

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Regular Meeting of September 23, 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. Carlson.

4. **MINUTES OF PREVIOUS MEETING:**

- A. Regular Meeting - June 10, 1997
- B. Special Meeting - June 19, 1997

Mr. Murdy moved, to approve the minutes of the
seconded by Mr. Kendall, regular meeting of June 10 and
and it passed without special meeting of June 19, 1997.
objection,

5. **MAYOR'S REPORT:**

Municipal Manager Larry Crawford noted the Fairview project had commenced.

6. **ADDENDUM TO AGENDA:**

Mr. Murdy moved, to amend the agenda to include
seconded by Ms. Clementson, 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 Ms. Von Gemmingen, consent agenda as amended.

A. **BID AWARDS:**

- 1. Assembly Memorandum No. AM 803-97, recommendation of award to Palmerco Construction, Inc., for **Terminal No. 3 insulation and heat trace replacement** for the Municipality of Anchorage, Port of Anchorage (ITB 97-C53), Purchasing.
- 2. Assembly Memorandum No. AM 829-97, recommendation of award to Alaska Pollution Control, Inc. for the **Spruce Street Clean-Up Project** for the Municipality of Anchorage, Municipal Light and Power (ITB 97-96), Purchasing. (**addendum**)

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

- 1. Ordinance No. AO 97-119, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the borrowing of not to exceed \$4,867,650 from the **State of Alaska Clean Water Fund** for the purpose of paying a portion of the costs of wastewater capital improvements in the Municipality, and providing for related matters, Water and Wastewater Utility. public hearing 10-7-97.
 - a. Assembly Memorandum No. AM 795-97.

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

- 2. Ordinance No. AO 97-120, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the borrowing of not to exceed \$8,325,000 from the **State of Alaska Safe Drinking Water Fund** for the purpose of paying a portion of the costs of water

capital improvements in the Municipality, and providing for related matters, Water and Wastewater Utility. public hearing 10-7-97.

a. Assembly Memorandum No. AM 796-97.

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

3. Resolution No. AR 97-222, a resolution appropriating \$174,157 current year special assessment and interest collections and \$260,754 prior year special assessment and interest collections within the Special Assessment Bond Redemption Fund (0899) for **1997 Special Assessment Bond Debt Service**, Finance. public hearing 10-7-97.
 - a. Assembly Memorandum No. AM 804-97.
4. Resolution No. AR 97-229, a resolution of the Municipality of Anchorage appropriating the sum of \$126,000 from the Alaska Department of Environmental Conservation and \$147,500 as a cash match from the 1997 DHHS Operating Budget to the State Categorical Grants Fund (0231) for the **operation of the Anchorage Air Pollution Control Agency**, Health and Human Services. public hearing 10-7-97.
 - a. Assembly Memorandum No. AM 824-97.
5. Resolution No. AR 97-230, a resolution of the Municipality of Anchorage accepting and appropriating \$6,839,538 from the Department of Community and Regional Affairs to the State Categorical Grants Fund (0231) for the **Day Care Assistance Program**, Health and Human Services. public hearing 10-7-97.
 - a. Assembly Memorandum No. AM 825-97.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 97-228, a resolution of the Anchorage Municipal Assembly **recognizing, supporting, and becoming a stakeholder in Anchorage as a community of promise**, Municipal Assembly.

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

2. Resolution No. AR 97-231, a resolution of the Municipality of Anchorage accepting \$43,000 from the State of Alaska, Division of Emergency Services (ADES), and appropriating said amount to the State Categorical Grants Fund (0231) to **support Anchorage Local Emergency Planning Committee (LEPC) activities**, Office of Emergency Management.
 - a. Assembly Memorandum No. AM 826-97.
3. Resolution No. AR 97-232, a resolution of the Anchorage Municipal Assembly **endorsing the national "Teaming with Wildlife" initiative**, Assemblymembers Wohlforth, Abney, Begich, and Bell. (addendum)

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 809-97, **Blackbeard's Fine Spirits** - New Distillery Liquor License (Campbell Park Community Council), Clerk's Office.

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

2. Assembly Memorandum No. AM 810-97, **Cozy Corner Cafe** - New Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Fairview/Spenard Community Councils), Clerk's Office.

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

3. Assembly Memorandum No. AM 811-97, **The Liquor Store** - Transfer of Ownership of a Package Store Liquor License (Government Hill Community Council), Clerk's Office.

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

4. Assembly Memorandum No. AM 812-97, **Los Arcos Restaurant** - Transfer of Ownership of a Beverage Dispensary Liquor License and Restaurant Designation (Spenard/Turnagain Community Councils), Clerk's Office.

