

MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of April 27, 1999
continued to May 4, 1999

1. CALL TO ORDER:

The meeting was convened at 4:00 p.m. by Assembly 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 (4:15 p.m.), Pat Abney, Dan Kendall, Joe Murdy.
Absent: None.

3. PLEDGE OF ALLEGIANCE:

The pledge was led by Mr. Murdy.

4. MINUTES OF PREVIOUS MEETING: None.

Mr. Wuerch moved, to change the orders of the day to consider item 13,
seconded by Ms. Clementson, Board of Adjustment/Assembly Appeals.
and it passed without
objection,

Appeal S-10236, East Addition to the Townsite of Anchorage Subdivision, Clerk's Office.
(CARRIED OVER FROM 4-6-99)

Mr. Wohlforth moved, to reverse the decision of the lower body with respect to the
seconded by Ms. Clementson, vacation of LaTouche Street and E. 6th Avenue.

Mr. Wohlforth spoke to his motion. He said it was a case where Alaska Sales and Service requested a vacation of a portion of LaTouche Street and a portion of E. 6th Avenue as well as an alley running between LaTouche and Medford Street between E. 7th Avenue and E. 6th Avenue. It was opposed in front of the platting board by Dean's Automotive, owned by the Cherriers.

Mr. Wohlforth referred to page A-5 of the appeal brief quoting AMC 21.15.130(A). He felt that from reading the record that the burden of proof was not met with respect to LaTouche and E. 6th. He stated his reasons: 1) There was not any kind of traffic analysis or traffic count to record the actual use of these street segments. 2) The street segments appear to be of clear and demonstrable value at least to the one property owner and business of Dean's Automotive.

Mr. Wohlforth expressed concern that information as to traffic count and the circulation of vehicles such as large vehicles, is available on the street segment in question. Further, the street segment appears to be of clear, demonstrable value to at least one property owner, Dean's Automotive, and although that is a small subsection of the public it should be sufficient to show value to it. He also felt that the standard of burden of proof had not been properly applied by the Platting Board. He would affirm the lower body with respect to the alley, since he did not think that had been in contention.

Chair Von Gemmingen noted that the points of appeal are, (1) a safety issue, and (2) question of vacating property belonging to the citizens of Anchorage at no financial compensation.

Ms. Clementson agreed that all the points have to do with the vacation. She remarked that this is a public street, built with public funds, and that it belongs to the public. The Code requires that it not become private property for the gain of one particular party. She felt that the burden of proof had been misplaced, since the Code does not require a person objecting to a vacation of public property to prove that there is more reason not to vacate it. She emphasized that the burden of proof lies with the petitioner to justify the vacation of public rights of way, and the petitioner in this case has not shown to the satisfaction of the Physical Planning staff that vacation request is in the best interest of the public. She indicated her concern that the Platting Board seems to have made a value judgment between which is the more deserving business, Alaska Sales and Service or Dean's Automotive, and that was inappropriate.

Chair Von Gemmingen stated that there was nothing convincing in the appeal regarding parking and circulation, i.e., no traffic engineering report. He stated that before we vacate municipal property we need to have the record show good reason to do so.

Mr. Kendall questioned whether the alley vacation was actually appealed. Further discussion and references to Appellant's Exhibit #1 following page A-13, to pages 16 and 17 and to page 4, point 1, indicate objections to the alley vacation, based especially upon concern for a serious safety issue in the event of a fire or other disaster.

Mr. Wohlforth restated his motion, having withdrawn reference to affirming on the alley:

Mr. Wohlforth moved,
seconded by Ms. Clementson,

to reverse the decision of the Platting Board on the subject
of the vacation of the portion of E. 6th Avenue and the portion
of LaTouche Street.

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

Ms. Clementson moved,
seconded by Mr. Wohlforth,

to reverse the decision of the Platting Board regarding
vacation of the alley.

Ms. Clementson expressed her concern that a burden of proof had not been met. She saw a need for full input from emergency services, etc.

Mr. Kendall remarked that the level of proof for vacation of an alley and for a roadway would be slightly different. There is common ownership on both sides of an alley, and it seems fairly common practice to vacate an alley when the lot owners request it. An alley serves the lots immediately abutting it, whereas a roadway serves all the general public. Further, he did not believe the alleyway vacation appeal was before us.

Mr. Wohlforth concurred, stating that the burden of proof is at least partially met when there is a public hearing and no opposition to the vacation. He also noted that the Platting Board attached six conditions for approval of the plat which appear to address the Municipality’s concerns regarding utility easements, sewer and water easements, buffer landscaping, and so forth. Further, he remarked that alleys are not intended for traffic circulation and two nearby streets are available for traffic circulation.

Question was called on Ms. Clementson’s motion to reverse the decision of the Board regarding alley vacation and it failed:

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

Mr. Wohlforth moved,
seconded by Mr. Kendall,

to affirm the Platting Board’s decision with regard to the alley.

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

The meeting recessed at 4:30 p.m. and reconvened at 5:00 p.m.

5. MAYOR’S REPORT:

Mayor Mystrom updated the Assembly on the State revenue sharing issue. He remarked that he spent last Monday and Tuesday in Juneau, and that was very timely as, in a very quick and unexpected action about two and a half weeks ago, the House took action to eliminate state revenue sharing. The impact on Anchorage would be \$17 million for the 1999 budget. That would have meant an increase in taxes, probably immediately, up to the tax cap. It would also mean perhaps 200 layoffs beginning July 1st if the House’s action was supported by the Senate. However, the Senate voted in Finance Committee to re-institute about 66%, or two-thirds of the revenue sharing, and that would mean an impact of about \$5.8 million to Anchorage’s budget.

Giving some background on the matter, Mayor Mystrom stated that state revenue sharing is very common throughout the United States. All but four states have a revenue sharing program. It was started in about 1969, in lieu of corporate income taxes or corporate taxes. He pointed out that many media sources and politicians that normally differ on issues have all expressed opposition to the House’s action. He felt it would be helpful for the Assembly to add its voice to the work the administration has been doing. He said a resolution has been drafted and would be available later in the evening. He urged the members to consider approving it tonight. He will be leaving tomorrow night to return to Juneau

Mayor Mystrom inquired whether Ms. Clementson is planning to send out a letter addressing the revenue sharing issue.

Ms. Clementson replied that Mr. Mulder is a State representative from East Anchorage who was chairman of the House Finance Committee that took the action to zero out Municipal revenue sharing. Ms. Clementson did draft a letter, and spoke with Ms. Taylor about the possibility of sending it to Mr. Mulder’s constituents, to let them know that the direct result of the Committee’s action will most likely be an increase in taxes. The letter will likely be sent by the end of this week.

Mayor Mystrom urged other Assembly members to consider a similar mailing to their constituents. His staff can provide specific details and other information which might be helpful.

Mr. Wohlforth thanked the Mayor for all his work on this important issue and for making sure the public knows the impact of it. He also congratulated the Public Works Department staff on getting the streets swept very, very quickly this year, particularly in the downtown area.

6. ADDENDUM TO AGENDA:

Mr. Murdy moved,
seconded by Ms. Clementson,

to amend the agenda to include the addendum items.

Chair Von Gemmingen read the addendum items.

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

7. CONSENT AGENDA:

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

A. BID AWARDS:

1. Assembly Memorandum No. AM 362-99, recommendation of award to Pierce Manufacturing for providing **two 1500 gpm triple combination 4x4 pumpers** to the Municipality of Anchorage, Fire Department (ITB 99-B003), Purchasing.
2. Assembly Memorandum No. AM 380-99, recommendation of award to The Agency Group, Potelcom and WESCO for furnishing **transformers** to the Municipality of Anchorage, Municipal Light and Power (ITB 99-B008), Purchasing.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 99-67, an ordinance amending Sections 8.45.010 and 14.20.020 of the Anchorage Municipal Code and adding Section 25.70.070 to **allow the temporary exclusion from municipal property and facilities of persons who violate the laws of the Municipality of Anchorage, the State of Alaska, or the United States**, provide for the charging and prosecution for trespass of those who do not comply with orders of exclusion, and provide for hearings on orders of exclusion before the Administration Hearings Officer, Assemblymember Wohlforth. public hearing 5-25-99.
2. Ordinance No. AO 99-68, an ordinance authorizing **conveyance by quitclaim deed of any interest in a portion of the Chester Creek Greenbelt** immediate adjacent to Tract 2, Plat P-76, Legal Department. public hearing 5-11-99.
 - a. Assembly Memorandum No. AM 363-99.
3. Ordinance No. AO 99-69, an ordinance amending the zoning map and providing for the rezoning from B-4SL (Rural Business District with Special Limitations) and R-OSL (Residential Office District with Special Limitations) to B-3/SL (General Business District with Special Limitations) for the **Anchorage South Addition, Tracts A1A, B-1, E and F**; generally located on the east side of New Seward Highway and south of O'Malley Road (Huffman-O'Malley Community Council) (Planning and Zoning Commission Case 99-017), Community Planning and Development. public hearing 5-25-99.
 - a. Assembly Memorandum No. AM 364-99.
4. Ordinance No. AO 99-70, an ordinance amending the zoning map and providing for the rezoning from B-3 (General Business District) to I-1 (Light Industrial District) for **Morton Estates Subdivision, Block 2, Lots 1-6 and Lots 11-16; and Block 3, Lots 1-6**, generally located south of East 72nd Avenue and east of Briarwood Street (Taku-Campbell Community Council) (Planning and Zoning Commission Case 99-003), Community Planning and Development. public hearing 5-25-99.
 - a. Assembly Memorandum No. AM 381-99.
5. Resolution No. AR 99-88, a resolution of the Municipality of Anchorage appropriating \$1,448,763 from Alaska Housing and Finance Corporation (AHFC) to the State Categorical Grants Fund (231) for the **Weatherization Assistance Program**, Health and Human Services. public hearing 5-11-99.
 - a. Assembly Memorandum No. AM 379-99.
6. Resolution No. AR 99-89, a resolution of the Municipality of Anchorage appropriating \$518,000 of anticipated building permit revenue to the Department of Public Works, Building Safety Division for **internet payment, staffing, and hardware and software for Phase II of the Permit Automation System**, Public Works. public hearing 5-11-99.
 - a. Assembly Memorandum No. AM 365-99.
7. Resolution No. AR 99-90, a resolution of the Municipality of Anchorage appropriating \$298,704 of contributed revenue within the State Categorical Grants Fund (231) to the Public Works Department for **National Pollutant Discharge Elimination System (NPDES) permit services** provided in 1999, Public Works. public hearing 5-11-99.
 - a. Assembly Memorandum No. AM 366-99.
8. Resolution No. AR 99-100, a resolution of the Municipality of Anchorage appropriating \$400,000 as a loan from the Areawide General Operating Fund (101) to the Miscellaneous Capital/Pass-Thru Capital Improvement Program Fund (409) for **costs associated with the re-survey and re-plat of Rabbit Creek Heights and Rabbit Creek View Subdivisions** to be repaid by the Rabbit Creek Survey Improvement District 1V96, Public Works. public hearing 5-11-99.
 - a. Assembly Memorandum No. AM 389-99.

Mr. Bell asked this item be considered under the Regular Agenda. See item 8.C.

9. Resolution No. AR 99-101, a resolution **adopting the 1999 Action Plan of the Municipality of Anchorage 1995-2000 Housing and Community Development Consolidated Plan**, which constitutes the application to the U.S. Department of Housing and Urban Development for the Community Development Block Grant, the HOME Investment Partnership Program grant and the Emergency Shelter grant, Community Planning and Development. public hearing 5-11-99.
 - a. Assembly Memorandum No. AM 390-99.
10. Ordinance No. AO 99-71, an ordinance of the Municipality of Anchorage **authorizing a sale by the Department of Property and Facility Management of property and improvements located at Lots 2, 7, 8 & 9A, Block 23, and Lots 4, 5 & 6, Block 24, East Addition to Original Townsite**,

Anchorage, Alaska, on a sole source basis to Marc Marlow, principal in Blight Busters, Inc., LLC, for appraised market value, Heritage Land Bank. public hearing 5-11-99. **(addendum)**

- a. Assembly Memorandum No. AM 394-99.
11. Ordinance No. AO 99-72, an ordinance of the Municipality of Anchorage, Alaska, providing for the **issuance of Senior Lien Refunding Electric Revenue Bonds of the Municipality in the aggregate amount of not to exceed \$43,500,000** for the purpose of providing funds to refund certain outstanding electric revenue refunding bonds and to pay costs of issuance; fixing certain covenants and protective provisions safeguarding the payment of the principal of and interest on said bonds; delegating to the Chief Fiscal Officer certain matters relative to said bonds; authorizing an official statement; and authorizing the sale of such bonds, Finance. public hearing 5-11-99. **(addendum)**
 - a. Assembly Memorandum No. AM 397-99.
12. Ordinance No. AO 99-73, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 28.20.060, **Notice of Bonded Indebtedness Prior to Bond Issue Election**, to include the cost per \$100,000 of assessed valuation, Assemblymember Taylor. public hearing 5-11-99. **(addendum)**
 - a. Assembly Memorandum No. AM 398-99.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 99-99, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Theodora Jordan Watty for her nearly 15 years of service** with the Municipality of Anchorage, Assemblymembers Abney, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Taylor, Von Gemmingen, Wohlforth, and Wuerch.

Ms. Taylor asked this item be considered under the Regular Agenda. See item 8.D.

2. Resolution No. AR 99-84, a resolution of the Anchorage Municipal Assembly **supporting Senate Bill 10 relating to the undergrounding of utilities**, Assemblymember Abney.
 - a. Resolution No. AR 99-84(S), a resolution of the Anchorage Municipal Assembly supporting Senate Bill 10 relating to the undergrounding of utilities, Assemblymember Abney. **(addendum)**

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

3. Resolution No. AR 99-85, a resolution of the Anchorage Municipal Assembly **rescinding the previous protest of the renewal of the beverage dispensary liquor license for the 515 Club** pursuant to AR 98-19, and continuing the previous conditions on this license pursuant to AR 95-374 AS AMENDED, Assemblymember Murdy.

Mr. Wohlforth asked this item be considered under the Regular Agenda. See item 8.D.

4. Resolution No. AR 99-91, a resolution of the Municipality of Anchorage providing for the acceptance and appropriation of a grant totaling \$19,320 from the State of Alaska, Department of Education to the State Categorical Grants Fund (231) for the **Net Lender Reimbursement Program**, Cultural and Recreational Services/Library.
 - a. Assembly Memorandum No. AM 367-99.
5. Resolution No. AR 99-92, a resolution of the Municipality of Anchorage appropriating \$25,000 from the Areawide General (0101) Fund Balance to the Department of Health and Human Services to obtain a sole source contract with Gilmore & Doherty for **professional legal services regarding Allvest, Inc. v. MOA and Doyon Universal Services**, Legal Department.
 - a. Assembly Memorandum No. AM 368-99.
6. Resolution No. AR 99-93, a resolution of the Municipality of Anchorage appropriating \$25,000 from the Areawide General (0101) Fund Balance to the Department of Finance to amend the sole source contract with Preston, Gates & Ellis to **obtain a reappraisal of the Captain Cook Hotel and assist in the litigation of property tax assessment appeals** filed by the Hickel Investment Company, Legal Department.
 - a. Assembly Memorandum No. AM 369-99.

Mr. Wohlforth asked this item be considered under the Regular Agenda. See item 8.D.

7. Resolution No. AR 99-94, a resolution authorizing the **disposal of a municipal interest within Lots 18A through 21, Lampert Subdivision**, located in the vicinity of Northern Lights Blvd. and Gambell Street, Water and Wastewater Utility.
 - a. Assembly Memorandum No. AM 370-99.
8. Resolution No. AR 99-102, a resolution of the Anchorage Municipal Assembly supporting and endorsing House Bill No. 178, "An Act relating to **removing solid waste collection and disposal service from regulation by the Alaska Public Utilities Commission**; requiring certain municipalities, and permitting other municipalities, to regulate solid waste collection and disposal service within the municipal boundaries; and providing for an effective date.", Assemblymembers Wuerch, Abney, Bell, Carlson, Meyer, Murdy, and Taylor. **(addendum)**

Mr. Wuerch asked this item be considered under the Regular Agenda. See item 8.D.

9. Resolution No. AR 99-103, a resolution of the Municipality of Anchorage appropriating the sum of \$70,000 from the State of Alaska, Department of Public Safety, Highway Safety Planning Agency,

and \$6,775 as a contribution from the 1999 Anchorage Metropolitan Police Service Area Operating Budget to the State Categorical Grants Fund (0231) for this **Traffic Enforcement Program**, Anchorage Police Department. (**addendum**)

- a. Assembly Memorandum No. AM 400-99.
10. Resolution No. AR 99-104, a resolution of the Anchorage Municipal Assembly to **enter into an interest free loan agreement with Freedom Days Festival, Inc.** to help fund Anchorage's 1999 Fourth of July Fireworks Celebration, Assemblymembers Abney and Meyer. (**addendum**)
 - a. Assembly Memorandum No. AM 415-99.

