for Sections 8.35.020 (Sale of Drug Paraphernalia), 8.35.025 (Possession of Drug Paraphernalia) and 8.35.030 (Penalty; Additional Remedies) and providing for the **forfeiture of drug paraphernalia**, Legal Department.

1. Assembly Memorandum No. AM 190-2001.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak.

AL ANDERS, Libertarian Party member and Chair of Free Hemp in Alaska, asked for compassion for those businesses that already have paraphernalia merchandise for sale when this ordinance went into effect. He noted that medical marijuana was not illegal, and there were far more important issues for our legal resources to be addressing than arresting merchants who sell pipes and cigarette papers.

At Ms. Fairclough's request, Municipal Attorney Bill Greene clarified that this ordinance would provide the Administrative Hearing Officer jurisdiction to hear civil complaints on Code Sections 8.35.020 and 8.35.025. He said there was no change in the existing law, and this ordinance did not set civil penalties.

Mr. HIGGINS pointed out that this ordinance would do what the Assembly was careful not to do on an earlier issue -- it would ban something that had not become a problem. He said the merchants were not selling drugs, and they did not control what their customers did with the products once they bought them. He also pointed out the double standard between marijuana and alcohol. He said when alcohol sellers sell alcohol to a minor, their merchandise was not confiscated; they were only slapped on the hand and told not to do it again. He urged the Assembly to vote no on this ordinance.

GEORGE COMO said the 'harm' principle should be taken into consideration on this issue, i.e., by what standards is harm assigned to totally benign objects that are traded only between consenting adults -- the seller wants to sell them, and the buyer wants to buy them. He said he had called the emergency room at the hospital and asked how many ER admissions were due to marijuana. He said the nurse laughed at him. He said this was mean-spirited, cultural warfare and constituted a whittling away of personal freedoms. He urged the Assembly not to participate in it.

ROBERT CLIFF expressed anger at the prospect of police raids on private businesses, especially when it was only by passage of an Assembly ordinance that automatically, overnight, turned those merchants into criminals. He said this body does not need to protect him from himself or from a non-existent danger -- it was not the Assembly's responsibility to make themselves their brothers' keeper. He said this ordinance would not add protection nor quality of life, nor in any way improve residents' lives. He urged the Assembly to vote no on this ordinance.

JOLENE BROWN presented a medical marijuana registry card and said she was deeply troubled by this ordinance. She said she and her mother were concerned that they would no longer be able to legally purchase smoking materials that were safe and clean for medicinal marijuana users. She said this ordinance would not impede illegal marijuana use, it would simply make it more dangerous for medicinal marijuana users and those who wish to exercise their rights under Raven to smoke marijuana in their own homes. She also found this to be an incredible waste of law enforcement resources.

TED BURLINGER said he worked for Free Hemp in Alaska. He questioned the practicality of sending a detective and a uniformed officer to bust a merchant for selling pipes, when, according to the new Chief of Police, the Municipality does not even have a traffic division. He noted that when a government body drives the economy underground, the revenue generated by that economy is lost to the community.

JOHN BARLEY said that in 1972, 86 % of the voters had overwhelmingly passed a constitutional amendment recognizing the right to privacy. In 1976, the Alaska Supreme Court, in Raven v. State of Alaska, ruled that the right to privacy included the right to use marijuana in the privacy of one's own home. In 1982, the Alaska legislature limited personal possession of marijuana to four ounces, and in 1990, an initiative passed to criminalize marijuana by 54% to 46%. In 1993, the Alaska Superior Court, in McNeal v. State of Alaska, upheld the 1976 Alaska Supreme Court's decision. Mr. Barley said the Alaska State Constitution can only be changed by amendment and not by referendum, and no such amendment had been passed. He said the ordinance that was passed last year was slipped in amongst a technical amendment ordinance, and it would not pass constitutional muster if challenged.

JACKIE CARR said enforcement of this law crushes a handful of small businesses in Anchorage, and their former customers will find other places to buy the merchandise. She said the only thing this ordinance would do was penalize business owners, it would not curb drug abuse in Anchorage.

JOEL MATHIS, local business owner, said he would be directly affected by this ordinance as he sells these types of products based on customer demand. He said this ordinance would have an adverse economic impact on his business, and he felt it was unfair that the Assembly had the power to take that right away from him and to punish him for selling those products.

