

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of April 9, 2002

1. CALL TO ORDER:

The meeting was convened at 5:02 p.m. by Assembly Chairman Dick Traini in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

2. ROLL CALL:

Present: Fay Von Gemmingen, Melinda Taylor, Doug Van Etten, Dick Traini, Anna Fairclough, Dan Kendall, Allan Tesche, Janice Shamberg, Dick Tremaine, Cheryl Clementson.
Absent: Dan Sullivan (excused).

3. PLEDGE OF ALLEGIANCE:

Jim Barnett led the pledge.

4. MINUTES OF PREVIOUS MEETING:

A. Regular Meeting – October 30, 2001

Ms. Fairclough moved, to approve the minutes of October 30, 2001.
seconded by Mr. Tesche,
and it passed without
objection.

5. MAYOR'S REPORT:

Mayor Wuerch noted that the Aspen Hotel, which was still under construction, burned down last night. It represented the largest property loss from a fire that Anchorage had ever had. No fatalities had been reported. There were two individuals apprehended leaving the building at the time the fire broke out. There were no injuries to the firefighters, although there was some damage to the Fire Department's equipment and the adjacent buildings. In reviewing the situation, the local Alcohol, Tobacco and Firearms agent suggested contacting their national response team due to the size and circumstances of the loss. Mayor Wuerch anticipated the arrival of a fairly large Alcohol, Tobacco and Firearms team to assist in the investigation at no cost to local government. Mayor Wuerch congratulated the Clerk's Office on the completion of the first Municipal election using the Accuvote system. The election went smoothly and the results came in early.

6. ASSEMBLY CHAIR'S REPORT:

Municipal Clerk Greg Moyer said he would give a full report after the May 7, 2002 run-off election, but he reviewed a few election issues. He felt they should work as a team to look at the proposition language to eliminate two card ballots. The Accuvote system accepted two cards ballots, but he suggested using tabulation ballots that would contain only the voter question and the supporting materials would be supplied separately. The law required them to order enough ballots for 70 percent of the registered voters. The ballots cost 36 cents each, 50 percent of which were being thrown away. He felt it should be at the municipal clerk's discretion to review the historical number of ballots used and order accordingly. Precinct lines needed to be worked on. The run-off election had a 50 percent plus one requirement. He noted they would spend about \$100,000 for one School Board race and one east side Assembly race. People who voted in-person absentee placed their ballots in envelopes, which required a lot of time to open. Next year he would like to place an Accuvote machine at the in-person absentee voting location so people could put their ballots through the machine instead of placing them in envelopes. This would allow the uploading of in-person absentee voting information on the day of the election. He felt the in-person absentee voting locations at the University of Alaska Anchorage and the airport should be reviewed. They sent 5,000 ballots out to those locations in anticipation of 100 people voting. He would like to add an in-person absentee voting location in Eagle River. There were many question ballots in the election. People should be encouraged to vote in the precincts they are registered in. The timeline needed to be reviewed. He would review the timelines in the code as far as the due dates for the Clerk's office. They were given very small windows and would like to have more time. Mail ballots needed to be reviewed. He felt they could improve the precinct training. IT involvement and support was very good, but could be improved. The transmission of Accuvote results went smoothly up to the first 85 precincts and then it slowed down. They needed to review the last 20 locations and conduct pre-election checks. He felt they should aim at having 100 percent of the election results by 9:00 p.m. Internally they could work on the distribution and return of election materials. He would like to work with the Assembly to use the new first floor space as a conference room and elections office. He suggested providing cellular phones to each precinct so they could keep in contact during the election. Candidate eligibility may need Charter clarification in the event of a reapportionment. He felt they should try some creative ideas regarding election day, time of the month and year. The Assembly Subcommittee on Voting should become active and work on the election issues. He felt the Accuvote system was great for Anchorage and had proved itself in the election.

Mr. Tesche congratulated Municipal Clerk Greg Moyer on the fine work that he did on the election.

Chairman Traini thanked the Administration, especially the IT people, for their work on the election.

7. COMMITTEE REPORTS:

Ms. Von Gemmingen stated that she and Mr. Tremaine attended two days of Alaska Municipal League meetings in Juneau. The Fiscal Policy Caucus Group, Representative Porter, and Senate Speaker Halford gave presentations. She felt Mr. Porter wanted to have some kind of a fiscal plan, but the Senate was unwilling to move off the dime. She felt the mood was different than it had been in January and they expressed more hope.

Mr. Tremaine noted that Ms. Von Gemmingen had been acting as President of the Alaska Municipal League at the meetings in Juneau. He was very disappointed in the Senate, whose members expected no solution or action to the fiscal problem this year. As a citizen and the head of a household, he felt the State was heading toward fiscal ruin and he was disappointed that the Legislature was unable to come to a solution. He was very happy with the House, because they were making efforts to go forward in a bipartisan approach. It was important for the Assemblymembers and citizens of both Anchorage and Alaska to have their voices heard in Juneau. We need to continue supporting those who are trying to find a solution and let those who are not actively looking for a solution know that we are disappointed in them.

8. ADDENDUM TO AGENDA:

Mr. Tremaine moved, to amend the agenda to include the addendum items.
seconded by Mr. Kendall,

Chairman Traini read the addendum items.

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

9. CONSENT AGENDA:

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

A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS

1. Resolution No. AR 2002-97, a resolution of the Anchorage Municipal Assembly **honoring and remembering Fred Chiei, Jr.**, Assemblymembers Taylor, Clementson, Fairclough, Kendall, Shamberg, Sullivan, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen.

Ms. Taylor requested this item be considered on the Regular Agenda. See item 10A.

2. Resolution No. AR 2002-109, a resolution of the Anchorage Assembly **congratulating the Alaska Firebirds Hockey Association** for a successful tournament, Assemblymember Kendall. **(LAID ON THE TABLE)**

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

B. RESOLUTIONS FOR ACTION - OTHER

1. Resolution No. AR 2002-98, a resolution of the Municipality of Anchorage accepting, when tendered, \$86,556 from the United State Department of the Interior Geological Survey Grant and appropriating said grant to Merrill Field's Operating Fund for the continued use of 1209 Orca Street as the **U.S. Geological Survey Hydrologic Resource Center**, Merrill Field Airport.
 - a. Assembly Memorandum No. AM 330-2002.
2. Resolution No. AR 2002-99, a resolution authorizing the Municipality to grant electrical easements across a portion of **Tract B-1A, Mountain Air Estates Subdivision Addition No. 2**, for the Rabbit Creek Fire Station, Station No. 10, located at Rabbit Creek Road and Mountain Air Drive, Tax Code #017-211-34, Project Management & Engineering.
 - a. Assembly Memorandum No. AM 331-2002.
3. Resolution No. AR 2002-100, a resolution authorizing the Municipality to grant electrical an easement across a portion of **Tract B1, Turnagain View East Subdivision**, South Anchorage Area High School Site, Tax Code #018-411-75, Project Management & Engineering.
 - a. Assembly Memorandum No. AM 332-2002.
4. Resolution No. AR 2002-103, appropriating ~~\$50,000~~ \$60,000 for development of a **Comprehensive Economic Development Strategy** for the Municipality of Anchorage, Municipal Manager's Office.
 - a. Assembly Memorandum No. AM 337-2002.

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

5. Resolution No. AR 2002-108, a resolution of the Anchorage Municipal Assembly **confirming the Assembly's position regarding State Redistricting**, Assemblymember Tremaine. **(LAID ON THE TABLE)**

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

C. BID AWARDS

1. Assembly Memorandum No. AM 319-2002, recommendation of award to Cal Worthington Ford for furnishing **miscellaneous light duty vehicles** to the Municipality of Anchorage, Anchorage Fire Department (ITB 22-B008) (\$156,764), Purchasing.
2. Assembly Memorandum No. AM 320-2002, recommendation of award to Shepard Bros., Inc. for furnishing **extended passenger vans** to the Municipality of Anchorage, Public Transportation Department (ITB 22-B102) (\$497,994), Purchasing.

3. Assembly Memorandum No. AM 321-2002, recommendation of award to Trailer Craft, Inc. for furnishing **two truck cab and chassis with sewer jets** to the Municipality of Anchorage, Water and Wastewater Utility (ITB 22-B011) (\$327,850), Purchasing.

D. NEW BUSINESS

1. Assembly Memorandum No. AM 322-2002, **Animal Control Appeals Board appointments** (D. Kenneth Ford, Lisa Duntley), Mayor's Office.

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

2. Assembly Memorandum No. AM 323-2002, **Equal Rights Commission appointment** (Wilbur Hooks), Mayor's Office.
3. Assembly Memorandum No. AM 324-2002, **Historical & Fine Arts Commission appointments** (Brian Davies, John Reeder, Esther Cox, William Penrose), Mayor's Office.
4. Assembly Memorandum No. AM 325-2002, **Library Advisory Board appointment** (Deirdre Ford), Mayor's Office.
5. Assembly Memorandum No. AM 326-2002, appointment of certain members of the Municipal Light and Power Commission as the **Citizen Facility Naming Panel for ML&P Plant 1** (Russell Nogg, Randy Stevens, Dave Eberle, Spence Hochstein, Dennis Nottingham), Legal Department.
6. Assembly Memorandum No. AM 327-2002, **Villa Nova Restaurant (#1608)** – Transfer of Ownership & Application for a Restaurant Designation Permit for a Restaurant/Eating Place Liquor License (Spenard and Taku/Campbell Community Councils), Clerk's Office.
7. Assembly Memorandum No. AM 328-2002, proprietary purchase of **computer software maintenance/support** from Data Research Associates, Inc. (DRA) for the Municipality of Anchorage, Department of Cultural and Recreational Services (\$51,816), Purchasing.
8. Assembly Memorandum No. AM 329-2002, **Lathrop Sewer Upgrade Project** change order No. 3 to Frontier Excavating Inc. (\$419,768.33), Water and Wastewater Utility.
9. Assembly Memorandum No. AM 336-2002, proprietary purchase for providing **repair parts** from New Flyer Industries Limited for the Municipality of Anchorage, Public Transportation Department (\$200,000), Purchasing.
10. Assembly Memorandum No. AM 340-2002, appointment of community members to a **Citizen Naming Panel for naming a prominent feature of the Anchorage Memorial Park Cemetery** (James Barnett, Father Tim Crowley, Glen Chambers, Alexandra J. McClanahan, Kay Linton), Office of Planning, Development, and Public Works/Cemetery. (**addendum**)

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

E. INFORMATION AND REPORTS

1. Information Memorandum No. AIM 35-2002, Internal Audit Report 2002-4 – **2001 Parts, Tires and Lubricants Inventory, Fleet Services Division-Facility and Fleet Management/Internal Audit**.
2. Information Memorandum No. AIM 36-2002, **Amended Sole Source Procurement Report** for the month of February 2002, Purchasing.

Ms. Clementson requested this item be considered on the Regular Agenda. See item 10E.

3. Information Memorandum No. AIM 37-2002, *ASD Memorandum #231 (2001-2002)*, **Recommendation for Reduction of Overcrowding at Chugiak High School**, Assemblymember Fairclough.

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

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

1. Ordinance No. AO 2002-65, an ordinance **setting the rate of tax levy and levying taxes** for the Municipality of Anchorage Areawide General Purposes including municipal schools and all service areas of the Municipality for the Municipal Tax Year 2002, approving the total amount of municipal tax for Fiscal Year 2002 and amending the total amount of municipal tax for Fiscal Year 2001, Office of Management and Budget. P.H. 4-23-02.
 - a. Assembly Memorandum No. AM 341-2002.

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

2. Resolution No. AR 2002-101, a resolution of the Municipality of Anchorage providing a **revision of the 2002 General Government Operating Budget**, Office of Management and Budget. P.H. 4-23-02.
 - a. Assembly Memorandum No. AM 342-2002.
3. Ordinance No. AO 2002-66, an ordinance of the Municipality of Anchorage approving disposal of the Municipality's interest in **Lots 1C and 1D, Block 1, Eastown Subdivision** to Robert W. Kuczek and Evan Rowland, Real Estate Services. P.H. 4-23-02.
 - a. Assembly Memorandum No. AM 333-2002.
4. Ordinance No. AO 2002-67, an ordinance authorizing the **sale of properties foreclosed** by the Municipality for delinquent taxes and/or special assessments, Real Estate Services. P.H. 5-14-02.
 - a. Assembly Memorandum No. AM 334-2002.
5. Resolution No. AR 2002-102, a resolution of the Municipality of Anchorage appropriating \$147,180 of Anticipated National Pollution Discharge Elimination System (NPDES) Stormwater Permit Revenues to the Areawide General (101) Fund 2002 General Government Operating

Budget to **fund one full-time and one temporary inspector positions**, Development Services Department. P.H. 4-23-02.

- a. Assembly Memorandum No. AM 335-2002.
- 6. Resolution No. AR 2002-107, a resolution of the Municipality of Anchorage providing for a **revision of the Anchorage School District Budget for FY 2002-2003**, Anchorage School District. P.H. 4-23-02. **(addendum) (TO BE SUBMITTED)**
 - a. Assembly Memorandum No. AM 344-2002.
- 7. Ordinance No. AO 2002-68, an ordinance **amending the Hillside Wastewater Management Plan**, Anchorage Municipal Code 21.05.030.D.4. to remove approximately 15 acres of Tract 1B, Villages New Estates (Proposed Lots 1 to 4 of Villages View Estates West, excluding Tract A, per attached Exhibit A) from the area recommended for public sewerage with a minimum residential density of three dwelling units per acre, Planning Department. P.H. 4-23-02. **(addendum) (TO BE SUBMITTED)**
 - a. Assembly Memorandum No. AM 345-2002.
 - b. Information Memorandum No. AIM 38-2002.

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

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

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

NAYS: None.

(Clerk’s note: Mr. Sullivan was excused from the meeting.)

10. REGULAR AGENDA:

10A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS:

- 10A1. Resolution No. AR 2002-97, a resolution of the Anchorage Municipal Assembly **honoring and remembering Fred Chiei, Jr.**, Assemblymembers Taylor, Clementson, Fairclough, Kendall, Shamberg, Sullivan, Tesche, Traini, Tremaine, Van Etten, and Von Gemmingen.