Mr. Wohlforth asked this item be considered under the Regular Agenda. See item 8.D.

11. Resolution No. AR 99-105, a resolution of the Anchorage Municipal Assembly **supporting amendments to Alaska Statutes governing the use of marijuana for medical purposes**, Assemblymember Carlson. (**LAI D ON THE TABLE**)

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

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 358-99, **Emergency Medical Service Board appointment** (Mary Leemhuis), Mayor's Office.
2. Assembly Memorandum No. AM 359-99, confirmation of **appointment to 457 Deferred Compensation Committee** (Beverly Shroyer), Mayor's Office.
3. Assembly Memorandum No. AM 354-99, **Black Angus Steak House #2** - Transfer of Ownership of a Tourism Beverage Dispensary Liquor License (Fairview/Airport Heights/Rogers Park Community Councils), Clerk's Office.
4. Assembly Memorandum No. AM 355-99, **Organic Oasis Health Foods & Juice Bar** - New Restaurant/Eating Place Liquor License and Restaurant Designation Permit (North Star/ Spenard Community Councils), Clerk's Office.
5. Assembly Memorandum No. AM 356-99, **La Fiesta** - New Restaurant/Eating Place Liquor License and Restaurant Designation Permit (North Star/Spenard Community Councils), Clerk's Office.
6. Assembly Memorandum No. AM 357-99, **1999-2000 Liquor License Renewals**: Asia Garden/Brandey's, Birchwood Saloon, Blondie's Alaskan Steak & Seafood, Club Paris, Courtyard by Marriott-Tourism, Crow's Nest-Duplicate, Elevation 92, Fletcher's-Duplicate, Ginza Restaurant, International Airport Lounge-Tourism, J.J.'s Sports Center-Muldoon, La Mex-Spenard, La Mex-Too, La Mex Too-Upstairs/Duplicate, Long Branch Saloon, Mr. Whitekey's Fly-by-Night Club, O'Brady's Burgers & Brew #2, O'Malley on the Green, Pancho's Villa, Spenard Paradise Inn Lounge-Tourism (Beverage Dispensary); VFW Post #9981 (Club); C&D Liquors, Liquor Locker, Spirits of Alaska #1, Spirits of Alaska #2, Spirits of Alaska #3 (Package Store); Campobello, Cozy Corner Cafe Cyrano's Crepes & Books, Ding How Restaurant, Gesine's at Four Corner Restaurant, Greek Corner Restaurant, Little Italy Restaurant, Mexico in Alaska Restaurant, Muldoon Pizza, New China Restaurant, Northern China Restaurant, O'Brady's Burgers & Brew #1, Pizza Man, Roscoe's Skyline Restaurant, Royal Gate, Su's Restaurant, Thai House Restaurant, Young Bin Restaurant (Restaurant/Eating Place); ~~Denali Winery (Winery)~~, Clerk's Office.

Ms. Clementson asked this item be considered under the Regular Agenda. See item 8.E.

7. Assembly Memorandum No. AM 371-99, amendment No. 3 to professional legal services contract with Stoel Rives, LLP regarding the **litigation of Bruns & Saathoff v. MOA**, Legal Department.
8. Assembly Memorandum No. AM 372-99, change order No. 2 to Matrix General, Inc. for the **construction of Girdwood Fire Station #15**, Contract #C-80330, Property and Facility Management.
9. Assembly Memorandum No. AM 373-99, contract amendment No. 7 with Wilder Construction Co., Inc. for the **8th Avenue Rehabilitation "L" Street to Cordova**, File 96-05; **"K" Street Rehabilitation 7th Avenue to 9th Avenue**, File 96-10; and **"H" Street Rehabilitation 3rd Avenue to 9th Avenue**, File 96-09, Public Works.
10. Assembly Memorandum No. AM 374-99, cooperative purchase of **traffic paint and reflective glass beads** from Polar Supply Company for the Municipality of Anchorage, Public Works Department/Purchasing.
11. Assembly Memorandum No. AM 375-99, sole source award for **periodical and serial renewals** from University Microfilms International for the Municipality of Anchorage, Department of Cultural and Recreational Services/Purchasing.
12. Assembly Memorandum No. AM 376-99, proprietary purchase of **computer hardware and software maintenance and software license fees** from IBM Corporation for the Municipality of Anchorage, Management Information Systems Department/ Purchasing.
13. Assembly Memorandum No. AM 377-99, change order No. 1 to purchase order 80548 to exercise the first option renewal period with EQE International, Inc. for providing **seismic engineering services** on an "as required" basis for the Municipality of Anchorage, Municipal Light and Power/ Purchasing.
14. Assembly Memorandum No. AM 378-99, change order No. 2 to purchase order 73210 with Great Guns Inc. for providing **body armor** to the Municipality of Anchorage, Police Department/ Purchasing.
15. Assembly Memorandum No. AM 382-99, sole source award for a **75' Quint Aerial unit** from Pierce Manufacturing for the Municipality of Anchorage, Fire Department/Purchasing.

Ms. Clementson asked this item be considered under the Regular Agenda. See item 8.E.

16. Assembly Memorandum No. AM 383-99, recommendation of award to CH2M Hill, Inc. for providing consulting engineering services for performing a **disinfection alternatives evaluation study** for the Municipality of Anchorage, Water and Wastewater Utility (RFP 71-98), Purchasing.
17. Assembly Memorandum No. AM 384-99, amendment No. 1 to the professional services contract with Lounsbury and Associates, Inc. for the **Baxter Road/Beaver Place Street and Drainage Improvements Project**, Engineering File No. 96-06, Public Works.
18. Assembly Memorandum No. AM 385-99, contract amendment No. 4 to professional services contract with Lounsbury & Associates for the **Ingra Street Extension Design Study**, File 92-63, Public Works.

Mr. Wohlforth asked this item be considered under the Regular Agenda. See item 8.E.

19. Assembly Memorandum No. AM 391-99, change order No. 5 to purchase order 74627 with Paratransit Services, Inc. for providing **coordinated transportation services** for the Municipality of Anchorage, Public Transportation Department/Purchasing.
20. Assembly Memorandum No. AM 392-99, change order No. 3 to various purchase orders with various firms for providing **professional engineering services for the 1998 Watershed Management Program** for the Municipality of Anchorage, Public Works Department/Purchasing.

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 36-99, **Federation of Community Councils' Auditor's Report, 1998**, Municipal Clerk.
2. Information Memorandum No. AIM 37-99, **Anchorage Women's Commission Public Transportation Special Project**, Health and Human Services.
3. Information Memorandum No. AIM 38-99, distribution of the *Alaska Native's Guide to Anchorage*, third edition; the *Safety in the City with Alaska Native Values* brochure; and the *1999 Native American Women's Calendar*, Health and Human Services.
4. Information Memorandum No. AIM 39-99, **Executive Appointment Report** for the period of October 1998 to December 1998 (Donald F. Smith, Labor Relations Manager-ER; Patricia Ann Huna-Jines, Municipal Attorney II-Law; Caren L. Mathis, Community Planning Director; John M. Darnall, Municipal Attorney I-Law, Joseph D. O'Connell, Municipal Attorney I-Law; Randall J. Hoffbeck, Parks and Recreation Manager), Employee Relations.

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

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

8. REGULAR AGENDA:

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

1. Resolution No. AR 99-100, a resolution of the Municipality of Anchorage appropriating \$400,000 as a loan from the Areawide General Operating Fund (101) to the Miscellaneous Capital/Pass-Thru Capital Improvement Program Fund (409) for **costs associated with the re-survey and re-plat of Rabbit Creek Heights and Rabbit Creek View Subdivisions** to be repaid by the Rabbit Creek Survey Improvement District 1V96, Public Works. public hearing 5-11-99.
 - a. Assembly Memorandum No. AM 389-99.

Mr. Bell stated he wanted to address some questions on this issue, as he will no longer be on the Assembly by the time of the public hearing. He noted that work has been done on this Rabbit Creek re-survey for three or four years. Many of the people who were involved in this understood that the cost of re-survey would be about \$1,000 per lot, and that if they voted to approve that, the costs could exceed that amount by 10 percent. However, the costs have already well exceeded 10 percent. This is an appropriation for another \$400,000 on top of the \$368,00 already spent, making a total of some \$750,000 – more than double what most people anticipated.

Mr. Bell felt the subdivision survey was done by an incompetent surveyor. It was so bad that title insurance could not be issued on the properties. A surveyor was hired to correct the problems. To avoid the owners of some of the more than 300 properties involved suing each other over locations of lot lines, the decision was made to just let the court system sort it out. Mr. Bell pointed out the cost of court procedures is considerably higher than was anticipated. Also, it was discovered that some monumentation was missing, resulting in even more expense in having that feature properly installed. He expressed concern that all these costs are being placed back upon the property owners, whereas he feels there is some liability on the part of the Municipality for initially approving the subdivision. Also, the property owners are being asked to cover costs of litigation. Whereas people initially anticipated \$1,000 to \$1,100 assessment per lot, they now face a \$2,600 cost. He felt that amount would not have been approved by the residents if balloted.

Mr. Bell supported a substitute document, which would leave questions of detail and implementation to the Assembly and the administration to consider at a later date. Because of the prospect that the State Senate Bill may have greater likelihood of passing than the House Bill, Mr. Bell believed it would be prudent to approve the substitute. He added that he sees a need for a compromise whereby the Municipality will bear some of the assessment costs.

Ms. Clementson thanked Mr. Bell for a substitution. She felt the important part of the substitute document was that it acknowledges the fact that there are taxpayer concerns to be considered, as opposed to being specific about supporting a particular bill.

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 99-99, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Theodora Jordan Watty for her nearly 15 years of service** with the Municipality of Anchorage, Assemblymembers Abney, Bell, Carlson, Clementson, Kendall, Meyer, Murdy, Taylor, Von Gemmingen, Wohlforth, and Wuerch.

Ms. Taylor moved,

seconded by Ms. Clementson,

and it passed without objection,

to approve AR 99-99.

Ms. Taylor read the resolution and congratulated Ms. Watty.

Ms. Watty thanked the Assembly. She said it was her pleasure to work for the citizenry of Anchorage, for the Municipality, and for the Assembly. She wished the members courage, stamina and wisdom in the future.

Ms. Abney thanked Ms. Watty. She recalled Ms. Watty’s consistent helpfulness in many ways.

Mr. Bell added his appreciation for Ms. Watty’s sense of humor.

2. Resolution No. AR 99-84, a resolution of the Anchorage Municipal Assembly **supporting Senate Bill 10 relating to the undergrounding of utilities**, Assemblymember Abney.
- a. Resolution No. AR 99-84(S), a resolution of the Anchorage Municipal Assembly supporting Senate Bill 10 relating to the undergrounding of utilities, Assemblymember Abney. **(addendum)**

Ms. Abney moved,

seconded by Ms. Taylor.

to approve AR 99-84(S).

Mr. Kendall expressed concern that Senate Bill 10 appears to be another mandate without accompanying funding. He cited an ordinance passed earlier that states that the Municipality would pay for replacement cost of lines underneath road construction. He observed a misunderstanding as to what actually may happen with road reconstruction and relocation. He felt Municipal Departments dealing with utilities should have been consulted and allowed to comment about the impact of this resolution.

Ms. Clementson said she had received several calls from constituents with concerns on this item. One of these is that Senate Bill 10 is aimed at the Municipality of Anchorage. She felt this was a local-control issue, not something that the State Legislature should be mandating. It requires the utilities not only to underground, but also to go outside of their Alaska Public Utilities Commission (APUC) rate structure. She stated that there is no program in place for knowing where certain lines are going to be undergrounded or when. There is a program available to people to form assessment districts, similar to road assessment districts, if they specifically want their utilities undergrounded. People in areas already undergrounded are concerned that raising the rates in order to underground in other areas would not benefit them.

Ms. Abney stated that the Municipal Code already contains a provision for the Planning Department to determine where the undergrounding shall occur and is “NR’s” up to 4%, whereas this measure mandates at least 1%.

Mr. Wohlforth stated he would be supporting the resolution. Undergrounding is one of the most important things that can be done to beautify Anchorage. The current law has been in existence for many years and is essentially lip service without any real impact. He believed the community is prepared to pay the 1% cost.

Mr. Bell pointed out the current law has loopholes that allow continued placement of overhead lines. The proposed ordinance does not require that every line put up in Anchorage will be undergrounded, but it will be a step in the right direction.

Mr. Kendall remarked that he knows of at least one subdivision near West High School where they did underground just about all utilities, so Municipal Light &Power is doing some undergrounding of existing lines. However, he re-emphasized that the proposed Senate Bill effectively applies only to Anchorage. He suggested that if undergrounding is a large concern it should be addressed at the Assembly level rather than allowing the Legislature to mandate rules.

Question was called on the motion to approve AR 99-84(S), and it passed:

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

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

3. Resolution No. AR 99-85, a resolution of the Anchorage Municipal Assembly **rescinding the previous protest of the renewal of the beverage dispensary liquor license for the 515 Club** pursuant to AR 98-19, and continuing the previous conditions on this license pursuant to AR 95-374 AS AMENDED, Assemblymember Murdy.

Mr. Wohlforth moved, to approve AR 99-85.
seconded by Ms. Taylor,

Mr. Wohlforth moved, to postpone action on AR 99-85 until May 11, 1999.
seconded by Ms. Clementson,

Mr. Wohlforth stated this resolution would rescind the Assembly’s protest of the 515 Club license, a matter which has been pending for roughly 16 or 17 months and has not yet come up for a hearing before the State Alcoholic Beverage Control (ABC) Board. The proposed resolution could not easily be reversed. He thought it would be a disservice to the public to approve this resolution right after the election and right before the new Assembly is seated. He added there was a lot of information on the 515 Club presented tonight, and members did not have adequate opportunity to review it.

Mr. Murdy argued the resolution was turned in to the Assembly staff two weeks ago, not the day before the election. He stated that he spent three weeks going to the restaurant at different times of the day to observe the operation. He felt it had significantly improved operation over the past year and a half. The Police Department reports no problems within the last eighteen months. Mr. Murdy felt it would be appropriate to give them another chance, and opposed a postponement.

Mr. Bell agreed. He pointed out that this Assembly voted to protest the license, and it would seem appropriate for the same people to rescind it, rather than wait for four new Assembly members to be seated. He recommended that the matter be addressed at this time.

Mr. Wohlforth felt to rescind a protest which has been standing for sixteen months, just before new members takes office would be wrong, since the voters have indicated who they want to be making decisions. He reiterated there was new information to review, and there should be no particular hurry to act since the issue has been pending for such a long time.

Ms. Clementson observed there was a public hearing with testimony from the public when the Assembly revoked this liquor license; she felt to undo that action without a public hearing would be wrong. Further, she noted that the Assembly has not seen anything directly from the Police Department saying there have been no further problems at the bar.

Ms. Clementson moved, to amend the motion to postpone to hold a public hearing for
and it was accepted as a AR 99-85 on May 11.
friendly amendment,

Mr. Murdy expressed his strong disagreement.

Question was called on Mr. Wohlforth’s motion to postpone as amended and it failed:

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

Mr. Wohlforth reminded his colleagues that when the Assembly protested this license in about 1994 or 1995, the establishment did a wonderful job of improving operations. Later that year, the Assembly rescinded that protest. Not long after that, police officers observed more illegal activities, which they reported and the Assembly renewed its protest. Now, right before the ABC Board hearing, there is a proposal to rescind the latest protest. He felt this type of indecisiveness damages the Assembly’s credibility, and removes any incentive the alcohol industry has to try to clean up some of the bars that operate in violation of the law. He was disappointed the Assembly has not really dealt with the alcohol problem downtown. This issue is a major concern of voters, which he felt was evidenced by the poor results of candidates who were linked monetarily to the alcohol industry in the recent election.

Mr. Wuerch defended the effectiveness of the Assembly in dealing with alcohol licensees, particularly in the midtown area, who do not comply with the law. He recited occasions where a license application was denied for an organization that catered to young people, where sanctions were imposed on another licensee and prompted an immediate management change including buying out the minority owner who was troublesome, and a third case where the Assembly protested renewal and objected to a transfer of a license of a package store. He felt that an assertion that this Assembly has not dealt with troublesome alcohol licensees is out of context. He felt the objective was to ensure licensees operate lawful and responsive licensees that abide by the State law and make this a better town to live in. He admitted that a person campaigning against alcohol in its entirety will not be satisfied with that objective. However, he felt Anchorage is capable of hosting and providing entertainment outlets for visitors and our own population in which alcohol does play a role in a safe, sane and properly compliant manner. Mr. Wuerch pointed out the 515 operator did respond to sanctions in the past, and the argument could be made that this operator has done what the Assembly has asked.

