

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Regular Meeting of April 8, 1997

1. **CALL TO ORDER:**

The meeting was convened at 5:05 p.m. by Chairman Mark Begich in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

2. **ROLL CALL:**

Present: Charles Wohlforth, Bob Bell, Pat Abney, Dan Kendall, George Wuerch, Mark Begich, Kevin Meyer, Fay Von Gemmingen, Cheryl Clementson, Ted Carlson, Joe Murdy.
Absent: None.

3. **PLEDGE OF ALLEGIANCE:**

The pledge was led by Ms. Von Gemmingen.

4. **MINUTES OF PREVIOUS MEETING:**

- A. Regular Meeting - November 5, 1996
- B. Regular Meeting - November 12, 1996

Ms. Abney moved, to approve the minutes of the
seconded by Mr. Kendall, regular meetings of November 5
and it passed without and 12, 1996.
objection,

5. **MAYOR'S REPORT:** None.

6. **ADDENDUM TO AGENDA:**

Mr. Murdy moved, to amend the agenda to include
seconded by Mr. Wuerch, the addendum items.

Mr. Wuerch moved, to waive reading of the addendum
seconded by Mr. Kendall, items.
and it was withdrawn,

Ms. Abney questioned how the audience would know what the addendum items are if they are not announced.

Chairman Begich read abbreviated titles of the addendum items.

Mr. Bell asked that Fred Nolke be added to item 10, Appearance Requests. There was no objection.

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

7. **CONSENT AGENDA:**

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

A. **BID AWARDS:**

- 1. Assembly Memorandum No. AM 302-97, recommendation of award to Pinkerton's Inc. for providing **security guard services** to the Municipality of Anchorage, Port of Anchorage (ITB 97-18), Purchasing.
- 2. Assembly Memorandum No. AM 333-97, recommendation of award to various vendors for providing **miscellaneous road maintenance materials** for the Municipality of Anchorage, Public Works Department (ITB 97-29), Purchasing. (**addendum**)

B. **ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:**

- 1. Ordinance No. AO 97-60, an ordinance amending Anchorage Municipal Code Section 6.50.030 to **add corporate bonds and money market mutual funds as permitted investments**, defining and clarifying certain terms, and including brokers within the procedures governing notices to bid on municipal investments, Finance.
public hearing 4-29-97.
 - a. Assembly Memorandum No. AM 303-97.

2. Ordinance No. AO 97-61, an ordinance authorizing a transaction whereby the Municipality of Anchorage enters into a **new lease of Lots 4 & 5, Tract C, U.S. Survey 3458 A & B, North Addition No. 7, Townsite of Anchorage** and Anchorage Historic Properties, Inc. acquires the structures located on such properties; undertakes management of such properties and structures; and subleases such properties to third parties, Legal Department. public hearing 4-29-97.
 - a. Assembly Memorandum No. AM 304-97.
3. Ordinance No. AO 97-62, an ordinance amending Anchorage Municipal Code Section 4.60.260 to combine the functions of the Housing Advisory Commission and the Mayor's Community Development Block Grant Task Force into the functions of a new **Housing and Neighborhood Development Commission**, Community Planning and Development. public hearing 4-29-97.
 - a. Assembly Memorandum No. AM 305-97.
4. Ordinance No. AO 97-63, an ordinance amending the zoning map and providing for the rezoning from I-1 (Light Industrial District) to PLI (Public Lands and Institutions District) for **Dowling Subdivision, Lots 20 and 37** containing approximately 3.9 acres; generally located on the east side of Ashwood Street and north of East 64th Avenue (Abbott Loop Community Council) (Planning and Zoning Commission Case 97-008), Community Planning and Development. public hearing 5-6-97.
 - a. Assembly Memorandum No. AM 306-97.
5. Resolution No. AR 97-67, a resolution of the Municipality of Anchorage providing for a **revision of the Anchorage School District budget for FY 1997-98** (related to school bond propositions), Anchorage School District. public hearing 4-29-97.
 - a. Assembly Memorandum No. AM 299-97.
6. Resolution No. AR 97-70, a resolution of the Municipality of Anchorage appropriating \$109,000 as a cash contribution from the 1997 General Government Operating Budget Fund (0101) to the State Categorical Grants Fund (0231) for the **Child Care Licensing Program** in the Department of Health and Human Services. public hearing 4-29-97.
 - a. Assembly Memorandum No. AM 307-97.
7. Resolution No. AR 97-71, a resolution of the Anchorage Municipal Assembly appropriating \$105,000 of the Heritage Land Bank General Fund (0221) Fund Balance to the Heritage Land Bank Capital Fund (0421) for three projects included in the approved General Government **1997 Capital Improvement Program**, Heritage Land Bank. public hearing 4-29-97.
 - a. Assembly Memorandum No. AM 308-97.
8. Ordinance No. AO 97-64, an ordinance **amending the Hillside Wastewater Management Plan** to include land legally described as the N1/2, SW1/4, and the N1/2, S1/2, SW1/4 of Section 2, T11N, R3W, S.M., (located immediately east of Goldenview Drive and south of 164th Avenue) entirely within the sewerage service area boundary, and to reduce the minimum required residential housing density from 3.0 to 1.5 dwelling units per acre on aforementioned property (Rabbit Creek Community Council) (Planning and Zoning Commission Case 97-005), Community Planning and Development. public hearing 5-20-97. **(addendum)**
 - a. Assembly Memorandum No. AM 331-97.
9. Ordinance No. AO 97-65, an ordinance amending the zoning map and providing for the rezoning from R-3SL (Multiple-Family Residential District) with Special Limitations and R-7SL (Intermediate Rural Residential District) with Special Limitations to R-7 (Intermediate Rural Residential) for N1/2 S1/2 SW1/4 and N1/2 SW1/4, T11N, R3W, Section 2, S.M., Alaska, containing approximately 120 acres, generally located on the **southeast corner of Goldenview Drive and East 164th Avenue** (Rabbit Creek Community Council) (Planning and Zoning Commission Case 97-002), Community Planning and Development. public hearing 5-20-97. **(addendum)**
 - a. Assembly Memorandum No. AM 332-97.
10. Assembly Memorandum No. AM 330-97, appointment of David Thorsness to the **Employee Relations Board**, Mayor's Office. public hearing 4-29-97. **(addendum)**
11. Ordinance No. AO 97-66, an ordinance amending Anchorage Municipal Code Section 8.05.030 to **make it a crime to intentionally or recklessly place a family member or another in fear of physical injury or death** and Section 8.05.400 to make it a crime to destroy communication equipment with the intent to prevent a family member from communicating with emergency service agencies or others about crimes or potential crimes against any family member, Assemblymember Murdy. public hearing 4-29-97. **(addendum)**
 - a. Assembly Memorandum No. AM 340-97.

(Clerk's Note: Introduction of this item was reconsidered later in the meeting. See after item 8.F.)

