

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of July 21, 1998

1. CALL TO ORDER:

The meeting was convened at 5:00 p.m. by Chair Fay Von Gemmingen in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

2. ROLL CALL:

Present: Bob Bell, Ted Carlson, George Wuerch, Melinda Taylor, Charles Wohlforth, Fay Von Gemmingen, Cheryl Clementson, Kevin Meyer, Pat Abney, Dan Kendall, Joe Murdy.
Absent: None.

3. PLEDGE OF ALLEGIANCE:

The pledge was led by members of Nunaka Valley Little League.

4. MINUTES OF PREVIOUS MEETING:

A. Regular Meeting - April 28, 1998

Mr. Murdy moved, to approve the minutes of the regular
seconded by Mr. Meyer, meeting of April 28, 1998.
and it passed without
objection,

5. MAYOR'S REPORT:

Mayor Mystrom reported on the status of the skateboard park. The subcommittee met several times with user groups and decided to located the park on a trial basis at Central Junior High. Construction will begin tomorrow; operation is expected to begin on August 1, 1998. The Anchorage School District has guaranteed use of this location for this and next summer. When school starts at the beginning of September, the park will be relocated to Mulcahy Park, in order to evaluate two sites this year. Secondly, the Mayor distributed copies of the State of the City insert which will appear in the Anchorage Daily News tomorrow. Lastly, he asked Employee Relations Director Tom Tierney to report on the agreement with the International Association of Fire Fighters (IAFF).

Mr. Tierney explained that the IAFF membership voted against the proposed labor agreement. Negotiations will continue. He felt it was likely that fact-finding and arbitration would result.

6. ADDENDUM TO AGENDA:

Ms. Clementson moved, to amend the agenda to include
seconded by Mr. Kendall, the addendum items.

Chair Von Gemmingen read the addendum items.

Question was called on the motion to amend the agenda and it passed without objection.

7. CONSENT AGENDA:

Mr. Meyer moved to approve all items on the
seconded by Mr. Murdy, consent agenda as amended.

A. BID AWARDS:

1. Assembly Memorandum No. AM 749-98, recommendation of award to Fuji Photofilm, USA, Inc. for providing a photographic processor and a Picrostate to the Municipality of Anchorage, Police Department (ITB 98-75), Purchasing.
2. Assembly Memorandum No. AM 750-98, recommendation of award to Summit Paving & Construction, Inc. for Devonshire Subdivision Road Improvement District (R.I.D.) for the Municipality of Anchorage, Department of Public Works (ITB 98-C53), Purchasing.
3. Assembly Memorandum No. AM 751-98, recommendation of award to Steppers Construction, Inc. for Foxridge Subdivision Road Improvement District (R.I.D.) Street Reconstruction for the Municipality of Anchorage, Department of Public Works (ITB 98-C49), Purchasing.
4. Assembly Memorandum No. AM 752-98, recommendation of award to SeaCoast Construction Co., Inc. for Fairview Area Traffic Safety Improvements-Phase II for the Municipality of Anchorage, Public Works Department (ITB 98-C58), Purchasing.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 98-122, an ordinance continuing or reestablishing the Anchorage Women's Commission pursuant to Anchorage Municipal Code Section 4.05.150, Municipal Clerk. public hearing 8-25-98.

- a. Assembly Memorandum No. AM 719-98.
- 2. Ordinance No. AO 98-123, an ordinance continuing or reestablishing the Anchorage Solid Waste Services Commission pursuant to Anchorage Municipal Code Section 4.05.150, Municipal Clerk. public hearing 8-25-98.
 - a. Assembly Memorandum No. AM 720-98.
- 3. Ordinance No. AO 98-124, an ordinance amending and renumbering Anchorage Municipal Code Section 15.05.160 to Section 15.05.055, amending Section 15.65.010 and enacting a new Section 15.65.033 to require the issuance of a municipal certificate of health authority approval for all private, on-site water wells and on-site wastewater systems prior to the transfer of any ownership interest in such on-site water well or on-site wastewater system or the transfer of property on which such well or wastewater system is located, except for transfer between spouses, Health and Human Services. public hearing 8-18-98.
 - a. Assembly Memorandum No. AM 721-98.
- 4. Ordinance No. AO 98-125, an ordinance providing for the public purpose retention and the donation of Lot 24, Block 2, Nels Kleven Homestead, a vacant lot on Lane Street, Anchorage, Alaska and Lot 106-3 of the Subdivision of Lot 106, Section 13, Township 13 North, Range 3 West, Seward Meridian (Plat P-372), a vacant lot on Oklahoma Street, Anchorage, Alaska, (Exhibit A), to Habitat for Humanity, Inc., a nonprofit corporation for their program to develop affordable housing for the private sector, Heritage Land Bank. public hearing ~~8-18-98~~ 8-25-98.
 - a. Assembly Memorandum No. AM 722-98.

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

- 5. Ordinance No. AO 98-126, an ordinance providing for the sale by sealed bid of surplus properties held by Anchorage Water and Wastewater Utility (AWWU), attached as Exhibit A (Parcel No. 1 - Lot 13 Block 3, Shady Lane; Parcel No. 2 - Lot 10 Block D2, North Star; Parcel No. 3 - Lot 11 Block D2, North Star; Parcel No. 4 Tract B, Eagle Glen; Parcel No. 5 - Tract P2, Regional Park #2; Parcel No. 6 - Lot C Block 3, Palos Verdes; Parcel No. 7 - Lots 7,8,9 & Tract B, Hollowbrook), Heritage Land Bank. public hearing 8-18-98.
 - a. Assembly Memorandum No. AM 723-98.
- 6. Ordinance No. AO 98-127, an ordinance amending the zoning map and providing for the rezoning from B-3 SL (General Business District with Special Limitations) to I-1 SL (Light Industrial District with Special Limitations) for Section 30, T15N, R1W, S.M., Alaska, Lots 35, 38, 121 and 124; generally located at the northwest corner of South Birchwood Loop Road and the Old Glenn Highway (Chugiak Community Council) (Planning and Zoning Commission Case 97-165), Community Planning and Development. public hearing 8-18-98 10-6-98.
 - a. Assembly Memorandum No. AM 724-98.

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

- 7. Ordinance No. AO 98-128, an ordinance amending the zoning map and providing for the rezoning from B-1A (Local and Neighborhood Business District) to B-3 (General Business District) for Tract A2, Bonnobrook Subdivision, generally located at the southeast corner of East Northern Lights Boulevard and Boniface Parkway (University Area Community Council) (Planning and Zoning Commission Case 98-053), Community Planning and Development. public hearing 8-25-98.
 - a. Assembly Memorandum No. AM 725-98.
- 8. Ordinance No. AO 98-129, an ordinance repealing AO 83-224 and amending the zoning map and providing for the rezoning from I-2/SL (Heavy Industrial with Special Limitations) to I-2/SL (Heavy Industrial with Special Limitations) for a 6.70 acre portion of Tract D-1, Turnagain Industrial Park Subdivision, generally located on the east side of Johns Road and north of East Klatt Road (Bayshore-Klatt Community Council) (Planning and Zoning Commission Case 98-051), Community Planning and Development. public hearing 8-25-98.
 - a. Assembly Memorandum No. AM 726-98.
- 9. Ordinance No. AO 98-130, an ordinance amending Anchorage Municipal Code Section 3.30.125 to authorize the Director of Employee Relations to approve higher step placement or additional wage compensation of employees in essential job classifications to meet competitive market conditions or recruitment difficulties, Employee Relations. public hearing 8-18-98.
 - a. Assembly Memorandum No. AM 753-98.
- 10. Resolution No. AR 98-235, a resolution of the Municipality of Anchorage appropriating \$418,604 to the State Categorical Grants Fund (0231) from Alaska Commission on Aging to assist in the funding of coordinated transportation services for senior citizens and for people with disabilities within the Municipality of Anchorage, Public Transportation Department. public hearing 8-18-98.
 - a. Assembly Memorandum No. AM 727-98.
- 11. Resolution No. AR 98-236, a resolution of the Anchorage Municipal Assembly approving amendments to the Platting Board Rules of Procedure concerning the length of time allotted to persons testifying as a representative of a group, Community Planning and Development. public hearing 8-18-98.
 - a. Assembly Memorandum No. AM 728-98.
- 12. Resolution No. AR 98-237, a resolution of the Municipality of Anchorage providing for the appropriating of \$350,000 from Areawide General Fund Balance (0101) to the Department of Community Planning and Development (\$132,000), the Department of Health and Human Services (\$8,000), Property and Facility Management (\$150,000), and the Department of Public Works (\$60,000) for implementation of the Phillips Group study recommendations, Office of Management and Budget. public hearing 8-18-98.
 - a. Assembly Memorandum No. AM 729-98.
- 13. Resolution No. AR 98-241, a resolution of the Municipality of Anchorage appropriating \$45,000 of unappropriated interest from the Areawide Capital Improvement Fund (0401) to the Anchorage Parks

and Recreation Service Area Capital Improvement Fund (0461) for West High School Pool Water Slide, Office of Management and Budget. public hearing 8-18-98.

a. Assembly Memorandum No. AM 733-98.

14. Resolution No. AR 98-246, a resolution for review and approval of the collective bargaining agreement between the Municipality of Anchorage and the Anchorage Joint Crafts Council (AJCC) for the years January 1, 1998 thru 2001, Employee Relations Department. public hearing 8-18-98. (addendum)

a. Assembly Memorandum No. AM 761-98.

15. Ordinance No. AO 98-131, an ordinance amending Anchorage Municipal Code Titles 10 and 14 by enacting a new Chapter 10.65, Business Licenses and Regulations, to require all those holding a business license endorsement to sell tobacco or any product containing tobacco to display a warning sign stating that the sale of tobacco to persons under age 19 is illegal, and providing for fines for non-compliance, Assemblymember Meyer. public hearing 8-18-98. (addendum)

a. Assembly Memorandum No. AM 762-98.

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

16. Resolution No. AR 98-248, a resolution of the Anchorage Municipal Assembly providing for a revision to the Anchorage School District Budget for FY 1998-99, Assemblymember Bell. public hearing 8-18-98 9-15-98. (addendum)

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

17. Ordinance No. AO 98-132, an ordinance by the Municipality of Anchorage authorizing a sale by the Heritage Land Bank (HLB) of the combined lessor's leasehold interest and fee simple interest in the 19.83 acre Tract A1 described as the Northwest 1/4 of Section 16, Township 12 North, Range 3 West, Seward Meridian, Anchorage, Alaska (Heritage Land Bank Parcel #2-115) on a sole source basis to the Abbott Loop Community Church for appraised fair market value, Heritage Land Bank. public hearing 8-18-98. (addendum)

a. Assembly Memorandum No. AM 764-98.