Mr. Wohlforth pointed out one definition of insanity is “doing the same thing again and again while expecting a different result.” He said it has been shown that when previous protests were lifted, offenders went back to the same management practices as before -- serving alcohol to already-intoxicated patrons. He added although Mr. Murdy said he has spent some time observing the conduct of the business, there is no firm evidence before the Assembly other than statements from the bar management itself. Also, there have been no positive comments from the community or other businesses. He believed that a public hearing introduced evidence from the community which would be more convincing than what is currently available.

Mr. Murdy stated for the record that he had been in the bar several times without discussing his reason for being there with the owner. He stated that the only person he talked to was the bartender, when he ordered a soft drink.

Mr. Bell observed several bars have improved. He stated that closing the bars merely moves the problem to another area of town. The better thing is to control the bars as best we can. He felt some good progress has been made in that direction. He agreed with Mr. Wuerch that there is room for improvement, but shutting bars down leaves no room for improvement.

Mr. Meyer agreed the goal should be to have responsible people serving alcohol. He averred that the fact this bar is becoming more responsible is a step in the right direction, and what has worked best so far is keeping the community and the Police Department involved. He recommended continued monthly meetings of the bar owners with the Community Council and APD to continue cooperation among all parties.

Mr. Carlson then called attention to Section 2 of the resolution which provided that conditions previously imposed on this licensee shall continue in full force and effect, and that violations of these conditions can result in subsequent protests by the Anchorage Assembly. He felt that the conditions, which will remain in effect, are a reason the bar has cleaned up its act.

Mr. Wohlforth remarked that the conditions were in effect when the Assembly protested, and that they appear to be ineffective with other licenses, because the ABC Board has said they do not recognize Assembly-imposed conditions.

Ms Abney moved, the previous question.
seconded by Mr. Kendall,
and it passed without
objection,

Question was called on the motion to approve AR 99-85 and it passed:

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

Ms. Clementson moved, to spread reconsideration on the minutes.
seconded by Mr. Wohlforth,

(Clerk's Note: See minutes of May 11, 1999 for further action on this item.)

4. Resolution No. AR 99-93, a resolution of the Municipality of Anchorage appropriating \$25,000 from the Areawide General (0101) Fund Balance to the Department of Finance to amend the sole source contract with Preston, Gates & Ellis to **obtain a reappraisal of the Captain Cook Hotel and assist in the litigation of property tax assessment appeals** filed by the Hickel Investment Company, Legal Department.
 - a. Assembly Memorandum No. AM 369-99.

Mr. Wohlforth moved, to approve AR 99-93.
seconded by Ms. Taylor,

Mr. Wohlforth disclosed a possible conflict of interest. He has a business relationship with Walter J. Hickel, who is involved with Hickel Investment Company. He did not believe his relationship, which was contractual, is related to the property taxes.

In response to Mr. Bell, Municipal Attorney Mary Hughes said the total appropriation would be \$120,000. She said the difference between the disputed assessment amounts in tax revenues would be approximately \$1.7 million. The issue has gone on for several years. It is a significant issue, especially as to the precedent it may set.

Mr. Bell calculated that there is about \$250,000 per year in taxes to be collected in dispute on the Captain Cook Hotel, plus \$120,000 for disputing the assessment. He inquired whether this appropriation would be the final one.

In reply, Ms. Hughes stated that this particular assessment has been appealed to the Board of Equalization, gone to Superior Court, gone to the Board again, and was currently before the Board for a decision. She said the reason the Municipality hired outside counsel to represent the Assessor's Office was because the Department of Law represents the Board of Adjustment.

Municipal Assessor Wayne Haerer reviewed the history of the issue. He stated that the Captain Cook appeal involves assessment years 1993, 1994, 1995, and 1996. They did not appeal in 1997, and the 1998 appeal is pending review. The 1993 appeal was upheld by the Board of Equalization; Hickel Investments took it to the Superior Court which, a year later, remanded it to the Board of Equalization for further findings of fact on how the Board separated business value from the real estate value. They also appealed the 1994 assessment, the Board upheld the assessed value, and it went back to court. All the appeals were consolidated and presented to the Board. The Board has heard the case in four, different elongated hearings, made preliminary decisions and have not heard the 1998 appeal yet. He confirmed that \$1.7 million difference in tax dollars on the table.

In response to Mr. Bell, Mr. Haerer the 1993 and 1994 appeals were over the matter of differentiation between business value and real estate value, but the second time the court remanded and ordered the Board of Equalization to consolidate the appeals. They did that, but it was not until five years later that this all came together into one bundled appeal.

Mr. Bell inquired whether it will all go back to court again. The Assessor concluded that was likely since the preliminary decision of the Board was to increase the assessed value.

In response to Mr. Bell Municipal Attorney Hughes stated that the \$120,000 would not cover going to court again. Although at one time, perhaps 1996 or 1997, the parties were very, very close to settlement, that is not the situation now because the Investment Company walked away, obtained other legal counsel, and brought the matter to its present situation.

Mr. Bell expressed his concern that the matter is so repetitive as to be like chasing one's tail.

Chair Von Gemmingen remarked that the Board of Equalization sits in place of the Assembly, and she considers this worth the expense.

Mr. Wohlforth commented that, unfortunately, the legal process is often protracted and seems wasteful. But dropping a tax dispute with a very large property owner involving more than a million dollars, not including all the other hotels in town. The only choice is to bite the bullet and pursue our tax claim. If we desist in pursuing this claim it would be inviting tax payers to simply challenge and go to the court system knowing the Assembly would not allocate money to defend against appeals.

Mr. Bell remarked that it appears we have been in court twice and not won. He felt that if we had had a good case we would have won it.

Question was called on the motion approve AR 99-93 and it passed:

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

5. Resolution No. AR 99-102, a resolution of the Anchorage Municipal Assembly supporting and endorsing House Bill No. 178, "An Act relating to **removing solid waste collection and disposal service from regulation by the Alaska Public Utilities Commission**; requiring certain municipalities, and permitting other municipalities, to regulate solid waste collection and disposal service within the municipal boundaries; and providing for an effective date.", Assemblymembers Wuerch, Abney, Bell, Carlson, Meyer, Murdy, and Taylor. **(addendum)**
Resolution No. AR 99-106, a resolution of the Anchorage Municipal Assembly **supporting State Legislation which provides a manner and method of Alaska Public Utilities Commission deregulation** which provides the Anchorage ratepayers protection from increased costs of services together with safe and reliable service and taxpayers protection from a loss of value of the taxpayers' investment, Assemblymember Wuerch. **(LAID ON THE TABLE)**

Mr. Wuerch moved, to approve AR 99-102.
seconded by Ms. Clementson,

Mr. Wuerch moved, to substitute AR 99-106.
seconded by Ms. Clementson,

Mr. Wuerch explained a substitute document addressed the issue of deregulation in generic terms, without reference to either of the two Bills in the legislature. It set forth some of the principles deemed important to protect the city's interests. Those were the provisions of Title 29, would give the Municipality the right to set rates, regulate and manage waste disposal and collection, through a variety of options including contracting, retaining the function by the city, or through a franchise. It also called to task (at line 40 on the substitute version) State Statute 42, which is the PUC's regulatory framework, to make sure that the local governments would have the same latitudes for regulating that the PUC now has. He felt that the substitute would likely be the better way to go in this issue. He added that, like the original, it did not address the details of "how," but that was not the intent. It would simply provide enabling legislation, and details and implementation would be left to the Assembly and Administration to decide. He added that, because of the prospect that the Senate Bill may be more likely to pass than the House Bill, he felt it wiser to approve the substitute.

Ms. Clementson thanked Mr. Wuerch for the substitution. She felt its importance was in spelling out tax payer concerns to be considered.

Mr. Wohlforth agreed that the substitution is a commendable improvement. He did point out a drafting error in the last sentence of Section 1, where he suggested the wording "should provide" and "should allow." Mr. Wuerch agreed the correction was absolutely appropriate.

Mr. Wohlforth moved, to amend AR 99-106 on line 38 to read: "...should provide..."
seconded by Mr. Wuerch, and on line 39 to read: "...should allow..."
and it passed without objection,

Mr. Kendall stated that the Assembly should have more deliberative discussion and thought on this issue. He recalled the sale of the phone company was discussed for several years. His opinion was that the substitute version before the meeting was more generic for re-regulation. He suggested that the Assembly should step back, and ask the Legislature to wait to discuss it further. He noted that employee jobs would be at risk, service by the Municipality would be at risk, and setting an option for a monopoly for refuse collection within our city, without enough information on the matter. He felt that deregulation may be the way to go, but the minimal information and deliberation on this was not sufficient for him to support either motion.

Question was called on the motion to substitute AR 99-106 as amended and it passed:

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

In response to Mr. Wohlforth, Municipal Attorney Hughes said she assisted in drafting the substitute. Her concern was that the Legislature is very confused at this time. The Administration pointed out the deficiencies of House Bill 178, whereas some legislators concluded that letters to Juneau have supported that Bill. So if this is passed, she would want some legislative intent to indicate that this provision is generic in nature. And it must be clarified as to the Municipality's position with respect to that particular House Bill. She confirmed that it has administration support.

In response to Mr. Kendall, Municipal Attorney Hughes responded by pointing out that this is very similar to the policy of Assembly in the legislative program, because you want to safeguard value for the taxpayers, have cost effective and reliable service, but you do support a deregulation of APUC jurisdiction. Deregulation would be an option of for the Municipality.

Mr. Kendall recalled that the Assembly legislative packet in December gave a one-paragraph, general outline of deregulation. He questioned whether this confused that issue.

Mr. Wuerch remarked that the legislative package had only five sentences over two pages that dealt with solid waste issues, and was only generic as to our position on any particular piece of legislation. He thought the Assembly did support deregulation in principle, putting the control at the local government level. He referred to that as last-minute action, and felt that this would put some shape to that. He felt that success in selling ATU and some Fairbanks' actions demonstrate the benefit of having some things done in the private sector. He emphasized that this resolution did not say what we would do with the utility—whether to continue to operate as government-owned, contract it, or grant a franchise, -- but it would provide framework for legislation that would authorize any such action, and would set forth our minimum requirements at lines 38 and 40 substitute resolution.

Mr. Murdy expressed concern with the Municipality being a regulatory agency and setting rates in deregulation. He thought the private sector will be hurt by that. He supposed that they would not be allowed to charge less than what we are charging now, and he found it difficult to find a fair balance.

Mr. Kendall observed that the sale of ATU came out after deregulation of the telephone industry on the local level within Anchorage. But the regulations were in place so we continued to own and operate a viable utility throughout the sale period. The proposal in House Bill 178 would not guarantee that, and at this point we are just giving a blanket approval to deregulation without knowing what we would be going to get. The legislature is in the last part of the session and involved with other matters. Mr. Kendall was concerned that we may not get what we want this late in the session.

Question was called on the motion to approve AR 99-106 as amended and it passed:

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

Municipal Attorney Mary Hughes inquired whether it is appropriate to indicate the committee on House Bill 178 that the Assembly does not support that bill as it is presently constituted.

Chair Von Gemmingen was of the opinion that, with Mr. Wuerch's concurrence, she would say that our position is that we do not support that bill.

Mr. Wuerch stated that he learned this day of a committee substitute which the Assembly had not yet seen. He felt we could not say we are opposed to what we have not read; however, he felt the original House Bill 178 was fraught with flaws that we would take exception to.

Ms. Hughes acknowledged Mr. Wuerch's remarks, and stated that the House Bill itself is what is before the committee now, and that when the committee substitute comes in and if it is adopted, the Assembly will be made aware of that.

Without objection, the Assembly changed the orders of the day to consider item 10, Appearance Requests.

Bobbie Olson, Anchorage Women's Commission, regarding a study of public transportation issues in Anchorage.

Ms. Bobbie Olson, chair of the Women's Commission, addressed the Assembly. She explained the public transportation issue was one of the issues the Commission has addressed that came from a 1996 *Assessment of Need and Available Resources for Women in Anchorage*. Ms. Olson said the Commission questioned whether it is feasible to rely on public transportation, and defined feasible as "availability, dependability and safety" not just for women but for all citizens. Public transportation issues involved more than travel to and from employment; day care, shopping, health care, travel to the airport, laundry services and recreation were also considered. Many sources of information were used, including users, transportation providers, and social service providers. In addition to results of a survey developed in cooperation with the Public Transportation Department, the bus drivers themselves provided some input and recommendations for improved service. Ms. Olson thanked all those people who provided the data for the study, and especially staff liaison, Betsy Kanago for her hard work in compiling the data. Ms. Olson said future studies would be discussed at the Commission's May 7, 1999 retreat. She welcomed suggestions for the next study, as well as comments, concerns and questions regarding this report.

Ms. Clementson thanked the Commission for its work on this study.

(Clerk's Note: The Assembly then returned to the remaining items on Agenda Item No. 8, Regular Agenda)

6. Resolution No. AR 99-104, a resolution of the Anchorage Municipal Assembly to **enter into an interest free loan agreement with Freedom Days Festival, Inc.** to help fund Anchorage's 1999 Fourth of July Fireworks Celebration, Assemblymembers Abney and Meyer. **(addendum)**
 - a. Assembly Memorandum No. AM 415-99.

Ms. Abney moved, to approve AR 99-104.
seconded by Mr. Meyer,

Ms. Abney pointed out this item provided for a loan, rather than a grant, to the organization.

In response to Ms. Abney, Mr. Robbins of Freedom Days Festival, Inc. addressed the Assembly.

Mr. Robbins remarked that Freedom Festival, Inc. had appeared several weeks ago to discuss a \$25,000 grant to help fund this year's Fourth of July celebration. Since that time they have become willing to entertain a loan from the Assembly to be paid back from donations generated from the fireworks themselves, from concessions and other things they do. He mentioned

that other fundraising is being pursued. There may be commercial sponsors which might enable them to fund and repay the entire amount back before the Fourth of July. There was urgency issue because there was only nine weeks until the Fourth of July and it takes eight weeks to get the fireworks ordered and landed. If the issue is postponed to May 11, they would be past time to receive the fireworks. Consequently the Festival was willing to accept an option other than a grant.

Mr. Wuerch commended Mr. Robbins' organization for efforts to make this an alcohol-free event. He observed that the last couple of years brought some very unfortunate incidents. By their efforts to make this an alcohol-free, all-family event engender support from many of the Assemblymembers. He remarked that for years the American Legion has worked on the Fourth of July parade, inquired whether Mr. Robbins' organization has any interaction with that group.

Mr. Robbins replied that they have offered to help, such as placing barricades and other things, and have interacted with them in the past.

Mr. Wuerch thanked them for that, observing that the number of veterans who do not have gray hair is becoming very small, and anything that can be done to make it easier for the older veterans to look good would be greatly appreciated. He also stated that he would be happy to support this resolution.

Mr. Meyer thanked Mr. Robbins for working toward making the event alcohol free and that admission would be free. He felt it was not fair to many people who paid to get in while others who lived close could sit on the roof with just as good a view. He did inquire, however, how Freedom Days would be able to pay back the proposed interest-free loan without any alcohol sales, gate money or food sales.

Mr. Robbins stated they had not been able to move forward with their main fund-raising thrust because of not having seed money this year. When they get the loan money they will begin a full press on raising commercial sponsorships from the community. They do have concessions for food at the event, and that will also raise funds for repayment. Some other ideas are being considered, from "pass the hat" to a "split the pot" or whatever needs to be done to pay back the funds.

Mr. Wohlforth remarked that the resolution speaks of a projected cost of over \$70,000. He inquired whether there is an estimate of what had been brought in from concessions without alcohol and gate in previous years. Mr. Robbins said that was anywhere from \$2,000 to \$7,000, from the concessions and not including commercial sponsorships as high as \$15,000.

In response to Mr. Wohlforth, Mr. Robbins confirmed most money has come from alcohol and the gate. Mr. Robbins stated that they cannot guarantee re-payment of the loan. He remarked that anything could happen, such as rain all day and no one show up. He said they did have a good fund-raising machine but it had not been able to get started this year because of delays resulting from talks with Parks and Receptions and the efforts to create an event such as the City wants. But they feel confident in their ability to pay back the loan amount.

Mr. Wohlforth noted that the resolution does not state amount. He asked if they are looking for a loan of \$25,000. Mr. Robbins said that was correct, and referred to an amendment stating the amount.

In response to Ms. Taylor, Mr. Robbins reviewed the marketing that they plan to do on the event and what promotion is expected of the Municipality. Mr. Robbins advised that there was a discussion at their last meeting as to whether the Municipality wanted to be included in the marketing and whether it should be a presentation of Parks and Recreation. That would be a decision for the Assembly. Freedom Days will have ads on six radio stations, two television stations, print sponsorship from the Daily News, and various other signs and media that the Assembly or Parks and Recreation could be tagged into at your choice. There was roughly \$20,000 to \$30,000 in media exposure.

In response to Ms. Taylor, Mr. Robbins reported that so far the prime sponsors are La Mex restaurants \$10,000 and Odom Corporation/Coca Cola. He said that profit/loss statements from past years could be provided that evening, and that a time for repayment would reasonably be July sixth.