Ms. Taylor moved, to approve AR 2002-97.
seconded by Mr. Van Etten,
and it passed without
objection.

Mr. Van Etten read the resolution.

Mr. Chiei thanked the Assemblymembers for remembering his uncle, Fred Chiei. Some of his uncle’s proudest accomplishments included his service on the Anchorage Assembly and the Anchorage Charter Commission. Fred Chiei loved Anchorage and it was important for him to be part of the leadership and involved in the future direction of the City.

Ms. Clementson said Fred Chiei’s wish came true, because the Assembly remembered Fred Chiei for all his important contributions. She expressed her sincerest condolences to the family of Fred Chiei.

Mr. Tesche said Fred Chiei would be missed. His historical knowledge of the Charter would be especially missed.

Mr. Ed Earnhart said Fred Chiei had an understanding of institutions that many people lacked. He had been a big help in establishing the Charter. Fred Chiei also had a wonderful sense of humor.

- 10A2. Resolution No. AR 2002-109, a resolution of the Anchorage Assembly **congratulating the Alaska Firebirds Hockey Association** for a successful tournament, Assemblymember Kendall. **(LAID ON THE TABLE)**

Chairman Traini asked Mr. Kendall if he objected to other Assemblymembers adding their names to the resolution. Hearing no objection, all the Assemblymembers added their names to the resolution.

Mr. Kendall moved, to approve AR 2002-109.
seconded by Ms. Fairclough,
and it passed without
objection.

10B. RESOLUTIONS FOR ACTION – OTHER:

- 10B1. Resolution No. AR 2002-103, appropriating ~~\$50,000~~ \$60,000 for development of a **Comprehensive Economic Development Strategy** for the Municipality of Anchorage, Municipal Manager’s Office.
 - a. Assembly Memorandum No. AM 337-2002.

Ms. Clementson moved, to approve AR 2002-103.
seconded by Mr. Tremaine,

Ms. Clementson referenced line 20 of the accompanying Assembly Memorandum, which said they would be focusing on the “south-central area of the Municipality” including the Matanuska-Susitna Borough, Kenai Peninsula Borough, etc., but should say “south-central area of the State of Alaska.”

Ms. Clementson moved, to amend AM 337-2002, line 20, to read “Southcentral area of the
Seconded by Ms. Von Gemmingen, State of Alaska.”
and it passed without
objection.

Question was called on the motion to approve AR 2002-103 with the amended memorandum and it passed without objection.

10B2. Resolution No. AR 2002-108, a resolution of the Anchorage Municipal Assembly confirming the Assembly’s position regarding State redistricting. Assemblymember Tremaine, Van Etten.

Mr. Tremaine moved, to approve AR 2002-108.
seconded by Mr. Tesche,

Mr. Kendall referenced line 28-30, which read: Whereas the Mayor’s April 8, 2002 plan has not yet received concurrence from the Matanuska-Susitna Borough, and in fact also deprives Matanuska-Susitna Borough residents of the 3.8 House seats to which they are entitled. He felt there was an error on line 29 where it said the Mayor’s proposal would deprive the Matanuska-Susitna’s Borough of 3.8 House seats.

Mr. Tremaine referenced a letter dated April 9, 2002 from the Matanuska-Susitna Borough, which indicated their intent to go forward with the plan that allowed 20 percent of one seat to go to Anchorage, which would be 3.8 seats. If the Mayor’s plan took 30 percent, 3.7 seats, this would present two alternatives: push .1 seat from Matanuska-Susitna to somewhere other than south or ultimately deprive them of it. Since their plan does not split another district, it functionally deprives them of that representation.

Mr. Kendall moved, to amend AR 2002-108: “The Mayor’s proposal would deprive the
seconded by Ms. Von Gemmingen, Matanuska-Susitna Borough of .1 House seats.”

Mr. Tremaine offered a friendly amendment to read: “The Mayor’s proposal would deprive the Borough residents of the full representation to which they are entitled.”

Question was called on this friendly amendment and it passed with one objection.

Mr. Kendall noted that lines 28, 29 and 30 appeared to be speaking on behalf of the Matanuska-Susitna Borough.

Mr. Kendall moved, to amend AR 2002-108 to “delete lines 28-30.”
seconded by Ms. Von Gemmingen,

Question was called on the motion to amend AR 2002-108 by deleting lines 28-30 and it failed.

AYES: Fairclough, Kendall, Clementson.
NAYES: Von Gemmingen, Taylor, Van Etten, Traini, Tesche, Shamberg, Tremaine.
(Clerk’s note: Mr. Sullivan was excused from the meeting.)

Ms. Fairclough moved, to postpone AR 2002-108 until April 16, 2002.
seconded by Mr. Kendall,

Ms. Fairclough noted that the Assembly had a meeting scheduled with the Matanuska-Susitna Borough at Lake Lucille on Thursday, April 11, 2002 and the issue could be discussed at that time.

Mr. Tremaine felt the issue was straightforward. He referenced a letter dated April 8, 2002 from Matanuska-Susitna Borough Mayor Tim Anderson, which stated the map and plan they approved was 80 percent Mat-Su and 20 percent Anchorage. They had not reviewed or approved any other plans.

Mr. Kendall felt the Mayor’s presentation was an example only and showed that you could draw House Districts in an orderly manner, in compliance with the court order and follow previous resolutions passed by the Assembly. AR 2002-108 would only confuse the issue and they should not be speaking on behalf of the Matanuska-Susitna Borough.

Mr. Tesche opposed postponing AR 2002-108. At some point by the end of today the Redistricting Board would no longer receive public input on the important task before them. By postponing the issue for one week for a casual meeting with the Matanuska-Susitna Borough, the debate would become academic and a waste of time. He urged the Assembly to take action on AR 2002-108.

Ms. Clementson felt there should have been something in the Assembly’s packet to let them know that they would be discussing redistricting. There was a work session scheduled late last week, but there was no information provided in the packet. The official Assembly schedule did not indicate a meeting with the Matanuska-Susitna Borough on April 11, 2002. She suggested that maybe the Anchorage Assembly should stay out of the issue if they could not get it right.

Ms. Fairclough urged the Anchorage Assembly to stay out of the issue. This was a fiasco when the Assembly got involved with it and the Assemblymembers had contrary positions. They passed a recommendation by the Assembly that supported the redistricting. She would understand if the Assembly did not support the motion to postpone. She felt the Redistricting Board was capable of looking at the Mayor’s proposal and the Matanuska-Susitna Borough recommendations of the 20 percent and making the difference on their own between the 20 and 30 percent. The Assembly should be looking out for Anchorage. She wanted to support the Matanuska-Susitna Borough and do things in a cooperative effort. Until she had a chance to meet with the Matanuska-Susitna Borough, she felt the Anchorage Assembly should stay out of the issue.

Question was called on the motion to postpone AR 2002-108 until 4-16-02 and it failed.

AYES: Von Gemmingen, Fairclough, Kendall, Clementson.

NAYES: Taylor, Van Etten, Traini, Tesche, Shamberg, Tremaine.
(Clerk’s note: Mr. Sullivan was excused from the meeting.)

Question was called on the main motion to approve AR 2002-108 as amended and it passed.

AYES: Von Gemmingen, Taylor, Van Etten, Traini, Tesche, Shamberg, Tremaine.
NAYES: Fairclough, Kendall, Clementson.
(Clerk’s note: Mr. Sullivan was excused from the meeting.)

Mr. Tremaine moved, for immediate reconsideration of AR 2002-108 as amended.
seconded by Mr. Tesche,

Mr. Tremaine urged a no vote.

Question was called on the motion for immediate reconsideration of AR 2002-108 as amended and it failed.

AYES: Von Gemmingen, Fairclough, Kendall, Clementson.
NAYES: Taylor, Van Etten, Traini, Tesche, Shamberg, Tremaine.
(Clerk’s note: Mr. Sullivan was excused from the meeting.)

10C. BID AWARDS: None.

10D. NEW BUSINESS:

10D1. Assembly Memorandum No. AM 322-2002, Animal Control Appeals Board appointments
(D. Kenneth Ford, Lisa Duntley), Mayor’s Office.

Mr. Kendall moved, to divide the question on AM 322-2002.
seconded by Mr. Tremaine,
and it passed without
objection.

Mr. Tesche moved, to approve the appointment of Lisa Duntley to the Animal Control
seconded by Ms. Fairclough, Appeals Board, AM 322-2002.
and it passed without
objection.

Ms. Fairclough moved, to postpone the appointment of D. Kenneth Ford to the Animal Control
seconded by Ms. Von Gemmingen, Appeals Board indefinitely, AM 322-2002.
and it passed without
objection.

Mayor Wuerch welcomed the following newly appointed board members: Animal Control Appeals Board: Lisa Duntley; Equal Rights Commission: Wilbur Hooks; Historical & Fine Arts Commission: Brian Davies, John Reeder, Esther Cox, William Penrose; Library Advisory Board: Deirdre Ford; Citizens Facility Naming Panel for ML&P Plant 1: Russell Nogg, Randy Stevens, Dave Eberle, Spence Hochstein, Dennis Nottingham. He thanked all the citizens who served their community in a voluntary capacity.

10D2. Assembly Memorandum No. AM 340-2002, appointment of community members to a Citizen Naming Panel for naming a prominent feature of the Anchorage Memorial Park Cemetery
(James Barnett, Father Tim Crowley, Glen Chambers, Alexandra J. McClanahan, Kay Linton), Office of Planning, Development, and Public Works/Cemetery. **(addendum)**

Ms. Clementson moved, to approve AM 340-2002.
seconded by Ms. Fairclough,

Ms. Clementson noted that she would no longer be on the Assembly when the committee came forward with their recommendation, but she wanted to add her support. She thanked John Bagoy for his dedication in chairing the committee.

Question was called on the motion to approve AM 340-2002 and it passed without objection.

10E. INFORMATION AND REPORTS:

10E1. Information Memorandum No. AIM 36-2002, Amended Sole Source Procurement Report for the month of February 2002, Purchasing.

Ms. Clementson moved, to accept AIM 36-2002.
seconded by Ms. Shamberg,
and it passed without objection.

Ms. Clementson said there was a sole source procurement report at the March 19, 2002 meeting, which she did not attend. When she reviewed the report she noted that the 311 systems was not on it. This was not an issue of who said what, but an issue of Assemblymembers receiving information when they asked for it. When they discussed the 311 systems, she asked verbally, and put it in writing, a question regarding how much money was spent to date. The packet prepared on February 8, 2002 said \$8,000 travel expenses for initial site visits. In reality, on January 31, 2002 there was already a contract signed for \$29,500. In total there was \$29,500, plus \$8,000 travel expenses for initial site visits, plus \$13,000 for travel to a learning conference for a total of \$50,500.

Question was called on the motion to accept AIM 36-2002 and it passed without objection.

- 10E2. Information Memorandum No. AIM 37-2002, ASD Memorandum #231 (2001-2002), Recommendation for Reduction of Overcrowding at Chugiak High School, Assemblymember Fairclough.

Ms. Fairclough moved, to accept AIM 37-2002.
seconded by Mr. Kendall,

Ms. Fairclough said she attended the Anchorage School District Board meeting the Monday before the election and listened to the recommendation that was passed unanimously. The citizens of Chugiak/Eagle River only had one venue to be heard, which was the Anchorage Assembly. She read the April 1, 2002 recommendation into the record. It is recommended that the current overcrowding condition at Chugiak High School be temporarily remedied by the continued use of the fifteen relocatable classrooms currently placed on the Chugiak High School campus for the 2002-2003 school year. It is further recommended that this issue be reviewed annually thereafter until a new high school is built in the Eagle River area. On February 12, 2002, the Assembly passed AR 2002-54 asking the Anchorage School District to address the overcrowding issue, which was being addressed with 15 portables. Anchorage School District Superintendent Carol Comeau asked the School Board to review this annually, but that would not achieve the long-term solution of a new high school. She read a front-page article from January 31, 2002 of the Pegasus, a newsletter produced by Chugiak High School. Passing time back to six minutes. Fewer tardies, but students still complain it's too short. Jessica Temples, a senior, said, "The halls are like an old man's clogged arteries and he's about to die." The School District was trying to address the problem. The teachers and the Administration were doing a wonderful job. The only long-term solution was a new high school.

Mr. Kendall noted that relocatables had been the solution for many years at Chugiak High School. This had been a problem at Dimond High School and Service High School and the solution had been to build new schools to overcome the crowding problem. It was important for this problem to be resolved in a realistic manner. He did not feel it was realistic to keep asking children to be educated in the substandard and temporary manner that the relocatables provided. He felt it was vital to build a new high school in the Eagle River area.

Ms. Von Gemmingen said she was very disappointed in the results of the discussions with the families, students and teachers at Chugiak. The hope had been that they would utilize the space in the middle schools and reduce the overcrowding at Chugiak. The hallways were overcrowded, but the students seemed to love it. She felt 15 relocatables was the solution they would settle for, but she was disappointed in the results.

In response to Mr. Tesche, Ms. Fairclough said the April 1, 2002 memorandum was the School District's response to the Assembly's resolution.

Mr. Tesche was concerned that while the April 1, 2002 memorandum seemed to suggest this was a short-term solution, they did not know how long the relocatables would be utilized.

In response to Mr. Tesche, Mr. George Vakalis said the School District never denied the fact that there was overcrowding at Chugiak High School. The School District made a commitment to the Assembly, as well as the citizens of Eagle River, that they would look into all the options to alleviate the overcrowding, which they did. They had a series of public meetings with input from different parent groups and organizations within the Chugiak area. Many proposals were put out as to different ways to alleviate the overcrowding in the short-term. The long-term solution was a new Eagle River high school, which the School District fully supported. The problem was coming up with an interim solution until the new high school could be built. From the public feedback received, it was almost unanimous that the students use the relocatables. The relocatables would be the solution until the new high school was built. They were doing the planning phase this year and then the high school would be bonded for, which they hoped to have approved. The students had adequate facilities and the port-a-potties were intended for the contractors use.

In response to Mr. Tesche, Mr. Vakalis said he did not know if the students were using the port-a-potties, but they were intended for the contractors use. The majority of the construction was completed and the port-a-potties had been moved.

