

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Regular Meeting of December 16, 1997

1. CALL TO ORDER:

The meeting was convened at 5:02 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 - November 4, 1997
- B. Regular Meeting - November 11, 1997
- C. Special Meeting - November 11, 1997

Ms. Abney moved, to approve the minutes of the
seconded by Mr. Kendall, regular meetings of November 4 and
and it passed without 11, and the special meeting of
objection,
November 11, 1997.

5. MAYOR'S REPORT: None.

6. ADDENDUM TO AGENDA:

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

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. Clementson, consent agenda as amended.

A. BID AWARDS:

- 1. Assembly Memorandum No. AM 1019-97, recommendation of award to Alaska Truck Center for providing one **4x4 telescopic aerial truck** to the Municipality of Anchorage, Municipal Light and Power (ITB 97-127), Purchasing.
- 2. Assembly Memorandum No. AM 1020-97, recommendation of award to G.G.L., Inc., for the **Egan Center ceiling replacement** for the Municipality of Anchorage, Property and Facility Management (ITB 97-C67), Purchasing.
- 3. Assembly Memorandum No. AM 1045-97, recommendation of award to TrailerCraft, Inc. for furnishing **transfer tractors** for the Municipality of Anchorage, Solid Waste Services (ITB 97-131), Purchasing.
- 4. Assembly Memorandum No. AM 1046-97, recommendation of award to HME Alaska for furnishing **transfer trailers** to the Municipality of Anchorage, Solid Waste Services (ITB 97-129), Purchasing.
- 5. Assembly Memorandum No. AM 1047-97, recommendation of award to Bob's Services for furnishing a **truck mounted combination sewer cleaner** to the Municipality of Anchorage, Water and Wastewater Utility (ITB 97-132), Purchasing.
- 6. Assembly Memorandum No. AM 1048-97, recommendation of award to Cal Worthington Ford and Alaska Sales & Service for providing **miscellaneous light duty vehicles** to the Municipality of Anchorage, Water and Wastewater Utility and Department of Health and Human Services (ITB 97-121), Purchasing.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 97-153, an ordinance authorizing a transaction whereby the Municipality of Anchorage enters into a lease of 1,160 square feet of space in Z. J. Loussac Library to Perry Merkel d/b/a/ Cafe Del Mundo, Cultural and Recreational Services. public hearing 1-6-98.
 - a. Assembly Memorandum No. AM 1021-97.

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

2. Resolution No. AR 97-304, a resolution of the Municipality of Anchorage appropriating \$104,245 to the State Categorical Grants Fund (0231) from the Department of Community and Regional Affairs for the JTPA Title II **8% Education Coordination Program**, Health and Human Services. public hearing 1-6-98.
 - a. Assembly Memorandum No. AM 1043-97.
3. Resolution No. AR 97-302, a resolution protesting the continued operation of the licenses for the sale of alcoholic beverages held by the following alcoholic beverage licensee businesses: **Blondie's Restaurant, Chef's Inn, Chuck E Cheese, Cusack's Brewpub, Fiori D'Italia, Fraternal Order of Eagles #4174, Hooter's, Mirak Garden aka Kam Mi Ok, Roscoe's Skyline Restaurant, T & M Enterprises dba Spirits of Alaska** for failure to pay delinquent taxes, Finance. public hearing 1-6-98.
 - a. Assembly Memorandum No. AM 1049-97.
4. Resolution No. AR 97-305, a resolution of the Municipality of Anchorage appropriating \$479,706 from the Federal Highway Administration (FHWA) and \$32,100 as a match from the CY1998 Community Planning and Development operating budget to the Federal Categorical Grants Fund (0241) for **Transportation Planning (AMATS) in the Anchorage area**, Community Planning and Development. public hearing 1-6-98.
 - a. Assembly Memorandum No. AM 1050-97.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 97-290, a resolution of the Anchorage Municipal Assembly **opposing halibut limitations placed on the guided sportfishing charter industry**, Assemblymember Abney.

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

2. Resolution No. AR 97-306, a resolution authorizing the granting of a **tax refund to Clifford A. and Staceen A. Day as a result of manifest clerical error on real property** Parcel 012-263-01, Finance. **(addendum)**
 - a. Assembly Memorandum No. AM 1055-97.
3. Resolution No. AR 97-307, a resolution of the Anchorage Municipal Assembly **recognizing and honoring the Anchorage Convention & Visitors Bureau on winning its fourth Gold Service Award**, Assemblymembers Kendall, Abney, Begich, Bell, Carlson, Clementson, Meyer, Murdy, Von Gemmingen, Wohlforth, and Wuerch. **(addendum)**

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

4. Resolution No. AR 97-308, a resolution of the Anchorage Municipal Assembly **recognizing and congratulating Sgt. Gary Apperson - The Municipality's Employee of the Year for 1997**, Assemblymembers Carlson, Abney, Begich, Bell, Clementson, Kendall, Meyer, Murdy, Von Gemmingen, Wohlforth, and Wuerch. **(addendum)**

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

5. Resolution No. AR 97-309, a resolution of the Anchorage Municipal Assembly **recognizing and congratulating the People Mover "Green Team" - The Municipality's Direct Work Unit of the Year for 1997**, Assemblymembers Carlson, Abney, Begich, Bell, Clementson, Kendall, Meyer, Murdy, Von Gemmingen, Wohlforth, and Wuerch. **(addendum)**

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

6. Resolution No. AR 97-310, a resolution of the Anchorage Municipal Assembly **recognizing and congratulating AWWU's PC Support Group - The Municipality's Support Work Unit of the Year for 1997**, Assemblymembers Carlson, Abney, Begich, Bell, Clementson, Kendall, Meyer, Murdy, Von Gemmingen, Wohlforth, and Wuerch. **(addendum)**

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

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 1040-97, **Investment Advisory Commission appointment** (Jerome Anderson), Mayor's Office.
2. Assembly Memorandum No. AM 1041-97, **Police and Fire Retirement Board appointment** (Gary Powell), Mayor's Office.
3. Assembly Memorandum No. AM 1042-97, **Talus West Limited Road Service Area Board of Supervisors appointment** (Lawrence Jorgensen), Mayor's Office.
4. Assembly Memorandum No. AM 1022-97, the **Downtown Business Improvement District ("Assessment District 1SD97") services contract** with Anchorage Downtown Partnership, Ltd., Municipal Manager's Office.

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

5. Assembly Memorandum No. AM 1023-97, **6th Avenue & "K" Street Woodstave Removal and Replacement contract** with Annette's Trucking, Inc. - contract change order No. 5, Water and Wastewater Utility.
6. Assembly Memorandum No. AM 1024-97, **Turnagain View Booster Station improvements contract** with Hankal Construction, Inc. - contract change order No. 2, Water and Wastewater Utility.
7. Assembly Memorandum No. AM 1025-97, change order No. 3 to construction contract with Byerly & Koch Construction, Inc. for **Town Square and Kincaid Park improvements**, Cultural and Recreational Services.
8. Assembly Memorandum No. AM 1026-97, amendment No. 3 to professional legal services contract with the law firm of Atkinson, Conway & Gagnon regarding the **appeal of Gallion v. MOA**, Case No. 3AN-94-8592, Legal Department.
9. Assembly Memorandum No. AM 1027-97, change order No. 1 to purchase order 73498 with Alaska Pollution Control, Inc. for the **Spruce Street soil clean-up project** for the Municipality of Anchorage, Municipal Light and Power.

