

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Regular Meeting of May 19, 1998

1. **CALL TO ORDER:**

The meeting was convened at 5:40 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, Dan Kendall, Joe Murdy.
Absent: Pat Abney (excused.)

3. **PLEDGE OF ALLEGIANCE:**

The pledge was led by Mr. Murdy.

4. **MINUTES OF PREVIOUS MEETING:**

A. Regular Meeting - March 3, 1998

Mr. Wuerch moved, seconded by Mr. Meyer, and it passed without objection,	to approve the minutes of the regular meeting of March 3, 1998.
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5. **MAYOR'S REPORT:**

Mayor Mystrom announced Assembly members may report constituent complaints about speeding in residential areas to Operations Manager George Vakalis. Then, the computer trailer will be placed at the problem location for a day or two. The trailer displays the speed of passing vehicles and works well to slow traffic. Secondly, he discussed the Good News Great Kids program, which publishes stories about children who have contributed to the community in various ways. In May, there will be a banquet to recognize the kids. The kids are asked to select a teacher who has influenced their life, and the teacher is recognized also. He encouraged Assembly members to attend the banquet. Thirdly, Mayor Mystrom said an agreement was reached on the International Brotherhood of Electrical Workers (IBEW) contract. It would be coming to the Assembly for approval within a few weeks. Lastly, he gave an overview of the Legislative Session in the State Capital. Items important to Anchorage that received funding included the jail replacement, bonds for the Anchorage International Airport expansion, school transportation, deferred maintenance for public facilities and four additional road projects. Also, a new school funding formula was approved and is expected to be signed by the Governor. He also reviewed the issues that were unfavorable to Anchorage and were not approved. Unfortunately, revenue sharing continued to decrease; in the last twelve or thirteen years, the reduction has been about \$38 million. Overall, he felt the session was good for Anchorage.

Employee Relations Director Tom Tierney noted the administration has reached a tentative agreement with the Joint Crafts Council. The unions are scheduled to vote on the agreement later this week.

6. **ADDENDUM TO AGENDA:**

Mr. Wuerch moved, seconded by Mr. Meyer,	to amend the agenda to include the addendum items.
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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. Wuerch moved, seconded by Mr. Murdy, and it passed without objection,	to change the orders of the day to consider item 9.A, AR 98-162, under item 8, Regular Agenda.
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Mr. Meyer moved seconded by Ms. Clementson,	to approve all items on the consent agenda as amended.
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A. **BID AWARDS:**

1. Assembly Memorandum No. AM 480-98, recommendation of award to Burns International Security Services for providing **security guard services** to the Municipality of Anchorage, Municipal Light and Power (ITB 98-39), Purchasing.
2. Assembly Memorandum No. AM 481-98, recommendation of award to Alaska Truck Center and Cal Worthington Ford for providing **miscellaneous light duty vehicles** to the Municipality of Anchorage, Department of Property and Facility Management (ITB 98-41), Purchasing.

3. Assembly Memorandum No. AM 506-98, recommendation of award to Concor Construction, Inc. for the **Merrill Field Hangar Relocation Project** for the Municipality of Anchorage, Merrill Field Airport (ITB 98-C23), Purchasing.
4. Assembly Memorandum No. AM 507-98, recommendation of award to McGrady Steel for the **5 million gallon Ship Creek #2 reservoir painting** for the Municipality of Anchorage, Water and Wastewater Utility (ITB 98-C17), Purchasing.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 98-86, an ordinance **continuing or reestablishing the Board of Building Regulation Examiners and Appeals** pursuant to Anchorage Municipal Code Section 4.05.150, Municipal Clerk. public hearing 6-2-98.
 - a. Assembly Memorandum No. AM 479-98.
2. Ordinance No. AO 98-87, an ordinance of the Anchorage Municipal Assembly **authorizing long term leases between the Municipality of Anchorage as lessor and the T-Hangar owners as lessees of Lot 1C, Block 5, Merrill Field Replat Addition No. 5, located south of Runway 6-24, and east of Runway 15-33**, Merrill Field Airport. public hearing 6-2-98.
 - a. Assembly Memorandum No. AM 482-98.
3. 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. public hearing 7-14-98.
 - a. Assembly Memorandum No. AM 483-98.
4. 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. public hearing 6-2-98.
 - a. Assembly Memorandum No. AM 505-98.

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

5. Ordinance No. AO 98-89, an ordinance authorizing the **lease of 435 W. 10th Avenue to Delaney Recreation Center** d/b/a Pete's City Gym, Ltd., an Alaska non-profit corporation, Cultural and Recreational Services. public hearing 6-2-98.
 - a. Assembly Memorandum No. AM 508-98.
6. 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. public hearing 7-14-98.
 - a. Assembly Memorandum No. AM 509-98.
7. Ordinance No. AO 98-91, an ordinance providing for the **creation of a new service area designated Powder Reserve Building Safety Service Area** to provide for building safety services including building plan review and inspection in accordance with Uniform Building Code as set forth in Anchorage Municipal Code Title 23 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 Sections 27.30.040, 27.30.700 to consolidate the new Powder Reserve Building Safety Service Area with the existing Anchorage Building Safety Service Area, Community Planning and Development.
 - a. Assembly Memorandum No. AM 510-98.

(Clerk's Note: This item was reconsidered later in the meeting. See after item 12.K.)

8. 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. public hearing 7-14-98.
 - a. Assembly Memorandum No. AM 511-98.
9. 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. public hearing 7-14-98.
 - a. Assembly Memorandum No. AM 512-98.
10. Resolution No. AR 98-167, a resolution of the Municipality of Anchorage appropriating \$1,185,581 to the State Categorical Grants Fund (0231) from the Department of Community and Regional Affairs for the **JTPA Program**, Health and Human Services. public hearing 6-2-98.
 - a. Assembly Memorandum No. AM 484-98.

11. Resolution No. AR 98-168, a resolution of the Municipality of Anchorage appropriating \$2,336,903 to the Equipment Maintenance Internal Service Capital Fund (0606) from various sources for the purpose of **purchasing vehicles and equipment**, Property and Facility Management. public hearing 6-2-98.
 - a. Assembly Memorandum No. AM 485-98.
12. Resolution No. AR 98-169, a resolution of the Municipality of Anchorage, Alaska, accepting and appropriating an Alaska Clean Water Fund loan offer in the amount of \$1,182,000 for financing a portion of the **costs of wastewater data processing equipment**, Water and Wastewater Utility. public hearing 6-9-98.
 - a. Assembly Memorandum No. AM 486-98.
13. Ordinance No. AO 98-94, an ordinance of the Municipality of Anchorage, Alaska, providing for the **issuance of Ice Rink Revenue Bonds** of the Municipality of Anchorage in the aggregate amount of not to exceed \$5,500,000 for the purpose of providing funds to pay all or a part of the cost of acquiring, constructing and equipping an ice rink facility and to pay costs of issuance, including reserves as necessary; providing for the form and manner of sale of the bonds; and authorizing the preparation and approval of a preliminary and final official statement; and authorizing the sale of such bonds, Finance. public hearing 6-2-98. **(addendum)**
 - a. Assembly Memorandum No. AM 526-98.