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

5. Assembly Memorandum No. AM 813-97, **Mike's Liquor & Grocery** - Transfer of Ownership of a Package Store Liquor License (Eagle River Community Council), Clerk's Office.
6. Assembly Memorandum No. AM 814-97, **Peking House** - New Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Eagle River Community Council), Clerk's Office.
7. Assembly Memorandum No. AM 797-97, approval of change order No. 1 to **1994 Risk Management legal contract** with the law firm of Trena Heikes, Finance.
8. Assembly Memorandum No. AM 798-97, change order No. 2 to purchase order 71496 with G & S Enterprises, Inc. for providing **end dumps with operators** for the Municipality of Anchorage, Public Works Department/Purchasing.

9. Assembly Memorandum No. AM 799-97, change order No. 4 to purchase order 63982 with Polar Supply Company, Inc. for furnishing **liquid magnesium chloride** to the Municipality of Anchorage, Public Works Department/Purchasing.
10. Assembly Memorandum No. AM 800-97, change order No. 2 to **Commercial Drive Overlay Project**, Quality Asphalt Paving Company, Contract No. C-60334, Engineering File No. 94-22, Public Works.
11. Assembly Memorandum No. AM 805-97, contract amendment No. 1 Cash Barner Architects, **Girdwood Fire Station addition/alteration**, Property and Facility Management.
12. Assembly Memorandum No. AM 806-97, contract amendment No. 2 to MVS Paving Construction Co., Inc., for **construction of "D" Street Rehabilitation, 6th Avenue to 9th Avenue**, Public Works.

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

13. Assembly Memorandum No. AM 807-97, amendment No. 2 to professional construction management services agreement with Montgomery Watson for the **Anchorage Loop Water Transmission Main - Phases I, II and III and SCADA Project**, Water and Wastewater Utility.

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

14. Assembly Memorandum No. AM 827-97, recommendation of award to VEI Consultants and Land Design North, Inc. for providing professional design services supporting **Anchorage Park Improvement projects** for the Municipality of Anchorage, Department of Cultural and Recreational Services (RFP 36-97), Purchasing.
15. Assembly Memorandum No. AM 828-97, **Holiday Inn/Lucy's** - Transfer of Ownership of a Beverage Dispensary Liquor License and Restaurant Designation (Downtown/Fairview/Government Hill Community Councils), Clerk's Office. **(addendum)**

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

E. INFORMATION AND REPORTS:

1. Appeal S-10057, **Bell Estates Phase 1 Subdivision** has been scheduled for hearing before the Board of Adjustment on ~~October 7, 1997~~ October 21, 1997, Clerk's Office.

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

2. Information Memorandum No. AIM 136-97, Anchorage Water and Wastewater Utility construction contract change orders for **6th Avenue & "K" Street Woodstave R&R, Anchorage Loop Water Transmission Main - Phases I, II & III, Eagle River Trunk Sewer TID ER-3, Brendlwood Water Extension, South Addition Woodstave R&R - Phase I**, Water and Wastewater Utility.
3. Information Memorandum No. AIM 137-97, **Turnagain View Booster Station Improvements** - potential contract change order with Hankal Construction, Inc., Water and Wastewater Utility.
4. Information Memorandum No. AIM 138-97, **contract awarded between \$30,000 and \$100,000 through formal competitive processes** for the month of August 1997, Purchasing.

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

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

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

8. REGULAR AGENDA:

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

1. Ordinance No. AO 97-119, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the borrowing of not to exceed \$4,867,650 from the **State of Alaska Clean Water Fund** for the purpose of paying a portion of the costs of wastewater capital improvements in the Municipality, and providing for related matters, Water and Wastewater Utility. public hearing 10-7-97.
 - a. Assembly Memorandum No. AM 795-97.

2. Ordinance No. AO 97-120, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the borrowing of not to exceed \$8,325,000 from the **State of Alaska Safe Drinking Water Fund** for the purpose of paying a portion of the costs of water capital improvements in the Municipality, and providing for related matters, Water and Wastewater Utility. public hearing 10-7-97.
 - a. Assembly Memorandum No. AM 796-97.

Messrs. Carlson, Murdy and Wuerch joined in introducing AO 97-119 and AO 97-120. The public hearings for both ordinances was scheduled for October 7, 1997.

Mr. Carlson requested a memorandum by the time of the public hearing detailing which projects would be served by these funds.

