

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Regular Meeting of June 10, 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 Ms. Clementson.

4. MINUTES OF PREVIOUS MEETING:

- A. Regular Meeting - January 14, 1997
- B. Regular Meeting - February 4, 1997

Ms. Von Gemmingen moved, to approve the minutes of the  
seconded by Ms. Clementson, regular meetings of January 14 and  
and it passed without February 4, 1997.  
objection,

5. MAYOR'S REPORT:

Mayor Mystrom announced a new brochure, "Liveable Anchorage," which was designed to highlight a broad scope of the city's history, beauty and variety. He said it was being used to sell to various groups and organizations, such as the Anchorage Convention and Visitors Bureau and World Trade Center. Another use was to enhance economic development, by distribution to various companies and economic conferences. The brochure will also be distributed to public officials, Alaska's Congressional delegates, and the national media. He encouraged Assembly members to distribute the brochures at various Alaskan and national conferences they may attend. On a related note, Mayor Mystrom noted Anchorage was recently chosen as one of twenty-five finalists by the U.S. Conference of Mayors for its 1997 Liveability Award. A top ten list will be announced later this month. He also said Anchorage was chosen for a Pew Charitable Trust Grant, a grant intended to train minorities for roles on boards, commissions, leadership and volunteer positions. Lastly, the Mayor distributed first quarter crime statistics, which indicate a continued decline in crime in Anchorage.

6. ADDENDUM TO AGENDA:

Mr. Murdy moved, to amend the agenda to include  
seconded by Mr. Wuerch, 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. Wohlforth, consent agenda as amended.

A. BID AWARDS:

- 1. Assembly Memorandum No. AM 526-97, recommendation of award to Stark-Lewis, LLC for the **Chugiak Senior Center reroof** for the Municipality of Anchorage, Community Planning and Development (ITB 97-C23), Purchasing.
- 2. Assembly Memorandum No. AM 527-97, recommendation of award to Alaska Environmental & Safety Supply, Inc. for furnishing **miscellaneous equipment for police vehicles** to the Municipality of Anchorage, Department of Property and Facility Management (ITB 97-52), Purchasing.
- 3. Assembly Memorandum No. AM 528-97, recommendation of award to M-B Contracting Co., Inc., for **West 100th Avenue reconstruction** for the Municipality of Anchorage, Public Works Department (ITB 97-C22), Purchasing.

4. Assembly Memorandum No. AM 529-97, recommendation of award to Newton Excavating, Inc. for **Sunny Slopes Phase III water line removal and replacement** for the Municipality of Anchorage, Water and Wastewater Utility (ITB 97-C12), Purchasing.

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

5. Assembly Memorandum No. AM 530-97, recommendation of award to S.R. Swett & Sons Construction for **E. 6th Avenue Pine/Boniface water line removal and replacement** for the Municipality of Anchorage, Water and Wastewater Utility (ITB 97-C13), Purchasing.
6. Assembly Memorandum No. AM 531-97, recommendation of award to S.R. Swett & Sons Construction for **Crestbrook Water Improvement District (W.I.D.) No. 431** for the Municipality of Anchorage, Water and Wastewater Utility (ITB 97-C15), Purchasing.
7. Assembly Memorandum No. AM 539-97, recommendation of award to Alaska Sales & Services for furnishing **miscellaneous light duty vehicles** to the Municipality of Anchorage, Municipal Light and Power (ITB 97-54), Purchasing.
8. Assembly Memorandum No. AM 540-97, recommendation of award to Shepard Brothers, Inc. for furnishing **minibuses** to the Municipality of Anchorage, Department of Public Transportation (ITB 97-34), Purchasing.
9. Assembly Memorandum No. AM 541-97, recommendation of award to Summit Paving & Construction for **53rd Avenue reconstruction-Arctic Boulevard to East End** for the Municipality of Anchorage, Public Works Department (ITB 97-C29), Purchasing.
10. Assembly Memorandum No. AM 542-97, recommendation of award to Rockford Corporation for the **Girdwood Wastewater Treatment Facility - Phase I** for the Municipality of Anchorage, Water and Wastewater Utility (ITB 97-C19), Purchasing.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Resolution No. AR 97-139, a resolution of the Municipality of Anchorage, Alaska, accepting and appropriating State of Alaska matching grant funds in the amount of \$1,000,000 for projects constructed under the **ADEC Matching Grant Program (Senate Bill 107)**, Water and Wastewater Utility. public hearing 7-1-97.
  - a. Assembly Memorandum No. AM 543-97.
2. Resolution No. AR 97-140, a resolution of the Municipality of Anchorage accepting, appropriating, reappropriating and deleting **State of Alaska legislative grants per Senate Bill 107**, Office of Management and Budget. public hearing 7-1-97.
  - a. Assembly Memorandum No. AM 544-97.
3. Resolution No. AR 97-141, a resolution of the Municipality of Anchorage appropriating \$120,000 from the Areawide General (0101) Fund Balance to the Department of Health and Human Services to pay a **negotiated settlement with the Anchorage Municipal Employees Association (Toni Pounds)** and to resolve all claims arising from her employment with the Municipality, Legal Department. public hearing 7-1-97. **(addendum)**
  - a. Assembly Memorandum No. AM 548-97.
4. Ordinance No. AO 97-91, an ordinance amending Anchorage Municipal Code Section 27.30.135 to **name the Police Service Area the "Anchorage Metropolitan Police Service Area"**, Legal Department public hearing 7-1-97. **(addendum)**
  - a. Assembly Memorandum No. AM 549-97.

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

5. Ordinance No. AO 97-92, an ordinance amending Anchorage Municipal Code Chapter 11.10 to re-enact former Section 11.10.085 without its sunset clause to **continue the authorization and direction to the Transportation Commission to implement and administer a drug and alcohol testing program for chauffeurs**, Legal Department. public hearing 7-1-97. **(addendum)**
  - a. Assembly Memorandum No. AM 550-97.
6. Resolution No. AR 97-142, a resolution of the Municipality of Anchorage appropriating \$450,000 from the U.S. Department of Justice, Office of **Community Oriented Policing Services (COPS)** to the Federal Categorical Grants Fund (0241); appropriating \$68,666 from the New Anchorage Police Service Area (0151) Fund Balance as a contribution to the Federal Categorical Grants Fund (0241) as first year grant match; appropriating \$147,000 from the New Anchorage Police Service Area (0151) Fund Balance as a contribution to the Equipment Maintenance Capital Fund (0606) for purchase of vehicles and equipment; and appropriating \$27,600 from within the New Anchorage Police Service Area (0151) Fund Balance for purchase of operating supplies, Anchorage Police Department. public hearing 7-1-97. **(addendum)**
  - a. Assembly Memorandum No. AM 552-97.
7. Resolution No. AR 97-143, a resolution of the Anchorage Municipal Assembly appropriating the sum of \$225,000 from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) to the Federal Categorical Grants Fund (0241), and \$122,270 from the New Police Service Area Fund Balance to the Federal Categorical Grants Fund (0241), for the purpose of **contracting with the private sector for subpoena and prisoner transport services**, Anchorage Police Department. public hearing 7-1-97. **(addendum)**
  - a. Assembly Memorandum No. AM 556-97.

