

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of October 22, 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: Allan Tesche, Brian Whittle, Melinda Taylor (delayed), Anna Fairclough, Dick Traini, Fay Von Gemmingen, Doug Van Etten, Dan Kendall, Janice Shamberg, Dan Sullivan.
Absent: Dick Tremaine (excused).

3. PLEDGE OF ALLEGIANCE:

The pledge was led by Mr. Whittle.

4. MINUTES OF PREVIOUS MEETING:

A. Regular Meeting - September 24, 2002

Mr. Tesche moved, to approve the minutes of the Regular meeting of
seconded by Ms. Fairclough, September 24, 2002.
and it passed without objection,

5. MAYOR'S REPORT:

Mayor Wuerch shared with the Assembly that the Emergency Management Institute staff from FEMA conducted training in Anchorage called "Integrated Emergency Management" course and the focus was on earthquakes. Mayor Wuerch noted Assemblyman Dan Kendall's participation in the program.

In response to Mr. Tesche's request for an (S) version of the 2003 General Government Budget, Mayor Wuerch responded he felt it would be a disserve to the public, who are waiting to testify, to provide the (S) version to the Assembly first. Further, the Administration needed the public input.

6. ASSEMBLY CHAIR'S REPORT: None.

Chairman Traini noted the arrival of Assemblymember Ms. Taylor.

7. COMMITTEE REPORTS:

The Board of Equalization subcommittee is planning a work session on 10-25-02 with the Assembly.

8. ADDENDUM TO AGENDA:

Ms. Fairclough moved, to amend the agenda to include the addendum items.
seconded by Ms. Von Gemmingen,

Chairman Traini read the addendum items.

Mayor Wuerch introduced two un-numbered ordinances.

Ordinance No. AO 2002-, an ordinance amending Anchorage Municipal Code Title 5, and Anchorage Municipal Code of Regulations, Title 5, governing the **Anchorage Equal Rights Commission** to correct errors in citations and grammar; to move certain definitions from the Regulations to the Code; to reorganize the duties of the Standing Committee on the Promotion of Tolerance and Diversity; and to make other substantive and technical changes, Anchorage Equal Rights Commission. **(LAID ON THE TABLE)**

Ordinance No. AO 2002-, an ordinance amending Anchorage Municipal Code Title 5 to add a new Chapter providing for **fair housing practices and enforcement**, Anchorage Equal Rights Commission. **(LAID ON THE TABLE)**

(Clerk's note: See items 9F9 and 9F10.)

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. Van Etten,

A. RESOLUTIONS FOR ACTION – PROCLAMATIONS AND RECOGNITIONS:

1. Resolution No. AR 2002-335, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Patrol Officer Terry L. Simpson** for her 26 years of service with the Anchorage Police Department, Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen, and Whittle.
2. Resolution No. AR 2002-343, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Jerry Sparkman for his 30 years of service** with the Municipality of Anchorage, Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen, and Whittle. **(addendum)**

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

B. RESOLUTIONS FOR ACTION – OTHER:

1. Resolution No. AR 2002-333, a resolution of the Municipality of Anchorage appropriating \$25,000 from the Lakehill Limited Road Service Area (LRSA) Fund Balance (Fund 123) to the Lakehill LRSA BY02 Operating Budget (Fund 123) for BY02 **winter road maintenance**, Maintenance and Operations.
 - a. Assembly Memorandum No. AM 913-2002.
2. Resolution No. AR 2002-334, a resolution of the Municipality of Anchorage appropriating \$11,000 from the Rabbit Creek Limited Road Service Area (LRSA) Fund Balance (Fund 145) to the Rabbit Creek LRSA BY02 Operating Budget (Fund 145) for BY02 **winter road maintenance**, Maintenance and Operations.
 - a. Assembly Memorandum No. AM 914-2002.
3. Resolution No. AR 2002-342, a resolution of the Municipality of Anchorage in support of **requiring that Alaska history be taught to high school students**, Mayor Wuerch, Kendall, Von Gemmingen, Sullivan, Fairclough, Van Etten, Shamberg, Tremaine, Tesche, Taylor, Whittle, and Traini. **(addendum)**

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

C. BID AWARDS:

1. Assembly Memorandum No. AM 901-2002, recommendation of award to Life Fitness for the purchase, delivery, installation and re-arrangement of **fitness equipment** for the Municipality of Anchorage, Anchorage Fire Department (ITB 22-B059) (\$113,714), Purchasing.
2. Assembly Memorandum No. AM 902-2002, recommendation of award to Ace Building Maintenance, Inc. for furnishing **custodial services** to the Municipality of Anchorage, Facility & Fleet Management (ITB 22-B056) (\$101,400), Purchasing.
3. Assembly Memorandum No. AM 903-2002, recommendation of award to WESCO Distribution, Inc. for furnishing **electrical 35Kv #1/0 cable** to the Municipality of Anchorage, Municipal Light & Power (ITB 22-B057) (\$155,790), Purchasing.