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 97-228, a resolution of the Anchorage Municipal Assembly **recognizing, supporting, and becoming a stakeholder in Anchorage as a community of promise**, Municipal Assembly.

Mr. Meyer moved, to approve AR 97-228.
seconded by Ms. Von Gemmingen,
and it passed without
objection,

Ms. Von Gemmingen read the resolution while Mr. Meyer presented it to Tom McGrath and Jill Waters.

Mr. McGrath thanked the Assembly for the resolution. He described the movement to encourage positive traits in young people. He hoped the movement would expand to the rest of the State and eventually the entire country. He encouraged everyone to volunteer in any one of the areas of the program.

Ms. Waters also thanked the Assembly. She also encouraged everyone to participate. Anyone interested in a presentation on the program can contact the United Way.

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 809-97, **Blackbeard's Fine Spirits** - New Distillery Liquor License (Campbell Park Community Council), Clerk's Office.

Mr. Meyer moved, to approve AM 809-97.
seconded by Mr. Kendall,

Mr. Meyer moved, to postpone action and schedule a
seconded by Ms. Von Gemmingen, public hearing on AM 809-97 for October 21, 1997.

Mr. Meyer noted the Campbell Park Community Council was noticed on this license, however, the establishment is located in the Taku-Campbell Council area. He asked Taku-Campbell Council officials be notified. He said the applicant should contact the appropriate Council to explain the establishment's purpose and proposed operation.

Question was called on the motion to schedule AM 809-97 for public hearing on October 21, 1997 and it passed without objection.

(Clerk's Note: Notice of reconsideration was filed on this motion. See minutes of September 30, 1997 for further action.)

2. Assembly Memorandum No. AM 810-97, **Cozy Corner Cafe** - New Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Fairview/Spenard Community Councils), Clerk's Office.

Mr. Wuerch moved, to approve AM 810-97.
seconded by Mr. Kendall,

Mr. Wuerch moved, to postpone action on AM 810-97
seconded by Mr. Kendall, until October 7, 1997 pending
and it passed without notification of the Northstar
objection,
Community Council.

3. Assembly Memorandum No. AM 811-97, **The Liquor Store** - Transfer of Ownership of a Package Store Liquor License (Government Hill Community Council), Clerk's Office.

Mr. Wohlforth moved, to approve AM 811-97.
seconded by Mr. Murdy,

Mr. Wohlforth moved, to postpone action on AM 811-97
seconded by Ms. Clementson, until September 30, 1997, pending
and it passed without review by the Government Hill Community
objection,
Council.

4. Assembly Memorandum No. AM 812-97, **Los Arcos Restaurant** - Transfer of Ownership of a Beverage Dispensary Liquor License and Restaurant Designation (Spenard/Turnagain Community Councils), Clerk's Office.

Ms. Von Gemmingen moved, to approve AM 812-97.
seconded by Mr. Meyer,

Ms. Von Gemmingen moved, to postpone action on AM 812-97 until
seconded by Ms. Clementson, October 7, 1997 pending review by the Spenard/Turnagain
Community Councils.

Ms. Von Gemmingen pointed out the notification the Community Councils received from the State Department of Revenue on this license was sorely lacking in information. Only the name of the restaurant and the type of license was listed. She felt the owners involved in the transfer should be added. She requested the Municipal Clerk notify the appropriate State office of her comments.

Ms. Clementson concurred. However, she felt a work session with the State Alcoholic Beverage Control (ABC) Board might be necessary.

Chairman Begich agreed, and asked the Municipal Clerk to draft a letter to the ABC Board requesting a work session.

Ms. Von Gemmingen asked the applicant to attend the Council meeting on October 2, 1997.

Jay Dirge, spoke representing the applicant. He noted a letter was sent to the Spenard Community Council in early September detailing the parties and all other particulars of the transaction.

Question was called on the motion to postpone action on AM 812-97 until October 7, 1997 and it passed without objection.

5. Assembly Memorandum No. AM 806-97, contract amendment No. 2 to MVS Paving Construction Co., Inc., for **construction of "D" Street Rehabilitation, 6th Avenue to 9th Avenue**, Public Works.

Ms. Von Gemmingen moved, to approve AM 806-97.
seconded by Mr. Murdy,

Ms. Von Gemmingen questioned the notation in the memorandum about installation of a roof drain.

Public Works Director Jim Fero clarified the drainage from the building onto the street was inappropriate, so it was repaired.

Ms. Von Gemmingen requested identification of the owners of the building and the business occupying the building. Also, she requested more complete information on these issues in the future.