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

10. Assembly Memorandum No. AM 1028-97, increase to 1997 professional services **contract with Anchorage Convention and Visitors Bureau**, Property and Facility Management.
11. Assembly Memorandum No. AM 1029-97, change order No. 2 to purchase order 70730 with Gale Research for providing **miscellaneous books and publications** to the Municipality of Anchorage, Department of Cultural and Recreational Services/ Purchasing.
12. Assembly Memorandum No. AM 1030-97, recommendation of award to Aries Consultant Ltd. for providing a **Merrill Field Master Plan** for the Municipality of Anchorage, Merrill Field Airport (RFP 23-97), Purchasing.
13. Assembly Memorandum No. AM 1031-97, proprietary purchase from Motorola Communications, Inc. for **radios** for the Municipality of Anchorage, Department of Property and Facility Management/ Purchasing.
14. Assembly Memorandum No. AM 1032-97, recommendation of award to Northwestern Simon, Inc. for **leased space for an Anchorage Police Department Substation** for the Municipality of Anchorage, Department of Property and Facility Management (RFP 46-97), Purchasing.
15. Assembly Memorandum No. AM 1033-97, change order No. 2 to purchase order 54215 with Alaska Brake, Inc. for providing **miscellaneous vehicle supplies** to the Municipality of Anchorage, Purchasing Department.
16. Assembly Memorandum No. AM 1034-97, **Clitheroe Center Sewer Extension contract** with GMC Contracting, Inc. - contract change order No. 4, Purchasing.
17. Assembly Memorandum No. AM 1039-97, **1998 support services for Federation of Community Councils**, Clerk's Office.

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

18. Assembly Memorandum No. AM 1044-97, contract change order No. 1 to Summit Paving and Construction for the **College Gate Waterline R&R** (No. C 60348), Water and Wastewater Utility.

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

19. Assembly Memorandum No. AM 1051-97, amendment No. 2 to CH2M Hill professional services agreement for **design services for Cell 6 at the Anchorage Regional Landfill**, Solid Waste Services.

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

20. Assembly Memorandum No. AM 1052-97, amendment No. 3 to professional legal services contract with Thomas E. Meacham regarding purchase of the **Eklutna Hydroelectric Project**, Legal Department.

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

21. Assembly Memorandum No. AM 1053-97, change order No. 2 to purchase order 63523 with Columbia Alaska Regional Hospital for providing **Adult Sexual Response Team/Sexual Assault Nurse Examiners (SART/SANE) services** for the Municipality of Anchorage, Anchorage Police Department/Purchasing.

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

22. Assembly Memorandum No. AM 1054-97, change order No. 3 to purchase order 52534 with Applied Analytics Associates for providing **computer software use and customization services** for the Municipality of Anchorage, Municipal Light and Power/Purchasing.
23. Assembly Memorandum No. AM 1056-97, change order No. 6 to purchase order 51579 with Denali HVAC, Inc. for **furnace and boiler repairs/replacement** for the Municipality of Anchorage, Department of Health and Human Services/Purchasing. **(addendum)**
24. Assembly Memorandum No. AM 1057-97, change order No. 3 to purchase order 60752 with Alaska Pipe & Supply for furnishing **miscellaneous plumbing services** to the Municipality of Anchorage, Purchasing Department. **(addendum)**
25. Assembly Memorandum No. AM 1058-97, change order #1 (Contract Amendment #1) to purchase order #70300, Bid #96-C101, Alaska Divers and Underwater Salvage, **Plant #2 Condensate System Modifications**, Municipal Light and Power. **(addendum)**
26. Assembly Memorandum No. AM 1059-97, **Assembly Meeting Schedule for 1998**, Assemblymember Begich. **(addendum)**
27. Assembly Memorandum No. AM 1060-97, change order No. 1 to purchase order 72678 with Davis Wright Tremaine LLP for providing **legal services for the Municipal Employee Relations Board**, Employee Relations. **(addendum)**
28. Assembly Memorandum No. AM 1061-97, sole source contract to provide professional **telephone polling services for the Assembly ATU Committee**, Assemblymember Begich. **(addendum)**
29. Assembly Memorandum No. AM 1062-97, change order No. 7 to purchase order 42914 with Kempel Huffman & Ellis, P.C. for providing **legal services in labor law negotiations** for the Municipality of Anchorage Employee Relations Department. **(addendum)**

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

30. Assembly Memorandum No. AM 1063-97, change order No. 7 to purchase order 44405 with Partnow Sharrock & Tindall, P.C. for providing **legal services** for the Municipality of Anchorage, Employee Relations Department. **(addendum)**

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

31. Assembly Memorandum No. AM 1065-97, grant agreement with Volunteers of America - Youth Restitution Program to provide funding for the **1998 Juvenile Offender Program**, Assemblymember Begich. **(addendum)**
32. Assembly Memorandum No. AM 1066-97, grant agreement with the State of Alaska, Division of Family and Youth Services to provide funding for the **1998 Juvenile Offender Program**, Assemblymember Begich. **(addendum)**
33. Assembly Memorandum No. AM 1067-97, grant agreement for a pass-through grant to the Anchorage School District for the **Youth Restitution Program** to provide for maintenance of school playgrounds during the summer months, Assemblymember Begich. **(addendum)**
34. Assembly Memorandum No. AM 1068-97, grant agreement with Anchorage Youth Court to provide funding for the **1998 Juvenile Offender Program**, Assemblymember Begich. **(addendum)**
35. Assembly Memorandum No. AM 1069-97, grant agreement with the Community Dispute Resolution Center to provide funding for the **1998 Juvenile Offender Program**, Assemblymember Begich. **(addendum)**

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 167-97, **Clitheroe Center Sewer Extension project completion**, Water and Wastewater Utility.
2. Information Memorandum No. AIM 168-97, supplemental information for contract change order No. 1 to Summit Paving and Construction, Inc. for **College Gate Waterline R&R**, Water and Wastewater Utility.

Ms. Clementson asked this item be considered on the regular agenda. See item 8.E.4.

3. Information Memorandum No. AIM 169-97, **contracts awarded between \$30,000 and \$100,000 through formal competitive processes** for the month of November 1997, Purchasing. **(addendum)**
4. Information Memorandum No. AIM 170-97, **Sole Source Procurement Report** for the month of November 1997, Purchasing. **(addendum)**

5. Information Memorandum No. AIM 171-97, Monthly Financial Report - October 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, 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 97-153, an ordinance authorizing a transaction whereby the Municipality of Anchorage enters into a **lease of 1,160 square feet of space in Z. J. Loussac Library** to Perry Merkel d/b/a/ Cafe Del Mundo, Cultural and Recreational Services. public hearing 1-6-98.
- a. Assembly Memorandum No. AM 1021-97.

Mr. Murdy, Ms. Von Gemmingen and Mr. Bell joined in introducing this ordinance. The public hearing was scheduled for January 6, 1998.

Chairman Begich requested the administration prepare a document detailing recipients of revenues from the proposed lease.

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 97-307, a resolution of the Anchorage Municipal Assembly **recognizing and honoring the Anchorage Convention & Visitors Bureau on winning its fourth Gold Service Award**, Assemblymembers Kendall, Abney, Begich, Bell, Carlson, Clementson, Meyer, Murdy, Von Gemmingen, Wohlforth, and Wuerch. **(addendum)**

Mr. Kendall moved, to approve AR 97-307.
seconded by Mr. Bell,
and it passed without
objection,

Mr. Wuerch read the resolution while Mr. Kendall presented it to representatives of the Anchorage Convention and Visitors Bureau.

Mr. Kendall commended ACVB for its efforts in promoting tourism.

Bill Elander thanked the Assembly.

2. Resolution No. AR 97-308, a resolution of the Anchorage Municipal Assembly **recognizing and congratulating Sgt. Gary Apperson - The Municipality's Employee of the Year for 1997**, Assemblymembers Carlson, Abney, Begich, Bell, Clementson, Kendall, Meyer, Murdy, Von Gemmingen, Wohlforth, and Wuerch. **(addendum)**

Mr. Carlson moved, to approve AR 97-308.
seconded by Mr. Murdy,
and it passed without
objection,

Mr. Meyer read the resolution while Mr. Murdy presented it to Sergeant Apperson.