12. Ordinance No. AO 97-67, 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 1997, Office of Management and Budget. public hearing 4-29-97. **(addendum)**
 - a. Assembly Memorandum No. AM 342-97.
13. Resolution No. AR 97-76, a resolution of the Municipality of Anchorage providing for a **revision of the 1997 General Government Operating Budget**, Office of Management and Budget.

public hearing 4-29-97. **(addendum)**

- a. Assembly Memorandum No. AM 343-97.
14. Ordinance No. AO 97-68, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 12.20, **Hotel/ Motel Room Tax**, to exempt "rooms used exclusively as a hostel dormitory" from the definition of a room, Assemblymember Carlson. public hearing 4-29-97. **(addendum)**
 - a. Assembly Memorandum No. AM 344-97.
15. Resolution No. AR 97-80, a resolution of the Anchorage Municipal Assembly providing for a **revision to the Anchorage School District budget for FY 1997-1998** and increasing the amount to be made available from local sources, Assemblymembers Begich and Clementson. public hearing 4-29-97. **(addendum)**

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 97-68, a resolution **appointing election officials for the Regular Election of April 15, 1997**, Municipal Clerk.
2. Resolution No. AR 97-72, a resolution of the Anchorage Municipal Assembly appropriating the sum of \$37,000 from seized and forfeited monies awarded from criminal narcotics cases by the U.S. Drug Enforcement Agency, to the **Police Investigation Fund (0257)** for use by the Anchorage Police Department.
 - a. Assembly Memorandum No. AM 309-97.
3. Resolution No. AR 97-73, a resolution authorizing the Municipality of Anchorage to **purchase Lot 2, Primera Subdivision**, Anchorage, Alaska, to enlarge the Midtown Park, Heritage Land Bank.
 - a. Assembly Memorandum No. AM 323-97.

Mr. Wuerch asked this item be considered on the regular agenda. See 8.D.

4. Resolution No. AR 97-74, a resolution to **transfer a 15-acre parcel in Section 26, T13N, R4W, Seward Meridian**, located between McKenzie Drive and Leighton Street southwest of Turnagain Elementary School, from the Anchorage School District to the Heritage Land Bank.
 - a. Assembly Memorandum No. AM 324-97.

Ms. Clementson asked this item be considered on the regular agenda. See 8.D.

5. Resolution No. AR 97-75, a resolution of the Anchorage Municipal Assembly **opposing House Bill 28 which would repeal the Alaska Coastal Management Program**, Assemblymembers Wohlforth, Abney, Begich, Carlson, Clementson, Meyer, Murdy, and Von Gemmingen. **(addendum)**
6. Resolution No. AR 97-77, a resolution of the Anchorage Municipal Assembly **urging Congress to reauthorize the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991** and to waive the requirement for major investment studies, Assemblymembers Wuerch, Abney, Carlson, Meyer, and Murdy. **(addendum)**
7. Resolution No. AR 97-78, a resolution of the Anchorage Municipal Assembly appropriating \$31,400 from the New Anchorage Police Service Area Fund (0151) Balance to the Anchorage Police Department to **purchase two Speed Monitoring Awareness Radar Trailers (SMART)**, Assemblymember Kendall. **(addendum)**
 - a. Assembly Memorandum No. AM 345-97.

Mr. Kendall asked this item be considered on the regular agenda. See 8.D.

8. Resolution No. AR 97-81, a resolution of the Anchorage Municipal Assembly **urging the Alaska State Legislature to preserve required ISTEA matching funds** when evaluating proposed reductions to the operating budget for the Alaska Department of Transportation and Public Facilities, Assemblymember Clementson. **(addendum)**

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 301-97, **1997-1998 Liquor License Renewals**: Alaskan Samovar Inn, Bird Creek Brewery, Chilkoot Charlie's, Chilkoot Charlie's (Duplicate), Chilkoot Charlie's (Duplicate), Chilkoot Charlie's (Duplicate), Crow's Nest (Capt. Cook Hotel), Fletcher's (Capt. Cook Hotel), Fourth Avenue Theater, International Airport Lounge (Tour), La Mex, La Mex Too, La Mex Too Upstairs, New Peanut Farm, O'Malley's on the Green, Pap Joe's, The Quarterdeck (Capt. Cook Hotel), Sheraton Anchorage Hotel (Tour), Whale's Tail (Capt. Cook Hotel) (Beverage Dispensary); Alyeska Prince Hotel, Brown Jug/Midtown, Bush Liquors, C&D Liquors, In & Out Liquor #1, In & Out Liquor #3, Liquor Locker, O'Malley's on the Green, Party Time/Boniface Liquors (Package Store); Campobello, Fiori D'Italia, Mandarin House, Maharaja's, Marx Bros. Cafe, O'Brady's Burger & Brew #1, Roscoe's Skyline Restaurant, Round Table Pizza #1 (Restaurant/Eating Place); Sheraton Anchorage Hotel (Theater), Clerk's Office.
2. Assembly Memorandum No. AM 310-97, **J's Florist & Cafe** - Transfer of Ownership for a Restaurant/Eating Place Liquor License (Downtown Community Council), Clerk's Office.

(Clerk's note: This item was reconsidered later in the meeting. See after 8.F.)

3. Assembly Memorandum No. AM 311-97, **Mom & Pops Grocery & Liquor** - Transfer of Ownership for a Package Store Liquor License (Spenard Community Council), Clerk's Office.

Mr. Murdy asked this item be considered on the regular agenda. See 8.E.

4. Assembly Memorandum No. AM 312-97, **Pizza Hut #2** - Transfer of Location of a Restaurant/Eating Place Liquor License and Restaurant Designation (Spenard Community Council), Clerk's Office.
5. Assembly Memorandum No. AM 313-97, amendment No. 2 to grant contract with the **Alaska Aviation Heritage Museum** for purposes of 1997 operating expenses, Cultural and Recreational Services.
 - a. Information Memorandum No. AIM 47-97.

Mr. Wuerch asked this item be considered on the regular agenda. See 8.E.

6. Assembly Memorandum No. AM 314-97, proprietary purchase of **portable radios** from Motorola Communications, Inc. for the Municipality of Anchorage, Anchorage Police Department/Purchasing.
7. Assembly Memorandum No. AM 315-97, change order No. 2 to purchase order 61625 with Alaska Justice Services, Inc. for providing **Neighborhood Watch services** for the Municipality of Anchorage, Anchorage Police Department/Purchasing.
8. Assembly Memorandum No. AM 316-97, change order No. 1 to purchase order 60830 with DrugProof, Inc. for **substance abuse testing and collection services** for the Municipality of Anchorage, Employee Relations Department/Purchasing.

Ms. Clementson asked this item be considered on the regular agenda. See 8.E.