8. Ordinance No. AO 97-93, an ordinance amending Anchorage Municipal Code Section 12.35.010 and 12.35.015 to provide an option for the amount and time period of **tax exemptions for economic development property**, Finance. public hearing 7-1-97. **(addendum)**
  - a. Assembly Memorandum No. AM 553-97.
9. Resolution No. AR 97-144, a resolution of the Municipality of Anchorage providing for the **designation of the Alaska Seafood Center as Economic Development Program property** and providing for tax exemptions during facility construction and the initial years of operation, Finance. public hearing 7-1-97. **(addendum)**
  - a. Assembly Memorandum No. AM 557-97.
10. Ordinance No. AO 97-94, an ordinance enacting Anchorage Municipal Code Section 25.60.100 to **establish the Cemetery Perpetual Maintenance Non-Expendable Trust Fund (0720)**, and authorizing and appropriating a contribution of \$150,000 of Fund Balance from the Areawide General Fund (0101) to the Cemetery Perpetual Maintenance Non-Expendable Trust Fund (0720), Finance. public hearing 7-1-97. **(addendum)**
  - a. Assembly Memorandum No. AM 554-97.
11. Ordinance No. AO 97-95, an ordinance enacting AMCR Chapter 25.60 to **establish new regulations governing the Anchorage Memorial Park Cemetery** with respect to the administration of the cemetery regulations and appeal process, interment and disinterment procedures, gravesite decorations, memorialization markers, burial vaults, plot reservations and fees, admission policy and other matters relating to the operation and use of the Anchorage Memorial Park Cemetery and the repeal of Anchorage Municipal Code 25.60.070 and 25.60.080, Public Works. public hearing 7-1-97. **(addendum)**
  - a. Assembly Memorandum No. AM 555-97.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 97-132, a resolution of the Municipality of Anchorage appropriating \$10,094 from State Grant Revenues to **reimburse Seibu for work completed during the 1995 flood** to the Girdwood SA Operating Budget Unit (7460) (1997 Operating Budget), Public Works.
  - a. Assembly Memorandum No. AM 517-97.
2. Resolution No. AR 97-133, a resolution authorizing the granting of a **tax refund to Marianne and Richard E. Bacon as a result of manifest clerical error** on real property Parcel 014-071-67, Finance.
  - a. Assembly Memorandum No. AM 518-97.
3. Resolution No. AR 97-134, a resolution authorizing the granting of a **tax refund to Patrick P. and Mary M. Douglas as a result of manifest clerical error** on real property Parcel 016-181-58, Finance.
  - a. Assembly Memorandum No. AM 519-97.
4. Resolution No. AR 97-135, a resolution authorizing the granting of a **tax refund to John J. and Janice E. Sanders as a result of manifest clerical error** on real property Parcel 012-543-24, Finance.
  - a. Assembly Memorandum No. AM 520-97.
5. Resolution No. AR 97-138, a resolution of the Municipality of Anchorage appropriating \$40,000 from the State of Alaska, Department of Environmental Conservation, to the State Categorical Grants Fund (0231), as additional funding for the **Chester Creek Watershed Wetlands Project** under the continuing implementation of the Anchorage Coastal Management Program, Community Planning and Development.
  - a. Assembly Memorandum No. AM 532-97.

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 510-97, **Spirits of Alaska #2** - Transfer of Location of a Package Store Liquor License (Taku/Campbell Community Council), Clerk's Office.

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

2. Assembly Memorandum No. AM 511-97, **Spirits of Alaska #3** - Transfer of Ownership of a Package Store Liquor License (Rogers Park/Spenard/Tudor Area Community Councils), Clerk's Office.

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

3. Assembly Memorandum No. AM 512-97, **Curly's Neighborhood Grill** - New Restaurant/Eating Place Liquor License & Restaurant Designation (Northeast/Russian Jack Community Councils), Clerk's Office.
4. Assembly Memorandum No. AM 516-97, **The Covered Bridge** - New Recreational Site Liquor License (Downtown/Government Hill Community Councils), Clerk's Office.

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

5. Assembly Memorandum No. AM 521-97, **FY 98 Human Services Matching Grant awards**, Health and Human Services.

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

6. Assembly Memorandum No. AM 522-97, professional services contract amendment No. 2 to R&M Consultants, Inc., for **Northern Lights Blvd. Rehabilitation, Lake Otis Parkway to Muldoon Road**, DPW #93-18, Public Works.
7. Assembly Memorandum No. AM 523-97, change order No. 1 to DBS Enterprises to perform **minor maintenance and repairs at Solid Waste Services' facilities**, Solid Waste Services.
8. Assembly Memorandum No. AM 524-97, change order No. 2 to purchase order 52261 to exercise the final option period with providing **annual maintenance and inspection of fire protection sprinkler systems** to the Municipality of Anchorage, Municipal Light and Power/Purchasing.
9. Assembly Memorandum No. AM 533-97, recommendation of award to KJS Associates, Inc. for professional services to perform a **Transportation Model Update** for the Municipality of Anchorage, Department of Community Planning and Development (RFP 52-96), Purchasing.
10. Assembly Memorandum No. AM 534-97, change order No. 1 to purchase order 70666 with Amtech Emergency Products for furnishing **heavy duty modular ambulances** to the Municipality of Anchorage, Fire Department/Purchasing.
11. Assembly Memorandum No. AM 535-97, change order No. 2 to purchase order 52722 with Anchorage Sand & Gravel for furnishing **sand and gravel** to the Municipality of Anchorage, Municipal Light and Power/Purchasing.
12. Assembly Memorandum No. AM 536-97, change order No. 1 to purchase order 71177 with Potelcom Supply Company for furnishing **Raychem and S & C electrical products** for the Municipality of Anchorage, Municipal Light and Power/ Purchasing.
13. Assembly Memorandum No. AM 537-97, change order No. 2 to purchase order 51251 to exercise the final option renewal period with Yukon Fire Protection Service for providing **halon and dry chemical fire suppression maintenance** to the Municipality of Anchorage, Department of Property and Facility Management/Purchasing.
14. Assembly Memorandum No. AM 538-97, change order No. 1 to purchase order 63330 with Air Liquide America Corporation to provide **industrial and medical gases** to the Municipality of Anchorage, Purchasing Department.
15. Assembly Memorandum No. AM 545-97, sole source contract with Brady and Company for providing **medical insurance coverage for the Chugiak Volunteer Fire Department personnel** for the Municipality of Anchorage, Fire Department/Purchasing.
16. Assembly Memorandum No. AM 546-97, proprietary purchase to HSQ Technology for furnishing **hardware/software maintenance/support** to the Municipality of Anchorage, Municipal Light and Power/Purchasing.
17. Assembly Memorandum No. AM 547-97, proprietary purchase of a **sideload refuse truck** from Yukon Equipment, Inc. for the Municipality of Anchorage, Solid Waste Services/Purchasing.
18. Assembly Memorandum No. AM 551-97, **acquisition of water utility assets of Eklutna Utilities, Inc.**, Amendment No. 1, Water and Wastewater Utility. (addendum)

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 85-97, progress made since the printing of "**An Assessment of Needs and Available Resources for Women in Anchorage**" by the Anchorage Women's Commission, Health and Human Services.

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

2. Information Memorandum No. AIM 86-97, **report of Public Works construction contract amendments**, Public Works.
3. Information Memorandum No. AIM 87-97, **contracts awarded between \$30,000 and \$100,000 through formal competitive processes** for the month of May 1997, Purchasing.
4. Information Memorandum No. AIM 88-97, **Sole Source Procurement Report** for the month of May 1997, Purchasing.
5. Information Memorandum No. AIM 90-97, status report on review of **municipal financial, payroll and human resources information systems**, Finance. (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:

- A. TIME CRITICAL ITEMS: None.
- B. BID AWARDS:

1. Assembly Memorandum No. AM 529-97, recommendation of award to Newton Excavating, Inc. for **Sunny Slopes Phase III water line removal and replacement** for the Municipality of Anchorage, Water and Wastewater Utility (ITB 97-C12), Purchasing. Ms. Von Gemmingen moved, to approve AM 529-97.  
seconded by Mr. Wuerch,

Ms. Von Gemmingen declared a conflict of interest on this item.