Question was called on the motion to approve AM 806-97 and it passed without objection.

6. Assembly Memorandum No. AM 807-97, amendment No. 2 to professional construction management services agreement with Montgomery Watson for the **Anchorage Loop Water Transmission Main - Phases I, II and III and SCADA Project**, Water and Wastewater Utility.

Mr. Wuerch moved, to approve AM 807-97.
seconded by Mr. Murdy,

In response to Mr. Wuerch, Water and Wastewater General Manager Mark Premo discussed the percentage of total installed cost allotted for construction management, about seven percent. He noted the total contract was in excess of \$22 million. Design services are not included in the contract. He said the contract was for full-time construction management by between 2.5 and 4.5 full-time positions.

In response to Mr. Bell, Mr. Premo explained how the cost of project management services was calculated. A standard percentage is not used. Because of regulatory issues in the city, project management costs are calculated according to the requirements for each individual job, based on a detailed scope of work. He said the contractor in this case was responsible for obtaining permits from the Bureau of Land Management, U.S. Army Corps of Engineers, Alaska Department of Fish and Game and other regulatory agencies because of creek crossings. The contractor was also providing other specialty services as the needs arise, such as bringing to Anchorage an expert from another state as required by Fish and Game. He said the project manager on the

contract was responsible for ensuring the construction management services are performed correctly and efficiently.

Mr. Wuerch felt the overhead on this project was too high. He said it was not comparable to efficiency in the private sector.

Ms. Clementson commented the project was very complex, crossing many areas of town and various wetlands. Drainage problems and complaints have been abundant. She commended AWWU staff for keeping three phases of the project progressing in spite of the regulatory problems.

Mr. Bell acknowledged the project's complexity, but still felt the overhead was too high. He requested AWWU staff provide an analysis of the cost allocations on the project.

Mr. Wuerch did not want to burden AWWU staff with more work, just as the project is nearing the end of the construction season. He suggested the project be placed on the Internal Auditor's work plan for next season.

Municipal Manager Larry Crawford agreed to furnish a breakdown of the costs in a memorandum.

Question was called on the motion to approve AM 807-97 and it passed without objection.

7. Assembly Memorandum No. AM 828-97, Holiday Inn/Lucy's - Transfer of Ownership of a Beverage Dispensary Liquor License and Restaurant Designation (Downtown/Fairview/Government Hill Community Councils), Clerk's Office. **(addendum)**

Mr. Wohlforth moved,
seconded by Mr. Meyer,

to approve AM 828-97.

Mr. Wohlforth disclosed he received phone calls from Dan Coffey who is representing the applicant, and Dennis Fenerty representing Holiday Inn, asking him to support the license, so it could be expedited. He questioned the need to expedite the license.

Chairman Begich disclosed he had received a similar calls from Mr. Coffey.

Dennis Fenerty of Groh Eggers, who represent the license purchaser, said he called to inform Mr. Wohlforth about the license activity in his district, and answer any questions. He said a contract for the purchase of the hotel was signed in mid-July, and was very complex, so the license was hurried as fast as the Assembly and Alcoholic Beverage Control (ABC) Board schedules would allow. He discussed the various residency requirements which delayed the proceedings.

Mr. Wohlforth reminded applicants that the affected community councils may be contacted prior to filing an application with the ABC Board.

Ms. Clementson recalled the ex parte rule was to ensure parties do not contact individual Assembly members regarding a license. An appropriate way to contact the Assembly is in writing through the Municipal Clerk, so all information is a matter of public record. She suggested a letter be directed to Mr. Coffey requesting he put any future comments regarding liquor licenses in writing.

In response to Mr. Kendall, Mr. Fenerty said there were no current plans to change the operation of the bar and restaurant.

In response to Mr. Wohlforth, Assistant Municipal Attorney Bill Greene confirmed the ex parte rule applies to protests of liquor licenses as well as conditional use permits. He explained ex parte rules are based on constitutional due process which require proceedings be done in open session, so all Assembly members have the same information. If applicants contact Assembly members, they can be referred to the Municipal Attorney's staff who will advise people of the procedures. He also suggested applicants contact the Assembly in writing through the Municipal Clerk, as Ms. Clementson indicated.

Question was called on the motion to approve AM 828-97 and it passed without objection.

Chairman Begich noted he disagreed with the Municipal Attorney's opinions on the ex parte rules regarding liquor licenses.

F. INFORMATION AND REPORTS:

1. Appeal S-10057, Bell Estates Phase 1 Subdivision has been scheduled for hearing before the Board of Adjustment on ~~October 7, 1997~~ October 21, 1997, Clerk's Office.

