

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Regular Meeting of October 7, 1997

1. **CALL TO ORDER:**

The meeting was convened at 5:10 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, Fay Von Gemmingen, Cheryl Clementson, Ted Carlson, Joe Murdy.
Absent: Kevin Meyer (excused).

3. **PLEDGE OF ALLEGIANCE:**

The pledge was led by Mr. Carlson.

4. **MINUTES OF PREVIOUS MEETING:**

A. Regular Meeting - July 22, 1997

Mr. Murdy moved, to approve the minutes of the
seconded by Ms. Von Gemmingen, regular meeting of July 22, 1997.
and it passed without
objection,

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

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:** None.

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

1. Ordinance No. AO 97-123, an ordinance adopting and appropriating funds for the **1998 Public Utilities Operating and Capital Budgets** for the Municipality of Anchorage, Office of Management and Budget. public hearing 11-4-97 and 11-11-97.
 - a. Assembly Memorandum No. AM 818-97.
2. Resolution No. AR 97-226, a resolution adopting the **1998-2003 Public Utilities Capital Improvement Program**, Office of Management and Budget. public hearing 11-4-97 & 11-11-97.
 - a. Assembly Memorandum No. AM 819-97.
3. Ordinance No. AO 97-124, an ordinance of the Municipality of Anchorage adopting and appropriating funds for the **1998 General Government Operating Budget** for the Municipality of Anchorage, Office of Management and Budget. public hearing 11-4-97 & 11-11-97.
 - a. Assembly Memorandum No. AM 820-97.
4. Resolution No. AR 97-225, a resolution of the Municipality of Anchorage adopting the **1998-2003 Six Year Fiscal Program**, Office of Management and Budget. public hearing 11-4-97.
 - a. Assembly Memorandum No. AM 817-97.
5. Resolution No. AR 97-249, a resolution of the Anchorage Municipal Assembly adopting the capital grants section of the **1998 Legislative Program** for the Municipality of Anchorage, Office of Management and Budget. public hearing 11-18-97.
 1. Assembly Memorandum No. AM 867-97.

6. Ordinance No. AO 97-125, an ordinance adopting and appropriating funds for the **1998 Anchorage Police and Fire Retirement System**, Police and Fire Retirement System.
public hearing 11-11-97 & 11-18-97.
 1. Assembly Memorandum No. AM 821-97.
7. Resolution No. AR 97-250, a resolution of the Municipality of Anchorage affirming a **\$675,000 enterprise fund dividend from the Port of Anchorage** to the 1998 General Government Operating Budget, Office of Management and Budget. public hearing 11-18-97.
 - a. Assembly Memorandum No. AM 868-97.
8. Resolution No. AR 97-251, a resolution of the Municipality of Anchorage affirming a **\$200,000 utility revenue distribution from the Solid Waste Disposal Utility** to the 1998 General Government Operating Budget, Office of Management and Budget.
public hearing 11-18-97.
 - a. Assembly Memorandum No. AM 869-97.
9. Resolution No. AR 97-252, a resolution of the Municipality of Anchorage affirming a **\$9,200,000 utility revenue distribution from the Anchorage Telephone Utility**, Office of Management and Budget. public hearing 11-18-97.
 - a. Assembly Memorandum No. AM 870-97.