Chairman Begich recognized the conflict.

Question was called on the motion to approve AM 529-97 and it passed without objection and with Ms. Von Gemmingen abstaining.

C. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 97-91, an ordinance amending Anchorage Municipal Code Section 27.30.135 to **name the Police Service Area the "Anchorage Metropolitan Police Service Area"**, Legal Department public hearing 7-1-97. **(addendum)**
  - a. Assembly Memorandum No. AM 549-97.

Ms. Von Gemmingen, Mr. Murdy and Mr. Meyer joined in introducing this ordinance. The public hearing was scheduled for July 1, 1997.

Ms. Von Gemmingen pointed out the ordinance was drafted after the last challenge to the hillside police issue failed at the U.S. Supreme Court on May 12, 1997.

Mayor Mystrom explained the purpose of the legislation was to avoid any confusion about the location of the service area.

D. RESOLUTIONS FOR ACTION: None.

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 510-97, **Spirits of Alaska #2** - Transfer of Location of a Package Store Liquor License (Taku/Campbell Community Council), Clerk's Office.
2. Assembly Memorandum No. AM 511-97, **Spirits of Alaska #3** - Transfer of Ownership of a Package Store Liquor License (Rogers Park/Spenard/Tudor Area Community Councils), Clerk's Office.

Mr. Murdy moved, to approve AM 510-97.  
seconded by Mr. Wohlforth,

Mr. Murdy disclosed he had a conflict of interest on these items, because of work his corporation is performing for the Spirits of Alaska company.

Chairman Begich recognized the conflict.

Question was called on the motion to approve AM 510-97 and it passed without objection and with Mr. Murdy abstaining.

Mr. Wuerch moved, to approve AM 511-97.  
seconded by Mr. Kendall,

In response to Mr. Wuerch, Kathy Moore, manager of the stores, addressed the Assembly on behalf of the petitioner. She said there were no current plans to locate the license at any premises.

Question was called on the motion to approve AM 511-97 and it passed without objection and with Mr. Murdy abstaining.

3. Assembly Memorandum No. AM 516-97, **The Covered Bridge** - New Recreational Site Liquor License (Downtown/Government Hill Community Councils), Clerk's Office.

Mr. Murdy moved, to approve AM 516-97.  
seconded by Mr. Carlson,

Mr. Murdy moved, to postpone action and schedule  
seconded by Mr. Wohlforth, a public hearing on AM 516-97 on July 1, 1997.

Mr. Murdy said several constituents had requested a public hearing on this license.

Mr. Wohlforth noted there were several problems with the license, including the fact that the property was leased from the Alaska Railroad Corporation, and the lease does not allow sale of alcohol.

In response to Mr. Meyer, Mr. Wohlforth said the Ship Creek Task Force, a body charged with studying use and development of the area, has requested an opportunity to review the license application.

Question was called on the motion to postpone action and schedule a public hearing on July 1, 1997 and it passed without objection.

- 4. Assembly Memorandum No. AM 521-97, **FY 98 Human Services Matching Grant awards**, Health and Human Services.

Ms. Von Gemmingen moved, to approve AM 521-97.  
seconded by Mr. Murdy,

Ms. Von Gemmingen declared a conflict of interest on this item, with respect to the Alzheimer's Association. She noted the Alzheimer's Association rents a large portion of a building of which she is part owner.

Mr. Wohlforth moved, to divide the question between  
seconded by Mr. Meyer, the Alzheimer's Association and  
and it passed without the other grants.  
objection,

Mr. Wohlforth moved, the question "does Ms. Von Gemmingen  
seconded by Mr. Murdy, have a substantial financial interest in the matter before the  
Assembly regarding the Alzheimer's Association?"

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

Question was called on the motion to approve the Alzheimer's Association portion of AM 521-97 and it passed without objection and with Ms. Von Gemmingen abstaining.

Ms. Clementson moved, to postpone action on the  
seconded by Mr. Wuerch, remainder of AM 521-97 until later  
and it passed without in the meeting.  
objection,

(Clerk's Note: See after item 9.C. for further action on this item.)

F. INFORMATION AND REPORTS:

- 1. Information Memorandum No. AIM 85-97, progress made since the printing of "**An Assessment of Needs and Available Resources for Women in Anchorage**" by the Anchorage Women's Commission, Health and Human Services.

Ms. Von Gemmingen moved, to accept AIM 85-97.  
seconded by Mr. Wuerch,

In response to Ms. Von Gemmingen, Bobbi Olson of the Women's Commission addressed the Assembly. She said Commission members recently had a retreat, at which they decided to schedule regular forums addressing specific needs of Anchorage women. She hoped the forums would provide feedback to help improve the quality of life for women in Anchorage, and eventually the entire State.

Ms. Von Gemmingen and Mr. Meyer congratulated and thanked the Commission members for their efforts. Mr. Meyer suggested the Commission members contact the Anchorage Chamber of Commerce.

Ms. Olson thanked the Nerland Agency for providing free presentation services to the Commission.

Question was called on the motion to accept AIM 85-97 and it passed without objection.

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

- A. 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 AND 6-3-97)

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

Health and Human Services Director Elaine Christian explained hours of operation, type of service and service area for the proposed contract.

Mr. Wuerch thanked staff and the contractor for arriving at a compromise to satisfy Assembly members' request to expand the service area.

In response to Mr. Murdy, Ms. Christian clarified that service would include two vehicles. One vehicle would operate sixteen hours a day, seven days a week, in the downtown area. The second vehicle would operate eight hours a day, five days a week in the area outside downtown. Each vehicle would also act as back-up for the other as needed.

Mr. Wohlforth noted the ad hoc committee discussed this issue. He discussed his concerns about possible migration of areawide inebriates to the downtown area. He 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 downtown, downtown may become inundated with inebriates from all over the bowl area. He felt data about where inebriates actually live was important.

Ms. Christian said additional questions would be asked of clients, to provide this data. She would return the results to the Assembly in one year.

Question was called on the motion to approve AM 455-97 and it passed:

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

- B. Ordinance No. AO 97-72, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Subsection 9.28.020E. to **revise the definition of "previously convicted"**, Assemblymember Murdy.
1. Assembly Memorandum No. AM 392-97.
  2. Assembly Memorandum No. AM 480-97, Legal Department.
- (POSTPONED FROM 5-20-97)

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

Mr. Murdy moved, to amend AO 97-72 in the attached  
seconded by Mr. Wuerch,  
memorandum, AM 392-97, line 10, to  
and it passed without read: "...823 P.2d 10 (Alaska App.  
objection,  
1991), the Court held..."

Question was called on the motion to adopt AO 97-72 as amended and it passed:

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

- C. Resolution No. AR 97-96, a resolution of the Anchorage Municipal Assembly **directing the Administration to prepare and issue an Invitation to Bid or Request for Proposals to sell the Municipality's parking garages**, Assemblymembers Kendall, Abney, Begich, Bell, Carlson, Meyer, Murdy, and Wuerch.
1. Assembly Memorandum No. AM 467-97, Finance.
  2. Resolution No. AR 97-96(S), a resolution of the Anchorage Municipal Assembly directing the Administration to prepare and issue an Invitation to Bid or Request for Proposals to sell the Municipality's parking garages, Assemblymembers Kendall, Abney, Begich, Bell, Carlson, Meyer, Murdy, and Wuerch. **(LAID ON THE TABLE)**
- (AMENDED 5-20-97; POSTPONED FROM 5-20-97)

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

Mr. Kendall moved, to substitute AR 97-96(S).  
seconded by Mr. Wuerch,  
and it passed with Mr.  
Wohlforth objecting,

Mr. Wohlforth moved, to postpone action on AR 97-96  
seconded by Ms. Clementson, and all versions indefinitely.