In response to Ms. Fairclough, Mr. Vakalis said he did not know where the nearest restroom was to the portables, but he did not think it was 10 to 15 minutes away as previously reported.

In response to Mr. Tremaine, Mr. Vakalis said they were considering many options as they went into the planning and design phase of the high school. They would ask the Eagle River residents for ideas as to how the facility could not only support a high school education, but other things as well. The King Career Center concept was discussed as a possibility.

Ms. Fairclough said the parents had not wanted their children to be displaced and moved from Alpenglow and spoke against the recommendations of the School District. The School Board would consider this issue one more time, at which time she felt they would replace the boundary lines. Just because public sentiment said something could not or should not be done, did not mean it was the best educational decision for the children. She did not believe a majority of the parents and students supported using the relocatables. She attended some of the meetings and no one presented either side of the argument for any of the nine scenarios that they had. They spoke in-group discussions and the groups were led by people who had particular knowledge basis in supporting or not supporting a particular program. Crystal Kennedy, Education Chair, Eagle River Valley Community Council, was at the meetings and she went there with the expectation that she would hear recommendations from the school administration as to what they thought was the best idea. What happened was teachers from Mirror Lake Middle School stood up and testified against jeopardizing their program by moving ninth graders to their school. When they were talking about the Anchorage School District, 70 percent of the people stood up in support of what the administration was bringing forward in the school bond packages, but they were employed by the School District. The parents were not being represented. She did not believe that the majority of the students or parents supported this concept.

Question was called on the motion to accept AIM 37-2002 and it passed without objection.

10F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

- 10F1. Ordinance No. AO 2002-65, an ordinance **setting the rate of tax levy and levying taxes** for the Municipality of Anchorage Area wide General Purposes including municipal schools and all

service areas of the Municipality for the Municipal Tax Year 2002, approving the total amount of municipal tax for Fiscal Year 2002 and amending the total amount of municipal tax for Fiscal Year 2001, Office of Management and Budget. P.H. 4-23-02.

- a. Assembly Memorandum No. AM 341-2002.

(Clerk’s Note: This item was considered later in the evening. See after item 13G.)

- 10F2. Ordinance No. AO 2002-68, an ordinance **amending the Hillside Wastewater Management Plan**, Anchorage Municipal Code 21.05.030.D.4. to remove approximately 15 acres of Tract 1B, Villages New Estates (Proposed Lots 1 to 4 of Villages View Estates West, excluding Tract A, per attached Exhibit A) from the area recommended for public sewerage with a minimum residential density of three dwelling units per acre, Planning Department. P.H. 4-23-02. **(addendum) (TO BE SUBMITTED)**
 - a. Assembly Memorandum No. AM 345-2002.
 - b. Information Memorandum No. AIM 38-2002.

In response to Mr. Tremaine, Mayor Wuerch said the packages were being put together, but there were some editorial changes that needed to be made on the memorandum. To meet the timeline to have AO 2002-68 before the public, they would like to have it introduced by title only, which was permitted by the code.

Mr. Tremaine, Mr. Van Etten and Ms. Shamberg joined in introducing AO 2002-68. The public hearing was scheduled for April 23, 2002.

Mr. Tremaine noted that this was an amendment to change the boundaries of the Hillside Wastewater Management Plan. These types of amendments were coming before the Assembly over and over. The Administration said it would take \$1,500,000 to change the Hillside Wastewater Management Plan into what is contemplated in the new Comprehensive Plan as the Hillside District Plan. He was not prepared to make amendments to the new Hillside Wastewater Management Plan until the new Hillside District Plan was prepared. He acknowledged that the plan needed changes, but he felt the changes should be contemplated as a whole and not piecemealed.

Mr. Tesche noted that the title did not indicate the developer. He was concerned about introducing items by title only, because their last experience with millions of dollars of bonds suggested this was a risky process. He advised caution in handling legislation of this magnitude in that fashion.

Ms. Clementson noted that the Planning and Zoning Commission package was in the Clerk’s office, but they did not have the time to get it to the print shop before the Assembly meeting.

Chairman Traini noted that AO 2002-68 was set for public hearing on April 23, 2002.

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

- 11A. Assembly Memorandum No. AM 288-2002, Platting Board appointment (Ellen McKay), Mayor’s Office. (POSTPONED FROM 3-19-02)

Mr. Kendall moved, to approve AM 288-2002.
seconded by Mr. Tremaine,

Question was called on the motion to approve AM 288-2002 and it passed.

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

NAYES: None.

(Clerk’s note: Mr. Sullivan was excused from the meeting.)

- 11B. Assembly Memorandum No. AM 239-2002, Anchorage School District Six-Year Capital Improvement Program: July 1, 2002 through June 30, 2008, Anchorage School District. (CARRIED OVER FROM 3-19-02)

Mr. Kendall moved, to approve AM 239-2002.
seconded by Ms. Fairclough,

Mr. Kendall said it was good to see the new Eagle River high school high on next year’s list of capital improvements. The demographics in the six-year plan indicated a downward trend in the School District population, which he would like the School District to comment on at the next meeting. He felt Anchorage would continue to grow and prosper, but the School District continued to show decreasing demographics.

Ms. Fairclough said three weeks ago she requested the formula that the School District used to calculate their population demographic trends so they could have one group of findings that projected population. She noted that their department had different projections than the Anchorage School District.

Question was called on the motion to approve AM 239-2002 and it passed.

AYES: Von Gemmingen, Taylor, Van Etten, Traini, Fairclough, Kendall, Tesche, Shamberg, Clementson.

NAYES: None.

(Clerk’s note: Mr. Sullivan was excused from the meeting.)

(Clerk’s note: Mr. Tremaine was out of the room at the time of the vote.)

- 11C. Ordinance No. AO 2001-182, an ordinance amending the zoning map and providing for the rezoning of approximately 9.54 acres from B-3 SL (General Business District with Special Limitations) to B-3 SL (General Business District with Special Limitations) for a portion of **Section 24, T13N, R3W, S.M., AK**, generally located south of DeBarr Road and on the east side of Muldoon Road, for the purpose of allowing tire repair, wheel alignment and brake service as permitted uses (Northeast Community Council) (Planning and Zoning Commission Case 2001-027), Planning Department.
 - 1. Assembly Memorandum No. AM 899-2001.
(CARRIED OVER FROM 12-18-01; CONTINUED FROM 1-8-02; CARRIED OVER FROM 1-29-02 AND 2-26-02; POSTPONED FROM 3-5-02)

Ms. Clementson moved, seconded by Ms. Taylor, to adopt AO 2001-182.

Ms. Clementson moved, seconded by Ms. Taylor, and it passed without objection. to amend AO 2001-182, page 1, section 1, line 22, to delete “R-0SL residential office with special limitations” and replace it with “B-3SL general business district with special limitations.”

Ms. Clementson moved, seconded by Ms. Taylor, to amend AO 2001-182, page 2, lines 12 and 13, to add a new number “16” to read “pole mounted signs” and number “17” to read “outdoor storage.”

Ms. Clementson said the pole-mounted signs would bring the parcel into compliance with what was recently done at the Alaska Village and the general area. Outdoor storage addressed the concerns of the community council.

Mr. Kendall agreed that the Municipality was looking at signs, signage and what types of signs they should have, but the Assembly postponed the signs for churches and institutions until they could review it comprehensively at one time. He did not think it was fair for the Assembly to pick out one parcel and say they should or should not make regulations concerning signs at this time. He felt it was important for the Assembly to be consistent in this matter. He objected to item number 16.

In response to Mr. Kendall, Ms. Clementson concurred that the Assembly should be consistent. Prohibiting pole mounted signs started with the redevelopment of Costco on the corner of DeBarr and Bragaw in the late 1980s. Since she had been on the Assembly she had added the condition prohibiting pole-mounted signs to parcels that were rezoned as B-3SL.

Ms. Taylor concurred with Ms. Clementson. She reminded the Assembly that this location was across from the proposed Muldoon Town Center and they devoted hours of time to the aesthetics of that location. She urged the Assembly to adopt both the amendments.

Mr. Tesche concurred with the representatives of the area. He noted that this was also supported by the community council. He did not feel the prohibition of pole signs in this area was haphazard, but was consistent with the past practices and policies of the Assembly. The prohibition on these notorious types of signs was set out in the Big Box Store Ordinance. He felt Ms. Clementson’s proposal was consistent with the Assembly’s prior actions.

Ms. Fairclough referenced an e-mail from the community council dated April 7, 2002 in opposition to the ordinance.

In response to Ms. Fairclough, Ms. Clementson said the April 7, 2002 e-mail from the community council was a change in their previous position. The computer generated a public hearing notice that had conflicting information. The public notice indicated the rezone was for 29.2 acres and then further down it indicated 9.54 acres. There was a great deal of concern over the outdoor storage, which was something that needed to be addressed in the ordinance. This was basically a housekeeping ordinance to clean things up.

Ms. Von Gemmingen said the notice that went out was very confusing. It referenced the Community Council Northeast, Community Council Two and Community Council unknown.

Mr. Kendall said the Big Box Ordinance that affected commercial buildings over 20,000 square feet and greater addressed signage in a haphazard way. He felt they were piecemealing it rather than waiting until they had a comprehensive program to address signs.

In response to Mr. Van Etten, Ms. Clementson said the petitioner did not have an objection with the no pole mounted sign condition.

Question was called on Ms. Clementson’s motion to amend AO 2001-182 and it passed.

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

NAYES: Kendall.

(Clerk’s note: Mr. Sullivan was excused from the meeting.)

Ms. Clementson moved, seconded by Mr. Tremaine, and it passed without objection. to amend AO 2001-182, line 28, second sentence to add: “The site plan for parcel 3-C, section 24, township 13 north, range 3 west Seward Meridian.”

Ms. Clementson said the added description would specify that the Belzar parcel needed to come forward for site plan review, which was the Planning Department’s intent.

Question was called on the main motion to adopt AO 2001-182 as amended and it passed.

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

NAYES: None.

(Clerk’s note: Mr. Sullivan was excused from the meeting.)

- 11D. Ordinance No. AO 2001-158, an ordinance amending all of Title 17, regulating the **care and control of animals** within the Municipality, including but not limited to adoption, impound, euthanasia, licensing, immunization, quarantine, administration, fees, fines and penalties, and other matters, Health and Human Services.
 - 1. Assembly Memorandum No. AM 748-2001.
 - 2. Ordinance No. AO 2001-158(S), an ordinance amending all of Title 17, regulating the care and control of animals within the Municipality, including but not limited to adoption, impound, euthanasia, licensing, immunization, quarantine, administration, fees, fines and penalties, and other matters, Health and Human Services.
 - 3. Assembly Memorandum No. AM 232-2002.
 - 4. Information Memorandum No. AIM 20-2002, Title 17 revisions, Health and Human Services.
 - 5. Ordinance No. AO 2001-158(S-1), an ordinance amending all of Title 17, regulating the care and control of animals within the Municipality, including but not limited to adoption, impound, euthanasia, licensing, immunization, quarantine, administration, fees, fines and penalties, and other matters, Health and Human Services.
 - 6. Ordinance No. AO 2001-158(S-2) an ordinance amending all of Title 17, regulating the care and control of animals within the Municipality, including but not limited to adoption, impound, euthanasia, licensing, immunization, quarantine, administration, fees, fines and penalties, and other matters, Chairman Traini.
 - 7. Assembly Memorandum No. AM 315-2002.

(CARRIED OVER FROM 2-26-02; CONTINUED FROM 3-5-02; PUBLIC HEARING CLOSED & CARRIED OVER FROM 3-19-02) CARRIED OVER TO 4-16-02

No action taken on this item. Carried over to 4-16-02.

The meeting recessed at 6:25 p.m. and reconvened at 7:00 p.m.

12. APPEARANCE REQUESTS: None.

13. CONTINUED PUBLIC HEARINGS:

- 13A. Ordinance No. AO 2002-56, an ordinance of the Anchorage Assembly amending Anchorage Municipal Code Title 11 by adding a new chapter requiring certain commercial passenger airlines operating within the Municipality of Anchorage to keep the public informed of their **bereavement policy** and providing a penalty for failure to comply with the requirements, Assemblymember Clementson.
 - 1. Ordinance No. AO 2002-56(S), an ordinance of the Anchorage Assembly amending Anchorage Municipal Code Title 11 by adding a new chapter requiring certain commercial passenger airlines operating within the Municipality of Anchorage to keep the public informed of their bereavement policy and providing a penalty for failure to comply with the requirements, Assemblymember Clementson.
 - 2. Assembly Memorandum No. AM 343-2002.

(CARRIED OVER FROM 3-19-02)

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

HEATHER AUSTIN said she was a 31-year continuous resident of Anchorage. She felt AO 2002-56 was essential. An individual who was ordinarily very capable and competent may receive a sudden call informing them of the fact that someone in their family or a person very close to them may have taken ill and it becomes a time of crisis in their lives and rapid response would be required. They would also be very vulnerable and could be in a state of shock. They may have a very narrow window of time to get to that individual before the individual dies. There is a money factor. The cost of traveling outside of Alaska on short notice could be astronomical. At these times many people feel like they are hostages to the airlines. If we are on the phone with a customer service agent who does not realize that the airline has a bereavement policy, we are not in the position at that time to argue the fact with them. If we had a published policy twice a year so that we, as newspaper readers, see that there is a bereavement policy, we can state that policy to the customer service representative. The customer service representatives often do not know the policies of their companies. The time of a serious medical emergency is not the time to try to argue the fact with a customer service representative. A bereavement policy would be a great asset to someone who was dealing with such a situation. She urged the Assembly to vote in favor of AO 2002-56.

ANSLEY PHILLIPS said she it had been her experience to have a sudden illness or death in the family and to be held hostage by the airlines just because of the proximity of Alaska to the Lower 48. We do not have the leisure of getting on a train, a bus or driving a car. We have to go by air whether we want to or not. In her specific case, the bereavement policy was stated to her, however when she went to the desk the clerk did not believe that a family member had died. She had to show the obituary to the clerk, which she felt was very rude. This happened almost 30 years ago. They wrote the airlines and received a free ticket from Northwest Airlines. The policy had not changed and the airlines were still holding us hostage. Not only should the bereavement policy be posted in the newspaper, but it should be posted on their website and near their ticket counters in various locations so that people are made aware of the policy. When you are in a bereavement mode and trying to get to a loved one before they pass, you are in shock. It has been scientifically proven that people do not think rationally when they are in shock. She felt it would be commendable of the Assembly to pass the ordinance and show that the warm-hearted Alaskans were still here.