18. Ordinance No. AO 98-133, an ordinance authorizing the Municipality of Anchorage to enter into a long term lease with an option to purchase a portion of land (known as the "Project Study Area" pursuant to RFP No. 97-01, Appendix B) in Girdwood and in connection therewith to contract for the design, construction and operation of a golf course and Nordic ski course, Heritage Land Bank. public hearing 8-18-98. (addendum)

a. Assembly Memorandum No. AM 765-98.

19. Ordinance No. AO 98-134, an ordinance of the Anchorage Municipal Assembly withdrawing certain real property from the Heritage Land Bank for public purposes and authorizing the sale of said real property at the current appraised fair market value (Parcel No. 1 - Lots 7,8 and 9A, Block 23, East Addition to Original Townsite; Parcel No. 2 - Lot 2, Block 23, East Addition to Original Townsite; Parcel No. 3 - Lots 4,5 and 6, Block 24, East Addition to Original Townsite), Assemblymember Wohlforth. public hearing 8-18-98. (addendum)

a. Assembly Memorandum No. AM 766-98.

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

20. Ordinance No. AO 98-135, an ordinance of the Anchorage Municipal Assembly amending AMC Sections 12.35.005, 12.35.010, and 12.35.025 and providing for tax exemptions and tax deferral for deteriorated property, Assemblymember Wohlforth. public hearing 8-18-98. (addendum)

a. Assembly Memorandum No. AM 767-98.

21. Ordinance No. AO 98-136, an ordinance of the Anchorage Municipal Assembly designating certain real property as deteriorated property (all property located between Cordova and Eagle Streets and 3rd and 4th Avenues), Assemblymember Wohlforth. public hearing 8-18-98. (addendum)

a. Assembly Memorandum No. AM 768-98.

22. Ordinance No. AO 98-137, an ordinance amending AO 97-150 B-3 SL (General Business District) to allow remodeling or enlarging of existing residential structure, Assemblymember Bell. public hearing 8-18-98. (addendum)

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 98-238, a resolution of the Municipality of Anchorage appropriating \$3,350 from the State of Alaska, Department of Community and Regional Affairs, to the State Categorical Grants Fund (0231) for printing and distribution costs under the continuing implementation of the Anchorage Coastal Management Program, Community Planning and Development.

a. Assembly Memorandum No. AM 730-98.

2. Resolution No. AR 98-239, a resolution of the Municipality of Anchorage providing for the appropriation of a grant totaling \$42,000 from the State of Alaska, Department of Education and \$30,000 as a contribution from the Library Operating Budget (Fund 0101) to the State Categorical Grants Fund (0231) for the Public Library Assistance Program, Cultural and Recreational Services/ Library.

a. Assembly Memorandum No. AM 731-98.

3. Resolution No. AR 98-240, a resolution of the Municipality of Anchorage providing for the appropriation of a grant totaling \$33,683 from the State of Alaska, Department of Education and \$1,480 as a contribution from the Library Operating Budget (Fund 0101) to the State Categorical Grants Fund (0231) for the Patent Depository/Serials Holdings Program, Cultural and Recreational Services/Library.

a. Assembly Memorandum No. AM 732-98.

4. Resolution No. AR 98-242, a resolution authorizing the granting of a tax refund to Stewart Family Trust and Bernard D. and Elhora S. Stewart as a result of a manifest clerical error on Real Property Account 014-162-290, Finance.

a. Assembly Memorandum No. AM 734-98.

5. Resolution No. AR 98-243, a resolution of the Municipality of Anchorage regarding the implementation of the recommendation of the On-Site Wastewater Systems Technical Review Board to amend the Anchorage Wastewater Master Plan to include sewer capacity within the Anchorage Wastewater Service Area to allow for service to the Hillside Wastewater Management Plan Area, Health and Human Services.
 - a. Assembly Memorandum No. AM 735-98.
6. Resolution No. AR 98-244, a resolution of the Anchorage Municipal Assembly supporting the Mudflats Route for fuel supply to Anchorage International Airport, Assembly Chair Von Gemmingen.

Mr. Wohlforth asked the record reflect his "no" vote on this item.

7. Resolution No. AR 98-245, a resolution appropriating \$100,000 from the Fund Balance of the Birchtree/Elmore Limited Road Service Area Fund (Fund 0111) for 1998 summer road repair and maintenance expenditures (1998 operating budget), Public Works.
 - a. Assembly Memorandum No. AM 754-98.
8. Resolution No. AR 98-247, a resolution of the Anchorage Municipal Assembly recognizing and congratulating Nunaka Valley East for winning the State of Alaska District 1 Little League Championship, Assemblymembers Clementson and Taylor. (addendum)

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

9. Resolution No. AR 98-249, a resolution of the Municipality of Anchorage, Alaska, consenting to the location of, and approving, the Juneau I LLC Project of the Alaska Industrial Development and Export Authority, Assemblymembers Wuerch, Meyer, and Murdy. (addendum)
10. Resolution No. AR 98-250, a resolution of the Anchorage Municipal Assembly urging the Exxon Valdez Oil Spill Trustee Council to work with the University of Alaska to create a general endowment to the University from the Exxon Valdez Oil Spill Restoration Reserve Fund, Assemblymembers Wuerch, Abney, Von Gemmingen, Kendall, and Murdy. (addendum)

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

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 717-98, Senior Citizens Advisory Commission appointment (Eva Kopacz), Mayor's Office.
2. Assembly Memorandum No. AM 718-98, Sister City Commission appointment (Suzanne Alexander), Mayor's Office.
3. Assembly Memorandum No. AM 736-98, A-K Korral - Restaurant Designation Permit (University Area Community Council), Clerk's Office.
4. Assembly Memorandum No. AM 737-98, Hogg Brothers Cafe & Watering Trough - Transfer of Ownership of a Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Spenard Community Council), Clerk's Office.
5. Assembly Memorandum No. AM 738-98, Philadelphia Pub & Bistro - New Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Eagle River Community Council), Clerk's Office.
6. Assembly Memorandum No. AM 739-98, 1998-1999 Liquor License Renewals: Regal Eagle Brewpub (Brewpub); Anna's Place, Chair 5 Restaurant, Crazy Horse Too, Crossroads Lounge, George's North Slope Restaurant, Indian House (Tourism), Ole's Pub, Rice Bowl, The Spare Room, Tip's Bar, The Whaler Bar & Grill (Beverage Dispensary); Anchorage Cold Storage, West Coast Distributors (General Wholesale); Brown Jug/Dimond, Brown Jug/Independence Park, Brown Jug/Muldoon, Brown Jug/O'Malley, Brown Jug/Spenard, Downtown Wine & Spirits, Value Liquor #3 (Jewel Lake Rd.), Value Liquor #4 (Old Seward Hwy.) (Package Store); Alaska Salmon Chowder House, Atlasta Deli, Chef Lee, Golden China Restaurant, Golden Phoenix Restaurant, Kodiak Kafe, La Casita Restaurant, Phillips International Inn, Pizza Hut #1 (Spenard Rd.), Pizza Hut #2 (Benson Blvd.), Pizza Hut #3 (Muldoon Rd.), Pizza Hut #6 (Penland Pkwy.), Pizza Hut #7 (TR 1, Regional Pk.), Sacks Cafe, Siam Cuisine, Sushi Garden (Japanese Rest.) (Restaurant/Eating Place), Clerk's Office.
7. Assembly Memorandum No. AM 740-98, 1998-1999 Liquor License Renewals: The Crazy Horse Saloon (Beverage Dispensary); Brown Jug/Bragaw, Brown Jug/Chilkoots, Brown Jug/Fireweed, Brown Jug/Minnesota, Brown Jug/Mt. View, Brown Jug/Northern Lights, Brown Jug/Tudor, Brown Jug/Warehouse, Indian House Liquor Store, The Liquor Store, Party Time Liquor #5 (Benson Blvd.), Value Liquor #1 (Dimond) (Package Store); Kaze, Pizza Hut #11 (Restaurant/Eating Place), Clerk's Office.
8. Assembly Memorandum No. AM 741-98, amendment No. 1 to grant contract with the Anchorage Cultural Council for Millennium Arts Festival planning, Cultural and Recreational Services.

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

9. Assembly Memorandum No. AM 742-98, proprietary purchase of electric hoists and accessories for SEFAC Corporation for the Municipality of Anchorage, Fire Department/Purchasing.
10. Assembly Memorandum No. AM 743-98, proprietary purchase from Motorola Communications, Inc. for radio repeaters for the Municipality of Anchorage, Anchorage Fire and Public Transportation Departments/Purchasing.
11. Assembly Memorandum No. AM 744-98, change order No. 2 to purchase order 63938 with Mila, Inc. for providing Anchorage/Matanuska-Susitna Job Training Partnership Act (JTPA) Programs - Classroom, Industry Specific, and Customized Training for the Municipality of Anchorage, Department of Health and Human Services/Purchasing.
12. Assembly Memorandum No. AM 745-98, change order No. 3 to purchase order 64131 with Mila, Inc. for providing employment assistance training for Step Training and Employment Programs (STEP) for the Municipality of Anchorage, Department of Health and Human Services/Purchasing.

13. Assembly Memorandum No. AM 746-98, proprietary purchase of computer software and maintenance support from Network Associates, Inc. for the Municipality of Anchorage, Management Information Systems Department (MISD), Purchasing.

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

14. Assembly Memorandum No. AM 747-98, proprietary purchase of vertical steam turbine drivers from Flowserv Corporation for the Municipality of Anchorage, Municipal Light and Power/Purchasing.
15. Assembly Memorandum No. AM 748-98, change order No. 4 to purchase order 52600 to exercise the option with Southeast Investments for providing leased space for Anchorage Water and Wastewater records storage for the Municipality of Anchorage, Department of Property and Facility Management/Purchasing.
16. Assembly Memorandum No. AM 755-98, change order No. 1 to purchase orders 82740 and 82741 with Microage and Alaska Computer Brokers respectively for providing computer hardware and software to the Municipality of Anchorage, Management Information Systems Department/Purchasing.

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

17. Assembly Memorandum No. AM 756-98, proprietary purchase to HSQ Technology for furnishing hardware/software maintenance support to the Municipality of Anchorage, Municipal Light and Power/Purchasing.
18. Assembly Memorandum No. AM 757-98, change order No. 2 to purchase order 61009 with Milliman & Robertson, Inc. for providing actuarial consulting services to the Municipality of Anchorage, Police and Fire Retirement Systems (P&FRS), Purchasing.
19. Assembly Memorandum No. AM 758-98, recommendation of award to VZM/TranSystems Corporation for providing services to update the Port of Anchorage Master Plan for the Municipality of Anchorage, Port of Anchorage (RFP 12-98), Purchasing.