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

to approve the hearing, and
change the hearing date for appeal
S-10057 to October 21, 1997.

Mr. Meyer explained he would be out of town on October 7, and would like to participate in the debate on this appeal.

2. Information Memorandum No. AIM 138-97, **contract awarded between \$30,000 and \$100,000 through formal competitive processes** for the month of August 1997, Purchasing.

Mr. Wuerch moved,
seconded by Mr. Kendall,

to accept AIM 138-97.

Mr. Wuerch questioned whether a contract with Sisco Network was for services which could be provided by the Municipality.

Municipal Manager Larry Crawford said he would research that question and return with an answer at a later date.

In response to Ms. Clementson, Public Works Director Jim Fero explained a \$31,000 purchase for antique teardrop luminaries was replacement lights for downtown. He said the downtown lights are prone to corrosion; the indicated vendor is the only supplier for replacement parts. Mr. Fero explained the chemicals used for de-icing roads downtown react with the metal in the lampposts, which corrode the metal causing the posts to topple.

Ms. Clementson suggested finding a different design of lamppost.

Chairman Begich added the light fixtures are made of low-grade metal; he felt the Municipality should discontinue purchase of these items.

Question was called on the motion to accept AIM 138-97 and it passed:

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

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

Chairman Begich introduced Lynn Taylor, of the Health Department Job Training Partnership Act program.

Ms. Taylor spoke about the 1997 Summer Youth Employment Program coordinated by Health and Human Services. She noted the program was funded by a grant. A majority of the 350 teens who participated were 14 and 15 years old, an age usually difficult to employ. After this experience, these teens have solid experience and references for the future. Over 200 private and non-profit agencies acted as work sites, with staff providing supervision and training. She praised these employers for their efforts. Collectively, the participants earned over \$500,000 in wages, much of which was returned to the Anchorage economy. State and Federal oversight agencies monitored the program; it was cited as an outstanding example of a summer youth employment program and was highly recommended as a model for other communities. She thanked the Assembly for its support.

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

- A. **NOTICE OF RECONSIDERATION:** Ordinance No. AO 97-106, an ordinance **approving a non-competitive, less than fair market value, lease to Environmental Recycling, Inc.** (ERI), a non-profit corporation, for approximately 12.51 acres of Heritage Land Bank (HLB) Parcel 4-033 at Point Woronzof near the Anchorage International Airport (AIA), Heritage Land Bank.
 1. Assembly Memorandum No. AM 659-97.
 2. Information Memorandum No. AIM 134-97.
 (POSTPONED FROM 8-19-97 & 9-16-97; NOTICE OF RECONSIDERATION TO POSTPONE ACTION TO 10-7-97 WAS SPREAD ON THE MINUTES BY MS. ABNEY 9-16-97)

Chairman Begich gave the history of the ordinance and noted the question of whether to reconsider a motion to postpone action until October 7, 1997 was on the floor.

In response to Ms. Abney, John Dean of Environmental Recycling, Inc. said he would be out of town on October 7, 1997 but would be available on October 21, 1997. He invited the Assembly to the third annual recycling fair on September 27, 1997.

In response to Ms. Von Gemmingen, Mr. Dean said he would attend the Turnagain Community Council meeting on October 2, 1997.

Question was called on whether to reconsider and it passed without objection.

Ms. Abney moved,
seconded by Mr. Wuerch,
and it passed without
objection,

to postpone action on AO 97-106
until October 21, 1997.

- B. **NOTICE OF RECONSIDERATION:** Assembly Memorandum No. AM 755-97, **C & D Liquors #3** - Transfer of Ownership of a Package Store Liquor License (Mountain View/Russian Jack Community Councils), Clerk's Office.

(APPROVED 9-16-97; NOTICE OF RECONSIDERATION WAS GIVEN BY MR. WOHLFORTH 9-16-97)

Chairman Begich gave the history of the memorandum and noted the question of whether to reconsider was on the floor.

Mr. Wohlforth said he gave notice of reconsideration because he was not aware that the Mountain View Community Council voted in opposition to the transfer of ownership. He discussed the matter with the Council president, Randy Smith. Mr. Smith disagreed with the Council vote; he felt it was carried by people who traditionally oppose all licenses. Mr. Wohlforth noted he could not glean any specific information about the rationale of those in opposition. Therefore, he felt there were no grounds to protest; he recommended against reconsideration.