Mr. Wohlforth felt in light of discussions in today's work session, regarding the financial situation of the parking garages, the proposed resolution may be futile. According to information presented at the work session, two of the three garages cannot be sold, except in a way in which they would not be used for public parking. He urged his colleague to find a more direct, effective way of solving the problem besides selling the garages.

Mr. Meyer disclosed his employer, ARCO, may be interested in purchasing one of the garages if they are put on the market for sale. He did not feel he had a conflict.

Chairman Begich recalled the Assembly voted previously that Mr. Meyer did not have a conflict on this issue at this point in the process.

Ms. Clementson disclosed a potential conflict, because her husband is employed by ARCO.

In response to Mr. Wohlforth, Mr. Meyer said his supervisor was in charge of parking for ARCO employees, and would have input on a potential purchase. His supervisor would not have the final decision, however.

In response to Mr. Wohlforth, Municipal Attorney Mary Hughes said it was inappropriate for her, under provisions of the Municipal Code, to advise the Assembly on conflict of interest issues.

Mr. Wuerch moved, the question "does Mr. Meyer have  
seconded by Mr. Kendall, a  
significant financial interest in the matter before the  
Assembly?"

Ms. Clementson pointed out the garages have not been bid yet. If ARCO bought the garage and offered free parking to its employees, her household would gain \$50 per month benefit.

Mr. Murdy felt when any member's private interests are associated with a legislative issue that may give even the perception of a conflict, the member should abstain.

Mr. Bell felt without an obvious, substantial financial conflict, members have an obligation to represent their constituents.

Chairman Begich concurred with Mr. Bell.

Question was called on whether Mr. Meyer has a conflict of interest and it failed:

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

Mr. Wuerch moved, the question "does Ms. Clementson  
seconded by Mr. Kendall, have  
a substantial financial interest in the matter before the  
Assembly?"

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

Mayor Mystrom spoke in support of the motion to postpone indefinitely. He proposed staff would research the issue further, and return to the Assembly on July 1 with recommendations about direction on the parking issue.

Ms. Clementson felt the resolution should be postponed indefinitely, or at least for a significant period of time. She said necessary information was needed to make a decision, such as downtown traffic analysis, parking projections, and financial analysis of garage ownership.

Mr. Bell supported a time-certain postponement. He pointed out the garages' origin, ownership and financing is a significantly complex issue which should be investigated and clarified.

Mr. Carlson concurred with Mr. Bell. He felt an appraisal was necessary. He recommended a postponement of at least one hundred twenty days.

Mr. Murdy spoke in support of Mr. Wohlforth's motion.

Ms. Von Gemmingen pointed out appraisals of the garages were necessary. She supported Mr. Wohlforth's motion.

Mr. Wuerch felt the process should be continued, at least until the point when a market value can be determined.

Mr. Kendall spoke in support of the resolution. He said it was designed to keep the process as open-ended and flexible as possible.

There was further lengthy debate on the motion.

In response to Ms. Von Gemmingen, Larry Cash of the Downtown Anchorage Association addressed the Assembly. He said the Association Board urged the Assembly to consider the downtown parking issue very carefully, and proceed very slowly, as parking is very important to downtown businesses and residents. The Board is concerned the proposed resolution appears to proceed too quickly.

Question was called on Mr. Wohlforth's motion to postpone action on all versions indefinitely and it failed:

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

Mr. Murdy moved, to postpone action on AR 97-96(S)  
seconded by Mr. Wohlforth, for 120 days.

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

(Clerk's Note: This action was reconsidered. See minutes of July 1, 1997 for further action.)  
The Assembly then considered item 10, Appearance Requests.

**Anchorage Unitarian Universalist Fellowship, Inc.**, to explain the Payment in Lieu of Taxes (PILOT) program and to present \$1,360 to the Municipality of Anchorage.

Frances Purdy spoke as chair of the Board of Directors for the Church. She said the Church was committed to acting on their principals. Ms. Purdy noted the Church provided public service, just like any other religious organization. She explained the Church's view was that they should pay their fair share, despite the fact that churches are exempt from taxes. She pointed out church members use roads and benefit from other Municipal services such as fire protection. She presented \$1,360 as a payment in lieu of taxes.

The meeting recessed at 6:50 p.m. and reconvened at 7:25 p.m.

The Assembly then returned to item 8.E.4, AM 521-97.

Assembly Memorandum No. AM 521-97, FY 98 Human Services Matching Grant awards,  
Health and Human Services.

In response to Ms. Clementson, Bob Stevens of the Human Services Allocation Task Force addressed Ms. Clementson's request to redirect funds intended for Planned Parenthood. Mr. Stevens said Task Force members decided against changing their recommendation, as they felt this was the only way to be true to the process.

In response to Chairman Begich, Mr. Stevens said if funding for one grant was deleted by the Assembly, the Task Force would be willing to reconvene to reexamine allocation of those funds. He pointed out such an action by the Assembly may delay funding for all grant applicants.

In response to Mr. Wohlforth, Mr. Stevens said the Task Force considered the fact that the Assembly denied funding for Planned Parenthood last year. However, they included the group in the process this year, because to omit it would be to assume the Assembly's intent, and would be unfair to the group.

Task Force member Brandon Atkinson said he would have an ethical conflict if the Task Force was asked to reallocate funds for one or more organizations that the Assembly chose to remove from the funding line, because the Task Force was not informed that there were certain organizations that were "off limits."

Ms. Clementson pointed out last years' action by the Assembly to delete funding for Planned Parenthood was an indication that the Assembly did not support public funding for that group.

Health and Human Services Director Elaine Christian noted the Task Force was told about the possibility that the Assembly might not support Planned Parenthood again this year. However, they were not directed to omit the group from their deliberations.

Ms. Von Gemmingen thanked Task Force members for their efforts in this extensive review, and for keeping politics out of the process.

In response to Mr. Carlson, Mr. Stevens addressed the funding for the American Red Cross disaster relief. The Task Force had no recommendation for the funds in the event there is no disaster during the term of the grant.

Ms. Christian noted although major disasters are not a yearly occurrence, Red Cross responds regularly to many small disasters; there was no question the funding will be spent on disaster relief.

Ms. Abney and Mr. Wohlforth echoed Ms. Von Gemmingen's comments.

Ms. Clementson moved, to amend AM 521-97 to move the  
seconded by Mr. Wuerch,  
\$17,113 allocation for Planned Parenthood to  
Victims for Justice, making the Victims for Justice  
allocation \$32,113.

In response to Mr. Wohlforth, Alice Galvin and Karen Bitzer of Planned Parenthood addressed the Assembly. Ms. Galvin outlined their proposal, and the services which would be provided with the requested funding. The services include educational information to high risk teens in alternative school programs AVAIL and ASSET and Booth Memorial Home. She said education is based on abstinence from sexual activity, communications skills for how to say "no" and to prevent sexually-transmitted diseases and HIV. She said there is currently no other group in the community which provides these education services.

Ms. Bitzer said the organization has been inundated by requests for help, especially from the above-mentioned programs. The program staff members indicated there were no other organizations able to provide these services,

which are an approved curriculum for prevention of STD's, HIV, and delaying sexual activity. She said the curriculum have nothing to do with abortion, but instead encourage children to make healthy choices in their lives, i.e., abstinence.

Ms. Galvin stressed the targets of the education are children who have already engaged in high-risk behavior, and are from homes without nurturing parents to provide sexual education.

In response to Ms. Von Gemmingen, Ms. Bitzer said other services provided include contraceptives, hormone replacement, testing and treatment of STD's and HIV, and treatment of male partners of clients with STD's. Abortions are not provided. Planned Parenthood of Alaska does not fund advertising on television. They do fund some local advertising on radio and newspapers, which specifically informs about services offered at the clinic.