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

14. 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. public hearing 7-21-98. **(addendum)**

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

15. Ordinance No. AO 98-96, an ordinance amending the zoning map and providing for the **rezoning from B-3 (General Business) District to I-1 (Light Industrial) District for a 5.25 acre parcel of land within the SE 1/4, NW 1/4, Sec. 31, T13N, R3W, S.M., Alaska**, located at the northeast corner of International Airport Road and C Street, approximate frontage 525' of International Airport Road and 436.4' on C Street (Spenard Community Council) (Case 98-071), Assemblymembers Carlson, Meyer, and Wuerch. public hearing ~~6-2-98~~ 6-9-98. **(addendum)**

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

16. Ordinance No. AO 98-97, an ordinance submitting to the qualified voters of the Anchorage Fire Service Area a **ballot proposition to de-annex Tract A**, Powder Reserve, generally located west of New Glenn Highway and north and south of the north access road from the Anchorage Fire Service Area, and submitting to the qualified voters of the Chugiak 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 Chugiak Fire Service Area, Assemblymember Kendall. public hearing 6-2-98. **(addendum)**
 - a. Assembly Memorandum No. AM 529-98.

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

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 98-170, a resolution of the Municipality of Anchorage providing for the acceptance and appropriation of \$32,000 to the Miscellaneous Operational Grants Fund (0261) from Alaskans for Litter Prevention and Recycling for the **Municipal Community Work Service Program**, Cultural and Recreational Services.
 - a. Assembly Memorandum No. AM 487-98.
2. Resolution No. AR 98-171, a resolution authorizing the **disposal of a municipal interest within Lot 11, Block 1, Hideaway Hills Subdivision** located in the vicinity of Muldoon Road and Ptarmigan Court, Water and Wastewater Utility.
 - a. Assembly Memorandum No. AM 488-98.
3. Resolution No. AR 98-172, a resolution of the Anchorage Municipal Assembly **recognizing May 18-24, 1998 as "Nobody Gets Hurt Week"**, Assemblymembers Wuerch, Abney, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Taylor, Von Gemmingen, and Wohlforth.

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

4. Resolution No. AR 98-173, a resolution of the Anchorage Municipal Assembly **supporting the Alaska Challenger Learning Center for Space Science and Technology**, Assemblymembers Abney, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Taylor, Von Gemmingen, Wohlforth, and Wuerch.
5. Resolution No. AR 98-174, a resolution of the Anchorage Municipal Assembly **recognizing and thanking Stanley R. Palco upon his retirement, for 16 years of service** with the Municipality of Anchorage, Assemblymembers Abney, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Taylor, Von Gemmingen, Wohlforth, and Wuerch.

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

6. Resolution No. AR 98-175, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Senior Patrol Officer Alan P. Kraft for his 20 years of service** with the Anchorage Police Department, Assemblymembers Murdy, Abney, Bell, Carlson, Clementson, Kendall, Meyer, Taylor, Von Gemmingen, Wohlforth, and Wuerch.

Mr. Wuerch asked this item be considered on the regular agenda. See after item 8.C.1.

7. Resolution No. AR 98-176, a resolution of the Anchorage Municipal Assembly **supporting Senate Bill 36**, Assembly Chair Von Gemmingen. (**addendum**)

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

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 501-98, **Animal Control Appeals Board appointment** (Linda Chang-Edwards), Mayor's Office.
2. Assembly Memorandum No. AM 502-98, **Bidding Review Board appointments** (Chris Sutton, Randall Stevens), Mayor's Office.
3. Assembly Memorandum No. AM 503-98, **Valli Vue Limited Road Service Area Board of Supervisors appointments** (William Robertson, Paul Strand), Mayor's Office.
4. Assembly Memorandum No. AM 513-98, **Yakitori Restaurant** - Transfer of Ownership of a Restaurant/Eating Place Liquor License (Downtown/Fairview Community Councils), Clerk's Office.
5. Assembly Memorandum No. AM 489-98, amendment No. 1 to the **professional legal services contract** with the Law Offices of Preston, Gates & Ellis pursuant to securing refinancing of Bradley Lake construction bonds, Legal Department.

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

6. Assembly Memorandum No. AM 490-98, **Port Valve Yard Upgrade Project**, PO No. 60322, Change Order No. 3, Port of Anchorage.
7. Assembly Memorandum No. AM 491-98, **East 68th Avenue (Lake Otis Parkway to Abbott Loop Road) utility relocation agreement** with Chugach Electric Association, Inc.; File 93-14, Public Works.
8. Assembly Memorandum No. AM 492-98, **East 68th Avenue (Lake Otis Parkway to Abbott Loop Road) utility relocation agreement** with ENSTAR Natural Gas Company; File 93-14, Public Works.
9. Assembly Memorandum No. AM 493-98, **East 68th Avenue (Lake Otis Parkway to Abbott Loop Road) utility relocation agreement** with ATU Communications, Inc.; File 93-14, Public Works.
10. Assembly Memorandum No. AM 494-98, **East 68th Avenue (Lake Otis Parkway to Abbott Loop Road) utility relocation agreement** with General Communications, Inc.; File 93-14, Public Works.
11. Assembly Memorandum No. AM 495-98, proprietary purchase of **computer software maintenance/support** from Data Research Associates, Inc. (DRA) for the Municipality of Anchorage, Department of Cultural and Recreational Services/Purchasing.
12. Assembly Memorandum No. AM 496-98, change order No. 1 to purchase order 74473 with Brodart dba McNaughton Book Service for providing **book leasing service** to the Municipality of Anchorage, Department of Cultural and Recreational Services/Purchasing.
13. Assembly Memorandum No. AM 497-98, change order No. 1 to purchase order 72316 with Information Access Company for providing **periodical indexing services** to the Municipality of Anchorage, Department of Cultural and Recreational Services/Purchasing.
14. Assembly Memorandum No. AM 498-98, change order No. 2 to purchase order 73494 with LCMF Inc. for providing professional architectural/engineering services for **Merrill Field Airport Capital Improvement Projects** for the Municipality of Anchorage, Merrill Field Airport/Purchasing.
15. Assembly Memorandum No. AM 499-98, change order No. 1 to purchase order 81074 with Weissler Media Services for providing **advertising services** for the Municipality of Anchorage, Anchorage Police Department/Purchasing.