Ms. Clementson stated that her main concern is that the resolution is very vague and has no payment schedule, and no provision for what would be done if repayment was not forthcoming. She observed that the Municipality cannot afford this now, and she would to postpone this until later in the evening to make this stronger as to details of the terms.

Ms. Abney moved,	to amend AR 99-104 on line 39 to read: "interest free loan
Seconded by Mr. Wuerch	for \$25,000 with the nonprofit organization..."
and it passed without	
objection,	

Mr. Robbins stated that his Vice President had just informed him that Freedom Days would be willing to accept a term of repayment of July 6, and any amount they could not pay the Odom Corporation would guarantee to pay back.

Chair Von Gemmingen observed that there is a standard form used in these circumstances to establish terms and conditions.

Ms. Abney stated that is the common way these things are done. She remarked that she continues to be disappointed in that the Fourth of July seems to be just another day here, with a parade that is sometimes good and sometimes not, rather than the very special day she would like to see. She felt that the Assembly should be working with the Administration with the Millennium in mind. She thanked Mr. Robbins for "carrying the flag for us."

Mr. Wohlforth felt assured by the Odom Corporation's guarantee and stated that he had no other problem with the resolution, and that details could be worked out with the Administration.

Chair Von Gemmingen asked whether there were objections to the amendment adding the \$25,000 figure to Section 1. There being none, it was approved.

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

to amend AR 99-104 to add a new Section 2 to read: “That
this loan shall become due on or before July 15, 1999.” and
renumber the following section accordingly.

Ms. Clementson thanked Mr. Robbins and Odom Corporation for working to secure an underwriter. She remarked that she had always enjoyed the Fourth of July celebration, and added that she thought the Municipality’s name should stay off of it.

Question was called on the motion to approve AR 99-104 as amended and it passed:

AYES: Bell, Carlson, Wuerch, 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.)

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 357-99, 1999-2000 Liquor License Renewals: Asia Garden/Brandy's, Birchwood Saloon, Blondie's Alaskan Steak & Seafood, Club Paris, Courtyard by Marriott-Tourism, Crow's Nest-Duplicate, Elevation 92, Fletcher's-Duplicate, Ginza Restaurant, International Airport Lounge-Tourism, J.J.'s Sports Center-Muldoon, La Mex-Spenard, La Mex-Too, La Mex Too-Upstairs/Duplicate, Long Branch Saloon, Mr. Whitekey's Fly-by-Night Club, O'Brady's Burgers & Brew #2, O'Malley on the Green, Pancho's Villa, Spenard Paradise Inn Lounge-Tourism (Beverage Dispensary); VFW Post #9981 (Club); C&D Liquors, Liquor Locker, Spirits of Alaska #1, Spirits of Alaska #2, Spirits of Alaska #3 (Package Store); Campobello, Cozy Corner Cafe Cyrano's Crepes & Books, Ding How Restaurant, Gesine's at Four Corner Restaurant, Greek Corner Restaurant, Little Italy Restaurant, Mexico in Alaska Restaurant, Muldoon Pizza, New China Restaurant, Northern China Restaurant, O'Brady's Burgers & Brew #1, Pizza Man, Roscoe's Skyline Restaurant, Royal Gate, Su's Restaurant, Thai House Restaurant, Young Bin Restaurant (Restaurant/Eating Place); ~~Denali Winery (Winery)~~, Clerk's Office.

Ms. Clementson moved,
seconded by Ms. Taylor,

to approve AM 357-99.

Ms. Clementson moved,
seconded by Mr. Murdy,

to divide the question between the license for Denali Winery
and all other licenses.

In response to Mr. Wohlforth, Ms. Clementson said she had concerns about Denali Winery. She recalled at the public hearing for the conditional use for their location, the licensee claimed they would not give away alcohol. However, she received an advertisement in the mail a few days ago, which included the offer of free bottles of wine to persons who brought 30 or more people in to the shop for a tour. She would like more time to research the minutes of the original conditional use hearing.

Ms. Von Gemmingen posed a question regarding the Spenard Paradise Inn Lounge. She observed the names Mr. and Mrs. Song appeared as the applicant; she recalled that Mrs. Song’s name was supposed to be removed as a condition of approval.

Ms. Clementson pointed out Mrs. Song had abandoned the business and left the State. There are legal issues pending, and it will require court action to remove her name from the license.

Question was called on the motion to divide the question and it passed without objection.

Question was called on the motion to approve all licenses in AM 357-99 except for Denali Winery and it passed:

AYES: Bell, Carlson, Wuerch, 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.)

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

to postpone action on the Denali Winery license until May 11,
1999.

2. Assembly Memorandum No. AM 382-99, sole source award for a **75' Quint Aerial unit** from Pierce Manufacturing for the Municipality of Anchorage, Fire Department/Purchasing.

In response to Ms. Clementson, Municipal Manager George Vakalis noted an error in the memorandum; the new vehicle was actually for the Eagle River Fire Station. The vehicle was approved in the capital improvement program. Also a typographical error in the document indicates the unit is a replacement for Truck Five.

Ms. Clementson moved,
seconded by Mr. Wohlforth,

to approve AM 382-99.

In response to Ms. Clementson, Fire Chief Mike Nolan replied that the station in process of renovation will accommodate an extra large vehicle as well as the station in Girdwood. He added the new vehicle is about 39 feet long.

In response to Mr. Wohlforth, Chief Nolan agreed the last two sentences of the first paragraph regarding replacement of Truck # 5 should be deleted. He said Truck #5 has not yet been repaired, and that he would likely be coming forth in a few weeks with a proposal on it, probably for purchase of a replacement.

Ms. Clementson moved, seconded by Mr. Wohlforth, and it passed without objection,	to amend AM 382-99 in lines 9 through 12, to delete the last two sentences of the paragraph.
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Question was called on the motion to approve AM 382-99 as amended and it passed without objection.

3. Assembly Memorandum No. AM 385-99, contract amendment No. 4 to professional services contract with Lounsbury & Associates for the **Ingra Street Extension Design Study**, File 92-63, Public Works.

Mr. Wohlforth moved, seconded by Mr. Murdy,	to approve AM 385-99.
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In response to Mr. Wohlforth, Municipal Manager George Vakalis explained the need for this contract amendment. During the time of the original study, the project seemed unfeasible because of complications with the old Alaska Native Hospital. Since then, a new Native Hospital has been built, and the old building will be demolished. Thus, there are more options for extension of Ingra north through that area. Also, an \$11.9 million Federal grant was received, and some of those funds can be used for this issue.

Question was called on the motion to approve AM 385-99 and it passed without objection.

F. INFORMATION AND REPORTS: None.

The meeting recessed at 7:05 p.m. and reconvened at 7:30 p.m.

The Assembly then considered a Special Order.

Resolution No. AR 99-107, a resolution **supporting full funding of the Safe Communities and Revenue Sharing Program. (LAID ON THE TABLE)**

Mr. Wuerch read the resolution.

Mr. Wuerch moved, seconded by Mr. Murdy, and it passed without objection,	to approve AR 99-107.
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Mr. Wuerch asked that all members be included as sponsors of the resolution.

Ms. Clementson moved, seconded by Mr. Meyer, and it passed without objection,	to suspend the rules to consider item 9.A, AO 99-53.
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9. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS:

- A. **NOTICE OF RECONSIDERATION:** Ordinance No. AO 99-53, an ordinance amending the zoning map and providing for the rezoning from R-1A (One-Family Residential District) to I-1 (Light Industrial District) with Special Limitations for the **North 213 feet of Lot 1, Block 2, Evenson Subdivision**, generally located on the north side of Katahdin Drive and west of Sand Lake Road (Sand Lake Community Council) (Planning and Zoning Commission Case 98-152), Community Planning and Development.
1. Assembly Memorandum No. AM 237-99.
(PUBLIC HEARING WAS CONTINUED FROM 4-6-99 TO 7-20-99; NOTICE OF RECONSIDERATION WAS GIVEN BY MS. CLEMENTSON 4-7-99)

Chair Von Gemmingen gave the history of the ordinance and noted the question of whether to reconsider a motion to continue the public hearing until July 20, 1999 was before the body.

Ms. Clementson pointed out some new information has come to light since the Assembly continued the public hearing on this item. She described the history of this property and the pending rezoning application. It started out as a complaint of a zoning violation in October 1995, and there have been a series of public hearings or administrative actions or hearings before the administrative hearing office that have continued from 1996 to the present. There have been many administrative delays in the process, and the affected residents are becoming jaded. She felt the situation has truly been an unfair. She urged the Assembly to move the public hearing to May 25, 1999.

Mr. Meyer commented he had also been contacted by some of the neighbors. He recalled that staff recommended against the rezoning; it appeared to him that the owner is successfully delaying the whole process. He supported dealing with this issue as soon as possible.

Mr. Bell said his understanding was that there is an effort to resolve the grandfather rights issue pending in the Municipal Attorney's office, and it would likely not be resolved by May 25th.

Mr. Wohlforth noted that a number of people were present to speak on this issue. He thought it was a matter of significant community concern and also a serious problem for that neighborhood. The grandfather rights issue has been pending for almost four years. He was of the opinion that delaying action on the rezoning would not serve any purpose because, whatever the decision on the rezoning, the grandfather rights issue will stand on its own merit. He expressed his feeling that it is totally inappropriate to rezone the property.

Don Alspach of Community Planning and Development advised the Assembly there was a valid protest on this rezoning.

Question was called on whether to reconsider action on the motion to continue the public hearing to July 20, 1999 and it failed:

AYES: Taylor, Wohlforth, Clementson, Meyer.

NAYS: Bell, Carlson, Wuerch, Von Gemmingen, Abney, Kendall, Murdy.

Chair Von Gemmingen noted that the public hearing would be continued on July 20, 1999.

Ms. Abney moved, to consider item 9.F, AO 98-51(S), at 9:00 p.m.
seconded by Mr. Meyer,
and it passed without
objection,

- B. Assembly Memorandum No. AM 342-99, sole source contract with Alpine Partnership for **reconstructing 31st Avenue between A Street and C Street** for the Municipality of Anchorage, Department of Public Works/Purchasing.
(POSTPONED FROM 4-6-99)

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

- C. Resolution No. AR 99-53, a resolution **authorizing the Municipality of Anchorage to purchase the East 220 Feet of Block 34A, East Addition to Anchorage Townsite, Anchorage, Alaska**, to enable Municipal Light and Power to expand their site and provide an alternate pole yard, Municipal Light and Power.
1. Assembly Memorandum No. AM 257-99.
(POSTPONED FROM 3-23-99 AND 4-6-99)
- D. Resolution No. AR 99-59, a resolution of the Anchorage Assembly approving the **1999 Heritage Land Bank Work Program**, Heritage Land Bank.
1. Assembly Memorandum No. AM 289-99.
(POSTPONED FROM 3-23-99)
- E. Resolution No. AR 99-83, a resolution of the Anchorage Municipal Assembly **requesting that the State Legislature amend state law to allow municipalities to establish a limit on annual increases in assessed valuation of real property** unless improvements are made which increase the property's value by an amount greater than the limit, Assemblymember Kendall.
(POSTPONED FROM 4-6-99)

Items 9.C. through 9.E. were continued until May 11, 1999.

- F. Ordinance No. AO 98-51(S), 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 276-99.
2. Assembly Memorandum No. AM 353-99, proposed amendments to AO No. 98-51(S), relating to taxicabs, limousines, and vehicles for hire, Assemblymember Clementson.
(POSTPONED FROM 3-16-99, 3-23-99, AND 4-6-99)

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

10. APPEARANCE REQUESTS:

- A. **Anchorage Women's Commission**, regarding a study of public transportation issues in Anchorage.

Ms. Bobbie Olson appeared earlier in the meeting. See after item 8.D.5.

11. CONTINUED PUBLIC HEARINGS: None.

12. NEW PUBLIC HEARINGS:

- A. Resolution No. AR 99-71, a resolution of the Municipality of Anchorage appropriating \$3,968,697 to the Equipment Maintenance Internal Service Capital Fund (606) from various sources for the purpose of **purchasing vehicles and equipment**, Property and Facility Management.
1. Assembly Memorandum No. AM 319-99.

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 99-71.
seconded by Ms. Abney,

Municipal Manager George Vakalis requested the public hearing be continued on May 11. There is a potential for an amendment of the document.

Mr. Wohlforth moved, to reopen and continue the public hearing for AR 99-71 until
seconded by Ms. Taylor, May 11, 1999.
and it passed without
objection,

- B. Resolution No. AR 99-72, a resolution of the Municipality of Anchorage appropriating \$747,000 of revenues from within the Areawide General Capital Improvement Fund (401), \$285,500 from within the Anchorage Parks and Recreation Capital Improvement Fund (461), and \$38,000 from within the Chugiak-Eagle River Parks and Recreation Service Area Capital Improvement Fund (462) for **facility improvements at the Alaska Center for the Performing Arts, William A. Egan Civic and Convention Center, George M. Sullivan Arena, Anchorage Golf Course, Ben Boeke/Dempsey Anderson Ice Arenas, and the Harry J. McDonald Memorial Center**, Property and Facility Management.
1. Assembly Memorandum No. AM 320-99.

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 99-72.
seconded by Ms. Taylor,

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

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

- C. Ordinance No. AO 99-55, an ordinance providing for the **public purpose retention and the donation of Lot 7, Block 14, Fairview Subdivision** (Parcel No. 005-023-35), a vacant lot on Peterkin Avenue, Anchorage, Alaska (Exhibit A), to Habitat for Humanity, Inc., a Nonprofit Corporation for their program to develop affordable housing for the private sector, Real Estate Services/Heritage Land Bank.
1. Assembly Memorandum No. AM 244-99.

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 said he was proud to be involved in this program of donating properties to Habitat for Humanity, which began in 1993. Since that time it has had a significant positive effect on many families in Anchorage, especially in Fairview and Mountain View. He encouraged people go to the groundbreaking or the ribbon ceremonies for these new homes. This has become a routine way for the Municipality City to dispose of some of these properties; Habitat for Humanity has the ability to eliminate attached liens and return the properties to tax-generating, positive contributions to the community. He thanked Gladys Wilson and Larry Houle of the Heritage Land Bank for their work on this program, and thanked his colleagues for supporting it all these years.

Mr. Wohlforth moved, to adopt AO 99-55.
seconded by Ms. Taylor,

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

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

- D. Ordinance No. AO 99-56, an ordinance of the Municipality of Anchorage **creating Street Paving Special Assessment District 1P99 - the south portion of West 31st Avenue from 'A' Street to 'C' Street** and determining to proceed with proposed improvements therein, Public Works.
1. Assembly Memorandum No. AM 246-99.
2. Assembly Memorandum No. AM 393-99.

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 99-56.
seconded by Ms. Taylor,

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

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

- E. Ordinance No. AO 99-61, an ordinance repealing and reenacting Chapter 23.30 of the Anchorage Municipal Code, **adopting the 1999 edition of the National Electrical Code** and enacting local amendments thereto, Public Works.

1. Assembly Memorandum No. AM 318-99.
2. Ordinance No. AO 99-61(S), an ordinance repealing and reenacting Chapter 23.30 of the Anchorage Municipal Code, adopting the 1999 edition of the National Electrical Code and enacting local amendments thereto, Public Works. (**addendum**)
3. Assembly Memorandum No. AM 399-99.

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 99-61(S).
seconded by Ms. Abney,

Mr. Wuerch commented that under Section 23.30.250-118, Types of Equipment and Grounding Conductors, a whole paragraph was deleted. It previously was in the National Code, and he wondered why the national standard is not being followed.

Dave Mumford of Public Works replied that some sections were deleted after consulting with the Electrical Boards and commissions, who held public hearings on the issue. The members felt the subject provisions were not necessary.

Mr. Wuerch pointed out the National Electrical Code was crafted by experts from all over the nation who have an experience factor that probably exceeds that available in Anchorage.

Mr. Wuerch moved, to divide the question, to separate on page 5, lines 13 –19
seconded by Ms. Taylor, on page 3, lines 40 – 47 and on page 4, lines 1 – 3.

Mr. Wuerch said he would like to divide the question so we do not hold up the construction season, so we could approve the rest of the resolution and come back to this paragraph another time. He added that he had another question related to the ‘S’ version, page 5 of 6 at line 7-19 we are substituting heavier wires, 12 gauge instead of 14 and 10 gauge through 2 instead of 12 through 2, and again he wondered why we would be more stringent than the National Code.

Municipal Manager George Vakalis said he would further research the reasons for the change, and could provide clarification at a later date.

Mr. Wohlforth felt that there was probably a good reason for the decision of the committee that worked on it in the administration, and that committee was in agreement. He stated he was hesitant to ask for extra work on it without knowing anything about it.