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

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

Mr. Wohlforth moved, to reallocate \$17,113 for  
seconded by Ms. Abney,  
Planned Parenthood equally among all the  
other grant recipients.

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

Question was called on the motion to approve AM 521-97 as amended and it passed:

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

(Clerk's Note: A motion to reconsider this item failed later in the meeting.)

- D. Resolution No. AR 97-103, a resolution of the Anchorage Municipal Assembly **requesting that a forensic management audit of the Anchorage Parking Authority** be conducted by an independent forensic management auditor, Assemblymember Abney.
1. Assembly Memorandum No. AM 558-97, Municipal Audit Committee. **(addendum)**  
(REMANDED TO THE MUNICIPAL AUDIT COMMITTEE AND POSTPONED FROM 5-6-97)

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

Ms. Von Gemmingen reported on the Audit Committee meetings at which this resolution was reviewed. The Committee voted to recommend to the Assembly and Mayor that the Internal Auditor conduct follow-up audits of the Anchorage Parking Authority's purchasing process and cash controls. Specifically, the Committee recommended that the 1997 Audit Plan should be revised to add a follow-up audit of APA's cash control, and move the scheduled audit of APA overhead allocation plan from 1997 to 1998. Ms. Von Gemmingen felt the Committee effectively answered public questions. No significant problems were found, but follow-up activities on internal audits seemed to be lacking.

Ms. Abney requested the Internal Auditor review APA for 1995 and 1996, to determine if recommendations made in 1991 were implemented.

Mr. Carlson supported the recommendations of the Audit Committee.

Mr. Meyer supported a forensic audit. He felt if a mere internal audit was performed, there may be lingering public suspicion of a cover up.

Ms. Von Gemmingen said there was no evidence or suspicion of fraud, which was the normal trigger for a forensic audit. Because a forensic audit entailed inspection of every piece of paper in an organization, the cost was very high. In this case, about \$200,000. She said the Committee did not feel the condition of the APA records warranted or justified spending this amount of taxpayer money.

Mr. Bell agreed a forensic audit was not wise. However, he felt an independent management audit was advisable.

Mr. Wuerch moved, to substitute AM 558-97,  
seconded by which includes the recommendations  
Ms. Von Gemmingen, of the  
Audit Committee.

In response to Ms. Von Gemmingen, Internal Auditor Pete Raiskums said if directed, his staff could begin the audit within a week, and complete it within two months.

Question was called on the motion to substitute AM 558-97 and it passed with Mr. Murdy objecting.

Question was called on the motion to approve AM 558-97 and it passed:

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

- E. Resolution No. AR 97-102, a resolution of the Anchorage Municipal Assembly **revising the 1997 Solid Waste Disposal Utility Operating Budget**, Assemblymembers Abney and Kendall.
1. Assembly Memorandum No. AM 462-97.
  2. Assembly Memorandum No. AM 477-97, AR No. 97-102, Solid Waste Service.  
 (POSTPONED FROM 5-20-97)

This item was continued until July 1, 1997.

- F. 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.  
 (POSTPONED FROM 6-3-97)

See item 12.M. for action on this item.

10. **APPEARANCE REQUESTS:**

- A. **Anchorage Unitarian Universalist Fellowship, Inc.**, to explain the Payment in Lieu of Taxes (PILOT) program and to present \$1,360 to the Municipality of Anchorage.

Frances Purdy appeared earlier in the meeting. See after item 9.C.

11. **CONTINUED PUBLIC HEARINGS:**

- A. Ordinance No. AO 97-75, an ordinance of the Anchorage Municipal Assembly enacting a new Section 3.85.097 of the Anchorage Municipal Code to **allow reimbursement of legal expenses incurred by successful applicants for benefits in contested cases before the Police and Fire Retirement Board**, Assemblymembers Murdy, Abney, Begich, Carlson, and Kendall.
1. Assembly Memorandum No. AM 404-97.
  2. Assembly Memorandum No. AM 475-97, Employee Relations.  
 (CONTINUED FROM 5-20-97)

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

SERGEANT ROB HEUN, president of the Anchorage Police Department Employees Association (APDEA), addressed the Assembly on behalf of those APDEA members who are also members of the Police and Fire Retirement system. He spoke in support of the ordinance. He explained when a member of the Police and Fire Retirement (PFR) System applies for a disability retirement to the PFR Board and is denied, the only other recourse is to appeal to a court. If the member prevails at the court level, they receive their disability retirement benefits, but must pay legal fees themselves. He said the legislation would allow members in this situation to be reimbursed legal fees out of the PFR system fund, which is not currently funded by taxpayers. He reiterated there would be no cost to the taxpayer as a result of adoption of this ordinance.

AL TAMAGNI pointed out the Alaska Court System has a rule, 82, which allows for prevailing parties to recover attorney fees. He recommended this rule be investigated and the ordinance include a provision to offset the fees of the plan by any rule 82 awards. He also suggested that the word "hourly" be added as a type of fee, as fees can be based on contingency or hours. Mr. Tamagni recommended the ordinance be changed to read: "...fees and *taxable* costs..." and that fees be limited to \$125 per hour.

JOSEPH ALBRECHT, president of Firefighters Local 1264, urged the Assembly's support of the ordinance. He said the intended use was only for legitimate and honest applications. He stressed the ordinance provided for reimbursement only if claimants are successful in their appeals to the courts. He said the proposed cost to the Plan was minimal; there would be no cost to the taxpayer.

BARBARA WEINIG noted rule 82 was very complex. She urged members to get advice from an attorney experienced with this rule if they incorporate language about the rule in the ordinance.

JEFF JOHNSTON, a retired Anchorage Fire Department fire captain, said his retirement came early and unexpectedly due to an injury. His experience fighting for disability benefits was unpleasant, because the other side had unlimited funds, while he had only his own savings. Fortunately, friends and family contributed their own funds to help his fight. He supported the proposed ordinance because it would equalize the conditions for all parties.

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

Mr. Murdy moved,  
 seconded by Ms. Abney,

to adopt AO 97-75.

Mr. Carlson declared a potential conflict of interest, because he is a member of the PFR system. He said there was a potential that he could lose money if the system ran out of money before he died, but there was no way he could gain from adoption of the ordinance.

Chairman Begich ruled Mr. Carlson did not have a conflict.

Mr. Murdy pointed out the number of people this ordinance would affect was very small, one or two per year in recent years.

In response to Mr. Bell, Employee Relations Director Tom Tierney explained the process of application for benefits before the PFR Board. If the claimant appeals to a court upon denial of a claim, the Board is represented by its own attorney, who is paid out of the PFR fund, or a Municipal attorney. If the Board is defended by a Municipal attorney, those fees are paid by taxpayers.

Municipal Attorney Mary Hughes explained the courts follow rule 82, which governs with respect to costs and fees. Even if the proposed ordinance was adopted, this situation would not change. The only change would be that a prevailing claimant would be reimbursed for attorneys fees if using an attorney during Board hearings.

Ms. Clementson noted Mr. Klausner, representing the PFR Board, recommended the ordinance be referred to an actuary for a cost estimate and impact analysis for the various plans.

Ms. Von Gemmingen moved, to postpone action on AO 97-75  
seconded by Ms. Clementson, until August 26, 1997.  
and it passed with  
Mr. Murdy objecting,

Ms. Von Gemmingen requested information on the overfunded status of the fund.

Chairman Begich noted he would reopen the public hearing on this item on August 26 if there were any substantial changes to the ordinance.

12. **NEW PUBLIC HEARINGS:**

Mr. Wohlforth moved, to change the orders of the day  
seconded by Ms. Abney, to consider item 12.L, AR 97-130.  
and it passed without  
objection,

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 (CDBG) 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.