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

16. Assembly Memorandum No. AM 500-98, change order No. 1 to purchase order 72168 with Postal Services Plus for providing **bulk mailing services** for the Municipality of Anchorage Water and Wastewater Utility/Purchasing.
17. Assembly Memorandum No. AM 514-98, grant agreement with Anchorage Volunteers of America for \$50,000 to provide **oversite of outreach and local program development of the Parent Networks Program**, Mayor's Office.
18. Assembly Memorandum No. AM 515-98, **acquisition and lease of the water utility assets of Chugiak Utilities, Inc.**, Water and Wastewater Utility.
19. Assembly Memorandum No. AM 516-98, sole source contract for professional services with Diana Crane for the **creation and documentation necessary for the implementation of Human Resources Management System (HRMS) modules** for the Municipality of Anchorage, Employee Relations Department/Purchasing.
20. Assembly Memorandum No. AM 517-98, change order No. 2 to purchase order 72124 with Holmes Weddle & Barcott for providing **legal services** for the Municipality of Anchorage, Anchorage Equal Rights Commission/Purchasing.
21. Assembly Memorandum No. AM 518-98, sole source contract with Brady and Company for providing **medical insurance coverage for the Chugiak Volunteer Fire & Rescue, Inc.** for the Municipality of Anchorage, Fire Department/Purchasing.
22. Assembly Memorandum No. AM 519-98, **cooperative education agreement** with the University of Alaska Anchorage, University of Alaska Mat-Su, and the Alaska Vocational Technical Center for the Municipality of Anchorage, Department of Health and Human Services/Purchasing.

- 23. Assembly Memorandum No. AM 520-98, change order No. 2 to purchase order 63395 with Hart Crowser, Inc. for providing professional engineering services for Merrill Field Airport T-Hangar Relocation Project for the Municipality of Anchorage, Merrill Field Airport/Purchasing.
- 24. Assembly Memorandum No. AM 521-98, proprietary purchase of a **promotional process system** from Justex Systems, Inc. for the Municipality of Anchorage, Police Department/Purchasing.
- 25. Assembly Memorandum No. AM 522-98, change order No. 7 to purchase order 32332 with Dimond Center, Ltd. for **leased space for the Dimond Library** for the Municipality of Anchorage, Department of Property and Facility Management/Purchasing.
- 26. Assembly Memorandum No. AM 523-98, cooperative purchase of **modified asphalt rubber sealant** from Polar Supply Company for the Municipality of Anchorage, Public Works Department/Purchasing.
- 27. Assembly Memorandum No. AM 524-98, recommendation of award to Resource Data, Inc. for providing **Phase II Development of the Permit Automation System** for the Municipality of Anchorage, Public Works (RFP 92-97), Purchasing.
- 28. Assembly Memorandum No. AM 527-98, proprietary purchase of **fill material** from GMC Contracting, Inc. for the Municipality of Anchorage, Department of Cultural and Recreational Services/Purchasing. **(addendum)**
- 29. Assembly Memorandum No. AM 530-98, proprietary purchase to Wilder Construction Company for **emergency waterline repair** for the Municipality of Anchorage, Anchorage Water and Wastewater Utility/Purchasing. **(addendum)**

E. INFORMATION AND REPORTS:

- 1. Information Memorandum No. AIM 61-98, Anchorage Water and Wastewater Utility construction contract change orders for **Kruger Sewer Upgrade**, Girdwood WWTF Improvements - Phase I, and South Addition Woodstave R&R - Phase I, Water and Wastewater Utility.
- 2. Information Memorandum No. AIM 62-98, **Girdwood Wastewater Treatment Facility, Phase I** (No. C 70316) Rockford Corporation, impending contract change order, Water and Wastewater Utility.
- 3. Information Memorandum No. AIM 63-98, **Bar Violations/Quarterly Report** (Gallo's Mexican Restaurant - 8311 Arctic Blvd.; Railway Brewing Co. - 431 West 1st Ave.; Seven-Eleven #002 - 4608 Spenard Rd.), Anchorage Police Department.

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

- 4. Information Memorandum No. AIM 64-98, report on **printing of Official Municipal Election ballots** from A. T. Publishing & Printing Company for the Municipality of Anchorage, Municipal Clerk's Office/Purchasing.
- 5. Information Memorandum No. AIM 65-98, **contracts awarded between \$30,000 and \$100,000 through formal competitive processes** for the month of April 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, Wuerch, Taylor, Wohlforth, Von Gemmingen, Clementson, Meyer, Kendall, Murdy.
NAYS: None.

8. REGULAR AGENDA:

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

- 1. Ordinance No. AO 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. public hearing 6-2-98.
 - a. Assembly Memorandum No. AM 505-98.

Messrs. Wuerch, Murdy and Wohlforth joined in introducing this ordinance. The public hearing was scheduled for June 2, 1998.

Mr. Wuerch requested a work session be held on this topic prior to the public hearing, and that representatives of taxi/chauffeur permittees be invited to participate.

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

to change the orders of the day to consider item 7.C.6, AR 98-175.

Resolution No. AR 98-175, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Senior Patrol Officer Alan P. Kraft for his 20 years of service** with the Anchorage Police Department, Assemblymembers Murdy, Abney, Bell, Carlson, Clementson, Kendall, Meyer, Taylor, Von Gemmingen, Wohlforth, and Wuerch.

Mr. Wuerch moved, to approve AR 98-175.
seconded by Ms. Taylor,
and it passed without
objection,

Mr. Wuerch read the resolution while Mr. Murdy presented it to Officer Kraft.

2. Ordinance No. AO 98-94, an ordinance of the Municipality of Anchorage, Alaska, providing for the **issuance of Ice Rink Revenue Bonds** of the Municipality of Anchorage in the aggregate amount of not to exceed \$5,500,000 for the purpose of providing funds to pay all or a part of the cost of acquiring, constructing and equipping an ice rink facility and to pay costs of issuance, including reserves as necessary; providing for the form and manner of sale of the bonds; and authorizing the preparation and approval of a preliminary and final official statement; and authorizing the sale of such bonds, Finance. public hearing 6-2-98. **(addendum)**
a. Assembly Memorandum No. AM 526-98.

Mr. Meyer, Ms. Clementson and Mr. Wuerch joined in introducing this ordinance. The public hearing was scheduled for June 2, 1998.

Mr. Meyer requested a timeline for completion of the rink be provided at the work session scheduled for June 2. Also, he asked for any information on development of private ice facilities. Lastly, he requested an update on the status of a skateboard park.

Mayor Mystrom said he would give a report on the skateboard park at the next Assembly meeting.

3. 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. public hearing 7-21-98. **(addendum)**

Messrs. Wohlforth, Murdy and Wuerch joined in introducing this ordinance. It was referred to the Planning and Zoning Commission for review, to return for public hearing before the Assembly on July 21, 1998.

4. Ordinance No. AO 98-96, an ordinance amending the zoning map and providing for the **rezoning from B-3 (General Business) District to I-1 (Light Industrial) District for a 5.25 acre parcel of land within the SE 1/4, NW 1/4, Sec. 31, T13N, R3W, S.M., Alaska**, located at the northeast corner of International Airport Road and C Street, approximate frontage 525' of International Airport Road and 436.4' on C Street (Spenard Community Council) (Case 98-071), Assemblymembers Carlson, Meyer, and Wuerch. public hearing ~~6-2-98~~ 6-9-98. **(addendum)**

Ms. Clementson, Mr. Wuerch and Mr. Murdy joined in introducing this ordinance.

Ms. Clementson moved, to schedule the public hearing for
seconded by Mr. Murdy, AO 98-96 on June 9, 1998 to allow
and it passed without time for consideration by the
objection, Planning and Zoning Commission.