Ms. Clementson felt community council presidents should be instructed to relay council voting results to the Assembly, regardless of their personal opinions on the votes. She pointed out C&D Liquors has been operating in Muldoon for a long time. She felt the operators were very responsible and would be an asset to the location in Mountain View.

Reconsideration died for lack of action.

- C. **NOTICE OF RECONSIDERATION:** Ordinance No. AO 97-111, an ordinance amending the zoning map and providing for the rezoning from R-2M (Multi-Family Residential) Zoning District to B-3SL (General Business with Special Limitations) Zoning District for 1.50 acres in **Lake Spenard Park Subdivision, the East 2/3 of Lots 1, 2, and 3, Block 4**, generally located on the east side of Spenard Road and north of Iris Drive (Spenard Community Council) (Planning and Zoning Commission Case 97-054), Community Planning and Development.

1. Assembly Memorandum No. AM 674-97.

(APPROVED 9-16-97; NOTICE OF RECONSIDERATION WAS GIVEN BY MS. CLEMENTSON 9-17-97)

Chairman Begich gave the history of the ordinance and noted the question of whether to reconsider was on the floor.

Ms. Clementson noted since this item was considered so early in the meeting, representatives of the applicant did not have a chance to testify about recommended amendments.

Question was called on whether to reconsider action on AO 97-111 and it passed without objection.

Joe Stimson explained the owner of Lot 1A of Gabianelli Subdivision is no longer involved in the project. He asked reference to that lot be deleted from the ordinance in Section 5. Also, he said since a year has been lost in the process, the construction dates in Section 2 should be changed from 1999 to 2000.

In response to Chairman Begich, Don Alspach of Community Planning and Development concurred with the proposed changes.

Ms. Clementson moved,	to amend AO 97-111 in Section 2,
seconded by Ms. Von Gemmingen,	paragraph C to read: "...January 1,
and it passed without	2000 and shall be completed by
	objection,
	December 31, 2000."; and in Section 5,
	paragraph A to read: "...combining Lots 1, 2, and 3,
	Block 4, Lake Spenard Park..."

Question was called on the motion to adopt AO 97-111 as amended and it passed:

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

- D. Information Memorandum No. AIM 125-97, **Wimbledon Park Subdivision**, Legal Department.
(POSTPONED FROM 8-26-97)

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

Mr. Meyer said he would accept the memorandum. He said the administration proposed some alternatives for the affected residents at today's work session.

Ms. Clementson moved,	to amend AIM 125-97 to delete
	and it was withdrawn,
	discussion.
	page 2, the

Question was called on the motion to accept AIM 125-97 and it passed:

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

The meeting recessed at 6:20 p.m. and reconvened at 6:50 p.m.

Mr. Wohlforth moved, to suspend the rules to consider
seconded by Mr. Meyer, item 9.E, AR 97-217.
and it passed without
objection,

- E. Resolution No. AR 97-217, a resolution of the Municipality of Anchorage authorizing the application for matching capital grant funds through the **Municipal Capital Project Matching Grant Program** - AS 37.06 - for State Fiscal Year 1999, Office of Management and Budget.
1. Assembly Memorandum No. AM 781-97.
(POSTPONED FROM 9-16-97)

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

Mr. Wohlforth recommended item #6 on the list, recycled asphalt pavement upgrades, be deleted. He felt this item should be funded by bonds; it was a popular program which would not endanger passage of other items in the bond package. By deleting the item from the State grant list, two other projects could be added which are not slated for bond sales.

Mr. Wohlforth moved, to amend AR 97-217 on the project list
seconded by Ms. Von Gemmingen, to delete item #6, RAP upgrades, and add new 2 items under 68th Avenue upgrade and over District 18 LRSA's: Mountain View Community Center; requested amount \$330,000; local share amount \$142,000, and Alaska Center for the Performing Arts rehearsal hall; requested amount \$410,000; local share amount \$175,000.

Mr. Wohlforth explained the funds for the Mountain View Community Center would give the Municipality its 50% share of funds to match promised funds from the private sector. The rehearsal hall was originally part of the ACPA design but was not funded. A hall would increase the useability of the ACPA; currently rehearsals take place on main stages, reducing the time stages are booked for performances.

Mr. Kendall moved, to divide the question to consider
seconded by Ms. Clementson, each item separately.
and it passed without
objection,

Mr. Kendall moved, to amend the amendment to move the
seconded by Mr. Bell, ACPA
rehearsal hall after Lower Hillside Area Storm
Drainage, with funding of request - \$420,000, local -
\$180,000.