- 1. Assembly Memorandum No. AM 509-97.

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

TIMOTHY WILSON, executive director of the Alaska State Council of the Arts, spoke in support of Out North Theater's grant. He said arts programs help reduce delinquent behavior, provide exceptional experiences for children, and enrich the community. He said Out North was one of five recipients of the U.S. Department of Justice Pathways to Success grants, which involve youth with arts programs. This is a groundbreaking effort; data collected from the program will be studied and applied by the Justice Department and other groups.

MIM CHAPMAN, principal of Clark Middle School, said the Out North Onstage program at the school was a tremendous benefit to students. She said the Theater became involved at Clark through the school business partnership program. She cited examples of the powerful impact Out North productions at the school had on students, and how they influenced new programs at the school.

IAN INGERSOL, a student at Clark Middle School, described his experience with Out North Theater at the school. He said he learned a lot about lighting and script writing, but the most important thing has been an increase in his self esteem. He has learned to work with people, take direction from his peers and define his goals in life.

RENEE said arts education funding is very important. It produces higher test scores and higher attendance. She urged the Assembly to consider the education of future leaders of our community when deciding on this art grant.

TRANG DWONG, a supporter of Out North Theater, pointed out that when attending their productions, there are always young people present. They act as ushers and work behind the scenes. She felt it was wonderful for them to be involved in the arts; this involvement builds self esteem crucial for healthy development. She urged the Assembly to support the Out North grant.

CAROLYN LANCASTER, vice president of the Out North Board of Trustees, said she also worked for the Anchorage School District (ASD) as a peace educator and conflict resolution coordinator. She said the Out North

programs include children of all races and creeds, which meshes perfectly with her work with the District peace education diversity awareness efforts.

ARLYSS STURGULEWSKI, an advisory council member for Out North Theater, spoke about the importance of the Onstage program. She encouraged the Assembly to approve the funding for this program.

JANE TIBATOE spoke in support of the Onstage program at Clark Middle School. As a dancer within the Anchorage School District, she was a strong advocate of using art in education, as art increases self-esteem and creativity. As a person with a disability, she pointed out that Out North is the only theater in Anchorage which accommodates disabled performers.

JOHN ALEXANDER, ASD Equal Employment Opportunity director, said he got involved with theater at his school when he was a young child. He went on to receive a four-year scholarship to study theater in college, and theater indirectly brought him to Alaska. He strongly urged the Assembly to support the arts grant. He said arts education helps all children, especially those at risk, to guide them and develop into productive adults.

DIANE BENSON, the Onstage master artist, explained she is one who works directly with the students. She said she and other artists help students to write scripts and express themselves. She noted finding one's voice is sometimes a difficult accomplishment, and very important for self esteem.

BRANDON ATKINSON, a member of the Human Services Allocation Task Force, spoke as an individual. He felt the Onstage program provided positive alternatives for youth, and enhanced self esteem and critical thinking skills needed to make positive, healthy decisions. He stressed focus on prevention is critically important. Without providing positive alternatives for children, laws addressing juvenile crime are less effective.

PETER ROKO, an artist with the Onstage program, said in his work with art councils, schools and Christian organizations, theater and youth has been the primary focus. The results have always been healthy for the youths involved. He pointed out healthy children make healthy communities, which in turn make healthy cities.

JAY BRAUSE addressed allegations that Out North Theater is the only organization that receives both grants and Municipal support services through reduced market-value leases. He listed several other organizations which receive grants and or benefits from more than one Municipal source. He explained local grant support was critical for the group to apply successfully for national foundation grants.

TONY VITA spoke about the importance of arts and crafts and various other activities which can improve self esteem. He pointed out self esteem is the one thing that can rescue a child from a hostile environment. He urged the Assembly to approve the Out North grant.

DEBRA LUPER commended children who are working to make a difference in their lives and realize their full potential. She pointed out a number of other worthy programs did not receive a grant recommendation, including the Northeast Community Center and transportation for the Head Start program.

Mr. Wohlforth moved, to extend the public hearing  
seconded by Ms. Abney, portion of the meeting until  
and it passed without 11:00 p.m.  
objection,

LINDA MAYWALD felt Out North Theater should not receive funding. She felt the group's activities were not constructive.

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

Mr. Wohlforth moved, to approve AR 97-130.  
seconded by Mr. Murdy,

In response to Ms. Clementson, Health and Human Services Director Elaine Christian explained transportation for the Head Start program did not receive a funding recommendation because funds for purchase of automobiles were prohibited by the grant requirements.

Ms. Clementson moved, to amend AR 97-130 to redirect  
seconded by Mr. Wuerch,  
\$27,736 from Out North Theater Company to  
the Anchorage Center for Families.

Ms. Clementson acknowledged prevention programs were necessary, as well as programs to deal with current needs. She felt the need for services for abuse and neglect victims was overwhelming, so the proposed grant funds should focus on these programs. Arts programs should be funded through different channels.

Mr. Wohlforth expressed discouragement that a wonderful prevention program such as Out North Onstage was not supported because some of the people providing the program are different or don't fit into an accepted social style. He argued the task force went through a thorough process to arrive at the proposed list of recipients.

Mr. Wuerch supported the amendment. He felt the Out North program was worthy, but should be funded through a different mechanism. He felt other prevention programs more directly addressed immediate needs.

Mr. Bell indicated Out North Theater has demonstrated a great ability to obtain funding from other sources. He was confident the group could continue to thrive without this CDBG grant.

Ms. Abney felt monies invested on prevention are more beneficial and productive than those spent on intervention services. She noted many of the students at Clark live under high risk conditions, and would greatly benefit from the Out North program. She pointed out the task force used certain criteria to select CDBG grant recipients; if these criteria are invalid, they should be reevaluated. Until then, she felt the recommendations should be heeded.

Ms. Von Gemmingen recalled testimony from participants in the Out North program which indicated its positive influence. She noted children most at risk were ages 11 through 14, the age of the children being served by this program. She added the proposal scored very highly under the ranking criteria; third out of all the proposals.

Chairman Begich felt more resources should be directed toward prevention programs.

Question was called on Ms. Clementson's motion to amend and it failed:

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

Question was called on the motion to approve AR 97-130 and it passed:

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

Ms. Abney moved, immediate reconsideration.  
seconded by Mr. Wohlforth,

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

Ms. Clementson moved, to reconsider action on item  
seconded by Mr. Carlson,  
8.E.4, AM 521-97, regarding human services  
matching grant awards.

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

- A. 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.  
1. Assembly Memorandum No. AM 491-97.

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 97-126.  
seconded by Mr. Carlson,

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

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

- B. Resolution No. AR 97-112, a resolution confirming and levying assessments for the **sewer special improvements within Levy-Upon-Connection Roll 96-S-3**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility.  
1. Assembly Memorandum No. AM 438-97.

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 97-112.  
seconded by Mr. Kendall,

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

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

- C. Ordinance No. AO 97-80, an ordinance of the Municipality of Anchorage creating Paving Special Assessment District No. 1P97 - **East Thirty-Second Avenue Paving and Street Lights** from Denali Street to Gambell Street and determining to proceed with proposed improvements therein, Public Works.
1. Assembly Memorandum No. AM 468-97.

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 97-80.  
seconded by Mr. Meyer,

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

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

- D. Ordinance No. AO 97-81, an ordinance of the Municipality of Anchorage creating Paving Special Assessment District No. 2P97 - **West 7th/8th Avenue Alley Paving** from "H" Street to "I" Street and determining to proceed with proposed improvements therein, Public Works.
1. Assembly Memorandum No. AM 469-97.