5. Ordinance No. AO 98-97, an ordinance submitting to the qualified voters of the Anchorage Fire Service Area a **ballot proposition to de-annex Tract A**, Powder Reserve, generally located west of New Glenn Highway and north and south of the north access road from the Anchorage Fire Service Area, and submitting to the qualified voters of the Chugiak 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 Chugiak Fire Service Area, Assemblymember Kendall. public hearing 6-2-98. **(addendum)**
a. Assembly Memorandum No. AM 529-98.

Messrs. Kendall, Murdy and Wuerch joined in introducing this ordinance. The public hearing was scheduled for June 2, 1998.

Mr. Kendall moved, to amend AO 98-97 in the title to
seconded by Mr. Murdy, read: "...access road from the
and it passed without Anchorage Fire Service Area, and
objection, submitting to the qualified..."

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 98-172, a resolution of the Anchorage Municipal Assembly **recognizing May 18-24, 1998 as "Nobody Gets Hurt Week"**, Assemblymembers Wuerch, Abney, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Taylor, Von Gemmingen, and Wohlforth.

Mr. Wuerch moved, to approve AR 98-172.
seconded by Mr. Murdy,
and it passed without
objection,

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

Resolution No. AR 98-162, a resolution of the Anchorage Municipal Assembly **expressing appreciation to Robert M. Doucette for his more than 28 years of service** to the Municipality of Anchorage upon his retirement, Assemblymembers Abney, Begich, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Von Gemmingen, Wohlforth, and Wuerch.
(POSTPONED FROM 5-5-98)

Mr. Wuerch read the resolution while it was presented to Mr. Doucette.

Mr. Wohlforth moved, to approve AM 489-98.
seconded by Mr. Murdy,

Question was called on the motion to approve AM 489-98 and it passed without objection.

- Ms. Clementson moved, to approve AM 499-98.
seconded by Mr. Wuerch,

In response to Ms. Clementson, Anchorage Police Department Chief Duane Udland said the Weissler company was familiar with the advertising scheme, so it was expedient to use them when additional, immediate ads were needed. In the future, he expected the need for new academies would be about one per year.

Question was called on the motion to approve AM 499-98 and it passed without objection.

Mr. Wohlforth moved, to accept AIM 63-98.
seconded by Mr. Murdy,

Mr. Wohlforth noted a violation at Gallo's restaurant was one of the most egregious he has heard of while on the Assembly. According to the police report, on March 16 a patron of the restaurant was shot in the parking lot, but was not allowed reentry when seeking help. When police arrived, people were drinking and present after hours. A manager tried to expel the police from the establishment, and employees did not have TAM cards. The management has reached an agreement with the State Alcoholic Beverage Control (ABC) Board which involved a fine and one-day suspension.

Mr. Wohlforth moved, seconded by Ms. Clementson, and it passed without objection,	to postpone action on AIM 63-98 until June 2, 1998, and direct the Clerk to invite the involved applicants to attend the meeting to respond to violations in the report.
Mr. Wohlforth moved, seconded by Ms. Clementson, and it passed without objection,	to reconsider action on item 7.C.7, AR 98-176.

Resolution No. AR 98-176, a resolution of the Anchorage Municipal Assembly **supporting Senate Bill 36**,
Assembly Chair Von Gemmingen. **(addendum)**

Chair Von Gemmingen noted although Senate Bill 36 was passed by the Legislature, the Anchorage School Board requested the Assembly send a position of support because the Governor has yet to sign the bill.

Messrs. Wohlforth, Wuerch, Bell, Kendall, Murdy and Ms. Clementson asked they be added as sponsors of the resolution.

Question was called on the motion to approve AR 98-176 and it passed without objection.

Chair Von Gemmingen read a proclamation by the Assembly thanking reporter Mark Gillespie for his years of service to the community. She noted Mr. Gillespie was leaving the State.

Assembly members in turn wished Mr. Gillespie well in his future endeavors.

Mr. Gillespie thanked the Assembly.

Vice Chair Clementson presented Chair Von Gemmingen with a five-year Municipal service pin. She noted although Ms. Von Gemmingen has served on the Assembly only three years, she worked from 1971 to 1974 as an Internal Auditor with the former City of Anchorage.

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

- A. Resolution No. AR 98-162, a resolution of the Anchorage Municipal Assembly **expressing appreciation to Robert M. Doucette for his more than 28 years of service** to the Municipality of Anchorage upon his retirement, Assemblymembers Abney, Begich, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Von Gemmingen, Wohlforth, and Wuerch.
(POSTPONED FROM 5-5-98)

This item was considered earlier in the meeting. See item 8.D.

- B. Assembly Memorandum No. AM 464-98, Mami's Restaurant - New Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Government Hill Community Council), Clerk's Office.
(POSTPONED FROM 5-5-98)

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

- C. 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)

Mayor Mystrom moved, seconded by Mr. Bell, and it passed without objection,	to postpone action on item 9.C, AR 98-122, until July 14, 1998 pending a report of the Planning and Zoning Commission's consideration of the resolution.
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10. **APPEARANCE REQUESTS:**

- A. **Jeffrey Gross**, Chief Executive Officer, Anchorage Neighborhood Health Center, to discuss the level of funding for the Municipality of Anchorage's Human Services Matching Grant (HSMG) program.

Mr. Gross did not appear.

- B. **Lori Pape**, regarding public information on CDBG grant money use.

Ms. Pape did not appear.

- C. **Diane Benson**, Out North representative, regarding arts and youth programs.

Ms. Benson, a master artist with Out North Contemporary Art House, discussed the importance of the free flow of ideas. In a free society, she felt all voices and experiences would be found in the arts if nowhere else. She pointed out a photograph on the Out North season brochure was used as an excuse for deleting funding for the group. However, a photo on the cover of this season's Anchorage Concert Association could be considered erotic and there was no complaint. Denying public funds to a community-based organization with a history of successful involvement, ethnic and social pluralism and noted artistic accomplishments is a cause for concern. Ms. Benson felt the argument that only family-oriented art entertainment may receive

public funds is a form of censorship. If this criteria is followed uniformly, most productions by the University of Alaska, Anchorage and Anchorage Concert Association and Anchorage Opera would be inappropriate. She noted many taxpayers support art which is artistically or intellectually challenging. The most serious issues of morality, society and the human condition are addressed by theaters and are not often family-oriented. She questioned why creativity should be limited in order to establish a funding criteria. Ms. Benson was shocked and saddened that several Assembly members fear the danger of child molestation at Out North programs. Statistically, child molestation occurs primarily in the home by a parent or someone in the home. She requested the Assembly consider reinstating \$22,000 to Out North which was deleted, plus \$30,000 for the Onstage program.

Ms. Clementson questioned why the group did not apply this year for a Human Services matching grant, as it did last year.

