

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Regular Meeting of June 3, 1997

1. CALL TO ORDER:

The meeting was convened at 5:00 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 Mr. Meyer.

4. MINUTES OF PREVIOUS MEETING: None.

5. MAYOR'S REPORT:

Mayor Mystrom said he would present the proposed time line for revisions to the Anchorage Comprehensive Plan at next weeks' Assembly meeting. He noted that a CREATE (Community Recognition for Education and Teaching Excellence) Award ceremony was held last week to recognize students who have contributed to schools. Each student identified a teacher who had changed or made a difference in his life, and gave a speech about that teacher. He felt it was an ideal way to honor teachers, without political overtones. It was anticipated to be an annual event. The Mayor invited Assembly members to a Bridge Builders potluck at his home on July 12, 1997. Lastly, he announced the existence of the "My Part of Town" cleanup program. The program encourages citizens to "adopt" an area of town to keep clean and free of litter. He asked everyone to participate.

6. ADDENDUM TO AGENDA:

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

Chairman Begich read the addendum items.

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 Mr. Carlson, consent agenda as amended.

A. BID AWARDS:

- 1. Assembly Memorandum No. AM 499-97, recommendation of award to SeaCoast Construction Co., Inc., for **miscellaneous pedestrian safety improvements-Lake George/Augustine/ Chandalar/Patterson** for the Municipality of Anchorage, Public Works (ITB 97-C11), Purchasing.
- 2. Assembly Memorandum No. AM 507-97, recommendation of award to Byerly & Koch Construction, Inc., for **Town Square Park & Kincaid Park-Phase I** for the Municipality of Anchorage, Cultural and Recreational Services (ITB 97-C9), Purchasing.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

- 1. Resolution No. AR 97-126, a resolution of the Municipality of Anchorage appropriating \$997,530 to the State Categorical Grants Fund (0231) from the Department of Community and Regional Affairs for the Job Training Partnership Act (JTPA) Title IIB **Summer Youth Employment and Training Program**, Health and Human Services.
public hearing 6-10-97.
 - a. Assembly Memorandum No. AM 491-97.
- 2. Resolution No. AR 97-127, a resolution authorizing the Municipality of Anchorage, Department of Property and Facility Management to enter into a Transfer of Responsibilities Agreement (TORA) in the amount of \$490,000 with the Department of Transportation and Public Facilities, State of Alaska, for a **Compressed Natural Gas Program** and appropriating these funds to the State Categorical Grants Fund (0231), Property and Facility Management. public hearing 7-1-97.

- a. Assembly Memorandum No. AM 492-97.

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

3. Resolution No. AR 97-130, a resolution accepting **annual entitlement grants** from the U.S. Department of Housing and Urban Development in the amount of \$2,353,000 for the Community Development Block Grant Program, \$841,000 for HOME Investment Partnerships Program, and \$62,000 for Emergency Shelter Grants, and appropriating said funds, together with \$120,775 program income and \$1000 previously unappropriated FY 1996 HOME Investment Partnership grant to the Federal Categorical Grants Fund (0241), Community Planning and Development. public hearing 6-10-97. **(addendum)**
 - a. Assembly Memorandum No. AM 509-97.
4. Ordinance No. AO 97-90, an ordinance amending Anchorage Municipal Code Section 8.05.270 by adding a new subsection to make it unlawful for any person to advertise the sale of fireworks unless the advertisement declares that the **sale, possession or use of fireworks** within the Municipality is unlawful, Legal Department. public hearing 7-1-97. **(addendum)**
 - a. Assembly Memorandum No. AM 513-97.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 97-125, a resolution of the Anchorage Municipal Assembly **approving an appointment to the Anchorage Telephone Utility (ATU) Labor Board**, Assemblymember Begich.

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

2. Resolution No. AR 97-124, a resolution of the Municipality of Anchorage accepting and appropriating \$48,000 from the Alaska Department of Health and Social Services to the State Categorical Grants Fund (0231) for the **Child Care Licensing Program** in the Department of Health and Human Services.
 - a. Assembly Memorandum No. AM 484-97.
3. Resolution No. AR 97-128, a resolution of the Municipality of Anchorage providing for the acceptance and appropriation of \$32,000 to the Miscellaneous Operational Grants Fund (0261) from Alaskans for Litter Prevention and Recycling for the **Municipal Community Work Service Program**, Cultural and Recreational Services.
 - a. Assembly Memorandum No. AM 500-97.
4. Resolution No. AR 97-129, a resolution authorizing the **disposal of a municipal interest within Tract A, Dena'Ina Estates**, located in the vicinity of Highland Drive, Water and Wastewater Utility.
 - a. Assembly Memorandum No. AM 501-97.
5. Resolution No. AR 97-136, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Blake Flaten, Sgt. Lee Archuleta, and Sgt. Matthew Plock as "City Heroes"**, Assemblymembers Abney, Begich, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Von Gemmingen, Wohlforth, and Wuerch. **(addendum)**

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

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 502-97, **Bidding Review Board appointment** (Randall Stevens), Mayor's Office.
2. Assembly Memorandum No. AM 503-97, **Girdwood Board of Supervisors reappointment** (Mary Jo Thill), Mayor's Office.
3. Assembly Memorandum No. AM 504-97, **Historic Preservation Board appointment** (Bridget Bushue), Mayor's Office.
4. Assembly Memorandum No. AM 505-97, **Police and Fire Retirement Board appointments** (Mary Ann Pease, Tom Tierney, John Gentile), Mayor's Office.
5. Assembly Memorandum No. AM 506-97, **Upper Grover Limited Road Service Area Board of Supervisors appointment** (Jim Von Bose), Mayor's Office.
6. Assembly Memorandum No. AM 488-97, **O'Brady's Burgers & Brew #1** - Transfer of Ownership of a Restaurant/Eating Place Liquor License and Restaurant Designation (Bayshore-Klatt/Taku-Campbell Community Councils), Clerk's Office.
7. Assembly Memorandum No. AM 489-97, **Seven-Eleven #1** - Transfer of Location of a Package Store Liquor License (Abbott Loop Community Council), Clerk's Office.