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

10. Ordinance No. AO 97-132, an ordinance of the Anchorage Municipal Assembly authorizing the long term lease between the Municipality of Anchorage as lessor and Airport Development Corporation as lessee of **Lot 22, Merrill Field Replat Addition No. 4**, located at the northeast corner of East 8th Avenue and Orca Street, Merrill Field Airport. public hearing 10-21-97.
 - a. Assembly Memorandum No. AM 857-97.
11. Resolution No. AR 97-240, a resolution of the Municipality of Anchorage accepting and appropriating \$132,268 to the State Categorical Grants Fund (0231) from the Department of Health and Social Services for the provision of **prenatal care services**, Health and Human Services. public hearing 10-21-97.
 - a. Assembly Memorandum No. AM 852-97.
12. Resolution No. AR 97-241, a resolution of the Municipality of Anchorage accepting and appropriating \$150,000 to the State Categorical Grants Fund (0231) from the Department of Health and Social Services for the provision of **perinatal case management/ healthy basis services**, Health and Human Services.
public hearing 10-21-97.
 - a. Assembly Memorandum No. AM 853-97.
13. Resolution No. AR 97-242, a resolution of the Municipality of Anchorage accepting and appropriating \$999,479 to the State Categorical Grants Fund (0231) from the Department of Health and Social Services for the provision of **Women, Infants & Children nutrition services**, Health and Human Services.
public hearing 10-21-97.
 - a. Assembly Memorandum No. AM 854-97.
14. Resolution No. AR 97-243, a resolution of the Municipality of Anchorage accepting and appropriating \$1,072,508 to the State Categorical Grants Fund (0231) from the Department of Health and Social Services to fund **Community Health Nursing Services**, Health and Human Services. public hearing 10-21-97.
 - a. Assembly Memorandum No. AM 855-97.
15. Resolution No. AR 97-244, a resolution confirming and levying assessments for the sewer special improvements within **Levy-Upon-Connection Roll 97-S-2**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility. public hearing 10-28-97.
 - a. Assembly Memorandum No. AM 856-97.
16. Resolution No. AR 97-255, a resolution of the Municipality of Anchorage reappropriating \$204,000 as a contribution from the Anchorage Parks and Recreation Capital Improvement Fund (0461), Cultural Recreational Services Department, to the Equipment Maintenance Internal Service Capital Fund (0606), Property and Facility Management Department, for the purpose of **purchasing parking maintenance equipment**, Cultural and Recreational Services. public hearing 10-21-97.
 - a. Assembly Memorandum No. AM 873-97.
17. Ordinance No. AO 97-130, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the issuance of not to exceed \$43,850,000 in aggregate principal amount of General Obligation School Bonds of the Municipality for the purpose of raising funds to pay the **costs of educational capital improvement projects** in the Municipality; fixing certain details of said bonds; providing for the form and manner of sale of said bonds; pledging the full faith and credit of the Municipality to the payment thereof; authorizing the Chief Fiscal Officer or the Acting Chief Fiscal Officer to negotiate and execute a contract for the purchase and sale of said bonds; and related matters, Finance. public hearing 10-21-97. **(addendum)**
 - a. Assembly Memorandum No. AM 847-97.
18. Ordinance No. AO 97-131, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the issuance of not to exceed \$35,000,000 in aggregate principal amount of **Tax Anticipation Notes** of the Municipality; fixing certain details of said notes; pledging the receipts from ad valorem property taxes to be levied during 1998 and the

full faith and credit of the Municipality to the payment thereof; authorizing the Chief Fiscal Officer or the Acting Chief Fiscal Officer to negotiate and execute a contract for the purchase and sale of said notes; and related matters, Finance. public hearing 10-21-97. **(addendum)**

- a. Assembly Memorandum No. AM 848-97.
19. Ordinance No. AO 97-126, an ordinance adopting and appropriating funds for the Municipality's **1998 Anchorage Telephone Utility Operating and Capital Budgets** and approving the issuance in 1998 of a maximum of \$35,000,000 of Anchorage Telephone Utility Parity Revenue Bonds at a specified maximum true interest rate to partially fund the Utility's capital budget, Anchorage Telephone Utility. public hearing 11-4-97 and 11-11-97. **(addendum)**
 - a. Assembly Memorandum No. AM 822-97.
20. Resolution No. AR 97-227, a resolution adopting the **1998-2003 Anchorage Telephone Utility Capital Improvement Program**, Anchorage Telephone Utility. public hearing 11-4-97 and 11-11-97. **(addendum)**
 - a. Assembly Memorandum No. AM 823-97.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 97-247, a resolution of the Anchorage Municipal Assembly **expressing appreciation to Richard "Dick" Raynor for his 14 years of service** to the Municipality of Anchorage upon his retirement, Assemblymembers Abney, Begich, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Von Gemmingen, Wohlforth, and Wuerch.