In response, Jay Brause of Out North said he was recently in Chicago for a National Association of Artist meeting, at which Anchorage was nominated to host the next conference. The idea failed because several members recalled the censoring issue and de-funding of Out North's grant. He said he would report this incident to the Anchorage Convention and Visitor's Bureau, because he felt this reputation would hurt tourism. He explained the group did not apply for the CDBG grant because after last years' de-funding, there were no funds to pay a grant administrator.

Gene Dugan of Out North further explained the group asked for funding under the recent first-quarter budget revisions, because CDBG funds cannot be used to match the National Endowment for the Arts (NEA) grant award. The group wished to apply for the NEA grant this year to fund the Onstage program.

Ms. Clementson clarified Health and Human Services matching grant funds are not Federal, and could be used as a match for NEA.

The Assembly then returned to item 9.B, AM 464-98.

Assembly Memorandum No. AM 464-98, Mami's Restaurant - New Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Government Hill Community Council), Clerk's Office.
(POSTPONED FROM 5-5-98)

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

Mr. Wohlforth noted the Government Hill Community Council executive board met with the license owner. Ms. DiPietro of the executive board indicated the applicant agreed to abide by the same conditions placed on other licenses in the area: 1) no alcohol sales permitted before 4:00 p.m. on regularly-scheduled school days during the school year, and 2) all alcohol sales must accompany food sales.

Mr. Wohlforth moved, seconded by Ms. Clementson, and it passed without objection,	to amend AM 464-98 on line 37 to read: "...not protest the issuance subject to the following two conditions: 1) no alcohol sales permitted before 4:00 p.m. on regularly-scheduled school days during the school year, and 2) all alcohol sales must accompany food sales. This memorandum will..."
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Question was called on the motion to approve AM 464-98 as amended and it passed:

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

The meeting recessed at 7:10 p.m. and reconvened at 7:30 p.m.

11. CONTINUED PUBLIC HEARINGS: None.

12. NEW PUBLIC HEARINGS:

- A. Ordinance No. AO 98-75, an ordinance of the Anchorage Municipal Assembly **continuing or reestablishing the Municipal Airports Aviation Advisory Commission** pursuant to Anchorage Municipal Code Section 4.05.150, Municipal Clerk.
 - 1. Assembly Memorandum No. AM 420-98.
 - 2. Assembly Memorandum No. AM 504-98, Mayor's Office.

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

EARL KORYNTA, chair of the Commission, explained the Commission's role was one of watchdog and sounding board for general public aviators. Often, general aviation activities are overlooked. He said a recent Alaska Airmens Association Aviation Trade Fair demonstrated the vitality of this community. Mr. Korynta invited Assembly members to attend Commission meetings. He noted many different agencies are represented in attendance regularly, including Federal Aviation Administration and State Department of Transportation.

In response to Mr. Wuerch, Mr. Korynta agreed Merrill Field was an important asset of the community. He noted Merrill Field has always been self-supporting and operates under surpluses. These surpluses are used efficiently, being designated for capital projects.

In response to Chair Von Gemmingen, Mr. Korynta explained although there is only one Municipal airport, the Commission considers issues regarding all area airports, including Birchwood, Girdwood and Lake Hood strip and water lines.

In response to Mr. Wohlforth, Mr. Korynta said there is notice to community councils in the Merrill Field area of Commission meetings, and minutes of the meetings are mailed to the councils. There is frequent representation from the councils at their meetings.

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

Mr. Wohlforth moved, to adopt AO 98-75.
seconded by Mr. Meyer,

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

- B. Resolution No. AR 98-145, a resolution of the Municipality of Anchorage, Alaska, accepting State of Alaska, Department of Environmental Conservation grant offers and a grant offer increase totaling \$244,360 and appropriating said grant offers and grant increase to the Anchorage Water and Wastewater Utility's Capital Improvement Funds for the (1) **Whitney Road at Post Road Water Upgrade**; (2) **Glen Caren Sewer Upgrade**; (3) **"C" Street Sewer Upgrade**; and (4) **College Gate Water Replacement and Rehabilitation (R&R)**, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 426-98.

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. Wohlforth moved, to approve AR 98-145.
seconded by Mr. Wuerch,

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

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

- C. Resolution No. AR 98-159, a resolution authorizing the Municipality of Anchorage, Public Transportation Department, to file a Federal Transit Administration Section 5303 Metropolitan Planning Program grant, enter into a Transfer of Responsibilities Agreement in the amount of \$158,502 with the State of Alaska, Department of Transportation and Public Facilities, and to appropriate these funds along with \$39,626 of local matching funds from the Public Transportation Department's CY 1998 Operating Budget to the State Categorical Grants Fund (0231) for **financing the Transit Planning Program**, Public Transportation.
1. Assembly Memorandum No. AM 447-98.

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. Wohlforth moved, to approve AR 98-159.
seconded by Mr. Wuerch,

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

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

- D. Resolution No. AR 98-163, a resolution of the Municipality appropriating \$33,515,000 of proceeds of General Obligation Bonds to the Public Transit CIB Fund (0485), Anchorage Fire Service Area CIB Fund (0431), and Anchorage Roads and Drainage Service Area CIB Fund (0441), to pay the costs of public transportation, fire protection, road, storm drainage, and related capital improvement projects; and contributing \$712,500 from the Anchorage Roads and Drainage Service Area CIB Fund (0441) to the Equipment Maintenance Internal Service Fund (0601) for the **purchase of street maintenance vehicles and equipment**, Office of Management and Budget.
1. Assembly Memorandum No. AM 473-98.

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. Wohlforth moved, to approve AR 98-163.
seconded by Ms. Taylor,

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

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

- E. Ordinance No. AO 98-79, an ordinance amending Anchorage Municipal Code 3.30, the **Municipal Personnel Rules**, regarding range assignment and the Medical Officer, Employee Relations.
1. Assembly Memorandum No. AM 446-98.

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. Wohlforth moved, to adopt AO 98-79.
seconded by Ms. Taylor,

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

- F. Resolution No. AR 98-140, a resolution approving **construction of the Granite View Water Main Extension (W96-041A)**, and providing for the eventual assessment against benefited properties, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 412-98.

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. Wohlforth moved, to approve AR 98-140.
seconded by Ms. Taylor,

Mr. Meyer and Mr. Wuerch spoke in support of the resolution.

Question was called on the motion to approve AR 98-140 and it passed:

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

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

- G. Resolution No. AR 98-141, a resolution approving **construction of the Granite View Sanitary Sewer Extension (S96-041A)**, and providing for the eventual assessment against benefited property, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 413-98.

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. Carlson moved, to approve AR 98-141.
seconded by Mr. Meyer,

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

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

- H. Resolution No. AR 98-134, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Beverage Dispensary License) located on Dimond Industrial Center #1, Block 4, Lot 22A, generally located on Dimond Boulevard and west of Schoon Street (Arturo R. and Gloria N. Esparza d.b.a. **Del-Mar Seafood and Grill**) (Case 98-068), Community Planning and Development.
1. Assembly Memorandum No. AM 405-98.

