

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of December 15, 1998

1. CALL TO ORDER:

Chair Von Gemmingen convened the meeting at 5:15 p.m. in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

2. ROLL CALL:

Present: Bob Bell, Ted Carlson, Melinda Taylor, Charles Wohlforth, Fay Von Gemmingen, Cheryl Clementson, Kevin Meyer, Pat Abney, Dan Kendall (5:30 p.m.), Joe Murdy.
Absent: George Wuerch (excused).

3. PLEDGE OF ALLEGIANCE: Ms. Clementson led the pledge.

4. MINUTES OF PREVIOUS MEETING:

A. Regular Meeting - August 25, 1998

Mr. Murdy moved, to approve the minutes of August 25, 1998.
seconded by Mr. Bell,
and it passed without
objection,

5. MAYOR'S REPORT: None.

6. ADDENDUM TO AGENDA:

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

Chair Von Gemmingen read the addendum items.

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

7. CONSENT AGENDA:

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

A. BID AWARDS:

1. Assembly Memorandum No. AM 1143-98, recommendation of award to Cal Worthington Ford and Alaska Sales and Service for providing **miscellaneous light duty vehicles** to the Municipality of Anchorage, Department of Property and Facility Management (ITB 98-135), Purchasing.
2. Assembly Memorandum No. AM 1163-98, recommendation of award to Hartman Construction & Equipment, Inc. for **Mulcahy Stadium restroom/locker room facility** for the Municipality of Anchorage, Property & Facility Mgmt. (ITB 98-C82) Purchasing.
3. Assembly Memorandum No. AM 1164-98, recommendation of award to Oregon Fire & Police Equipment Company for furnishing **pumper/ water tender apparatus** to the Municipality of Anchorage, Fire Department (ITB 98-96), Purchasing.
4. Assembly Memorandum No. AM 1165-98, recommendation of award to Alaska Mechanical, Inc. for the **Eagle River Reservoir** for the Municipality of Anchorage, Water and Wastewater Utility (ITB 98-C86), Purchasing.
5. Assembly Memorandum No. AM 1189-98, recommendation of award to Moseley Enterprises, Inc. for the **Brother Francis Shelter bathroom/laundry room improvements** for the Municipality of Anchorage, Property and Facility Management (ITB 98-C84), Purchasing.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 98-190, an ordinance of the Municipality of Anchorage **creating Alley Paving Special Assessment District 1P98 - 'H' Street/'I' Street Alley from West Fifteenth Avenue to West Sixteenth Avenue** and determining to proceed with proposed improvements therein, Public Works. public hearing 1-5-99.
 - a. Assembly Memorandum No. AM 1144-98.
2. Resolution No. AR 98-394, a resolution confirming and levying special assessments for street improvements on property specially benefited in Alley Paving Special Assessment District No. 3P97 - West 8th/9th Avenue Alley from 'F' Street to 'G' Street and setting the date of assessment installment payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency, Public Works. public hearing 1-12-99.

- a. Assembly Memorandum No. AM 1145-98.
3. Resolution No. AR 98-395, a resolution confirming and levying special assessments for street improvements on property specially benefited in Alley Paving Special Assessment District No. 4P97 - West 5th/6th Avenue Alley from 'I' Street to 'K' Street and setting the date of assessment installment payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency, Public Works. public hearing 1-12-99.
 - a. Assembly Memorandum No. AM 1146-98.
4. Resolution No. AR 98-396, a resolution of the Municipality of Anchorage, Alaska, accepting and appropriating a State of Alaska Drinking Water Fund loan offer in the amount of \$3,700,000 for financing a portion of the costs of the Airport Water Project Phase IB (Anchorage Loop Transmission Main Phase VII), Water and Wastewater Utility. public hearing 1-5-99.
 - a. Assembly Memorandum No. AM 1147-98.
5. Resolution No. AR 98-397, a resolution selecting a site for a future elementary school in Muldoon, to consist of two parcels totaling 24.4 acres, described as the N 1/2 NW 1/4 NE 1/4 and the East 480 Feet of the SE 1/4 NW 1/4 NE 1/4, Section 25, Township 13N, Range 3W, Seward Meridian, Alaska, and generally located southeast of the Muldoon Road/Northern Lights Blvd. Intersection, Community Planning and Development. public hearing 1-5-99.
 - a. Assembly Memorandum No. AM 1148-98.
6. Ordinance No. AO 98-189, an ordinance of the Municipality of Anchorage, Alaska, amending Ordinance No. AO 98-152(S) to authorize the Chief Fiscal Officer to negotiate and execute a contract for the purchase and sale of not to exceed \$55,900,000 in aggregate principal amount of General Obligation School Bonds of the Municipality and related matters, Finance. public hearing 1-5-99.
 - a. Assembly Memorandum No. AM 1166-98.
7. Resolution No. AR 98-401, a resolution of the Municipality of Anchorage appropriating the sum of \$148,500 from the State of Alaska, Department of Public Safety, Highway Safety Planning Agency, and \$16,500 as a contribution from the 1998 Anchorage Metropolitan Police Service Area operating budget to the State Categorical Grants Fund (0231) for this traffic enforcement program, Anchorage Police Department. public hearing 1-5-99.
 - a. Assembly Memorandum No. AM 1167-98.
8. Ordinance No. AO 98-191, an ordinance amending Anchorage Municipal Code Sections 21.87.030, 21.87.035, 21.87.037 to allow a prime contractor to post the performance bond guaranteeing improvements and warranties in subdivision agreements directly with the Municipality and subject to Municipality control, Legal Department. public hearing 1-5-99.
 - a. Assembly Memorandum No. AM 1168-98.
9. Ordinance No. AO 98-192, an ordinance amending AMC 9.42.020 by adding a new Subsection pertaining to the designation of areas, trails and other specifically designated rights of way for the lawful use and operation of snowmachines, Assemblymember Carlson. public hearing 1-5-99. (addendum)
 - a. Assembly Memorandum No. AM 1195-98.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 98-393, a resolution of the Anchorage Municipal Assembly commending Jan Wills for her dedication and service to the people of Anchorage, Assemblymembers Abney, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Taylor, Von Gemmingen, Wohlforth, and Wuerch.

Ms. Abney asked this item be considered on the Regular Agenda. See 8.D.