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 907-2002, change order No. 4 to GLS, LLC contract (P.O. No. 211633) increasing the contract by \$35,000 for a contract amount not to exceed \$120,400 for the Lakehill Limited Road Service Area (LRSA), Maintenance and Operations Department for BY 02 **winter road maintenance**.
2. Assembly Memorandum No. AM 908-2002, recommendation of award to HDR Alaska, Inc. for professional architectural and engineering services for **Ship Creek Point Road and Bridge Improvements** for the Municipality of Anchorage, Project Management and Engineering Department (PM&E) (RFP 22-P016) (\$358,177), Purchasing.
3. Assembly Memorandum No. AM 909-2002, change order No. 1 to purchase order 212863 with D.B. Hartt, Inc. to provide assistance to develop a **comprehensive sign code** for the Planning Department, Municipality of Anchorage (\$17,000), Purchasing.

Mr. Van Etten requested this item be considered on the Regular Agenda. See item 10D.

4. Assembly Memorandum No. AM 917-2002, recommendation of award to Alaska Military Youth Academy to provide **Workforce Investment Act/Out-of-School Youth Programs** for the Municipality of Anchorage, Department of Community Planning and Development (RFP 22-P036) (\$400,000), Purchasing. **(addendum)**
5. Assembly Memorandum No. AM 918-2002, recommendation of award to Nine Star Enterprises and McLaughlin School to provide **Workforce Investment Act/In School Youth Programs** for the Municipality of Anchorage, Department of Community Planning and Development (RFP 22-P035) (\$358,346), Purchasing. **(addendum)**
6. Assembly Memorandum No. AM 912-2002, **Sicily's Pizza** (#4245) – New Restaurant Designation/Restaurant Eating Place Liquor License (Taku/Campbell Community Council), Clerk's Office. **(addendum)**

Chairman Traini requested this item be considered on the Regular Agenda. See item 10D.

E. INFORMATION AND REPORTS:

1. Appeal S-10482, **Fassler Subdivision** has been set for hearing before the Board of Adjustment on November 19, 2002, Municipal Clerk.

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2002-159, an ordinance amending the zoning map and providing for the rezoning of **Lot 1A, Deal Subdivision**, from R-5 (Rural Residential) to I-1 SL (Light Industrial with Special Exceptions), generally located at the Old Glenn Highway and Jewel Street, 17933 Old Glenn Highway, Chugiak (Chugiak Community Council) (Planning and Zoning Commission Case 2002-128), Planning Department. public hearing 12-10-02.
 - a. Assembly Memorandum No. AM 895-2002.
2. Ordinance No. AO 2002-160, an ordinance amending the zoning map and providing for the rezoning of approximately 632 acres from PLI-p (Public Lands and Institutions District-Park) and R-10 (Residential Alpine/Slope District) to PLI-p (Public Lands and Institutions District-Park) for all of **Section 36, Township 12 North, Range 3 West, Seward Meridian, A.K.**, minus that portion zoned "AF" per AO 92-122 (consisting of approximately 8+/- acres); generally located in the Upper Hillside Area on either side of Clarks Road and east of Rabbit Creek Road (Bear Valley & Rabbit Creek Community Councils) (Planning and Zoning Commission Case 2002-127), Planning Department. public hearing 12-10-02.
 - a. Assembly Memorandum No. AM 896-2002.
3. Resolution No. AR 2002-340, a resolution of the Municipality of Anchorage appropriating \$1,278,400 from the Alaska Department of Health and Social Services and \$327,000 from the Areawide General Fund (101) 2002 Municipal Operating Budget, Department of Health and Human Services to the State Categorical Grants Fund (231), Department of Health and Human Services to fund the **Human Services Community Matching Grants**, Health and Human Services. public hearing 10-29-02.
 - a. Assembly Memorandum No. AM 910-2002.
4. Resolution No. AR 2002-341, a resolution of the Municipality of Anchorage appropriating \$960,814 as a grant to the State Categorical Grants Fund (231), Department of Health and Human Services, from the Alaska Department of Health and Social Services to fund **Community Health Nursing Services**, Health and Human Services. public hearing 10-29-02.
 - a. Assembly Memorandum No. AM 911-2002.
5. Resolution No. AR 2002-345, a resolution adopting the **2003-2008 Housing and Community Development Consolidated Plan** of the Municipality of Anchorage, which constitutes the application to the U.S. Department of Housing and Urban Development for the Community Development Block Grant, the HOME Investment Partnership grant and the Emergency Shelter Grant, Planning Department. public hearing 10-29-02.
 - a. Assembly Memorandum No. AM 915-2002.