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 97-81.  
seconded by Mr. Meyer,

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

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

- E. Ordinance No. AO 97-82, an ordinance of the Municipality of Anchorage creating Paving Special Assessment District No. 3P97 - **West 8th/9th Avenue Alley Paving** from "F" Street to "G" Street and determining to proceed with proposed improvements therein, Public Works.
1. Assembly Memorandum No. AM 470-97.

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 97-82.  
seconded by Ms. Von Gemmingen,

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

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

- F. Ordinance No. AO 97-83, an ordinance of the Municipality of Anchorage creating Paving Special Assessment District No. 4P97 - **West 5th/6th Avenue Alley Paving** from "I" Street to "K" Street and determining to proceed with proposed improvements therein, Public Works.
1. Assembly Memorandum No. AM 471-97.

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 97-83.  
seconded by Mr. Kendall,

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

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

- G. Ordinance No. AO 97-84, an ordinance of the Municipality of Anchorage creating Paving Special Assessment District No. 5P97 - **"K"/"L" Street Alley Paving** from West 7th Avenue to West 8th and determining to proceed with proposed improvements therein, Public Works.
1. Assembly Memorandum No. AM 472-97.

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 97-84.  
seconded by Ms. Abney,

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

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

Ms. Abney moved, to suspend the rules to complete  
seconded by Mr. Murdy, the remainder of the agenda.  
and it passed without  
objection,

- H. Ordinance No. AO 97-86, an ordinance of the Municipality of Anchorage creating Street Reconstruction Special Assessment District 5SR96 - **Street, Street Light and Drainage Reconstruction of the streets in the Kempton Hills Subdivision Area** and determining to proceed with proposed improvements therein, Public Works.
1. Assembly Memorandum No. AM 476-97.

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

KEN TUBMAN spoke in support of repairing roads correctly, rather than by continuous patching. He felt the streets in the proposed area require quality repairs. He was concerned about an apparent lack of equity among the various assessments in the improvement district. He proposed some change in the assessment system in this case, perhaps by assessed value. He submitted letters from some of his neighbors who had similar concerns. He asked the Assembly to reject this ordinance, and direct another method of assessing the homeowners.

DARREL KLEPIN, a resident within the proposed district, explained residents have spent a year going through the process to get to this point. He pointed out homeowners voted overwhelmingly to create the district; one hundred six in favor out of one hundred sixty-six ballots. He urged the Assembly to act, else the project would be delayed another year.

TERRY MARQUET, a Kempton Hills resident, said his lot was one of the larger ones in the subdivision. He did not relish paying more taxes, but felt roads were a quality of life issue. Values of the properties were directly affected by road conditions. Without the proposed improvements, it is possible the roads might have to be rebuilt entirely.

MARK FORMER, a homeowner within the proposed assessment district, urged the Assembly to adopt the proposed ordinance. His property was one of the mid-sized lots in the subdivision. He believed there are drainage problems in the neighborhood which need to be addressed soon.

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

Mr. Bell moved, to adopt AO 97-86.  
seconded by Mr. Wuerch,

Mr. Bell noted the majority of homeowners supported the district. He was concerned that attempting to revise the assessment method might delay the project.

Ms. Von Gemmingen noted her husband's cousin was a member of the proposed district.

Chairman Begich ruled she did not have a conflict of interest.

Question was called on the motion to adopt AO 97-86 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.)

- I. Ordinance No. AO 97-73, an ordinance amending the zoning map and providing for the rezoning from R-3 (Multiple-Family Residential) to B-3/SL (General Business District with Special Limitations) for **Sunny Acres Subdivision, Block 2, Lot 2A**, generally located on the east side of Muldoon Road and north of East 12th Court (Northeast Community Council) (Planning and Zoning Commission Case 97-021), Community Planning and Development.
1. Assembly Memorandum No. AM 395-97.

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

TIM NAVARRE, the applicant, questioned the proposal to attach special limitations to the parcel. He pointed out the adjoining lots would not have these limitations; if the parcel was replatted this might cause a problem.

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 97-73.  
seconded by Mr. Kendall,

In response to Ms. Clementson, Don Alspach of Community Planning and Development explained the standard B-3 zone prohibitions and limitations which already apply to this property were not included in this ordinance; only changes to the standard zoning were included.

Question was called on the motion to adopt AO 97-73 and it passed:

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

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

- J. Ordinance No. AO 97-74, an ordinance amending the zoning map and providing for the rezoning from R-3 SL (Multiple-Family Residential District) with Special Limitations and B-4 SL (Rural Business District) with Special Limitations to R-3 SL (Multiple-Family Residential District) for **Viewpoint Subdivision, Tract 2**, containing approximately 23.96 acres, generally located on the east side of the Old Seward Highway and south of Potter Valley Road (Rabbit Creek Community Council) (Planning and Zoning Commission Case 97-025), Community Planning and Development.
  1. Assembly Memorandum No. AM 396-97.

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

TIM POTTER noted the homeowner's association board is supportive of the ordinance; he and the applicant have worked closely with the board on this issue.

BARBARA WEINIG, president of the Rabbit Creek Community Council, acknowledged the applicant has worked closely with the homeowner's association. However, the applicant has not spent equal time with the Community Council. The Council did not oppose this rezoning, but wished the applicant would be more cooperative about communications with the Council.

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 97-74.  
seconded by Ms. Clementson,

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

- K. Ordinance No. AO 97-59, an ordinance amending Anchorage Municipal Code Section 21.50.220.A Conditional Use Standards - **Drive-In Banks** to exclude the B-2B (Central Business District Intermediate) and B-2C (Central Business District Periphery) from the requirement to have direct access to a street which is designated as Class 1 or greater in the Official Streets and Highways Plan, Assemblymember Wohlforth.
  1. Information Memorandum No. AIM 89-97, Community Planning and Development.  
**(addendum)**

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

ART JACOBS said he was part owner of land adjacent to the bank which would be affected by this ordinance. He pointed out the ordinance did not correspond to the action approved by the Planning and Zoning Commission. He was concerned there was no mention in the ordinance about prohibited access to the property through the alley. Traffic through the alley would disrupt the parking area for his property. Mr. Jacobs noted many owners of property along the subject alleyway supported a prohibition of alley access.

Mr. Wohlforth noted there were inconsistencies and confusion about Planning and Zoning Commission (P&Z) actions affecting this case. He recommended the public hearing be continued pending resolution of the issues.

PAUL LILEY, a dentist with a practice adjacent to the subject property, described problems associated with alley access for drive-thru windows.

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

Mr. Bell moved, to continue the public hearing  
seconded by Mr. Wuerch, for AO 97-59 until July 1, 1997.  
and it passed without  
objection,

Mr. Wohlforth asked staff to prepare a memorandum detailing P&Z's intent on this issue, and clarifying the facts in this case.

- L. 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.
1. Assembly Memorandum No. AM 509-97.

This item was considered earlier in the meeting. See before 12.A.

Mr. Meyer moved, to combine consideration of item  
seconded by Mr. Murdy, 9.F, AM 489-97, with the public  
and it passed without hearing for item 12.M, AR 97-131.  
objection,

- M. Resolution No. AR 97-131, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages, a package store liquor license, located on Independence Park Subdivision, Tract Q3, generally located on the south side of the Intersection of Abbott Road and Vanguard Drive and west of Independence Drive (Tesoro Northstore, Co. d.b.a. **Tesoro 7-Eleven**) (Case 97-099), Community Planning and Development.
1. Assembly Memorandum No. AM 515-97.  
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.  
(POSTPONED FROM 6-3-97)

Chairman Begich opened the public hearing for AR 97-131 and asked if anyone wished to speak.

LINDA MAYWALD objected to the license for this establishment. She pointed out there are currently two 7-Eleven stores on Abbott Road, and a Brown Jug store is located across the street from the proposed new store location. She was concerned about her children and the proximity of liquor establishments in the area. She noted other residents in her neighborhood also opposed this license. In response to Mr. Wuerch, Ms. Maywald said the Abbott Loop Community Council voted to oppose the license.