9. Assembly Memorandum No. AM 317-97, recommendation of award to Human Affairs of Alaska, Inc. to provide **Managed Mental Health/Employee Assistance Program** services for the Municipality of Anchorage, Employee Relations Department (RFP 2-97), Purchasing.
10. Assembly Memorandum No. AM 318-97, recommendation of award to Ken Flynn Alaska for the **creation and placement of advertising** for the Municipality of Anchorage, Mayor's Office (RFP 9-97), Purchasing.
11. Assembly Memorandum No. AM 319-97, change order No. 1 to purchase order 60373 with Wilder Construction Company for the **1997 Merrill Field improvements project** for the Municipality of Anchorage, Merrill Field Airport/Purchasing.
12. Assembly Memorandum No. AM 320-97, proprietary purchase to Forty-Niner Remediation & Oil Spill Group (FROG) for **hazardous waste clean-up services** for the Municipality of Anchorage, Municipal Light and Power/Purchasing.
 13. Assembly Memorandum No. AM 321-97, proprietary purchase of **asphalt emulsion** from Emulsion Products of Alaska, Inc. for the Municipality of Anchorage, Public Works Department/Purchasing.
14. Assembly Memorandum No. AM 322-97, amendment No. 1 to professional services contract with R&M Consultants, Inc., for the B-5-4 (G, H) **Sitka Street Sewer R&R Project**, Water and Wastewater Utility.
15. Assembly Memorandum No. AM 325-97, recommendation of award to Resource Data, Inc. for providing **software, equipment, and professional services** for a maintenance management pilot project to the Municipality of Anchorage, Water and Wastewater Utility (RFP 46-96), Purchasing.
16. Assembly Memorandum No. AM 326-97, change order No. 1 to purchase order 61755 to exercise the first option period with Great Western Chemical for furnishing **liquid sulfur dioxide** to the Municipality of Anchorage, Water and Wastewater Utility/Purchasing.
17. Assembly Memorandum No. AM 327-97, proprietary purchase with GeoNorth, Inc. or providing **software programming services** to the Municipality of Anchorage, Department of Public Works/Purchasing.
18. Assembly Memorandum No. AM 328-97, change order No. 11 to purchase order 32872 with Allvest Corporation to expand the **Community Service Patrol and Transfer Station services** for the Municipality of Anchorage, Department of Health and Human Services.

Mr. Murdy asked this item to be considered on the regular agenda. See 8.E.

19. Assembly Memorandum No. AM 329-97, contract amendment No. 4 with Fire Lake Arena Management Incorporated for **operation of Harry J. McDonald Center**, Property and Facility Management.
20. Assembly Memorandum No. AM 334-97, amendment No. 2 to the professional services contract with Tryck Nyman Hayes, Inc. for **Earthquake Park Interpretive Facility Project**, Cultural and Recreational Services. (**addendum**)
21. Assembly Memorandum No. AM 335-97, proprietary purchase of **computer software licenses** from Data Research Associates, Inc. (DRA) for the Municipality of Anchorage, Department of Cultural and Recreational Services/Purchasing. (**addendum**)

22. Assembly Memorandum No. AM 336-97, proprietary lease purchase agreement for a **computer printer** from IBM Corporation for the Municipality of Anchorage, Management Information Systems Department/Purchasing. **(addendum)**

Mr. Wohlforth asked this item be considered on the regular agenda. See 8.E.

23. Assembly Memorandum No. AM 337-97, proprietary purchase to Electric Power Research Institute (EPRI) for furnishing a **Gas Turbine Overhaul Plan (GTOP)** for the Municipality of Anchorage, Municipal Light and Power/Purchasing. **(addendum)**
24. Assembly Memorandum No. AM 338-97, recommendation of award to Greenfield Services Corporation for providing services for the **operation of Hazardous Waste Collection and Storage Facilities** for the Municipality of Anchorage, Solid Waste Services (RFP 71-96)/Purchasing. **(addendum)**
25. Assembly Memorandum No. AM 341-97, **1997 Audit Plan**, Assemblymember Von Gemmingen. **(addendum)**

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 48-97, **Annual Report of the Prefunding Investment Board**, Employee Relations Department.
2. Information Memorandum No. AIM 49-97, Internal Audit Report 97-08 - **Anchorage Right to Know Program, Anchorage Fire Department**, Assemblymember Begich.

Ms. Clementson asked this item be considered on the regular agenda. See 8.F.

3. Information Memorandum No. AIM 50-97, Internal Audit Report 97-09 - **1996 Parts and Fuel Inventory, Public Transportation Department**, Assemblymember Begich.

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

AYES: Wohlforth, Bell, Abney, Kendall, Wuerch, Begich, Meyer, Von Gemmingen, Clementson, Carlson, Murdy.
NAYS: None.

8. **REGULAR AGENDA:**

- A. TIME CRITICAL ITEMS: None.
- B. BID AWARDS: None.
- C. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION: None.
- D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 97-73, a resolution authorizing the Municipality of Anchorage to **purchase Lot 2, Primera Subdivision**, Anchorage, Alaska, to enlarge the Midtown Park, Heritage Land Bank.
 - a. Assembly Memorandum No. AM 323-97.

Mr. Wuerch moved, to approve AR 97-73.
seconded by Mr. Meyer,

Mr. Wuerch congratulated the administration on the efforts made to pursue the Midtown Park development.

Question was called on the motion to approve AR 97-73 and it passed without objection.

2. Resolution No. AR 97-74, a resolution to **transfer a 15-acre parcel in Section 26, T13N, R4W, Seward Meridian**, located between McKenzie Drive and Leighton Street southwest of Turnagain Elementary School, from the Anchorage School District to the Heritage Land Bank.
 - a. Assembly Memorandum No. AM 324-97.

Ms. Clementson moved, to approve AR 97-74.
seconded by Mr. Kendall,

Ms. Clementson outlined the history of this parcel, noting it was condemned for a school site. She expressed her concern that a school has not been built on the property.

Mr. Kendall opined the Heritage Land Bank might be the appropriate repository, but the final use of the land should be for a school site.

Municipal Manager Larry Crawford noted that putting this parcel in the Heritage Land Bank inventory was the first step toward utilizing the land.

Mr. Murdy and Ms. Von Gemmingen felt the land should be added to Lloyd Steele Park.

Chairman Begich asked for a timetable on administrative responses to Assembly members' concerns.

Question was called on the motion to approve AR 97-74 and it passed without objection.

3. Resolution No. AR 97-78, a resolution of the Anchorage Municipal Assembly appropriating \$31,400 from the New Anchorage Police Service Area Fund (0151) Balance to the Anchorage Police Department to **purchase two Speed Monitoring Awareness Radar Trailers (SMART)**, Assemblymember Kendall. (addendum)

Mr. Kendall moved, to approve AR 97-78.
seconded by Mr. Meyer,

Mr. Kendall noted that this action was a step toward demonstrating the Assembly's desire to enhance traffic enforcement.

Mr. Kendall moved, to postpone action on AR 97-78
seconded by Ms. Clementson, until April 29, 1997.
and it passed without
objection,

Mr. Wohlforth felt the appropriation should be discussed with first quarter budget revisions.

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 311-97, **Mom & Pops Grocery & Liquor** - Transfer of Ownership for a Package Store Liquor License (Spenard Community Council), Clerk's Office.

Mr. Murdy moved, to approve AM 311-97.
seconded by Mr. Meyer,

Mr. Murdy moved, to postpone action on
seconded by Ms. Von Gemmingen, AM 311-97 until April 29, 1997,
and it passed without and invite the old and new owners
objection, to attend the meeting.

2. Assembly Memorandum No. AM 313-97, amendment No. 2 to grant contract with the **Alaska Aviation Heritage Museum** for purposes of 1997 operating expenses, Cultural and Recreational Services.
 - a. Information Memorandum No. AIM 47-97.

Mr. Wuerch moved, to approve AM 313-97.
seconded by Mr. Murdy,

Mr. Wuerch noted he would support the memorandum. However, there needed to be significant improvement in the Museum's implementation of changes recommended by audit findings before he would support any future grant funds.

Mr. Wohlforth agreed with Mr. Wuerch, and noted his support of the Task Force's recommendations on this issue. He said he would not support any future funding for the Museum if it does not operate under the structure recommended by the Task Force.

Mr. Bell pointed out that there are good people working on the project, and that the money approved for the consultant has been well used. He felt confident the Museum's financial management would improve.

Question was called on the motion to approve AM 313-97 and it passed without objection.