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

6. Resolution No. AR 2002-346, a resolution adopting the **2003 Action Plan** of the Municipality of Anchorage, which constitutes the application to the U.S. Department of Housing and Urban Development for the Community Development Block Grant, the HOME Investment Partnership grant and the Emergency Shelter Grant, Planning Department. public hearing 10-29-02.
 - a. Assembly Memorandum No. AM 916-2002.

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

7. Resolution No. AR 2002-347, a resolution of the Municipality of Anchorage appropriating \$100,000 from the Heritage Land Bank Fund (221) to the Heritage Land Bank Capital Improvement Fund (421) for approved **HLB Capital Improvement Program projects**, Heritage Land Bank. public hearing 10-29-02. (**addendum**)
 - a. Assembly Memorandum No. AM 905-2002.
8. Resolution No. AR 2002-348, a resolution of the Municipality of Anchorage to **purchase Lot 28, located within Section 9, T12N, R3W, S.M.**, 4.25-acre parcel bounded by East 80th, Laverne Place and Winchester Street in South Anchorage, Cultural and Recreational Services. public hearing 10-29-02. (**addendum**)
 - a. Assembly Memorandum No. AM 904-2002.
9. Ordinance No. AO 2002-163, an ordinance amending Anchorage Municipal Code Title 5, and Anchorage Municipal Code of Regulations, Title 5, governing the **Anchorage Equal Rights Commission** to correct errors in citations and grammar; to move certain definitions from the Regulations to the Code; to reorganize the duties of the Standing Committee on the Promotion of Tolerance and Diversity; and to make other substantive and technical changes, Anchorage Equal Rights Commission. public hearing 11-19-02.

Mr. Sullivan, Mr. Kendall and Chairman Traini joined in introducing AO 2002-163. The public hearing was scheduled for November 19, 2002.

10. Ordinance No. AO 2002-164, an ordinance amending Anchorage Municipal Code Title 5 to add a new Chapter providing for **fair housing practices and enforcement**, Anchorage Equal Rights Commission. public hearing 11-19-02.

Mr. Sullivan, Mr. Kendall and Chairman Traini joined in introducing AO 2002-164. The public hearing was scheduled for November 19, 2002.

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

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

NAYES: None.

10. REGULAR AGENDA:

A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS:

- 10A1. Resolution No. AR 2002-343, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Jerry Sparkman for his 30 years of service** with the Municipality of Anchorage, Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen, and Whittle. **(addendum)**

Mr. Van Etten moved, to approve AR 2002-343.
seconded by Ms. Fairclough,
and it passed without objection,

Ms. Fairclough presented the framed resolution to Mr. Sparkman while Mr. Van Etten read the resolution.

B. RESOLUTIONS FOR ACTION – OTHER:

- 10B1. Resolution No. AR 2002-342, a resolution of the Municipality of Anchorage in support of **requiring that Alaska history be taught to high school students**, Mayor Wuerch, Kendall, Von Gemmingen, Sullivan, Fairclough, Van Etten, Shamberg, Tremaine, Tesche, Taylor, Whittle, and Traini. **(addendum)**

Ms. Taylor moved, to approve AR 2002-342.
seconded by Mr. Kendall

Ms. Taylor felt the Assembly had previously passed this resolution.

In response to Mr. Tesche, Mayor Wuerch replied there was previous legislation introduced, however it was neither opposed nor supported by the Anchorage School District. Mayor Wuerch indicated the Anchorage School Board would support this legislation this year in the Legislature.

Mr. Tesche expressed his intent to determine if a previous resolution had been passed by the Assembly in the preceding year.

Mr. Tesche moved, to postpone AR 2002-342 to 10-29-02.
seconded by Ms. Taylor,

The Assemblymembers discussed the resolution.

The Assemblymembers mutually supported the resolution and Mayor Wuerch accepted all the Assemblymembers as co-sponsors.

Mr. Tesche withdrew his motion. Ms. Taylor withdrew her second of the motion.

[Question was called on the main motion to approve AR 2002-342 and it passed without objection.](#)

C. BID AWARDS: None

D. NEW BUSINESS:

- 10D1. Assembly Memorandum No. AM 909-2002, change order No. 1 to purchase order 212863 with D.B. Hartt, Inc. to provide assistance to develop a **comprehensive sign code** for the Planning Department, Municipality of Anchorage (\$17,000), Purchasing.

Mr. Van Etten moved, to approve AM 909-2002.
seconded by Ms. Fairclough,

Mr. Van Etten addressed the Assembly on this Memorandum.