Ms. Clementson asked the record reflect her "no" vote on this item. Mr. Meyer asked this item be considered on the regular agenda. See 8.E.

8. Assembly Memorandum No. AM 490-97, **1997-1998 Liquor License Renewals**: Blondie's Alaskan Steak/Seafood, Tony Roma's (Beverage Dispensary), Clerk's Office.

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

9. Assembly Memorandum No. AM 485-97, Amendment Number Two to professional services contract with Tryck Nyman Hayes, Inc. for **Far North Bicentennial Park Grade Separated Trail Crossing Project**, Cultural and Recreational Services.
10. Assembly Memorandum No. AM 486-97, change order No. 7 to purchase order 54393 with Human Resources Company for the **operation of the Job Training Partnership Act (JTPA) and State Training and Employment Program (STEP) in the Matanuska-Susitna Borough** for the Municipality of Anchorage, Department of Health and Human Services/ Purchasing.
11. Assembly Memorandum No. AM 487-97, change order No. 3 to purchase order 63615 with Glen Alps Road Services for furnishing **year round road maintenance services** to the Municipality of Anchorage, Public Works Department/Purchasing.
12. Assembly Memorandum No. AM 493-97, change order No. 2 to purchase order 52124 with Guardian Security Systems, Inc. for providing **security guard services** to the Municipality of Anchorage, Municipal Light and Power/Purchasing.
13. Assembly Memorandum No. AM 494-97, recommendation of award to Tryck Nyman Hayes, Inc. for professional services to conduct a **Northern Access Feasibility Study** for the Municipality of Anchorage, Port of Anchorage (RFP 7-97), Purchasing.

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

14. Assembly Memorandum No. AM 495-97, change order No. 1 to purchase order 62087 to exercise the option period with Golden North Enterprises for furnishing **grounds maintenance and burial services** to the Municipality of Anchorage, Public Works Department/ Purchasing.
15. Assembly Memorandum No. AM 496-97, amendment No. 1 to professional services agreement with HDR Alaska, Inc. for **Airport Water Project - Phase 1B Water Transmission Main**, Water and Wastewater Utility.
16. Assembly Memorandum No. AM 497-97, **Anchorage Loop Water Transmission Main, Phase II** - Contract Change Order No. 7, Water and Wastewater Utility.
17. Assembly Memorandum No. AM 508-97, change order No. 2 to purchase order 52537 to exercise the final option period with Allvest Laboratories, Inc. for providing **laboratory services** for the Municipality of Anchorage, Transportation Inspection Division/Purchasing.
18. Assembly Memorandum No. AM 514-97, change order No. 3 to purchase order 54597 with Tiburon, Inc. to provide a **Public Safety System** for the Municipality of Anchorage, Anchorage Police Department and the Management Information Systems Department/Purchasing. **(addendum)**

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

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 76-97, report on **printing of Official Municipal Election Ballots** from Ken Wray's Printing for the Municipality of Anchorage, Clerk's Office.
2. Information Memorandum No. AIM 77-97, **College Gate water removal and replacement** impending change order, Water and Wastewater Utility.
3. Information Memorandum No. AIM 78-97, Internal Audit Report 97-11 - **Bradley Lake Hydroelectric Project Alaska Energy Authority Charges**, Municipal Light and Power, Assemblymember Begich.
4. Information Memorandum No. AIM 79-97, **Anchorage Veterans Affairs Commission Resolution**, Mayor's Office.
5. Information Memorandum No. AIM 80-97, **Monthly Financial Report** - April 1997, Finance.
6. Information Memorandum No. AIM 81-97, **re-appointment to the Executive Staff** (Timothy G. Middleton, Administrative Hearing Officer), Mayor's Office. **(addendum)**

Municipal Manager Larry Crawford asked this item be considered on the regular agenda. See 8.F.

7. Information Memorandum No. AIM 82-97, **unanswered Assembly Information Requests**, Assemblymember Begich. **(addendum)**

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:

Mr. Murdy moved, to change the orders of the day to
 seconded by Ms. Abney, consider item 7.C.5, AR 97-136.
 and it passed without
 objection,

Resolution No. AR 97-136, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Blake Flaten, Sgt. Lee Archuleta, and Sgt. Matthew Plock as "City**

Heroes", Assemblymembers Abney, Begich, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Von Gemmingen, Wohlforth, and Wuerch. **(addendum)**

Mr. Wuerch moved, to approve AR 97-136.
seconded by Mr. Murdy,

Mr. Wuerch read the resolution, while Messrs. Murdy and Carlson presented the resolution to the recipients.

Question was called on the motion to approve AR 97-135 and it passed without objection.

Chairman Begich presented a plaque to Mr. Flaten, Sergeant Archuleta and Sergeant Plock.

Michael Armstrong, the man saved from drowning by the three heroes, thanked his rescuers.

Sergeant Plock addressed the Assembly. He gave thanks to God for helping them in the rescue, and thanked their commanders for their military training and support throughout this incident.

Sergeant Archuleta also thanked God, and Mr. Black and Sergeant Plock for helping in the rescue. He also thanked his chain of command, and thanked the Assembly for this recognition.

Mayor Mystrom added his thanks and congratulations to the heroes.

Assembly Policy and Budget Director Greg Moyer orchestrated presentations to the heroes from local businesses and the U.S. Army and Air Force Exchange Service, Alaska.