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

20. Assembly Memorandum No. AM 759-98, proprietary purchase to Advanced Traffic Products, Inc. for an optically activated traffic signal preemption system for the Municipality of Anchorage, Department of Public Works/Purchasing.
21. Assembly Memorandum No. AM 760-98, change order No. 2 to purchase order 72642 with Yukon Equipment, Inc. for furnishing a self-contained mobile power screening plant to the Municipality of Anchorage, Public Works Department/Purchasing.

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

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 87-98, Financial Reports - First Quarter 1998, April 1998 and May 1998, Finance.
2. Information Memorandum No. AIM 88-98, Investment Advisory Commission Annual Report, Finance.

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

3. Information Memorandum No. AIM 89-98, Anchorage Water and Wastewater Utility construction contract change orders for Turnagain View Booster Station Upgrade and Well House & Pump House Reroof, Water and Wastewater Utility.
4. Information Memorandum No. AIM 90-98, contracts awarded between \$30,000 and \$100,000 through formal competitive processes for the month of June 1998, Purchasing.
5. Information Memorandum No. AIM 91-98, Sole Source Procurement Report for the months of May and June 1998, Purchasing.

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

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

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

8. REGULAR AGENDA:

Ms. Clementson moved, to change the orders of the day
seconded by Mr. Meyer, to consider item 7.C.8, AR 98-247.
and it passed without
objection,

Resolution No. AR 98-247, a resolution of the Anchorage Municipal Assembly recognizing and congratulating Nunaka Valley East for winning the State of Alaska District 1 Little League Championship, Assemblymembers Clementson and Taylor. (addendum)

Ms. Clementson moved, to approve AR 98-247.
seconded by Ms. Taylor,
and it passed without
objection,

Ms. Taylor read the resolution while Ms. Clementson presented it to members of Nunaka Valley Little League team.

Members of the team and team coaches introduced themselves to the Assembly.

- A. TIME CRITICAL ITEMS: None.
- B. BID AWARDS: None.
- C. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:
 - 1. Ordinance No. AO 98-125, an ordinance providing for the public purpose retention and the donation of Lot 24, Block 2, Nels Kleven Homestead, a vacant lot on Lane Street, Anchorage, Alaska and Lot 106-3 of the Subdivision of Lot 106, Section 13, Township 13 North, Range 3 West, Seward Meridian (Plat P-372), a vacant lot on Oklahoma Street, Anchorage, Alaska, (Exhibit A), to Habitat for Humanity, Inc., a nonprofit corporation for their program to develop affordable housing for the private sector, Heritage Land Bank. public hearing ~~8-18-98~~ 8-25-98.
 - a. Assembly Memorandum No. AM 722-98.

Mr. Wohlforth, Ms. Clementson and Mr. Meyer joined in introducing this ordinance.

Mr. Wohlforth moved, to schedule the public hearing
seconded by Ms. Clementson, for AO 98-125 on August 25, 1998.
and it passed without
objection,

- 2. Ordinance No. AO 98-127, an ordinance amending the zoning map and providing for the rezoning from B-3 SL (General Business District with Special Limitations) to I-1 SL (Light Industrial District with Special Limitations) for Section 30, T15N, R1W, S.M., Alaska, Lots 35, 38, 121 and 124; generally located at the northwest corner of South Birchwood Loop Road and the Old Glenn Highway (Chugiak Community Council) (Planning and Zoning Commission Case 97-165), Community Planning and Development. public hearing ~~8-18-98~~ 10-6-98.
 - a. Assembly Memorandum No. AM 724-98.

Mr. Kendall, Mr. Murdy and Mr. Wuerch joined in introducing this ordinance.

Mr. Kendall moved, to schedule the public hearing
seconded by Mr. Murdy, for AO 98-127 on October 6, 1998.
and it passed without
objection,

- 3. Ordinance No. AO 98-131, an ordinance amending Anchorage Municipal Code Titles 10 and 14 by enacting a new Chapter 10.65, Business Licenses and Regulations, to require all those holding a business license endorsement to sell tobacco or any product containing tobacco to display a warning sign stating that the sale of tobacco to persons under age 19 is illegal, and providing for fines for non-compliance, Assemblymember Meyer. public hearing 8-18-98. (addendum)
 - a. Assembly Memorandum No. AM 762-98.

Mr. Meyer, Mr. Murdy and Mr. Wuerch joined in introducing this ordinance. The public hearing was scheduled for August 18, 1998.

Mr. Meyer asked this ordinance be reviewed by the Assembly Public Safety Committee prior to the public hearing. There was no objection.

- 4. Resolution No. AR 98-248, a resolution of the Anchorage Municipal Assembly providing for a revision to the Anchorage School District Budget for FY 1998-99, Assemblymember Bell. public hearing ~~8-18-98~~ 9-15-98. (addendum)

Ms. Abney moved, to table AR 98-248.
seconded by Mr. Wohlforth,
and it failed,

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

Mr. Bell, Mr. Wuerch and Mr. Meyer joined in introducing this ordinance.

Mr. Bell moved, to schedule the public hearing for
seconded by Mr. Meyer, AR 98-248 on September 15, 1998.

Ms. Clementson spoke against the motion. She felt the issue should be considered prior to the start of the new school year.

Mr. Wohlforth moved, to postpone action on AR 98-248
seconded by Ms. Abney, indefinitely.

Ms. Abney felt the proposed resolution was inappropriate for Assembly action.

Mr. Wohlforth felt the resolution would invite multiple evenings of emotional public testimony. Without sufficient Assembly support, the process would waste a huge amount of time and be costly for the community.

Mr. Bell agreed the issue was controversial. He felt the community was very interested, and a public hearing was appropriate. He said the proposed resolution was less about School District funding for one particular group, and more about clarifying the Assembly's role in controlling education funding. Also, the resolution would clarify the relationship between the Assembly and the School Board.

Ms. Clementson criticized the School Board's method surrounding approval of funding for an arts group. She pointed out the funding action was approved at a special meeting that was not televised and was advertised as an information item only. She felt the proposed resolution was appropriate, because other attempts of Assembly members to communicate with School Board members have failed.

In response to Mr. Meyer, Mr. Bell said that if the School Board reversed its decision prior to the public hearing on this resolution, he would move to cancel the public hearing.

Mr. Murdy suggested the Assembly receive outside counsel on whether the proposed action is within the authority of the Assembly, and whether the School Board has the authority to take the funding action it took.

Mr. Wuerch spoke against the motion.

Question was called on Mr. Wohlforth's motion to postpone action on AR 98-248 indefinitely and it failed:

AYES: Taylor, Wohlforth, Von Gemmingen, Abney, Murdy.

NAYS: Bell, Carlson, Wuerch, Clementson, Meyer, Kendall.

Mr. Murdy moved,
Seconded by Mr. Carlson

to retain outside legal counsel to obtain an opinion
on the authority of the Assembly regarding the School
District Budget, and on the authority of the School Board to
approve grants that the Assembly has denied

Mr. Carlson felt because the District has planned its year based on the approved budget, either outside counsel should be consulted, or the public hearing should be held before the start of the school year.

Mr. Bell said \$300,000 was not a large amount in a budget of \$3.8 million. He has heard the District has requested a legal opinion from its own counsel.

In response to Mr. Bell, Municipal Attorney Mary Hughes said a memorandum was issued from her office regarding the grant approved by the School Board. She said the question was difficult and open to interpretation, because the courts have not ruled in this area.

Mr. Kendall supported a public hearing, on September 15 or later. He also agreed that outside legal counsel should be sought.

Question was called on Mr. Murdy's motion to retain outside legal counsel and it passed:

AYES: Carlson, Wuerch, Taylor, Wohlforth, Abney, Kendall, Murdy.

NAYS: Bell, Von Gemmingen, Clementson, Meyer.

Question was called on Mr. Bell's motion to schedule the public hearing for AR 98-248 on September 15, 1998 and it passed:

AYES: Bell, Wuerch, Taylor, Wohlforth, Kendall, Murdy.

NAYS: Carlson, Von Gemmingen, Clementson, Meyer, Abney.

5. Ordinance No. AO 98-134, an ordinance of the Anchorage Municipal Assembly withdrawing certain real property from the Heritage Land Bank for public purposes and authorizing the sale of said real property at the current appraised fair market value (Parcel No. 1 - Lots 7,8 and 9A, Block 23, East Addition to Original Townsite; Parcel No. 2 - Lot 2, Block 23, East Addition to Original Townsite; Parcel No. 3 - Lots 4,5 and 6, Block 24, East Addition to Original Townsite), Assemblymember Wohlforth. public hearing 8-18-98. (addendum)
 - a. Assembly Memorandum No. AM 766-98.

Mr. Wohlforth, Ms. Taylor and Mr. Abney joined in introducing this ordinance.

Mr. Wohlforth noted this ordinance was drafted by an attorney for Mark Marlow, a developer interested in refurbishing the MacKay Building. He said the concept was promising, but his introduction was not necessarily an endorsement. He felt more work must be done, and expected some substitute versions of the ordinance prior to the public hearing.

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 98-250, a resolution of the Anchorage Municipal Assembly urging the Exxon Valdez Oil Spill Trustee Council to work with the University of Alaska to create a general endowment to the University from the Exxon Valdez Oil Spill Restoration Reserve Fund, Assemblymembers Wuerch, Abney, Von Gemmingen, Kendall, and Murdy. (addendum)

Ms. Abney moved,
seconded by Mr. Murdy,

to approve AR 98-250.

Ms. Abney and Chair Von Gemmingen, Mr. Kendall and Mr. Murdy asked they be added as sponsors of the resolution.

In response to Mr. Bell, Mr. Wuerch explained why he preferred to leave the endowment to the University as a whole, rather than change it to the University of Alaska, Anchorage specifically.

Mr. Wohlforth said he was hesitant to support the endowment, although worthy, because he did not know what other purposes have been suggested to receive funding.

Question was called on the motion to approve AR 98-250 and it passed:

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

NAYS: Wohlforth.

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 741-98, amendment No. 1 to grant contract with the Anchorage Cultural Council for Millennium Arts Festival planning, Cultural and Recreational Services.
2. Assembly Memorandum No. AM 746-98, proprietary purchase of computer software and maintenance support from Network Associates, Inc. for the Municipality of Anchorage, Management Information Systems Department (MISD), Purchasing.
3. Assembly Memorandum No. AM 755-98, change order No. 1 to purchase orders 82740 and 82741 with Microage and Alaska Computer Brokers respectively for providing computer hardware and software to the Municipality of Anchorage, Management Information Systems Department/ Purchasing.
4. Assembly Memorandum No. AM 758-98, recommendation of award to VZM/TranSystems Corporation for providing services to update the Port of Anchorage Master Plan for the Municipality of Anchorage, Port of Anchorage (RFP 12-98), Purchasing.
5. Assembly Memorandum No. AM 760-98, change order No. 2 to purchase order 72642 with Yukon Equipment, Inc. for furnishing a self-contained mobile power screening plant to the Municipality of Anchorage, Public Works Department/Purchasing.