In response to Ms. Fairclough, [Planning Department Director Sue Fison advised the sign code was scheduled to appear before Planning and Zoning in January 2003. Ms. Fairclough expressed concern regarding extension of the time frame for review of the sign code.](#)

The Assembly discussed the provisions of the new sign ordinance.

[Question was called on the motion to approve AM 909-2002 and it passed.](#)

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

- 10D2. Assembly Memorandum No. AM 912-2002, **Sicily's Pizza** (#4245) – New Restaurant Designation/Restaurant Eating Place Liquor License (Taku/Campbell Community Council), Clerk's Office. **(addendum)**

Ms. Fairclough moved, to approve AM 912-2002.

seconded by Ms. Von Gemmingen,
and it passed without objection,

Chairman Traini advised the Assembly the reason he pulled the item was in Protest since there was no conditional use for the establishment. Chairman Traini presented a letter dated 10-21-2002 from [Planning Department Platting Supervisor, Jerry Weaver](#), in which he said enclosed was a copy for the conditional use permit application form. Mr. Weaver advised that failure to apply for the conditional use permit would result in Assembly Protest of the license application. The individual has not yet applied for a conditional use permit.

Chairman Traini questioned Municipal Clerk Greg Moyer if this was becoming a problem. Mr. Moyer explained the Clerk's Office wanted to make certain the permits "marry up together" and when the license comes over early enough, it needs to be submitted to the Assembly before the Protest date. However, until the conditional use permit is in place, the Clerk has to protest.

E. INFORMATION AND REPORTS: None.

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

- 10F1. Resolution No. AR 2002-345, a resolution adopting the **2003-2008 Housing and Community Development Consolidated Plan** of the Municipality of Anchorage, which constitutes the application to the U.S. Department of Housing and Urban Development for the Community Development Block Grant, the HOME Investment Partnership grant and the Emergency Shelter Grant, Planning Department. public hearing 10-29-02.
- a. Assembly Memorandum No. AM 915-2002.

[Mr. Van Etten, Ms. Fairclough, and Ms. Von Gemmingen](#) joined in introducing AR 2002-345. The public hearing was scheduled for 10-29-02.

Mr. Van Etten requested a work session be scheduled on 10-25-02 from 11:00 a.m. to 12 noon.

Mayor Wuerch requested a moment of Personal Privilege. In response to Chairman Traini, Mayor Wuerch agreed to wait until action had been taken on AR 2002-346.

Ms. Fairclough called for a Point of Order to address AR 2002-345. Ms. Fairclough suggested extending an invitation to the members of the HAND Commission to attend the work session on 10-25-02. Chairman Traini agreed and advised Municipal Clerk Greg Moyer to extend the invitation.

Mr. Kendall noted the notice for the work session would be only one week. In response to Chairman Traini, [Deputy Municipal Attorney Dennis Wheeler](#), would research the request and respond as soon as he had an answer.

Chairman Traini invited Mayor Wuerch to proceed with his request for a moment of Personal Privilege.

Mayor Wuerch invited the Reverend Fran Derman and Mr. Tim McConnell to the podium. Pastor Derman from the Anchorage Unitarian Fellowship presented a check to the City of Anchorage and Mayor Wuerch as a gift "payment in lieu of taxes program". Mayor Wuerch accepted the gift check on behalf of the City of Anchorage and thanked Reverend Derman for the gift.

Ms. Fairclough called for a Point of Order to address AR 2002-346. Ms. Fairclough inquired if AR 2002-346 had been properly introduced? Chairman Traini advised that the Assembly had not yet taken up AR 2002-346.

- 10F2. Resolution No. AR 2002-346, a resolution adopting the **2003 Action Plan** of the Municipality of Anchorage, which constitutes the application to the U.S. Department of Housing and Urban Development for the Community Development Block Grant, the HOME Investment Partnership grant and the Emergency Shelter Grant, Planning Department. public hearing 10-29-02.
- a. Assembly Memorandum No. AM 916-2002.

[Mr. Kendall, Mr. Sullivan and Ms. Von Gemmingen](#) joined in introducing AR 2002-346. The public hearing was scheduled for 10-29-02.

In response to Chairman Traini, [Deputy Municipal Attorney Dennis Wheeler](#), advised the public hearing dates for AR 2002-345 and AR 2002-346 could be set for 10-29-02 if the Anchorage Chronicle newspaper and other sources of public notice were used. Mr. Wheeler noted that under the Charter, with respect to resolutions, the Assembly can set whatever public notice it wants. If other methods of notice are used, a 5-day notice is adequate.

[Chairman Traini](#) instructed Municipal Clerk Greg Moyer to set the public hearings on AR 2002-345 and AR 2002-346 for 10-29-02 and to send messages out on 10-23-02 to the Community Councils thru the Federation, and post the date on the web page.

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

- 11A. Assembly Memorandum No. AM 891-2002, **Assembly Meeting Schedule** (January – June 2003), Assembly Chair Traini.