Sergeant Apperson thanked the Assembly.

3. Resolution No. AR 97-309, a resolution of the Anchorage Municipal Assembly **recognizing and congratulating the People Mover "Green Team" - The Municipality's Direct Work Unit of the Year for 1997**, Assemblymembers Carlson, Abney, Begich, Bell, Clementson, Kendall, Meyer, Murdy, Von Gemmingen, Wohlforth, and Wuerch. **(addendum)**

Mr. Carlson moved, to approve AR 97-309.
seconded by Mr. Murdy,
and it passed without
objection,

Ms. Clementson read the resolution while Mr. Carlson presented it to representatives of the People Mover "Green Team."

Jody Karcz accepted the resolution on behalf of the team, and thanked the Assembly.

4. Resolution No. AR 97-310, a resolution of the Anchorage Municipal Assembly **recognizing and congratulating AWWU's PC Support Group - The Municipality's Support Work Unit of the Year for 1997**, Assemblymembers Carlson, Abney, Begich, Bell, Clementson, Kendall, Meyer, Murdy, Von Gemmingen, Wohlforth, and Wuerch. **(addendum)**

Mr. Carlson moved, to approve AR 97-310.
seconded by Mr. Murdy,
and it passed without
objection,

Mr. Wohlforth read the resolution while Ms. Von Gemmingen presented it to members of AWWU's PC Support Group.

Members of the team thanked the Assembly.

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 1022-97, the **Downtown Business Improvement District ("Assessment District 1SD97") services contract** with Anchorage Downtown Partnership, Ltd., Municipal Manager's Office.

Mr. Wuerch moved, to approve AM 1022-97.
seconded by Mr. Bell,

Municipal Manager Larry Crawford asked this item be considered after a related item, 12.I.

Mr. Wohlforth moved, to postpone action on AM 1022-97
seconded by Mr. Bell, until after action on item 12.I,
and it passed without AO 97-152.
objection,

2. Assembly Memorandum No. AM 1027-97, change order No. 1 to purchase order 73498 with Alaska Pollution Control, Inc. for the **Spruce Street soil clean-up project** for the Municipality of Anchorage, Municipal Light and Power.

Ms. Clementson moved, to approve AM 1027-97.
seconded by Mr. Murdy,

In response to Ms. Clementson, Jim Pfeiffer of Municipal Light and Power explained the cost difference with this change order from the original contract. He said two types of soils were involved with different levels of contamination; soil with higher contamination had to be disposed of at a higher cost in a secure chemical landfill in Utah.

Question was called on the motion to approve AM 1027-97 and it passed without objection.

3. Assembly Memorandum No. AM 1039-97, **1998 support services for Federation of Community Councils**, Clerk's Office.

Mr. Meyer moved, to approve AM 1039-97.
seconded by Mr. Wuerch,

Mr. Meyer thanked the Federation management for changes which allowed them to operate without increasing their budget.

Question was called on the motion to approve AM 1039-97 and it passed without objection.

4. Assembly Memorandum No. AM 1044-97, contract change order No. 1 to Summit Paving and Construction for the **College Gate Waterline R&R** (No. C 60348), Water and Wastewater Utility.
Information Memorandum No. AIM 168-97, supplemental information for contract change order No. 1 to Summit Paving and Construction, Inc. for **College Gate Waterline R&R**, Water and Wastewater Utility.

Ms. Clementson moved, to approve AM 1044-97.
seconded by Mr. Kendall,

Ms. Clementson moved, to combine discussion of
seconded by Mr. Murdy, AM 1044-97 and AIM 168-97.
and it passed without
objection,

Ms. Clementson felt this project had been managed and executed very poorly. She described the problems that resulted when the job was begun at the end of September, and the roads remained in a state of chaos for the entire winter. She asked if bids could be written to provide that a contractor must wait until spring if the job cannot be started by August 31.

Purchasing Officer Ted Chenier confirmed bids could be written this way.

Ms. Clementson described further problems with the job and noted the contractor was particularly aggravating. She noted Anchorage Water and Wastewater Utility staff was very helpful in dealing with various problems. She said she would not support the memorandums because of the terrible work by the contractor.

In response to Chairman Begich, Municipal Manager Larry Crawford said he would investigate a change in the construction process so projects are not begun shortly before winter, requiring the contractor to be paid for a winter shutdown.

In response to Mr. Kendall, Water and Wastewater General Manager Mark Premo discussed reasons the soil excavation quantities were estimated about two or three hundred percent too low. Additional work was also needed, resulting in a change in the scope of the project.

Question was called on the motion to approve AM 1044-97 and it passed:

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

Ms. Abney moved, to accept AIM 168-97.
seconded by Mr. Murdy,
and it passed without
objection,

5. Assembly Memorandum No. AM 1051-97, amendment No. 2 to CH2M Hill professional services agreement for **design services for Cell 6 at the Anchorage Regional Landfill**, Solid Waste Services.

Mr. Murdy moved, to approve AM 1051-97.
seconded by Mr. Meyer,

Solid Waste Services Director Joel Gunwaldt suggested an amendment to the memorandum to reflect the correct number of this amendment.

Mr. Wuerch moved, to amend AM 1051-97 in the title
seconded by Mr. Murdy, and on line 25 to read: "Amendment
and it passed without No. 1 to..."
objection,

Question was called on the motion to approve AM 1051-97 as amended and it passed without objection.

6. Assembly Memorandum No. AM 1052-97, amendment No. 3 to professional legal services contract with Thomas E. Meacham regarding purchase of the **Eklutna Hydroelectric Project**, Legal Department.

Mr. Wohlforth moved, to approve AM 1052-97.
seconded by Mr. Murdy,

In response to Mr. Wohlforth, Municipal Attorney Mary Hughes explained Eklutna, Incorporated has indicated there may be overlapping ownership claims to some rights-of-way in the project.

Hank Nikkels of Municipal Light and Power added there was no current litigation on these claims, but work on the issue is continuing.

Ms. Hughes added Mr. Meacham is advising the administration on all land issues regarding the Eklutna project.

Mr. Kendall requested a briefing on the status of the Eklutna claims.

Question was called on the motion to approve AM 1052-97 and it passed without objection.

7. Assembly Memorandum No. AM 1053-97, change order No. 2 to purchase order 63523 with Columbia Alaska Regional Hospital for providing **Adult Sexual Response**

Team/Sexual Assault Nurse Examiners (SART/SANE) services for the Municipality of Anchorage, Anchorage Police Department/Purchasing.

Ms. Clementson moved, to approve AM 1053-97.
seconded by Mr. Murdy,

Ms. Clementson requested a report on the number of sexual assaults in 1997 compared to the previous year.

Police Chief Duane Udland explained this was a new program. The number of reported rapes has decreased, but the number of victims who choose to take advantage of the SART/SANE exam is greater than expected.

Question was called on the motion to approve AM 1053-97 and it passed without objection.

Mr. Meyer moved, to reconsider action on item
seconded by Ms. Abney, 7.C.1, AR 97-290.
and it passed without
objection,

8. Resolution No. AR 97-290, a resolution of the Anchorage Municipal Assembly **opposing halibut limitations placed on the guided sportfishing charter industry**, Assemblymember Abney.

Ms. Abney requested copies of this resolution be forwarded to the Alaskan Congressional delegation and the U.S. Secretary of Commerce.

Question was called on the motion to approve AR 97-290 with these instructions and it passed without objection.