2. Resolution No. AR 98-398, a resolution authorizing the Municipality of Anchorage, Public Transportation Department, to enter into a Transfer of Responsibilities Agreement (TORA) in the amount of \$47,000 with the State of Alaska, Department of Transportation and Public Facilities, and appropriating these funds to the State Categorical Grants Fund (0231) for the planning and implementation of landscaping at selected bus stops within the Anchorage area through an Enhancement Youth Program, Public Transportation.
 - a. Assembly Memorandum No. AM 1149-98.
3. Resolution No. AR 98-399, a resolution of the Municipality of Anchorage appropriating \$10,780 from the Areawide General Fund Balance (0101) to Real Estate Services for court-awarded attorney fees, Heritage Land Bank.
 - a. Assembly Memorandum No. AM 1150-98.
4. Resolution No. AR 98-400, a resolution authorizing the Municipality of Anchorage to purchase Lot 139, Section 33, T12N, R3W, S.M. in Anchorage, Alaska, to enlarge the Rabbit Creek Greenbelt, Heritage Land Bank/Real Estate Services.
 - a. Assembly Memorandum No. AM 1151-98.
5. Resolution No. AR 98-402, a resolution of the Municipality of Anchorage appropriating \$9,000 from the Anchorage Metropolitan Police Service Area (0151) fund balance to the Anchorage Police Department; \$5,100 from the Fire Service Area (0131) fund balance to the Anchorage Fire Department; and \$900 from the Areawide General (0101) fund balance to the Anchorage Fire Department to fund contract for legal services to assist in the appeal of Gallion v. MOA, Case No. 3AN-97-8592, Legal Department.
 - a. Assembly Memorandum No. AM 1170-98.

Mr. Carlson asked this item be considered on the Regular Agenda. See 8.D.

6. Resolution No. AR 98-403, a resolution of the Municipality of Anchorage providing for the appropriation of \$1,632 donated from numerous citizens to the Miscellaneous Operational Grants Fund (0261) for the purchase of library books, Cultural and Recreational Services.

- a. Assembly Memorandum No. AM 1171-98.
7. Resolution No. AR 98-404, a resolution adopting the 1999 Legislative Program for the Municipality of Anchorage, Executive Manager's Office.
 - a. Assembly Memorandum No. AM 1172-98.

Ms. Clementson asked this item be considered on the Regular Agenda. See 8.D.

8. Resolution No. AR 98-405, a resolution of the Anchorage Municipal Assembly recognizing and honoring Senior Patrol Officer Joseph M. Caswell for his 18 years of service with the Anchorage Police Department, Assemblymembers Murdy, Abney, Bell, Carlson, Clementson, Kendall, Meyer, Taylor, Von Gemmingen, Wohlforth and Wuerch.

Mr. Murdy asked this item be considered on the Regular Agenda. See 8.D.

9. Resolution No. AR 98-406, a resolution of the Anchorage Municipal Assembly recognizing and honoring Senior Patrol Officer Catherine M. Brewster for her 19 years of service with the Anchorage Police Department, Assemblymembers Murdy, Abney, Bell, Carlson, Clementson, Kendall, Meyer, Taylor, Von Gemmingen, Wohlforth and Wuerch.

Mr. Murdy asked this item be considered on the Regular Agenda. See 8.D.

10. Resolution No. AR 98-407, a resolution authorizing the granting of a tax refund to William N. and Delores D. Dougherty as a result of manifest clerical error on real property account 011-023-35, Finance.
 - a. Assembly Memorandum No. AM 1191-98.

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 1152-98, Police and Fire Retirement Board appointment (James Bauman), Mayor's Office.
2. Assembly Memorandum No. AM 1153-98, confirmation of appointment to 401(k) Retirement Committee (Ted Chenier), Mayor's Office.
3. Assembly Memorandum No. AM 1133-98, Ah Sa Wan - Transfer of Ownership of a Beverage Dispensary Liquor License (Campbell Park Community Council), Clerk's Office.
4. Assembly Memorandum No. AM 1134-98, Casa Grande - Transfer of Ownership of a Beverage Dispensary Liquor License (Spenard Community Council), Clerk's Office.
5. Assembly Memorandum No. AM 1135-98, Chef Lee Chinese Restaurant - Transfer of Ownership of a Restaurant/Eating Place Liquor License (Airport Heights/Russian Jack Community Councils), Clerk's Office.
6. Assembly Memorandum No. AM 1136-98, JJ's Restaurant - Transfer of Ownership of a Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Girdwood Community Council), Clerk's Office.
7. Assembly Memorandum No. AM 1137-98, Round Table Pizza #1: 7731 Northern Lights Blvd. - Transfer of a Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Scenic Foothills/Northeast Community Councils), Clerk's Office.
8. Assembly Memorandum No. AM 1138-98, Round Table Pizza #2: 3901 Old Seward Hwy. - Transfer of a Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Campbell Park/Tudor Area/Spenard Community Councils), Clerk's Office.
9. Assembly Memorandum No. AM 1139-98, Round Table Pizza #4: 800 E. Dimond Blvd. - Transfer of a Restaurant/Eating Place Liquor License & Restaurant Designation Permit (Abbott Loop/Bayshore-Klatt/Taku Campbell Community Councils), Clerk's Office.
10. Assembly Memorandum No. AM 1140-98, Shangai Chinese Restaurant - Transfer of Ownership of a Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Spenard Community Council), Clerk's Office.
11. Assembly Memorandum No. AM 1154-98, contract amendment No. 3 to DOWL Engineers for the Fairview Area Traffic Safety Improvements, Phase II (DPW 96-08), Public Works.
12. Assembly Memorandum No. AM 1155-98, contract change order #4 to SR Swett and Sons Construction for the Crestbrook WID No. 431, Contract No. C 70319, Water and Wastewater Utility.
13. Assembly Memorandum No. AM 1156-98, change order No. 2 to purchase order 82992 with Jaco Construction, Inc. for furnishing PCB sampling and testing of polemount and padmount distribution transformers to the Municipality of Anchorage, Municipal Light and Power/Purchasing.
14. Assembly Memorandum No. AM 1157-98, change order No. 2 to purchase order 70766 with KPMG Peat Marwick for providing financial audit services to the Municipality of Anchorage, Police and Fire Retirement System/Purchasing.
15. Assembly Memorandum No. AM 1158-98, change order No. 3 to purchase order 61009 with Milliman & Robertson, Inc. for providing actuarial services for the Municipality of Anchorage, Police and Fire Retirement System (P&FRS), Purchasing.
16. Assembly Memorandum No. AM 1159-98, recommendation of award to R & M Consultants, Inc. for providing engineering services to perform the annual inspection of the Municipal Port facilities for the Municipality of Anchorage, Port (RFP 54-98), Purchasing.
17. Assembly Memorandum No. AM 1160-98, change order No. 1 to purchase order 83516 with Alaska Environmental and Safety Supply for providing police vehicle accessories to the Municipality of Anchorage, Department of Property and Facility Management/ Purchasing.
18. Assembly Memorandum No. AM 1161-98, proprietary purchase of maintenance and repair services from Siemens Building Technologies, Inc. for automated heating systems for the Municipality of Anchorage, Department of Property and Facility Management/Purchasing.