JOHN MARTIN CLIZBE said that by the color and language of the ordinance, anyone who owns a snowblower, lawnmower, etc., was guilty and in possession of arson material and conspiracy and intent to manufacture, distribute, and grow marijuana by having potting soil, plants, greenhouse materials, etc. He said this ordinance was hypocritical and absurd.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one, and she closed the public hearing.

Mr. Sullivan moved, to postpone action on AO 2001-55 until April 17, 2001.
seconded by Ms. Fairclough,
and it passed without
objection,

Mr. Sullivan requested a clarifying AM from the Administration on this item, and he asked for a summary of economic effects for private industry.

Mr. Traini requested that the summary of economic effects also include the economic impact of what was being added to the Administrative Hearing Officer's authority and responsibility.

Mr. Tesche asked that legal provide him a synopsis of the current state of the law regarding marijuana in the Third Judicial District, especially as it related to any continued vitality of the Raven case in light of the Ketchikan case of McNeil cited earlier.

Ms. Fairclough requested a work session on April 17, 2001, to include the Administration and the Chief of Police to update the Assembly on their interpretation of the law as requested by Mr. Tesche.

Mr. Sullivan moved, to change the orders of the day to consider item 12.H,
seconded by Mr. Tesche, AO 2001-59.

AYES: Sullivan, Traini, Abney, Tesche, Tremaine, Fairclough, Taylor.

NAYS: Kendall, Von Gemmingen, Van Etten, Clementson.

- E. Ordinance No. AO 2001-54, an ordinance amending Title 23, Section 23.25.1210.0 of the Anchorage Municipal Code and providing for the **use of approved corrugated stainless steel tubing within buildings**, Development Services Department.
1. Assembly Memorandum No. AM 189-2001.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one, and she closed the public hearing.

Mr. Kendall moved, to adopt AO 2001-54.
seconded by Ms. Taylor,

AYES: Sullivan, Traini, Abney, Kendall, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten, Clementson.

NAYS: None.

- F. Ordinance No. AO 2001-57, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 15.70.095 regarding **electronically amplified sound systems in motor vehicles**, Assemblymember Abney.
1. Assembly Memorandum No. AM 216-2001.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one, and she closed the public hearing.

Ms. Abney moved, to adopt AO 2001-57.
seconded by Mr. Tesche,

Ms. Fairclough moved, to postpone action on AO 2001-57 until March 27, 2001.
seconded by Mr. Traini,

AYES: Traini, Fairclough.

NAYS: Sullivan, Abney, Tesche, Von Gemmingen, Tremaine, Taylor, Van Etten.

(Clerk's Note: Mr. Kendall and Ms. Clementson were out of the room at the time of the vote.)

Question was called on the motion to adopt AO 2001-57 and it passed:

AYES: Sullivan, Traini, Abney, Tesche, Von Gemmingen, Tremaine, Taylor, Van Etten.

NAYS: Fairclough.

(Clerk's Note: Mr. Kendall and Ms. Clementson were out of the room at the time of the vote.)

- G. Ordinance No. AO 2001-58, an ordinance of the Anchorage Municipal Assembly revising Anchorage Municipal Code Section 2.30.070 by adding a new Subsection H. regarding **teleconference participation and voting by Assembly Members**, Assemblymembers Abney, Taylor, and Tesche.
1. Assembly Memorandum No. AM 252-2001.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one, and she closed the public hearing.

Ms. Abney moved, to adopt AO 2001-58.
seconded by Ms. Taylor,

Ms. Abney moved, to amend AO 2001-58 to add a new Section 2 to read: "This ordinance shall be brought before the Assembly for review and reauthorization or amendment 30 days prior to the first annual anniversary date of its passage," and renumber the old Section 2 to Section 3.
seconded by Mr. Traini,

Ms. Fairclough moved, to postpone action on AO 2001-58 until March 27, 2001.
and it died for lack of a second,

Question was called on Ms. Abney's motion to amend AO 2001-58 and it passed:

AYES: Sullivan, Traini, Abney, Tesche, Von Gemmingen, Tremaine, Fairclough, Taylor, Van Etten.

NAYS: None.