Mr. Vakalis noted that, unfortunately, there was no one present from Building Safety to address these two questions as raised by Mr. Wuerch. However, in this case he identified two options: one is to divide, which is a concern because of the difficulty of managing that, especially now in the building season. The other option, if we have a concern as to how this was decided, perhaps we should try to take this up on the eleventh. A third option, of course, is to just adopt it as is. He asserted that it did go through a great deal of commissions and testimony during the process. The specific reasons as to why the items in question were deleted, he could not guess. He would feel more comfortable in going with this in its entirety, or address it on the eleventh.

Mr. Wohlforth stated his tendency to agree so as to avoid a two-week period where there would be a different building code than the rest of the year, and that could cause chaos. He felt that these are minor items and both are to enhance safety, so his inclination is to recommend approval now and to oppose dividing the question.

Mr. Vakalis stated he would try to reach someone by phone so the Assembly could take the matter up later in the evening.

Mr. Bell hoped he could help by pointing to the first page, Chapter 23.30, Local Amendments to the National Electrical Code and lists the sections affected, including those in question here. He felt that was saying that we are putting the local amendments in that paragraph in lieu of provisions of the National Code.

Mr. Murdy moved, to postpone action on AO 99-61(S) until May 11, 1999.
seconded by Mr. Carlson,

Mr. Wuerch observed that we are at the threshold of the construction season, which is starting already. He mentioned the success of the Habitat for Humanity program and acknowledged that it is nice to have commissions and national standards and want something extra for Anchorage. But he declared that every time you add something extra, you add cost. He felt that this code established on a national scale that applying our personal judgment appears to be setting aside the standards that the profession adheres to nationwide. He mentioned that, while it may be nice to say that we have a better standard in Anchorage, Alaska but there would be a price to pay for that. He suggested adoption of the Code and we do not want to divide the question, then he would move to delete these two paragraphs because he thinks the Code is fine as it stands and we would not need to refine national standards that have gone through rigorous review and testing processes.

Mr. Bell added that we need to remember that these national codes have to be relatively general to cover from Florida to Alaska. Almost all communities have local amendments, not to just the electrical code but also the plumbing code, etc. He would disagree that it is good practice to merely go along with the national code.

Mr. Wohlforth moved, to amend the motion to postpone until later in the evening.
and it was accepted as a friendly amendment,

Question was called on the motion to postpone action on AO 99-61(S) until later in the meeting and it passed without objection.

(Clerk's Note: See minutes of May 11, 1999 for further action on this item.)

- F. Resolution No. AR 99-70, a resolution of the Municipality of Anchorage providing for a **revision of the Anchorage School District Budget for FY 1999-2000**, Anchorage School District.
1. Assembly Memorandum No. AM 315-99.

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 99-70.
seconded by Ms. Taylor,

Ms. Clementson distributed a memorandum from Anchorage School District Superintendent Bob Christal which clarified the projects in the resolution. She asked the new memorandum be attached to the resolution.

Question was called on the motion to approve AR 99-70 and it passed:

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

- G. Ordinance No. AO 99-62, an ordinance of the Municipality of Anchorage amending Title 21 of the Anchorage Municipal Code of Ordinances by **enacting a new Section 21.15.065 Administrative Permit, Collocation New Definitions, Antenna and Antenna Array , Antenna Preexisting and Preexisting Towers , Tower Amateur Radio , Tower, Community Interest , "Tower, Local Interest , Tower Structures and Tower Site** ; deleting the definition of "transmission tower ; amending 21.40.020 PLI Public Lands and Institutions District, 21.40.030 R-1 and R-1A Single-Family Residential Districts, 21.40.040 R-2A Two-Family Residential District (Large Lot); R-2D Two-Family Residential District, 21.40.045 R-2M Multiple-Family Residential District, 21.40.050 R-3 Multiple-Family Residential District, 21.40.060 R-4 Multiple-Family Residential District, 21.40.070 R-5 Rural Residential District; R-5A, Rural Residential District (Large Lot), 21.40.080 R-6 Suburban Residential District (Large Lot), 21.40.090 R-7 Intermediate Rural Residential District, 21.40.100 R-8 Rural Residential District (Large Lot), 21.40.110 R-9 Rural Residential District, 21.40.115 R-10 Residential Alpine/Slope District, 21.40.117 R-11 Turnagain Arm District, 21.40.130 R-O Residential-Office District, 21.40.140 B-1A Local and Neighborhood Business District, 21.40.145 B-1B Community Business District, 21.40.150 B-2A Central Business District Core, 21.40.160 B-2B Central Business District, Intermediate, 21.40.170 B-2C Central Business District, Periphery, 21.40.180 B-3 General Business District, 21.40.190 B-4 Rural Business District, 21.40.200 I-1 Light Industrial District, 21.40.210 I-2 Heavy Industrial District, 21.40.220 I-3 Rural Industrial District, 21.40.230 W Watershed District, 21.40.240 T Transition District 21.40.260 AF Antenna Farm District, 21.40.270 MC Marine Commercial District, and 21.40.280 MI Marine Industrial District regarding permitted use antennas, community interest and local interest towers, accessory use antennas, community interest tower and local interest towers, and conditional use community interest and local interest towers; roof mounted satellite dishes and enacting a new Section 21.45.263 Amateur Radio Stations and Receive Only Antennas; amending 21.45.265 Supplementary District Regulation concerning antennas, community interest tower and local interest towers; 21.50.280 Conditional Use Standards for community interest tower and local interest towers and roof mounted satellite dishes in residential districts, 21.55.040 Nonconforming Structures and 21.55.060 Repairs and Maintenance, Community Planning and Development.
1. Assembly Memorandum No. AM 327-99.

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

DAN COFFEY, representing GCI, spoke in support of this ordinance. He stated he had also distributed some suggested language changes relative to collocation as discussed in the work session this day. He explained that this process was one in which GCI participated for probably more than a year with the Planning and Zoning Commission and broadcasters, ham operators and other data and communications companies with the goal of bring the ordinance into compliance with what will be beneficial to our community. He felt this ordinance struck a balance between the various needs of communities to be free of unsightly towers, and also afford the ability for most up-to-date telecommunications, data and broadcasting for the citizens of Anchorage. GCI supports the ordinance, but would suggest an amendment on collocation. He described a situation where someone would build a tower which would accommodate other users, and would not be required to get two or more users before they could build their own tower. The amendment would allow them to design a tower that would accommodate an appropriate number of users without delaying the construction of the tower in the meantime. He also mentioned the minor amendment that addresses notification of 500 feet to neighbors, in conformance with variances and conditional uses, and which eliminates the one-volt-per-meter standard. He explained that engineers could argue for months over how to measure that standard, and then argue again over the results, whereas a distance requirement is simple to measure and enforce.

In response to Ms. Clementson's question regarding collocation, whether that is 120 feet, Mr. Coffey stated that is the provision right now. The proposal here is to allow for construction of a collocation without requiring agreements with other users in advance. Ms. Clementson then inquired about the possibility of exorbitant charges for collocation. Mr. Coffey replied that enlightened self-interest would be to recover your proportionate share and not be too rigid for that reason.

Mr. Wohlforth saw a problem in granting the additional height as encouraging that height without real prospects of collocation. Mr. Coffey explained that the additional cost of building higher, with the requirements for coaxial cable, etc., would act as a deterrent to that, because the tendency is to build just what is needed, and no more. It would be a trade-off.

In response to Ms. Clementson’s question relating to whether the community might end up with more 120-foot towers rather than fewer towers of greater height, Community Planning and Development Deputy Director Don. Alspach, agreed that could happen, but that is the trade-off and risk involved. Mr. Alspach replied that sometimes there are technical reasons against collocation, such as target audience or signal interference, but those are said to be unlikely.

Mr. Coffey added that the cost of collocation among two or more parties is less than acquiring real property and building the whole thing when one can pay a fraction of the cost and locate on someone else’s pole. Collocation is the desirable way.

Mr. Wuerch verified the location of the amendment Mr. Coffey proposed.

In response to Mr. Wohlforth, Mr. Alspach stated that the Commission had decided to go with the present system. Planning and Zoning considered it and turned it down.

ROBERT WILSON, representing about 1,000 persons in the Anchorage Amateur Radio Club and other amateurs in the area. He stated that he also represented the ARRL, American Radio Relay League, of about 400,000 members. He remarked that he was disappointed that he was not able to get a copy of this ordinance. He asked whether the exemption for amateur radio towers remains. When he was assured that it does remain, he stated that the organizations he represented were very happy over this. He stated that he has put in a wide range of types of antennas all over the United States and over the world, and he feels in a few years we will feel like Bill Gates and Y2K having tackled a very complex subject. He felt that this represents a good job for something that is complex almost beyond belief.

Mr. Wohlforth asked whether other communities have a blanket exception for amateur radio operators, and Mr. Wilson stated that there is a wide range. In California they frequently do not have exemptions. Many states are taking over this function because of the wide variety of antennas and services. He mentioned that the FAA and some broadcast stations have experienced problems in collocation because of interference, and acknowledged that views vary in regard to this matter. He observed that for amateur radio operators, tower heights seem to be getting lower rather than higher, and mentioned the service the amateurs provide in times of emergency, the Miller Reach fire being an example.

Ms. Von Gemmingen acknowledged how very helpful ham radio operators were after the big earthquake here.

TOM MCGRATH spoke of his concern with this ordinance. He foresaw problems with the different zonings, such as those related to residential roof -mounted satellite dishes greater than 1 meter requiring conditional use permits. He pointed out that satellite dishes less than one meter have not been successful in Alaska., and present technology requires about a two meter dish in residential zones to get good reception. He foresaw problems with so many people requesting variance to accommodate such need. He suggested an amendment, possibly time certain, that would allow two meter dishes without variances for a certain period of time. Further, he noted that many young persons are involved in Amateur radio and he considered that a great hobby and pastime. He congratulated the very dedicated cadre of people who are willing to give service to the community, and he was glad to see the exemption in this ordinance for amateur radio users.

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 99-62.
seconded by Ms. Taylor,

In response to Mr. Meyer, Mr. Alspach said that the only discussion was whether the roof-mounted ones should be treated differently than the ones mounted on the ground. The decision was that the conditional use process would be suitable for the roof-mounted ones because they are higher in the air. Ground mounted ones would be permitted outright. He stated that the requirement of size of satellite dishes results from the low angle and our distance from them, which require a bigger dish here to receive a good and consistent signal. He added that this becomes a design issue, whether the Assembly believes that a two-meter dish (a little over six feet) on the roof of a house is acceptable without going through any kind of public process.

Mr. Wohlforth asked whether Mr. Alspach had any response to Mr. Coffey’s suggestion of an amendment regarding the 500-foot radius rather than the one-volt-per-meter boundary. Mr. Alspach responded that there was no objection.

Mr. Wohlforth moved, to amend AO 99-62 on page to delete the one volt-per-meter
seconded by Ms. Taylor, boundary and increase the notification distance to 500 feet.
and it passed without
objection,

Mr. Wohlforth stated that he would not move to amend the resolution having to do with the collocation., although he expressed some uneasiness regarding the ability of amateurs to build antennas to any height. However he felt it reasonable to rely on the amateurs’ discretion in not blocking people’s views with their towers.

Mr. Kendall moved, to amend AO 99-62 on page 26, line 10, to delete subsection
seconded by Mr. Wuerch, b. and insert a new subsection b. to read: “An applicant for a
tower shall, at the time of application for a permit, provide
proof in a form found acceptable to the Municipality, that the
tower to be constructed by the applicant shall, at a minimum,
be designed to accommodate the communications equipment
provided for in subsection 4.a. above. Upon such acceptable
design proof being provided to the Municipality, the applicant
shall be entitled to construct a tower subject to the additional
height limitations set forth in 21.45.265.A.3.d.” and insert a
new subsection c. to read: “Upon application and an
acceptable showing that the requirements of subsection 4.a.
above need not be met in order to adequately serve the public,

an applicant for a collocation type tower may be permitted, by variance and upon such conditions as may be appropriate in the circumstances, to design and construct a tower which accommodates less than the communications equipment provided for in subsection 4.a. above while still being entitled to the additional height permitted under subsection 3.d. of this section.”

In response to Mr. Wohlforth, Mr. Alspach clarified his interpretation of the meaning of the proposed sub-section “C.” He thought it was covered under the conditional use.

Mr. Coffey stated that the intent is to cover a circumstance where a builder brings proof that the public need does not require the usual antenna space in the air, a variance could be granted for a smaller antenna designed for collocation which, arguable, could be better in an aesthetic sense.

In response to Mr. Wohlforth’s query as to whether, under the existing code, any kind of antennas are allowed in residential zones, Mr. Alspach replied that antennas under 75’ in height are allowed by right and over that require a conditional use permit. Mr. Wohlforth observed that if the new ordinance is adopted it could go up to 120’ in residential zones, potentially. Mr. Alspach suggested that, instead of the rather involved process of obtaining a variance, perhaps something like a design review by the Planning Commission would be preferable.

Mr. Wohlforth felt that 120’ antennas would be too tall in residential neighborhoods, especially if there is no guarantee that it will benefit the neighborhood. Taken together with technical problems which might lie in section ‘C,’ he thought it might be wise to postpone action on this ordinance so Planning can do more work on it.

Mr. Murdy referred to the earlier suggestion as to a time limit, but he felt it would not be practical to administer such provision. Ms. Von Gemmingen stated that she worries about too many 120’ towers without actual collocation.

In response to Mr. Kendall, Mr. Alspach had concerns about wording on the proposed new sections ‘B’ and ‘C.,’ to which the response was that section ‘C’ using “variance as a mechanism.” He was of the opinion that it is an Assembly decision whether to change the ordinance to allow construction of a higher tower by merely saying it can be co-located. He felt that paragraph ‘B’ it will handle that, but in paragraph ‘C’, slightly changing the construction standard, he did not like use of the variance procedure because it would be unwieldy to answer the six standards required to be met before the Zoning Board in dealing with a variance. He noted that if such matters before the Planning Commission for a ruling would not be subject to such standards.

Ms. Abney asked for clarification as to why not meeting the six standards would be an advantage. Mr. Alspach explained that this relates to construction of the tower, dealing with issues like wind loading. The variance process involves special conditions with the land, use variances, no other way to build on the property, all of which does not actually fit into those categories.

Ms. Clementson felt that going before the Planning and Zoning Board would be preferable. Her reasoning was that the first one of its kind would have to go before the Planning and Zoning Commission for a design review anyway, so they will be dealing with this kind of matter. Further, the Zoning Board has more rigid standards they must follow, and does not have the latitude that the Planning and Zoning Commission has. Turning to the subject of collocation towers, Ms. Clementson felt it a good idea to allow for collocation at the beginning, but questioned the wisdom of automatically going from a 65’ tower to a 120’ tower. She thought that is going to serve and provide the kind of protection we are looking for in residential neighborhoods, and it would be better to stay with the current provision of allowing a 65’ tower unless there is collocation at the time. If collocation is not arranged at the time, they could build a foundation that would later support an addition. She acknowledged that would not be the ideal situation, but it would offer more protection to the residential neighborhoods who stand to suffer most and for long periods of time. Therefore, she stated that she would oppose both of these amendments.

Question was called on Mr. Kendall’s motion to amend and it failed:

AYES: Bell, Carlson, Wuerch, Meyer, Kendall.

NAYS: Taylor, Wohlforth, Von Gemmingen, Clementson, Abney, Murdy.

Mr. Wuerch moved,	to amend AO 99-62 on page 5, line 34 to read: “...on
seconded by Ms. Taylor,	residential structures, except satellite dishes up to 2 meter in
	diameter may be used until December 31, 2002.”

Mr. Wuerch pointed out that this wording would allow up to two meter satellite systems at residences until expected technology develops more efficient smaller dishes.

Mr. Wohlforth first congratulated Mr. Alspach for his extraordinary effort in putting this ordinance together. He then inquired what impact there would be regarding enforcement and workability of having such a time limit. Mr. Alspach remarked that this amendment would affect only two zoning districts.

Mr. Wuerch stated he intends the amendment to contain conforming language in every other place that applies. Mr. Alspach remarked that the time certain would place larger satellites in a non-conforming status at that time. He thought an amortization schedule might be considered, and deferred the question to Mr. Greene for legal opinion.

In response to Mr. Wohlforth, Deputy Municipal Attorney Bill Greene was unsure of the range of cost is in this matter. He spoke of the difference when amortizing a \$10,000 investment over ten years and amortizing a \$2,000 investment over two years.

Mr. McGrath understood that a two-meter system could generally be installed at a cost of about two to three thousand dollars, and new 18-inch systems, with programming, are selling for around \$200 in the lower 48 states, so in the future the systems will be much cheaper. He felt Mr. Wuerch's suggestion is very appropriate, envisioning that by 2002 there should be ability to use the smaller dishes.

In response to Mr. Meyer's question whether it would be practical to require two-meter dishes to be installed on the ground. Mr. McGrath pointed out that many locations do not provide a usable angle from the ground, and that requires going on the roof.