A. TIME CRITICAL ITEMS: None.

B. BID AWARDS: None.

C. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

- 1. Resolution No. AR 97-127, a resolution authorizing the Municipality of Anchorage, Department of Property and Facility Management to enter into a Transfer of Responsibilities Agreement (TORA) in the amount of \$490,000 with the Department of Transportation and Public Facilities, State of Alaska, for a **Compressed Natural Gas Program** and appropriating these funds to the State Categorical Grants Fund (0231), Property and Facility Management. public hearing 7-1-97.
 - a. Assembly Memorandum No. AM 492-97.

Messrs. Kendall, Wuerch and Murdy joined in introducing this resolution. The public hearing was scheduled for July 1, 1997.

Mr. Kendall requested information on the proposed length of the program by the time of the public hearing.

D. RESOLUTIONS FOR ACTION:

- 1. Resolution No. AR 97-125, a resolution of the Anchorage Municipal Assembly **approving an appointment to the Anchorage Telephone Utility (ATU) Labor Board**, Assemblymember Begich.

Mr. Wohlforth noted Steven Berkshire's resume was received after the deadline; he felt the resume should be excluded from consideration. He encouraged Mr. Berkshire to apply again in the future.

Municipal Clerk Lejane Ferguson announced the results of the Assembly vote: nine votes for Mr. Meehan, one vote for Mr. Caress, and one vote for Mr. Berkshire.

Mr. Wuerch moved, to approve, and amend AR 97-125
seconded by Mr. Murdy, on line 12 to read: "That
and it passed without objection, Richard H. Meehan is appointed..."

E. NEW BUSINESS:

- 1. Assembly Memorandum No. AM 489-97, **Seven-Eleven #1** - Transfer of Location of a Package Store Liquor License (Abbott Loop Community Council), Clerk's Office.

Mr. Meyer noted there were concerns about this license. He clarified that if the license is approved, a conditional use permit would be required, and a public hearing before the Assembly would be held. He supported approval of the memorandum.

In response to Mr. Meyer, Anchorage Police Department (APD) Chief Duane Udland explained why APD staff can no longer check citizens' criminal histories, for licensing purposes, through the National Crime Information Center computer system. He said a State law prohibiting this has been in existence for some time, but has only

recently been enforced. He suggested a way to continue background checks for license applicants would be to require them to submit their own criminal record. There is a fee for individuals to obtain copies of their records.

In response to Mr. Wohlforth, Chief Udland said the State law could be changed, and there is talk of change at the Federal level also, because many states are passing laws requiring criminal background checks for licensing purposes.

In response to Mr. Wuerch, Chief Udland said local criminal records could be checked, but that is a limited search, and convictions do not appear in local records.

Ms. Clementson moved, to postpone action on AM 489-97
seconded by Mr. Wohlforth, until July 1, 1997, to allow consideration with the conditional use permit for this location, and ensure any conditions placed on the license match the conditional use permit.

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

(Clerk's Note: This item was postponed until June 10, 1997 by a motion passed later in the meeting. See after item 8.F.)

2. Assembly Memorandum No. AM 490-97, **1997-1998 Liquor License Renewals**: Blondie's Alaskan Steak/Seafood, Tony Roma's (Beverage Dispensary), Clerk's Office.

Mr. Meyer moved, to approve AM 490-97.
seconded by Mr. Murdy,

Mr. Meyer said his questions on this item were answered by Police Chief Udland during discussion of the previous item.

Question was called on the motion to approve AM 490-97 and it passed without objection.

3. Assembly Memorandum No. AM 494-97, recommendation of award to Tryck Nyman Hayes, Inc. for professional services to conduct a **Northern Access Feasibility Study** for the Municipality of Anchorage, Port of Anchorage (RFP 7-97), Purchasing.

Ms. Von Gemmingen moved, to approve AM 494-97.
seconded by Ms. Clementson,

Ms. Von Gemmingen said she was pleased that this study would be performed.

Mr. Wohlforth concurred, and said he hoped the study would proceed promptly.

Question was called on the motion to approve AM 494-97 and it passed without objection.

4. Assembly Memorandum No. AM 514-97, change order No. 3 to purchase order 54597 with Tiburon, Inc. to provide a **Public Safety System** for the Municipality of Anchorage, Anchorage Police Department and the Management Information Systems Department/Purchasing. (**addendum**)

Mr. Kendall moved, to approve AM 514-97.
seconded by Mr. Murdy,

In response to Mr. Kendall, Anchorage Police Department Chief Duane Udland explained why this system was part of a bid package. It was planned to be purchased when funding became available. If item 12.B, AR 97-111 is approved, that funding will be available. He said the system would add imaging capabilities to APD's resources. Question was called on the motion to approve AM 514-97 and it passed without objection.

F. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 81-97, **re-appointment to the Executive Staff** (Timothy G. Middleton, Administrative Hearing Officer), Mayor's Office. (**addendum**)

Municipal Manager Larry Crawford noted a clerical error in this item; the document should be an Assembly Memorandum.

Assembly Memorandum No. AM 525-97, **re-appointment to the Executive Staff** (Timothy G. Middleton, Administrative Hearing Officer), Mayor's Office. (**LAI**D ON THE TABLE)

Mr. Kendall moved, to approve AM 525-97.
seconded by Mr. Wuerch,
and it passed without
objection,

(Clerk's Note: No action was taken on AIM 81-97.)

Mr. Wohlforth moved, to reconsider action on item
seconded by Mr. Wuerch, 8.E.1, AM 489-97, and change the
and it passed without postponement date to June 10,
objection, 1997.

The Assembly then considered item 10, Appearance Requests.

- A. **Jessica Barrett, Walter Orell and Tina Bozeman**, to present survey results on social, educational, and other items important to Anchorage youth.

Community Planning and Development Director Sheila Selkregg introduced Ms. Barrett and Mr. Orell.

Ms. Barrett discussed survey results indicating that the greatest concerns of Anchorage youth were crime and violence. She said she became involved with the survey project through the Anchorage School District Mentorship Program for gifted high school students. She, Mr. Orell and Ms. Bozeman indicated interest in politics, so they were assigned to help Ms. Selkregg with the current phase of the Anchorage Comprehensive Plan revision. This phase focuses on identifying the community vision for Anchorage.