Chairman Traini gave the history of the item and noted no motions were pending.

Mr. Van Etten moved, to approve AM 891-2002.

seconded by Ms. Shamberg,

Mr. Van Etten moved,
seconded by Mr. Tesche,

to amend AM 891-2002, to delete 1-7-03 meeting
and add 1-21-03 meeting.

The Assemblymembers discussed the meeting schedule changes.

Question was called on Mr. Van Etten's motion to amend AM 891-2002 to delete 1-7-03 and add 1-21-03 and it failed.

AYES: Tesche, Van Etten, Shamberg.

NAYES: Whittle, Taylor, Fairclough, Traini, Von Gemmingen, Kendall, Sullivan.

Mr. Van Etten moved,
seconded by Ms. Shamberg,

to amend AM 891-2002 to add 3-4-03 meeting
and delete 3-11-03 meeting.

The Assemblymembers continued to discuss the Assembly meeting schedule for 2003.

Question was called on Mr. Van Etten's motion to amend AM 891-2002 to add 3-4-03 and delete 3-11-03 and it passed.

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

NAYES: Taylor.

Question was called on the main motion to approve AM 891-2002 as amended and it passed.

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

NAYES: None.

- 11B. Resolution No. AR 2002-317, a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages Beverage Dispensary License-Duplicate conditional use in the B-2B District for a restaurant/lounge per AMC 21.40.160.D.13.; generally located on Lots 11 and 12, Block 71, Original Townsite Subdivision, at 409 West 7th Avenue and 626 D Street (**Bernie's Bungalow Lounge**) (Downtown Community Council) (Case 2002-160), Planning Department.
1. Assembly Memorandum No. AM 867-2002.
 2. Resolution No. AR 2002-317(S), a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages Beverage Dispensary License-Duplicate conditional use in the B-2B District for a restaurant/lounge per AMC 21.40.160.D.13.; generally located on Lots 11 and 12, Block 71, Original Townsite Subdivision, at 409 West 7th Avenue and 626 D Street (**Bernie's Bungalow Lounge**) (Downtown Community Council) (Case 2002-160), Planning Department. (**LAI D ON THE TABLE**)
 3. Assembly Memorandum No. AM 925-2002. (POSTPONED FROM 10-15-02)

Chairman Traini gave the history of the item and noted no motions were pending.

In response to Municipal Clerk Greg Moyer, [Municipal Manager Harry Kieling](#) advised there was an (S) version to be distributed. A copy was provided to the applicant and the Administration would make it available to the public.

In response to Chairman Traini, [Planning Department Platting Supervisor, Jerry Weaver](#), advised he had met with the applicant on 10-17-02 to review his application for conditional use and the applicant had 6 requests. The requests are itemized on the AM provided to the Assembly. The applicant wanted to modify his occupancy date to 12-31-04, and additionally the applicant wanted to have 100 indoor unfixed seating for the present facility on Lot 12, 104 indoor unfixed seating for the proposed facility on Lot 11, 204 indoor seating total and 300 total outdoor seating. He further requested the hours of operation be changed from 2:00 p.m. to 2:00 a.m. which Mr. Weaver concurred with, liquor sales to be 80% of the gross receipts and alcohol advertisement visible from off property and no limitation on outdoor live or recorded music. The occupancy levels are to be determined by the Anchorage Fire Department.

Ms. Fairclough moved,
seconded by Ms. Shamberg,

to approve AR 2002-317.

Ms. Fairclough stated she found it difficult to digest 4 pages of information and would therefore make amendments on the original AR 2002-317 rather than the (S) version.

In response to Mr. Sullivan, the applicant explained the noise complaint hearing he had with Mr. Middleton and the fact that he has not violated the noise complaint ordinance.

Ms. Fairclough moved,
seconded by Ms. Shamberg,
and it passed without objection,

to amend AR 2002-317, Page 2, Line 6 to change
"60%" to "80% of total gross sales".

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

to amend AR 2002-317, Page 1, Section 3, Item 2, Line 32,
to change date from "December 31, 2003" to "December 31,
2004".

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

to amend AR 2002-317, Page 2, Line 4, to strike
from "Thursday 2:00 p.m. to midnight and Friday
through".

In response to Ms. Fairclough, [Planning Department Platting Supervisor, Jerry Weaver](#), advised the typical time period is from 2:00 a.m. to 2:00 p.m.

Mr. Sullivan moved, to take up AR 2002-317(S) after the Assembly dinner break.
seconded by Mr. Tesche,
and it passed without objection,

Chairman Traini instructed Municipal Clerk Greg Moyer to take up this item after the Assembly dinner break.

Ms. Fairclough withdrew her motion to approve AR 2002-317 or substitute for AR 2002-317(S).