Items 8.E.1 through 8.E.5 were considered later in the meeting. See item 16, Unfinished Agenda.

F. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 88-98, Investment Advisory Commission Annual Report, Finance.
2. Information Memorandum No. AIM 91-98, Sole Source Procurement Report for the months of May and June 1998, Purchasing.

Items 8.F.1 and 8.F.2 were considered later in the meeting. See item 16, Unfinished Agenda.

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

- A. NOTICE TO AMEND SOMETHING PREVIOUSLY ADOPTED: Ordinance No. AO 98-46, an ordinance determining and approving the total amount of the annual operating budget of the Anchorage School District for its Fiscal Year 1998-99 and determining and appropriating the portion of the Assembly approved budget amount to be made available from local sources, Anchorage School District.
(AMENDED AND APPROVED 3-24-98; NOTICE TO AMEND SOMETHING PREVIOUSLY ADOPTED WAS GIVEN BY MR. BELL 7-14-98)

(Clerk's Note: Since no further action was taken on this item, the action taken on March 24, 1998 stands.)

- B. Resolution No. AR 98-232, a resolution of the Anchorage Municipal Assembly recognizing and thanking those involved with the passage of Senate Bill 36, Assemblymembers Wohlforth, Abney, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Taylor, Von Gemmingen, and Wuerch.
(POSTPONED FROM 7-14-98)
- C. Resolution No. AR 98-231, a resolution of the Anchorage Municipal Assembly recognizing and applauding the Assembly Office staff for creating "CounciLink", Assemblymembers Abney, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Taylor, Von Gemmingen, Wohlforth, and Wuerch.
(POSTPONED FROM 7-14-98)
- D. Resolution No. AR 98-122, a resolution of the Municipality of Anchorage appropriating \$2,500,000 from the Building Safety Service Area (0181) Fund Balance as a contribution to Areawide General CIP (0401) Fund, Property and Facility Management, to reduce the cost of a lease of a Permit and Development Center, Public Works.
1. Assembly Memorandum No. AM 367-98.
(POSTPONED FROM 4-14-98, 5-19-98, AND 7-14-98)
- E. Resolution No. AR 98-197, a resolution authorizing eminent domain proceedings and acceptance of the Decisional Document for the 1998 Construction of East 68th Avenue Improvement Project between Lake Otis Parkway and Abbott Loop Road, Public Works.
1. Assembly Memorandum No. AM 590-98.
(POSTPONED FROM 7-14-98)
- F. Ordinance No. AO 98-109, an ordinance of the Municipality of Anchorage creating Natural Gas Line Special Assessment District No. 1G98 - Natural Gas Line in the East Eagle River Valley Area and determining to proceed with proposed improvements therein, Public Works.
1. Assembly Memorandum No. AM 609-98.
(POSTPONED FROM 7-14-98)

Items 9.B. through 9.F. were considered later in the meeting. See item 16, Unfinished Agenda.

10. APPEARANCE REQUESTS:

- A. Paul J. Nangle, regarding routing of the Coastal Trail.

Mr. Nangle, a property owner on Christianson Drive, said he has been involved with recent meetings on the Coastal Trail. He said the latest proposal was to route the Coastal Trail extension along Christianson Drive at 2nd Avenue, cross three intersections and end at the bottom of the hill. He visited residents and business owners on 2nd Avenue. All of the property owners signed a petition opposing this route, and recommending the route on the Alaska Railroad property or along the mud flats. The 2nd Avenue route would disrupt businesses and homes in the most historic area of Anchorage. Mr. Nangle suggested the Trail cross the Railroad yard via a crossing bridge. This would avoid using 2nd Avenue, and avoid placement near the Railroad terminal which is a concern of Railroad officials. He added a sidewalk project on the north side of Christianson Drive was planned to be five feet wide, and used to connect to the Trail. He felt five feet was substandard and urged officials to increase the width to ten or twelve feet wide.

Ms. Clementson asked the administration for information on the project including design status, preferred route options, connections and location of termination.

- B. Norman Hays, River Bean, Mary Carroll, Linda Spencer and Janaan Kitchen, regarding the proposed relocation of the Saturday Market. (addendum)

Mr. Hays spoke on behalf of the Saturday Market vendors. He said the large majority of vendors do not support a proposed location change for the Market to 4th Avenue. Over 1,000 signatures were obtained by the public on a petition opposing the move. He asked the Assembly authorize funding for a city-wide poll on the issue. He added many vendors have said they would retire from the Market if the location is changed.

Mr. Bean, a resident of Palmer and vendor of produce at the Market, questioned the Request for Proposal to operate the Market on 4th Avenue. He noted 99 percent of Market vendors are opposed to the proposed move, and are opposed to privatization of the Market. He said the Anchorage Parking Authority is doing an excellent job of management, and revenues from vendor fees go directly to the Municipality.

Ms. Carroll gave reasons why the 4th Avenue site is objectionable. Two were the presence of prostitutes and public inebriates in the area. Another concern was the use of electricity from the street lights. Extension cords will be strung across the pedestrian walkway, creating a dangerous situation. Proposed placement of vendor booths on the street will not allow space for emergency vehicle access.

Ms. Spencer recalled Pike's Place Market in Seattle was started by a grass roots citizen effort. When politicians attempted to change the Market, the public resisted. Now, it is a huge success that has improved the entire economic landscape of downtown Seattle. Ms. Spencer said her small business at Pike Place Market allowed her to discontinue welfare support and raise her daughter in a nice home. Now a vendor at the Saturday Market, she felt public opinion holds the Market as a community resource. The proposed move to 4th Avenue has potential to destroy the Market. She felt steps to ensure the integrity of the Market as well as revitalization of the downtown area were necessary, and added these two goals are not incompatible. Ms. Spencer said vendors are prepared to pursue a voter initiative to protect the Market; however, she wished to try other methods first. She asked the Market remain as is for the next season, and that the Request for Proposal be withdrawn. Also, she recommended an association be created to manage the Market as a community resource.

Ms. Kitchen, a 30-year resident of Anchorage, recalled that the 3rd Avenue parking lot was usually empty on weekends before Saturday Market began. Therefore, she felt the argument to move the Market to provide extra parking was inadequate. In addition to being a vendor, she has also managed a lot of various shows and benefits including several for the Alaska Zoo. With this experience, she felt moving the Market to 4th Avenue would be disastrous. Ms. Kitchen described the space needed for booths, visitors and vehicles for loading and unloading of goods. The 4th Avenue site would not provide enough space. Also, she was concerned about lack of emergency access.

The meeting recessed at 6:35 p.m. and reconvened at 7:20 p.m.

11. CONTINUED PUBLIC HEARINGS:

- A. Ordinance No. AO 98-107, an ordinance amending Chapter 11.50 of the Anchorage Municipal Code by adding a new Section 11.50.280 to provide for an annual payment from the Port of Anchorage to the General Fund and providing the formula for the payment calculation, Office of Management and Budget.
1. Assembly Memorandum No. AM 588-98.
(CONTINUED FROM 7-14-98)

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one and she closed the public hearing.

Ms. Clementson moved, to adopt AO 98-107.
seconded by Mr. Murdy,

In response to Mr. Wohlforth, Assistant Municipal Attorney Bill Greene discussed whether the ordinance would allow the Assembly to decline the payment if it wished. He said language in the ordinance would require the payment be made.

Mr. Wohlforth supported the idea of a formula to calculate the payments. However, he felt the Assembly should have the discretion to accept or decline the payment in any given year.

Mr. Wuerch asked if there was a prohibition in the ordinance against reappropriating the payment or portion thereof to the Port.

Mr. Wohlforth moved, to postpone action on AO 98-107
seconded by Ms. Taylor, until later in the meeting.
and it passed without objection,

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

- B. Ordinance No. AO 98-100, an ordinance of the Anchorage Municipal Assembly approving the grant of an easement to the State of Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation consisting of a specified 60 foot wide easement over and across Heritage Land Bank Parcel 1-008 being a portion of the Ptarmigan Valley Trail off the Old Glenn Highway in Chugiak and located within the East 1/2 of the SE 1/4 and the SW 1/4 of the SE 1/4 and the East 1/2 of the NW 1/4 of the SE 1/4 and the South 1/2 of the SW 1/4 of the NW 1/4 of the SE 1/4 and the NE 1/4 of the SE 1/4 of the SW 1/4 the East 1/2 of the NW 1/4 of the SE 1/4 of the SW 1/4 and the East 1/2 of the West 1/2 of the NW 1/4 of the SE 1/4 of the SW 1/4 of all of Section 16, T15N, R1W, Seward Meridian, Alaska, Heritage Land Bank.
1. Assembly Memorandum No. AM 549-98.
(CONTINUED FROM 7-14-98)

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak.

AL MEINERS, Chugach State Park Superintendent, urged the Assembly to adopt the ordinance. He said it would correct a technical error in the easement agreement currently in effect between the State and the Municipality. He added the Ptarmigan Valley Trail project solved a long-standing problem of access to Chugach State Park.

In response to Mr. Carlson, Mr. Meiners explained the current easement was drafted with an incorrect legal description. He added the proposed ordinance would have no effect on relocation of the Trail.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one and she closed the public hearing.

Mr. Murdy moved, to adopt AO 98-100.
seconded by Mr. Kendall,

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

- C. Assembly Memorandum No. AM 566-98, Public Hearing Request July 14, 1998 for South Seas Hotel and Lounge Liquor License, protested January 27, 1998, Municipal Clerk.
(CARRIED OVER FROM 7-14-98)

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak.

KENNETH KIRK, attorney for the South Seas license-owner Mr. Kyon-teak Song, appeared with Mr. Song. Mr. Kirk explained Mr. Song and his wife owned and operated the South Seas together without major incident until late 1995. When the marriage was dissolved, Ms. Song received control of the establishment. This is when problems began, including complaints about prostitution, drug traffic and violations of liquor laws. Four times during this time, Mr. Song petitioned the divorce court to return ownership of the establishment to him. A decision on that matter is pending before the Alaska Supreme Court. The first three requests were denied. The situation changed when on March 15, 1998 Ms. Song kidnapped the couples' child and fled the country, abandoning the South Seas. Mr. Song petitioned the court again and received control of the establishment. Mr. Song has spent over \$100,000 on the establishment paying back taxes, delinquent mortgage payments and making repairs. Mr. Song intends to reopen the establishment under a new name, the Spenard Paradise Inn. Mr. Song, his manager and all employees have current TAM cards. Mr. Kirk asked the Assembly to allow Mr. Song to operate the establishment.