Mr. Orell noted the Anchorage School District helped distribute the surveys and tally the results. One result of the survey indicated a large percentage of youth feel more trade schools, specialized classes and computer training are important to their education. As a result, a proposal was developed to open King Career Center during the summer months. A low rent, teen-friendly center, which could include pool halls, basketball and volleyball courts, coffee shops, arcades, food courts, dance clubs, empty space for classes, Internet access and retail shops was proposed to address concerns that there is a lack of activities for youth in the evenings and on weekends.

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

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

- A. Assembly Memorandum No. AM 427-97, **Arctic Zebra** - Transfer of Ownership of a Beverage Dispensary Liquor License (Spenard Community Council), Clerk's Office.
(POSTPONED FROM 5-20-97)
Resolution No. AR 97-137, an Assembly Resolution to conditionally waive protest of the transfer of ownership of the beverage dispensary liquor license at 549 West International Airport Road, #A15, Anchorage, Alaska, from Try, Inc. d/b/a Last Frontier South to Paul Brannon d/b/a **Arctic Zebra**, Assemblymember Clementson. **(LAID ON THE TABLE)**

Ms. Clementson moved, to approve AR 97-137.
seconded by Mr. Murdy,

Ms. Clementson explained the applicant wished to keep the license active at a premises, although it is not being operated. Also, the location is within two hundred feet of a church, which is against the rules for an alcohol establishment. She recommended approval.

In response to Mr. Murdy, Mr. Brannon, the applicant, addressed the Assembly. He said he understood the requirements of the conditional use permit. Also, he did not intend to operate the license at the current location.

Question was called on the motion to approve AR 97-137 and it passed without objection.

(Clerk's Note: No action was taken on AM 427-97.)

- B. Assembly Memorandum No. AM 455-97, recommendation of award to ALLVEST, Inc. to provide services to **operate a Community Service Patrol and Transfer Station** for the Municipality of Anchorage, Department of Health and Human Services (RFP 18-97), Purchasing.
(POSTPONED FROM 5-20-97)

Chairman Begich gave the history of the memorandum and noted no motions were pending.

Mr. Murdy disclosed his corporation had performed work for Allvest in the past. The Municipal Board of Ethics has ruled the association was not a conflict of interest.

In response to Ms. Von Gemmingen, Mr. Murdy said he had no current contracts with Allvest.

Chairman Begich disclosed his vending machine company has four hundred vending machines around the city, with one machine in an Allvest facility.

Mr. Murdy moved, to approve AM 455-97.
seconded by Mr. Wuerch,
and it passed without
objection,

In response to Mr. Wuerch, Health and Human Services Director Elaine Christian discussed a task force study on substituting a broader response area for less patrol hours. She said the contractor had requested additional funds to provide expanded service in a larger geographical area.

Mr. Wuerch moved, to postpone action on AM 455-97 until
seconded by Mr. Kendall, June
10, 1997 pending further attempts to negotiate a
resolution to the issue of getting broader service with
less hours for the same amount of money.

In response to Ms. Clementson, Ms. Christian said there were not funds available for the additional expense of \$157,000 for service and increased staffing at the transfer station.

Mr. Murdy felt an expansion of the station was unnecessary, and expanded service could be successfully negotiated with the contractor.

Mr. Wohlforth requested an analysis of how the proposed additional costs would be allocated.

Question was called on the motion to postpone action on AM 455-97 until June 10, 1997 and it passed without objection.

- C. Assembly Memorandum No. AM 457-97, recommendation of award to Davies Consulting for professional services as a **Gas Field Operations Manager** for the Municipality of Anchorage, Municipal Light and Power (RFP 15-97), Purchasing.
(POSTPONED FROM 5-20-97)

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

Mr. Bell said his meeting with the Purchasing Officer and Municipal Light and Power staff had resolved his questions on this item. He recommended approval.

Question was called on the motion to approve AM 457-97 and it passed without objection.

- D. Information Memorandum No. AIM 70-97, Internal Audit Report 97-10 - **Procedures for Selecting Engineering Consultants, Port of Anchorage**, Assemblymember Begich.
(POSTPONED FROM 5-20-97)

Chairman Begich gave the history of the memorandum and noted no motions were pending.

Mr. Wuerch moved, to accept AIM 70-97.
seconded by Mr. Murdy,
and it passed without
objection,

- E. 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.
 3. Information Memorandum No. AIM 65-97, Employee Relations.
(CONTINUED FROM 3-25-97; POSTPONED FROM 4-8-97 AND 5-6-97)

Chairman Begich gave the history of the ordinance and noted no motions were pending.

Mr. Carlson moved, to table AO 97-37 and AO 97-37(S).
seconded by Mr. Murdy,
and it passed without
objection,

- F. Ordinance No. AO 97-28, an ordinance amending Anchorage Municipal Code Chapter 10.60 by adding a new section on 10.60.045 that provides for the assignment of **sidewalk vendor sites** by outcry auction and amending 10.60.070 to increase the number of sites allowed, Assemblymember Begich.
1. Assembly Memorandum No. AM 110-97.
(POSTPONED FROM 3-4-97, 3-25-97, AND 5-6-97)
- G. Ordinance No. AO 97-29, an ordinance amending Anchorage Municipal Code Sections 10.60.050 and 10.60.070 concerning applications for vendors licenses and providing for assignment of **sidewalk vendor sites** by lottery, and a non-refundable application fee for a sidewalk vendor license, Assemblymember Begich.