3. Assembly Memorandum No. AM 316-97, change order No. 1 to purchase order 60830 with DrugProof, Inc. for **substance abuse testing and collection services** for the Municipality of Anchorage, Employee Relations Department/Purchasing.

Ms. Clementson moved, to approve AM 316-97.
seconded by Mr. Murdy,

Ms. Clementson moved, to amend AM 316-97 to delete
seconded by Mr. Wohlforth, paragraph 3, lines 19 to 22.
and it passed without
objection,

Mr. Wohlforth moved, to postpone discussion of
seconded by Ms. Clementson, AM 316-97 until later in the
and it passed without meeting.
objection,

(Clerk's note: See further action after item 10.)

4. Assembly Memorandum No. AM 328-97, change order No. 11 to purchase order 32872 with Allvest Corporation to expand the **Community Service Patrol and Transfer Station services** for the Municipality of Anchorage, Department of Health and Human Services.

Mr. Murdy moved, to approve AM 328-97.
seconded by Ms. Clementson,

In response to Mr. Murdy, Health and Human Services Director Elaine Christian explained the change order. She said that there was not an increase in budget, rather an expansion in the area to be patrolled.

In response to Mr. Meyer, Ms. Christian confirmed that the change would expand services to Tudor and Muldoon. She explained that Spenard was not covered by the current contract. She said a new Request For Proposal had been issued recently, to solicit service for the existing area, which now includes Tudor and Muldoon. Other problem areas of town could be added to the contract if the Assembly appropriates additional funds. She said she would provide the Assembly with a map of the current service area.

Mr. Wuerch requested the map include detail of the services provided to each area.

Mr. Wohlforth pointed out clients are picked up, and then released downtown from the transfer station after their blood alcohol level drops to a certain level. However, since pickup service has expanded to a much larger area than just downtown, he was concerned downtown is becoming inundated with inebriates from all over the bowl area. He felt the program should be reevaluated to address this situation.

Chairman Begich requested Ms. Christian prepare a memorandum for Assembly review, on impact to downtown in light of service expansion, possibility of local transfer stations, and efficiency of transporting clients long distances to the downtown transfer station.

Question was called on the motion to approve AM 328-97 and it passed without objection.

5. Assembly Memorandum No. AM 336-97, proprietary lease purchase agreement for a **computer printer** from IBM Corporation for the Municipality of Anchorage, Management Information Systems Department/Purchasing. (**addendum**)

Mr. Wohlforth moved, to approve AM 336-97.
seconded by Ms. Clementson,

Municipal Manager Larry Crawford asked this item be discussed after item 12.B.

In response to Mr. Wohlforth, Management Information Systems Director Bill Rasmussen explained why this purchase of a used printer was proprietary rather than by bids. He said that after extensive research, it was determined that this printer is the only used one available. He added that the purchase included a standard maintenance agreement, the cost of which is \$20,000 less annually than the maintenance agreement for the current equipment.

Mr. Wohlforth moved, to postpone action on
seconded by Ms. Clementson, AM 336-97 until after 12.B,
and it passed without AR 97-54.
objection,

F. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 49-97, Internal Audit Report 97-08 - **Anchorage Right to Know Program, Anchorage Fire Department**, Assemblymember Begich.

Mr. Kendall moved, to accept AIM 49-97.
seconded by Mr. Wuerch,
and it passed without
objection,

Ms. Clementson moved, to reconsider action on items
seconded by Mr. Kendall, 7.D.2. and 7.B.11, AM 310-97
and it passed without and AO 97-66.
objection,

Assembly Memorandum No. AM 310-97, **J's Florist & Cafe** - Transfer of Ownership for a Restaurant/Eating Place Liquor License (Downtown Community Council), Clerk's Office.

Ms. Clementson moved, to approve AM 310-97.
seconded by Mr. Meyer,

Ms. Clementson moved, to postpone action on AM 310-97
seconded by Mr. Murdy, until April 29, 1997, to allow
and it passed without allow the applicant to be present.
objection,

Ordinance No. AO 97-66, an ordinance amending Anchorage Municipal Code Section 8.05.030 to **make it a crime to intentionally or recklessly place a family member or another in fear of physical injury or death** and Section 8.05.400 to make it a crime to destroy communication equipment with the intent to prevent a family member from communicating with emergency service agencies or others about crimes or potential crimes against any family member, Assemblymember Murdy. public hearing 4-29-97.

(addendum)

- a. Assembly Memorandum No. AM 340-97.

Mr. Murdy moved, to introduce AO 97-66 for public
seconded by Mr. Meyer, hearing on April 29, 1997.
and it passed without
objection,

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

- A. Assembly Memorandum No. AM 243-97, **1997-1998 Liquor License Renewals**: Asia Gardens, Corsair Restaurant (Tour), Stuart Anderson Cattle Co., The Voyager Lounge (Tour) (Beverage Dispensary); Fraternal Order of Eagles #4174 (Club): **Seven Eleven #1 (NO PREMISE); Seven Eleven #2, ; Seven Eleven #3; Seven Eleven #6; Seven Eleven #7; Seven Eleven #9; Seven Eleven #54; Seven Eleven #55; Seven Eleven #56; Seven Eleven #59; Seven Eleven #62; Seven Eleven #68 (Package Store)**; Bella Vista Pizzeria & Restaurant, Godfather's Pizza #2501 (Restaurant/Eating Place), Clerk's Office.
(POSTPONED FROM 3-25-97)

Chairman Begich gave the history of the memorandum and noted all licenses except those for 7-Eleven establishments had been approved on March 25, 1997. A motion to approve the remaining 7-Eleven licenses was pending.

Chairman Begich, Ms. Clementson and Ms. Abney disclosed they had discussed this issue with representatives of Tesoro.

Rich Russo, General Manager of Tesoro 7-Eleven, answered questions from the Assembly. He described steps the company has taken, in cooperation with the Anchorage Police Department (APD), to increase security. He discussed plans to aggressively pursue enhancement of security systems to reduce theft. He stated all employees are trained to exceed TAMS standards for sales of alcohol; ages are identified for all customers that appear under age thirty, for both alcohol and tobacco sales. Mr. Russo noted the company is also interested in working with the "Cop in the Shop" program.

In response to Ms. Clementson, Mr. Russo said there was usually more than one clerk on duty during busy periods. He noted an audible bell sounds to let employees know when customers enter the store.

In response to Mr. Murdy, Mr. Russo said he was also concerned about alcohol sales to adults who then provide their purchases to minors. He stated that 7-Eleven employees are trained to detect these "second-party" sales. He assured the Assembly that this and other problems are being aggressively confronted by company officials.

Question was called on the motion to approve the 7-Eleven licenses in AM 243-97 and it passed without objection.

- B. Ordinance No. AO 96-140, an ordinance adopting the **Areawide Trails Plan** as an element of the Anchorage Comprehensive Plan and amending Chapter 21.05 of the Anchorage Municipal Code, Community Planning and Development.
1. Assembly Memorandum No. AM 907-96.
 2. Information Memorandum No. AIM 150-96.
- (CONTINUED FROM 11-5-96 AND 12-17-96; POSTPONED FROM 1-14-97, 1-28-97, AND 2-4-97; NOTICE OF RECONSIDERATION WAS GIVEN BY MR. WOHLFORTH 3-5-97; RECONSIDERED 3-25-97; POSTPONED FROM 3-25-97)

This item was discussed later in the meeting. See item 16, Unfinished Agenda.