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

Ms. Clementson moved, to adopt AO 2002-56(S).
seconded by Mr. Tesche,

Ms. Clementson said AO 2002-56(S) would require the airlines to post their bereavement policies. Bereavement was not a fare, but a service provided by the airlines and did not have the same oversight. She had not seen any bereavement policies posted online. Unless a person had the benefit of a travel agent, they would be totally reliant on the ticket agent. If the ticket agent was unaware of the bereavement policy then the person may not get the necessary information. She referenced an article published on January 27, 2002 in the Anchorage Daily News entitled Bereavement Fares: Ease Strain of Last Minute Travel. One of the airlines quoted as having a bereavement policy was the same airline that recently told her that there was no bereavement rate available. She felt it would be good public policy to make the bereavement policy information available to people. She urged the Assembly to approve AO 2002-56(S).

In response to Mr. Tesche, Ms. Rhonda Fehlen, Legal Department, said she was familiar with the original memorandum prepared by the Legal Department on AO 2002-56 that said they believed the FAA would preempt it. The Legal Department held the same position with respect to AO 2002-56(S).

Mr. Tesche said he reviewed AO 2002-56 and AO 2002-56(S), particularly the changes made by Ms. Clementson on the S version. Given the overwhelming humanitarian purpose of the measure and the fact that the stated penalties had been removed, he felt the Assembly should pass the ordinance as a statement of their policy, their intent and their wishes.

Ms. Clementson said she had worked with the Legal Department on this issue. She was surprised by the tenure of the original memorandum, because it was not the road she had been led along. She removed the penalty phase, because it was her understanding that a lawsuit could not be filed if there was no penalty. Federal preemption said the Assembly could not pass any provision having the force or effect of law related to price, services, etcetera, but there was no penalty associated with AO 2002-56(S). The majority of the citizens in Anchorage could find themselves in need of bereavement fares and many of them already have. She disagreed with the legal advice that was provided to Mr. Tesche’s question. While there was preemption in place, it no longer had a financial penalty. She sent a letter and a copy of the original ordinance, which had the penalty phase in it, to the station managers at each of the airlines. She advised them that testimony would be at 7:00 p.m. and asked them to call her if they had any questions or concerns. She had not had any responses from the airlines.

In response to Ms. Fairclough, Ms. Elvi Gray-Jackson said they received a response from the airlines. She talked with airline personnel from Alaska Airlines and United Airlines. One person was upset about the ordinance and the other said they abided by the FAA rules.

Ms. Fairclough spoke in support of AO 2002-56(S) for the reasons stated by Mr. Tesche. Her concern with the original ordinance was that FAA had the legal right to strike the ordinance down. She felt it was a humanitarian issue. She had traveled on bereavement fares twice when she lost her father and her grandfather. Alaska Airlines had come to her family’s aide and she had no problem obtaining the bereavement fares. She had to show the funeral notice and obituary when obtaining her fares. Her concern was that if the Assembly required posting of the bereavement policy, it would increase the costs for the airlines. The airlines would have to invest more time to insure that the people obtaining bereavement fares were not fraudulent cases. She was concerned that there could be increased costs for the airlines, which could deter them from offering the bereavement fare in Alaska.

Question was called on the motion to adopt AO 2002-56(S) and it passed.

AYES: Von Gemmingen, Taylor, Van Etten, Traini, Fairclough, Kendall, Tesche, Shamborg, Tremaine, Clementson.
NAYES: None.
(Clerk’s note: Mr. Sullivan was excused from the meeting.)

Ms. Clementson moved, for immediate reconsideration of AO 2002-56(S).
seconded by Mr. Tesche,

Ms. Clementson urged a no vote.

Question was called on the motion for immediate reconsideration of AO 2002-56(S) and it failed.

AYES: None.
NAYES: Von Gemmingen, Taylor, Van Etten, Traini, Fairclough, Tesche, Shamborg, Tremaine, Clementson.
(Clerk’s Note: Mr. Sullivan was excused from the meeting.)
(Clerk’s Note: Mr. Kendall was out of the room at the time of the vote.)

- 13B. Ordinance No. AO 2001-101, an ordinance of the Anchorage Assembly amending Anchorage Municipal Code Chapter 21.20 establishing a procedure and standards for creation, elimination, and alteration of zoning **overlay districts** and amending Anchorage Municipal Code Section 21.35.020 establishing a definition of overlay district, Assemblymember Tesche.
 1. Assembly Memorandum No. AM 439-2001.
 2. Ordinance No. AO 2001-101(S), an ordinance of the Anchorage Assembly amending Anchorage Municipal Code Chapter 21.20 establishing a procedure and standards for creation, elimination, and alteration of zoning overlay districts and amending Anchorage Municipal Code Section 21.35.020 establishing a definition of overlay district, Assemblymember Tesche.
 3. Information Memorandum No. AIM 109-2001, Planning and Zoning Commission recommendation for an ordinance amending Anchorage Municipal Code Chapter 21.30 allowing for procedures in creating zoning overlay districts, and adding a new definition to Anchorage Municipal Code Section 21.35.020, establishing a definition for the overlay district, Planning Department.

(CONTINUED FROM 8-28-01, 9-25-01, 10-23-01, 12-18-01, AND 1-8-02; CARRIED OVER FROM 2-26-02, 3-5-02, AND 3-19-02)

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

DON ALSPACH spoke in favor of AO 2001-101(S). The Assembly had the power to create overlay zones, which they had done in the past with the flood plan regulations and the airport height zone. He felt this ordinance would set some ground rules so everyone would know what to expect and how the process worked. Currently there were no procedures for doing an overlay zone other than passing an ordinance. The ordinance would put together standards to allow for public hearings at the Planning Commission and the Assembly before any action was taken. An overlay zone was different than SL's. Special limitations are a kind of zoning that makes the existing zoning more restrictive. An overlay zone would allow you to adjust the rules in both directions. In a commercial zone you are required to provide all your parking on the property, but an overlay zone would allow you to have 25 percent of the parking onsite and 75 percent in a common area. In the Comprehensive Plan, the Planning Department proposed transit corridors. An incentive for residential development along the transit corridors would be to reduce the number of parking spaces per unit assuming that some of the residents would be using the bus system, which you could not do under the current zoning or an SL. A temporary overlay zone could be established over an area to prevent an action to occur until something else happened, such as a reduction in density before issuing a liquor license. He referenced line 42 of AO 2001-101(S). The Planning Commission struck the word permit and he was concerned whether or not that would prohibit adding uses to zones or doing things that would lessen the restrictions. The definition proposed on page 4 talked about things going in both directions.

In response to Mr. Tesche, Mr. Alspach said he did some of the drafting work on AO 2001-101(S). Overlay zones were called for in the Comprehensive Plan as a tool for implementation. Overlay zones were not haphazard or unusual in American planning practices and were used across the country as legitimate zoning tools. He felt the Law Department should be asked if striking the word "permit" on line 42 would prohibit the Assembly from adding uses or lessening restrictions to an area.

ANSLEY PHILLIPS felt an overlay district was a good idea in theory, but she had reservations about how the ordinance would work. She was bothered by the following portion of the ordinance: The overlay district may be used to impose supplemental restrictions on uses of these districts, permit uses otherwise disallowed or implement some form of site or architectural design program. She understood this to mean that a contractor or developer could go into an overlay district, make a proposal of his site plan, be approved and then decide it could not work as approved and change it without having to go through another hearing or recommendations from Planning and Zoning or the Assembly. She felt there needed to be more restrictive controls put into the ordinance, because she felt this was giving a license to steal. The Comprehensive 2020 Plan was to direct the future of Anchorage in a cohesive and functional manner utilizing the remaining land to its highest and best use for all concerned and not just the contractor or developer. She suggested tighter controls to the ordinance such as unanimous consent of the Assembly or a spot check.

In response to Mr. Tesche, Ms. Phillips said she understood that any overlay zoning could not be approved unless it was in the form of an ordinance that went to the Planning and Zoning Commission and the Assembly. She noted that the overlay zoning only provided a one-time site approval. As the project developed, the developer could choose to change the design without getting approval from the Planning and Zoning Commission or the Assembly. She was not against the ordinance, but she felt the restrictions needed to be tightened.

In response to Mr. Van Etten, Ms. Phillips said she was concerned about and referring to the S version, page 4, line 21 and page 3, line 25 and 30. The ordinance had no provisions to give the control back to the Municipality. Title 21 was not observed at Muldoon and 6th Avenue and they ended up with a vacant store for two years that did not have the green space that was spelled out in Title 21. Somehow the property was built and was now abandoned. She felt the overlay district lent itself to that type of development. She felt the ordinance needed some added controls to make it a little more rigid.

In response to Mr. Tremaine, Mr. Craig Campbell, Director of the Office of Planning, Development and Public Works, said there was nothing in the ordinance that allowed a developer to change the overlay zoning without going back before the Assembly. The changes would have to be reviewed by the Planning Commission and the Assembly as an amendment to the overlay zone.

Ms. Phillips said she understood it was the intent of the ordinance to tighten the controls, but she did not see the supporting language in the ordinance itself.

Mr. Tremaine noted that the ordinance stated that an overlay district had to be approved by the Assembly. There was no modification for amendment without Assembly approval.

In response to Mr. Kendall, Ms. Phillips felt overlay districts would be necessary to implement the town centers. Muldoon was trying to create a new and different future. They wanted to have control over that, but there were a lot of mixed uses. According to the 2020 Comprehensive Plan, the area was slated to have the highest density growth in the future second only to Eagle River. She felt it was their responsibility to look at the intent of the 2020 Comprehensive Plan. She noted that some developers had learned how to work around the letter of the law. She did not have any suggestions for improving the ordinance, but felt it needed to be reviewed.

In response to Mr. Tesche, Ms. Rhonda Fehlen of the Legal Department said if an overlay zone were adopted by ordinance of the Assembly after the Planning and Zoning Commission made its recommendation, changes to the overlay zone would have to be made through an ordinance amending the earlier enactment of the Assembly.

In response to Mr. Tesche, Mr. Campbell concurred that changes to an overlay zone would have to be through an ordinance amending the earlier enactment of the Assembly.

Mr. Tesche said a developer could not change the project and violate the letter of the law as stated in the overlay zone unless, and until, the developer went through the entire process of a zoning ordinance change.

In response to Mr. Tesche, Ms. Phillips said she understood that was the intent of the ordinance, but the supporting language was not included in the ordinance and felt the clarifying language needed to be added.

Mr. Campbell said the Administration’s support of the overlay district was as a zoning district, which was the same as a residential or business district. It would be implemented the same way other districts in the City’s zoning laws were implemented. A person could not go from an R-3 to an R-4 just because they determined economically they could not build that many houses on the lot. The person would have to go back and apply for a rezone. The same applied to the overlay zones.

Mr. Van Etten referenced page 4, lines 23 and 24. Developments within an overlay district must conform to the requirements of the overlay district and the underlying district as set forth in the enacting ordinance.

Ms. Clementson referenced page 1, line 32. An overlay district remains effective until repealed or remanded. She suggested adding a clarifying phrase after that sentence that said via a public hearing process.

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

Mr. Tesche moved, to adopt AO 2001-101(S).
seconded by Mr. Tremaine,

Mr. Tesche acknowledged and thanked Don Alspach, who completed a distinguished career of service to the Municipality in the Planning Department. In his retirement, he helped a number of the neighbors to come forward with the original version of this ordinance in consultation and cooperation with the Municipal Administration. The ordinance had come before the Assembly eight times with extensive materials and background information on overlay districts. Overlay districts were tools used throughout the United States to insure that traditional zoning was flexible enough to meet new challenges and planning issues. The Comprehensive Plan called for adoption of an ordinance that has this type of tool available. He urged the Assembly to pass AO 2001-101(S).

Ms. Von Gemmingen said she had been collecting information on overlay districts. She referenced page 3, item J, line 25, action by Assembly which said the Assembly may approve an overlay district zoning map and amendment only if the overlay area was within the boundaries of a discrete area plan adopted by the Municipality, including, but not limited to, FAR part 77 Coastal Zone Management, district and town center plans and approval was by an affirmative vote of eight Assemblymembers. She questioned if the amendment was valid and where it came from.

In response to Mr. Tesche, Mr. Alspach said this issue had been discussed at the Assembly work session. He did not think anyone had an objection to tying the overlay zone to a specific plan. He noted that overlay zones could only be proposed by the Assembly, the Planning Commission or the Administration. Overlay zones could not be proposed by the public sector.

Mr. Tremaine moved, to amend AO 2001-101(S), page 1, line 32, to read: “An overlay
seconded by Mr. Tesche, district remains in effect until repealed or amended by the Assembly.”

Ms. Clementson offered a friendly amendment to read: “An overlay district remains effective until repealed or amended following a public hearing by the Planning and Zoning Commission and the Assembly.”

Mr. Tremaine rejected Ms. Clementson’s friendly amendment. Mr. Tremaine suggested the following language: “An overlay district remains effective until repealed or amended by ordinance adopted in the same manner as the original ordinance.”

Mr. Tremaine, Mr. Tesche and Ms. Clementson accepted Mr. Tremaine’s friendly amendment.

Question was called on this friendly amendment to AO 2001-101(S) and it passed without objection.

Mr. Tremaine moved, to amend AO 2001-101(S) to “remove the extra C at the
seconded by Mr. Tesche, end of line 1,” page 2.
and it passed without objection.

Mr. Tremaine moved, to amend AO 2001-101(S), page 3, section J, line 28, and #2 to read:
seconded by Mr. Tesche, “With modifications made by the Assembly, or as recommended by the
and it passed without Planning and Zoning Commission.”
objection.

Mr. Tremaine moved, to amend AO 2001-101(S), page 3, line 3, #B, to change the
seconded by Ms. Clementson, last word on line 3 to “or.”
and it passed without objection.