Mr. Sullivan moved, to substitute AR 2002-317(S) for AR 2002-317.
seconded by Ms. Von Gemmingen,
and it passed without objection,

Ms. Fairclough moved, to amend AR 2002-317(S), Page 1, line 22, change
seconded by Ms. Taylor, “100” to “200” non-fixed seats.
and it passed without objection,

Ms. Fairclough moved, to amend AM 867-2002, Line 19, insert the word
seconded by Ms. Taylor, under No. 5, “**no alcohol advertisement shall be
viewed from off property.**”

The Assemblymembers discussed the amendments.

Ms. Fairclough moved to withdraw her amendment.

In response to Mr. Tesche, Mayor Wuerch noted that on Line 6 of AM 867-2002, are the issues the owner was asking to be considered. Reading the paragraph in its context perhaps Line 19, item 5 should not be amended, because it would be an incorrect statement of the meeting that was held between staff and the owner. Mayor Wuerch clarified the owner had asked that alcohol advertisement be viewable from off the property.

Ms. Fairclough and Ms. Taylor withdrew their amendment.

[Deputy Municipal Attorney Dennis Wheeler](#), and [Planning Department Platting Supervisor, Jerry Weaver](#), noted the occupancy level did not reflect the 200 outdoor seats total, and would be determined by the Fire Department.

Ms. Fairclough moved, to amend AR 2002-317(S), Page 2, Lines 7 and 8, to change
seconded by Mr. Sullivan, “50” to “100”.
and it passed without objection,

[Question was called on the main motion to approve AR 2002-317\(S\) as amended and it passed.](#)

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

- 11C. [Resolution No. AR 2002-338](#), a resolution of the Anchorage Municipal Assembly approving a policy governing **labor negotiations** with represented municipal employees assigned to AWWU, Assemblymember Tesche.
(CARRIED OVER FROM 10-15-02)

Chairman Traini gave the history of the item and noted there was a motion pending.

Mr. Tesche moved, to approve AR 2002-338.
seconded by Ms. Shamberg,

Mr. Tesche moved, to postpone indefinitely AR 2002-338.
seconded by Ms. Fairclough,
and it passed without objection,

Mr. Tesche noted he was troubled that the negotiations have not yet resulted in a successful bi-lateral agreement between management and labor and felt the essential purpose and message behind the resolution was accepted by both parties and therefore no longer helpful or needed. Mr. Tesche requested the resolution be withdrawn.

In response to Chairman Traini, [Deputy Municipal Attorney Dennis Wheeler](#), advised he was not present during the Executive Session. Mayor Wuerch verified the verbiage for the motion.

Mr. Tesche moved, that the tape of the Executive Session of 10-15-02 be released
seconded by Ms. Fairclough, after negotiations are complete on AR 2002-338, plus one
and it passed without objection, year.

12. APPEARANCE REQUEST:

- 12A. **Theresa Nangle Obermeyer, Ph.D.**, regarding Alaska High School Qualifying Exam. (**addendum**)

Dr. Obermeyer spoke on the delay in receiving grade notification on the Alaska High School Qualifying Exam.

Ms. Fairclough moved, to reconsider item 9E1, Appeal S-10482,
seconded by Ms. Taylor, for the purpose of setting a 4:00 p.m. start on 11-19-02.
and it passed without objection,

Chairman Traini recessed the meeting for the Assembly dinner break.

Chairman Traini reconvened the meeting.

13. CONTINUED PUBLIC HEARINGS:

Mr. Tesche moved, to change the order of the day to take up Item 14I,
seconded by Ms. Taylor, AO 2002-144.
and it passed without objection,

14I. Ordinance No. AO 2002-144, an ordinance enacting Anchorage Municipal Code Chapter 10.80, **establishing a fee for police protection services**, Assemblymember Tesche.

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

RANDY SMITH, representing Mountain View Patrol, testified in favor of the ordinance.

GARY SMITH, testified against the ordinance.

SAM O'CONNOR, representing Westside Community Patrol, testified in favor of the ordinance.

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 2002-144.
seconded by Ms. Taylor,

In response to Mr. Tesche, Chief of Police Walt Monegan replied that the ordinance would help reduce and abate crackhouses or other illegal uses of residential property. Chief Monegan further stated he would agree to language of 12 police visits in any 1 year or 12 month period.

Mr. Tesche referenced the document HB 135, be incorporated as legislative history of AO 2002-144, as well as an attached fee schedule showing the calculations of \$500 per police visit.

The Assembly discussed the ordinance. Many Assemblymembers felt the language needed clarification.

Mayor Wuerch addressed the need to allow consideration for the responding police officer's judgment of any given call.