1. Assembly Memorandum No. AM 110-97.
(POSTPONED FROM 3-4-97, 3-25-97, AND 5-6-97)
- H. Ordinance No. AO 97-30, an ordinance amending Anchorage Municipal Code Sections 10.60.050 and 10.60.070 concerning applications for **sidewalk vendor licenses** providing for assignment of sidewalk vendor sites by lottery, a non-refundable application fee, a limit to the number of applications which may be submitted, Assemblymember Begich.
1. Assembly Memorandum No. AM 110-97.
(POSTPONED FROM 3-4-97, 3-25-97, AND 5-6-97)

Chairman Begich noted he planned to introduce an ordinance to address the sidewalk vendor issue. He recommended the three pending ordinances be postponed indefinitely.

Mr. Wuerch moved, to postpone action on AO 97-28,
seconded by Ms. Clementson, AO 97-29 and AO 97-30
and it passed without indefinitely.
objection,

- I. 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.
1. Assembly Memorandum No. AM 303-97.
2. Information Memorandum No. AIM 71-97.
(POSTPONED FROM 4-29-97, 5-6-97, AND 5-20-97)

Chairman Begich gave the history of the ordinance and noted a motion to adopt and an amendment was on the floor.

Mr. Kendall argued in support of his amendment made on April 29, to encourage more local participation. He asked the administration to report on the effect of the amendment.

Chief Fiscal Officer Jerry Anderson replied the recommendation of the administration and the Investment Advisory Commission was to adopt the ordinance as proposed. He said local companies are being encouraged to participate. He noted the proposed amendment would limit potential investments, and could result in lost returns. He said there were plans to create incentives for local companies.

Mr. Murdy expressed concern that the ordinance might allow imprudent investments. He felt allowing purchase of bonds without scrutiny by the Assembly could be dangerous.

Municipal Manager Larry Crawford said Mr. Murdy's concerns were initially shared by the administration. However, after more research, the proposal was felt to be prudent.

There was further discussion of whether the proposed amendment would improve business for Anchorage-based firms and whether the Municipality should expand its investment choices.

Mr. Kendall moved, to postpone action on AO 97-60
seconded by Mr. Carlson, until
July 1, 1997.

Mr. Kendall requested a work session be held on this topic before the ordinance returns to the Assembly.

Question was called on the motion to postpone action until July 1, 1997 and it passed:

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

- J. **NOTICE TO AMEND SOMETHING PREVIOUSLY ADOPTED:** 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.
(AMENDED & APPROVED 4-29-97; IMMEDIATE RECONSIDERATION FAILED 4-29-97;
ASSEMBLYMEMBER BELL GAVE NOTICE TO AMEND SOMETHING PREVIOUSLY ADOPTED
ON 5-6-97; ASSEMBLYMEMBER BELL PROVIDED A NEW NOTICE TO AMEND ON 5-20-97)

Chairman Begich gave the history of the ordinance.

Mr. Bell moved,

to amend AO 97-51 in Section 3 by
seconded by Mr. Kendall,
amending the map to change the western
boundary of the District from K Street north of 6th
Avenue to I Street north of 6th Avenue; in Section 12
to read: "Sections 2 and 5 of this ordinance shall
become effective on January 1, 1998 and all other
sections of this ordinance shall become effective
immediately upon passage and approval by the
Assembly."; and in Section 10 to read: "...become
effective on the effective date of this section.
Assessment District 1SD97 shall be authorized to
provide services in accordance with this ordinance for
three consecutive years after January 1 1998,
provided, however, no..."

Mr. Bell clarified the amendment would make the ordinance effective immediately, but delay assessment and services until January 1, 1998.

Assistant Municipal Attorney Bill Greene pointed out January 1, 1998 would also be the date from which to count three years in the future to the time when a re-vote on continuation of the District would occur.

Mr. Wohlforth moved,
seconded by

to amend the amendment to delete
the portion referring to the
Ms. Von Gemmingen,
boundary change in Section 3.

Mr. Wohlforth felt Mr. Bell's amendment was intended to remove an area occupied by a particular property owner, Hickel Investments, which owns the Captain Cook Hotel. There are three major hotels downtown, the Cook, Hilton and Sheraton, that will all benefit from the District. He felt it was unfair that all would benefit, yet only two of the three would be assessed.

Mr. Bell responded that there were other property owners besides Hickel Investments in the exempted area. The argument about unfair competition could be made for any businesses in the downtown area.

Question was called on Mr. Wohlforth's motion to amend and it failed:

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

Question was called on Mr. Bell's motion to amend and it passed:

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

(Clerk's Note: A motion to reconsider this action was considered after the following item.)

- K. **NOTICE TO AMEND SOMETHING PREVIOUSLY ADOPTED:** 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.
(AMENDED AND APPROVED 4-29-97; IMMEDIATE RECONSIDERATION FAILED 4-29-97; ASSEMBLY MEMBER BELL GAVE NOTICE TO AMEND ON 5-20-97)

Chairman Begich gave the history of the resolution.

Mr. Bell moved,

to amend AR 97-41 to change the
seconded by Mr. Kendall,
assessment roll to conform with the changes
made to AO 97-51, and in Section 3, page 1, line 32
by adding to the end of the sentence "...commencing
in tax year 1998."

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

Mr. Kendall moved,

immediate reconsideration of
seconded by Mr. Wuerch,
action on AO 97-51 and AR 97-41.

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

10. **APPEARANCE REQUESTS:**

- A. **Jessica Barrett, Walter Orell and Tina Bozeman**, to present survey results on social, educational, and other items important to Anchorage youth.

Ms. Barrett and Mr. Orell appeared earlier in the meeting. See after item 8.

11. **CONTINUED PUBLIC HEARINGS:**

- A. Resolution No. AR 97-117, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Restaurant/Eating Place) located on Anchorage Original Townsite, Block 54, Lot 9, generally located on the north side of West 6th Avenue between H and I Street (Masahide Yamada d.b.a. **Yamaya Restaurant**) (Case 97-091), Community Planning and Development.
1. Assembly Memorandum No. AM 463-97.
 2. Assembly Memorandum No. AM 430-97, Yamaya Restaurant - New Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Downtown Community Council), Clerk's Office.
- (CARRIED OVER FROM 5-20-97)

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

Mr. Wuerch moved, to approve AR 97-117.
seconded by Ms. Von Gemmingen,

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

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

Ms. Von Gemmingen moved, to approve AM 430-97.
seconded by Ms. Abney,

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.)