Mr. Tremaine moved, to amend AO 2001-101(S), page 1, line 29, to “remove the period
seconded by Mr. Tesche, at the end of the sentence” and add “such as town centers and transit
and it passed without corridors.”
objection.

Ms. Clementson moved, to amend AO 2001-101(S), page 3, section J, line 26, to add the
seconded by Mr. Tesche, following after the word amendment: “only if the overlay area is
and it passed without within the boundaries of a distinct area plan adopted by the
objection. Municipality, including, but not limited to, FAR part 77, Coast Zone
Management, district and town center plans.”

In response to Mr. Van Etten, Mr. Campbell said the Administration liked Ms. Clementson’s amendment. They did not want to use the overlay zone to undercut the existing zoning process. Rezoning existing zones was preferred. The overlay zone

and the plan could be one in the same. The overlay zone would work for developing the plan with the recommendation and implementation, but they felt it would take that step as opposed to using the overlay zone for micromanagement of changing existing zoning within smaller areas.

In response to Ms. Von Gemmingen, Mr. Campbell said FAR was a federal air regulation and part 77 dealt with height restrictions in protected air space around airports.

Ms. Von Gemmingen suggested rewording the amendment to read: “only if the overlay area is within the boundaries of a district area plan adopted by the Municipality, including, but not limited to, district and town center plans, Coastal Zone Management, and FAR part 77.”

Ms. Clementson accepted Ms. Von Gemmingen’s rewording of the amendment.

Question was called on Ms. Von Gemmingen’s amendment to AO 2001-101(S) and it passed without objection.

Ms. Clementson moved, to amend AO 2001-101(S) to read: “and approval is by an affirmative vote of eight Assemblymembers.”

The motion died, because there was no second.

Ms. Clementson moved, seconded by Ms. Von Gemmingen, and it passed without objection. to amend AO 2001-101(S) to read: “The amendment may be 1) approved as submitted, 2) approved with modifications, 3) disapproved or 4) remanded to the Planning and Zoning Commission with instructions for reconsideration.”

In response to Mr. Kendall, Mr. Tesche concurred that the fourth paragraph on page 3 did not make sense and appeared to be missing some words. He asked the Assembly to move on with the discussion while he reviewed the language.

Mr. Kendall moved, seconded by Mr. Tesche, and it passed without objection. to amend AO 2001-101(S) to reinsert the word “permit” to page 1, line 42.

Mr. Kendall moved, seconded by Mr. Tesche, and it passed without objection. to amend AO 2001-101(S), page 4, line 23, to read: “Developments within an overlay district must conform to the requirements of the underlying district as modified by the overlay district as set forth in the enacting ordinance.”

Mr. Tesche moved, seconded by Mr. Tremaine, to amend AO 2001-101(S) to read: “If the Planning Commission recommends the Assembly disapprove an overlay map amendment, the action is final for overlay districts initiated by the Planning and Zoning Commission. The Department of Planning shall forward to the Assembly an overlay district initiated by the Assembly with the recommendations from the Planning Commission. An overlay district initiated by the Administration may be forwarded to the Assembly with recommendations from the Planning and Zoning Commission.”

Mr. Tremaine noted this dealt with three things that could happen if the Planning and Zoning Commission recommended that the Assembly disapprove an overlay district. He offered a friendly amendment to break each sentence down and number as A, B and C.

Mr. Tesche accepted Mr. Tremaine’s friendly amendment.

Mr. Tesche moved, seconded by Mr. Kendall, and it passed without objection. to amend AO 2001-101(S) to substitute paragraph 4, line 15, page 3, with the following: “If the Planning and Zoning Commission recommends that the Assembly disapprove an overlay district zoning map amendment that was: a) proposed by the Commission, that action is final; b) proposed by the Assembly, that action is forwarded to the Assembly with the recommendation of the Planning and Zoning Commission; or c) proposed by the Administration, that action may be forwarded to the Assembly with the recommendation of the Commission.

Question was called on the main motion to adopt AO 2001-101(S) as amended and it passed.

AYES: Von Gemmingen, Taylor, Van Etten, Traini, Fairclough, Kendall, Tesche, Shamberg, Clementson.

NAYES: None.

(Clerk’s note: Mr. Sullivan was excused from the meeting.)

(Clerk’s note: Mr. Tremaine was out of the room at the time of the vote.)

- 13C. Ordinance No. AO 2002-38, an ordinance of the Anchorage Municipal Assembly continuing or reestablishing the **Regulated Vehicle Safety Advisory Committee** pursuant to Anchorage Municipal Code Section 4.05.150, Legal Department.
 - 1. Assembly Memorandum No. AM 233-2002.
 - 2. Information Memorandum No. AIM 26-2002.
 (CARRIED OVER FROM 3-19-02)

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

Mr. Van Etten moved, to adopt AO 2002-38.
seconded by Mr. Kendall,

In response to Ms. Fairclough, Transportation Inspector Tom Wilson said the recommendation of the Commission was to reduce the committee size to nine seats. They were currently working on a comprehensive cleanup of Title 11. They had not addressed the issue, but it was planned for the future. They hoped to continue the Regulated Vehicle Safety Advisory Committee at its current level until the ordinance could be revised.

Ms. Fairclough noted that the actual board and commission were asking for the reduction. It had been her experience with boards that they sometimes had problems with attendance and acquiring a quorum.

In response to Ms. Fairclough, Mr. Wilson said attendance had been a problem. They had problems marshalling a quorum for the committee, which was why the commission recommended a reduction in the number of board seats. They would like to see the committee continue as an ad hoc committee that meets "on-call" rather than requiring meetings on a quarterly basis.

In response to Ms. Fairclough, Mayor Wuerch said the Administration could bring forward the recommendation of nine board members in the next 60 to 90 days. They needed to establish the continuance of the Regulated Vehicle Safety Advisory Committee, which the ordinance addressed.

In response to Ms. Von Gemmingen, Mr. Wilson said the Regulated Vehicle Safety Advisory Committee was a 15-member board, 14 of which were required to be from the industry. Currently the board was structured with a mix of personnel from dispatch, vehicle owners and permit owners, which was a good cross section of the industry. The 15th member was the chairman, who was one of the commissioners. There were no members from the general public on the board. The board was put together following the comprehensive Assembly review after the murders of three cab drivers in 1997 and specifically dealt with safety issues within the industry. They were currently doing a comprehensive review of the board to cleanup some of the discrepancies that crept in over the years to insure consistency.

Question was called on the main motion to adopt AO 2002-38 and it passed.

AYES: Von Gemmingen, Taylor, Van Etten, Traini, Fairclough, Kendall, Tesche, Shamberg.

NAYES: None.

(Clerk's note: Mr. Sullivan was excused from the meeting.)

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

- 13D. Ordinance No. AO 2002-37, an ordinance amending Anchorage Municipal Code Subsection 4.60.180.A. to **change the number of Animal Control Advisory Board members from 9 to 7**, Health and Human Services.
1. Assembly Memorandum No. AM 201-2002.
(CARRIED OVER FROM 3-19-02)

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

CHRIS LONAGO objected to reducing the number of members on the Animal Control Advisory Board. She felt the people currently on the board only represented the dog owners of Anchorage. The cat, reptile and bird owners were not being represented fairly. She felt the board should not be decreased. She would like to see the board increased, because there were 350,000 people who live in Anchorage with half of the families having cats and dogs.

SUE WORTH said she was a volunteer with the Animal Rescue Group and a pet owner. She had both dogs and cats and has had horses and other animals at times. She disagreed with the Animal Control Advisory Board's statement that they only needed seven members to adequately run the ward. Since Animal Control covers issues in Title 17 for dogs, cats, rabbits, ferrets and horses, all the groups should be more equally represented on the board. The present board was heavily biased in favor of dogs. Many of the other species and their respective issues were often masked with the focus being primarily on dogs. She felt the board should expand or make some changes during the next appointments so that the other animals were represented on the board. It would behoove the Advisory Board to send out letters to all the animal groups in Anchorage to let them know that there was actually a board and seats were available on the board. She worked with a big rescue group, but she had never heard of the Animal Control Advisory Board. Had she heard of the board, she would have been interested in being a member to represent the other animal groups. She felt new points of view and new blood on the board would be a benefit. She noted that the board consisted of volunteers and it would not cost additional money to maintain nine members. She would like to see the board members increased. She did not feel the board would have a problem meeting their quorum if the people on the board really wanted to be there to represent their species of animals. The board is important to our community and should include more diverse community members.

In response to Ms. Shamberg, Ms. Worth felt the problem with achieving the quorum was that many people did not even know that the board existed. She would have applied to be on the board if she knew it existed and she heard several other people say the same thing.

CAROL JENSEN referenced an e-mail that she received. She felt several problems existed with the board and the ordinance. The board was made up primarily of dog breeders or dog organization representatives and/or people with single-minded dog issues. They have very specific agendas and many of them have shown they are not open to the views of anybody outside of their group. Two of the members do not even participate in the meetings. Terms of some of the members violate Charter Title 4, which clearly states that boards and commissions would have three or four year terms. The attitude of some of the current board members breed conflict, divisiveness, and hard feelings with the public. One example of this is the way they are pushing so hard for cat licensing and they would not consider the views of some people, forcing them to come directly to the Assembly. There is not a shortage of qualified, committed people to serve on this board. She knew of people who had

submitted their applications and resumes, but had been turned down. These people were not members of specific dog groups or with specific agendas, which appeared to be an unwritten criterion to be on the board. If the ordinance was passed, the board could conceivably keep the same seven board members until 2005 and beyond. Allowing this board to keep its status quo would close it off to broader, diverse representation and result in a narrow minded and tunnel vision board. If the board is having problems getting a quorum at their meetings or retaining members, the solution is not to reduce the size of the board by two and the quorum requirement by one. The solution is to get people who are interested and committed enough to come to the meetings and actively participate. She urged the Assembly to reject the ordinance, which is a blatant attempt to close off and insulate this very important board from much needed membership and public participation. The desire should be for this board to be more active, broad based and open minded, which can only be done by allowing new members onto the board.

MARY BRITTON heard from all of the Title 17 issues that cats were 50 percent of the problem in Anchorage, yet they do not have 50 percent representation on the board. The cat owners and rescuers were very committed. They did not participate on this board, because it appeared you had to be a professional breeder or musher to be appointed. She was concerned that reducing the members on the board would reduce the opportunity for diversity and the input of ideas. The board was very dog oriented and continues to treat cat issues as dog issues. They have fundamentally different causes and solutions. Raising license fees, fines or identification tags would worsen the situation for cats for two reasons. People are more willing to take free kittens than pay all the fees involved with adopting a cat. Two percent of the population contributes to the majority of Animal Control problems. The two percent consists of low-income people who do not participate in spay/neuter clinics, licensing or educational groups for fear of not complying and being caught. They do not want to be exposed to the expense of license requirements and fines, because they cannot afford them. The way to improve the pet owner responsibilities would be to pro rate these fees for low income people, which would allow them to go in and redeem their pets. She felt the board needed representation on the board that had perspectives other than raising the fees, licensing and killing the cats in 24 hours.

LAURA BAIN said she became aware of this board due to her involvement with the Title 17 issues. She believed that a person should serve on a board if they were really interested in it. She applied for a position on the board. She felt she was a very good candidate for the board. She was a business and organizational consultant. She had a mediation practice and worked in conflict resolution. She felt the ordinance was brought forward to eliminate two positions, because they did not believe there were candidates to fill the positions. She knew of others who were also interested in serving on the board. Increased membership on the board meant more input on the issues. She did not feel the positions should be eliminated if there were candidates, because we look for participation in all levels of government.

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

Mr. Kendall moved, to adopt AO 2002-37
 seconded by Mr. Tremaine,

In response to Mr. Tesche, Mayor Wuerch said there were applicants available for the positions. He noted that the commission asked for this action and they felt obligated to represent the commission. He noted that the appointments to the board were not made based on any particular animal affiliation.

Mr. Tremaine felt there were appropriate times to reduce boards, but they needed a good reason. He felt the membership of the board should not be altered and should seek diversity. Pets were a very sensitive subject and he felt having a larger board to make decisions would be more beneficial. He would be voting against AO 2002-37.

Ms. Shamberg noted that any board member who felt they needed a break could step off the board and allow their position to be filled by somebody else. She did not see any reason to reduce the size of the board.

Ms. Fairclough said she tried to attend several of the Animal Control Board meetings, but they were not in session because they could not get a quorum.

Ms. Fairclough moved, to postpone AO 2002-37 until 7:30 p.m. on April 16, 2002, to allow
 seconded by Mr. Kendall, testimony from the members of the Animal Control Board.
 and it passed without
 objection.

- 13E. Ordinance No. AO 2002-55, an ordinance amending Anchorage Municipal Code Section 27.20.110 to **sunset the Girdwood Public Safety Board** at the end of its current member's terms and reestablishing the Girdwood Board of Supervisors as the elected Board of Supervisors for all Girdwood Valley Service Area services, Legal Department.
 - 1. Assembly Memorandum No. AM 237-2002.
 (CARRIED OVER FROM 3-19-02)

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

Mr. Kendall moved, to adopt AO 2002-55.
 seconded by Mr. Tremaine,

Mr. Tremaine said the municipal attorney was recommending this action and it was supported by the Girdwood Board of Supervisors and the community of Girdwood. He recommended a yes vote. He noted this action needed to be taken before certifying the election.

Question was called on the motion to adopt AO 2002-55 and it passed.

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

NAYES: None.

(Clerk’s note: Mr. Sullivan was excused from the meeting.)

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

- 13F. Ordinance No. AO 2002-34, an ordinance authorizing an equal value land exchange between Heritage Land Bank (HLB) and the State of Alaska, Department of Environmental Conservation (DEC) of 3.995 acres within HLB Parcel 3-032 and 6.00 acres of DEC land, both located in Section 34, Township 13 North, Range 3 West, to the immediate south and west of the intersection of Tudor Road and Boniface Parkway in Anchorage, to facilitate **DEC construction of a seafood and food safety laboratory**, Heritage Land Bank.
 - 1. Assembly Memorandum No. AM 188-2002.
 - 2. Information Memorandum No. AIM 32-2002.