- C. Resolution No. AR 97-66, a resolution of the Anchorage Municipal Assembly appropriating \$100,000 from Areawide General Fund (0101) Balance to the Department of Community Planning and Development to provide funding for an **Eagle River Central Business District Urban Design Plan and Pedestrian Circulation Study**, Assemblymember Kendall.
1. Assembly Memorandum No. AM 297-97.
- (POSTPONED FROM 3-25-97)

This item was discussed later in the meeting. See item 16, Unfinished Agenda.

10. **APPEARANCE REQUESTS:**

- A. **Clifford Gerhart**, regarding the Intertie Memorandum of Understanding with Municipal Light and Power. (addendum)

Mr. Gerhart, Executive Director of Chugach Consumers, distributed a handout to the Assembly. He explained his group was a grass-roots organization of fiscally-concerned ratepayers of Chugach Electric Association. He discussed recent dramatic changes in southcentral Alaska electric utilities, regarding increased competition and open bidding. He charged the administration has signed a monopoly labor agreement with the International Brotherhood of Electrical Workers (IBEW) which is contradictory to the current trend of reform. The agreement compromises the efforts of independent utility boards that are trying to lower costs for all electric ratepayers. He asked why the agreement with IBEW for construction of the electric intertie was signed, and asked to be informed of the benefits to the Municipality as a result of the deal. Also, he wanted a copy of the economic impact study of the agreement.

In response to Mr. Bell, Mr. Gerhart said a memorandum of understanding regarding open bidding was signed by Golden Valley, Homer Electric, Fairbanks, and Seward electric utilities. Chugach Electric and Matanuska Electric Association signed, but then rescinded that decision. He asked that Municipal Light and Power (ML&P) also agree to the memorandum of understanding. Without ML&P's participation, there would not be a double majority, which is required to make the agreement valid.

In response to Mr. Bell, Gene Bjornstad spoke as General Manager of Chugach Electric Association. He said the position of the Association is that approval of the Memorandum of Understanding will increase costs of interties, by reducing completion. He assumed it would also significantly increase costs for ML&P and Matanuska Electric Association customers. Mr. Bjornstad noted there was a legal action pending between Chugach and the IBEW.

In response to Mr. Wuerch, Mr. Bjornstad noted that six to eight contracts have been bid since Chugach members adopted the free and competitive bidding bylaw about one year ago. Three or four of the contracts have been significantly under the engineers' estimates. He said IBEW contractors have bid low on all these recent contracts, comparable with the winning bids. Mr. Bjornstad noted that the last four went to IBEW contractors; he felt the open bidding has had no apparent impact on the IBEW's ability to obtain contracts.

Mr. Meyer requested a memorandum from the administration explaining ML&P policy and position on this issue.

B. **Andree McLeod**, regarding dirt, decay, and disorder. **(addendum)**

Mr. Wuerch noted that this is the second time Ms. McLeod has appeared. He noted that she is a candidate for Mayor, and requested that she not address campaign issues, as this violates campaign laws.

Ms. McLeod said she wished to discuss an ethics violation she filed against Mayor Mystrom. Chairman Begich informed Ms. McLeod that she could not speak on the issue, under advice from the Municipal Attorney.

C. **Larry Bohall**, regarding animal control services.

Assistant Municipal Attorney Bill Greene said he understood that Mr. Bohall wished to speak on a matter in litigation.

Chairman Begich informed Mr. Bohall that the Municipal Code prohibits discussion of litigation issues in this forum.

D. **Fred Nolke**, regarding road damage caused by an Anchorage School District construction project. **(addendum)**

Mr. Nolke informed the Assembly that the Anchorage School District installed sewerlines beneath Tideview Road and Virgo Avenue. The roads are now impassable, and residents are very concerned about emergency access to the area. He read excerpts of a letter from the Municipality to the School District (ASD), which called attention to the fact that an ASD contractor failed to follow the Municipal Code on work in a right-of-way, and the fact that the work was done without the required permits or inspections. Mr. Nolke stressed the condition of the roads is worse than those usually occurring during spring thaw in Anchorage. He reiterated residents' concerns the roads may be impassible to emergency vehicles.

In response to Mr. Carlson, Public Works Director Jim Fero said the roads are owned by the Municipality, and that he was aware of the problem. He confirmed the work was performed without a right-of-way permit, and without prior knowledge by Public Works staff.

In response to Ms. Clementson, Water and Wastewater General Manager Mark Premo said he was unaware of any fines that could be levied against the School District or the contractor. He noted that the District in this case is like any private developer, and described the development process.

Mr. Fero noted that the penalty for non-permitted work was that permits be purchased after-the-fact, at three times the normal rate. Also, substandard materials must be replaced. He said his staff was working the District to resolve the issue.

In response to Ms. Clementson, Assistant Municipal Attorney Bill Greene said he would research and report on the Municipality's ability to preclude the contractor from bidding on future projects.

Mr. Bell recommended Public Works take over the project, and charge the School District for associated costs.

Municipal Manager Larry Crawford agreed to investigate whether this scenario could be arranged.

In response to Mr. Carlson, Mr. Premo noted AWWU was aware the District was installing the sewer lines. He said AWWU executed a private developer extension agreement, which gave the District authority to build and install a sewer line to Municipal standards. He said the District was well aware of their responsibilities as a developer, including the requirement for a right-of-way permit.

Ms. Abney requested a memorandum detailing what the District has done to rectify the situation.

Mr. Wuerch apologized to Mr. Nolke and his neighbors for the inconvenience of the situation.

In response to Ms. Clementson, Mr. Fero confirmed Ken Brady Construction was the general contractor, and Johnson Construction was the subcontractor that did the sewer work.

The Assembly then returned to item 8.E.3, AM 316-97.

Assembly Memorandum No. AM 316-97, change order No. 1 to purchase order 60830 with DrugProof, Inc. for **substance abuse testing and collection services** for the Municipality of Anchorage, Employee Relations Department/Purchasing.

In response to Mr. Meyer, Employee Relations Director Tom Tierney said the contract covers employees who hold a Commercial Drivers License, except police and fire personnel. The contract is also used for pre-employment, reasonable suspicion and post-collision testing. He said although a recent court decision gave the Municipality the right to test police and fire personnel, implementation of testing will probably not be until September 1997. When a testing program for police and fire personnel is developed, he anticipated requesting an further extension of the contract.

Question was called on the motion to approve AM 316-97 and it passed without objection.

The meeting recessed at 6:45 p.m. and reconvened at 7:20 p.m.