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

2. Resolution No. AR 97-248, a resolution of the Anchorage Municipal Assembly in **recognition of the 60th Anniversary of the September 13, 1937 Opening of the "Anchorage Health Center"**, Assemblymembers Von Gemmingen, Abney, Begich, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Wohlforth, and Wuerch.

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

3. Resolution No. AR 97-245, a resolution of the Municipality of Anchorage appropriating \$38,720 from the State of Alaska, Department of Community and Regional Affairs, to the State Categorical Grants Fund (0231) for the continuing implementation of the **Anchorage Coastal Management Program**, Community Planning and Development.
 - a. Assembly Memorandum No. AM 858-97.
4. Resolution No. AR 97-253, a resolution of the Municipality of Anchorage appropriating \$34,500 from the Fire Service Area (0131) Fund Balance to the Anchorage Fire Department; \$33,750 from the New Anchorage Police Service Area (0151) Fund Balance to the Anchorage Police Department; and \$6,750 from the Areawide General (0101) Fund Balance to the Anchorage Fire Department to obtain outside contract legal services to assist in the **litigation of Louis Mower v. MOA**, Case No. 3AN-97-7364 CI, Legal Department.
 - a. Assembly Memorandum No. AM 871-97.
5. Resolution No. AR 97-254, a resolution of the Municipality of Anchorage appropriating \$50,000 from the Areawide General (0101) Fund Balance to the Department of Law to obtain outside legal services to assist in the **litigation of Rob Heun v. MOA**, Legal Department.
 - a. Assembly Memorandum No. AM 872-97.

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

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 859-97, **Mountain Park Estates Limited Road Service Area Board of Supervisors appointment** (Eric Tanner, Dan Repasky), Mayor's Office.
2. Assembly Memorandum No. AM 860-97, **Youth Advisory Commission appointments** (Drew Burford, Kaydee Caraway, Darin Smith-Gaddis, Jonalyn Lavarias), Mayor's Office.
3. Assembly Memorandum No. AM 841-97, **Bernie's** - Transfer of Location of a Beverage Dispensary Liquor License (Downtown/ Fairview Community Councils), Clerk's Office.
4. Assembly Memorandum No. AM 842-97, **California Roll** - New Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Spenard Community Council), Clerk's Office.
5. Assembly Memorandum No. AM 843-97, **Falcon Restaurant** - Transfer of Ownership of a Restaurant/Eating Place Liquor License (Spenard Community Council), Clerk's Office.
 - a. Assembly Memorandum No. AM 843-97(A), Falcon Restaurant - Transfer of Ownership of a Restaurant/Eating Place Liquor License (Spenard Community Council), Clerk's Office. **(addendum)**

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

6. Assembly Memorandum No. AM 861-97, sole source contract for providing professional **programming services** with JD Consulting & Programming for the Municipality of Anchorage, Management Information Systems Department/Purchasing.

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

7. Assembly Memorandum No. AM 862-97, proprietary purchase from Pre-Cast Concrete Company, Inc. for furnishing **transformer bases and vaults** to the Municipality of Anchorage, Municipal Light and Power/Purchasing.
8. Assembly Memorandum No. AM 863-97, change order No. 1 to purchase order 71187 with Electric Distributors, Inc. for furnishing **miscellaneous electrical supplies** to the Municipality of Anchorage, Purchasing Department.
9. Assembly Memorandum No. AM 864-97, change order No. 3 to purchase order 71949 with Anchorage Sand & Gravel for providing **asphalt crushing and stockpiling** for the Municipality of Anchorage, Public Works Department/Purchasing.
10. Assembly Memorandum No. AM 865-97, change order No. 2 to the **80th Avenue, Spruce Street and 84th Avenue Storm Drain Project**, Tam Construction, Contract No. C-60369, File No. 94-18, Public Works.

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

11. Assembly Memorandum No. AM 874-97, amendment No. 3 to the professional services contract with Unwin Scheben Korynta Huettle, Inc. (USKH, Inc.) for the **Tony Knowles Coastal Trail Rehabilitation Project**, Cultural and Recreational Services. **(addendum)**

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

12. Assembly Memorandum No. AM 875-97, contract amendment No. 6 to Quality Asphalt Paving, Inc. for the construction of the **Lore Road Upgrade (Brayton Drive to Lake Otis Parkway)**, File No. 93-13, Public Works. **(addendum)**

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 143-97, transmittal of **Federal and State Single Audits for Fiscal Year 1996**, Finance.
2. Information Memorandum No. AIM 145-97, **Monthly Financial Report** - July 1997, 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, Von Gemmingen, Clementson, Carlson, Murdy.
NAYS: None.