Discussion was had regarding problems of enforcement, and comments were made that there are not a great number of satellite dealers in our area, and a good education effort would allow them to properly advise their customers.

Mr. Wohlforth felt he would prefer to use the original wording simply because he does not know how many people would want to put up a \$2,000 or \$3,000 satellite dish for use of less than two years. He speculated that more people would be unhappy in such circumstance than by having to apply for a permit according to the original ordinance.

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

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

(Clerk's Note: This motion failed for lack of eight affirmative votes required to call the previous question..)

Mr. Wuerch stated his opinion that there are two groups of citizens who would be affected by this immediate limitation to one-meter: first, people who make their livelihood selling these systems and, second, people who would like to have one of these systems.

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

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

Ms. Clementson recognized that this ordinance was an incredible piece of work, requiring a long time to deal with complex subject matter. She expressed thanks to all the people who participated on the committees, to the Planning staff, and to the Planning and Zoning Commission for simplifying this incredibly technical matter for the Assembly.

Mr. Bell stated he would try another amendment. He noted that, although the Assembly voted on A and B together, there seemed to be more support for B.

Mr. Bell moved, to amend AO 99-62 to add subsection B. only, read in an
seconded by Mr. Kendall, earlier amendment by Mr. Kendall.

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

Question was called on the motion to adopt AO 99-62 as amended and it passed:

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

(Clerk's Note: Notice of reconsideration was filed on this action. See minutes of May 11, 1999 for further action.)

Mr. Kendall moved, to change the orders of the day to consider item 12.M,
seconded by Mr. Wohlforth, AO 99-64.
and it passed with Mr. Meyer
objecting,

Ms. Abney moved, to consider item 9.F, AO 98-51(S), at 10:00 p.m.
seconded by Ms. Taylor,
and it passed without
objection,

Ordinance No. AO 99-64, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 3.30.141, Recognized Holidays with Pay, to **include Martin Luther King Jr. Day as a paid municipal holiday**, Assemblymembers Abney, Carlson, Kendall, Murdy, Taylor, and Wohlforth.
1. Assembly Memorandum No. AM 350-99.

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

ELVI GRAY-JACKSON spoke first asking everyone in the room to take a moment with eyes closed to imagine the scene she described. She spoke of a hot summer afternoon of 1965 in Jacksonville, Florida. She described going to the movies with a young cousin. Inside the theater she walked toward the seating on the ground floor, not realizing that "Coloreds have to sit upstairs." That was her first experience facing discrimination, and one she forgave but never forgot. She stated she was grateful to Martin Luther King Jr. for having taught her to hold her head high and know that one day she would be able to sit wherever she chose in a theater, and know that she would not be judged by the color of her skin, but for the content of her

character. Ms. Jackson stated she was here to encourage support in making Martin Luther King Day an official municipal holiday. She remarked that this would not be just another holiday creating issues of productivity and cost, nor even the celebration of a black man's birthday. Rather it would be joining the rest of the country, states and some other communities within our state in recognizing the man who built the bridge for equality among people of all races.

CLAY WEAVER felt that the matter of cost should not be a deciding factor in the decision of another paid holiday and, although he did not believe in all the holidays (maybe Thanksgiving, Christmas and the Fourth of July,) he urged making a Martin Luther King holiday, perhaps substituting it for President's Day.

WISTERIA JACKSON stated she had lived in Anchorage since April 1970. She urged making a Martin Luther King holiday as a step toward build bridging in our community. She added that it would pay tribute to a man who worked to create harmony and peace for our country.

APRIL FERGUSON spoke on behalf of approximately 2,000 shareholders of Bristol Bay Native Corporation who live in Anchorage. She recognized Martin Luther King as a man of faith, a man of conscience, a committed individual who, without violence, stood up and spoke out against injustice. She felt that a big problem in Alaska is that minority people do not feel included. The described the rural-urban division as a canyon, and remarked that there are some 20,000 Alaska Natives in the Anchorage Municipality who do not feel included. She noted that on May 5, Anchorage will host six to eight thousand persons who will march to support the right to continue their subsistence way of life, and that it will be modeled after the types of marches Martin Luther King made to effect political changes. She felt we need heroes to challenge the doing of one's best and to that end we need a Martin Luther King Day.

JANET ELLEN GAMBEL spoke as a concerned senior citizen. He stated he was the immediate past chair of the Alaska Commission on Aging. He felt that making Martin Luther King Day a paid holiday for both full-time and part-time municipal employees was long overdue. He stated he had lived her since 1952, and recognized that Anchorage has been juggling dollars all that time, and recognizes the cost in productivity and payroll involved in a Martin Luther King holiday. Nevertheless, he felt it time to remember Martin Luther King's protest for freedom, equality and dignity for all people, and hoped it would take effect immediately.

SHELLY EDWARDS spoke briefly. She challenged anyone in the room to recite any part of Martin Luther King's "I have a dream" speech, and wondered how many here would receive the paid holiday your were voting on.

KIM PATTERSON stated he was a life-long Alaskan and a citizen of Anchorage since 1970. He supported the ordinance to accept Dr. Martin Luther King, Jr. Day among the recognized holidays for several reasons. The first was that it would communicate to the Anchorage community that the memory of Dr. King, who just happened to be of African-American descent, is valued with that of other Americans. Furthermore, he noted the Assembly had considered national standards for electrical code and he felt we should consider the national standard in recognizing Dr. King.

ALONZO PATTERSON recalled the public debate a few years ago over the issue of naming a street after Dr. King. That divided the city in terms of attitudes of support and of apathy. Then the Martin Luther King Memorial on Ninth Street developed warmer feelings. He felt the time has come to join others across the nation and throughout the world in recognizing Dr. King. He spoke about the problem of money, and remarked that he now pays almost \$4,0000 a year in taxes for the same house once assessed \$750. He remarked that we raise money for what we have to do. Money is important, but principles are more important. He encouraged the Assembly to "get on the map" with other communities.

WILBER L. NICKUS, President of the Interdenominational Ministerial Alliance, remarked that Martin Luther King never set foot in Alaska, but his spirit is here. He felt that if we fostered the principle of nonviolence, as through a holiday in honor of Martin Luther King, perhaps three taxicab drivers would not have been murdered recently. He remarked on the events at Columbine High School, and he added that his own son is afraid at Chugiak High School because he is a black boy. He commented on the trench-coat wearing children at Bartlett High School and the bomb threat at West High, and the trouble in Bethel, Alaska, and stated that he would hate to have those things happen here. He would like to see a Martin Luther King Day used, not as just another day off, but as a time to talk, breach about, and spread the message of nonviolence.

CAL WILLIAMS thanks the Assembly for their service. He pointed out the non-violent factors of Dr. King. After he was discharged from the service, he worked for voter registration and civil rights activities. He was taught non-violence. He spoke to what could be done with the proposed holiday to avoid domestic abuse, violence, sexual and child abuse.

CELESTE HODGE, President of the NAACP, Anchorage Chapter, remarked that the NAACP is the largest and oldest civil rights organization in the world, and that she was here today on behalf of the officers and members of the Anchorage Branch to urge appropriate action to make Martin Luther King's birthday a holiday in Anchorage. She related that Dr. King advocated against injustices, fought for freedom and equality and dignity of all races, and confronted powerful and violent opposition. She said he sacrificed his liberty, his personal safety and, ultimately, his life for the cause of freedom. She quoted Booker T. Washington as having said "Recognition will do more to cement the friendship of races than any occurrence since the dawn of freedom." She listed numerous reasons why she felt Anchorage should have a Martin Luther King Day. In response to the cost of a Martin Luther King holiday, she suggested that people take out their pocket calculators and compute the coast of 300 years of slavery followed by a century of more of economic, political and social exclusion and discrimination. She hoped Martin Luther King Day would be not just another holiday, but a day to enhance race relations in our beautiful city.

MIM CHAPMAN, suggested that Martin Luther King Day should be, not just another day off work, but a community step toward the achievement of Dr. King's dreams. She referred to herself as a born educator who does not believe that education ends with graduation. She would like to see Martin Luther King Day be a culmination of a month of various activities to bring people of the community together. She remarked on the incredible cultural wealth within our community. She imagined a month where Golden View kids would be paired with Clark kids; where Jewish families got to know Islamic families; where a black family was paired with a white family, a Korean family with a Filipino family, and where the holiday

was a time to do something together with your partner. She urged that this requires a commitment of time, not just of money, but would be a true celebration of diversity honoring Martin Luther King.

PASTOR WILLIAM GREEN said that the proposed ordinance would set an example for the country. It is the right thing to lead into the 21st Century. He suggested that the day after Thanksgiving, an official holiday, could be a trade off.

DAVID OLIVERA said he was not sure who he would speak for when he came in this evening, but now he wants to speak for his 11-year-old daughter who attends Mountain View Elementary, and who won an essay contest at the school on the subject of Martin Luther King. He alleged that, especially in Mountain View, there are too many negative heroes sending a message to kids that nonviolence and peace is the way to go.

RON KENT stated that in 1968 he was in Vietnam fighting a war, having been drafted into the United States Army. He observed that time and events have changed, and that change is needed. He was sorry that his kids find it hard to have someone to look up to, and he felt that a Martin Luther King Day would set high standards and bring up important issues. He concluded by saying if this ordinance is not passed it will be an injustice to the Assembly and to Anchorage.

ALLAN TESCHE recalled the terrible spring of 1968, when a popular president was forced to give up his office in a nation torn by war. He recalled the nation divided between young and old, and hearing the news that Bobby Kennedy had been gunned down. He remembered the strife between black and white, and the news that Martin Luther King was also a victim of a sniper's bullet. He felt that the nation has not yet healed after that terrible, terrible spring of 1968. He concluded that there is only one reason why the Anchorage Assembly should pass this ordinance tonight – that is because this ordinance is right.

C. T. LEWIS stated that he also spent a number of years in the military, in tours in Vietnam. He said most of the time was spent in the infantry where he was trained to kill as part of his job. However, he said, there was something about Martin Luther King that affected him. Martin Luther King preached nonviolence and love, and for a long time Mr. Lewis could not quite understand what he was talking about. He recalled the day Dr. King was killed and he had to counsel his men to “cool it.” He was not sure he really meant that, but he knew that was the right thing to say. He added that today this Assembly is in a position to do the right thing, to declare Martin Luther King's birthday a legal holiday.

MICHELE CZAJKOWSKI stated she lived in the Abbott Loop Council area, but formerly she lived in a very small town, Port Chester, New York. It was a racially divided community. She left Port Chester because it was a narrow minded type of community, and moved to Alaska because she thought it would be much more accepting. She thought that passing this ordinance would demonstrate that to be true.

TOM McGRATH spoke as a business person who has to look at the cost of doing something like paying employees for days off. But sometimes he looks at the cost of not doing something. He urged thought about inclusion, particularly of including young people in municipal administrative activities. He felt that the money is always there when you need it, and we can find a way to do this.

DAN CARTER spoke as a 23-year resident of Anchorage and a 20-year-plus employee of the Municipality. He added that he was raised in a very segregated society and in a family that supported segregation. As a teenager he worked at a Tastee Freeze where he often told tourists, “Sorry, we don't serve coloreds here.” He regrets those times, and would like to think they are gone. He remarked that Martin Luther King never set foot in Alaska, yet we have President's day although George Washington and Abraham Lincoln never set foot in Alaska, either. He remarked that we celebrate Christmas and, with all due respect, Jesus Christ never set foot in Alaska although his spirit is here. He felt that Martin Luther King's spirit is also here. He also mentioned that in Florida, Alabama and Mississippi there are observances of Robert E. Lee's birthday or Jefferson Davis' birthday. He urged support of Martin Luther King Day because of the message it sends. He noted that he was wearing a button in support of Martin Luther King's day, and another button that says “Matthew Sheppard was my brother.” He also felt that James Bird, the African-American who was murdered and dragged behind a truck in Texas, was his brother, and the native woman criminal rights leader of the 1940's was his sister. The message we send is not just to children, but also to adults, to honor diversity, and that is a message this Assembly can send by passing the ordinance making Martin Luther King Day a paid holiday for municipality employees.

JIM LAMSON remarked that he thinks about events in places like Kosovo and realizes how fortunate we all are to be Americans. It makes him proud to be an American, and he recognizes that beneficial changes are due in part to people like Martin Luther King. He urged the Assembly to honor Martin Luther King by enacting 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 99-64.
seconded by Ms. Taylor.

Mr. Wuerch moved, to amend AO 99-64 to delete the personal holiday.
seconded by Mr. Murdy,
and it was withdrawn,

In response to Mr. Murdy, Employee Relations Director Tom Tierney stated that the ordinance as written would only apply to executives and non-represented staff. The collective bargaining agreements would govern for those employees. Even for Mr. Wuerch's amendment the same would apply. He questioned would supervise employees if executives and non-represented employees were on holiday. Conversely, there may be no employees working to supervise if they had another holiday. The administration fully supports a holiday in honor of Dr. King. The question of an additional holiday is troubling.

Ms. Abney read AMC 3.70.010 stating that personnel regulations may be substituted by negotiated agreements. She felt agreements could be renegotiated. She opposed the amendment.

Mr. Bell moved,

seconded by Mr. Clementson,

to amend AO 99-64 to delete Seward’s Day.

Mr. Tierney felt that the majority of employees would prefer to substitute Seward’s Day. The change would still have to be negotiated.

Mr. Wuerch, with consent of the second, withdrew his amendment. He joined Mr. Bell in supporting the deletion of Seward’s Day. He remarked that people who laid down their lives for the civil rights movement paid the ultimate price for what they brought to our country and, in recognition of that, he was willing to pay as well.

Mr. Wohlforth stated that if the holiday was added there would be no problem with the unions. He questioned the message that Martin Luther King Holiday would be enacted only if it was free. He was prepared to add it as a holiday.

Mr. Murdy mentioned the many years in Anchorage that Assembly after Assembly has had excuses not to enact an ordinance creating Martin Luther King Day. He felt Anchorage needs the harmony this could encourage, and the price we would pay is immaterial.

Mr. Carlson saw a problem with substituting holidays. He noted that this was advertised as adding Martin Luther King, Jr. Day to our list. He felt the Assembly should either add it or not add it, but it would be wrong to substitute it for another holiday.

Ms. Clementson pointed out that the ordinance title does not say we would be adding another holiday. It refers to amending the code section to recognize and include Martin Luther King Jr. Day as a holiday, and that would give some latitude.

In response to Ms. Clementson, Deputy Municipal Attorney Bill Greene observed that the divergent points of view demonstrate that this is a judgment call. He was of the opinion that the Assembly is quite capable of making such judgments.

Ms. Clementson remarked that the testimony here was thought provoking. She felt that although Seward’s Day is important to some people, it is not a day where families recognize the things testified to here tonight. She was of the opinion that right Anchorage is facing a very real problem in the loss of millions of dollars from the state and when municipal employees, along with Arco, British Petroleum and Carr’s employees, could be losing jobs and taxes would go up, she felt removing Seward’s Day and replacing it with Martin Luther King Day would be the better decision.

Ms. Taylor remembered the hostility in Anchorage when a street was proposed to be named after Dr. King.

Ms. Taylor moved,

seconded by Mr. Murdy,

to call the previous question on the amendment.

AYES: Carlson, Taylor, Wohlforth, Von Gemmingen, Meyer, Kendall

NAYS: Bell, Wuerch, Clementson, Abney, Murdy.

(Clerk’s Note: This motion failed for lack of eight affirmative votes required to call the question.)

Ms. Abney observed that the leading holidays create dissension rather than unity, and a supporter of Seward’s Day might feel pushed aside to make Martin Luther King Day a holiday. She calculated the cost for those required to work on a holiday as \$373,000. That is a lot of money, but in view of the Anchorage population of 260,000 it works out to \$1.43 per person.

Ms. Clementson remarked that the \$373,000 cost is a 1993 estimate. She observed a problem in urging the legislature not to cut municipal revenue sharing based on our tight-as-can-be budget while creating additional expense through creating another paid holiday. She recognized that this is an emotional issue, but asserted that elected officials must consider all factors.

Mr. Kendall mentioned that the matter of a Martin Luther King holiday had been put off repeatedly, and he felt it was time to recognize a hero such as American lacks today. He asserted that enacting laws does not change the hearts of people, but Dr. King started from the heart and made a difference without violence.

Mr. Bell acknowledged that the Assembly is probably in favor of passing this ordinance, but the question is the form it should take. He related how as a young lieutenant in 1968 he drove across the country on his way to Vietnam, and he saw what happened the day Dr. King was shot. In Vietnam he was in a platoon of guys being shot at, half of whom were African-Americans whose reaction ranged from very angry to very sad. He felt Anchorage needs to recognize Martin Luther King as a hero.

Chair Von Gemmingen commented that she had received a phone call and a letter today from a small business owner in Anchorage who said she had 60 employees and the example of another holiday for government employees would make it difficult for her to tell her workers they still get only eight paid holidays a year when municipal employees get eleven, or possibly twelve if we add another one tonight. She agreed that we should honor Martin Luther King, but felt that the fiscally responsible thing to do is take out Seward’s Day and keep the number of paid holidays at eleven.