19. Assembly Memorandum No. AM 1173-98, contract amendment No. 1 to the miscellaneous oil and grit separators, Baxter Bog and Otis Lake projects, Valdez Engineering, Inc., DPW Nos. 92-27 and 93-28, Public Works.
20. Assembly Memorandum No. AM 1174-98, change order No. 1 to purchase order 82507 with WESCO for furnishing transformers to the Municipality of Anchorage, Municipal Light and Power/Purchasing.
21. Assembly Memorandum No. AM 1175-98, change order No. 1 to purchase order 73595 with Clyde Mobile Janitorial for providing vehicle and equipment washing services to the Municipality of Anchorage, Department of Property and Facility Management/Purchasing.
22. Assembly Memorandum No. AM 1176-98, change order No. 3 to purchase order 54215 with Alaska Brake, Inc. for providing miscellaneous vehicle supplies to the Municipality of Anchorage, Purchasing Department.
23. Assembly Memorandum No. AM 1177-98, proprietary purchase to Caron Compactor Company for furnishing compactor pin-on assemblies to the Municipality of Anchorage, Solid Waste Services/Purchasing.
24. Assembly Memorandum No. AM 1178-98, proprietary purchase of computer software licenses and maintenance from Municipal Software Corporation and Safe Software, Inc. for the Municipality of Anchorage, Department of Community Planning and Development/Purchasing.
25. Assembly Memorandum No. AM 1179-98, proprietary purchase of computer software and maintenance from Mission Critical Software for the Municipality of Anchorage, Management Information Systems Department/Purchasing.
26. Assembly Memorandum No. AM 1180-98, recommendation of award to CH2M Hill, Inc. for providing architectural/engineering services for the Asplund Wastewater Treatment Facilities Plan update and design for the Municipality of Anchorage, Water and Wastewater Utility (RFP 58-98), Purchasing.
27. Assembly Memorandum No. AM 1181-98, recommendation of award to Anchorage Permit and Development Center, LLC for the design, construction & lease of a Municipal Permit Center on municipal land for the Municipality of Anchorage, Department of Property and Facility Management (RFP 44-98), Purchasing.

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

28. Assembly Memorandum No. AM 1182-98, proprietary purchase of Cisco Systems Local Area Networking (LAN) hardware from GCI for the Municipality of Anchorage, Management Information Systems Department (MISD), Purchasing.

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

29. Assembly Memorandum No. AM 1183-98, change order No. 1 to purchase order 81636 with L N Curtis & Sons for providing turnout coats and pants to the Municipality of Anchorage, Fire Department/Purchasing.
30. Assembly Memorandum No. AM 1184-98, proprietary purchase of computer software maintenance and modification from Southeastern Data Cooperative for the Municipality of Anchorage, Municipal Light and Power/Purchasing.
31. Assembly Memorandum No. AM 1185-98, proprietary award to eXegeSys, Inc. for providing Hewlett Packard maintenance management system enhancements for the Municipality of Anchorage, Municipal Light and Power/Purchasing.
32. Assembly Memorandum No. AM 1186-98, change order No. 7 to purchase order 54221 with Honeywell, Inc. for providing security system maintenance to the Municipality of Anchorage, Municipal Light and Power/Purchasing.
33. Assembly Memorandum No. AM 1187-98, sole source contract for professional services to Source Services/Romac International for Paul Sng for technical support Peoplesoft Human Resources Management System (HRMS) for the Municipality of Anchorage, Employee Relations.
34. Assembly Memorandum No. AM 1188-98, change order No. 3 to purchase order 72678 with Davis Wright Tremaine LLP for providing legal services for the Municipal Employee Relations Board, Employee Relations.
35. Assembly Memorandum No. AM 1162-98, 1999 Support Services for Federation of Community Councils, Municipal Clerk.
36. Assembly Memorandum No. AM 1190-98, Assembly Meeting Schedule for 1999, Assembly Chair Von Gemmingen.

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

37. Assembly Memorandum No. AM 1192-98, 1999-2000 Liquor License Renewal: The Hub (Beverage Dispensary); The Hub (Beverage Dispensary-Duplicate), Clerk's Office. **(addendum)**

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

38. Assembly Memorandum No. AM 1194-98, contract extension for Animal Control Services with Allvest, Inc., Health and Human Services. **(addendum)**
39. Assembly Memorandum No. AM 1196-98, grant agreement with the State of Alaska, Division of Family and Youth Services to providing funding for the 1999 Juvenile Offender Program, Assemblymember Murdy. **(addendum)**
40. Assembly Memorandum No. AM 1197-98, grant agreement with Anchorage Youth Court to providing funding for the 1999 Juvenile Offender Program, Assemblymember Murdy. **(addendum)**

- 41. Assembly Memorandum No. AM 1198-98, grant agreement with Volunteers of America - Youth Restitution Program to providing funding for the 1999 Juvenile Offender Program, Assemblymember Murdy. **(addendum)**
- 42. Assembly Memorandum No. AM 1199-98, grant agreement with the Community Dispute Resolution Center to providing funding for the 1999 Juvenile Offender Program, Assemblymember Murdy. **(addendum)**
- 43. Assembly Memorandum No. AM 1200-98, subordination of Municipal leasehold interest in Alaska Native Heritage Park to National Bank of Alaska interim construction loan, Legal Department. **(addendum)**

E. **INFORMATION AND REPORTS:**

- 1. Information Memorandum No. AIM 148-98, contracts awarded between \$30,000 and \$100,000 through formal competitive processes for the month of November 1998, Purchasing.
- 2. Information Memorandum No. AIM 150-98, Sole Source Procurement Report for the months of October & November 1998, Purchasing.

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

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

(Clerk’s Note: Mr. Kendall had not arrived at the time of the vote.)

8. **REGULAR AGENDA:**

- A. **TIME CRITICAL ITEMS** : None.
- B. **BID AWARDS:** None.
- C. **ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:** None.
- D. **RESOLUTIONS FOR ACTION:**
 - 1. Resolution No. AR 98-393, a resolution of the Anchorage Municipal Assembly commending Jan Wills for her dedication and service to the people of Anchorage, Assemblymembers Abney, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Taylor, Von Gemmingen, Wohlforth, and Wuerch.

Ms. Abney moved, to approve AR 98-393.
seconded by Mr. Meyer,
and it passed without
objection,

Mr. Meyer read the resolution while Ms. Abney presented it to Ms. Wills.

Ms. Wills thanked the Assembly for the recognition.

- 2. Resolution No. AR 98-402, a resolution of the Municipality of Anchorage appropriating \$9,000 from the Anchorage Metropolitan Police Service Area (0151) fund balance to the Anchorage Police Department; \$5,100 from the Fire Service Area (0131) fund balance to the Anchorage Fire Department; and \$900 from the Areawide General (0101) fund balance to the Anchorage Fire Department to fund contract for legal services to assist in the appeal of Gallion v. MOA, Case No. 3AN-97-8592, Legal Department.
 - a. Assembly Memorandum No. AM 1170-98.

Mr. Carlson moved, to approve AR 98-402.
seconded by Ms. Clementson,
and it passed without
objection,

In response to Mr. Carlson, Municipal Attorney Mary Hughes advised that Gallion 1 had been decided by the Supreme Court and remanded the issue of attorneys’ fees to the lower court. The plaintiff was not satisfied with the award and has appealed that issue to the Supreme Court. Once the issue of attorneys’ fees is decided, an appropriation request will be made.