Mr. Sullivan moved, to postpone action on AO 2002-144 to 12-10-02.
seconded by Mr. Kendall,

Mr. Sullivan requested the Public Safety Committee review the ordinance and provide input.

Ms. Taylor, speaking as Chair of the Public Safety Committee spoke against waiting until the 12-10-02 meeting and said she would schedule a meeting of the Committee as soon as possible.

Ms. Taylor offered a friendly amendment to the motion to postpone action on AO 2002-144 to 11-19-02 to allow the Public Safety Committee to meet and provide input. Mr. Tesche and Mr. Sullivan accepted the friendly amendment. Chairman Traini asked if anyone objected to Ms. Taylor's amendment. No one objected and approval of the motion was so ordered by the Chairman.

Ms. Taylor will schedule a hearing for the Public Safety Committee and advise the Assembly of the date and time.

Mayor Wuerch readily agreed to work with Mr. Tesche and Ms. Taylor to come up with the language needed for the ordinance.

(Clerk's Note: The Assembly returned to item 11A, AM 891-2002.)

14. NEW PUBLIC HEARINGS:

14A. Resolution No. AR 2002-251, a resolution of the Municipality of Anchorage appropriating \$299,864 from the U.S. Department of Housing and Urban Development to the Federal Categorical Grants Fund (241), \$62,450 from Alaska Housing and Finance Corporation to State Categorical Grants Fund (231), and \$37,500 from Alaska Mental Health Trust Authority to State Categorical Grants Fund (231), for the purpose of providing a one year renewal of the **LINK Homeless Assistance Project** and a contract with Abused Women's Aid in Crisis, Inc., Health and Human Services.
1. Assembly Memorandum No. AM 773-2002.

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

Mr. Sullivan moved, to approve AR 2002-251.
seconded by Ms. Fairclough,

In response to Mr. Van Etten, Health and Human Services Director, Jewel Jones provided an update to the Assembly on the comprehensive evaluation of homelessness resources available in Anchorage. Ms. Jones noted the department was not directly involved in providing evaluation of homelessness resources, but rather new initiatives the department is involved in with the Cook Inlet Tribal Council.

Question was called on the motion to approve AR 2002-251 and it passed.

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

NAYES: None.

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

- 14B. Resolution No. AR 2002-325, a resolution of the Municipality of Anchorage appropriating \$599,692 as a grant to the State Categorical Grants Fund (231), Department of Health and Human Services, from the Alaska Department of Health and Social Services for the provision of **Public Health Preparedness and Response for Bioterrorism**, Health and Human Services.
1. Assembly Memorandum No. AM 876-2002.

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 2002-325.
seconded by Ms. Fairclough,

No Assembly discussion.

Question was called on the motion to approve AR 2002-235 and it passed.

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

NAYES: None.

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

- 14C. Resolution No. AR 2002-326, a resolution of the Municipality of Anchorage appropriating \$1,234,733 to the State Categorical Grants Fund (231) from the Alaska Department of Labor and Workforce Development for the FY 2003/PY 2002 **State Training and Employment Program (STEP)** within the Planning Department.
1. Assembly Memorandum No. AM 877-2002.

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 2002-326.
seconded by Ms. Fairclough,

No Assembly discussion.

Question was called on the motion to approve AR 2002-326 and it passed.

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

NAYES: None.

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

Mr. Sullivan moved, to consolidate public hearings on AR 2002-296,
seconded by Ms. Fairclough, AO 2002-142, AR 2002-297 and AO 2002-141.
and it passed without objection,

- 14D. **SECOND PUBLIC HEARING:** Resolution No. AR 2002-296, a resolution approving the **2003-2008 Municipal Utilities Capital Improvement Program**, Office of Management and Budget.
1. Assembly Memorandum No. AM 823-2002.
- 14E. **SECOND PUBLIC HEARING:** Ordinance No. AO 2002-142, an ordinance adopting and appropriating funds for the **2003 Municipal Utilities Operating and Capital Budgets** for the Municipality of Anchorage, Office of Management and Budget.
1. Assembly Memorandum No. AM 825-2002.
- 14F. **SECOND PUBLIC HEARING:** Resolution No. AR 2002-297, a resolution of the Municipality of Anchorage adopting the **2003-2008 General Government Capital Improvement Program**, Office of Management and Budget.
1. Assembly Memorandum No. AM 821-2002.
 2. Information Memorandum No. AIM 100-2002, Joint School Site Selection Committee CIB/CIP Resolution, Assemblymember Shamberg. (**addendum**)
- 14G. **SECOND PUBLIC HEARING:** Ordinance No. AO 2002-141, an ordinance adopting the **2003 General Government Capital Improvement Budget**, Office of Management and Budget.
1. Assembly Memorandum No. AM 821-2002.
 2. Information Memorandum No. AIM 100-2002. (**addendum**)

Chairman Traini opened the public hearings on AR 2002-296, AO 2002-142, AR 2002-297, and AO 2002-141 and asked if anyone wished to speak.