The newly-appointed board and commission members introduced themselves to the Assembly.

8. REGULAR AGENDA:

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

C. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Resolution No. AR 97-252, a resolution of the Municipality of Anchorage affirming a **\$9,200,000 utility revenue distribution from the Anchorage Telephone Utility**, Office of Management and Budget. public hearing 11-18-97.
 - a. Assembly Memorandum No. AM 870-97.

Mr. Wohlforth, Ms. Von Gemmingen and Mr. Wuerch joined in introducing this resolution. The public hearing was scheduled for November 18, 1997.

In response to Mr. Wohlforth, Assistant Municipal Attorney Bill Greene said a reduction of the amount of the revenue distribution was allowable within the confines of the public notice. An increase would require additional public notice.

Mr. Wohlforth moved, to direct the Municipal Ombudsman,
seconded by Mr. Murdy, with
assistance from the Internal Auditor, to review the
circumstances involved in the dispute of the ATU
revenue amount, and report to the Assembly with a
recommendation for procedures to avoid a similar
situation in the future.

Mr. Wohlforth clarified the report should include an explanation of how the apparent miscommunication occurred, and a recommendation for avoiding such a miscommunication in the future. Although the Internal Auditor is not allowed to investigate Anchorage Telephone Utility, Mr. Wohlforth felt the Internal Auditor could work with the Ombudsman in allowed areas to compile the report.

Mr. Kendall moved, to postpone action on the motion
seconded by Mr. Wuerch, until
October 21, 1997, to get further clarification of the
intent and motives behind the motion.

Ms. Clementson moved, to substitute a motion and
seconded by Mr. Wohlforth, postpone action until the end of
and it passed without the meeting.
objection,

(Clerk's Note: See item 16, Unfinished Agenda.)

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 97-247, a resolution of the Anchorage Municipal Assembly **expressing appreciation to Richard "Dick" Raynor for his 14 years of service** to the Municipality of Anchorage upon his retirement, Assemblymembers Abney, Begich, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Von Gemmingen, Wohlforth, and Wuerch.

Ms. Clementson moved, to approve AR 97-247.
seconded by Mr. Wuerch,
and it passed without
objection,

Ms. Clementson read the resolution while Mr. Wuerch presented it to Mr. Raynor.

Mr. Raynor thanked the Assembly. He described the origins of the current facility management department. He thanked Municipal support staff and his co-workers for their guidance and inspiration.

2. Resolution No. AR 97-248, a resolution of the Anchorage Municipal Assembly in **recognition of the 60th Anniversary of the September 13, 1937 Opening of the "Anchorage Health Center"**, Assemblymembers Von Gemmingen, Abney, Begich, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Wohlforth, and Wuerch.

Ms. Von Gemmingen moved, to approve AR 97-248.
seconded by Ms. Abney,
and it passed without
objection,

Ms. Clementson read the resolution while Ms. Von Gemmingen presented it to Elaine Christian.

Ms. Christian thanked the Assembly on behalf of all staff at the Health and Human Services Department. She invited members to view the historic displays at the Health Department Arnie Beltz Building.

3. Resolution No. AR 97-254, a resolution of the Municipality of Anchorage appropriating \$50,000 from the Areawide General (0101) Fund Balance to the Department of Law to obtain outside legal services to assist in the **litigation of Rob Heun v. MOA**, Legal Department.
 - a. Assembly Memorandum No. AM 872-97.

Ms. Clementson moved, to approve AR 97-254.
seconded by Mr. Murdy,

In response to Ms. Clementson, Municipal Attorney Mary Hughes explained the lawsuit was a proposed class-action. Mr. Heun is currently the only named member of the class. However, the plaintiff's attorney, Will Acheson, intends to provide for class members who will pursue Federal Fair Labor Standards Act claims for unpaid overtime. Ms. Hughes noted these types of cases are becoming prevalent throughout the United States. She said expert outside council was necessary to handle Federal Fair Labor Standards Act issues.