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

ARTURO ESPARZA, owner of the restaurant, spoke in support of the resolution. In response to Mr. Meyer, Mr. Esparza said he did not appear before the Taku/Campbell Community Council regarding this license. He felt a full dispensary license was necessary for the establishment. The dispensary license will be a transfer from the downtown area, formerly the Hellfighters bar. He noted he has many years of experience operating restaurants. He always runs clean, family oriented establishments. He pointed out the restaurant business is highly competitive; it is important to have as many advantages as possible in order to survive.

Mr. Meyer said although Mr. Esparza was a responsible operator, he felt the Dimond Boulevard area was becoming too concentrated with licenses.

BARBARA WEINIG noted the Golden Dragon restaurant on Dimond Boulevard has advertised for a beer and wine liquor license.

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

Mr. Carlson moved, to approve AR 98-134.
seconded by Mr. Kendall,

Mr. Meyer expressed concern the owner has not appeared before the Taku/Campbell Community Council. Although he is not allowed to communicate with Council members regarding the conditional use, he speculated their position would be in opposition.

In response to Mr. Meyer, Don Alspach of Community Planning and Development discussed staff's analysis that the concentration of licenses in the area was not sufficient to negatively impact the community. He explained the concentration of one license per 10 acres of land was low compared to downtown, which is about one license per 2 acres.

Mr. Wohlforth disagreed with Mr. Meyer's position that this area has too many licenses. He pointed out there are several areas of town with much higher concentrations. Also, most of the licenses in the area are restaurants rather than bars, and have not generated many problems.

Mr. Bell disclosed his engineering firm performed the as-built survey for the establishment. He felt denial of the license based on density might be viewed as arbitrary and capricious by the State Alcoholic Beverage Control Board. He agreed there are many licenses on Dimond Boulevard, but noted most of them are restaurants that usually do not generate problems.

Ms. Clementson clarified the issue before the Assembly is a conditional use permit, which is solely a Municipal function and does not involve the ABC Board. Therefore, the arbitrary and capricious question is moot.

Question was called on the motion to approve AR 98-134 and it passed:

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

- I. Resolution No. AR 98-135, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Restaurant/Eating Place Liquor License) located on the east side of W.D. McKinney 2nd Add. Lot 7, generally located on the east side of "C" Street and north of West Fireweed Lane. (Arturo R. Esparza d.b.a. **Las Margaritas**) (Case 98-079), Community Planning and Development.
 - 1. Assembly Memorandum No. AM 406-98.

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

ARTURO ESPARZA, owner of the restaurant, said the proposed permit was for the restaurant's second location. He felt the restaurant would enhance the area. Also, a source of good mexican food was lacking in this part of Anchorage.

In response to Mr. Wuerch, Mr. Esparza said the license would be new rather than a transfer. He said he was willing to reduce the number of access curb cuts to the property to two. He noted the focus of the restaurant would be on lunch service, for people in midtown and downtown. Hours would be about 11:00 a.m. to 9:00 p.m. Although he would not refuse service to someone who wished to drink without eating, he felt the presence of chronic inebriates would discourage regular customers.

In response to Mr. Meyer, Mr. Esparza said he could only afford one beverage dispensary license, and the restaurant on Dimond Boulevard would be more appropriate for that license to compete with surrounding restaurants. For this restaurant, the focus would be on quick service for lunch. He did not anticipate much alcohol sales at Las Margaritas; not more than 10 percent of total revenues.

In response to Mr. Meyer, Don Alspach of Community Planning and Development said community councils are routinely noticed of all conditional use applications.

During discussion it was determined that the Fairview Community Council was noticed in this case, because the proposed location is within their borders.

In response to Mr. Meyer, Mr. Wohlforth said he had not heard of the Fairview Community Council's position on this application. He felt the Council was more concerned with licenses closer to downtown.

In response to Mr. Murdy, Mr. Esparza said he chose to apply for a new license rather than pursue a transfer because State Alcoholic Beverage Control (ABC) Board staff said some new licenses were available.

Mr. Murdy said he did not support adding more licenses to the existing group in Anchorage.

In response to Mr. Bell, Mr. Esparza said there was no bar in the restaurant. If someone wished to purchase only alcohol, they would have to sit at a regular table.

TOM MCGRATH, chair of the Spenard Community Council committee on liquor, noted they have not discussed this application. The Council would be affected by the establishment, because the location is near Council boundaries. He felt the Council would want to discuss the matter with Mr. Esparza. Also, he pointed the North Star Community Council is also in close proximity and its members would like to meet with the applicant. He requested a postponement of the resolution pending a meeting between the applicant and Spenard and Fairview Councils, and to allow time to inspect the parking lot to ensure it is paved and striped. In response to Mr. Wuerch, Mr. McGrath said Spenard Council does not normally oppose new beer and wines licenses, because they usually have a minimal impact.

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

Mr. Wuerch moved, seconded by Mr. Wohlforth,	to approve AR 98-135.
Mr. Wuerch moved, seconded by Mr. Meyer, and it passed without objection,	to postpone action on AR 98-135 until June 9, 1998

- J. Resolution No. AR 98-136, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Restaurant/Eating Place Liquor License) located on North Addition, Block O, Lot 11A, generally located between East Loop Road and East Bluff Road and southwest of Bilbo Street. (Hong Kim d.b.a. **International Palace**) (Case 98-080), Community Planning and Development.
 - 1. Assembly Memorandum No. AM 407-98.

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

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

to continue the public hearing on
AR 98-136 until June 2, 1998 to allow
time for the applicant to meet with
the Government Hill Community Council.

- K. Ordinance No. AO 98-54, an ordinance amending Anchorage Zoning Ordinance 94-235(S-1) to delete the requirements therein that the zoned property become part of the Municipality's Building Safety Service Area and that snow removal and disposal be provided said property by special assessment district and amending AO 94-235(S-1) requirements for street light maintenance and operation. Anchorage Ordinance 94-235(S-1) rezoned to Planned Community District (PC) approximately 530 acres described as **Tract A of the Powder Reserve** located immediately northwest and southwest of the North Eagle River Interchange of the new Glenn Highway in Eagle River and within portions of Sections 25, 26, 35 and 36, Township 15 North, Range 2 West, Seward Meridian Alaska, Assemblymember Kendall.
1. Assembly Memorandum No. AM 222-98.
 2. Information Memorandum No. AIM 66-98, Community Planning and Development.
 3. Ordinance No. AO 98-54(S), an ordinance amending Anchorage Zoning Ordinance 94-235(S-1) to delete the requirements therein that the zoned property become part of the Municipality's Building Safety Service Area and that snow removal and disposal be provided said property by special assessment district and amending AO 94-235(S-1) requirements for street light maintenance and operation. Anchorage Ordinance 94-235(S-1) rezoned to Planned Community District (PC) approximately 530 acres described as Tract A of the Powder Reserve located immediately northwest and southwest of the North Eagle River Interchange of the New Glenn Highway in Eagle River and within portions of Sections 25, 26, 35 and 36, Township 15 North, Range 2 West, Seward Meridian Alaska, Community Planning and Development.
 4. Assembly Memorandum No. AM 525-98.