Question was called on Mr. Bell’s motion to amend and it failed:

AYES: Bell, Wuerch, Von Gemmingen, Clementson, Meyer.

NAYS: Carlson, Taylor, Wohlforth, Abney, Kendall, Murdy.

Mr. Wohlforth stated that there was no other ordinance he would have greater pride in voting for, especially since he was leaving the Assembly. He felt Dr. King represented the best of what America promises to be and has achieved.

Mr. Wuerch stated that he, too, wanted to show respect to Martin Luther King. He felt it a disservice to link Martin Luther King's memory to a pocket book and would have preferred to put this on the table without reference to the extra dollars. But he shared Ms. Von Gemmingen's view that we would be laughed out of the room at Juneau if we talk about retaining revenue sharing after assuming this greater expense.

Ms. Abney urged that we continue Mayor Mystrom's bridge building program, celebrating diversity and working together for equity and peace in this time of violence and intolerance.

Ms. Clementson related how, years ago when her son was in first grade, she did the bulletin board in his elementary school. When Martin Luther King Jr.'s birthday came she did some extra research in order to post excerpts from his speeches, and was amazed and intrigued at what she read. Although she would be honored to vote "Yes" on this ordinance, she will vote "No" because she feels that is the responsible thing to do at this time, given the present situation.

Question was called on the motion to adopt AO 99-64 and it passed:

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

The meeting recessed at 10:15 p.m. and reconvened at 10:25 p.m.

- H. Resolution No. AR 99-87, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Beverage Dispensary License) located on Yukon Industrial Park Subdivision, Lot 1C1 & 1C2, generally located on the north side of West Tudor Road and between "C" Street and Credit Union Drive (Apple Alaska LLC d.b.a. **Applebees Neighborhood Grill and Bar**) (Case 99-081), Community Planning and Development.
 - 1. Assembly Memorandum No. AM 361-99.
- I. Resolution No. AR 99-86, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Package Store) located on N 1/2 of the S 1/2 of the SE 1/4 of the SE 1/4 of Section 18, T12N, R3W, S.M., AK, generally located on the west side of Seward Highway and north of O'Malley Road (**Williams Express**) (Case 99-080), Community Planning and Development.
 - 1. Assembly Memorandum No. AM 360-99.
- J. Assembly Memorandum No. AM 317-99, 1999-2000 Liquor License Renewal: **The Woodshed** (Beverage Dispensary), Clerk's Office.
- K. Ordinance No. AO 99-60, an ordinance amending Anchorage Municipal Code Title 2 to enact a **Demerit Point System** to identify potential and actual problem alcoholic beverage licensees and establish standards and procedures for the assignment of points, notices, hearings and Assembly action on warnings to potential problem licensees and Assembly protests of the issuance, renewal, transfer and continued operation of an alcohol beverage license and Assembly issuance, revocation or modification of or imposition of conditions on conditional land use permits for the retail sale of alcoholic beverages, Assemblymember Wohlforth.
 - 1. Assembly Memorandum No. AM 314-99.
 - 2. Ordinance No. AO 99-60(S), an ordinance amending Anchorage Municipal Code Title 2 to enact a Demerit Point System to identify potential and actual problem alcoholic beverage licensees and establish standards and procedures for the assignment of points, notices, hearings and Assembly action on warnings to potential problem licensees and Assembly protests of the issuance, renewal, transfer and continued operation of an alcohol beverage license and Assembly issuance, revocation or modification of or imposition of conditions on conditional land use permits for the retail sale of alcoholic beverages, Assemblymember Wohlforth.
 - 3. Assembly Memorandum No. AM 388-99.
- L. Ordinance No. AO 99-65, an ordinance amending Anchorage Municipal Code by enacting a new Section 2.20.100 to **prohibit the expenditure of public funds appropriated by the Assembly to lobby the Assembly or School Board**, Assemblymember Bell.

Items 12.H. through 12.L. were continued until May 11, 1999.

- M. Ordinance No. AO 99-64, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 3.30.141, Recognized Holidays with Pay, to **include Martin Luther King Jr. Day as a paid municipal holiday**, Assemblymembers Abney, Carlson, Kendall, Murdy, Taylor, and Wohlforth.
 - 1. Assembly Memorandum No. AM 350-99.

This item was considered earlier in the meeting. See after item 12.G.

- N. Ordinance No. AO 99-66, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Sections 15.55.050 and 15.65.030 to extend the **expiration of permits or water well construction and on-site wastewater disposal system construction from one year to two years**, Assemblymember Bell.
 - 1. Assembly Memorandum No. AM 386-99.
 - 2. Ordinance No. AO 99-66(S), an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Sections 15.55.050 and 15.65.030 to extend the expiration of permits or water well construction and on-site wastewater disposal system construction from one year to two years, Assemblymember Bell.
 - 3. Assembly Memorandum No. AM 387-99.
- O. Resolution No. AR 99-75, a resolution of the Municipality of Anchorage providing for a **revision of the 1999 General Government Operating Budget**, Office of Management and Budget.
 - 1. Assembly Memorandum No. AM 332-99.

- P. Ordinance No. AO 99-63, an ordinance **setting the rate of tax levy and levying taxes** for the Municipality of Anchorage Areawide General Purposes including municipal schools and all services of the Municipality for the Municipal Tax Year 1999, Office of Management and Budget.
1. Assembly Memorandum No. AM 331-99.

Items 12.N. through 12.P. were continued until May 11, 1999.

13. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS:

- A. Appeal S-10236, East Addition to the Townsite of Anchorage Subdivision, Clerk's Office.
(CARRIED OVER FROM 4-6-99)

This item was considered earlier in the meeting. See after item 4.

14. SPECIAL ORDERS:

- A. **Motion to obtain legal counsel** regarding the animal control contract award by the Mayor.
(POSTPONED FROM 3-23-99 AND 4-6-99)

This item was continued until May 11, 1999. Another special order was laid on the table earlier in the meeting. See after item 8.

15. ASSEMBLY COMMENTS: None.

16. UNFINISHED AGENDA:

- A. Assembly Memorandum No. AM 342-99, sole source contract with Alpine Partnership for **reconstructing 31st Avenue between A Street and C Street** for the Municipality of Anchorage, Department of Public Works/Purchasing.
(POSTPONED FROM 4-6-99)

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

Ms. Clementson said her questions had been answered.

Question was called on the motion to approve AM 342-99 and it passed without objection.

- B. Ordinance No. AO 98-51(S), 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 276-99.
2. Assembly Memorandum No. AM 353-99, proposed amendments to AO No. 98-51(S), relating to taxicabs, limousines, and vehicles for hire, Assemblymember Clementson.
(POSTPONED FROM 3-16-99, 3-23-99, AND 4-6-99)

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

to amend AO 98-51(S) with the items on the 2-page
green-colored document listing typographical errors and/or
restoring material included in the original version and
inadvertently omitted from the “S” version.

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

Ms. Clementson moved,
seconded by Ms. Taylor,

to amend AO 98-51(S) with the items on the 1-page blue-
colored document listing changes desired by the
Transportation Inspector.

(Clerk’s Note: This document is attached as Exhibit B.)

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

to amend item 3 of Exhibit B in the last sentence to read:
“The program shall be approved by the Transportation
Inspector.”

Question was called on the motion to amend with Exhibit B as amended and it passed without objection.

Assistant Municipal Attorney Cliff Groh, reiterated Ms. Clementson’s amendment to item 3 of Exhibit B.

(Clerk’s Note: For the remainder of the discussion, the Assembly considered items listed on a 10-page yellow-colored document attached as Exhibit C.)

Mr. Wuerch moved,
seconded by Mr. Wohlforth,

to amend AO 98-51(S) with item #1 from Exhibit C,
and changing item #1 to delete the words “only to a bona fide
luxury limousine company.”

Ms. Clementson stated she would oppose this amendment because the committee did not object to the words “only to a bona fide luxury limousine company,” and also agreed to leave in the words “at a ratio of no more than fifty percent of the current permitted limousines of that company.” She remarked that the amendments had already been through a very long review process.

Mr. Kendall noted there was a concern that if anyone can operate a sedan, what prevents that from becoming a “gypsy” cab. He wanted Assembly discussion on sedans to gain understanding of how sedans are regulated.

Mr. Wuerch expressed concern that the luxury limousine companies are also bona fide bus companies that might want to have executive sedans. Another way to cure that would be to say “only to a bona fide luxury limousine company or bus company.”

Mr. Wohlforth questioned whether the executive sedans would fall under the regulatory scheme of limousines with this amendment, even if they were operated by a limousine company.

Assistant Municipal Attorney Cliff Groh replied that the amendment did not appear to address the previous two sentences of the existing amendment. He explained executive sedans are defined by Code as being included in the definition of limousines, being luxury vehicles like limousines.

Mr. Wohlforth noted that a fleet of executive sedans would be required to dispatch them with a phone call and 60-minute or 90-minute period and view them as limousines. Therefore he failed to see any benefit of the phrase “only to a bona fide luxury limousine company,” if an executive sedan is a limousine.

Mr. Groh stated that the intent of the language “bona fide luxury limousine company” is to avoid companies that are shells.

Question was called on the motion to amend and it passed:

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

Mr. Wuerch moved, to amend AO 98-51(S) with item #3 in Exhibit C, and
and it died for lack of a second, changing item #3 to delete the highlighted language.

In response to Ms. Clementson, Mr. Wuerch replied that the Transportation Commission opposed this amendment. His motion was based on the testimony of the Commission in the work session.

There was general discussion about the proposed amendment, what was supported by the Transportation Commission and its effect.

Ms. Abney moved, to amend AO 98-51(S) with item #3 in Exhibit C, and
seconded by Ms. Taylor, changing item #3 in the last sentence to read: “...public need
which differs from that of a taxicab and limousine by
offering...”

In response to Chair Von Gemmingen, Transportation Inspector Dave Llewellyn said he felt the proposed wording does not improve upon what the Commission decided upon. He stated that this would allow all transportation services to be provided by either taxicabs or limousines. This would require discrimination against a service that either limousines or taxicabs provide.

Ms. Abney observed that there appears to be no definition for “vehicle for hire.” Her purpose was to clarify a definition.

Mr. Wuerch spoke against the amendment. He pointed out the problem of creating the distinction between taxicabs and limousines was that it seemed to be a matter of purpose and implementation rather than a definition.

Mr. Meyer spoke in favor of Ms. Abney’s motion to distinguish between vehicles for hire and taxicabs and limousines, the latter two being highly regulated.

Mr. Bell felt the amendment would eliminate vehicles for hire.

Ms. Abney pointed out the seating capacity provision, ”15 or fewer persons” as distinguishing taxicabs.

Question was called on Ms. Abney’s motion to amend and it failed:

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

Mr. Kendall moved, to amend AO 98-51(S) with item #4 in Exhibit C.
seconded by Ms. Taylor,

Mr. Kendall remarked that drivers of courtesy vehicles are not regulated at this time, and there appears to be no issue of public safety or concern. He added that if such arises in the future the Commission has the option to come back to the Assembly asking for a new ordinance for that part of the industry.

Mr. Wohlforth felt it is sensible to delegate to the Transportation Commission the ability to deal with drivers of courtesy vehicles. He pointed drug testing as being as important for drivers of courtesy vehicles as for drivers of taxicabs, vehicles for hire, or limousines. The amendment simply says the Commission may regulate, not that it is required to regulate them.

Ms. Clementson recommended against the amendment because requiring the Commission to return with more regulations would require much more time and effort.

Mr. Wuerch spoke in favor of the amendment. He remarked that the visitor industry supports the recommended deletion of the words “may regulate drivers of courtesy vehicles.”

Ms. Abney stated she had changed her mind after listening to the discussion, and will vote “no” on this amendment.

Question was called on Mr. Kendall’s motion to amend and it passed:

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

Mr. Kendall moved, to amend AO 98-51(S) with item #5 in Exhibit C.
seconded by Mr. Wuerch,
and it passed without
objection,

Mr. Kendall moved, to amend AO 98-51(S) with item #7 in Exhibit C.
seconded by Mr. Wuerch,
and it passed without
objection,

Mr. Kendall moved, to amend AO 98-51(S) with item #8 in Exhibit C.
seconded by Mr. Wuerch,
and it passed without
objection,

In response to Mr. Kendall, Assistant Municipal Attorney Groh said that Amendment #9, page 3 of Exhibit C, was consistent with State Court rules regarding the definition of a “day,” and how days are counted.

Mr. Kendall felt the ordinance should be amendment with item #9, and change it to 15 days.

Mr. Wohlforth felt that confusion over days would continue with the proposed amendment.

Ms. Abney moved, to amend AO 98-51(S) with item #10 in Exhibit C.
seconded by Ms. Taylor,

Ms. Abney felt the smaller amounts were adequate, and take into consideration that the people who are assessed these fines are not rich people, so if money is a deterrent the smaller amounts will suffice.

Ms. Von Gemmingen noted that this has to do with the permittees, not the drivers.

Ms. Taylor moved, to extend the meeting past 11:00 p.m. to continue
seconded by Mr. Wuerch, consideration of this item.

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

Ms. Clementson spoke against adding the “not to exceed” portion of the amendment, which would give some ability to negotiate. She felt there should be meaningful consequences for violating the law more than once.

Mr. Bell pointed out that this refers to the permittees. Further, if the fine is reduced to \$200 and \$500, the words “not to exceed” should be removed. Otherwise it reduces the flexibility granted the Commission.

Ms. Taylor concurred with Mr. Clementson and Mr. Bell, in that this applies to people who have had either civil or criminal convictions, and felt the Commission, while able to assess less than the maximum amount, should be able to penalize people severely for breaking the law.

Question was called on Ms. Abney’s motion to amend with item #10 and it failed:

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

Ms. Abney moved, to amend AO 98-51(S) with item #11 in Exhibit C.
seconded by Ms. Taylor,

Ms. Abney felt if there was an extenuating circumstance and the problem has been corrected, some consideration should be given for the Transportation Inspector to deal with it on that basis.

Ms. Clementson wondered whether the ability to relax or suspend was already present for extenuating circumstances.

Mr. Groh responded that was correct in terms of remedial action for chauffeur-caused offenses. The amendment would extend it to the agent or lease operator, extending it beyond the provisions of current law. Chair Von Gemmingen noted that the permit owners support this amendment. The Transportation Commission opposes the amendment.

Question was called on Ms. Abney’s motion to amend with item #11 and it passed:

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

Mr. Kendall moved, to amend AO 98-51(S) with item #12 in Exhibit C.
seconded by Ms. Taylor,

Mr. Kendall stated his intent was to raise the threshold to four, conforming to the original language. This would give offenders an extra chance.

In response to Ms. Clementson, Mr. Llewellyn explained it was reduced from four to three was so dispatch companies would share in the responsibility for the taxi industry’s operation. He remarked that the current law is not written very strictly for dispatch companies.

Question was called on Mr. Kendall’s motion to amend with item #12 and it passed:

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

In response to Mr. Kendall, Assistant Attorney Groh, verified that amendments 13, 14, and 15 on Exhibit C would delete penalties for regulations. Mr. Kendall stated he would no move those amendments consequently.

Mr. Kendall moved, to amend AO 98-51(S) with item #16 in Exhibit C.
seconded by Ms. Taylor,

In response to Mr. Wohlforth, Mr. Kendall stated this is the fine to be assessed against cab drivers themselves, and they make the least amount of money in the industry.

Mr. Meyer inquired whether he could offer a friendly amendment to increase the fine to \$50. Mr. Kendall did not agree to the friendly amendment.

Mr. Wohlforth noted that the existing fines have apparently been effective.

Ms. Abney responded that under the current law fines are required for a certain amount; the change is to make them “not to exceed.” The effort was to make the fines more reasonable and still achieve the purpose.

In response to Ms. Taylor, Mr. Llewellyn stated that consideration is given to the offense. A taxi stand violation, would probably be about \$25. For a first offense trip sheet violation it might be \$25-50. But if it is a serious offense where an individual was found to be buying liquor for a passenger or for himself, the maximum would be assessed. They would use the flexibility allowed. He pointed out the wording has always been “not to exceed.”

Ms. Clementson pointed out there do not seem to be complaints about the fine, so the current fee appears to be a workable deterrent. She felt \$25 would not be an adequate deterrent.

Question was called on Mr. Kendall’s motion to amend with item #16 and it failed:

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

Mr. Meyer moved, to amend AO 98-51(S) with item #16 in Exhibit C, changing
seconded by Ms. Kendall the amount to \$50.

Mr. Meyer pointed out \$100 was a large impact on drivers, who make very little after expenses. He felt the maximum fine should be \$50.

Chair Von Gemmingen noted that Mr. Llewellyn had very well expressed his concerns, and she felt it should be kept at \$100. This would give maximum flexibility depending on the severity of the violation.