In response to Assembly members, Mr. Kirk noted the establishment would have a minimum of ten hotel rooms, as required by the tourism license. He said Mr. Song understood the laws, and had an English-speaking manager who would be in charge of the bar. Mr. Song would also be on the premises. Mr. Kirk said the landlord, Clyde Jackson, has not foreclosed on the property. All mortgage payments are current. There is a pending dispute about attorney's fees, so Mr. Song posted a bond in the amount of the dispute until it is resolved. The State Alcoholic Beverage Control (ABC) Board made a preliminary ruling on the license and a formal hearing is pending. The ABC Board advised Mr. Song to approach the Assembly prior to the hearing. Mr. Kirk said Mr. Song would be willing to abide by any conditions the Assembly may want to place on the license. He explained Ms. Song and Mr. Song were still technically co-owners of the license, until the court revises the marriage property division. Since Ms. Song abandoned the business, kidnapped a child and fled the country, it is likely the court will rule in Mr. Song's favor. There is court order stipulating that Mr. Song is to control the South Seas. Two bench warrants are in effect for Ms. Song's arrest.

TOM MCGRATH, chair of the liquor committee of the Spenard Community Council, said Mr. Song appeared before the Council. The Council did not take any action at that time. He felt consensus of the Council members was that Mr. Song deserved a chance. He noted Mr. Song's family was involved with operating the Chinese Kitchen for many years; there has never been a problem at that location. He encouraged the Assembly to lift its protest of the license if proposed conditions were imposed.

CHARITY KADOW, president of the Spenard Community Council, said she was speaking as an individual. She recalled the Council took action previously to support an Assembly protest of the license under Ms. Song's operation. That action was the only option available to the Council to protest the management of the establishment, which allowed and encouraged illegal activities. She clarified the Council did not condemn the business, just the management. She supported continuing the conditions placed on the license by the Assembly.

CLYDE JACKSON, the property owner, said he had no objection to Mr. Song taking control of the business. He felt Mr. Song was a good man and deserved a chance to make the business a success.

In response to Mr. Bell, Mr. Jackson said he has a lien on the liquor license.

MR. KIRK said proposed conditions on the liquor license were acceptable.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one and she closed the public hearing.

Mr. Wohlforth moved,
seconded by Ms. Clementson,

to direct the Clerk to send a letter to the ABC Board withdrawing the Assembly's protest of the liquor license for the establishment formerly known as the South Seas subject to the following conditions being added as conditions of the license.

(Clerk's Note: The conditions are attached as Exhibit A.)

Question was called on Mr. Wohlforth's motion to withdraw the protest of the license with conditions and it passed:

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

NAYS: None.

- D. Ordinance No. AO 98-101, an ordinance amending Anchorage Municipal Code Title 21 by enacting a new Chapter 21.67, Stormwater Discharge, to provide for stormwater restrictions and system plan review, Public Works.
1. Assembly Memorandum No. AM 564-98.
- (CONTINUED FROM 6-9-98)

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak.

JOEL STOUT, a civil engineer, spoke on behalf of several industry groups. He supported the ordinance. Mr. Stout thanked the administration for drafting the ordinance, which is in response to a permitting system which has become quite difficult. The difficulties are due to a separation of powers between the Municipality and the State of Alaska, and evolving Federal law. He suggested the Assembly make a few revisions to the ordinance, including describing the title of the Stormwater Treatment Plan Review Guidance manual referred to in the ordinance. Also, he suggested subsections F, G and H be removed from the ordinance and placed in the manual itself.

Operations Manager George Vakalis requested the public hearing be continued, to allow some revisions including those suggested by Mr. Stout.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one.

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

to continue the public hearing for
AO 98-101 until August 18, 1998.

- E. Ordinance No. AO 98-106, an ordinance of the Municipality of Anchorage amending the term "prisoner" found in AMC 21.35.020(B), Assemblymember Wohlforth.
1. Assembly Memorandum No. AM 584-98.
 2. Assembly Memorandum No. AM 686-98, Community Planning and Development.
- (CARRIED OVER FROM 7-14-98)

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak.

LYNDA ZAUGG, director of Community Corrections for the State Department of Corrections, spoke against the ordinance. She said the proposal to include probationers and parolees in the definition of prisoner would make it more difficult for these people to enter treatment facilities.

ROSALIE NADEAU, of Akeela Treatment Services, said she supported prohibition of halfway houses in residential zones. However, she was concerned that there is no practical alternative for offenders who need treatment. Akeela House, located in a B-3 zone, serves mostly felons, if probationers and parolees are included in that definition. These people cannot be served if Akeela House moves, or attempts to expand, since the facility is grandfathered. She felt this problem will increase, because the number of people with substance abuse problems is growing. She felt a way to serve these people while protecting residential communities was possible. She urged the Assembly to help find a solution.

RUTH MOULTON noted many people in halfway houses are sex offenders. She agreed a solution must be found to adequately treat offenders. First, however, she urged support of the ordinance to protect residential communities. Then, attempts should be made to designate areas in B-3 to accommodate halfway houses.

REGINA MANTEUFEL, a Fairview resident, thanked Mr. Wohlforth for the proposed ordinance. She felt halfway programs must be strictly regulated in order to protect innocent citizens.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one and she closed the public hearing.

Mr. Wohlforth moved,
seconded by Mr. Murdy,

to adopt AO 98-106.

Mr. Wohlforth explained when quasi-institutional and Community Correctional Residential Center laws were changed in 1992 and 1995, a mistake left the issue of whether felons could be treated in residential areas unclarified. The Assembly's intent was clear, and a ruling was made by Department of Community Planning and Development (CPD) that probationers and parolees were prisoners as fell under the law. However, the law was unclear, so the proposed ordinance was drafted to clarify the issue. Because programs are needed, he intended to draft another ordinance to allow programs in B-3 areas.

Mr. Carlson agreed with the goal of keeping offenders out of residential areas; however, he felt changing the definition of prisoner was the incorrect method. He suggested language to prohibit anyone convicted of felonies described in Alaska Statute 11.41 from treatment in a residential program.

In response to Mr. Wuerch, Mr. Wohlforth said the effect of the ordinance would be to confirm that CPD staff has been correctly interpreting the Municipal Code, and clarify that the intent was that these programs not be located in residential areas. It would not have any practical effect on existing facilities, including the Turner Center facility at the intersection of Tudor and Bragaw.

Mr. Carlson moved, seconded by Mr. Kendall,	to postpone action on AO 98-106 until September 29, 1998 pending review by the Assembly Public Safety Committee and drafting of a second ordinance to provide space for treatment centers.
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Mr. Wohlforth had no objection to the motion, but pointed out a second ordinance would likely take six months to finalize.

Question was called on Mr. Carlson's motion to postpone and it failed:

AYES: Bell, Carlson, Wuerch, Von Gemmingen, Kendall.

NAYS: Taylor, Wohlforth, Clementson, Meyer, Abney, Murdy.

Question was called on the motion to adopt AO 98-106 and it passed:

AYES: Wuerch, Taylor, Wohlforth, Von Gemmingen, Clementson, Meyer, Abney, Murdy.

NAYS: Bell, Carlson, Kendall.

Mr. Wuerch moved, seconded by Mr. Kendall, and it passed without objection,	to combine the public hearings for items 12.F. and 12.G, AO 98-93 and AO 98-92.
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- F. Ordinance No. AO 98-93, an ordinance providing for the creation of a new service area designated Powder Reserve Streetlight Service Area to operate and maintain streetlights in Tract A, Powder Reserve, generally located west of New Glenn Highway and north and south of the north access road and to amend Anchorage Municipal Code Section 27.30.700 to consolidate the new Powder Reserve Streetlight Service Area (PRSSA) with the existing Eagle River Streetlight Service Area (ERSSA), Community Planning and Development.

1. Assembly Memorandum No. AM 512-98.

(CARRIED OVER FROM 7-14-98)

- G. Ordinance No. AO 98-92, an ordinance submitting to the qualified voters of the Chugiak Fire Service Area a ballot proposition to deannex Tract A, Powder Reserve, generally located west of New Glenn Highway and north and south of the north access road from the Chugiak Fire Service Area, and submitting to the qualified voters of the Anchorage Fire Service Area a ballot proposition to annex Tract A, Powder Reserve, generally located west of New Glenn Highway and north and south of the north access road to the Anchorage Fire Service Area, Community Planning and Development.

1. Assembly Memorandum No. AM 511-98.

(CARRIED OVER FROM 7-14-98)

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak.

TOM MEEHAN, of Dowl Engineers, spoke representing Eklutna Incorporated, the petitioner for the annexation. He said Eklutna supports the creation of the streetlight service area in AO 98-93. However, the organization opposes the proposal in AO 98-92.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one and she closed the public hearing.

Mr. Kendall moved, seconded by Mr. Carlson,	to adopt AO 98-93.
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AYES: Bell, Carlson, Wuerch, Taylor, Wohlforth, Von Gemmingen, Meyer, Abney, Kendall, Murdy.

NAYS: None.

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

Mr. Kendall moved, seconded by Mr. Carlson,	to adopt AO 98-92.
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Mr. Kendall moved, seconded by Mr. Carlson, and it passed without objection,	to postpone action on AO 98-92 indefinitely.
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Mr. Kendall recalled the Assembly took action on June 2, 1998 which will place the question of annexing the property into the Chugiak Fire Service Area on the ballot in April, 1999. See AO 98-97.

- H. Ordinance No. AO 98-64, an ordinance amending the Anchorage Municipal Code Title 21 to increase the allowable maximum sign viewing area for churches and schools from 20 square feet to 50 square feet, to increase the number of signs from one per church or school to one sign for each street frontage and to permit signs for schools to be illuminated or lighted, Assemblymembers Wuerch, Carlson, and Meyer.

1. Assembly Memorandum No. AM 333-98.

2. Information Memorandum No. AIM 84-98, Community Planning and Development.
3. Ordinance No. AO 98-64(S), an ordinance amending the Anchorage Municipal Code Title 21 to increase the allowable maximum sign viewing area for churches and schools from 20 square feet to 50 square feet, to increase the number of signs from one per church or school to one sign for each street frontage and to permit signs for schools to be illuminated or lighted, Assemblymember Bell. (addendum)
4. Assembly Memorandum No. AM 763-98.
(CARRIED OVER FROM 7-14-98)

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak.