9. Assembly Memorandum No. AM 1062-97, change order No. 7 to purchase order 42914 with Kempel Huffman & Ellis, P.C. for providing **legal services in labor law negotiations** for the Municipality of Anchorage Employee Relations Department. **(addendum)**
10. Assembly Memorandum No. AM 1063-97, change order No. 7 to purchase order 44405 with Partnow Sharrock & Tindall, P.C. for providing **legal services** for the Municipality of Anchorage, Employee Relations Department. **(addendum)**

Mr. Wohlforth moved, to approve AM 1062-97.
seconded by Mr. Murdy,

In response to Mr. Wohlforth, Employee Relations Director Tom Tierney said most of the services in these contracts were for substance abuse testing for IBEW and the Fire Fighters. These are the two unions which have generated the most difficulties with substance abuse testing policies. About one percent of the Kempel et al. contract is used for incidental services.

Mr. Wohlforth felt the Assembly should be consulted prior to expending funds.

Question was called on the motion to approve AM 1062-97 and it passed without objection.

Mr. Wohlforth moved, to approve AM 1063-97.
seconded by Mr. Bell,
and it passed without
objection,

F. INFORMATION AND REPORTS: See 8.E.4.

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

- A. Assembly Memorandum No. AM 981-97, **Princess Restaurant** - New Restaurant/Eating Place Liquor License and Restaurant Designation (Fairview/Mt. View Community Councils), Clerk's Office.
(POSTPONED FROM 11-25-97)

Item 9.A. was considered later in the meeting. See item 16, Unfinished Agenda.

- B. **NOTICE OF RECONSIDERATION:** Assembly Memorandum No. AM 1013-97, proprietary purchase of a **greenhouse** from the McConkey Company for the Municipality of Anchorage, Department of Property and Facility Management/Purchasing.
(APPROVED 12-9-97; NOTICE OF RECONSIDERATION WAS GIVEN BY MS. VON GEMMINGEN 12-10-97)

Item 9.B. was considered later in the meeting. See during item 14, Special Orders.

- C. **NOTICE OF RECONSIDERATION:** Ordinance No. AO 97-142, an ordinance amending Anchorage Municipal Code Chapter 28.130 by repealing Section 28.130.010 **limiting campaign contributions and expenditures to \$1,000** for or in opposition to any candidate for elected municipal or school district office, Legal Department.
1. Assembly Memorandum No. AM 948-97.
(APPROVED 12-9-97; NOTICE OF RECONSIDERATION WAS GIVEN BY MS. VON GEMMINGEN 12-10-97)

Item 9.C. was considered later in the meeting. See item 16, Unfinished Agenda.

- D. Ordinance No. AO 97-144, an ordinance **continuing or reestablishing the Anchorage Telephone Utility Labor Board** pursuant to Anchorage Municipal Code Section 4.05.150, Assemblymember Begich.
1. Assembly Memorandum No. AM 961-97.
(POSTPONED FROM 12-9-97)

Item 9.D. was considered later in the meeting. See during item 14, Special Orders.

- E. 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**, Assemblymember Kendall.
1. Assembly Memorandum No. AM 1035-97, Municipal Manager's Office.
(AR 97-96 WAS AMENDED AND POSTPONED ON 5-20-97; POSTPONED FOR 120 DAYS; NOTICE OF RECONSIDERATION WAS GIVEN BY ASSEMBLY MEMBER BELL 6-11-97; RECONSIDERATION DIED FOR LACK OF ACTION 7-1-97; AR 97-96(S) WAS POSTPONED FROM 10-21-97)

This item was considered later in the meeting. See after item 10.

10. **APPEARANCE REQUESTS:**

- A. **Brian Saylor**, regarding the Anchorage Alcohol Philosophy.

Mr. Saylor spoke as a health services researcher for the University of Alaska and former member of the Mayor's task force to review Anchorage's alcohol philosophy. He said the task force recommended the Municipality develop a clear and guiding community philosophy on how to deal with Anchorage's alcohol abuse problem, and that the philosophy provide direction for all prevention, intervention and enforcement activities. Mr. Saylor recalled the task force's recommendations were adopted by the Assembly in July 1996. He noted adoption of this philosophy was a noteworthy event. He commended the Assembly for taking such a position, and urged them to use the philosophy when making legislative and policy decisions. Mr. Saylor said the main concern should be people who habitually abuse alcohol. He noted alcohol is the underlying problem for many crimes including domestic abuse and drunk driving.

There was a discussion between Mr. Saylor and the Assembly about application of the policy to action on liquor licenses and user policies for municipal facilities.

Chairman Begich suggested the Assembly and administration be evaluated to determine how often they adhere to the philosophy when acting on policy and legislation.

- B. **Anchorage Urban League**, to inform the community about the League's programs and activities.

Hank Harris, representing the Anchorage Urban League, asked for Municipal funding to help operate programs in the community. He explained the Anchorage Urban League was an affiliate of the national organization. The League's goals are to address social and economic problems in communities. Services include training, health services and housing. Mr. Harris noted the Anchorage League has located a building they want to purchase to house an office.

In response to Chairman Begich, Mr. Harris said he had investigated funding from the Community Development Block Grant program, and will be investigating funding from the Health and Human Services Department.

- C. **Sharon M. Cissna**, Incoming President, Airport Heights Community Council, regarding the Assembly's de-funding of Out North Theatre. **(addendum)**

Ms. Cissna read a resolution approved by the Airport Heights Community Council supporting the Out North Theatre company and requesting a budget amendment to replace \$22,000 of funding for Out North in the Municipal operating budget. She said the Airport Heights community was enhanced by the company. Also, Ms. Cissna said the Assembly's action may jeopardize future funding from the National Endowment for the Arts.

Mr. Wohlforth moved, to change the orders of the day
seconded by Mr. Wuerch, to consider item 12.L, AO 97-151.
and it passed without
objection,

Ordinance No. AO 97-151, an ordinance submitting to the qualified voters of the Municipality at the Regular Municipal Election April 21, 1998 a ballot proposition to amend by repeal and re-enactment Anchorage Municipal Charter Article XXI (21), the "**Municipal Vehicle Code Enforcement Standards**" to: (1) only prohibit enforcement of motor vehicle laws on private property except by regularly sworn police officers but excepting from said prohibition the enforcement of fire and life safety, emergency and disaster relief, zoning, land use and environmental laws, ordinances and regulations, (2) to further prohibit motor vehicle law enforcement by electronic, mechanical or other measuring devices except when operated by regularly sworn police officers and (3) to preserve all private rights of enforcement and causes of action and remedies, Assemblymember Wohlforth.

1. Assembly Memorandum No. AM 1018-97.
 2. Information Memorandum No. AIM 172-97, Office of Management and Budget.
- (addendum)

Mr. Wohlforth moved, to postpone action on AO 97-151
seconded by Mr. Murdy, indefinitely.

Mr. Wohlforth explained he wished to delay this item pending completion of a downtown parking circulation study. After that study is complete, he intended to revisit this issue.

Question was called on the motion to postpone action on AO 97-151 indefinitely and it passed without objection.

Mr. Kendall moved, to change the orders of the day to
seconded by Mr. Wuerch, consider item 9.E, AR 97-96(S).
and it passed without
objection,

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**, Assemblymember Kendall.

1. Assembly Memorandum No. AM 1035-97, Municipal Manager's Office.
(AR 97-96 WAS AMENDED AND POSTPONED ON 5-20-97; POSTPONED FOR 120 DAYS; NOTICE OF RECONSIDERATION WAS GIVEN BY ASSEMBLY MEMBER BELL 6-11-97; RECONSIDERATION DIED FOR LACK OF ACTION 7-1-97; AR 97-96(S) WAS POSTPONED FROM 10-21-97)

Mr. Kendall moved, to postpone action on AR 97-96(S)
seconded by Ms. Clementson, until February 3, 1998, in
and it passed without response to a request by the
objection,
Mayor.

The meeting recessed at 6:45 p.m. and reconvened at 7:15 p.m.