- B. Ordinance No. AO 97-71, an ordinance amending Anchorage Municipal Code Chapter 23.30 to **amend the local amendments to the 1996 National Electrical Code** covering electrical installations, construction, repair, maintenance and service connections in the building industry, Public Works.
1. Assembly Memorandum No. AM 380-97.
- (CARRIED OVER FROM 5-20-97)

Chairman Begich 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 adopt AO 97-71.
seconded by Ms. Clementson,

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

(Clerk's Note: Messrs. Wohlforth, Bell and Murdy were out of the room at the time of the vote.)

- C. Ordinance No. AO 97-76, an ordinance providing for the **creation of Evenson Service Area** to provide solid waste disposal services; and building safety services in the area known as Tract A, Evenson Subdivision, Addition #3, generally located west of Katahdin Drive and north of Kincaid Road, Community Planning and Development.
1. Assembly Memorandum No. AM 406-97.
- (CARRIED OVER FROM 5-20-97)

Chairman Begich 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 adopt AO 97-76.
seconded by Ms. Clementson,

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

(Clerk's Note: Messrs. Wohlforth, Wuerch and Murdy were out of the room at the time of the vote.)

- D. Ordinance No. AO 97-77, an ordinance providing for the **consolidation of Evenson Service Area** into the Anchorage Building Safety Service Area (ABSSA) and the Anchorage Solid Waste Disposal Service Area (ASWDSA), Community Planning and Development.
1. Assembly Memorandum No. AM 407-97.
(CARRIED OVER FROM 5-20-97)

Chairman Begich 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 adopt AO 97-77.
seconded by Ms. Abney,

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

(Clerk's Note: Messrs. Wohlforth, Wuerch and Murdy were out of the room at the time of the vote.)

- E. 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.
1. Assembly Memorandum No. AM 331-97.
(CARRIED OVER FROM 5-20-97)

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

Ms. Abney moved, to adopt AO 97-64.
seconded by Ms. Clementson,

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

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

- F. 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.
1. Assembly Memorandum No. AM 332-97.
(CARRIED OVER FROM 5-20-97)

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

Ms. Abney moved, to adopt AO 97-65.
seconded by Mr. Bell,

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

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

- G. Resolution No. AR 97-82, a resolution of the Municipality of Anchorage amending Sections 11.10.009.A and 11.10.009.B of the Anchorage Municipal Code of Regulations **increasing the rates and fares for taxicab services**, Legal Department.
1. Assembly Memorandum No. AM 359-97.
 2. Information Memorandum No. AIM 69-97, Transportation Inspection.
(CARRIED OVER FROM 5-20-97)

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

THOMAS ROTANELLI, a long-time Anchorage taxi driver, reviewed the nine month history of the proposed rate increase. He noted the Transportation Commission voted unanimously to support the increase. He pointed out rates had not been raised in fifteen years, but the cost of living had increased steadily over the same time period. In response to Ms. Von Gemmingen, Mr. Rotanelli said the majority of the increase would go to the taxi drivers.

BART TIERNAN, representing the Anchorage Chauffeurs Association, said drivers are concerned the amount of the rate increase will be negated by increased lease rates from permit holders. He did not support a price cap, but did suggest including language in the law that would keep permit holders from increasing costs to the drivers.

JAMES BRENNEN, representing the Anchorage Taxicab Permit Owners Association, said the group supported the resolution. He said a rate increase was long overdue. He pointed out the actual amount of the increase would depend on competition between the various dispatch companies. He added there was no history of price gouging of drivers by permit holders. Without this, he felt it would be a mistake to impose price controls on lease rates.

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

Ms. Abney moved, to approve AR 97-82.
seconded by Mr. Meyer,

In response to Mr. Wohlforth, Transportation Inspector Dave Llewellyn said the Transportation Commission plans to monitor the effect of the rate increase and report to the Assembly after one year. The Commission currently has the authority to regulate rates.

Assistant Municipal Attorney Bill Greene added if the Commission chose to establish regulations, the regulations would go before the Assembly for approval.

Mr. Wohlforth requested the permit lease rates be monitored on a quarterly basis, and the Commission take action to regulate if it appears the meter increase is being negated by permit holders.

Mr. Wuerch felt the Commission should monitor the age, condition and inspection failure rate of the taxi fleet. Also, he wanted reports on violation history in order to improve the quality of taxi service in Anchorage.

Mr. Wohlforth moved, to amend AR 97-82 to add a new
seconded by Ms. Abney,
Section 2 to read: "The Anchorage
Transportation Commission is directed to review
permit lease rates at least quarterly and report back
to the Assembly in May, 1998, on changes in lease
rates and if additional regulation is needed to contain
increases. The report should analyze the amount of
this fare increase that is captured by chauffeurs,
vehicle owners and permit owners." and renumber the
following section accordingly.

Mr. Wuerch moved, to amend the amendment to add a
and it was accepted as sentence to the new Section 2 to
a friendly amendment, read: "The
Commission will also monitor and analyze the
statistics on equipment age, maintenance and
condition and report back to the Assembly on any
trends as a consequence of this rate change."

Question was called on Mr. Wohlforth's motion to amend as amended and it passed without objection.

Question was called on the motion to approve AR 97-82 as amended and it passed:

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

- H. Ordinance No. AO 97-79, an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code Section 11.10.085 relating to **drug and alcohol testing for chauffeurs of taxicabs, limousines, and vehicles for hire** by repealing the three-year automatic termination of the ordinance, Operations Manager.
1. Assembly Memorandum No. AM 424-97.
(CARRIED OVER FROM 5-20-97)

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

JOE LESTER, owner of Eagle Custom Tours of Alaska, questioned the ordinance's definition of "vehicle for hire." He noted the Municipality's definition was people with a tour company. However, the Federal and State government says it is anyone with a business that transports passengers. He felt this conflict needed to be addressed, as it is a source of great contention between the Transportation Inspection office and business owners.