In response to Mr. Kendall, Nancy Harbour, president of the ACPA Board, addressed the Assembly. She committed to help find the local matching funds as the process continues.

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

Mr. Kendall moved, to amend the amendment to move the
seconded by Mr. Bell, Mountain
View Community Center after the ACPA rehearsal
hall, with funding from CDBG or other sources.

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

NAYS: Wohlforth, Begich, Clementson.

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

Mr. Wohlforth moved, to amend the amendment to move item #6,
seconded by Ms. Von Gemmingen, RAP program, to the bottom of the list rather than
delete it.

AYES: Wohlforth, Bell, Abney, Begich, Von Gemmingen, Carlson.

NAYS: Kendall, Wuerch, Meyer, Clementson, Murdy.

Mr. Wohlforth moved, to amend the amendment to move the
seconded by Ms. Clementson, Mountain View Community Center above the ACPA rehearsal
hall.

AYES: Wohlforth, Bell, Abney, Wuerch, Begich, Meyer, Clementson, Murdy.

NAYS: Kendall, Von Gemmingen, Carlson.

Ms. Abney moved, to amend AR 97-217 on the project
seconded by Ms. Clementson, list to add Toilsome Hill Road -
and it passed without Glen Alps Upgrades; requested
objection,
amount \$70,000; local share amount \$30,000
above the Jewel Lake/Sand Lake Fire Station.

Mr. Wuerch moved, to amend AR 97-217 on the project
seconded by Ms. Clementson, list to add the Native Heritage Center design/construction;
requested amount \$35,000; local share amount
\$15,000 above 68th Avenue Upgrade.

Mr. Kendall moved, to amend the amendment to place
seconded by Ms. Abney, the
project at the top of the
and it passed without list.
objection,

Question was called on Mr. Wuerch's motion to amend as amended and it passed:

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

(See further action on this item after the following three items.)

Ms. Abney moved, to change the orders of the day to
seconded by Mr. Meyer, consider items 12.C, 12.E, and
and it passed without 12.A, AO 97-115, AO 97-108 and
objection, AR
97-221.

Ordinance No. AO 97-115, an ordinance amending Anchorage Municipal Code Chapters 11.10 and 11.40 relating to **requiring all vehicles regulated under those chapters to subscribe to a computerized dispatch system**, Assemblymember Abney.

Ms. Abney moved, to table AO 97-115.
seconded by Mr. Kendall,
and it passed without
objection,

Ordinance No. AO 97-108, an ordinance amending the Anchorage Municipal Code to **provide for the independent operation and management of the Municipal Light and Power Utility** under Charter Section 16.04, Assemblymembers Begich, Abney, and Wohlforth.

1. Assembly Memorandum No. AM 663-97.

Mr. Wuerch moved, to table AO 97-108.
seconded by Mr. Murdy,
and it passed without
objection,

Resolution No. AR 97-221, a resolution of the Municipality of Anchorage providing for an appropriation of \$150,000 donated from Eunice Silberer in memory of her husband, Dick Silberer, to the Anchorage Parks and Recreation Capital Projects Fund (0461) toward the installation of the **Town Square Community Fountain**, Cultural and Recreational Services.

1. Assembly Memorandum No. AM 801-97.

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 97-221.
seconded by Ms. Von Gemmingen,

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

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

The Assembly then returned to item 9.E, AR 97-217.

Question was called on the motion to approve AR 97-217 as amended and it passed:

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

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

Ms. Clementson said she would like to raise the placement of the RAP program.

Ms. Abney said she would like to raise the placement of the Toilsome Road upgrade.

Question was called on the motion to reconsider action on AR 97-217 and it passed:

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

Ms. Clementson moved, to move the RAP program below the
seconded by Ms. Von Gemmingen, 68th Avenue upgrade project.

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

Ms. Abney moved, to move the Toilsome Hill Road -
seconded by Mr. Bell, Glen Alps
upgrades below Lower Hillside Area Storm Drainage.

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

Mr. Kendall moved, to amend to correctly designate House
seconded by Mr. Wuerch, Districts for CBERRRSA Road and
and it passed without Drainage and Russian Jack Springs Park
objection,
projects.

Question was called on the motion to approve AR 97-217 as amended and it passed:

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

Municipal Manager Larry Crawford requested another motion to reconsider.

Assistant Municipal Attorney Bill Greene advised the Assembly a second motion to reconsider would be in order, if the changes made after the first reconsideration were substantial.

Ms. Von Gemmingen moved, immediate reconsideration.
seconded by Mr. Carlson,

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

10. **APPEARANCE REQUESTS:** None.