11. CONTINUED PUBLIC HEARINGS:

- A. Ordinance No. AO 97-146, an ordinance enacting Anchorage Municipal Code Subsection 12.15.015 F. to **reestablish the qualifications, terms and conditions of a property tax exemption for community purpose property**, Assemblymember Begich.
 1. Assembly Memorandum No. AM 963-97.
 2. Assembly Memorandum No. AM 1064-97, Finance. (addendum)
(CONTINUED FROM 12-9-97)

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 97-146.
seconded by Ms. Von Gemmingen,

In response to Ms. Clementson, Chief Fiscal Officer Soren Orley clarified the ordinance would only affect real property; personal property would not be affected.

Question was called on the motion to adopt AO 97-146 and it passed:

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

12. NEW PUBLIC HEARINGS:

- A. Resolution No. AR 97-291, a resolution of the Municipality of Anchorage appropriating \$1,302,238 to the State Categorical Grants Fund (0231) from the Department of Community and Regional

Affairs for the Job Training Partnership Act (JTPA) Title III **Dislocated Worker Program**, Health and Human Services.

1. Assembly Memorandum No. AM 986-97.

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 97-291.
seconded by Ms. Von Gemmingen,

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

NAYS: None.

- B. Resolution No. AR 97-294, a resolution of the Municipality of Anchorage accepting and appropriating \$239,058 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 990-97.

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 97-294.
seconded by Mr. Carlson,

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

NAYS: None.

- C. Resolution No. AR 97-295, a resolution of the Municipality of Anchorage accepting and appropriating \$875,802 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 991-97.

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 97-295.
seconded by Mr. Carlson,

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

NAYS: None.

- D. Resolution No. AR 97-296, a resolution authorizing the Municipality of Anchorage, Public Transportation Department to enter into a Transfer of Responsibilities Agreement in the amount of \$295,000 with the Department of Transportation and Public Facilities, State of Alaska, for financing of the **Municipal Share-A-Ride Program** and appropriating these funds to the State Categorical Grants Fund (0231), Public Transportation Department.

1. Assembly Memorandum No. AM 992-97.

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 97-296.
seconded by Mr. Meyer,

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

NAYS: None.

- E. Resolution No. AR 97-297, a resolution of the Municipality of Anchorage accepting and appropriating \$423,653 from the State of Alaska Department of Health and Social Services and \$47,073 from the 1997 DHHS General Government Operating Budget to the State Categorical Grants Fund (0231) for the purpose of providing **detoxification services**, Health and Human Services.

1. Assembly Memorandum No. AM 996-97.

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 97-297.
seconded by Mr. Meyer,

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

- F. Resolution No. AR 97-298, a resolution of the Municipality of Anchorage accepting and appropriating \$1,370,902 from Alaska Housing Finance Corporation (AHFC) to the State Categorical Grants Fund (0231) for the **Weatherization Assistance Program**, Health and Human Services.
 1. Assembly Memorandum No. AM 997-97.

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 97-298.
 seconded by Ms. Von Gemmingen,

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

- G. Resolution No. AR 97-299, a resolution of the Municipality of Anchorage appropriating \$1,398,130 from major operating funds to cover the **cost associated with debt service on the December 1996 Tax Anticipation Notes**, Finance.
 1. Assembly Memorandum No. AM 1006-97.

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 97-299.
 seconded by Mr. Meyer,

In response to Mr. Wohlforth, Chief Fiscal Officer Soren Orley said the appropriated funds would come from interest revenue. He said about \$620,000 of excess revenue would result and that amount would be applied to fund balance.

Chairman Begich requested a memorandum detailing the exact budget designations of the excess funds.

Question was called on the motion to approve AR 97-299 and it passed:

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

- H. Resolution No. AR 97-300, a resolution of the Municipality of Anchorage providing for a **revision of the 1997 General Government Operating Budget**, Office of Management and Budget.
 1. Assembly Memorandum No. AM 1007-97.

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

CHARLES MCKEE questioned the use of Federal tax revenues to support foreign economic markets.

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

Mr. Murdy moved, to approve AR 97-300.
 seconded by Mr. Carlson,

In response to Mr. Wohlforth, Municipal Attorney Mary Hughes said the items in the budget amendment regarding legal settlements were specifically approved by the Assembly in a separate document.

Ms. Von Gemmingen pointed out an error in the total budget amount on line 37.

(Clerk's Note: See after the following two items for further action on this item.)

- I. Ordinance No. AO 97-152, an ordinance of the Municipality of Anchorage establishing the Special Assessment Districts for Public Services Special Revenue Fund (271) and appropriating \$1,241,215 of **Special Assessment Collections from Downtown Business Improvement District (1SD97)** to the Fund to provide special public services in accordance with AO 97-51 and AR 97-41, Finance.
 1. Assembly Memorandum No. AM 1016-97.

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

BOB NEUMANN, chairman of the Downtown Anchorage Partnership, spoke in support of the ordinance. He discussed the status of the Partnership, the Board consisting of twenty-four individuals representing small and large property owners, retailers, hotels, restaurants and professional organizations. He said the group has a new office on 4th Avenue in space donated by Jimmy Wong. The group has a plan in place to begin executing the services of the business improvement district beginning on May 1, 1998. Mr. Neumann listed the various grants and services received from companies and individuals to support the District.

Ms. Von Gemmingen asked Mr. Neumann to keep the Assembly apprised of the progress and activities of the District.

In response to Mr. Bell, Municipal Manager Larry Crawford said there would be a small charge for the Municipality to collect and distribute the assessment revenues. He said he would report on the exact amount.

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

Mr. Wuerch moved, to adopt AO 97-152.
seconded by Ms. Von Gemmingen,

In response to Mr. Wuerch, Municipal Attorney Mary Hughes confirmed a lawsuit is pending regarding the downtown business improvement district, brought by Iditarod Properties and First National Bank of Anchorage. She said the suit will be handled by her staff. Because of case precedents elsewhere in the country, she felt the Municipality would prevail.

Question was called on the motion to adopt AO 97-152 and it passed:

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

(Clerk's Note: Reconsideration of this action was considered after the following item.)

Assembly Memorandum No. AM 1022-97, the **Downtown Business Improvement District ("Assessment District 1SD97") services contract** with Anchorage Downtown Partnership, Ltd., Municipal Manager's Office.

Question was called on the motion to approve AM 1022-97 and it passed with Mr. Murdy objecting.

(Clerk's Note: Reconsideration of this action was considered after the following motion.)

Ms. Abney moved, immediate reconsideration of
seconded by Mr. Meyer, action on item 12.I, AO 97-152.

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

Ms. Abney moved, immediate reconsideration of
seconded by Ms. Von Gemmingen, action on item 8.E.1, AM 1022-97.

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

The Assembly then returned to item 12.H, AR 97-300.

Resolution No. AR 97-300, a resolution of the Municipality of Anchorage providing for a **revision of the 1997 General Government Operating Budget**, Office of Management and Budget.
1. Assembly Memorandum No. AM 1007-97.

Ms. Von Gemmingen moved, to amend AR 97-300 on line 37 in
seconded by Ms. Clementson, the first column titled "1997
and it passed without Revised Budget" to reflect a total
objection, of
\$160,154,610.

Question was called on the motion to approve AR 97-300 as amended and it passed:

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

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

- J. Resolution No. AR 97-301, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Beverage Dispensary License) located on Martens Industrial Subdivision, Tract 2B, generally located on the west side of King Street and

north of West Dimond Boulevard (Trina Johnson d.b.a. **La Mex Restaurant Dimond**) (Case 97-193), Community Planning and Development.

1. Assembly Memorandum No. AM 1012-97.

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

RODNEY MEANEY, a resident in the neighborhood adjacent to this location, did not oppose a restaurant in the area, but did object to sale of alcohol. He said there were many grade-school students in the area. He was concerned about the proximity of the bar to these children. Mr. Meaney noted his grandchildren live in the house directly adjacent to the proposed La Mex location.