- 3. Resolution No. AR 98-404, a resolution adopting the 1999 Legislative Program for the Municipality of Anchorage, Executive Manager’s Office.
 - a. Assembly Memorandum No. AM 1172-98.

Ms. Clementson moved, to approve AR 98-404.
seconded by Ms. Taylor,

Ms. Clementson moved, to amend the legislative program attached to AR 98-404
seconded by Ms. Taylor, by adding page 1-3 to read: “Hook-up to Public/Private
Utilities. Currently, some Alaska mortgage lenders require that
a borrower hook-up to public utilities, if the property is
adequately served by public/private utilities. This requirement

prompts charges for assessments once the property connects to the utility, which can hamper the orderly extension of utility service to areas otherwise not served. In addition, it can create an undue financial burden on the existing property owner when the existing on-site well or septic system is functioning adequately by state or local standards. The Municipality of Anchorage supports a prohibition on mandatory hook-up by lending institutions of utilities when on-site systems are demonstrated to be adequate.”

Ms. Clementson explained the purpose was to address situations like the one currently being faced by some Eagle River residents.

Mr. Carlson suggested the amendment be postponed so information regarding its impact could be obtained from realtors and financiers.

Mr. Bell felt that the language should be added to the category “other legislative issues” rather than the category of highest priority legislation.

In reply to Chair Von Gemmingen, Executive Assistant Tim Rogers stated the legislature convenes on January 18. The legislative program should be distributed to the Anchorage Caucus before they go to Juneau.

Mr. Wohlforth moved, to postpone AR 98-404 to January 5, 1999.
seconded by Mr. Murdy,
and it passed without
objection,

Mr. Wohlforth requested Assembly Office staff contact financial institutions and gather feed back on the proposed amendment, in the interim.

Chair Von Gemmingen felt that State funding for safe communities should be the highest priority, capital matching grants should be number two, and the current highest priority should be moved to number three.

4. Resolution No. AR 98-405, a resolution of the Anchorage Municipal Assembly recognizing and honoring Senior Patrol Officer Joseph M. Caswell for his 18 years of service with the Anchorage Police Department, Assemblymembers Murdy, Abney, Bell, Carlson, Clementson, Kendall, Meyer, Taylor, Von Gemmingen, Wohlforth and Wuerch.
5. Resolution No. AR 98-406, a resolution of the Anchorage Municipal Assembly recognizing and honoring Senior Patrol Officer Catherine M. Brewster for her 19 years of service with the Anchorage Police Department, Assemblymembers Murdy, Abney, Bell, Carlson, Clementson, Kendall, Meyer, Taylor, Von Gemmingen, Wohlforth and Wuerch.

Mr. Murdy moved, to approve AR 98-405 and AR 98-406.
seconded by Mr. Clementson,
and it passed without
objection,

Mr. Carlson read the resolutions while Mr. Murdy presented them to Officer Brewster and Chief Udland, accepting for Officer Caswell.

Officer Brewster thanked the Assembly for the recognition.

E. **NEW BUSINESS:**

1. Assembly Memorandum No. AM 1181-98, recommendation of award to Anchorage Permit and Development Center, LLC for the design, construction and lease of a Municipal Permit Center on municipal land for the Municipality of Anchorage, Department of Property and Facility Management (RFP 44-98), Purchasing.

Mr. Wohlforth moved, to approve AM 1181-98.
seconded by Ms. Clementson,
and it passed without
objection,

In reply to Mr. Wohlforth, Contract Management Division Mgr. Don Simmons explained the memo awarded the contract to lease the property and build the Permit Center. The appropriation is subject to hearing during the budget process.

2. Assembly Memorandum No. AM 1182-98, proprietary purchase of Cisco Systems Local Area Networking (LAN) hardware from GCI for the Municipality of Anchorage, Management Information Systems Department (MISD), Purchasing.

Mr. Meyer moved, to approve AM 1182-98.
seconded by Ms. Taylor,
and it passed without
objection,

In reply to Mr. Meyer, Director of Information Systems Bill Rasmussen advised there was a major failure in the network and it was necessary to replace more routers than expected. The municipality received the fully discounted price.

3. Assembly Memorandum No. AM 1190-98, Assembly Meeting Schedule for 1999, Assembly Chair Von Gemmingen.

Ms. Clementson moved, to approve AM 1190-98.
seconded by Ms. Taylor,

Ms. Clementson noted major legislative issues are generally completed before April so one of the recommended meetings could be canceled.

Ms. Clementson moved, to amend AM 1190-98 by canceling the April 13, 1999
seconded by Mr. Kendall, regular meeting.
and it passed without
objection,

Mr. Wohlforth stated he would be absent from the March 16, 1999 meeting for spring break.

4. Assembly Memorandum No. AM 1192-98, 1999-2000 Liquor License Renewal: The Hub (Beverage Dispensary); The Hub (Beverage Dispensary-Duplicate), Clerk's Office. (addendum)

Mr. Murdy moved, to approve AM 1192-98.
seconded by Ms. Clementson,

Mr. Murdy moved, to postpone action on AM 1192-98 until January 12, 1999, and
seconded by Mr. Wohlforth, direct the Clerk to ask the owner to be present.

Mr. Wohlforth stated he intended to bring forward a resolution of protest because the police report reflects a continuing pattern of violations.

Mr. Wohlforth moved, to postpone further action until later in the meeting.
seconded by Ms. Clementson,
and it passed without
objection,

(Clerk's Note: A resolution was introduced; see item 14, Special Orders. No further action was taken on this memo. See January 5, 1999 minutes.)

F. **INFORMATION AND REPORTS:** None.

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

- A. NOTICE OF RECONSIDERATION: Ordinance No. AO 98-141(S), an ordinance of the Municipality of Anchorage creating a Board of Adjustment panel separate from the Assembly, retaining the Assembly as a Board of Adjustment panel with limited jurisdiction and delineating the respective duties, responsibilities, powers and jurisdiction with respect to appeals to the Board of Adjustment, Assemblymember Clementson. (FAILED 12-8-98; MR. WOHLFORTH GAVE NOTICE OF RECONSIDERATION ON 12-9-98)

Chair Von Gemmingen gave the history of Assembly action and stated the question was whether to reconsider its action.

Mr. Wohlforth urged reconsideration so further amendments could be entertained in January.

Question was called on the motion to reconsider AO 98-141(S) and it passed:

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

Mr. Wohlforth moved, to postpone AO 98-141(S) to January 12, 1999.
seconded by Ms. Clementson,
and it passed without
objection,

- B. Assembly Memorandum No. AM 1118-98, 1999-2000 Liquor License Renewal: George Sullivan Arena (Recreational Site), Clerk's Office. (POSTPONED FROM 12-8-98)

Ms. Clementson moved, to approve AM 1118-98.
seconded by Ms. Taylor,

Ms. Clementson reiterated her request that public facilities be reported on the Police Department's quarterly bar violation reports. The packet from Property and Facilities Management indicates several "drunk on premises" instances. There should not be different standards for public and private facilities. She recommended the approved municipal policy that allows rental fees to be offset by concession and alcohol sales to be revisited. The Assembly should have a work session with Ogden, Property and Facilities Management, Police Department, Health Department, and Planning Department so it can better understand how all elements interact. She understands the Assembly can change the current policy.