ROBERT YAHARA distributed photographs of church signs non-compliant with the existing sign ordinance. He spoke in support of the proposed ordinance. Some churches can benefit from larger signs. Mr. Yahara said he supported the substitute version which would only allow larger signs for churches on collector streets and larger. He explained churches need larger signs because society has changed from a pedestrian to an automobile culture. He preferred not to wait until the Comprehensive Plan is revised, because that process may take a long time. Also, the church school issue may become overshadowed by other issues being considered in the Comprehensive Plan revision.

MICHELLE CZAJKOWSKI expressed concern that public safety is being linked to the sign issue. She pointed out only four community councils expressed a view on the issue. All four of the councils strongly opposed the proposed ordinance. She urged the Assembly to wait until the Comprehensive Plan is reviewed before considering changes to the sign laws.

BOB STILES, vice chair of the Planning and Zoning Commission (P&Z), said P&Z considered the proposed ordinance. P&Z members unanimously voted to recommend against adoption. Members felt there was no compelling reason to consider the issue now, separate from the Comprehensive Plan revision. P&Z directed that all action against non-compliant churches be suspended. Also, they directed the Community Planning and Development Department to establish a task force to address the entire sign matrix, and include representatives from the church community on the task force. Mr. Stiles requested the Assembly not act on the proposed ordinance at this time.

CELESTE BENSON, president of the Fairview Community Council, said in June the Council voted unanimously to oppose the ordinance. She noted that churches are becoming more prevalent in the Fairview community, located in multiplex buildings and storefronts. Signage is a concern. Large signs can be a safety hazard, and lighted signs would be visually objectionable.

REGINA MANTEUFEL, a Fairview resident, agreed with the previous speaker. She said churches in Fairview and Mountain View are often on small lots. Large signs on these small lots will look bad, and might cause traffic problems if drivers are distracted by large illuminated signs.

REVEREND GLENN CLARY, representing the Anchorage Baptist Temple, spoke in support of the substitute version of the ordinance. He felt the ordinance would provide equity for churches. For years, churches in residential zones have been restricted to signs of 20 square feet. However, subdivisions and schools in the same residential areas have enjoyed signs of 50 square feet and larger. Rev. Clary pointed out that since 1987 churches have been advised to wait and participate in the process. However, the Anchorage 2020 Comprehensive Plan process did not include any topics on the agenda or in subcommittees where church sign issues were addressed. The draft Plan released last week still does not include churches, synagogues or places of worship in the critical urban design or land use sections of the draft. Rev. Clary added the Anchorage Baptist Temple was not involved in initiating the proposed ordinance.

CHARITY KADOW, president of the Spenard Community Council, felt the Comprehensive Plan process was the appropriate area to discuss the entire sign matrix. She asked the Assembly to consider signs within that process.

MARGARET AUTH, a member of the Spenard Community Council, expressed concern about the proposal to increase the size and amount of signs for churches. She felt the sign issue should be considered within the Comprehensive Plan process. Ms. Auth pointed out many citizen volunteers have participated in hours of committee meetings to review the Plan, with the goal that planning for the community be cohesive.

ROBERT AUTH, vice chair of the Spenard Community Council, felt this was an inappropriate forum to address signs. He pointed out residents of neighborhoods would be affected by larger signs, so a comprehensive process must be followed to take the needs of all affected parties into consideration. If larger signs for churches and schools are approved now, commercial groups may cite that as a trend when commercial signs are addressed during the Comprehensive Plan process.

BETTY EVANS, chair of the Huffman/O'Malley Community Council, said the Council voted to support a delay on this issue pending review of the Comprehensive Plan.

EARL MILLER, a deacon with Grace Baptist Church, pointed out the substitute version of the ordinance would allow larger signs only on collector or larger streets. He noted there were safety concerns if signs are too small, as well as if they are very large, as previous speakers have argued. If signs are too small, drivers may slow to unsafe speeds in order to read the signs. Mr. Miller added attendance at one of their church functions was lower this year, in part he felt because of the small sign that was used to advertise the function. He asked the ordinance be adopted.

VALERIE BURGESS felt there was a sense of urgency for community involvement. In her church, community involvement has a high priority. Therefore, the size of the sign they may use is quite limiting. Churches are assets to the community, beyond paying taxes for which they are exempt. She felt a larger sign would help her church make community programs more visible.

RENITA YAHARA pointed out, under the ordinance, a lot must be a certain size in order to qualify for a 50 square foot sign. Also, signs must be set back from the street. She clarified that signs may be illuminated, but not animated, so flashing lights would not occur.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one and she closed the public hearing.

Mr. Kendall moved, to adopt AO 98-64(S).
seconded by Mr. Wuerch,

In response to Mr. Wohlforth, Community Planning and Development (CPD) Director Sheila Selkregg confirmed that if the ordinance is adopted, and the size is later reduced during revision of the Comprehensive Plan, any signs erected in the interim time would be grandfathered. Currently non-conforming signs that became conforming under the proposed ordinance would also become grandfathered. Ms. Selkregg explained CPD staff met with a group of clergy from the community to discuss the sign ordinance. A general consensus was that there was no need to address signs immediately, with the exception of Mr. Yahara, and representatives of the Anchorage Baptist Temple, others seemed willing to wait, although they have sign needs. She said there is a need to address sign issues for churches, although she felt the proposed ordinance was not the appropriate solution. Ms. Selkregg explained the Comprehensive Plan process allows identification of needs regarding all types of signs. She expressed concern about allowing 50 square-foot signs indiscriminately. She urged the Assembly to allow the community process to proceed. Although the process may take six months, the product will be a law that makes sense and benefits the entire community, including churches.

In response to Mr. Wohlforth, Operations Manager George Vakalis said the administration is evaluating the recommendation of P&Z that enforcement of currently non-compliant church signs be held in abeyance. Chances are that enforcement will not be pursued unless there are a large number of complaints.

Mr. Wohlforth felt the community process was very important. If the Assembly acts on this ordinance, it would send a discouraging message to citizen participants that plans will not be heeded.

Mr. Kendall agreed that the entire sign matrix needs to be addressed. However, the current proposal has gone through the process. The Assembly has taken other actions which may be described as "piecemeal"; he felt action on the ordinance tonight was appropriate.

In response to Ms. Abney, Ms. Selkregg said the Anchorage School District (ASD) has not commented on the ordinance. However, ASD signs are of a different nature. They are set back, and go through review by the Urban Design Commission, so there is a fair amount of control over the appearance. She felt Municipal ordinances regarding signs would apply over State laws because of Anchorage's Home Rule status.

Mr. Wohlforth moved, to postpone action on AO 98-64(S) until the first meeting
seconded by Mr. Murdy, in January, 1999, and request the administration to hold
enforcement of existing non-compliant church signs in
abeyance.

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

(Clerk's Note: On December 15, 1998, the Assembly rescheduled the public hearing for AO 98-64(S) to May 25, 1999; on May 11, 1999, the Assembly rescheduled the public hearing for September 28, 1999.)

Mr. Wohlforth moved, to change the orders of the day
seconded by Ms. Clementson, to consider items 12.A. through 12.J,
and it passed with Mr. Meyer, and to extend the public hearing
and Mr. Carlson objecting, portion of the meeting to complete those items.

- I. Ordinance No. AO 98-88, an ordinance amending the zoning map and providing for the rezoning from R-3 (Multi-Family Residential) to B-3/SL (General Business District) with Special Limitations for the south 700 feet of Tract A-1, and from B-3 (General Business District) to B-3 SL (General Business District with Special Limitations) for Tract A-2, all located within Waldec Subdivision #1, generally located on the north side of DeBarr Road and east of Boniface Parkway (Northeast Community Council) (Planning and Zoning Commission Case 98-019), Community Planning and Development.
 - 1. Assembly Memorandum No. AM 483-98.
- J. Ordinance No. AO 98-90, an ordinance amending the Hillside Wastewater Management Plan, Anchorage Municipal Code Section 21.05.030 M., to reduce the minimum required residential housing density from 3.0 to 1.0 dwelling units per acre on Tracts B and C, Southcreek Estates Subdivision, and Tract 10 and 11, Villages Subdivision, generally located south of Potter Creek at the southern end of the Hillside Area above Potter Marsh. (Rabbit Creek Community Council) (Planning and Zoning Commission Case 98-056), Community Planning and Development.
 - 1. Assembly Memorandum No. AM 509-98.
(CARRIED OVER FROM 7-14-98)
- K. Ordinance No. AO 98-102, an ordinance amending the zoning map and providing for the rezoning from R-4 (Multi-Family Residential District) to B-3/SL (General Business District with Special Limitations) for the Hillside Subdivision, Tracts A-1 and B-2, generally located north of East 22nd Avenue and west of the Seward Highway (Fairview Community Council) (Planning and Zoning Commission Case 98-038), Community Planning and Development.
 - 1. Assembly Memorandum No. AM 572-98.
(CARRIED OVER FROM 7-14-98)
- L. Ordinance No. AO 98-108, an ordinance amending the zoning map and providing for the rezoning from PLI (Public Lands and Institutions) to R-10 (Residential Alpine/Slope Affected) for the N 1/2 of the E 1/2 of the SE 1/4 of Section 16, T15N, R3W, S.M., Alaska located on the west side of Jasmine Road and south of Sumac Drive (Chugiak Community Council) (Planning and Zoning Commission Case 98-037), Community and Planning Development.
 - 1. Assembly Memorandum No. AM 589-98.
(CARRIED OVER FROM 7-14-98)

Items 11.I. through 11.L. were continued until August 18, 1998.

- M. Ordinance No. AO 98-48, an ordinance amending the zoning map and providing for the rezoning of approximately nine (9) acres from R-3 (Multi-Family Residential District) to B-3/SL (General Business District) with Special Limitations for Tract B, Cook Subdivision, generally located on the west side of Denali Street and south of 40th Avenue (Spenard Community Council) (Planning and Zoning Commission Case 97-164), Community Planning and Development.
1. Assembly Memorandum No. AM 166-98.
(CONTINUED FROM 3-31-98)

This item was continued until August 25, 1998.

12. NEW PUBLIC HEARINGS:

- A. Ordinance No. AO 98-112, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the borrowing of not to exceed \$6,090,000 from the State of Alaska Drinking Water Fund for the purpose of financing a portion of the costs of the Anchorage Loop Water Transmission Main Project, Phase VII (Airport Water Project Phase 1B) Project, and providing for related matters, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 657-98.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one and she closed the public hearing.

Mr. Murdy moved, to adopt AO 98-112.
seconded by Ms. Taylor,

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

- B. Ordinance No. AO 98-113, 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 658-98.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one and she closed the public hearing.