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

Mr. Murdy moved, to approve AR 97-301.
seconded by Mr. Wuerch,

Mr. Wuerch acknowledged Mr. Meaney's concerns. He noted Ms. Johnson operates two other restaurants in Anchorage, which he felt were very well operated and have had no alcohol law violations. The restaurants appeal to a clientele that is responsible and accountable. He was pleased that Ms. Johnson was opening a new restaurant in this location.

Mr. Murdy echoed Mr. Wuerch's comments.

Question was called on the motion to approve AR 97-301 and it passed:

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

- K. Ordinance No. AO 97-135, an ordinance amending Anchorage Municipal Code Sections 28.20.040, 28.60.030 and 28.60.050 to require **election notices** to include the names of candidates for election and a statement that write-in candidates are permitted except in run-off elections; to provide for mailing absentee ballots to addresses within the Municipality and the minimum time before elections absentee voting may occur; and to establish an election day absentee polling place at the Anchorage International Airport and rules for voting, verifying and counting absentee ballots, Assemblymember Von Gemmingen.
1. Assembly Memorandum No. AM 884-97.

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

PHILLIS WALKER, representing the Municipal Election Commission, spoke in opposition to the portion of the ordinance which required establishment of an absentee polling place at the Anchorage International Airport. Ms. Walker said logistics and abuses by travelers posed a problem for this proposal. Voting at the Airport would be time consuming for voters and workers, and would likely be abused by airport employees. Advanced placement of the polling station and transport of ballots and materials would be difficult because of Airport parking restrictions. Also, many questioned ballots would be generated in this location. Regarding the provision for mailed ballots within the Municipality, Ms. Walker stated provisions are currently made for persons in homes, hospitals and other "shut-in" locations. Mailing ballots introduces the possibility of theft, fraud, and loss and delay by the postal system.

ROSEMARY SLISZ, Municipal Election Coordinator, pointed out candidates may withdraw their names from the ballot as late as the day before the first notice of election appears in the newspaper. Therefore, it may be impossible to remove the name from the first notice advertisement. She added ballots are always made available for absentee voting as soon as they arrive from the printer, at least two weeks prior to the election. The only reason two weeks would not be possible would be an unforeseen problem with printing the ballots. Ms. Slisz also noted ballots voted at an absentee location after voter registers are distributed to the precincts would not be counted until two weeks after the election. Regarding mailing ballots within the Municipality, she said it is much easier to visit one's polling place than to vote by mail.

BARBARA WEINIG noted many registered voters do not live in Anchorage. She said mailing ballots inside the Municipality would increase the possibility of voter fraud.

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

Ms. Von Gemmingen moved, to adopt AO 97-135.
seconded by Mr. Wohlforth,

Mr. Murdy moved, to postpone action on AO 97-135
and it was withdrawn, until January 6, 1998, pending more review.
Mr. Bell moved, to postpone action on AO 97-135
seconded by Ms. Von Gemmingen, until later in the meeting.
and it passed without
objection,

(Clerk's Note: See during item 13.A. for further action on this item.)

- L. Ordinance No. AO 97-151, an ordinance submitting to the qualified voters of the Municipality at the Regular Municipal Election April 21, 1998 a ballot proposition to amend by repeal and re-enactment Anchorage Municipal Charter Article XXI (21), the "**Municipal Vehicle Code Enforcement Standards**" to: (1) only prohibit enforcement of motor vehicle laws on private property except by regularly sworn police officers but excepting from said prohibition the enforcement of fire and life safety, emergency and disaster relief, zoning, land use and environmental laws, ordinances and regulations, (2) to further prohibit motor vehicle law enforcement by electronic, mechanical or other measuring devices except when operated by regularly sworn police officers and (3) to preserve all private rights of enforcement and causes of action and remedies, Assemblymember Wohlforth.
1. Assembly Memorandum No. AM 1018-97.
 2. Information Memorandum No. AIM 172-97, Office of Management and Budget.
- (addendum)

This item was postponed indefinitely earlier in the meeting. See after item 10.

13. **BOARD OF ADJUSTMENT/ASSEMBLY APPEALS:**

- A. Appeal 97-108, Collins Subdivision, Lot 8 - Conditional Use Permit for a Correctional Community Residential Center, Clerk's Office.

Mr. Bell moved, to grant Appeal 97-108.
seconded by Mr. Wohlforth,

Chairman Begich noted the Assembly received a letter from the attorney representing the appellant, raising the appearance of a conflict of interest.

Mr. Kendall questioned why the letter was included in the packet, because the information requested therein was a matter of public record. He felt the letter was not pertinent to the case before the Assembly.

Mr. Murdy disclosed his corporation has performed jobs for St. John's and Allvest. Also, Mr. Weimer of Allvest has contributed to his Assembly campaign. He asked to be recused.

Mr. Wuerch disclosed he received a campaign contribution from Mr. Weimer and companies owned by Mr. Weimer. He noted these contributions were on file at the office of the Alaska Public Offices Commission (APOC). Mr. Wuerch said he intended to act on this appeal within the letter and spirit of cannon through the code of judicial conduct. He saw no reason under the present circumstances to recuse himself.

Chairman Begich stated Mr. Murdy was recused from action on this item.

Mr. Bell disclosed that Mr. Weimer sued him for \$20 million. Mr. Weimer also contributed \$100 to his last Assembly campaign. He did not recuse himself.

Mr. Wohlforth disclosed he received a contribution from Mr. Weimer for his Assembly campaigns. He also received a contribution from Bill Bobrick. He did not feel he had a conflict of interest and did not recuse himself.

Ms. Clementson disclosed she received a campaign contribution from Mr. Weimer or Allvest. She felt this had no impact on her ability to make a fair and impartial decision in this case.

Ms. Abney disclosed she received a campaign contribution from Mr. Weimer. She felt this had no impact on her ability to make a fair and impartial decision in this case.

Mr. Meyer disclosed he received a campaign contribution from Mr. Weimer. He felt he did not have a conflict of interest.

Ms. Von Gemmingen disclosed she received a \$100 campaign contribution from Mr. Weimer and Mr. Cronin, and \$500 from St. John Investments. She returned that \$500 contribution.

Mr. Carlson disclosed he received a campaign contribution from Allvest and Mr. Weimer. The amount is on file with APOC. He felt this did not pose a conflict of interest on this issue.

Chairman Begich disclosed he also received campaign contributions from Mr. Weimer. However, he also has a business relationship with Mr. Weimer regarding his vending company. On the basis of appearance, he recused himself on this issue.

In response to Mr. Kendall, Assistant Municipal Attorney Bill Greene cited Municipal Code 21.30 and explained since two members were recused and would not participate, a simple majority to grant the appeal would be a majority of nine. Two thirds of nine votes would be required to substitute the Assembly's judgement.

(Clerk's Note: See after the following item for further action on this appeal.)

The meeting recessed at 8:35 p.m. and reconvened at 8:45 p.m.

The Assembly then returned to item 12.K, AO 97-135.

Ordinance No. AO 97-135, an ordinance amending Anchorage Municipal Code Sections 28.20.040, 28.60.030 and 28.60.050 to require **election notices** to include the names of candidates for election and a statement that write-in candidates are permitted except in run-off elections; to provide for mailing absentee ballots to addresses within the Municipality and the minimum time before elections absentee voting may occur; and to establish an election day absentee polling place at the Anchorage International Airport and rules for voting, verifying and counting absentee ballots, Assemblymember Von Gemmingen.

1. Assembly Memorandum No. AM 884-97.

Mr. Murdy moved, to amend AO 97-135 in Section 2
seconded by Ms. Von Gemmingen, to delete paragraph A.2.

AYES: Kendall, Wuerch, Clementson, Carlson, Murdy.

NAYS: Wohlforth, Bell, Abney, Begich, Meyer, Von Gemmingen.

Mr. Wuerch moved, to amend AO 97-135 to delete
seconded by Ms. Clementson, Section 3 in its entirety.