Executive Manager Elaine Christian stated the Administration was willing to work with the Assembly on policy changes.

In response to Mr. Bell, Fire Chief Nolan advised each event configuration in the Sullivan required a different fire exit plan.

In response to Mr. Carlson, Ms. Christian advised the Assembly can change the policy but changes to contracts would require assistance of law.

On January 12, 1999, 2:00 p.m., Egan Center and Sullivan Arena, a work session was scheduled to discuss Municipal policy on the sale of alcohol.

Question was called on the motion to approve AM 1118-98 and it passed:

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

- C. Assembly Memorandum No. AM 1110-98, contract amendment #6 to Alaska Construction & Engineering, Inc. for construction of Cherry Hill/ Port of Anchorage Storm Drain, Phase II, DPW #98-04, Public Works.
(POSTPONED FROM 12-8-98)

Chair Von Gemmingen reviewed previous action on this item. She noted a motion to approve AM 1110-98 was on the floor.

Mr. Wohlforth stated his questions had been answered.

Question was called on the motion to approve AM 1110-98 and it passed without objection.

- D. Assembly Memorandum No. AM 1116-98, proprietary lease and maintenance of a DocuTech Publishing System from Xerox Corporation for the Municipality of Anchorage, Management Information Systems Department/Purchasing.
(POSTPONED FROM 12-8-98)

Chair Von Gemmingen reviewed previous action on this item. She noted a motion to approve AM 1116-98 was on the floor.

After reading the Supplemental Memorandum, Mr. Wohlforth supported the purchase.

Question was called on the motion to approve AM 1116-98 and it passed without objection.

- E. Resolution No. AR 98-366, a resolution of the Anchorage Municipal Assembly appointing Alan Muise as Ombudsman for a two-year term to expire December 31, 2000, and determining annual salary, Assembly Chair Von Gemmingen.
(POSTPONED FROM 12-8-98)

Chair Von Gemmingen reviewed previous action on this item. She noted a motion to approve AR 98-366 was on the floor.

Mr. Wohlforth stated he had a good discussion with Mr. Muise and supported his retention for two more years.

Question was called on the motion to approve AR 98-366 and it passed without objection.

- F. Resolution No. AR 98-360, a resolution approving the Eagle River Water Transmission Main extension and providing for assessment of benefited properties at time of service connection, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 1051-98.
2. Information Memorandum No. AIM 149-98. (POSTPONED FROM 12-8-98)

Chair Von Gemmingen reviewed previous action on this item. She noted no motions were pending.

Ms. Clementson moved, to approve AR 98-360.
seconded by Ms. Taylor,

Ms. Clementson supported the resolution with the understanding Assemblymembers would work with legislators to address the mandate of lending institutions that owners hook-up to public utilities when available. This project is needed for fire safety. As long as people are not required to pay an assessment until hook-up, the financial impact will be minimal.

Mr. Carlson felt more community input was needed on the line route. Replacing the existing line with a 16-inch line and underground booster station would meet the fire safety and water needs. He felt it was an unfair, unfunded mandate for the 70 homeowners in the district.

In response to Mr. Meyer, Anchorage Water and Wastewater Manager Mark Premo estimated there were 20 public meetings on this project. The utility initially identified a high-elevation site for the reservoir to eliminate the need for booster stations. As a result of public comment, the reservoir was relocated to a lower elevation, which requires booster stations and associated piping. The alignment identified in the resolution is the most cost effective, best able to meet current and future needs, and the one supported by the community council.

In response to Mr. Wohlforth, Mr. Premo stated work on the reservoir could proceed regardless of Assembly action on this resolution. Significant delay of this project would impact the ability of the utility to fulfill commitments made to other homeowners and customers to improve service. Delay could also result in loss of service to some customers for varying periods of time.

In response to Mr. Wohlforth, Frank Rast, project manager from R&M Consultants, explained the alternate route along Citation, did not have room for above-grade booster stations.

Mr. Premo advised Mr. Kendall that no analysis had been done on the number of property owners affected by each alternative alignment. Alignments are selected based on which is the most cost effective, serves the greatest public good, and is least disruptive.

Mr. Rast added that some properties along Citation Road, which are not assessed now, would be assessed if the alignment is changed. Additionally, the Citation Road alignment would require two transmission mains on part of Eagle River Lane.

Mr. Kendall agreed the project would benefit a large number of Eagle River residents. Alaska Housing Finance has offered some relief by not requiring buyers/ sellers to hook-up to public utilities, if the on-site services are adequate.

Mr. Bell pointed out that everybody hooked up to Municipal water has paid an assessment. If this resolution fails, the project will be killed, the entire area suffers and a portion of State grant funds will be unusable. The benefits of reduced fire insurance rates and increased property values will be lost.

Ms. Clementson moved, to postpone AR 98-360 until January 5, 1999.
seconded by Mr. Meyer,

AYES: Bell, Wohlforth, Von Gemmingen, Clementson, Meyer, Kendall.

NAYS: Carlson, Taylor, Abney, Murdy.

- G. Ordinance No. AO 98-163, an ordinance creating Colonial Lateral Sanitary Sewer Special Assessment District 50-18, and determining to proceed with the proposed improvements therein, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 951-98.
(POSTPONED FROM 10-27-98 AND 12-8-98)

Chair Von Gemmingen reviewed previous action on this item. She noted a motion to adopt AO 98-163 was on the floor.

Mr. Bell moved, to postpone AO 98-163 to January 5, 1999.
seconded by Mr. Murdy,
and it passed with
Mr. Carlson objecting,

10. **APPEARANCE REQUESTS:** None.

The meeting recessed at 6:45 p.m. and reconvened at 7:20 p.m.

11. **CONTINUED PUBLIC HEARINGS:**

- A. Ordinance No. AO 98-51, an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code Chapters 11.10 - 11.40 governing the authority of the Anchorage Transportation Commission; changing the regulation of taxicabs, limousines, and vehicles for hire; changing the regulation of chauffeurs operating taxicabs, limousines, and vehicles for hire; and changing the regulation of dispatch services, Legal Department.
1. Assembly Memorandum No. AM 505-98.
2. Assembly Memorandum No. AM 1169-98, revision of Title 11.10 through 11.40 regulating of taxicabs, limousines, vehicles for hire, chauffeurs, and dispatch services requiring additional safety equipment on vehicles regulated by the Anchorage Transportation Commission, and making other changes aimed at increasing the safety of chauffeurs of taxicabs, Transportation Inspection.
(CONTINUED FROM 9-1-98 AND 11-17-98)

Ms. Abney announced her intent to continue the hearing on this item until January 26, 1999.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. She advised people testifying tonight would not be allowed to testify again when the item returned. No one spoke, and she closed the public hearing.