(CARRIED OVER FROM 3-19-02)

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

Mr. Tremaine moved, to postpone action on AO 2002-34 until April 23, 2002.
 seconded by Ms. Shamberg,
 and it passed without
 objection.

- 13G. Ordinance No. AO 2002-8, an ordinance amending the zoning map and providing for the rezoning of approximately 0.13 acres from R-3 (Multi Family Residential District) to I-1 (Light Industrial District) for **Third Addition Subdivision, Block 23B, Lot 5A**, generally located on the northeast corner of 15th Avenue and Orca Street (Fairview Community Council) (Planning and Zoning Commission Case 2001-152) Planning Department.
 - 1. Assembly Memorandum No. AM 56-2002.
 - 2. Information Memorandum No. AIM 27-2002, AO 2002-8; Municipal Airports Aviation Advisory Commission Resolution recommending a rezoning from R-3 to I-1 for Third Addition, Block 23, Lot 5A, Merrill Field Airport.

(CARRIED OVER FROM 2-26-02, 3-5-02, AND 3-19-02)

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

DAN LAUREN said he lived in Fairview and was on the Fairview Community Council Executive Board. The neighborhood was concerned about the landscaping. They were currently in the process of revitalizing their urban area. They had concerns that the security needs of the airport may be in conflict with the neighborhood trying to revitalize the area to eliminate urban blight. The landscaping was at the conceptual stage at the Merrill Field Master Plan. If the landscaping continued to beautify the 15th Avenue corridor, the neighborhood would support it. If the landscaping included rolled barbed wire fences surrounding the residential neighborhood, it would be very upsetting to the efforts of the neighborhood. There was an advisory committee formed to help the neighborhood with the design and implementation of the recently completed 15th Avenue Safety Improvement Plan. He wondered if that committee could work with the Merrill Field management team to address the landscaping that would be developed on the southern side of the petitioned area. He felt that would be a way for the neighborhood to continue its involvement in the beautification of the 15th Avenue corridor.

In response to Mr. Tesche, Mr. Lauren said the 15th Avenue Committee was still in existence, but with the completion of the 15th Avenue Safety Improvement Project the committee was inactive. In February the Fairview Community Council passed a resolution concerning the visual buffers.

Mr. Tesche read a floor amendment on AO 2002-8: A visual buffer shall be constructed by the petitioner along East 15th Avenue and Orca Street that consists of landscaping or other natural materials to be maintained by the petitioner. Barbed wire or chain link fencing shall not be permitted to satisfy this requirement.

In response to Mr. Tesche, Mr. Lauren said the proposed floor amendment would be consistent with the Community Council’s wishes with one question. Would the landscaping be of such nature that it would buffer the chain link fencing that goes along the perimeter or would it restrict the fencing along the perimeter of the airport where it intersects with Orca Street and 15th Avenue?

Mr. Tesche said the principal requirement was that there was a visual buffer that consisted of landscaping or other natural materials and barbed wiring and chain link fencing could not be used. In the event that they needed to add chain link fencing for security purposes, then there would have to be a buffer.

In response to Ms. Shamberg, Mr. Tesche said the intent of the proposed floor amendment was that the visual buffer would obscure the fencing.

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

Mr. Tesche moved, to adopt AO 2002-8.
 seconded by Ms. Taylor,

Mr. Tesche moved, amend AO 2002-8 to add section 3 to read: “This ordinance is subject
 Seconded by Mr. Tremaine, to the following special limitation: 1) a visual buffer shall be
 constructed by the petitioner along East 15th Avenue and Orca Street
 that consists of landscaping or other natural materials to be maintained

by the petitioner and sufficient to obscure perimeter fencing. Barbed wire or chain link fencing shall not be permitted to satisfy this requirement.”

Mayor Wuerch said AO 2002-8 was simply asking for a rezone. He referenced exhibit A, which was the map that showed where the parcel was located. This was the last parcel of a multi-year effort to acquire a buffer zone on the east side of Orca Street separating the industrial development of the airport from the residential area. To characterize this as a residential piece was a carryover from an earlier time. Many years ago the Assembly opted for the development of the east side of the north south runway where the parcels had been acquired by the airport. This is a very difficult time for our nation. The Federal Aviation Administration is examining security requirements at every airfield. Merrill Field is a very important part of our homeland security readiness and we are anticipating some special requirements from FAA as far as security. Security fencing is a very critical part of the requirements. They agreed that buffers should be added to make this as attractive as possible. The management of the airport had been meeting with the community council to discuss the issue. The community council should ask for a meeting schedule of the Airport Advisory Commission to discuss the issue. He felt imposing AO 2002-8 was untimely. He encouraged the Assembly to approve the rezone and allow the parties to work out an agreeable solution to the issue.

Ms. Shamberg questioned the wording “or other natural materials” in the amendment. There are many things that were natural materials that would be unsightly such as rocks, fallen logs or piles of sand.

Mr. Tesche accepted Ms. Shamberg’s friendly amendment to delete the words “or other natural materials.”

In response to Ms. Von Gemmingen, Mr. Tesche said there would still be a barbed wire or chain link fence, but it would be partially obscured by landscaping.

Mr. Tesche said there was nothing in the amendment that would prohibit the airport from securing the area with the appropriate perimeter fencing, including barbed wire or chain link. He did not see a homeland security issue with the amendment. The parcel was on the 15th Avenue gateway to Fairview, which was an emerging Anchorage neighborhood. He felt the ordinance made sense in terms of protecting and enhancing the neighborhood at 15th Avenue. He was encouraged that the Mayor, the Merrill Field organization and the Airport Advisory Commission were willing to meet with the neighborhood to work out the specific details and to insure that it was compatible with airport operations and neighborhood needs. He recommended approval of the amendment.

Mr. Tremaine noted this was the entry into the Fairview neighborhood and was visually a very important corner. He had no doubt that the airport would do good buffering anyway, but the amendment showed the Assembly’s intent and means of showing good faith.

Mr. Campbell stressed the importance of the FAA rules on security. Merrill Field has become a commercial airport, which put them in a different category for security requirements. At most commercial airports you have to have a fence like a chain link or barbed wire fence with clearance distances to prevent people from jumping over the fence. We need to insure that whatever comes forward complies with the FAA criteria for security. He requested an amendment to the resolution so it was by law from the City that it would comply with FAA ruling, including possible review by the FAA. He did not feel they should allow themselves to be talked into doing something that was aesthetically pleasing to the neighborhood only to find out that they violated the FAA rules.

Mr. Tesche added a friendly amendment to his motion to accommodate Mr. Campbell. At the beginning of the amendment, he added the following: “unless otherwise specifically prohibited by the federal law.”

In response to Mayor Wuerch, Mr. Tesche said the word “law” included the Code of Federal Regulations.

Mr. Tesche amended his friendly amendment to read: “Unless otherwise specifically prohibited by the federal law or regulation.”

Question was called on Mr. Tesche’s friendly amendment to AO 2002-8 and it passed without objection.

Ms. Von Gemmingen moved, to amend AO 2002-8 to change the order of section 2 and section 3.
seconded by Mr. Tesche,
and it passed without
objection.

Question was called on the main motion to adopt AO 2002-8 as amended and it passed.

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

NAYES: None.

(Clerk’s note: Mr. Sullivan was excused from the meeting.)

The Assembly then considered item **10F1** at the request of the Administration.

- 10F1. Ordinance No. AO 2002-65, an ordinance **setting the rate of tax levy and levying taxes** for the Municipality of Anchorage Areawide General Purposes including municipal schools and all service areas of the Municipality for the Municipal Tax Year 2002, approving the total amount of municipal tax for Fiscal Year 2002 and amending the total amount of municipal tax for Fiscal Year 2001, Office of Management and Budget. P.H. 4-23-02.
 - a. Assembly Memorandum No. AM 341–2002.

Ms. Taylor moved, to reconsider AO 2002-65.
seconded by Mr. Kendall,
and it passed without
objection.

Office of Planning, Development and Public Works Director Craig Campbell read the proposed new title for AO 2002-65. “An ordinance setting the rate of tax levy and levying taxes for the Municipality of Anchorage Areawide General Purposes including municipal schools and all service areas of the Municipality for the Municipality Tax Year 2002, approving the total amount of municipal tax for Fiscal Year 2002 and amending the total amount of municipal tax for Fiscal Year 2001”, Office of Management and Budget. P.H. 4-23-02.

Mr. Kendall moved, to change the title of AO 2002-65 as read by Mr. Campbell.
seconded by Ms. Taylor,
and it passed without
objection.

The Assembly then returned to consider item **13H**.

- 13H. Ordinance No. AO 2002-32, an ordinance amending the zoning map and providing for the rezoning of approximately 9.37 acres from B-3 (General Business District with Special Limitations) to I-1SL (Light Industrial District with Special Limitations) for **Campbell Creek Industrial Park, Tract A-1 and Tract B-2**; generally located between the Old and New Seward Highways, south of Tudor Road and between East 48th Avenue (Extended) and East 50th Avenue (Extended) (Campbell Park Community Council) (Planning and Zoning Commission Case 2001-088), Planning Department.
1. Assembly Memorandum No. AM 135-2002.
 2. Assembly Memorandum No. AM 314-2002, AO 2002-32; Planning and Zoning Commission recommendation on a rezoning from B-3 to I-1 SL for Campbell Creek Industrial Park, Tract A-1 and Tract B-2, Planning Department.
- (CARRIED OVER FROM 3-19-02)

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

BOB BEZEK said he represented his firm, as well as himself individually. His firm is an architectural firm and they own three and a half acres on Campbell Creek south of the subject property. They opposed the rezoning. In the early 1970's when there was a Greater Anchorage Area Borough and the City of Anchorage, he worked with a number of people including Ron Chrenshaw, Pete Martin, Lanie Fleischer and others to identify the drainage systems in Anchorage as a special environmental area and to preserve those. To this date, we have no special zoning for our creek systems. Campbell Creek is probably the finest creek drainage system we have in the City of Anchorage. It offers an opportunity for a quality of life that you would not find in other areas of the City. He spoke to the small segment of Campbell Creek just east of the New Seward Highway and west of the Old Seward Highway. Campbell Creek is very natural in that zone. It is undeveloped for a community as populated as Anchorage. There are immense opportunities along Campbell Creek. He described the area that Campbell Creek ran through. He industrial would be an inappropriate zoning. He challenged the City to go to a special use zone for the creek systems and establish a vision for those.

In response to Mr. Van Etten, Mr. Bezek said the Campbell Creek trail was funded in last April's bond issue. The current trail piece came from C Street to International Airport Road, past the Arctic Roadrunner. The piece that was funded last April takes it up to the highway.

In response to Ms. Von Gemmingen, Mr. Bezek showed the owner's access to his property on the map.

JIM LASHOCKWALL stated that streams have great value to the City. The streams add value and charm to adjacent restaurants. They add value, interest and tranquility to our residential areas. They really make our parks, greenbelts and trail systems. We have laws to protect and enhance the streams, but we do not have a comprehensive protection for the streams. If the ordinance was passed, he suggested adding the following items. Add the following as section F to paragraph two: Drainage from parking and other areas be routed to groundwater systems through natural or artificial wetlands and/or grassy swells. Distance any construction from the stream that will allow adjacent buffers and setbacks as required by the Anchorage Wetland Management Plan of 1996 as amended. Distance construction from the stream to be out of the 100-year flood plane as determined by the U.S. Army Corps of Engineers. He described their vision. The Seward Highway would cross the creek with a bridge that would take both the trail and the stream, which would allow the stream not to be channeled under the bridge. This would be a fantastic amenity for our park system.

JIM STANLEY said he represented the applicant for the zoning change. Present with Mr. Stanley was Joe Stimson. This matter started in August of 2001. They appeared before the Planning and Zoning Commission for a full hearing that had substantial testimony. After the lengthy testimony and consideration by the Planning and Zoning Commission, it was approved 7 to 0. He felt industrial zoning was a trigger word that caused visions of something really bad and damaging. He explained why they were going for the I-1 limitation zoning. To the west of the property was Corporate Express. Once the landowners considered development of the area to the east, which is the subject matter, they found that due to changes in the B-3 zoning ordinance the land could not be developed in a manner similar to Corporate Express and that is what triggered the I-1 application with special limitations. The special limitations are designed to make the use of that property B-3. The Planning department said the parcel did not lend itself to a residential property, which was why they recommended approval with limitations, which the petitioner accepts 100 percent. They were not developing any of the area south of Campbell Creek. It is an attractive part of the Municipality and they liked having it next door. It was currently protected by a no-build setback easement of 300 feet by 15 feet adjacent to the property. They felt the proposed rezone was reasonable and was not destructive to the greenbelt.

In response to Mr. Van Etten, Mr. Stanley said the property did not lend itself to residential development. It was surrounded by B-3 and I-1 properties. There was some apartment activity to the north, which was insulated by a 30-foot undisturbed buffer and an existing 10-foot utility easement. There was no activity on the property that faced the residential area to the

north. The property would not be suitable for a residential area, because it was not the desire of the property owners and it was not required in B-3 zoning. There was a no-build setback easement on the southern part of the greenbelt. East 50th Avenue was not fully constructed, but it was adjacent to the property and there would be public access to the greenbelt area at all times.

In response to Mr. Tremaine, Mr. Stanley said they were trying to build an office warehouse on the property.

In response to Mr. Tremaine, Mr. Craig Campbell, Director of the Office of Planning, Development and Public Works, said the present interpretation of the B-3 code was that warehousing was not an allowed use in a B-3 zoning district. When the office property was developed to the west 15 years ago, it was allowed, but it was questionable if it was appropriately allowed. The current property owner has owned the parcel of land for approximately one year and the interpretation of the B-3 code had not changed in that time.

In response to Ms. Von Gemmingen, Mr. Stanley said Corporate Express was approximately 70 percent warehouse and 30 percent office space. The proposed warehouse would be similar to Corporate Express. It would be entirely enclosed and would store office products.

TONI JONES, Chairman of the Planning and Zoning Commission, said the Commission presented the Assembly with a letter that expanded on the recommendation contained in the packet.