Question was called on the motion to approve AR 97-254 and it passed without objection.

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 843-97, **Falcon Restaurant** - Transfer of Ownership of a Restaurant/Eating Place Liquor License (Spenard Community Council), Clerk's Office.
 - a. Assembly Memorandum No. AM 843-97(A), Falcon Restaurant - Transfer of Ownership of a Restaurant/Eating Place Liquor License (Spenard Community Council), Clerk's Office. **(addendum)**

Ms. Clementson moved, to approve AM 843-97(A).
seconded by Mr. Wuerch,
and it passed without
objection,

2. Assembly Memorandum No. AM 861-97, sole source contract for providing professional **programming services** with JD Consulting & Programming for the Municipality of Anchorage, Management Information Systems Department/Purchasing.

Mr. Wuerch moved,
seconded by Mr. Kendall,

to approve AM 861-97.

Municipal Manager Larry Crawford requested this item be postponed until October 21, 1997, pending discussions with the Management Information Systems Director.

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

to postpone action on AM 861-97
until October 21, 1997.

3. Assembly Memorandum No. AM 865-97, change order No. 2 to the **80th Avenue, Spruce Street and 84th Avenue Storm Drain Project**, Tam Construction, Contract No. C-60369, File No. 94-18, Public Works.

Mr. Wohlforth moved,
seconded by Mr. Murdy,

to approve AM 865-87.

In response to Mr. Wohlforth, Public Works Director Jim Fero explained the change order. After the project began, several unexpected situations developed. Winchester Park was developed, which required addition of a storm drain. Across the street from the Park, Raintree Subdivision was developed, so 84th had to be improved to Municipal standards to provide access to the subdivision. He said the work described in the change order was already completed, except for some landscaping.

Chairman Begich requested a memorandum detailing dates and information on when the project was originally bid, and application dates for the Raintree subdivision and Winchester Park permits.

Question was called on the motion to approve AM 865-97 and it passed without objection.

4. Assembly Memorandum No. AM 874-97, amendment No. 3 to the professional services contract with Unwin Scheben Korynta Huettle, Inc. (USKH, Inc.) for the **Tony Knowles Coastal Trail Rehabilitation Project**, Cultural and Recreational Services. **(addendum)**

Mr. Wohlforth moved,
seconded by Ms. Clementson,

to approve AM 874-97.

In response to Mr. Wohlforth, Cultural and Recreational Services Director Connie Jones confirmed the reason for the change order was that problems with the Trail surfaced during the course of the project. She said erosion was a significant problem which needed to be addressed as soon as possible. Consideration will be given to moving the Trail or some type of stabilization.

Question was called on the motion to approve AM 874-97 and it passed without objection.

F. INFORMATION AND REPORTS: None.

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

- A. 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. (POSTPONED FROM 9-23-97)

Chairman Begich gave the history of the items and noted a motion to approve was on the floor. He said the Northstar Community Council was also notified of the license application. He noted the Councils had no objection to the license.

Question was called on the motion to approve AM 810-97 and it passed without objection.

- B. 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. (POSTPONED FROM 9-23-97)

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

Ms. Von Gemmingen said she has heard of no objections from the Turnagain Community Council on this license.

Question was called on the motion to approve AM 812-97 and it passed without objection.

- C. Resolution No. AR 97-238, a resolution to establish conditions on which the Assembly will protest the renewal of **The Hub and Hub Downstairs beverage dispensary licenses** upon the next biennial renewal before the Alcoholic Beverage Control Board and providing for notice and an evidentiary hearing thereon, Assemblymember Wohlforth. (POSTPONED FROM 9-30-97)

- D. Information Memorandum No. AIM 112-97, The Hub and The Hub Downstairs, 122 E. Fourth Avenue - Beverage Dispensary Liquor License (Downtown Community Council), Clerk's Office.
(POSTPONED FROM 8-19-97, 9-16-97, AND 9-30-97)

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

Mr. Wohlforth moved, to approve AR 97-238.
seconded by Ms. Clementson,

Mr. Wohlforth moved, to postpone action on AR 97-238
seconded by Ms. Clementson, and AIM 112-97 until later in the
and it passed without meeting.
objection,

(Clerk's Note: See after the recess.)