AYES: Wuerch, Clementson, Carlson.

NAYS: Wohlforth, Bell, Abney, Kendall, Begich, Meyer, Von Gemmingen, Murdy.

Question was called on the motion to adopt AO 97-135 and it passed:

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

NAYS: Wuerch, Clementson, Carlson, Murdy.

The Assembly then returned to item 13, Appeal 97-108.

Appeal 97-108, Collins Subdivision, Lot 8 - Conditional Use Permit for a Correctional Community Residential Center, Clerk's Office.

Vice Chair Von Gemmingen took the Chair. Mr. Begich and Mr. Murdy recused themselves.

Municipal Attorney Mary Hughes explained since two members were recused, a majority to grant the appeal was five members, and two-thirds in order to substitute a judgement was six members.

In response to Mr. Bell, Don Alspach of Community Planning and Development clarified if the Assembly granted the appeal, it would reverse the Planning and Zoning Commission's (P&Z) decision, denying the conditional use. He said the Assembly may also substitute its own judgement or remand the appeal to P&Z for additional hearings or action.

Mr. Bell contended Akeela House was the same type of facility as the Allvest facility. The Assembly's intent was that these facilities be at least one mile apart. He felt the appeal should be granted to resolve the issue of whether Akeela House was properly zoned. That question must be resolved before a decision on permitting a second facility can be made.

Mr. Wohlforth concurred with Mr. Bell, and added he felt P&Z erred in its application of the law. The error was failing to recognize that Akeela House is a CCRC. If the appeal is not granted, the only option he felt was available would be to remand the appeal to P&Z to consider additional information. He felt arguments that Akeela House was not a CCRC were faulty because the facility was grandfathered; it fit the definition of a CCRC before that law was enacted.

Ms. Clementson clarified the appellant was seeking a remand to P&Z. She questioned whether the effect of granting the appeal would be a remand. She felt Akeela House was not a CCRC. She noted its original purpose was long-term treatment of patients. That service has changed, so currently it may be out of compliance with the original conditional use permit. She added that no CCRC should be allowed in this neighborhood, because it is not a typical B-3 neighborhood. She felt Akeela House's status should be evaluation by the Municipality. She was unsure what action the Assembly should take, because she did not feel there was an error in the application of the law.

Mr. Wuerch pointed out Akeela House received a Health and Human Services permit under Title 16, and Allvest followed the law to go before P&Z. If the Assembly grants the appeal, it would be punishing Allvest for following correct procedures. He was inclined to deny the appeal because the permit for Akeela House was not perfected, and Allvest has followed the law. He also noted the neighborhood was in transition. Although it did have some residents, a CCRC could be beneficial because they can afford to do landscaping and general improvements to the area. Also, clients of the CCRC can contribute community work service labor at schools and trails in the area.

Mr. Wohlforth argued Akeela House did not apply for a CCRC because that classification did not exist when they applied for their permit. When CCRC's were created, it became a CCRC automatically.

Mr. Bell pointed out Allvest knew that Akeela House was within a mile of their intended location, so this conflict was caused by Allvest.

In response to Mr. Bell, Assistant Municipal Attorney Bill Greene advised the Assembly to act in terms of upholding or reversing the P&Z decision, or substituting its own judgement.

Mr. Bell clarified the intent of his motion to grant the appeal was to deny the permit, reversing the P&Z decision. Mr. Wohlforth concurred.

Mr. Meyer moved, to substitute a motion to remand
seconded by Ms. Clementson, the appeal to P&Z.

Ms. Clementson argued Akeela House had no standing as a CCRC, and she could not support the motion to grant. She felt P&Z erred because they did not take the character of the neighborhood into account. The grounds for remanding were important; she felt it should be remanded or the Assembly should substitute its judgement declaring P&Z erred because the location is not appropriate.

Mr. Wuerch felt Mr. Meyer's motion to remand might be most appropriate. It would not accept arguments of the appellant that Akeela House is a legitimate CCRC; that question would be preserved for further review by P&Z. Also, granting the appeal, which would remand, might endorse the conclusions and arguments of the appellant.

In response to Ms. Clementson, Mr. Greene cited Municipal Code 21.30.095B, which states "...every decision of the Board of Adjustment to affirm or reverse the decision of the lower administrative body, pursuant to subsection A of this section, shall be based upon findings and conclusions adopted by the Board." He said Community Planning and Development staff usually help the Assembly construct findings and conclusions based on comments by the Board of Adjustment during deliberation.

Mr. Kendall felt the question was whether, when creating the law on CCRC's, the Assembly intended to allow facilities meeting CCRC criteria to be grandfathered to that status. He felt remanding the issue to P&Z for clarification was inappropriate; the Assembly should clarify the intent of its legislation.

Mr. Wuerch pointed out although Akeela House was grandfathered for previous services, its services have changed since the CCRC law was enacted.

Ms. Clementson spoke in support of Mr. Meyer's motion.

In response to Mr. Bell, Mr. Meyer said his intent in remanding was to determine whether Akeela House was a quasi-institutional CCRC.

Mr. Wuerch proposed the remand not include a new public hearing because the question is a matter of Code interpretation.

Ms. Clementson concurred that a new public hearing was not necessary. However, the record should be supplemented to determine if Akeela House was a CCRC on the date of the Allvest application.

Mr. Wohlforth agreed more information on Akeela House's status was necessary. However, P&Z may feel another public hearing is required to obtain that information.

Mr. Kendall reiterated the Assembly was the authority to define a CCRC. He felt it would be more appropriate to either grant or deny the appeal.

In response to Mr. Meyer, Mr. Greene said the Assembly may leave the question of an additional public hearing to the discretion of P&Z.

Mr. Meyer said his intent was to let P&Z determine the best way to obtain additional information on Akeela House's status.

Ms. Clementson suggested intent for the remand motion: "Due to facts and findings not based on evidence or a full record, we would remand this to the Planning and Zoning Commission to determine whether or not Akeela House is in compliance with its conditional use permit and to determine whether Akeela House has standing as a CCRC, a QI, a non-conforming QI or exactly what their land use status is."

Question was called on Mr. Meyer's motion to substitute and remand Appeal 97-108 to P&Z for reasons stated and it passed:

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

The meeting recessed at 10:00 p.m. and reconvened at 10:10 p.m.

(Clerk's Note: This action was reconsidered. See minutes of January 6, 1998 for further action.)

Chairman Begich returned to the Chair.

14. **SPECIAL ORDERS:**

Mr. Kendall moved, to change the orders of the day
seconded by Ms. Clementson, to consider item 9.D, AO 97-144.
and it passed without
objection,

Ordinance No. AO 97-144, an ordinance **continuing or reestablishing the Anchorage Telephone Utility Labor Board** pursuant to Anchorage Municipal Code Section 4.05.150, Assemblymember Begich.

1. Assembly Memorandum No. AM 961-97.
(POSTPONED FROM 12-9-97)

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

THOMAS VAN FLEIN of the ATU Labor Board explained the Board served a public need in that it helps address any ATU labor problems that may occur.

Question was called on the motion to adopt AO 97-144 and it passed:

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

NAYS: None.

Ms. Clementson moved, to change the orders of the day to
seconded by Mr. Kendall, consider item 9.B, AM 1013-97.
and it passed without
objection,

NOTICE OF RECONSIDERATION: Assembly Memorandum No. AM 1013-97, proprietary purchase of a **greenhouse** from the McConkey Company for the Municipality of Anchorage, Department of Property and Facility Management/Purchasing.
(APPROVED 12-9-97; NOTICE OF RECONSIDERATION WAS GIVEN BY MS. VON GEMMINGEN 12-10-97)

Chairman Begich gave the history of the memorandum and noted the question of whether to reconsider action was before the body.

Ms. Clementson recommended reconsideration. She explained she and the administration have come to an agreement on this item.