JIM BARNETT, representing the Future of the Museum Committee, testified on funding for the museum expansion.

COREY RENNELL, Chairman of the Downtown Youth Development Project, testified on a downtown youth center.

BRADLEY TRUER, testified on a downtown youth center.

DANIEL BECKER, testified on a downtown youth center.

PAT CORPERY, testified on Forest Park Drive safety concerns.

OWEN SWEENEY, with son Trey, testified on Forest Park Drive safety concerns.

LOIS VANN, testified on Forest Park Drive safety concerns.

LARRY CASH, testified on Forest Park Drive safety concerns.

RANDY SMITH, representing Mountain View Community Council, testified on making Mountain View the Arts and Cultural District of Anchorage.

RUSS NOGG, President of Anchorage Neighborhood Housing Services, and a resident of Muldoon, testified on the Arts and Cultural District and the 2020 Plan for Muldoon.

DAYTHRA FORD, Chair of the Library Advisory Board, testified on library projects.

MARK BEGICH, representing Arts and Cultural District Committee, testified on Mountain View as an Arts and Cultural District and East Anchorage projects.

Ms. Taylor requested Municipal Clerk Greg Moyer reschedule a Work Session on the Arts and Cultural District and to cancel the existing session scheduled on 10-25-02, 4:00 p.m. to 5:00 p.m.

ED BOUJOIS, representing Anchorage Opera, testified on the Arts and Cultural District.

SHELBY ATKINSON, testified on the Arts and Cultural District.

ANN HERSCHLEB, President, Girdwood Board of Supervisors, testified in support of Girdwood library project.

KATE FARRADY, testified on Girdwood library project.

Chairman Traini asked if anyone else wished to speak. There was no one, and he closed the second public hearings on AR 2002-296, AO 2002-142, AR 2002-297, and AO 2002-141.

The public hearings on AR 2002-296, AO 2002-142, AR 2002-297, and AO 2002-141 were carried over to 10-29-02. No further action was taken.

Chairman Traini recessed the meeting at 9:01 p.m.

Chairman Traini reconvened the meeting at 9:14 p.m.

- 14H. Resolution No. AR 2002-319, a resolution of the Anchorage Municipal Assembly approving a conditional use for an alcoholic beverages conditional use in the PLI-P District for a golf course use – seasonal license per AMC 21.50.160, for Anchorage Golf Course LLC, D.B.A. **Anchorage Golf Course**, located on Section 16 Subdivision, Tract C; on the north side of O'Malley Road and east of Lake Otis Parkway (Abbott Loop Community Council) (Case 2002-033), Planning Department.
1. Assembly Memorandum No. AM 869-2002.

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

LARRY DANIELS, Golf Course Manager, testified in favor of the resolution.

ANGELA KENSEL, representing the Huffman/O'Malley Community Council, testified against the ordinance citing several requests for restrictions on the license.

The Assemblymembers discussed the license and asked questions.

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

Mr. Sullivan moved, to approve AR 2002-319.
seconded by Ms. Von Gemmingen,

Ms. Von Gemmingen moved, to amend AR 2002-319, Page 1, Line 38
seconded by Mr. Kendall, to ~~change the time from "10:00 a.m. to sunset"~~
to change the time from "10:00 a.m. to 2:00 a.m".

Deputy Municipal Attorney Dennis Wheeler, noted the term normally used for dusk was sunset.

Ms. Taylor objected to the amendment and felt it should be time certain. Several Assemblymembers voiced agreement with Ms. Taylor.

Question was called on the motion to amend AR 2002-319 and it passed.

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

Question was called on the motion to approve AR 2002-319 as amended and it passed.

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

- 14I. Ordinance No. AO 2002-144, an ordinance enacting Anchorage Municipal Code Chapter 10.80, **establishing a fee for police protection services**, Assemblymember Tesche.

(Clerk’s Note: This item was heard earlier in the meeting after the Assembly reconvened from the dinner break.)

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

16. **SPECIAL ORDERS**

- 16A. Motion to release tape(s) of the executive session held on October 15, 2002 regarding **labor negotiations** (AR 2002-338).

(Clerk’s Note: This item was heard earlier in the evening as 11C.)

17. **UNFINISHED AGENDA:** None.

18. **AUDIENCE PARTICIPATION:** None.

19. **ASSEMBLY COMMENTS:** None.

20. **EXECUTIVE SESSIONS:** None.

21. **ADJOURNMENT:**

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

Chairman

ATTEST:

Municipal Clerk

Date Minutes Approved: November 19, 2002.

GM/cmw

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