Chairman Begich requested a change in the orders of the day to consider item 10, Appearance Requests. There was no objection.

- E. 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.
 3. Ordinance No. AO 97-75(S), 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 and Bell.
 4. Assembly Memorandum No. AM 746-97.
 5. Ordinance No. AO 97-75(S-1), 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, Assemblymember Clementson. **(LAID ON THE TABLE)**
- (CONTINUED FROM 5-20-97; POSTPONED FROM 6-10-97, 8-26-97, & 9-16-97)

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

10. **APPEARANCE REQUESTS:**

- A. **John Thomas**, regarding NorthEast Community Center, Inc.'s accomplishments. **(addendum)**

Mr. Thomas, executive director of the NorthEast Community Center, thanked the Assembly and administration for providing funding for the Center. He said the grand opening was December 7, 1996. Since then, 23,000 people have visited the Center for regular programs and special events. Volunteers, who make up the majority of the staff, have donated over 8,500 hours of time and talent. The Center is open 66 hours and 7 days per week. Children make up 80 percent of the users. 60 percent of users are of African-American heritage; 11 percent Hispanic-American; 11 percent Anglo-Saxon; 10 percent Asian-American; and 8 percent are Native-American.

In response to Mr. Wuerch, Mr. Thomas discussed last week's action by the Assembly to hold a special election on the curfew. He said if the curfew was not in force, many of the children who visit the Center would stay out until 3:00 or 4:00 a.m. He felt the curfew was the only reason they go home. He noted many of the children he sees at the Center have no direction in their lives other than what they receive from Center operators. He said all Center activities revolve around curfew hours.

Mr. Wuerch and Ms. Clementson thanked Mr. Thomas for his dedication to the Center. Ms. Clementson noted the Center has made a significant positive impact on the community.

- B. **M. Lynn Bannon**, regarding pay raises for members of the Mayor's staff. **(addendum)**

Ms. Bannon, a teacher in the Anchorage School District, said she was currently assigned to the AVAIL program. She noted the program served homeless teen-aged mothers and other children who for various reasons have not succeeded in traditional schools. Along with teaching, her duties include janitorial, cooking and cleaning services. Ms. Bannon felt favoring one group of employees over another created dissention. She pointed out many non-executive employees are asked to accept wage freezes. Her wages have been frozen for the last three years; she will take home less money this year than last. She wanted to be treated like a valued employee.

Ms. Von Gemmingen requested the administration investigate the possibility of using community work service members to help with cleaning and janitorial services for the AVAIL program.

Ms. Abney requested a memorandum from the administration detailing the leasing arrangement for the school in the 5th Avenue Parking Garage.

The meeting recessed at 6:08 p.m. and reconvened at 6:40 p.m.

Mr. Wohlforth moved, to change the orders of the day to
seconded by Mr. Wuerch, consider items 9.C. and 9.D,
and it passed without AR 97-238 and AIM 112-97.
objection,

Resolution No. AR 97-238, a resolution to establish conditions on which the Assembly will protest the renewal of **The Hub and Hub Downstairs beverage dispensary licenses** upon the next biennial renewal before the Alcoholic Beverage Control Board and providing for notice and an evidentiary hearing thereon, Assemblymember Wohlforth.

(POSTPONED FROM 9-30-97)

Information Memorandum No. AIM 112-97, **The Hub and The Hub Downstairs**, 122 E. Fourth Avenue - Beverage Dispensary Liquor License (Downtown Community Council), Clerk's Office.

(POSTPONED FROM 8-19-97, 9-16-97, AND 9-30-97)

Mr. Wohlforth moved, to postpone action on AR 97-238
seconded by Mr. Murdy, and AIM 112-
97 until October 28,
and it passed without 1997 and schedule a work session
objection, on
the same day.

Mr. Wohlforth distributed copies of a proposed amendment to AR 97-238.