11. CONTINUED PUBLIC HEARINGS:

- A. Ordinance No. AO 97-51, an ordinance **creating the Downtown Business Improvement District** (Assessment District 1SD97) as a special assessment district for services with two areas for different levels of services and assessments, in an area of Downtown Anchorage generally including the area west of Gambell Street, north of 9th Avenue, east of the alley between "L" and "M" Streets and south of Ship Creek, but more specifically shown on the Special Assessment District 1SD97 map attached to this ordinance; authorizing said District to provide specified safe and clean services and establishing the basis and method of assessing, allocating and apportioning the costs of services and the rules and procedures for assessment calculations, billings, penalties, interest, costs, application of payments and enforcement of assessments and determining to proceed, Legal Department.
 1. Assembly Memorandum No. AM 222-97.
 2. Information Memorandum No. AIM 30-97, Municipal Manager.
 3. Assembly Memorandum No. AM 296-97, Municipal Manager.
 4. Information Memorandum No. AIM 51-97, Municipal Manager. **(addendum)**
 (CONTINUED FROM 3-25-97)
- B. Resolution No. AR 97-41, a resolution confirming the assessment roll and levying special assessments for services on property specially benefited in the **Downtown Business Improvement District**, Special Assessment District 1SD97, setting the dates of assessment, and providing for assessment billing, payment due dates, application of payments, delinquency, penalties, interest and costs for delinquency and enforcement, Legal Department.
 1. Assembly Memorandum No. AM 222-97.
 2. Information Memorandum No. AIM 30-97.
 3. Assembly Memorandum No. AM 296-97.
 4. Information Memorandum No. AIM 51-97. **(addendum)**
 (CONTINUED FROM 3-25-97)

Chairman Begich opened the public hearing on AO 97-51 and AR 97-41 and asked if anyone wished to speak.

BOB NEUMANN, a member of the Downtown Anchorage Business Improvement District Committee, spoke in favor of the Business Improvement District (BID.) He stated that BID's make downtown areas safer, healthier and more prosperous. He cited examples of other communities using BID's. He discussed which areas of downtown supported the BID.

JOHN BURNS of the Alaska Railroad Corporation (ARR) spoke in support of the BID. He noted that the BID has support from Bob Hatfield, former president of ARR, and former Alaska Governor Bill Sheffield. He stated that he hopes that the ARR annual financial commitment will help the BID.

LINDA CHASE, former president of the Downtown Anchorage Association, stated that a BID will enhance the downtown area. She was willing to cancel the BID after a three year review if it proves to be a burden.

PAT TAYLOR, Director of the Anchorage Downtown Partnership, spoke in favor of the BID and discussed reasons for extending the time in which the ballots are mailed.

GAYE OLIFONT, a downtown resident, spoke in favor of the BID but was concerned about ice on streets and sidewalks in the winter. She asked why businesses are not fined for failing to keep their sidewalks safe.

JIM YARMON, former director of the Downtown Anchorage Association, spoke in favor of the BID and stated that it will increase values downtown for property owners, improve the city, and encourage further housing development.

SHERRI HESS, owner of the Rusty Harpoon, spoke for the passage of the BID.

WALTER FEATHERLY, representative of Trina Johnson & Iditarod Properties, urged the Assembly to reject the BID. He stated that it would impose a new tax on property owners, and violate the equal protection clauses of the Constitution.

DAVID SOULAK, trustee of Anchorage Elks Lodge, stated that a BID tax would affect his dealings with charity. His members support the idea of a BID but reject the idea of a new tax.

NAS DEWELON, member of the Downtown Park and Ship, was in support of the BID as a means to further beautify Anchorage.

CHRIS ANDERSON, owner of the Glacier Brewhouse, felt the elements that are most important to the city are cleanliness and safety. He stated that the BID will further these goals and be a community motivator.

BERYL JOHNSON, who owns property at 4th & Barrow, felt that the BID was a good idea and offered to solicit support.

DEE DEE ALLITSON, a downtown resident, spoke for BID approval and cited reasons for the immediate need.

NAFLA MICHAEL pointed out that the BID will not solve all of the problems in Anchorage.

BONNIE PASFLAN, partner of a downtown law firm, spoke in favor of the BID. In rebuttal to Mr. Featherly's testimony, she outlined the bylaws and election data.

CAROL GILLIAM spoke in favor of the BID. She hoped it will make downtown more clean and safe.

CHRIS BECK, an urban planner/designer, spoke for the BID and stated that it will make downtown more successful. It will provide people with a clean, comfortable place to recreate and do business.

FRAN ROSE, of the Downtown Deli, spoke in favor of the BID. She offered suggestions to improve downtown, and stated that the BID should assist the Assembly in being aware of downtown's problems.

MICHAEL ANDERSON, a small business owner, spoke in support of the BID.

JOE BABKA, of Hickel Investment Company, felt that the west end of the district should be exempted. He stated that it would impose an unfair tax on west downtown residents.

JANET MCCABE, Adare Properties, supported the BID and felt that all downtown hotels, and the entire community, will benefit. She offered a history of downtown Anchorage and stated that a BID will enhance the public's image of the downtown area.

Vice Chairman Wuerch assumed the Chair.

LENNIE HARRINGTON, manager of Once in a Blue Moose and representative of Wesco Incorporated, spoke in support of the BID.

BOB ACRE, a downtown property owner, spoke in favor of the BID. He urged the Assembly not to change the boundaries of the district because people voted with the current boundary in mind.

LARRY COMPTON, a downtown office resident, felt that the BID will be a benefit to all of downtown.

ANNA MAY ROCHER, owner of Always Travel, spoke in support of the BID. She felt that downtown areas would care for their own community. She also stated that safety for customers and employees is paramount.

JOHNNY GRAMES, downtown resident, spoke against the BID. He stated that absentee landlords will benefit from it and the residents and the non-property owners will not.

JOANNE BROWSE, executive director of the Downtown Anchorage Association, urged approval of the BID, saying that it will engage success in every aspect of downtown Anchorage life.

Chairman Begich returned to the Chair.

HOWARD LEVINE of Carr Gottstein Properties opposed the BID. He believed that his properties will not benefit. He offered data showing monies saved for services done without soliciting a BID.

KEITH FERNANDEZ of Media Production Associates spoke in support of the BID. He stated that the downtown area has been clearly defined as a political and promotion area and that all of downtown will improve and benefit from the BID.

FRANK NYMAN, arranger of first assessment rolls in Anchorage, spoke in support of the BID.

RACE JONES was in favor of the BID, stating that it will benefit the children of Anchorage. He noted that the BID will also reduce the city's tax amount. He did not want the downtown area separated into sections.

Chairman Begich asked if anyone else wished to speak. There was no one.

Mr. Wohlforth moved, to continue the public hearing
seconded by Mr. Murdy, on AO 97-51 and AR 97-41 until
and it was withdrawn, April 29, 1997.

Mr. Wuerch moved, to close the public hearing on
seconded by Mr. Carlson, AO 97-51 and 97-41 and postpone
and it passed without action until April 29, 1997.
objection,

Chairman Begich stated the public hearing would be reopened if other wanted to testify. He scheduled a work session on April 29, 1997 to resolve questions on the BID.

- C. Ordinance No. AO 97-37, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 3.30.172 by **assigning the classifications of "Assistant Police Chief" and "Deputy Police Chief" to Range 22E, Executive Positions**, subject to the appointment by the Mayor, Assemblymembers Carlson and Murdy.
1. Assembly Memorandum No. AM 132-97.
 2. Ordinance No. AO 97-37(S), an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 3.30.172 by assigning the classifications of "Assistant Police Chief" and "Deputy Police Chief" to Range 22E, Executive Positions, subject to the appointment by the Mayor, Assemblymember Carlson.
- (CONTINUED FROM 3-25-97)

Mr. Carlson moved, to continue the public hearing for
seconded by Mr. Murdy, AO 97-37 until May 6, 1997.
and it passed without
objection,

12. NEW PUBLIC HEARINGS:

- A. Resolution No. AR 97-51, a resolution of the Municipality of Anchorage reappropriating \$195,767, State of Alaska, Department of Environmental Conservation 1993 Grant SB 183, with Fund 0441 (Anchorage Roads and Drainage Service Area), from the construction of the New Seward Highway Sedimentation Basin Project to the **construction of 97th and "C" Street Sedimentation Basin Project**, Public Works.
1. Assembly Memorandum No. AM 250-97.