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

LEE JORDAN, editor of the Alaska Star, noted this issue has been before the Assembly many times. He reviewed the history of attempts to include the Eagle River/Chugiak (ERC) area in the city's building code area. The 1994 ordinance rezoning the Powder Reserve also made vast changes contrary to the service area concept, which the proposed ordinance by Mr. Kendall attempts to rectify. In response to Mr. Bell, Mr. Jordan said he knew of no failures of structures in the ERC area due to lack of inspection. One commercial building was lost to a fire in the 1970's, but the cause was unknown.

ROBIN WARD of Prudential Vista Real Estate spoke as the marketing consultant for the Powder Ridge project. She noted in the Assembly packet was a letter from Eklutna Native Corporation stating their position of support for this ordinance. She felt there was going to be a marketing disadvantage to this subdivision if it is annexed into the full service district. If the contractors building in that subdivision have to get full building permits, which do cost more, and also are required to have the inspections from the Municipality which could cause a delay in the actual building of the house, that will cost more for them to actually build in that subdivision, which will be passed onto the buyer. So a house built in the Powder Ridge Subdivision, if it were annexed, would cost more than that same house in another subdivision. Also, there will be no tangible benefit to a homeowner owning a home there versus one in another subdivision. The majority of the builders do go ahead and get the ICBO inspectors. They hire a private inspector at a lower cost and with more flexibility in their schedule because they are only working with one ICBO inspector who has a more flexible schedule to perform inspections. In response to Ms. Clementson, Ms. Ward said many of the buildings will have either Federal financing or financing by certain banks that require the ICBO inspections, even for commercial projects. On a commercial project, even in Eagle River, they are required to get a plumbing, electrical and fire permit. But most lenders also require that they have inspections for the structural portion. She clarified requirement for structural inspections was determined by the financing entity, so there was a possibility they would not be required.

MARK EIDEM, of the Eagle River Chamber of Commerce, noted quality standards in building are ultimately enforced by lending institutions. He discussed Multiple Listing Service surveys of sales time and average sales price in ERC. Before 1994, ERC properties were cheaper than those in the Anchorage bowl. After 1994, that trend reversed. He also discussed the trend towards privatization of government services worldwide; the proposal seems to be a step in the opposite direction.

AUDREY MASON, a real estate agent, noted part of the reason for faster sale times and higher sales prices in ERC versus the Anchorage bowl was homes in ERC were newer on average. She has never encountered any concerns by buyers about lack of Municipal inspections; ICBO inspections are required by lenders. She has never seen poor construction; there are excellent contractors in Eagle River. She felt the current system works well and she saw no reason for change. She strongly supported the proposed ordinance.

RICHARD BROWN, a long-time Eagle River resident next to the Powder Reserve, is also a real estate agent. He noted ERC, with the lack of Municipal building inspections, has less structural failures than structures in the Building Code area. Today's standard of quality home construction is a product of market stability, a higher degree of competition among builders, demand for energy rated homes, better builder warranties and more definitive stipulations of building specifications prior to the start of construction. He felt Municipal inspections do nothing to improve the overall quality of homes. He opposed creating one area of ERC with a different building standard than the rest of the community.

CHRIS INGMANSON, of the Chugiak/Birchwood/Eagle River Rural Road Service Area Board, said the Board supported the ordinance. She pointed out Eagle River currently has a street light maintenance service area, which would make a special assessment area redundant. Also, there is adequate snow storage area along roads, which makes snow hauling unnecessary. The Board feels it is inappropriate for residents to be taxed for services that are not required.

GEORGE EASLEY, Chairman and Executive Officer of Eklutna, Inc., said the corporation strongly supports the adoption of the proposed ordinance. In response to Ms. Clementson, Mr. Easley explained some years ago Eklutna developed a master plan

in cooperation with the Municipal Planning Department. It was his understanding that Eklutna agreed to do whatever was required by the Municipality to get a PC.

TOM MEEHAN of Dowl Engineers, said the firm was working with Eklutna to develop Tract A of the Powder Reserve. He explained requirements of the 1994 ordinance were that annexations must be petitioned for by Eklutna to be instituted with or prior to recording of the first plat. It was Dowl staff's opinion that there was not time to go through the platting process and rezoning process to modify what is currently the zoning in the Powder Reserve.

JIM GALE felt it was unfair that Eklutna requested and received special conditions for its developments that were not extended to private developers. He discussed the problems and inequities with zoning in the ERC area.

CHUCK SPINELLI, an Anchorage home builder, said there was little difference between building in Anchorage or Eagle River. The same plans and structures are used, but private ICBO inspectors are hired to do ERC inspections. He felt not allowing this subdivision to have the same inspections as the other buildings in Eagle River was senseless. He felt the Municipal Building Safety staff were taxed, and more inspections would be burdensome and expensive. He said life safety issues have never been a problem in Eagle River. In response to Mr. Wuerch, he said a Municipal inspection cost about \$1,800 compared to about \$1,000 for an ICBO inspection. ICBO inspections also take much less time, and inspectors are very flexible.

JILL CROSBY, an Eagle River resident near the subject property, said area residents accept the reality of continued development. They want to ensure all development is done with care and integrity. She encouraged the Assembly to proceed with this ordinance accordingly.

JIM WARD, of the Anchorage Homebuilders Association, read a resolution passed by the Association in support of the proposed ordinance. As a builder, he builds homes in Anchorage and ERC to the same specifications. He felt it was unnecessary to add an extra burden of \$2,000 at the minimum for builders, which would be passed on to the consumer.

MIKE QUINN, a home builder and past president of the Anchorage Homebuilders Association, discussed the affordability aspect of the proposal. He noted it costs more to build in the bowl area, and that cost is passed onto the buyer. He said the added cost would make a great difference to first-time homebuyers when purchasing a home of \$150,000 or less.

DICK HAMILTON expressed concern about adding any new building requirements in the ERC area. He said the current zoning and permitting system is very effective, and is sufficient. As owner of land adjacent to Eklutna property, his future development would be affected by the proposal.

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 98-54.
seconded by Mr. Murdy,

Don Alspach of Community Planning and Development explained the substitute version of the ordinance reflects recommendations of the Planning and Zoning Commission. The substitute is the same as the original in Section 1, but deletes the requirement to remove the building service area.

Mr. Kendall outlined the purpose of his ordinance. He said when AO 94-235(S-1) was adopted, he was unaware of provisions affecting one subdivision and snow removal and lighting issues. He felt there was sufficient inspection of new construction, both residential and commercial. He urged his colleagues to support the ordinance.

Mr. Murdy felt all areas of the Municipality should operate under the same rules and policies. However, he supported the ordinance because it would correct a situation where one subdivision in Eagle River was subject to different building codes.

Mr. Bell concurred with Mr. Murdy. He felt the system in the ERC area was working well and should not be altered. He noted several cities contract all inspections to private inspectors, which he thought would be viable in Anchorage.

Mr. Carlson spoke in support of the ordinance.

Mr. Meyer also spoke in support of the ordinance.