Mr. Murdy moved, to continue the hearing
seconded by Ms. Clementson, until January 26, 1999.
and it passed without
objection,

- B. Ordinance No. AO 98-174, an ordinance amending the zoning map and providing for the rezoning from R-4 (Multiple Family Residential District) and B-3 SL (General Business District with Special Limitations) to PLI-SL (Public Lands and Institutions with Special Limitations) for Australaska Subdivision, portion of Tract B-10, and Block 1, Lots 17, 18, 19 and 20, generally located between Bragaw Street and San Fernando Street and on the south side of San Ernesto Avenue (Russian Jack Community Council) (Planning and Zoning Commission Case 98-129), Community Planning and Development.
1. Assembly Memorandum No. AM 1012-98.
(CARRIED OVER FROM 12-8-98)

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

JOE STIMSON, DOWL Engineers, representing the South Central Foundation, came forward to answer questions.

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 98-174.
seconded by Mr. Meyer,

Question was called on Mr. Murdy's motion to adopt AO 98-174 and it passed:

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

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

12. NEW PUBLIC HEARINGS :

- A. Resolution No. AR 98-336, a resolution of the Anchorage Municipal Assembly approving an appointment to fill a vacancy on the Anchorage Telephone Utility (ATU) Board of Directors, beginning January 1999, Assembly Chair Von Gemmingen.

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. Wohlforth moved, to approve AR 98-336.
seconded by Mr. Murdy,

The Assembly proceeded to cast ballots for candidates to fill the vacancy.

While the Clerk tallied the ballots, the Assembly considered the following item.

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.

Executive Manager Elaine Christian noted on July 21, 1998, the public hearing for AO 98-64(S) was continued until the first meeting in January, 1999. She asked the hearing be delayed until May, 1999.

Ms. Clementson moved, to reschedule the public hearing
seconded by Mr. Murdy, for AO 98-64(S) to May 25, 1999.
and it passed without
objection,

Chair Von Gemmingen announced 10 votes had been cast for Mr. Birkenshaw.

Mr. Wohlforth moved, to amend AR 98-336 on line 27 to read:
seconded by Mr. Murdy, "That R.G. "Dick" Birkenshaw is appointed
and it passed without to the ATU Board..."
objection,

Question was called on the motion to approve AR 98-336 as amended and it passed without objection.

Mr. Wohlforth thanked Mr. Birkenshaw for past service and willingness to continue through the sale process.

- B. Resolution No. AR 98-382, a resolution of the Municipality of Anchorage appropriating \$1,288,550 to the State Categorical Grants Fund (0231) from the Department of Community and Regional Affairs for the State Training and Employment Program (STEP), Health and Human Services.
1. Assembly Memorandum No. AM 1103-98.

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 98-382.
seconded by Mr. Meyer,

Question was called on Mr. Murdy's motion to approve AR 98-382 and it passed:

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

- C. Resolution No. AR 98-383, a resolution authorizing the Municipality of Anchorage, Public Transportation Department to enter into a Transfer of Responsibilities Agreement in the amount of \$295,000 with the Department of Transportation and Public Facilities, State of Alaska, for the Municipal Share-A-Ride Program and appropriating these funds to the State Categorical Grants Fund (0231), Public Transportation Department.
1. Assembly Memorandum No. AM 1104-98.

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 98-383.
seconded by Ms. Clementson,

Question was called on Mr. Murdy's motion to approve AR 98-383 and it passed:

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

- D. Resolution No. AR 98-384, a resolution authorizing the Municipality of Anchorage, Public Transportation Department to enter into a Transfer of Responsibilities Agreement (TORA) in the amount of \$105,000 with the State of Alaska, Department of Transportation and Public Facilities, for financing the implementation of a Public Transportation Marketing Program and appropriating these funds to the State Categorical Grants Fund (0231), Public Transportation Department.
1. Assembly Memorandum No. AM 1105-98.

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 98-384.
seconded by Mr. Meyer,

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

- E. Resolution No. AR 98-391, a resolution of the Municipality of Anchorage appropriating \$1,572,800 from major operating funds to cover the cost associated with debt service on the December 1997 Tax Anticipation Notes, Finance.
1. Assembly Memorandum No. AM 1121-98.

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 98-391.
seconded by Ms. Clementson,

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

- F. Resolution No. AR 98-392, a resolution of the Municipality of Anchorage providing for a revision of the 1998 General Government Operating Budget, Office of Management and Budget.
1. Assembly Memorandum No. AM 1122-98.

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 98-392.
seconded by Mr. Meyer,

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

- G. SECOND PUBLIC HEARING: Ordinance No. AO 98-156, an ordinance adopting and appropriating funds for the 1999 Anchorage Police and Fire Retirement System Operating Budget, Police and Fire Retirement System.
1. Assembly Memorandum No. AM 1032-98.

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 98-156.
seconded by Ms. Clementson,

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

- H. Ordinance No. AO 98-178, an ordinance repealing and reenacting Title 23 of the Anchorage Municipal Code, adopting the 1997 editions of the following Uniform Codes and enacting local amendments thereto: Administrative, Building, Mechanical, Plumbing, Sign, Fire, Swimming Pool, Spa and Hot Tub, Abatement of Dangerous Buildings, Security Building Construction Contractor Requirements, Fire Protection Service Outside Service Areas, Energy Conservation in New Building Design, Anchorage School District Relocatables; and the 1996 Safety Code for Elevators and Escalators, 1996 National Electrical Code, 1995 CABO One and Two Family Dwelling Code, Public Works.
1. Assembly Memorandum No. AM 1026-98.

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

ROBERT HAYES stressed the importance of smoke detectors and fire alarm systems. All fire alarm systems should be automatically triggered, tamper proof, property maintained and audible. Sprinkler systems are not audible and react too slowly to save people from dying of smoke inhalation.

DON DWIGGINS, architect representing the Building Owners and Managers Association, requested no action to be taken on the accessibility section (23.15.1101) of the proposed ordinance. The proposed amendment is modeled after Washington State codes and goes far beyond Federal requirements. Also, certain references are unclear and contradictory.

NICK RHODES, professional engineer, supported the Building Board's decision to eliminate temporary buildings because it was unfair to make most businesses meet codes but exempt competitors. Temporary buildings frequently provide less safety to the public and employees than permanent buildings, which comply with all building codes.

MARTHA CLARK stated the cost of permanent and temporary structures were about the same. To disallow temporary buildings now would have a severe economic impact on small businesses in Anchorage. She pointed out most were professionally built and conformed to all requirements. Specific concerns should be addressed, but the buildings should not be entirely eliminated.

EVAN HARDING, espresso vendor, described the homework he did before deciding to open a drive-through stand. Owners of temporary buildings do not get any short cuts in the process. He has done everything he can to protect his employees while they are at work. Disallowing temporary buildings now would be a severe economic hardship.

ZANDRA MCGOLDRICK, espresso vendor, pointed out that her temporary building was not on wheels so it could be defined as a permanent structure. She leases the site of her business and uses her landlord's commissary and rest room facilities. She and other vendors contribute to the community and income of other businesses.