Chairman Begich opened the public hearing on AR 97-51 and asked if anyone wished to speak. There was no one and he closed the public hearing.

Mr. Murdy moved, to approve AR 97-51.
seconded by Mr. Meyer,

AYES: Wohlforth, Bell, Abney, Kendall, Wuerch, Begich, Meyer, Von Gemmingen, Murdy.
NAYS: None.

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

- B. Resolution No. AR 97-54, a resolution of the Municipality of Anchorage appropriating \$110,860 of loan proceeds, representing the **five year lease-purchase of the IBM Enterprise Service replacement printer** from IBM Credit Corporation, to the Management Information Systems Department (0608), Management Information Systems Department.
1. Assembly Memorandum No. AM 262-97.
 2. Resolution No. AR 97-54(S), a resolution of the Municipality of Anchorage appropriating \$95,000 of loan proceeds, representing the five year lease-purchase of the IBM Enterprise Service replacement printer from IBM Credit Corporation, to the Management Information Systems Department (0608), Management Information Systems Department. **(addendum)**
 3. Assembly Memorandum No. AM 339-97.

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

Mr. Murdy moved,
seconded by Mr. Kendall,

to approve AR 97-54(S).

AYES: Wohlforth, Bell, Abney, Kendall, Wuerch, Begich, Meyer, Von Gemmingen, Murdy.
NAYS: None.

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

The Assembly then returned to item 8.E.5, AM 336-97.

Assembly Memorandum No. AM 336-97, proprietary lease purchase agreement for a **computer printer** from IBM Corporation for the Municipality of Anchorage, Management Information Systems Department/Purchasing. (**addendum**)

Question was called on the motion to approve AM 336-97 and it passed without objection.

- C. Resolution No. AR 97-55, a resolution of the Municipality of Anchorage appropriating \$1,164,100 of revenues from the Chugiak, Birchwood, Eagle River Rural Road Service Area (CBERRRSA) Fund (0119) to the Department of Public Works CBERRRSA Capital Improvement Program Mill Levy Fund (0419) for **road and drainage capital improvement projects**, Public Works.
1. Assembly Memorandum No. AM 270-97.

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

Mr. Murdy moved,
seconded by Ms. Von Gemmingen,

to approve AR 97-55.

AYES: Wohlforth, Bell, Abney, Kendall, Wuerch, Begich, Meyer, Von Gemmingen, Clementson, Carlson, Murdy.
NAYS: None.

- D. Resolution No. AR 97-59, a resolution of the Municipality of Anchorage appropriating \$147,500 as a cash match from the 1997 DHHS Operating Budget to the State Categorical Grants Fund (0231) for the **operation of the Anchorage Air Pollution Control Agency**, Health and Human Services.
1. Assembly Memorandum No. AM 283-97.

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

Mr. Murdy moved,
seconded by Ms. Clementson,

to approve AR 97-59.

AYES: Wohlforth, Bell, Abney, Kendall, Wuerch, Begich, Meyer, Von Gemmingen, Clementson, Carlson, Murdy.
NAYS: None.

- E. Resolution No. AR 97-64, a resolution of the Municipality of Anchorage providing for the acceptance and appropriation of a grant totaling \$194,800 from the Federal Emergency Management Agency and the State of Alaska Division of Emergency Services to the State Categorical Grants Fund (0231) for the **Television Public Education Campaign** under the Hazard Mitigation Program, Cultural and Recreational Services/Library.
1. Assembly Memorandum No. AM 294-97.

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

Mr. Bell moved,
seconded by Ms. Abney,

to approve AR 97-64.

AYES: Wohlforth, Bell, Abney, Kendall, Wuerch, Begich, Meyer, Von Gemmingen, Clementson, Carlson, Murdy.
NAYS: None.

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

to change the orders of the day
to consider items 12.G. and 12.H,
AO 97-57 and AR 97-56.

- F. Ordinance No. AO 97-53, an ordinance amending Anchorage Municipal Code subsection 3.30.174G. to require quarterly reporting to the Assembly of the **names and annual salaries of executive employees** hired in the previous quarter, Employee Relations.
1. Assembly Memorandum No. AM 246-97.

This item was continued until April 29, 1997.

- G. Ordinance No. AO 97-57, an ordinance of the Anchorage Municipal Assembly repealing Anchorage Ordinance No. 93-171(S) and Anchorage Municipal Code Sections 9.26.070B. through 9.26.070G. 9.26.090 and 9.26.100 enacted thereby relating to and facilitating the use of **photo radar**, Assemblymembers Bell, Kendall, Meyer, and Wuerch.

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

Mr. Bell moved, to approve AR 97-57.
seconded by Mr. Kendall,

Mr. Wohlforth, Ms. Abney and Ms. Von Gemmingen noted that they would not support the ordinance and would vote no in protest. The program did slow traffic. Violations are still being processed through the courts.

Ms. Clementson noted the photo radar program, although citizen initiated, did not accomplish what citizens' envisioned

Municipal Manager Larry Crawford noted that police will continue to enforce speed limits in school zones.

Chairman Begich stated he would vote no in protest. He felt photo radar was effective in slowing traffic in school zones.

Question was called on the motion to adopt AO 97-57 and it passed:

AYES: Bell, Kendall, Wuerch, Meyer, Clementson, Carlson, Murdy.
NAYS: Wohlforth, Abney, Begich, Von Gemmingen.

Mr. Kendall moved, immediate reconsideration.
seconded by Mr. Wuerch,

AYES: Clementson.
NAYS: Wohlforth, Bell, Abney, Kendall, Wuerch, Begich, Meyer, Von Gemmingen, Carlson, Murdy.

- H. Resolution No. AR 97-56, a resolution authorizing the power of eminent domain for the parcel identified as the southwest one-quarter of the southeast one-quarter, Section 20, Township 14, Range 1 West, Seward Meridian, Alaska (SW4SE4, Section 20, T14N, R1W, S.M.) for the "**Janke Hill**" **Phase of Hiland Road improvements** and approval of the Hiland Road at Janke Hill Decisional Document for use in filing a Declaration of Taking, Public Works.
1. Assembly Memorandum No. AM 271-97.

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

CHRIS INGMASON, representing the Chugiak, Birchwood, Eagle River Rural Road Service Area Board of Supervisors, gave a history of the issue. She noted decreasing the grade of Janke Hill was a long-standing priority. Negotiations for the right-of-way are at impasse. Proper right-of-way is needed before the project can proceed. She urged the Assembly to support the resolution.

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

Mr. Carlson moved, to approve AR 97-56.
seconded by Mr. Wuerch,

Mr. Wohlforth gave a history of the offer, asking why the final amount was less than the \$48,870 offered in September.

Vivian Dietz-Clark of Public Works stated that eminent domain was being sought for only this phase, where the earlier offers were for all phases.

In response to Mr. Kendall, Ms. Dietz-Clark noted that attempts to acquire this property began in 1986. She felt the Municipality had exhausted all other means available and the department had made a good faith effort in this matter. She stated that the Municipality is still willing to negotiate.