In response to Mr. Wohlforth, Public Works Director Jim Fero said Municipal buildings in Eagle River are inspected; private construction is not inspected. He said there was no evidence that buildings in Eagle River are less safe than those in the bowl area because of lack of Municipal inspections. He clarified that his department has no position on this question. The issue is one of policy to be determined by developers, boards and commissions and the Assembly. He added he agreed with most statements by Mr. Spinelli. He said if the Assembly acts to subject the property to Municipal inspections, a budget amendment would be likely to fund additional inspectors and travel time to ERC.

Municipal Manager Larry Crawford noted the building safety issue was primary; the snow removal and lighting issues have been resolved.

Question was called on the motion to adopt AO 98-54 and it passed:

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

Mr. Kendall moved, to reconsider action on item 7.B.7,
seconded by Ms. Clementson, AO 98-91.
and it passed without
objection,

Mr. Kendall moved, to postpone action on AO 98-91
seconded by Ms. Clementson, indefinitely.

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

- L. Ordinance No. AO 98-70, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 9.32 by adding a new Section 9.32.100 regarding **historical building zones**, Assemblymember Wuerch. (AO 98-70 was not submitted.)

Mr. Wuerch said the primary cause for this ordinance was remedied by administrative action by the Mayor's Office.

Mr. Wuerch moved, to table action on AO 98-70.
seconded by Mr. Wohlforth,
and it passed without
objection,

- M. Ordinance No. AO 98-59, an ordinance amending Anchorage Municipal Code ("AMC") Title 8, **The Penal Code**, establishing municipal misdemeanors and infractions and their penalties and establishing general provisions for criminal liability, attempts to commit crimes, parties to a crime and certain definitions, by reorganizing, renumbering, revising and amending most sections to clarify language, specify requisite criminal intent, redefine certain crimes, incorporate the statement of penalties with the statement of the crime and to otherwise amend revise, reorganize and clarify AMC Title 8 by other similar amendments. This ordinance also amends Anchorage Municipal Code ("AMC") Title 17 by transferring AMC Chapter 17.35, (Cruelty to Animals) to the Penal Code as AMC Chapter 8.55 and also transferring AMC Sections 17.40.070 (Crimes Relating to Animal Behavior) and 17.60.050 (Crimes Relating to Wolf Hybrids) to the Penal Code as Sections 8.55.060 and 8.55.070 respectively, Legal Department.
1. Assembly Memorandum No. AM 79-98.
 2. Ordinance No. AO 98-59(S), an ordinance amending Anchorage Municipal Code ("AMC") Title 8, The Penal Code, establishing municipal misdemeanors and infractions and their penalties and establishing general provisions for criminal liability, attempts to commit crimes, parties to a crime and certain definitions, by reorganizing, renumbering, revising and amending most sections to clarify language, specify requisite criminal intent, redefine certain crimes, incorporate the statement of penalties with the statement of the crime and to otherwise amend revise, reorganize and clarify AMC Title 8 by other similar amendments. This ordinance also amends Anchorage Municipal Code ("AMC") Title 17 by transferring AMC Chapter 17.35, (Cruelty to Animals) to the Penal Code as AMC Chapter 8.55 and also transferring AMC Sections 17.40.070 (Crimes Relating to Animal Behavior) and 17.60.050 (Crimes Relating to Wolf Hybrids) to the Penal Code as Sections 8.55.060 and 8.55.070 respectively, Legal Department. (**addendum**)
 3. Assembly Memorandum No. AM 528-98.

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

CAROL JENSEN said timing for portions of the ordinance regarding Title 17 of the Municipal Code was very poor. She noted two committees are working very hard on a revision of Title 17, with particular attention to the sections affected by the proposed ordinance. She felt additions to Title 8 regarding animals should be considered at another time. Regardless of the timing, including animals in Title 8 does not make sense. Separating the laws and penalties between two separate chapters of the Code would be contrary to recent attempts to make Title 17 more user-friendly. She asked the Assembly to delete sections of the proposed ordinance regarding Title 17. She noted the Animal Control Advisory Board was not notified of this ordinance; the Board should have had an opportunity to comment on the ordinance.

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 98-59(S).
seconded by Mr. Meyer,

Municipal Attorney Mary Hughes explained the rewrite of Title 8 was approached from a prosecution and enforcement point of view. Prosecutors and police wanted all Municipal crimes in the same Title. She noted the State also places cruelty to animal issues within their criminal code. She said the Code would have a statement under Title 17 in the appropriate subsections referencing the move to Title 8.

Carmen Clark-Weeks, Assistant Municipal Prosecutor, said she has handled a majority of animal cases in the past. She noted in the past when citizens were prosecuted for animal cruelty, they have argued the act was not a crime because it was under Title 17, and the Municipality's jurisdiction was limited. Also, because it was not in Title 8, the Police Department has not completely understood that it is a criminal matter that they need to enforce. By placing the crimes in the criminal code, there will be better enforcement by police officers and animal control officers.

Mr. Murdy spoke in support of the ordinance.

In response to Mr. Wohlforth, Ms. Hughes explained the differences between the original and substitute versions. She said some of the changes in the ordinance were written to conform to rulings by the court.

John Richard, Chief Municipal Prosecutor, said the goal of the rewrite was to make the title more useable by reorganization. There was care taken to avoid tampering with any substantive provisions. In some instances, the changes appear substantive because of addition of culpable mental state provisions and elimination of antiquated language.

Ms. Clark-Weeks explained additional changes.

Mr. Wohlforth moved, to postpone action on AO 98-59(S)
seconded by Ms. Clementson, until June 2, 1998 pending receipt of a memorandum
summarizing substantive changes in the ordinance.

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

In response to Ms. Clementson, Mr. Hughes said she would provide the memorandum to the Assembly.

Ms. Clementson moved, to amend AO 98-59(S)on page 41, line
seconded by Mr. Kendall, 23 to read: "...six-month period: \$100."

Mr. Wohlforth suggested any changes to fines should be handled in a separate ordinance.

Mr. Murdy felt there were other fines which might need addressing, and they should be considered together under separate legislation.

Question was called on Ms. Clementson's motion to amend and it failed:

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

Question was called on the motion to adopt AO 98-59(S) and it passed:

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

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

A. **Appeal S-10180, Horizon Park Estates**, Clerk's Office.

This item was considered during the Special Assembly meeting of May 19, 1998.

14. **SPECIAL ORDERS:**

A. Nomination of interviewees for the Anchorage Telephone Utility Labor Board vacancy.

Mr. Wohlforth moved, to select a candidate without the
seconded by Ms. Clementson, interview process.
and it passed without
objection,

(Clerk's Note: See minutes of June 2, 1998 for selection of a candidate.)

15. **ASSEMBLY COMMENTS:** None.

16. **UNFINISHED AGENDA:** None.

17. **AUDIENCE PARTICIPATION:** None.

18. **EXECUTIVE SESSIONS:** None.

19. **ADJOURNMENT:**

The meeting adjourned at 10:35 p.m.

Chair

ATTEST:

Municipal Clerk

Date Minutes Approved: August 18, 1998

VC/db

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