THOMAS ROTANELLI explained the current drug testing requirements. Chauffeurs are required to be tested when a license is first obtained, when the license is renewed, and randomly. He supported these requirements.

However, there is also a requirement for chauffeurs to be tested after a collision causing more than \$2,000 in damage, regardless of fault. He felt this was unfair, and a test in this situation should only be required if the chauffeur is at fault.

BART TIERNAN spoke representing the Anchorage Chauffeurs Association. A poll of the Association members showed members feel testing is acceptable, if it is administered in an equitable manner. He said there were concerns that some drivers are tested several times a month, while others are tested only once in a year. He questioned why the sunset provision is proposed to be removed.

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

Ms. Abney moved, to adopt AO 97-79.
seconded by Mr. Carlson,

In response to Mr. Kendall, Transportation Inspector Dave Llewellyn discussed results of drug testing since inception on October 1, 1995. For pre-licensing and renewal, seven positive tests were taken, a 1.7% rate, from drivers who knew they were being tested. In 1996, 349 chauffeurs were tested randomly, with a 10% positive/refusal rate. Mr. Llewellyn noted similar industries have a typical rate of one to two percent.

Question was called on the motion to adopt AO 97-79 and it passed:

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

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

The meeting recessed at 9:06 p.m. and reconvened at 9:26 p.m.

12. NEW PUBLIC HEARINGS:

- A. Ordinance No. AO 97-85, an ordinance adopting **amendments to the Official Streets and Highways Plan (OS&HP)** as an element of the Anchorage Comprehensive Plan (AMC 21.05.030K) concerning Boston Street, 10th Avenue to DeBarr Road, from a local roadway to a Class IC Neighborhood Collector; and East 12th Court, Muldoon Road to Boston Street, from a local roadway to a Class IC Neighborhood Collector, Community Planning and Development.
1. Assembly Memorandum No. AM 473-97.

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, to adopt AO 97-85.
seconded by Mr. Wuerch,

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

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

- B. Resolution No. AR 97-111, a resolution of the Anchorage Municipal Assembly appropriating the sum of \$560,187 from the U.S. Department of Justice, Office of Justice Programs, Local Law Enforcement Block Grant, and \$62,243 from the CY 1997 Police Department Operating Budget to the Federal Categorical Grants Fund (0241) for the purpose of **underwriting projects to reduce crime and improve public safety**, Anchorage Police Department.
1. Assembly Memorandum No. AM 437-97.

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, to approve AR 97-111.
seconded by Ms. Von Gemmingen,

In response to Mr. Murdy, Operations Manager George Vakalis explained the appropriation would be used for the Special Assault Response Team (SART) and assistance in the Prosecutor's office.

Question was called on the motion to approve AR 97-111 and it passed:

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

- C. Ordinance No. AO 97-78, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Sections 21.40.190 and 21.40.210 to change correctional institutions from a **conditional use to a prohibited use in the I-2 -- Heavy Industrial Zoning District and the B-4**

Rural Business District (formerly AO 96-149) (Planning and Zoning Commission Case 96-203), Assemblymember Bell.

1. Assembly Memorandum No. AM 418-97.
2. Assembly Memorandum No. AM 419-97, Community Planning and Development.

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, to adopt AO 97-78.
seconded by Ms. Von Gemmingen,

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

NAYS: None.

- D. Ordinance No. AO 97-70, an ordinance amending the zoning map and providing for the rezoning from R-6, Suburban Residential District, to R-1A, Single Family Residential District, for the **N 1/2 of the NW 1/4 of the SW 1/4 of the SE 1/4 of Section 20, T12N, R3W, S.M., AK**, generally located on the west side of Gregory Road and north of Huffman Road (Huffman-O'Malley Community Council) (Planning and Zoning Commission Case 97-001), Community Planning and Development.
1. Assembly Memorandum No. AM 358-97.

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, to adopt AO 97-70.
seconded by Mr. Carlson,

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

NAYS: None.

- E. Ordinance No. AO 97-87, an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code Chapter 9.28 relating to the filing in court of cases seeking **impoundment or forfeiture of motor vehicles** towed pursuant to an arrest for driving while intoxicated as against all those who are not the person arrested, Legal Department.
1. Assembly Memorandum No. AM 482-97.
 2. Information Memorandum No. AIM 83-97. (**addendum**)

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, to adopt AO 97-87.
seconded by Ms. Von Gemmingen,

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

NAYS: None.

- F. Ordinance No. AO 97-88, an ordinance amending Anchorage Municipal Code Section 24.30.020 to provide for an **annual sidewalk right-of-way encroachment permit** for placing customer advertising or direction signs, tables, chairs, benches, flower boxes, trash receptacles and similar customer amenities and decorative items on sidewalks in the Central Business Zoning Districts B-2A and B-2B, providing for conditions of the permit and penalties for violations and amending Anchorage Municipal Code Sections 24.30.100 to establish the sidewalk encroachment permit fee and 14.60.030 to establish the authority and fine schedule for enforcement hearings on sidewalk encroachment violations before the Administrative Hearing Officer, Public Works.
1. Assembly Memorandum No. AM 483-97.

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

JOANNE BRAUSE, executive director of the Downtown Anchorage Association, said she served on the Mayor's right-of-way task force last year which reviewed this issue. She said much careful consideration and input was provided by downtown business owners. She encouraged the Assembly to adopt the proposed ordinance.

PAUL NANGLE questioned the purpose of the ordinance. He felt the government should not have to resolve disputes. He opposed adoption.