AL TAMAGNI spoke as vice president of the Abbott Loop Community Council. He announced the Council voted to oppose this license, based on saturation of licenses in the area. He noted within a half-mile radius of the proposed location, there are several liquor stores; Carrs grocery, Sam's Club, Safeway and Brown Jug. He said no need has been demonstrated for an additional liquor establishment, and asked the Assembly to deny the license. In response to Ms. Von Gemmingen, Mr. Tamagni said there were between eighteen and twenty-three people in attendance at the meeting when this vote was taken. The vote was unanimous in opposition. He said the proposed location is about two miles from Service High School and about a half mile from Abbott Loop School. Hanshew Junior High and Abbott Loop Christian Schools are also within about a half mile.

DAN COFFEY distributed maps and materials highlighting the proposed area. He noted the applicant, Tesoro 7-Eleven, has heeded neighborhood opposition, when it was felt to be legitimate, and not built planned liquor stores in two instances. Mr. Coffey addressed concerns in this case that there is a saturation of licenses in the area.

TOM MCGRATH felt prevention of alcohol abuse should include limiting availability in residential areas. He felt there was a large concentration of liquor licenses in the area, and another one was unnecessary and potentially harmful.

Mr. Wohlforth moved, to suspend the rules to consider  
seconded by Ms. Clementson, item 14, Special Orders.  
and it passed without  
objection,

(Clerk's Note: The public hearing was closed and further action on these items was postponed until July 1, 1997 by a motion passed later in the meeting.)

- N. Resolution No. AR 97-123, a resolution of the Anchorage Municipal Assembly requesting that the School Budget Advisory Commission conduct a **study of the Anchorage School District's performance in constructing, repairing, and renovating school buildings** to determine if any improvements may be available, Assemblymember Bell.

This item was continued until July 1, 1997.

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

14. **SPECIAL ORDERS:**

- A. Mr. Murdy moved, to modify the time schedule for  
 seconded by Ms. Clementson, the July 1, 1997 regular meeting,  
 and it passed without to convene at 4:30 p.m., recess at  
 objection, 6:00  
 p.m. to allow members to attend the Mayoral  
 inauguration, and reconvene and begin public hearings  
 at 8:00 p.m.
  
- B. Ordinance No. AO 97-96, an ordinance amending the zoning map and providing for the rezoning from R-6 (Suburban Residential) Zone to R-1SL (Single Family Residential) with Special Limitations **Gregory Subdivision Tract 13**, according to the official plat of record, filed under Plat No. P-395 Records of the Anchorage Recording District, Third Judicial District, State of Alaska, generally located on the west side of Gregory Road and north side of Huffman Road. (Huffman-O'Malley Community Council) (Planning and Zoning Commission Case 97-055), Assemblymember Meyer. **(LAID ON THE TABLE)**

Messrs. Meyer, Begich and Murdy joined in introducing this ordinance. The public hearing was scheduled for August 19, 1997.

- C. Resolution No. AR 97-145, a resolution of the Anchorage Assembly protesting a recreational site liquor license for **The Covered Bridge** located on C Street Bridge at Ship Creek (Downtown/ Government Hill Community Councils), Assemblymember Wohlforth. **(LAID ON THE TABLE)**

Mr. Wohlforth, Ms. Clementson and Mr. Murdy joined in introducing this resolution. The public hearing was scheduled for July 1, 1997.

Chairman Begich asked if anyone else wished to speak on the public hearing for item 12.M, AR 97-131. There was no one and he closed the public hearing.

Mr. Murdy moved, to postpone action on item 12.M,  
 seconded by Mr. Wuerch, AR 97-131 and item 9.F, AM 489-97,  
 and it passed without until July 1, 1997.  
 objection,

- 15. **ASSEMBLY COMMENTS:** None.
- 16. **UNFINISHED AGENDA:** None.
- 17. **AUDIENCE PARTICIPATION:** None.
- 18. **EXECUTIVE SESSIONS:** None.
- 19. **ADJOURNMENT:**

The meeting adjourned at 12:00 a.m.

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Chairman

ATTEST:

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Municipal Clerk

Date Minutes Approved: September 23, 1997

VC/db

## INDEX

Page Number

"K"/"L" Street Alley Paving	19
"previously convicted" definition	8
1995 flood services reimbursement	3
53rd Avenue reconstruction	2
Acquisition of water utility assets of Eklutna Utilities, Inc.	5
ADEC Matching Grant Program	2
Alaska Seafood Center as Economic Development Program property	3
An Assessment of Needs and Available Resources for Women in An	5, 7
Anchorage Memorial Park Cemetery	3
Anchorage Metropolitan Police Service Area 2,	6
Anchorage Municipal Employees Association	2
Anchorage Parking Authority audit	12
Anchorage School District's construction performance	22
Anchorage Unitarian Universalist Fellowship; tax payment	10
Cemetery Perpetual Maintenance Non-Expendable Trust Fund	3
Chester Creek Watershed Wetlands Project	4
Chugiak Senior Center	1
Chugiak Volunteer Fire Department personnel	5
Community Oriented Policing Services (COPS)	3
Community Service Patrol and Transfer Station	8
Conditional use for sales of alcoholic beverages	22
Conditional Use Standards - Drive-In Banks	21
Conflict of interest	6, 7, 9, 14, 20
Construction contract amendments	5
Contracts awarded between \$30,000 and \$100,000	5
Crestbrook Water Improvement District	2
Drug and alcohol testing program for chauffeurs	3
E. 6th Avenue Pine/Boniface water line removal and replacement	2
East Thirty-Second Avenue Paving and Street Lights	18
Eklutna Utilities, Inc. acquisition	5
Electrical products	5
Emergency Shelter Grants	15, 21
Entitlement grants	14, 21
Financial, payroll and human resources information systems	5
Fire protection sprinkler systems maintenance	4
Fire suppression maintenance	5
Girdwood Wastewater Treatment Facility	2
Hardware/software maintenance/support	5
Heavy duty modular ambulances	4
HOME Investment Partnerships Program	15, 21
Human Services Matching Grant awards	4, 7, 11
Industrial and medical gases	5
Job Training Partnership Act	17
Kempton Hills Subdivision	19
Levy-Upon-Connection Roll	17
Light duty vehicles	2
Liquor License	4, 6, 13, 22, 23
Medical insurance coverage for the Chugiak Volunteer Fire Depa	5
Minibuses	2
Northern Lights Blvd. Rehabilitation	4
Parking garages sale	8
Paving Special Assessment District	18, 19
Police and Fire Retirement Board	13
Police vehicles	2
Procurement Report	5
Refuse truck	5
Reimbursement of legal expenses	13
Rezoning	20, 23
Sand and gravel	5
Senate Bill 107	2
Sewer special improvements	17
Solid Waste Disposal Utility Operating Budget	13
Solid Waste Services' facilities repair	4
State of Alaska legislative grants	2
Street Reconstruction Special Assessment District	19
Subpoena and prisoner transport services	3
Summer Youth Employment and Training Program	17
Sunny Slopes Phase III water line removal and replacement	2, 5
Tax exemptions for economic development property	3
Tax refund to John J. and Janice E. Sanders	4
Tax refund to Marriane and Richard E. Bacon	3

Tax refund to Patrick P. and Mary M. Douglas	4
Toni Pounds settlement	2
Transportation Model Update	4
West 100th Avenue reconstruction	2
West 5th/6th Avenue Alley Paving	18
West 7th/8th Avenue Alley Paving	18
West 8th/9th Avenue Alley Paving	18
Women's Commission	5, 7