In response to Mr. Carlson, Ms. Dietz-Clark noted that money was not the primary reason for the owner's refusal.

Question was called on the motion to approve AR 97-56 and it passed:

AYES: Bell, Abney, Kendall, Wuerch, Begich, Meyer, Von Gemmingen, Clementson, Carlson.
NAYS: None.

(Clerk's note: Mr. Wohlforth and Mr. Murdy were out of the room at the time of the vote.)

The meeting recessed at 9:35 p.m. and reconvened at 9:50 p.m.

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

14. **SPECIAL ORDERS:** See item 16, Unfinished Agenda.

15. **ASSEMBLY COMMENTS:** None.

16. **UNFINISHED AGENDA:**

A. Ordinance No. AO 96-140, an ordinance adopting the **Areawide Trails Plan** as an element of the Anchorage Comprehensive Plan and amending Chapter 21.05 of the Anchorage Municipal Code, Community Planning and Development.

1. Assembly Memorandum No. AM 907-96.

2. Information Memorandum No. AIM 150-96.

(CONTINUED FROM 11-5-96 AND 12-17-96; POSTPONED FROM 1-14-97, 1-28-97, AND 2-4-97; ADOPTED 3-4-97; NOTICE OF RECONSIDERATION WAS GIVEN BY MR. WOHLFORTH 3-5-97; RECONSIDERED AND POSTPONED FROM 3-25-97)

Chairman Begich gave the history of the ordinance and noted a motion to adopt AO 96-140 as amended was on the floor.

In response to Mr. Wuerch, NANCY PEASE of the Anchorage Trails and Greenways Coalition addressed the Assembly. She urged the Assembly to restore the eastern connection through Chester Creek Trail Greenbelt to the Trails Plan. It is one of few north-south trail connections. Eliminating the route will make it more difficult to establish in the future.

In response to Mr. Wohlforth, Ms. Pease said the Coalition would support placing both trails on the map. The group is willing to work with adjacent property owners to preserve woods and buffers.

Mr. Wuerch moved, seconded by Mr. Wohlforth,	to amend the Areawide Trails Plan, Chapter 11, Section 1, the map, to modify that portion commonly known as the University Area, by designating a multi- use, paved trail between Tudor and Northern Lights Boulevard to the western-most route, (i.e., from UAA student housing to Providence Hospital through the UAA campus to the King Career Center and by Goose Lake) to the public overpass currently over Northern Lights Boulevard. The remainder of the sentence, approved on March 4, 1997, would be deleted.
---	--

Mr. Wuerch noted the deletion of the remainder of the sentence would reinstate the eastern route.

In response to Mr. Bell, Lance Wilber of Community Planning and Development clarified that the Trails Plan identified which trails should be paved, but final determination was made during the design process.

Question was called on Mr. Wuerch's motion to amend AO 96-140 and it passed without objection.

Mr. Kendall moved, seconded by Mr. Carlson, and it passed without	to amend the Plan to add a proposed multi-use paved trail connecting the Eagle River Town objection, Square Park to the existing Glenn Highway Trail.
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Ms. Von Gemmingen moved, seconded by Mr. Murdy,	to amend the Plan to add a multi-use paved trail along the eastern boundary of the Halcro property/ Machenfield Subdivision and continuing south to Jewel Lake Park. In addition, a multi-use paved trail from the eastern boundary of the Halcro property to the east connecting with 80th Street.
--	--

In response to Ms. Von Gemmingen, Mr. Wilber described the proposed trail, noting the connection addressed concerns of local property owners. He said approval for the trail had been obtained from the Halcros. Another property owner would be affected, but approval has not been obtained from this owner.

Mr. Wohlforth asked Mr. Siemens to comment on the proposal. Mr. Siemens stated the proposal was new to him. He described the terrain features of the area and explained access issues to the Assembly. He felt the proposed trail extension would not work because of these issues.

Ms. Von Gemmingen invited Mr. Cooper to speak on behalf of the Halcros. Mr. Cooper noted that the Municipality already owns much of the land being used in the amendment as right-of-way or parklands.

Mr. Wohlforth moved, to amend the amendment to add
seconded by Ms. Abney, a sentence to read: "...with 80th Street. The existing 80th
Avenue right-of-way should not be vacated until the
new route is platted."

AYES: Wohlforth, Abney, Begich, Von Gemmingen, Clementson.
NAYS: Bell, Kendall, Wuerch, Meyer, Carlson, Murdy.

Ms. Clementson noted that Ms. Von Gemmingen's amendment proposed taking action without the property owners input. She opposed this policy and urged caution, as this issue cannot be reconsidered again.

Question was called on Ms. Von Gemmingen's motion to amend and it passed:

AYES: Bell, Kendall, Wuerch, Meyer, Von Gemmingen, Carlson, Murdy.
NAYS: Wohlforth, Abney, Begich, Clementson.

Question was called on the motion to adopt AO 96-140 as amended and it passed:

AYES: Wohlforth, Bell, Abney, Kendall, Wuerch, Begich, Meyer, Von Gemmingen, Clementson, Carlson, Murdy.
NAYS: None.

- B. Resolution No. AR 97-66, a resolution of the Anchorage Municipal Assembly appropriating \$100,000 from Areawide General Fund (0101) Balance to the Department of Community Planning and Development to provide funding for an **Eagle River Central Business District Urban Design Plan and Pedestrian Circulation Study**, Assemblymember Kendall.
1. Assembly Memorandum No. AM 297-97.
(POSTPONED FROM 3-25-97)

Chairman Begich gave the history of the resolution and noted a motion to approve was on the floor.

Mr. Kendall noted the Eagle River business community supported the study. In response to Ms Clementson, he explained why the funds were proposed to be removed from fund balance, rather than waiting for first quarter budget revisions. Mr. Kendall noted he had discussed this with the Mayor, who felt it was appropriate to do at this time.

Ms. Clementson supported the study, but felt it was inappropriate to take the funds from fund balance.

Question was called on the motion to approve AR 97-66 and it passed:

AYES: Bell, Kendall, Wuerch, Begich, Meyer, Carlson, Murdy.
NAYS: Wohlforth, Abney, Von Gemmingen, Clementson.

- C. Resolution No. AR 97-79, a resolution to protest the transfer of ownership of the package store liquor license at 601 West 36th Avenue in the name of Su Sung Ho d/b/a Mom & Pop's Grocery & Liquor to Hinam & Hahn K. Bahng d/b/a **Mom & Pop's Grocery & Liquor**. (LAID ON THE TABLE)

Mr. Wuerch moved, to introduce AR 97-79 for
seconded by Mr. Kendall, public hearing on April 29,
and it passed without 1997.
objection,

- D. Assembly Memorandum No. AM 346-97, **Anchorage Telephone Utility Labor Board** impending vacancy and Assembly procedure for new appointment, Municipal Clerk. (LAID ON THE TABLE)

Mr. Kendall moved, to approve AM 346-97.
seconded by Mr. Wuerch,
and it passed without
objection,

17. **AUDIENCE PARTICIPATION:** None.

18. **EXECUTIVE SESSIONS:** None.

19. **ADJOURNMENT:**

Mr. Murdy moved, to adjourn.
seconded by Mr. Bell,
and it passed without
objection,

The meeting adjourned at 10:50 p.m.

Chairman

ATTEST:

Municipal Clerk

Date Minutes Approved: August 19, 1997

LF/kbs

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