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

Mr. Murdy moved, to adopt AO 97-88.
seconded by Ms. Von Gemmingen,

Mayor Mystrom noted the proposed ordinance would reduce permit fees and simplify the process. He urged support.

Question was called on the motion to adopt AO 97-88 and it passed:

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

NAYS: None.

- G. Resolution No. AR 97-120, a resolution of the Municipality of Anchorage appropriating \$15,000 of unappropriated interest from the Miscellaneous Capital/Pass-Thru Fund (Fund 0409) to the Areawide Capital Improvement Fund (0401), \$315,000 of various unappropriated revenues from within the Areawide Capital Improvement Fund (0401) and \$170,000 as a contribution from the Anchorage Roads and Drainage Capital Improvement Fund (0441) to the Areawide Capital Improvement Fund (0401) for a \$500,000 grant to the State of Alaska Department of Transportation and Public Facilities for **infrastructure enhancements on Fifth and Sixth Avenues** in Anchorage, Office of Management and Budget.

1. Assembly Memorandum No. AM 481-97.

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

DUANE ADAMS, of Land Design North, said the firm was consulting for the State on this project. He described the project area and scope. Through an extensive public process, various improvements were identified that include addition of trees, floral hanging baskets, lights, screening of parking lots and disability requirements. He noted part of the project would create infrastructure to support further improvements when funds are obtained in the future. He urged approval of the resolution.

LARRY CASH, representing the Urban Design Commission, said the Commission reviewed the proposal and recommended approval.

JOANNE BRAUSE, executive director of the Downtown Anchorage Association, also spoke in support of the proposal. She urged the Assembly to approve the resolution.

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

Mr. Murdy moved, to approve AR 97-120.
seconded by Mr. Carlson,

In response to Mr. Murdy, Gene Dusek of the Office of Management and Budget explained the fund sources.

In response to Mr. Carlson, Public Works Director Jim Fero noted the Municipality and State had an agreement under which the Municipality sweeps and plows 5th and 6th Avenues, and the State does maintenance such as patching and paving work.

Community Planning and Development Director Sheila Selkregg added maintenance of vegetation would be done by the Municipality.

Ms. Clementson expressed concern about the source of funding for the project.

Jennifer Wilson, of the State Department of Transportation and Public Facilities, discussed the Ocean Dock Road Port access project. Right-of-way acquisition issues are the current focus of the project.

Question was called on the motion to approve AR 97-120 and it passed:

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

NAYS: Clementson.

- H. Resolution No. AR 97-118, a resolution of the Municipality of Anchorage providing for a loan not to exceed \$600,000 from the Areawide General Fund (0101), and appropriating the proceeds to the Areawide General Capital Improvement Fund (0401) for the **design and construction of improvements at the Anchorage Golf Course**, and providing for a surcharge for purposes of loan repayment, Property and Facility Management.

1. Assembly Memorandum No. AM 478-97.
2. Information Memorandum No. AIM 84-97. (**addendum**)

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

LOWELL BAUMAN, president of the Anchorage Golf Association, spoke in support of improvements at holes 4 and 7 of the Anchorage Golf Course. He said the improvements were needed as a safety measure. He said the Association Board of Governors reviewed the proposal and voted in support. He encouraged the Assembly to approve the resolution.

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

Mr. Murdy moved, to approve AR 97-118.
seconded by Ms. Von Gemmingen,

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

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

14. **SPECIAL ORDERS:**

A. Mr. Kendall moved, to reschedule the public hearing
seconded by Mr. Bell, for AO 97-89, regarding the school
and it passed without site acquisition process, from
objection, June
10 to July 1, 1997.

15. **ASSEMBLY COMMENTS:**

- A. Ms. Abney congratulated the Girdwood fourth grade class for helping with the new trail around the school.
- B. Mr. Wuerch pointed out it has been five years since closure of the Anchorage Times. He commended the Anchorage Daily News for continuing the Voice of the Times and allowing dissenting opinions to be published.
- C. Mr. Meyer said constituents have been complaining about drivers speeding in residential areas. He suggested investigation of temporary speed bumps to use in summer months. He asked watering of ball fields be scheduled earlier in the evening, so as not to disturb people sleeping.
- D. Ms. Von Gemmingen announced a meeting of the Audit Committee on June 5, 1997 at 4:00 p.m. She said the Anchorage Parking Authority Board of Directors is considering eliminating the Saturday Market in the Authority's budget.
- E. Mr. Murdy reported on his trip to Omaha, Nebraska for the National League of Cities Public Safety Committee meeting. While in Omaha, he also attended the President's National Drug Committee meeting.
- F. In response to Chairman Begich, Mayor Mystrom reported on a traffic light at the intersection of Arctic Boulevard and 76th Avenue. He said a temporary light has been requested pending improvements to Arctic Boulevard, scheduled for 1998. After serious investigation of that suggestion, it was felt to be not feasible because there is no turn lane on Arctic. Without a turn lane, traffic turning onto 76th would create a bottleneck. Secondly, he noted Anchorage Airport managers would be making a presentation on future airport development on June 17, 1997 at the Airport.

16. **UNFINISHED AGENDA:** None.

17. **AUDIENCE PARTICIPATION:**

BARBARA WEINIG expressed concern about right-of-way encroachment enforcement. She said structures have been built as much as ten feet into the right-of-way in the Rabbit Creek area, creating a safety hazard for children. She asked for Code enforcement.

CASEY KOREA, owner of a downtown art gallery, urged the Assembly to support legislation regarding downtown right-of-way encroachment permits.

Chairman Begich advised Ms. Korea the Assembly adopted the legislation, AO 97-88, earlier in the meeting.

18. **EXECUTIVE SESSIONS:** None.

19. **ADJOURNMENT:**

The meeting adjourned at 10:40 p.m.

Chairman

ATTEST:

Municipal Clerk

Date Minutes Approved: September 16, 1997

LF/db

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