JIM WARD, Anchorage Home Builders Association President, asked for clarification on 23.10.302.6.1 concerning soils investigation. He suggested that section be delayed for further discussion.

PAUL MICHAELSON, Chairman of Code Review Committee, stated some errors had been noticed in the ordinance. The Committee would like an opportunity to make corrections as inconsistencies come to light without formal amendment by the Assembly.

In reply to Mr. Wohlforth, Mr. Michaelson stated the proposed amendments surpass the National Seismic codes but do eliminate duplication.

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 98-178.
seconded by Mr. Meyer,

Mr. Bell asked if the Assembly took no action on temporary buildings whether current law remained in effect. Director of Public Works Jim Fero clarified that if the Assembly approves what the Administration submitted, temporary and seasonal structures remain status quo.

Mr. Murdy moved, to amend AO 98-178 on page 9, 23.10.301.2, by adding a
seconded by Mr. Bell, new subsection .5 to read: "Remodeling Work.
and it passed without Electrical, plumbing, mechanical, and building (structural)
objection, permits may be issued to residential remodeling contractors.
Whenever the work consists only of electrical, mechanical, or
plumbing, a building (structural) permit need not be obtained.
Work for which a permit is required shall be performed only
by a contractor licensed to do it or by home owner as per
23.10.303.1 Permits Issuance."

In response to Ms. Clementson, Mr. Fero advised that Mr. Murdy's amendment language was in the current code.

Mr. Bell and Building Official Ron Watts discussed the proposed amendments to accessibility standards. They were patterned after the State of Washington's standards that were approved by the U.S. Department of Justice.

Mr. Bell said he would support the accessibility amendments tonight if revisions can be made as problems arise.

Mr. Fero said the Department was not averse to changing the code to correct errors.

Mr. Wohlforth was concerned about potential reduction of earthquake standards now in place.

Mr. Wohlforth moved, to amend AO 98-178 by deleting 23.15.1630.4.4.
seconded by Mr. Murdy,
and it passed without
objection,

Mr. Wohlforth and Mr. Watts discussed proposed local amendments dealing with soils investigation. Mr. Fero pointed out it was unfair to require the owner of one undeveloped, residential, bluff lot to do an extensive analysis for the entire bluff, especially when the majority of the lots are already developed. Analysis will be required for commercial or subdivision development located in hazard zone 5.

Mr. Wohlforth moved, to amend AO 98-178 by deleting 23.15.1804-A.
seconded by Ms. Clementson,

In response to Ms. Clementson, Mr. Fero acknowledged that deleting the section from the ordinance would leave current law in place.

Question was called on Mr. Wohlforth’s motion to amend AO 98-178 and it failed:

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

Mr. Wohlforth moved, to amend AO 98-178 by deleting 23.15.1806.6.1.
seconded by Ms. Abney,
and it passed without
objection,

There was discussion of the effect of deleting those sections of the ordinance dealing with accessibility requirements.

Mr. Kendall suggested the Administration investigate national ADA standards to ensure local standards comply with but do not go beyond national standards and report their findings on January 26, 1999.

Mr. Wohlforth requested a memorandum explaining the table dealing with seismic standards for residential structures. He noted there seemed to be some inconsistencies between what staff verbalized and what the table indicated.

Ms. Clementson moved, to amend AO 98-178 by 1) deleting sections 23.15.1101
seconded by Mr. Kendall, through 23.15.1114 and the associated tables; 2) reinserting the
existing section 23.70, Accessibility Standards, with
corresponding reference in section 23.05.010; and 3) direct the
Building Department to furnish a report on January 26, 1999,
comparing the proposed code with ADA requirements.

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

Question was called on the motion to adopt AO 98-178 as amended and it passed:

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

Chair Von Gemmingen announced the Assembly made no changes regarding temporary buildings.

- I. Resolution No. AR 98-388, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Beverage Dispensary Tourism License and Two Beverage Dispensary Tourism Duplicate Licenses) located on Anchorage Original Townsite Subdivision, Block 82, Lot 2A, generally located on the south side of West 7th Avenue and east of "I" Street (Columbia Properties d.b.a. Anchorage Marriott Hotel) (Case 98-228), Community Planning and Development.
1. Assembly Memorandum No. AM 1119-98.

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

TIM McKEEVER, representing Columbia Properties Anchorage, was present to answer questions.

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

Mr. Murdy moved, to approve AR 98-388.
seconded by Ms. Taylor,

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

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

- J. Resolution No. AR 98-389, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Restaurant/Eating Place Liquor License) located on Original Townsite Subdivision, Block 24A, Lot 2B, generally located on the east side of "E" Street and north of West 4th Avenue (Buba Inc. d.b.a. Sweet Basil Cafe) (Case 98-229), Community Planning and Development.
1. Assembly Memorandum No. AM 1120-98.

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 98-389.
seconded by Mr. Wohlforth,

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

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

- K. Ordinance No. AO 98-180, an ordinance amending the zoning map and providing for the rezoning from T (Transition) to PLI (Public Lands and Institutions) for the Soccer and Baseball Subdivision, Tract B, generally located on the north side of West Klatt Road and east of Tower Road (Bayshore-Klatt Community Council) (Planning and Zoning Commission Case 98-110), Community Planning and Development.
1. Assembly Memorandum No. AM 1033-98.

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 98-180.
seconded by Mr. Meyer,

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

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

- L. Ordinance No. AO 98-185, an ordinance amending the zoning map and providing for the rezoning from R-1SL (Single-Family Residential with Special Limitations) to PLI (Public Lands and Institutions) for Tract A, Moose Meadows Subdivision, generally located on the north side of Huffman Road and east of New Seward Highway (Huffman-O'Malley Community Council) (Planning and Zoning Commission Case 98-130), Community Planning and Development.
1. Assembly Memorandum No. AM 1100-98.

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

RICK SMITH, representing the petitioner, was present to answer questions.

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

Ms. Clementson moved, to adopt AO 98-185.
seconded by Ms. Taylor,

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

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

- M. Ordinance No. AO 98-187, an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code Section 4.05.095 and Chapters 11.10 - 11.40 creating a Safety Advisory Committee for vehicles regulated by the Anchorage Transportation Commission, requiring additional equipment on vehicles regulated by the Anchorage Transportation Commission, and making other changes aimed at increasing the safety of chauffeurs of taxicabs, Assemblymember Abney.
1. Assembly Memorandum No. AM 1193-98.
 2. Ordinance No. AO 98-187(S), an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code Section 4.05.095 and Chapters 11.10 - 11.40 creating a Safety Advisory Committee for vehicles regulated by the Anchorage Transportation Commission, requiring additional equipment on vehicles regulated by the Anchorage Transportation Commission, and making other changes aimed at increasing the safety of chauffeurs of taxicabs, Assemblymember Clementson.
(LAID ON THE TABLE)

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

JOHN SHABIERNO did not oppose training for dispatchers but did not think drug testing was necessary, since they do not operate a vehicle. He felt that the requirement to record callers’ names was an unnecessary burden that would not help catch criminals. Adding safety shields and surveillance cameras to cabs will be expensive and drive some mom and pop operations out of business. Owners should have a choice. He questioned the effectiveness of surveillance cameras.