Mr. Murdy moved, to adopt AO 98-113.
seconded by Mr. Kendall,

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

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

- C. Resolution No. AR 98-210, a resolution of the Municipality of Anchorage, Alaska, accepting and appropriating a State of Alaska Drinking Fund loan offer in the amount of \$8,325,000 for financing a portion of the costs for the Anchorage Loop Transmission Main, Phases I, II and III, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 660-98.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one and she closed the public hearing.

Mr. Murdy moved, to approve AR 98-210.
seconded by Ms. Taylor,

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

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

- D. Ordinance No. AO 98-114, an ordinance of the Municipality of Anchorage, Alaska authorizing and providing for the borrowing of not to exceed \$9,000,000 from the State of Alaska Clean Water Fund for the purpose of the construction of Cell 6 at the Anchorage Regional Landfill; and providing for related matters, Solid Waste Services.
1. Assembly Memorandum No. AM 661-98.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one and she closed the public hearing.

Mr. Murdy moved, to adopt AO 98-114.
seconded by Ms. Clementson,

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

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

- E. Resolution No. AR 98-211, a resolution of the Municipality of Anchorage accepting and appropriating a State of Alaska Clean Water Fund loan offer in the amount of \$9,000,000 for constructing Cell 6 improvements at the Anchorage Regional Landfill, Solid Waste Services.
1. Assembly Memorandum No. AM 661-98.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one and she closed the public hearing.

Mr. Murdy moved, to approve AR 98-211.
seconded by Ms. Taylor,

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

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

- F. Resolution No. AR 98-213, a resolution of the Municipality of Anchorage appropriating \$199,000 for emergency alcohol services funds from the U.S. Public Health Service to the Federal Categorical Grants Fund (0241) for the purpose of providing emergency alcohol services, Health and Human Services.
1. Assembly Memorandum No. AM 675-98.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one and she closed the public hearing.

Mr. Murdy moved, to approve AR 98-213.
seconded by Ms. Taylor,

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

- G. Resolution No. AR 98-214, a resolution of the Municipality of Anchorage appropriating \$285,451 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 676-98.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one and she closed the public hearing.

Mr. Murdy moved, to approve AR 98-214.
seconded by Ms. Taylor,

In response to Ms. Clementson, Operations Manager George Vakalis explained many grant programs require travel to training sessions outside the State. He did not know the circumstances behind the outside travel mentioned in this grant specifically, but he would research the question and provide an answer.

Question was called on the motion to approve AR 98-214 and it passed:

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

- H. Resolution No. AR 98-215, a resolution appropriating \$514,000 grant from the Department of Transportation and Public Facilities, State of Alaska, for financing snow removal and sweeping of trails and access connections to some People Mover routes to the State Categorical Grants Fund (0231), authorizing a contribution of \$300,000 to the Equipment Maintenance Vehicle and Equipment Purchases Fund (0606) and appropriating that amount for the purchase of snow removal equipment, Public Works.
1. Assembly Memorandum No. AM 677-98.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one and she closed the public hearing.

Mr. Murdy moved, to approve AR 98-215.
seconded by Mr. Kendall,

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

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

- I. Resolution No. AR 98-224, a resolution of the Municipality of Anchorage appropriating \$113,000 of unappropriated interest from within the Anchorage Parks and Recreation Service Area Capital Improvement Fund (0461) and \$144,000 of unappropriated interest from the Areawide Capital Improvement Fund (0401) to the Anchorage Parks and Recreation Service Area Capital Improvement Fund (0461) for capital improvements at the South Anchorage Sports Field, Office of Management and Budget.
1. Assembly Memorandum No. AM 700-98.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one and she closed the public hearing.

Mr. Murdy moved, to approve AR 98-224.
seconded by Ms. Abney,

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

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

- J. Resolution No. AR 98-233, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Restaurant/Eating Place License) located on Robert Pippel Subdivision, portion of Lot 2, generally located on the east of Old Glenn and south of Coronado Road (Arthur F. Trumbauer d.b.a. Philadelphia Pub and Bistro) (Case 98-134), Community Planning and Development.
1. Assembly Memorandum No. AM 714-98.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one and she closed the public hearing.

Mr. Kendall moved, to approve AR 98-233.
seconded by Ms. Abney,

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

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

- K. Ordinance No. AO 98-111, an ordinance amending the Anchorage Municipal Code Section 21.50.220 concerning conditional use standards for drive-in banks, Community Planning and Development.
1. Assembly Memorandum No. AM 649-98.
- L. Ordinance No. AO 98-95, an ordinance of the Municipality of Anchorage amending Title 21 of the Anchorage Municipal Code of Ordinances by amending 21.40.150 B-2A Central Business District Core, 21.40.160 B-2B Central Business District, Intermediate, and 21.40.170 B-2C Central Business District, Periphery to add public, private and parochial academic schools, business colleges and universities as permitted principal uses, Assemblymember Wohlforth.
1. Information Memorandum No. AIM 86-98, Community Planning and Development.

Items 12.K. and 12.L. were continued until August 18, 1998.

13. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS: None.

14. SPECIAL ORDERS:

- A. Information Memorandum No. AIM 72-98, First Quarter Bar Report: Gallo's Mexican Restaurant - 8311 Arctic Blvd., Municipal Clerk.
(CARRIED OVER FROM 7-14-98)

This item was continued until August 18, 1998.

See more special orders under item 16, Unfinished Agenda.

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

16. UNFINISHED AGENDA:

- A. Ordinance No. AO 98-109, an ordinance of the Municipality of Anchorage creating Natural Gas Line Special Assessment District No. 1G98 - Natural Gas Line in the East Eagle River Valley Area and determining to proceed with proposed improvements therein, Public Works.
1. Assembly Memorandum No. AM 609-98.
(POSTPONED FROM 7-14-98)

Chair Von Gemmingen gave the history of the ordinance and noted a motion to adopt was on the floor. She noted Mr. Kendall recused himself from action.

Mr. Carlson noted a work session was held today with Enstar, Eklutna and several affected homeowners. He recommended adoption.

Question was called on the motion to adopt AO 98-109 and it passed:

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

Mr. Wuerch moved, to extend the meeting to consider
seconded by Mr. Wohlforth, item 9, the remaining consent agenda
and it passed without items and scheduling the location of
objection, the next Assembly meeting.

- B. Resolution No. AR 98-232, a resolution of the Anchorage Municipal Assembly recognizing and thanking those involved with the passage of Senate Bill 36, Assemblymembers Wohlforth, Abney, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Taylor, Von Gemmingen, and Wuerch.
(POSTPONED FROM 7-14-98)

Mr. Wuerch moved, to approve AR 98-232.
seconded by Ms. Clementson,

Mr. Wohlforth asked the Municipal Clerk to distribute copies of the resolution to the Anchorage School District and the Alaska State Legislature.

Question was called on the motion to approve AR 98-232 and it passed:

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

- C. Resolution No. AR 98-231, a resolution of the Anchorage Municipal Assembly recognizing and applauding the Assembly Office staff for creating "CounciLink", Assemblymembers Abney, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Taylor, Von Gemmingen, Wohlforth, and Wuerch.
(POSTPONED FROM 7-14-98)

Mr. Kendall moved, to postpone action on AR 98-231 until
seconded by Ms. Abney, August 18, 1998.
and it passed without
objection,

- D. Resolution No. AR 98-122, a resolution of the Municipality of Anchorage appropriating \$2,500,000 from the Building Safety Service Area (0181) Fund Balance as a contribution to Areawide General CIP (0401) Fund, Property and Facility Management, to reduce the cost of a lease of a Permit and Development Center, Public Works.
1. Assembly Memorandum No. AM 367-98.
(POSTPONED FROM 4-14-98, 5-19-98, AND 7-14-98)

Chair Von Gemmingen gave the history of the resolution and noted a motion to approve was on the floor.

Question was called on the motion to approve AR 98-122 and it passed:

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

- E. Resolution No. AR 98-197, a resolution authorizing eminent domain proceedings and acceptance of the Decisional Document for the 1998 Construction of East 68th Avenue Improvement Project between Lake Otis Parkway and Abbott Loop Road, Public Works.
1. Assembly Memorandum No. AM 590-98.
(POSTPONED FROM 7-14-98)

Chair Von Gemmingen gave the history of the resolution and noted a motion to approve was on the floor.

Operations Manager George Vakalis submitted a revision to Exhibit A, attached to AM 590-98. He asked the resolution be approved with the revision, and noted negotiations with the parties will continue.

Mr. Kendall moved, to amend AR 98-197 in the attached
seconded by Mr. Wuerch, memorandum to insert Exhibit A, revision #5.

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

Mr. Wuerch spoke in support of approval. He said 68th Avenue improvements were urgently needed, and eminent domain, although unpopular, was necessary.

Mr. Carlson also felt the project should proceed. However, he opposed forcing the parties to provide a public use easement. He felt the land should be purchased and be made part of the right-of-way.

In response to Mr. Meyer, Joanna Findorff explained negotiations have been delayed by illnesses on both sides, as well as lack of returned phone calls from her and her husband. She resented the implication that a lack of agreement is the fault of her family. She reiterated the point of contention is the large amount of trees on her property that they would like to save, and Public Works staff says are not valuable enough to save with an expensive retaining wall. She said her counter offer would be delivered to Public Works tomorrow.

In response to Mr. Carlson, Public Works Director Jim Fero said the Municipality is paying face value for the public use easements. He had no objection to taking the property in fee simple if desired.

In response to Mr. Wohlforth, Mr. Fero said Mr. Williams, who has two properties, has authorized him to say that he will sign the agreement tomorrow.

Ms. Abney said she was uncomfortable with voting to approve this item. She said she would work to develop better methods of building roads and walkways in neighborhoods.

In response to Mr. Carlson, Vivian Dietz-Clark of Public Works explained in the case of the Findorffs the public use easement issue has been eliminated. At this point, the administration is requesting only a slope easement and temporary construction permit.

Ms. Clementson felt most Assembly members supported the retaining wall concept for the Findorff property. She pointed out their property is at the top of a hill and will be more affected by the project than the other properties. She was willing to pay a few more dollars to build a wall in order to save more trees on the property. She strongly encouraged the administration to pursue that option.

Mr. Wohlforth moved, to amend the amendment to delete "PUE" on parcel 50,
seconded by Mr. Kendall, the Findorff property.
and it passed without
objection,

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

Question was called on the motion to approve AR 98-197 as amended and it passed:

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

NAYS: Murdy.

- F. Assembly Memorandum No. AM 741-98, amendment No. 1 to grant contract with the Anchorage Cultural Council for Millennium Arts Festival planning, Cultural and Recreational Services.