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

12. **NEW PUBLIC HEARINGS:**

- A. 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.
1. Assembly Memorandum No. AM 795-97.

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 97-119.
seconded by Mr. Wuerch,

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

- B. 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.
1. Assembly Memorandum No. AM 796-97.

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 97-120.
seconded by Ms. Von Gemmingen,

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

- C. 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.
1. Assembly Memorandum No. AM 804-97.

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 97-222.
seconded by Ms. Von Gemmingen,

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

- D. 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.
1. Assembly Memorandum No. AM 824-97.

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 97-229.
seconded by Ms. Von Gemmingen,

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

- E. 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.
1. Assembly Memorandum No. AM 825-97.

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 97-230.
seconded by Ms. Von Gemmingen,

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

- F. Resolution No. AR 97-210, a resolution confirming and levying assessments for the **sewer special improvements within Levy-Upon-Connection Roll 97-S-1**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 763-97.

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 97-210.
seconded by Ms. Von Gemmingen,

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

- G. Resolution No. AR 97-216, a resolution approving **construction of the Old Seward Highway water main line**, and providing for the eventual assessment against benefited property, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 780-97.

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 97-216.
seconded by Ms. Von Gemmingen,

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

- H. Resolution No. AR 97-223, a resolution amending Section 3.85 of the Anchorage Municipal Code of Regulations pertaining to **administrative procedures of the Police and Fire Retirement Board**, Police and Fire Retirement Board.
1. Assembly Memorandum No. AM 808-97.

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

Mr. Carlson moved, to table AR 97-223 and return it
seconded by Ms. Abney, to
the Police and Fire Retirement Board for revision.

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

Mr. Wohlforth noted he received a letter from the Board's attorney which outlined many detailed concerns about the resolution. Mr. Wohlforth recommended the Board discuss the matter with affected parties to resolve these concerns.

In response to Chairman Begich, Mr. Carlson concurred with Mr. Wohlforth's recommendation.

Employee Relations Director Tom Tierney said the procedures in the resolution were developed with the Board's attorney and Municipal attorneys after lengthy debate and discussion. During this debate, it was found that 1993 regulations which the Board was operating under were invalid, so the Board is now operating under rules from 1984. The proposed procedures are more favorable to members than the 1984 rules.

Mr. Wohlforth agreed to supply a copy of the letter outlining concerns about the resolution to Mr. Tierney.

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

14. **SPECIAL ORDERS:** See during Assembly Comments.

15. **ASSEMBLY COMMENTS:** See item 16, Unfinished Agenda.

16. **UNFINISHED AGENDA:**

- 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.
 3. Ordinance No. AO 97-75(S), 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 and Bell.
 4. Assembly Memorandum No. AM 746-97.
 5. Ordinance No. AO 97-75(S-1), 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, Assemblymember Clementson. **(LAID ON THE TABLE)**

(CONTINUED FROM 5-20-97; POSTPONED FROM 6-10-97, 8-26-97, & 9-16-97)

Chairman Begich gave the history of the ordinance and noted a motion to adopt AO 97-75 was on the floor.

Mr. Murdy moved, to substitute AO 97-75(S).
seconded by Mr. Bell,
and it passed without
objection,

Mr. Murdy moved, to amend AO 97-75(S) in Section 1,
seconded by Mr. Wohlforth, line 25 to read: "...during which the application is formally denied
by the Board."

Mr. Bell moved, to amend the ordinance on line 21 to
and it was accepted as read: "...whose application for
friendly amendment,
benefits is formally denied by the Board..."; on
line 23 to read: "...fees and costs if, on formal
hearing, or remand..."; and on line 25 to read:
"...incurred after the meeting during which..."

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

In response to Ms. Clementson, Employee Relations Director Tom Tierney explained the process for claims. He said the term "administrative" refers to a formal hearing before the Board. A claim cannot be denied by staff, only by the Board.

In response to Mr. Bell, Rob Heun of the Anchorage Police Department Employees Association spoke in support of the S version. He felt it provided protection against frivolous claims, and equitable reimbursement for legitimate claims.