11. **CONTINUED PUBLIC HEARINGS:** None.

12. **NEW PUBLIC HEARINGS:**

- A. Resolution No. AR 97-221, a resolution of the Municipality of Anchorage providing for an appropriation of \$150,000 donated from Eunice Silberer in memory of her husband, Dick Silberer, to the Anchorage Parks and Recreation Capital Projects Fund (0461) toward the installation of the **Town Square Community Fountain**, Cultural and Recreational Services.
1. Assembly Memorandum No. AM 801-97.

This item was considered earlier in the meeting. See during item 9.E.

- B. Ordinance No. AO 97-116, an ordinance repealing Anchorage Municipal Code Section 10.55.115 to **remove the sunset clause of the teen nightclub ordinances** thereby continuing the effectiveness of said ordinances indefinitely, Assemblymember Meyer, Murdy, and Wohlforth.
1. Assembly Memorandum No. AM 753-97.

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 97-116.
seconded by Ms. Clementson,

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

- C. Ordinance No. AO 97-115, an ordinance amending Anchorage Municipal Code Chapters 11.10 and 11.40 relating to **requiring all vehicles regulated under those chapters to subscribe to a computerized dispatch system**, Assemblymember Abney.

This item was considered earlier in the meeting. See during item 9.E.

- D. Ordinance No. AO 97-113, an ordinance amending the zoning map and providing for the rezoning from R-3SL (Multiple-Family Residential with Special Limitations) to R-2MSL (Multiple-Family Residential District with Special Limitations) for the **Strawberry Meadows Subdivision, Tracts E and J**, generally located on the south side of Strawberry Road and east of West 80th Avenue (Sand Lake Community Council) (Planning and Zoning Commission Case 97-069), Community Planning and Development.
1. Assembly Memorandum No. AM 733-97.

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

JOE STIMSON spoke representing the petitioner. He explained the current zoning has a density of over 16 units per acre, yet the land was class C wetlands and could not support that density. The Planning and Zoning Commission approved the proposed rezoning, with a minimum of 6 units per acre, along with special limitations. The petitioner agrees with the special limitations. In response to Ms. Clementson, Mr. Stimson said the zoning was very complicated, and the petitioner wished to ensure his development would be in conformance.

Don Alspach of Community Planning and Development clarified the proposed rezoning would bring the subject parcel into conformance for density with the Comprehensive Plan. A certain density was defined, but as development in the subdivision occurred, it did not match the anticipated density.

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 97-113.
seconded by Mr. Kendall,

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

- E. Ordinance No. AO 97-108, an ordinance amending the Anchorage Municipal Code to **provide for the independent operation and management of the Municipal Light and Power Utility** under Charter Section 16.04, Assemblymembers Begich, Abney, and Wohlforth.
1. Assembly Memorandum No. AM 663-97.

This item was considered earlier in the meeting. See during item 9.E.

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

14. **SPECIAL ORDERS:** None.

15. **ASSEMBLY COMMENTS:**

- A. Ms. Clementson requested the administration apply for an encroachment permit to create a park in the right-of-way for the extension of Debarr Road east of Muldoon Road.

Operations Manager George Vakalis questioned what group would manage the proposed park.

Chairman Begich said a group has not been designated. He reiterated his request that the administration apply for a right-of-way encroachment permit, which would enable establishment of a group.

Municipal Manager Larry Crawford offered to work with Ms. Clementson to resolve this issue.

- B. Ms. Von Gemmingen announced a westside town meeting, hosted by herself and Mr. Murdy, at the Regal Alaskan Hotel on September 25, 1997. She noted the State Legislative deferred maintenance task force would meet in Anchorage on October 2, 1997.
C. Mr. Wuerch thanked the Silberer family for a donation of funds for the Town Square Park fountain.
D. Ms. Abney called attention to an article in Nations Cities Weekly regarding ISTEAF funding. She suggested the Assembly approve a resolution and forward it to Alaska's Congressional delegation.

E. Chairman Begich reiterated his request for statistics on effectiveness of the curfew law. He reminded everyone the regular meeting of November 11, 1997 was still scheduled.

16. **UNFINISHED AGENDA:** None.

17. **AUDIENCE PARTICIPATION:** None.

18. **EXECUTIVE SESSIONS:** None.

19. **ADJOURNMENT:**

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

The meeting adjourned at 8:30 p.m.

Chairman

ATTEST:

Municipal Clerk
Date Minutes Approved: October 28, 1997

LF/db

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