DWAYNE ADAMS, Vice-Chairman of the Planning and Zoning Commission, said the Commission was very concerned about one of the findings of the legal staff, which was the suggestion of a pedestrian connection from the housing to the north to the greenbelt could be considered a taking. They felt there were tremendous impacts that this would generate both in Planning and Zoning Commission cases and Planning cases. There was no doubt that with 235 multiple-family housing units to the north and a tremendous asset greenbelt facility to the south that there was a need to connect to that. There was a developing trail and an enhanced fishery that would only continue to increase in popularity and we need to recognize that. It was not on the trails plan and did not merit consideration as a trail that was suitable for dedication. He felt it was important to understand that the Anchorage Trails Plan was a component of the Anchorage Comprehensive Plan and as such the policies within it had as much bearing in fact and law as the Anchorage Comprehensive Plan. The Planning and Zoning Commission and the Assembly had the right to impose conditions of approval. Specifically there are policy statements within the plan. Number 7 states that the Municipality of Anchorage shall actively pursue the dedication of rights-of-way and easements to facilitate access to and continuity within the system of trails, parks, greenbelts and open space. Number 8 states in the subdivision process the Municipality shall require provision for trails and walkways, including direct access to adjoining trails when those trails are part of this plan and are not located in a dedicated easement or right-of-way. Further recommendations are contained in chapter 6, areawide trail issues. The plan states sidewalks shall be constructed as part of any building permits, approval or process for any construction in commercial areas. We are fundamentally talking about a commercial activity with associated warehouse space. He felt the Anchorage Trails Plans provides in its policy statements a requirement that when lands be used and developed that it recognizes these connections as part of an integral trail system. As part of these special conditions that are imposed on any zoning action or planning action that there is the ability to require that those be developed as part of that plan.

In response to Mr. Tremaine, Ms. Jones said the request before the Planning and Zoning Commission was to either vote the petition up or down. They did not have the option to choose another zoning designation. Their action was to rezone it to I-1 with the special limitations that were reflected in the version of the ordinance that was approved by the Planning Commission with one of those special limitations being the issue with regard to access to the greenbelt.

Mr. Tremaine noted that the intent of the Comprehensive Plan was to promote high-density residential development and limit industrial development to the areas designated on the map, which this did not do. This would expand industrial areas in an area that was not slated for expansion of industrial uses. It expanded industrial uses next to a greenbelt, which was highly desirable for residential use. B-3 can be used in residential uses over commercial dwellings. He felt this was a great location to put houses as well as accommodating commercial uses. He questioned why they went to an I-1 zone.

In response to Mr. Tremaine, Mr. Adams said it was not brought to the Planning and Zoning Commission as anything other than an I-1. Title 21 required them to consider it in light of the ability to provide for the use if it could be made compatible with adjoining land uses. They felt the provided special limitations met Title 21. The staff felt it was probably lost to R-3 and they would not see R-3 development. It was inappropriate and contrary to the use of B-3, because it was not near a major traffic route. The determination of the Commission was the property could be made compatible with adjoining land uses as proposed.

In response to Mr. Tremaine, Mr. Adams said it was a fundamental principal of the Comprehensive Plan to keep industrial lands in areas that were designated as industrial. He felt there was a difference in I-1 as an industrial classification and the land uses permitted within that and the definition of industrial in land use in general. This is a commercial use that allows warehousing to be associated with it in order to facilitate the commercial enterprise. This is not an I-1, as is classically identified as an industrial land use in Title 21, thus the special provisions that restricted the types of use and provided for the special limitations that made it compatible with the neighborhood.

In response to Mr. Kendall, Mr. Adams pointed out where the actual creek was on the map.

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

Mr. Van Etten moved, to postpone AO 2002-32 indefinitely.
seconded by Mr. Tremaine,

Mr. Tremaine moved, to substitute the motion to postpone AO 2002-32 indefinitely, to
seconded by Ms. Von Gemmingen adopt AO 2002-32 and recommend a no vote.

Mr. Tremaine noted that if AO 2002-32 was postponed indefinitely, it could come back before the Assembly. If it was approved and voted down, it could not come back before the Assembly for a year.

Mr. Van Etten withdrew his motion.

Mr. Tremaine felt this was a great location to build houses. Building within a B-3 setting would provide double use of the property. He felt there was no reason for this property to be industrial and the Comprehensive Plan dictated that it not be industrial. He felt it was a bad choice to rezone the property.

Mr. Kendall spoke in favor of AO 2002-32. There was a question whether or not the lines given on the Comprehensive Plan were absolute or general guidelines. The general consensus over the years was that it was not a literal interpretation of lines. The industrial type properties in the area go quite a ways south. Some of it has been developed commercially; some as industrial and some have been left in the old houses that had been there for years. A lot of the land west along International Airport Road has been zoned industrial. This location is at the transition between B-3, industrial and the R-3 that was developed along the New Seward Highway. The question was whether or not we should allow an I-1 zone to be placed in this location. He felt they should, because there was I-1 to the northwest and B-3 to the west. The Planning and Zoning Commission looked at this very carefully and made a specific recommendation. There was no easy access for customers of a B-3 zone to get to this location. There was not direct access from the New Seward Highway or the frontage road. This was not identified in the Comprehensive Plan as one of the high-density routes that we wanted to promote for additional bus service and transportation corridors to encourage a greater density. This is an area that the Comprehensive Plan called for industrial uses around this area and to the south. He felt AO 2002-32 should be approved.

Chairman Traini reviewed the location of the property on the map. He would vote against AO 2002-32, because he felt the creek was too precious to the neighborhood and the citizens to open this area up to industrial uses.

Question was called on the motion to adopt AO 2002-32 and it failed.

AYES: Kendall.

NAYES: Von Gemmingen, Taylor, Van Etten, Traini, Tesche, Shamberg, Tremaine, Clementson.

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

(Clerk's note: Mr. Sullivan was excused from the meeting.)

- 13I. Ordinance No. AO 2002-35, an ordinance amending the zoning map and providing for the rezoning of approximately 3.69 acres from B-3SL (General Business District with Special Limitations) to R-4SL (Multiple-Family District with Special Limitations) for **Town Square Subdivision, Lot 5**; generally located at the southeast corner of DeBarr and Lake Otis Parkway (Airport Heights Community Council) (Planning and Zoning Commission Case 2001-151), Planning Department.
1. Assembly Memorandum No. AM 189-2002.
(CARRIED OVER FROM 3-19-02)

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

TIM POTTER, DOWL Engineers, represented the petitioner and landowner. He spoke in favor of AO 2002-35. This property was originally zoned residential. A couple of decades ago it was rezoned to B-3 with special limitations for a commercial, low intensity type of use. There was a prohibited use of the B-3SL property that said no residential. The property has developed and things have changed. This is on the transit corridor. They have gone through a lengthy review with the Planning and Zoning Commission and the Community Council. They were requesting a rezone from B-3SL to R-4. They have incorporated several special limitations at the request and direction of the Community Council. The height limitation not only addresses the actual height of the structure, but also creates a ceiling over the top of the property. There are vehicular limitations and walkway pedestrian circulation connections are incorporated. This has been approved by the Community Council and the Planning and Zoning Commission. They felt it met the intent of the Comprehensive Plan. Mr. Van Etten would forward an amendment that would ask for a modification that would allow hotels as a permitted or conditional use. They felt this use was appropriate given its proximity to Alaska Regional Hospital and the Charter Hospital for visiting nurses, doctors and family members that have friends, family or relatives at one of those facilities. He asked the Assembly to approve AO 2002-35.

In response to Mr. Tesche, Mr. Potter said they had incorporated all of the special limitations recommended by the Community Council in the draft ordinance. There was no prohibition against single family or duplex condominiums, however there has been a document recorded against the title of the property, of which the Municipality was a beneficiary, which would require adequate reserves for at least 25 years to cover paint, the exterior finishing, the roofs, driveway and street maintenance for a condominium development.

In response to Ms. Clementson, Mr. Potter said the access to the property would be by Charter Circle. There was no direct vehicular access to Lake Otis and/or DeBarr except at Charter Circle, which was a public road entrance that also served Charter Hospital and the remainder of the lots. They expected 200 to 400 vehicles per day. There was a minimum density requirement imposed by the Planning and Zoning Commission of a minimum of eight dwelling units per acre.

In response to Mr. Kendall, Mr. Potter reviewed the special limitations. There was a 28-foot height limitation. There were many restricted uses, including residential use.

BARBARA KARL, Airport Heights Community Council, commended the owner and his representative for their cooperation with the Community Council. They all worked very hard to come up with something that was acceptable to the council area, the residents on 16th Avenue and the overall neighborhood. The kind of development that the Community Council wanted was development that was compatible with single family residential and Eastridge. She believed all the concerns had been resolved. She felt allowing hotel accommodations to support the hospitals in the neighborhood was an excellent idea. She asked the Assembly to approve AO 2002-35.

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

Mr. Van Etten moved, to adopt AO 2002-35.
seconded by Mr. Tesche,

Mr. Van Etten moved, to amend the conditional uses of AO 2002-35, page 2, item E,
seconded by Mr. Tesche, to add 4: "Hotel."

Mr. Van Etten noted that hotels were typically a permitted use in this type of zoning. He placed hotel under a conditional use versus a permitted use to assure the Community Council the opportunity to review the plans before it moved forward.

Question was called on Mr. Van Etten's amendment to AO 2002-35 and it passed without objection.

Mr. Van Etten said there had been numerous site condo developments around town that had not come before the Assembly because they did not require a rezone. The developer, his representative and Mr. Van Etten met with other experts and came up with a compromise they felt would work, which was the deed restriction. The basic intent of the deed restriction was to require that any multi-family housing that was developed had adequate homeowner's association reserves to cover the usual items that were covered in condominium dues.

In response to Ms. Clementson, Mr. Campbell said the traffic engineer looked at the road access with respect to the hotel provision. The access into the property was very problematic with respect to the right turn in and right turn out, but the traffic patterns would have to accommodate the configuration of the property. Traffic did not raise a major concern with respect to the rezoning versus the present B-3 district and its uses. They had no objection to the hotel provision as a conditional use, because they felt it would actually have less traffic.

In response to Ms. Clementson, Mr. Potter said it was at least several hundred feet from the intersection of Lake Otis and DeBarr to the intersection of Charter Circle and DeBarr. There was a 16 to 20 foot topographic differential between this property and 16th Avenue. It was a former gravel extraction site so there was no practical access to 16th Avenue from the lower level. On Lake Otis there was a medium that went almost all the way up to 16th Avenue that would prevent a full turning movement. Any traffic onto Lake Otis would be a right in, right out only. The issue of the traffic circulation and access did not change whether it was zoned residential or commercial. There were multiple uses within the B-3SL that could generate more traffic at a more difficult peaking time than a residential development.

Ms. Clementson moved, to amend AO 2002-35, page 1, line 26. After 16th Avenue add:
seconded by Mr. Van Etten, "DeBarr Road or Lake Otis Parkway." After tract five add: "not to preclude emergency access."

In response to Chairman Traini, Mr. Potter felt the amendment was limiting.

In response to Ms. Clementson, Mr. Potter said they envision the primary access coming off of Charter Circle. There had been discussions over the last 20 years of projects. A person could turn right on Lake Otis, get into the left hand turning lane and go west bound down 15th Avenue.

Ms. Clementson noted that Lake Otis and DeBarr were both major arterials. She was concerned about access to the property. She noted that the intersection had been altered last year, because it was so dangerous and there were so many accidents.

Mr. Potter said access to Lake Otis should be a special limitation to be reviewed and approved by the Municipal traffic engineer.

Ms. Von Gemmingen concurred with Mr. Potter. She felt the traffic engineers and the people who had the appropriate training should make the access determinations.

Chairman Traini said he drove that route every day. In the wintertime you brake at 16th Avenue and slide down to DeBarr along Lake Otis. He felt anyone who thought they could get out on Lake Otis between 16th Avenue and DeBarr was crazy. He felt it was a life safety issue.

Mr. Campbell noted that the Assembly needed to keep in mind that vehicular access could be ingress or egress. It may be possible to turn right into the property from Lake Otis as an egress only. He felt the access should be approved by a traffic engineer, subject to a specific plan.

Mr. Potter said there was an underlying plat note on the existing subdivision that prohibited access from the property to Lake Otis Parkway unless approved by the municipal traffic engineer.

Ms. Clementson said Lake Otis Parkway had two right hand turn lanes at that point. If somebody was going to come out of the property and make a right hand turn with the intent of making another right hand turn, they might as well go out onto Charter Circle and make their right hand turn onto DeBarr. If they were going to make a left hand turn, they had to cross the two right hand turn lanes to get over to the left hand turn lane. She did not feel this was a safe situation that should not be encouraged. The traffic engineer who reviewed this was the same traffic engineer who would be retiring in three weeks and he did not have a vested interest. She reiterated that this was a dangerous situation and encouraged the Assembly to support the amendment.

Mr. Van Etten said he was just reminded by Barbara Karl of the Community Council that it was their understanding that there would be no access onto Lake Otis Parkway.

Mr. Kendall said he would not support AO 2002-35. He noted that there was a general shortage of B-3 property throughout the Municipality. He felt a hotel would be a good use in support of the hospital, but he did not believe general residential was an appropriate use for the property.

Question was called on Ms. Clementson's amendment to AO 2002-35 and it passed.

AYES: Taylor, Van Etten, Traini, Tesche, Shamberg, Tremaine, Clementson.

NAYES: Von Gemmingen, Kendall.

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

(Clerk's Note: Mr. Sullivan was excused from the meeting.)

Mr. Van Etten felt there were a number of compelling arguments that were supportive of rezoning this property to residential. It was a transit-supported corridor and eight dwelling units per acre was the minimum level of development that was encouraged for a transit-supported corridor. The Community Council and the petitioner agreed upon a height limitation of only 28 feet. The potential buyer indicated that he would be willing to work with that height limitation. He felt residential was compatible with the surrounding neighborhood. Mr. Van Etten urged the Assembly to support AO 2002-35.

In response to Ms. Von Gemmingen, Chairman Traini said this property was within walking distance of the Providence Hospital and Alaska Regional Hospital. There was a sidewalk with a crossing light nearby.

Ms. Von Gemmingen said she would support AO 2002-35.

In response to Mr. Tremaine, Mr. Van Etten said B-3 properties were not in short supply within Anchorage.