Mr. Wohlforth moved, to approve AM 741-98.
seconded by Ms. Taylor,

In response to Mr. Wohlforth, Kathy Kingston of Cultural and Recreational Services explained this item represented the second installment of three, \$25,000 grants to the Millennium Arts Festival planning. She said she would prepare some information to describe the Festival.

Operations Manager George Vakalis added the Festival was a celebration for the millennium involving the arts. A contract was signed for three stages of work. Other organizations are making donations to the program. He said the arts was part of the Millennium Festival, which will be a series of events over time to celebrate art and culture.

Mr. Wohlforth asked for more specific information on the Festival, including the total budget and a description of the concept and planned events.

Ms. Abney asked that Mr. Vakalis' report included historical information on past Assembly action regarding this topic.

Question was called on the motion to approve AM 741-98 and it passed:

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

NAYS: Clementson, Meyer.

(Clerk's Note: Notice of reconsideration was given by Mr. Bell 7-22-98, but the memorandum was not reconsidered on 8-18-98. Consequently, the previous action remained.)

- G. Assembly Memorandum No. AM 746-98, proprietary purchase of computer software and maintenance support from Network Associates, Inc. for the Municipality of Anchorage, Management Information Systems Department (MISD), Purchasing.

Ms. Taylor moved, to approve AM 746-98.
seconded by Mr. Wuerch,

Ms. Taylor said she discussed this item with staff earlier, and her questions were answered.

Question was called on the motion to approve AM 746-98 and it passed without objection.

- H. Assembly Memorandum No. AM 755-98, change order No. 1 to purchase orders 82740 and 82741 with Microage and Alaska Computer Brokers respectively for providing computer hardware and software to the Municipality of Anchorage, Management Information Systems Department/Purchasing.

Mr. Kendall moved, to approve AM 755-98.
seconded by Mr. Wuerch,

Ms. Taylor said she discussed this item with staff earlier, and her questions were answered.

Question was called on the motion to approve AM 755-98 and it passed without objection.

- I. Assembly Memorandum No. AM 758-98, recommendation of award to VZM/TranSystems Corporation for providing services to update the Port of Anchorage Master Plan for the Municipality of Anchorage, Port of Anchorage (RFP 12-98), Purchasing.

Mr. Wohlforth moved, to approve AM 758-98.
seconded by Mr. Kendall,

In response to Mr. Wohlforth, Operations Manager George Vakalis explained the consultant would be required to contact various community groups such as community councils and the Ship Creek Task Force. In response to a suggestion by Mr. Wohlforth, a group of Port users and affected parties was created to consult on Port issues. This group will also interact with the consultant.

Question was called on the motion to approve AM 758-98 and it passed:

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

- J. Assembly Memorandum No. AM 760-98, change order No. 2 to purchase order 72642 with Yukon Equipment, Inc. for furnishing a self-contained mobile power screening plant to the Municipality of Anchorage, Public Works Department/Purchasing.

Mr. Wuerch moved, to approve AM 760-98.
seconded by Mr. Murdy,

In response to Mr. Wuerch, Public Works Director Jim Fero explained the screening plant would be used in part to recover some aggregate spread on the roads during the winter, for reuse.

Mr. Wuerch moved, to postpone action on AM 760-98 until August 18, 1998
seconded by Mr. Murdy, pending more detailed information on the use of the
and it passed without machine, and analysis of the cost-effectiveness.
objection,

- K. Information Memorandum No. AIM 88-98, Investment Advisory Commission Annual Report, Finance.

Mr. Wohlforth moved, to accept AIM 88-98.
seconded by Mr. Murdy,

Mr. Wohlforth noted the Investment Advisory Commission would evaluate the plan to invest earnings from the sale of the Anchorage Telephone Utility. The plan will be submitted to the Assembly ATU Committee at the same time that it is submitted to the Investment Advisory Commission.

Question was called on the motion to accept AIM 88-98 and it passed without objection.

- L. Information Memorandum No. AIM 91-98, Sole Source Procurement Report for the months of May and June 1998, Purchasing.

Ms. Clementson moved, to accept AIM 91-98.
seconded by Mr. Murdy,
and it passed without
objection,

Ms. Clementson said her questions on this item had been answered.

- M. Ordinance No. AO 98-107, an ordinance amending Chapter 11.50 of the Anchorage Municipal Code by adding a new Section 11.50.280 to provide for an annual payment from the Port of Anchorage to the General Fund and providing the formula for the payment calculation, Office of Management and Budget.
1. Assembly Memorandum No. AM 588-98.
(CONTINUED FROM 7-14-98)

Mr. Wohlforth moved, to amend AO 98-107 in Section 1, paragraph A to
seconded by Ms. Taylor, read: "The Port of Anchorage shall, upon approval of an
authorizing resolution by the Assembly, pay a Municipal
Enterprise Service Assessment..."

Mr. Wohlforth noted in the past, the Assembly has chosen not to accept revenue distribution payments. As the ordinance is written, the Port revenue distribution will become similar to MUSA payments from the utilities. To refuse those payments, a separate ordinance and public hearing would be necessary. The Assembly's power would be diminished.

Operations Manager George Vakalis said the administration opposed the amendment. He said there is no current standard assessment for Port payments. The Port Commission was concerned and recommended a clear, codified method to assess the payment.

Mr. Wuerch opposed the amendment. He noted the advantage of a uniform payment system would allow the Port to calculate a rate to pass on to customers. He pointed out the Assembly may return payments to the Port at any time.

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

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

Question was called on the motion to adopt AO 98-107 as amended and it passed:

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

(Clerk's Note: Notice of reconsideration was given by Ms. Clementson 7-22-98; AO 98-107 was reconsidered on 8-18-98 and amended and approved (7-21-98 amendment was deleted).)

N. Special Orders.

Ordinance No. AO 98-138, an ordinance establishing a temporary, six-month municipal re-employment period after closing the sale of the Anchorage Telephone Utility ("ATU") for ATU non-represented and executive employees, prescribing for such employees' re-employment eligibility status and length of service dates and providing for the designation and continued municipal employment of critical ATU non-represented employees, Assemblymember Wohlforth. (LAID ON THE TABLE)

Mr. Wohlforth, Ms. Taylor and Mr. Murdy joined in introducing this ordinance. The public hearing was scheduled for August 18, 1998.

Mr. Wuerch moved,	to hold the next regular Assembly meeting, of
seconded by Mr. Murdy,	August 18, at the University of Alaska, Anchorage's new dining facility.

Mr. Wuerch felt holding the Assembly meeting at UAA would show support for the facility and highlight the construction on the UAA campus.

Question was called on the motion to hold the August 18, 1998 Assembly meeting at UAA and it passed:

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

(Clerk's Note: The meeting was never held at UAA, due to logistical difficulties.)

Ordinance No. AO 98-139, an ordinance amending safety regulations for slow moving roving vendors (ice cream trucks), Assemblymembers Abney and Meyer. (LAID ON THE TABLE)

Ms. Abney, Ms. Taylor and Mr. Meyer joined in introducing this ordinance. The public hearing was scheduled for August 18, 1998.

O. Assembly Comments.

1. Ms. Abney announced and invited all members to attend a town meeting regarding land use issues on July 28, 1998, at the Assembly Chambers.

17. AUDIENCE PARTICIPATION:

TIM POTTER, with Dowl Engineer, pointed out the canceled Assembly meetings during the summer months will delay and impact development. He noted an item on the agenda tonight is a minor housekeeping measure, but will have significant impact on many people. He suggested a special meeting to deal with these non-controversial items would be helpful. Otherwise, the items will not be considered until mid-August.

Ms. Clementson moved,	to extend the public hearing portion of the meeting for
seconded by Mr. Wohlforth,	five minutes to hear the items mentioned by Mr. Potter.

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

(Clerk's Note: Mr. Bell was out of the room at the time of the vote. This motion failed for lack of nine affirmative votes required to extend the meeting after 11:00 p.m.)

18. EXECUTIVE SESSIONS: None.

19. ADJOURNMENT:

The meeting adjourned at 11:50 p.m.

Chair

ATTEST:

Municipal Clerk

Date Minutes Approved: November 17, 1998

VC/db

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Conditions on Liquor License for South Seas/Spenard Paradise Inn
AM 566-98

- A. The Licensed Premises will provide one security person during hours of operation.
- B. The Licensed Premises shall install and maintain a video monitoring system to monitor the exterior entrance to the bar, and the interior of the bar, during all hours that the premises is open for business. The videotapes taken will be retained for 15 days prior to being recycled, and copies of the tapes will be made available to the Anchorage Police Department upon request.
- C. The Licensed Premises will purchase and display two conspicuous signs, one directly inside the entrance to the premises and one in another conspicuous location inside the premises, which state that IT IS UNLAWFUL FOR THE PURPOSE OF PROSTITUTION OR SELLING DRUGS FOR PERSONS TO ENTER OR TO REMAIN ON THE PREMISES.
- D. The Licensed Premises will purchase and display two conspicuous signs, one directly inside the entrance to the premises and one in another conspicuous location inside the premises, which state that THE ACTIVITIES AND BEHAVIOR OF PATRONS ON THESE PREMISES ARE CONTINUOUSLY VIDEOTAPED. COPIES OF THESE TAPES ARE PROVIDED TO THE ANCHORAGE POLICE DEPARTMENT UPON REQUEST.
- E. The Licensed Premises will (1) install lighting on the building outside the bar sufficient to brightly illuminate the sidewalk outside the bar; (2) install additional lighting in the parking lot leading to and from the rear entrance to the bar, and (3) install additional interior lighting, if necessary.
- F. The Licensed Premises will cooperate with and submit to the Spenard Community Council a review of and report on the licensee's operation six months after approval of this Assembly motion.
- G. The management of the Licensed Premises and its legal representatives will appear before the Anchorage Assembly on January 26, 1999 to review all police reports for the last quarter of 1998.
- H. The management of the Licensed Premises (i.e., the officers, directors, and shareholders) will substantially increase their personal presence on the premise of the Licensed Premises every business day, and will review employee conduct and any police incidents, as well as view the video monitor tapes, as needed.
- I. The management of the Licensed Premises will schedule Techniques in Alcohol Management (TAM) or similar training for each employee on an annual basis.
- J. The management of the Licensed Premises will meet and consult with Captain Katkus of the Anchorage Police Department or his designee on a monthly basis to resolve any police department concerns regarding the operation of the Licensed Premises.
- K. All patrons of the Licensed Premises will be checked for identification and will be assessed as to age, manual dexterity, and apparent sobriety.
- L. The Licensed Premises will not allow non-patrons to loiter on the premises.
- M. That Ms. Hyun Ju Song will not have any involvement in the operation of the license and will, as soon as possible, be removed as an owner of the license.