KATHERINE DODD-SINCLAIR pointed out that all the cab drivers who were killed were experienced and armed. Those drivers were killed with premeditation. She recommended the drivers and owners have the flexibility to install their choice of safety equipment.

GUY HIBERT, Alaska Cab, commented that the Global Positioning System (GPS) only shows where the vehicle was the last time it was picked up. Shields or video cameras would be deterrents but video cameras are expensive, high maintenance items. He objected to the Municipality drug testing dispatchers because companies would have no control of the costs. Each company should employ what they think is the best deterrent. Nothing will stop all crime.

HEATHER BOYLE felt that the safety requirements described in the substitute version would save the lives of cab drivers and protect them from assault. GPS does not provide protection. It only tells dispatch where the cab is. She supported drug testing for dispatchers because their ability to react quickly directly relates to driver safety.

The meeting recessed at 9:35 p.m. and reconvened at 9:45 p.m.

TOM ROTINELLI, cab owner/operator, opposed the mandate for shields and video cameras because of the financial burden. He preferred the original version of the ordinance because it allowed a choice of equipment. He pointed out shields reduced capacity to three passengers, and requiring that all callers named be recorded is unrealistic.

STAN EKMAN, B&J Leasing, agreed the mandated safety equipment would drive small operators out of business. Shields reduce cab capacity and the drivers do not want them. He questioned who video cameras would watch.

RONALD MALLOT felt requiring drug testing for dispatchers was frivolous. Drivers are best able to determine whether a dispatcher is under the influence. Video cameras are reliable and good deterrents.

JIM TAYLOR supported the original version of the ordinance because lots of people had put lots of time into it.

SAM HEWLETT, Checker Cab dispatcher, noted the ordinances had no cost impact analyses for owners or consumers. None of the proposed equipment would have prevented recent murders. Offering incentives, such as reduced fees, is the best way to get safety equipment into cabs. He was concerned the law only placed more regulation on private companies.

ANDREW NUTT, cab owner/operator, commented that robberies happen fast and none of the approaches described will help. He favored giving owners a choice of equipment to install, since many drivers do not want shields.

KATHERINE JOHNSTON felt that the economic impact of the substitute ordinance would be devastating. Part-time nature of cab driving gives her needed flexibility.

DEAN PAUL questioned what happened to safety shields during a car crash. Safety devises will not stop crime but an alert system combined with GPS could summon police to the exact location, if a driver gets in trouble.

WILLIAM MARK HOLBURN was concerned about the combined cost of the safety shield and surveillance cameras. He was also concerned about whether people would feel comfortable riding in a cab with a shield and camera. The ordinance allows for more competition with cabs but does not require similar safety devises.

JOE RENDO, Anchorage Taxi Cab Company, commented that most drivers in dangerous situations have the time to ask for help but lack the tools. A computerized GP system would improve dispatch and driver safety.

JIM BRENNEN, representing the Taxi Cab Permit Owners Association, pointed out there was no consensus on how to address driver safety. Either the Assembly should determine what is best or allow options. Of the equipment proposed, only shields have a tract record. The effectiveness of equipment choices can be reviewed next year.

T. J. SARDI, Acting Chairman of the Transportation Commission, noted the industry was highly fractured. He felt there would not be a consensus. The safety action committee had 29 members from a broad spectrum of the community. Not all of the equipment subcommittee recommendations were accepted by the Safety Action committee or forwarded to the Transportation Commission.

MICK ROSENBERG, Transportation Commission member, recognized the Safety Action committee would not get a consensus on how to address driver safety. However, the number of slain drivers has increased over the years. The substitute ordinance reflects recommendations of the safety action committee. He urged the Assembly to adopt the positive aspects of the ordinance, in order to save lives.

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

Ms. Abney moved, to adopt AO 98-187.
seconded by Ms. Taylor,

Ms. Abney moved, to amend AO 98-187 on page 7,
seconded by Ms. Clementson, section 11 by changing one year to 18 months.
and it passed without
objection,

Ms. Clementson moved, to substitute AO 98-187(S) for AO 98-187.
seconded by Mr. Wohlforth,

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

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

In reply to Mr. Kendall, Mr. Sardi explained the drug testing program for dispatchers would be similar to the program for chauffeurs. Mr. Kendall favored leaving the administration of drug and alcohol programs up to individual companies.

Ms. Abney moved, to call the previous question.
seconded by Ms. Clementson,

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

(Clerk's Note: Mr. Meyer was out of the room at the time of the vote. This motion failed for lack of eight affirmative votes required to call the question.)

Ms. Clementson moved,
seconded by Mr. Carlson,

to postpone action on AO 98-187
until January 5, 1999.

AYES: Bell, Wohlforth, Von Gemmingen, Clementson, Murdy.

NAYS: Carlson, Taylor, Abney, Kendall.

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

Question was called on the motion to adopt AO 98-187 as amended and it passed:

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

NAYS: Carlson, Kendall.

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

13. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS:

A. Appeal #S-10284, Nixa Subdivision, Clerk's Office.

This item was continued until January 5 ,1999.

14. **SPECIAL ORDERS:**

A. Ordinance No. AO 98-193, an ordinance of the Anchorage Municipal Assembly establishing a separate trust fund for certain monies generated by the sale of Anchorage Telephone Utility other than the sale proceeds (The Trust Fund Earnings Reserve) and a spending plan therefore, Assemblymember Wohlforth.

Mr. Wohlforth, Mr. Murdy and Mr. Kendall supported introduction of AR 98-193 by title and set it for hearing January 12, 1999.

B. Resolution No. AR 98-408, a resolution of the Anchorage Assembly setting a public hearing on January 5, 1999, to consider and act upon a protest of the renewal of the beverage dispensary license and duplicate license for LLD, Inc., d/b/a The Hub located at 122 E. Fourth Avenue, Anchorage, Alaska, Assemblymember Wohlforth.

Mr. Wohlforth moved, to approve AR 98-408,
seconded by Mr. Murdy,
and it passed without
objection,

C. Resolution No. AR 98-409, a resolution of the Anchorage Municipal Assembly providing for a revision to the 1999 General Government Operating Budget, Assemblymember Bell.

Mr. Bell, Mr. Carlson and Ms. Taylor joined in introducing the resolution as presented in concept by Mr. Bell. The public hearing was set for January 5, 1999.

15. **ASSEMBLY COMMENTS:** None.

16. **UNFINISHED AGENDA:** None.

17. **AUDIENCE PARTICIPATION:** None.

18. **EXECUTIVE SESSIONS:** None.

19. ADJOURNMENT:

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

to adjourn.

The meeting adjourned at 11:00 p.m.

Chair

ATTEST:

Municipal Clerk

Date Minutes Approved: March 16, 1999

LF/ry

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