Mr. Tremaine felt dwelling units near a hospital were a good thing. With residential to the south, PLI to the west and RO to the north, he would vote in favor of AO 2002-35.

Mr. Kendall noted that comments had been made that this was a dangerous area for traffic, yet it was along the traffic corridor. He had concerns about putting high-density residential dwellings on the property. He felt serving the hospital would be a better use. He felt the property was more appropriate as B-3.

Mr. Campbell noted there was a family neighborhood immediately to the south and southeast. The membership of the Community Council was largely made up of people who lived in those single-family houses. The fact that the Community Council had thought this through thoroughly and worked with the developer to come up with realistic limitations was encouraging.

Question was called on the motion to adopt AO 2002-35 as amended and it passed.

AYES: Von Gemmingen, Taylor, Van Etten, Traini, Tesche, Shamberg, Tremaine, Clementson.

NAYES: Kendall.

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

(Clerk's Note: Mr. Sullivan was excused from the meeting.)

- 13J. Ordinance No. AO 2002-36, an ordinance of the Anchorage Municipal Assembly granting **final approval of a conditional use for a business Planned Unit Development (PUD) Master Site Plan** in accordance with AO 2001-24(S), The Alaskan Village Subdivision, Block 1, Lots 32 thru 45 and Block 2, Lots 20 thru 47 and a portion of the NE 1/4, NW 1/4 of Section 24, T13N, R3W, S.M., AK, Assemblymembers Clementson and Taylor. **(TO BE SUBMITTED)**
1. Information Memorandum No. AIM 33-2002.
(CARRIED OVER FROM 3-19-02)

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

TIM POTTER said AO 2002-36 was inappropriately before the Assembly as an ordinance and would be reintroduced as a resolution in mid May. After a year, they were continuing to meet with the Community Council and they had a good ongoing dialogue. Everyone involved realized how complex the concept of a town center was. There would be a work session with the Assembly prior to the next public hearing on the resolution. He believed that the Municipality was currently looking at and evaluating Lake Otis Parkway from Northern Lights Boulevard to 15th Avenue or DeBarr and the road could be redesigned and reconstructed in the future.

ANSLEY PHILLIPS said she was representing the Northeast Community Council. For the last year the Community Council has worked very closely with the developer to design this exciting prospect of a town center. The council withdrew their support for the town center because of some concerns that arose from the March 22 meeting where they felt the plans were getting farther away from the vision than they were comfortable with. They have discussed this again with the developer and they have agreed to meet with the Community Council on April 15 to discuss traffic, parking, greenbelts, and the overall road design and safety issues. The Community Council recognizes that they have been given an opportunity to develop the lifestyle of the future of a town center. If Muldoon's town center were not successful, neither would the others be. We will make mistakes, but if we keep the vision in mind and pay attention to the details that the council is concerned with that give the quality of life versus additional economic profit then the project will be successful for all involved. Those details are a vital necessity. The Municipality has hired Lentz Coal out of Portland to help develop the other town centers at Northway and Abbott. In talking to them, they agree that as Muldoon goes so does the future of the other town centers. She felt they needed to be more concerned with the details than the overall politics.

In response to Mr. Kendall, Ms. Phillips said they felt that Muldoon and Eagle River have been the unwanted child of Anchorage and had denigrated to where it needed revitalization. They would like to have cohesive, economic, viable area that would attract people from other parts of town. They would like it to be a residential center that would attract teachers and health personnel, because they were in the core area where the majority of those jobs were. They would also like to develop extensive recreational areas. They were concerned with the residential housing for seniors, the infirmed and the disabled. Traffic was also a concern, because that was the main road that led out to Eagle River and Wasilla. They envisioned it being a mall with the Heritage Center at one end, the Botanical Gardens at the other end and the Muldoon town center in the middle.

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

Ms. Clementson said she would reintroduce this as a resolution for May 14, 2002 with a work session on the town center and Alaska Village to show how they go together.

Ms. Clementson moved, to postpone AO 2002-36 indefinitely.
seconded by Mr. Tremaine,
and it passed without
objection.

14. NEW PUBLIC HEARINGS:

14A. Resolution No. AR 2002-78, a resolution of the Municipality of Anchorage appropriating \$190,000 of unappropriated Cash Pool Interest revenues earned on the Chugiak, Birchwood, Eagle River Rural Road Service Area (CBERRRSA) Mill Levy Fund (419) to the CBERRRSA Capital Improvement Program Mill Levy Fund (419) for **budget year 2002 road and drainage capital improvement projects**, Street Maintenance.

1. Assembly Memorandum No. AM 242-2002.

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

Mr. Kendall moved, to approve AR 2002-78.
seconded by Mr. Van Etten,

Question was called on the motion to approve AR 2002-78 and it passed.

AYES: Von Gemmingen, Taylor, Van Etten, Traini, Kendall, Tesche, Shamberg, Tremaine, Clementson.

NAYES: None.

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

(Clerk's Note: Mr. Sullivan was excused from the meeting.)

14B. Resolution No. AR 2002-82, a resolution of the Municipality of Anchorage appropriating \$2,772,352 from the Equipment Maintenance Internal Service Operating Fund (601), to the Equipment Maintenance Internal Service Capital Fund (606) for the purpose of purchasing **vehicles and equipment**, Property and Facility Management.

1. Assembly Memorandum No. AM 272-2002.

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

Mr. Kendall moved, to approve AR 2002-82.
seconded by Ms. Von Gemmingen,

Question was called on the motion to approve AR 2002-82 and it passed.

AYES: Von Gemmingen, Taylor, Traini, Kendall, Tesche, Shamberg, Tremaine.

NAYES: Clementson.

(Clerk's Note: Ms. Fairclough and Mr. Van Etten were out of the room at the time of the vote.)

(Clerk's Note: Mr. Sullivan was excused from the meeting.)

14C. Resolution No. AR 2002-83, a resolution of the Anchorage Municipal Assembly appropriating the sum of \$250,000 from **seized and forfeited monies** awarded from criminal narcotics cases by the U.S. Drug Enforcement Agency, to the Police Investigation Fund (257) for use by the Anchorage Police Department.

1. Assembly Memorandum No. AM 273-2002.

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

Ms. Von Gemmingen moved, to approve AR 2002-83.
seconded by Ms. Shamberg,

Question was called on the motion to approve AR 2002-83 and it passed.

AYES: Von Gemmingen, Taylor, Van Etten, Traini, Kendall, Tesche, Shamberg, Tremaine, Clementson.

NAYES: None.

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

(Clerk's Note: Mr. Sullivan was excused from the meeting.)

14D. Resolution No. AR 2002-84, a resolution of the Municipality of Anchorage appropriating the sum of \$144,180 from the State of Alaska, Department of Transportation & Public Facilities, Division of Statewide Planning Highway Safety Office and \$16,020 as a contribution from the 2002 Anchorage Police Operating Budget, Anchorage Metropolitan Police Service Area Fund (151) to the State Categorical Grants Fund (231) for the **DUI .08 Under 21 Enforcement Program**, Anchorage Police Department.

1. Assembly Memorandum No. AM 274-2002.

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

Mr. Kendall moved, to approve AR 2002-84.
seconded by Ms. Von Gemmingen,

Question was called on the motion to approve AR 2002-84 and it passed.

AYES: Von Gemmingen, Taylor, Van Etten, Traini, Kendall, Tesche, Shamberg, Tremaine, Clementson.

NAYES: None.

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

(Clerk's Note: Mr. Sullivan was excused from the meeting.)

Ms. Von Gemmingen moved, to extend public hearings until 11:00 p.m.
seconded by Ms. Clementson,
and it passed without
objection.

- 14E. Resolution No. AR 2002-89, a resolution confirming and levying assessments for the sewer special improvements within **Levy-Upon-Connection (LUC) Roll 02-S-1**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 303-2002.

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

Ms. Fairclough moved, to approve AR 2002-89.
seconded by Mr. Tremaine,

Question was called on the motion to approve AR 2002-89 and it passed.

AYES: Von Gemmingen, Taylor, Van Etten, Traini, Kendall, Tesche, Shamberg, Tremaine, Clementson.

NAYES: None.

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

(Clerk's Note: Mr. Sullivan was excused from the meeting.)

- 14F. Resolution No. AR 2002-90, a resolution confirming and levying assessments for the sewer special improvements within **Levy-Upon-Connection (LUC) Roll 02-S-2**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 306-2002.

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

Ms. Clementson moved, to approve AR 2002-90.
seconded by Ms. Shamberg,

Ms. Clementson moved, to substitute the new map provided by Municipal Clerk Greg Moyer.
seconded by Mr. Tesche,
and it passed without
objection.

Mr. Tremaine moved, to amend AR 2002-90 to add "4-9-2002" to line 21.
seconded by Mr. Kendall,
and it passed without
objection.

Question was called on the motion to approve AR 2002-90 as amended and it passed.

AYES: Von Gemmingen, Taylor, Van Etten, Traini, Kendall, Tesche, Shamberg, Tremaine, Clementson.

NAYES: None.

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

(Clerk's Note: Mr. Sullivan was excused from the meeting.)

- 14G. Ordinance No. AO 2002-39, an ordinance of the Anchorage Municipal Assembly continuing or reestablishing the **Public Safety Advisory Commission** pursuant to Anchorage Municipal Code Section 4.05.150, Legal Department.
1. Assembly Memorandum No. AM 234-2002.
 2. Information Memorandum No. AIM 34-2002.

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

Mr. Van Etten moved, to adopt AO 2002-39.
seconded by Ms. Von Gemmingen,

Question was called on the motion to adopt AO 2002-39 and it passed.

AYES: Von Gemmingen, Taylor, Van Etten, Traini, Kendall, Tesche, Shamberg, Tremaine, Clementson.

NAYES: None.

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

(Clerk’s Note: Mr. Sullivan was excused from the meeting.)

- 14H. **Ordinance No. AO 2002-57**, an ordinance authorizing the conveyance of interest described as the **North Ten Feet (N 10’) of the East Thirty Feet (E 30’) of Lot 1, Block 1, Raspberry Subdivision** to Chugach Electric Association, Inc., Tax #014-082-27, Project Management and Engineering.
 - 1. Assembly Memorandum No. AM 243-2002.

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

Mr. Tesche moved, to adopt AO 2002-57.
seconded by Ms. Fairclough,

Question was called on the motion to adopt AO 2002-57 and it passed.

AYES: Von Gemmingen, Taylor, Van Etten, Traini, Kendall, Tesche, Shamberg, Tremaine, Clementson.

NAYES: None.

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

(Clerk’s Note: Mr. Sullivan was excused from the meeting.)

- 14I. **Ordinance No. AO 2002-61**, an ordinance indefinitely reauthorizing AO No. 2001-58 regarding **telephonic participation and voting of Assembly members** under Anchorage Municipal Code Subsection 2.30.070.H. and providing amendments thereto, Assembly Chair Traini.

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

Mr. Kendall moved, to adopt AO 2002-61.
seconded by Mr. Tremaine,

Ms. Von Gemmingen felt they needed to revisit AO 2002-61. The Assembly did not have a copy of the original ordinance in front of them, but it does limit the reasons that they could call in. One of those had to do with out of town on Assembly business, which has been erroneously used in at least two telephone calls where people called in and were allowed to vote when they were not on Assembly business. She felt they either needed to change the law to comply with what they were doing or change what they were doing to comply with the law.

Ms. Von Gemmingen moved, to postpone action on AO 2002-61 to April 16, 2002.
seconded by Ms. Clementson,
and it passed without objection.

- 14J. **Resolution No. AR 2002-70**, a resolution of the Anchorage Municipal Assembly **making a site in the vicinity of Ruth Arcand Park available to the Simonian Little League** in 2004, Assemblymembers Shamberg, Von Gemmingen, Fairclough, Taylor, Clementson, and Van Etten.

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

Ms. Fairclough moved, to continue public hearing on AR 2002-70 until April 16, 2002.
seconded by Ms. Shamberg,
and it passed without objection.

15. **BOARD OF ADJUSTMENT/ASSEMBLY APPEALS:** None.

16. **SPECIAL ORDERS:**

- A. The public hearing on the following ordinance was rescheduled from April 16, 2002 to May 21, 2002:
 - 1. **Ordinance No. AO 2002-31**, an ordinance **repealing and reenacting Title 23 of the Anchorage Municipal Code** to adopt the 2000 editions of the following codes and enacting local amendments thereto: Administrative, Building, Mechanical, Plumbing, Fire, Existing Buildings, Residential, Building Construction Contractor Requirements, Fire Protection Service Outside Service Areas, Energy Conservation, School Relocatables, Safety Code for Elevators and Escalators, Electrical Code, Mobile Aircraft Shelters, Grading, and Fuel Gas Code, Department of Development Services.

Ms. Clementson noted that next week they would have the revisions of Title 23, the mechanical code, which was extremely controversial. They either needed to have a work session or postpone it.

Ms. Clementson moved, to postpone action on the revision of Title 23 until May 21, 2002.
seconded by Mr. Van Etten,
and it passed without objection.

17. **UNFINISHED AGENDA:** None.

18. AUDIENCE PARTICIPATION: None.

19. ASSEMBLY COMMENTS:

Ms. Von Gemmingen asked the staff to look into the issue of telephone participation before the next Assembly meeting.

In response to Mr. Tremaine, Chairman Traini said he would hire outside legal counsel at 4:00 p.m. tomorrow to obtain a legal opinion on the issue of Mr. Whittle’s candidacy. He had been unable to attain a legal opinion from the Legal Department.

Mr. Tesche said it was his understanding that the Legal Department had promised a legal opinion several times. They were out of time and needed the legal opinion now. He recommended hiring private counsel first thing in the morning.

Moved by Mr. Tesche, to hire private counsel.
Seconded by Ms. Taylor,
and it passed without objection.

20. EXECUTIVE SESSIONS: None.

21. ADJOURNMENT:

Ms. Clementson moved, to adjourn the meeting.
seconded by Mr. Tesche,
and it passed without objection.

Chairman Traini adjourned the meeting at 10:54 p.m.

Chairman

ATTEST:

Municipal Clerk

Date Minutes Approved: _____, 2002

GM:cmw