Question was called on the motion to reconsider action on AM 1013-97 and it passed with Mr. Murdy objecting.

Ms. Clementson moved, to amend AM 1013-97 to substitute
seconded by Mr. Carlson, a
different fund certification to as described in the
memorandum from Chief Fiscal Officer Soren
Orley.

(Clerk's Note: This is attached as Exhibit A.)

Ms. Clementson noted the proposed certification would fund the purchase with monies for facilities upgrades, already in the budget for Property and Facility Management.

In response to Mr. Wohlforth, Dan Moore of the Office of Management and Budget said some projects would be delayed as a result of this action. These included the Tudor facility restroom remodeling, Sullivan Arena drum repair, Ben Boeke roof repair, and miscellaneous energy conversions and Parks and Recreation administration building heating and ventilation system upgrade.

In response to Mr. Bell, Mr. Moore said about \$280,000 was in a fund for Centennial Park. More funds would be necessary to begin work on the project.

Municipal Manager Larry Crawford noted the additional funds for this project were requested in the State grant program.

Question was called on Ms. Clementson's motion to amend and it passed without objection.

Question was called on the motion to approve AM 1013-97 as amended and it passed without objection.

- A. Information Memorandum No. AIM 165-97, 1997 Bar Violations/Third Quarterly Report: **Avenue Bar, Captain's Club, Carousel Lounge, The Raven, and South Seas**, Clerk's Office.

Mr. Meyer moved, to schedule a public hearing on
 seconded by Mr. Wuerch, a
 resolution (to be introduced January 13, 1998)
 regarding the liquor license for the Captain's Club
 on January 27, 1998.

Mr. Wuerch requested the Municipal Clerk advise the Captain's Club owners of the hearing and suggest they meet with the Spenard and Rogers Park Community Councils.

Question was called on Mr. Meyer's motion to schedule a public hearing and it passed without objection.

Mr. Murdy moved, to schedule a public hearing on
 seconded by Ms. Von Gemmingen, a
 resolution (to be introduced by January 13, 1998)
 regarding the liquor license for South Seas on
 January 27, 1998.

Mr. Murdy requested the Municipal Clerk advise the South Seas owners of the hearing and suggest they meet with the appropriate community councils.

Steve Cooper, owner of the Carousel Lounge, said he responded to the Alcoholic Beverage Control (ABC) Board Notice of Violation, and copied the response to the Municipal Clerk. Mr. Cooper explained an intoxicated man was asked to leave the club, but then was discovered to be endangering himself and others in the parking lot. Staff called for a taxicab, and the man was allowed to wait inside the club. He was served fruit juice and chaperoned by the bartender.

Mr. Murdy encouraged Mr. Cooper to keep prostitutes out of the bar and discourage them from staying when they do enter.

Michael White spoke representing Mrs. Song, owner of the South Seas. He said the owner was willing to meet with the Spenard Community Council. In response to Mr. Wohlforth, Mr. White said they have responded to the ABC Notice of Violation, and the violation has not been repeated. In response to Ms. Von Gemmingen, Mr. White explained there were a lot of police calls attributed to the location because the Easy Inn is at the end of 30th Avenue, and many prostitutes, pimps and drug dealers congregate there. They also hang around the area, and a lot of the police calls are reported at 3001 Spenard.

Question was called on Mr. Murdy's motion to schedule a public hearing and it passed without objection.

In response to Mr. Wohlforth, John Patee of the Avenue Bar addressed the Assembly. He asked his attorney to respond to an ABC violation.

The attorney explained a complaint was filed by the State regarding the violation, and a trial was pending. He noted video cameras had been installed in the bar, and the tape of the incident was viewed. The subject of the complaint was seen to be walking and standing normally, contrary to the report which said he was staggering and appeared intoxicated. Therefore, the complaint against the Avenue was dismissed. The Notice of Violation was then protested to the ABC Board. Regarding the second Notice of Violation, he said a patron became belligerent and used profanity when speaking to the officer, and was arrested. However, the video tape indicated there was no sign of intoxication, and no breathalyzer test was administered.

In response to Mr. Wohlforth, Mr. Patee said he spends as much time at the bar as necessary to change the way it operates.

Ms. Clementson moved, to schedule a public hearing on
 seconded by Mr. Murdy, a
 resolution (to be introduced by
 and it was withdrawn, January 13, 1998) regarding the liquor license for The Avenue
 on January 27, 1998.

Ms. Clementson requested owners of the Raven bar be invited to attend the meeting on January 6, 1998, and that the Clerk inform them the Assembly is considering protesting the Raven liquor license.

Mr. Wohlforth moved, to extend the meeting to complete
 seconded by Ms. Clementson, the agenda.
 and it passed without
 objection,

Mr. Kendall and Mr. Wuerch were excused and left the meeting.

- B. Nominations of interviewees for the Anchorage Telephone Utility Board of Directors vacancy.

Mr. Wohlforth moved,
seconded by Mr. Murdy,
and it passed without

to nominate Richard Ender and
Carl Propes Jr. to interview for
the Anchorage Telephone Utility
objection,
Board of Directors vacancy on January 6,
1998.

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

16. **UNFINISHED AGENDA:**

- A. Assembly Memorandum No. AM 981-97, Princess Restaurant - New Restaurant/Eating Place
Liquor License and Restaurant Designation (Fairview/Mt. View Community Councils), Clerk's
Office.
(POSTPONED FROM 11-25-97)

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

Don Alspach of Community Planning and Development noted a conditional use permit for this location was
scheduled for public hearing on January 27, 1998.

Question was called on the motion to approve AM 981-97 and it passed without objection.

- B. **NOTICE OF RECONSIDERATION:** Ordinance No. AO 97-142, an ordinance amending
Anchorage Municipal Code Chapter 28.130 by repealing Section 28.130.010 **limiting campaign
contributions and expenditures to \$1,000** for or in opposition to any candidate for elected
municipal or school district office, Legal Department.
1. Assembly Memorandum No. AM 948-97.
(APPROVED 12-9-97; NOTICE OF RECONSIDERATION WAS GIVEN BY
MS. VON GEMMINGEN 12-10-97)

Chairman Begich gave the history of the ordinance and noted the question of whether to reconsider was before
the body.

Ms. Von Gemmingen said she felt pressured to adopt this ordinance. The \$1,000 limit was enacted for a good
reason.

Municipal Attorney Mary Hughes explained the ordinance was a result of a complaint filed against the
Municipality. After investigation of the complaint it was determined that the law violated the opinion of the
Supreme Court. She said if the law is not repealed, her staff would not enforce the law.

Question was called on whether to reconsider action on AO 97-142 and it failed:

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

(Clerk's Note: Mr. Kendall and Mr. Wuerch had left the meeting at the time of the vote.)

C. Assembly Comments.

1. Chairman Begich noted the Assembly had an opportunity to hold a hearing regarding the sale of
oil and gas leases by the State. He asked if any members wished to take advantage of this
offer.

Mr. Wohlforth felt the Assembly should get more information about the issue.

2. Mr. Wohlforth distributed the work plan and time table for Mr. Ayers' contract that was developed
by the ATU Committee last week. He said a public survey would be conducted this week.
Depending on results of the survey, the committee will meet to select a consultant who will
determine the sale value of ATU.
3. Ms. Clementson cautioned her colleagues that the Collins appeal acted on earlier in the meeting
may return in another form, and ex parte contact is prohibited.
4. Mr. Bell noted a work session to discuss the Alaska Aviation Heritage Museum was scheduled
for January 6, 1998.

17. **AUDIENCE PARTICIPATION:** None.

18. **EXECUTIVE SESSIONS:** None.

19. **ADJOURNMENT:**

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

to adjourn.

The meeting adjourned at 11:15 p.m.

Chairman

ATTEST:

Municipal Clerk

Date Minutes Approved: January 27, 1998

LF/db

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