Question was called on the motion to adopt AO 97-75(S) as amended and it passed:

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

B. Assembly Comments.

1. Ms. Clementson noted the administrative hearing officer ordered clean up of the property at 1506 Elmendorf in Nunaka Valley. She urged the property be cleaned up before snowfall. She noted the Planning and Zoning Commission issued a letter of complaint about the resolution passed by the Assembly regarding membership on the Joint School Site Selection Committee.
 2. Mr. Murdy announced a meeting of the Public Safety Committee on October 9, 1997 regarding youth courts.
- C. Mr. Wohlforth's motion to direct the Ombudsman to investigate a dispute regarding ATU revenue distribution amount.

In response to Mr. Wohlforth, Municipal Attorney Mary Hughes said the Assembly may authorize the Ombudsman to listen to Assembly executive session tapes regarding ATU finances. However, she said the Ombudsman is limited by what he can do with the information he discovers.

In response to Mr. Wuerch, Ms. Hughes said if the Ombudsman requested her to transmit a recommendation to the Assembly, she would arrange it so the information was protected by attorney-client privilege.

Question was called on Mr. Wohlforth's motion to direct the Ombudsman, with the assistance of the Internal Auditor, to review the source of the ATU revenue distribution amount dispute and report a recommendation to the Assembly on strategies to avoid such a dispute in the future, and it passed with Messrs. Bell and Kendall objecting.

Mr. Wohlforth moved, to authorize Municipal Ombudsman
seconded by Mr. Wuerch, Alan Muise to listen to Assembly
and it passed with Messrs. executive session tapes regarding
Bell and Kendall objecting, ATU finances and/or quarterly reports within the last twelve months, for
the purpose of the ATU revenue distribution amount
dispute review.

17. **AUDIENCE PARTICIPATION:** None.

18. **EXECUTIVE SESSIONS:** None.

19. **ADJOURNMENT:**

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

The meeting adjourned at 7:25 p.m.

Chairman

ATTEST:

Municipal Clerk

Date Minutes Approved: November 11, 1997

LF/db

INDEX

Page Number

Anchorage Air Pollution Control Agency	10
Anchorage Coastal Management Program	3
Anchorage Health Center anniversary recognition	3, 6
Anchorage Telephone Utility Capital Improvement Program	3
Anchorage Telephone Utility Operating and Capital Budgets	3
Anchorage Telephone Utility revenue distribution	2, 5
Asphalt crushing and stockpiling	4
Clean Water Fund	10
Community Health Nursing Services	2
Day Care Assistance Program	11
Educational capital improvement projects	3
Electrical supplies	4
Executive session tapes	13
Federal and State Single Audits	5
Financial Report	5
General Government Operating Budget	1
Internal Auditor	5
John Thomas; NorthEast Community Center	8
Land Lease; Merrill Field	2
Legal expenses reimbursement	8, 12
Legislative Program	2
Levy-Upon-Connection Roll	2, 11
Liquor License	4, 6-9
Litigation: Louis Mower v. MOA	4
Litigation: Rob Heun v. MOA	4, 6
Lore Road Upgrade	4
M. Lynn Bannon; executive pay raises	9
Mountain Park Estates Limited Road Service Area Board	4
Municipal Ombudsman	5
Old Seward Highway water main line	11
Ombudsman ATU review	5, 13
Parking maintenance equipment	3
Perinatal case management/ healthy basis services	2
Police and Fire Retirement Board	8, 11, 12
Police and Fire Retirement System	2
Port of Anchorage enterprise fund dividend	2
Prenatal care services	2
Programming services	4, 7
Public Utilities Capital Improvement Program	1
Public Utilities Operating and Capital Budgets	1
Richard "Dick" Raynor recognition	3, 6
Safe Drinking Water Fund	10
Six Year Fiscal Program	1
Solid Waste Disposal Utility revenue distribution	2
Special Assessment Bond Debt Service	10
Storm Drain Projects	4, 7
Tax Anticipation Notes	3
Tony Knowles Coastal Trail Rehabilitation Project	4, 7
Transformer bases and vaults	4
Women, Infants & Children nutrition services	2
Youth Advisory Commission	4