(Clerk's Note: Mr. Kendall and Ms. Clementson were out of the room at the time of the vote.)

Question was called on the motion to adopt AO 2001-58 as amended and it passed:

AYES: Sullivan, Traini, Abney, Tesche, Von Gemmingen, Tremaine, Taylor, Van Etten.

NAYS: Fairclough.

(Clerk's Note: Mr. Kendall and Ms. Clementson were out of the room at the time of the vote.)

- H. Ordinance No. AO 2001-59, an ordinance of the Anchorage Municipal Assembly enacting a new Subsection D to AMC 12.15.030 relating to **municipal assessment of properties subjected to recorded deed restrictions on rents, the valuation of low income housing credits** awarded under 26 USC 42, and providing for the effective dates of its application, Assemblymember ~~Abney~~ Tesche.
1. Assembly Memorandum No. AM 297-2001.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak.

JEFF JUDD, Executive Director of Anchorage Mutual Housing Association, said several representatives from the portable housing providers and community partners from Anchorage were with him tonight. He said a year ago the State had passed legislation that they had hoped would resolve the property tax issue, but they faced the same property tax issue today. He said they had appealed and just received notice earlier in the day that the Board of Equalization would reconvene on Friday, March 23, 2001, to decide the appeal. He said it was his belief that the attorney's opinion was not a fair assessment of the issue, and it discredits the Alaska legislature's passage of the law, the Alaska Housing Finance Corporation, and the Department of Housing and Urban Development. He said the Municipal Code was not clear on how affordable housing properties should be assessed, and that was why they were here tonight. Mr. Judd said they had prevailed on the very same issue in 1995 and 1996. In 1997, they had reached an agreement with the assessor regarding how these properties should be assessed, and both parties had withdrawn their appeals. He said the Board of Equalization had supported the income restriction methodology, which was the basis of the State legislation and was the basis of the ordinance before the Assembly

tonight. Mr. Judd said they should not have to face this issue anew every year. He said passage of this ordinance would establish a policy for an affordable housing assessment methodology.

DAN FOUSKY, CEO of the Alaska Housing Finance Corporation, said he was in support of Mr. Judd's comments, and he said in his view, this ordinance resolved a fairness issue. He said had AHFC known that this ordinance would be presented at this time, they would never have financed the hundreds and hundreds of units that they had. He said the people who owned these houses were not asking not to pay taxes, but they expected to pay taxes based on the methodology that was established at the time the units were developed. Mr. Fousky said he was recently appointed by Senator Stevens to a 22-member congressional commission whose task it was to make recommendations to Congress regarding how affordable housing can be made achievable within the United States. He said this was one of the most significant issues in America at this time, and he asked the Assembly to keep this, as well as the testimony they heard earlier, in mind when they made their decision.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one, and she closed the public hearing.

Mr. Tesche moved, to adopt AO 2001-59.
seconded by Mr. Sullivan

Ms. Fairclough moved, to postpone action on AO 2001-59 until April 17, 2001.
seconded by Ms. Clementson,

Mr. Tesche moved, to amend the motion to postpone action on AO 2001-59 until
seconded by Mr. Sullivan, a special meeting on Thursday, March 22, 2001.

Chair Von Gemmingen ruled Mr. Tesche's motion out of order.

Mr. Tesche moved, to appeal the ruling of the Chair.
seconded by Mr. Traini,

It was noted that it was 12:00 midnight and time had expired.

(Clerk's Note: See minutes of March 23, 2001 Special Meeting for further action on this item.)

13. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS: None.

14. SPECIAL ORDERS:

A Mayoral veto was delivered earlier in the meeting. See item 5, Mayor's Report. Also, see item 8.B for introduction of an ordinance and indefinite postponement of a resolution.

15. UNFINISHED AGENDA: None.

16. AUDIENCE PARTICIPATION: None.

17. ASSEMBLY COMMENTS: None.

18. EXECUTIVE SESSIONS: None.

A. **Personnel Matters** (AO 2001-56).

See minutes of March 20, 2001 Special Meeting and March 27, 2001 Regular Meeting for action on this item.

19. ADJOURNMENT:

The meeting adjourned at midnight.

Chairman

ATTEST:

Municipal Clerk

Date Minutes Amended and Approved: August 14, 2001

LF/csc

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