Question was called on Mr. Meyer’s motion to amend with item #16 and it failed:

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

Mr. Kendall moved, to amend AO 98-51(S) with item #17 in Exhibit C.
seconded by Mr. Meyer,

Mr. Kendall observed that this item provides fines of \$100 and \$200 for second and third offenses.

Ms. Von Gemmingen pointed out the Transportation Commission opposed this change.

Question was called on Mr. Kendall’s motion to amend with item #17 and it failed:

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

Ms. Abney moved, to amend AO 98-51(S) with item #18 in Exhibit C.
seconded by Mr. Kendall,

In response to Chair Von Gemmingen, Mr. Llewellyn explained this item referred to second and third violations that have occurred within the last twelve months. He noted that all fines in this Title are cumulative in a twelve-month period. He gave an example of a recent case where a chauffeur was in a very heated argument and his conduct was not appropriate for the employees of one of the Anchorage establishments and occurred in front of passengers. Although this was a first offense, it was so out of character for what we would expect in our town in terms of courtesy and operating a vehicle in a safe manner that the fine would have been close to the maximum of \$300. He also spoke of second and third offenses as indicating the offender had not paid close enough attention to the first offense, so there needed to be some element of flexibility to increase these penalties. In this industry, the supervision of chauffeurs is not what it should be. The Transportation Inspector is dealing with a lot of these situations, and should have enough leverage to deal with very serious matters. He felt that when the Assembly approved fines not to exceed \$300 and \$750 for second and third offenses, it would be more certain deterrents, and would be applied judiciously and in very serious cases. He added the current fines have been in the Code since 1994.

Ms. Abney thought these types of infractions or violations could be cumulative, but one could be very, very minor and another could be serious, or they both could be very minor. She felt these have not been reasonably enforced.

Question was called on Ms. Abney’s motion to amend with item #18 and it failed:

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

Mr. Kendall moved, to amend AO 98-51(S) with item #19 in Exhibit C.
seconded by Mr. Carlson,

In response to Mr. Kendall, Mr. Llewellyn explained there are several occasions when this might apply. For instance, a driver who might be driving without a valid chauffeur’s license for some period of time, either because it had expired or was revoked, or because the driver was never licensed. In such a case, each day in violation would be considered as a separate offense. The Title also holds that the permit owner or a lease operator responsible for assuring that a licensed driver operates the vehicle and the dispatch companies, each have responsibility in such cases. He believed the Assembly’s intent was to hold people responsible at every level.

Mr. Kendall inquired whether the maximum fine might be assessed for each day of the violation. Mr. Llewellyn explained a precedent established by the hearing officer. For a first offense, of five days, the first offense rule would apply.

Mr. Kendall compared such instances to the driver of a private vehicle who inadvertently failed to renew his license as to one whose license had been revoked and who would be taken to jail. He recognized that the goal of the provision is to have chauffeurs’ licenses up to date, but felt that there should be some consistency for chauffeurs and private vehicle drivers.

Mr. Llewellyn remarked that the fines set out are maximum fines, and the penalty in a given case could be less.

Ms. Abney moved, to substitute language in item #20 from Exhibit C, changing
seconded by Mr. Meyer, fifteen days to seven days.

Ms. Clementson discouraged passage of Ms. Abney’s amendment. She said she planned to offer an amendment which would keep a chauffeur from driving until a citation violation is cured, but not be retroactive for past violations.

Ms. Abney felt the present regulation has been abused, and the proposed motion is a reasonable way to provide correction.

Question was called on Ms. Abney’s motion to substitute and it passed:

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

Ms. Clementson moved, to substitute language in item #20 from Exhibit C, changing it
seconded by Mr. Wohlforth, to read: “...separate offense. A citation for operating without a valid chauffeur’s license or a citation for operating with an expired chauffeur’s license shall not cite anyone for operation on a date before the citation is served.”

In response to Ms. Clementson, Assistant Attorney Groh explained Ms. Clementson’s proposed amendment. The intent was to narrow the language.

In response to Mr. Kendall, Mr. Groh gave examples relating to one case.

Question was called on Ms. Clementson’s motion to substitute and it passed:

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

Question was called on the motion to approve amendment item #20 as amended and it passed:

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

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

Mr. Kendall moved, to amend AO 98-51(S) with item #21 in Exhibit C.
seconded by Ms. Abney,

In response to Mr. Kendall, Mr. Groh said he did not think this would make a practical difference in the way the law would apply.

Question was called on Mr. Kendall's motion to amend with item #21 and it passed:

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

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

Mr. Kendall moved, to amend AO 98-51(S) with item #22 in Exhibit C.
seconded by Mr. Wuerch,

Assistant Municipal Attorney Groh, stated there is no prohibition to dedicating funds of the Municipality. So it is a question not of law, but of policy for the Assembly.

Ms. Clementson remarked that the Assembly has consistently been told they cannot dedicate funds.

Deputy Municipal Attorney Bill Greene advised that the Attorney General of the State has given a long-standing opinion that that constitutional provision prohibiting dedicated funds does not apply to local funds. He added that there is no court case on it, however, and there is no provision in the Charter that prohibits it, and there is no general prohibition that is identifiable against dedication of funds. He felt the most accurate description of the situation is that there has been historical opposition to dedicated funds because it reduces the authority of the Assembly to determine and appropriate competing needs for funds, and the opposition to it is a matter of policy. It has been routinely viewed with disfavor by the legislative bodies, as the historical view.

Mr. Wuerch felt the Assembly needs to look at this as the fee collected here, and we do use fees (for example in the Building Safety Division plan review) to go back and run Public Works. He felt that in this case we needed to support the amendment to delete it because we do not want to build an incentive into the enforcement issue here that raises more and more penalties and more and more fines just to add to the budget of the department. Therefore he would support Mr. Kendall's motion to delete the sentence.

Question was called on Mr. Kendall' motion to amend with item #22 and it passed:

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

Mr. Kendall moved, to amend AO 98-51(S) with item #23 in Exhibit C.
seconded by Mr. Carlson,

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

Mr. Kendall moved, to amend AO 98-51(S) with item #24 in Exhibit C.
seconded by Ms. Taylor,

In response to Mr. Kendall, Mr. Groh explained that the amendment changed the applicant's age to 18, from 19.

Question was called on Mr. Kendall's motion to amend with item #24 and it passed:

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

Mr. Kendall moved, to amend AO 98-51(S) with item #25 in Exhibit C.
seconded by Ms. Clementson,

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

Ms. Abney moved, to amend AO 98-51(S) with item #26 in Exhibit C.
seconded by Mr. Meyer,

Chair Von Gemmingen observed that the amendment is supported by permit owners. It is opposed by the Transportation Commission, who cited concerns as to how the public is best served and whether the potential harm is great enough to unduly restrict service, and unwarranted protection of the taxicab industry.

Question was called on Ms. Abney’s motion to amend with item #26 and it failed:

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

Mr. Kendall moved, to amend AO 98-51(S) with item #27 in Exhibit C.
seconded by Mr. Wuerch,

Mr. Meyer spoke against the amendment. He felt that \$35 an hour was similar to the same rate as that for a taxicab.

Chair Von Gemmingen spoke to the minimum charge of 90 minutes; a difference between the sedans and taxicabs.

Mr. Meyer said that if one hired a cab for the same length of time you would be paying approximately the same rate.

Mr. Kendall referred to examples from other cities that illustrated \$60 an hour was among the higher charges. He felt that \$45 would fit within the norms of other cities.

Question was called on Mr. Kendall’s motion to amend with item #27 and it failed:

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

Mr. Kendall moved, to amend AO 98-51(S) with item #27 in Exhibit C, changing
seconded by Ms. Taylor, the amount in paragraph 1 to \$50 per hour and in paragraph 2.
to \$40 per hour for executive sedans.

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

Mr. Kendall suggested that amendment items #29 and 30 be skipped over and the Assembly should proceed with other amendments. He did not move amendment item #28.

Mr. Kendall moved, to amend AO 98-51(S) with item #31 in Exhibit C.
seconded by Ms. Taylor,

Mr. Llewellyn remarked that this item involves a safety issue. When a taxicab leaves the airport, a taxi stand, a curbside hail or a call on his cell phone, the dispatch company will not know where they are if the driver is not required to report. The exception would be if and when Alaska Cab gets their computerized dispatch. The other three companies would not be able to know where they might be at any time.

Mr. Kendall stated he had discussion with the dispatch companies and learned that for the time involved it is difficult to get this information across in a timely manner. To make failure to do so a finable offense is a practical requirement.

Question was called on Mr. Kendall’s motion to amend with item #31 and it failed:

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

Mr. Kendall moved, to amend AO 98-51(S) with item #32 in Exhibit C.
seconded by Mr. Murdy,

Mr. Kendall wanted to clarify the relationship between the dispatch company and the permitted cab. There is a contractual relationship among the entities involved. The permit owner contracts with the dispatch service to dispatch its cabs; the dispatch service may never know who is driving the cab. It is really the permit owner’s responsibility, not the dispatch company’s responsibility, to ensure only licensed chauffeurs are operating their vehicles.

Question was called on Mr. Kendall’s motion to amend with item #32 and it passed:

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

Mr. Kendall moved, to amend AO 98-51(S) with item #33 in Exhibit C.
seconded by Ms. Taylor,

Mr. Kendall stated this item also addressed the relationship between the dispatch companies and the drivers. The dispatcher should keep a log of complaints and submit a report to the Transportation Inspector.

Ms. Clementson opposed the amendment. She felt the dispatcher should take appropriate action when complaints are reported, because merely providing a report to the Transportation Inspector would be avoiding responsibility.

Question was called on Mr. Kendall’s motion to amend with item #33 and it failed:

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

Mr. Kendall moved, to amend AO 98-51(S) with item #35 in Exhibit C.
and it died for lack of a second,

Ms. Clementson moved, to continue the meeting to May 4, 1999 at 4:00 p.m.
seconded by Mr. Meyer,

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

The meeting recessed at 12:00 midnight.

MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of April 27, 1999
continued to May 4, 1999

1. CALL TO ORDER:

The meeting was reconvened at 4:10 p.m. by Assembly Chair Fay Von Gemmingen in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

2. ROLL CALL:

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

The Assembly continued consideration of AO 98-51(S).

Ms. Abney moved, to amend AO 98-51(S) with item #30 in Exhibit C, changing
seconded by Ms. Taylor, paragraph E. to read: "...in a regulated vehicle while a
passenger is in the vehicle."

Mr. Meyer supported this amendment because it deleted the smoking issue entirely. He remarked that even if drivers were allowed to smoke while there are no passengers in the cab, the smell would remain and could be harmful or annoying to subsequent passengers. He felt this was a good compromise.

Mr. Kendall moved, to substitute item #29 in Exhibit C.
seconded by Mr. Carlson,

Mr. Kendall felt addressing eating and smoking was micro-managing how a business is operated. He acknowledged there were good reasons for not allowing smoking and not allowing food or drink or music in a cab, but he felt regulating those activities was too restrictive. He observed that the consumer will dictate which cab company he will use, based upon wanting a smoke-free cab, or appreciating a clean cab, or the quality of service. He objected to government telling people how to live their lives. Additionally, he felt these things would be almost impossible to regulate, particularly in view of the fact that there are only two transportation inspectors at the moment. He felt it would be better to let market demand regulate these issues.

In response to Ms. Clementson, Transportation Inspector Dave Llewellyn said rules against eating, drinking and playing music for public tour buses, limousines and other means of public transportation were self imposed. The Transportation Commission's opposition to this amendment was because it would create different standards from public transportation.

Mr. Bell pointed out smoking is prohibited in public buildings and in parts of restaurants, and it is a public health issue. He felt if a driver began smoking while driving, most customers would suffer the offense without complaining. However, drinking or eating while the vehicle is in motion is a public safety issue, and there is an obligation to the public to protect health and safety. Both these issues are addressed by item #30.

In response to Ms. Taylor, Mr. Llewellyn stated that Commissioner Rosenberg did some research studying statistics from other states and Alaska. The results showed about 16% of accidents and some 7% of fatalities result from inattentiveness on the part of a driver.

Mr. Kendall emphasized that the tour and bus companies regulate these issues by company policy rather than government regulation, and placing government regulation on taxicabs would result in an inequity.

Question was called on Mr. Kendall's motion to substitute #29 for #30 and it failed:

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

Question was called on Ms. Abney's motion to amend with item #30 and it passed:

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

Mr. Kendall moved, to amend AO 98-51(S) with item #35 in Exhibit C.
seconded by Mr. Murdy,

Mr. Kendall agreed there may be good reasons to ensure customers identify themselves to dispatchers. However, he felt more research should be done before imposing a blanket requirement. Therefore, he recommended the amendment be approved, which would delete the identification requirement.

Mr. Wuerch concurred. In addition, he felt the whole section should be deleted, beginning on page 59, line 18.

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

to amend the amendment to also delete lines 18 through 20 on
page 59.

In response to Mr. Wohlforth, Mr. Llewellyn explained the requirement for caller identification. He said the item was a suggestion that originated with the Safety Action Committee, in response to murders of three taxicab drivers. It is a safety measure which is in the current law. He recommended the provision remain law, and the Assembly review it in one year to determine effectiveness. Caller identification will identify customers and their phone numbers. If a customer is unwilling to provide a phone number, the company has the option to refuse service.

Ms. Abney explained she did not move to amend with item #34 because of concerns relayed to her from the Abused Woman’s Aid in Crisis (AWAIC) and Standing Together Against Rape (STAR) organizations. Those groups pointed out that the caller ID provision may enable tracking of abused persons by their abusers.

Ms. Clementson moved,
seconded by Mr. Wohlforth,

to substitute item #34 in Exhibit C.

Ms. Clementson emphasized that these provisions were already law. There have not been any reports of the system causing harm to anyone. She pointed out the provision is intended to increase safety for taxi drivers. The dispatch companies have the right to ask for identifying information from callers whose numbers are “blocked.” The identification information of taxicab companies is not available to the public, so abusers would not be able to track their victims in that manner. She felt since the provision is already law, the clarification “where technology permits” should be added so none would be denied a taxi if they need one, and the provision could be re-examined for effectiveness and problems in the future.

In response to Mr. Kendall, Mr. Llewellyn said three of the four dispatch companies do use caller identification presently, and the fourth one has about 45 days to install it in order to comply with the law. Whether they would use the system without being required by law is unknown.

Mr. Kendall pointed out there could be difficulties in un-blocking one’s phone number, especially if the procedure was not known or available.

Mr. Meyer said there were concerns that the dispatch person or the driver himself, rather than a victim’s abuser, might distribute identification information. He was uncertain as to how much safety this provision would really provide. He agreed with Mr. Kendall that it should not be a requirement, but be a voluntary act of dispatch companies.

Mr. Wuerch pointed out another concern was there is technology available which would allow a dispatch company to un-block or bypass blocked phone numbers. If the vote to substitute prevails, he intended to offer an amendment disallowing dispatch companies to bypass those telephone numbers that have been blocked for security reasons.

Chair Von Gemmingen felt the Assembly has a responsibility to try to protect both drivers and persons who are in abusive relationships. She intended to support the deletion of the language per item #35.

Mr. Wohlforth felt that the risk the shelter organizations are concerned with is important, but it seems unlikely that abusers would be the dispatchers. He could see no other way the identification would become known to the abuser. On the other hand, there has been a series of murders of taxi drivers and serious action seemed needed. The committee felt this would be an effective measure, and there is no way of knowing until it has been tried. It may be revealed as a inconvenience that does not really help. He felt, in balance, the lives of the taxi drivers were at more immediate risk than those of abused persons.

Mr. Meyer pointed out a person intending to rob or harm a taxi driver would use a pay phone and/or a fictitious name anyway, so he doubted that caller identification would do much good.

Question was called on Ms. Clementson’s motion to substitute and it failed:

AYES: Wuerch, Taylor, Clementson, Abney.

NAYS: Bell, Carlson, Von Gemmingen, Meyer, Kendall, Murdy.

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

Question was called on Mr. Kendall’s motion to amend with item #35, as amended, and it passed:

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

NAYS: Wuerch, Wohlforth, Clementson.

Mr. Kendall moved,
seconded by Mr. Bell,

to amend AO 98-51(S) on page 59, line 28, to delete the words
“By regulation, the commission shall.” and insert the words
“The commission shall proposed regulations to:”

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

NAYS: None.

Ms. Abney moved,
seconded by Ms. Taylor,

to amend AO 98-51(S) to add a new Section 5 to read:
“Ordinance Review. Within one year after implementation of
this ordinance the Mayor, in conjunction with the
Transportation Commission, Transportation Inspection,
Municipal Attorney’s Office, Assembly Office and the

industry, shall review this ordinance and report and make recommendations to the Assembly regarding the effectiveness of this ordinance. The report shall specifically include but not be limited to the following information: practicality of the ordinance and any problems with implementation, enforcement and compliance; the impact of the ordinance on the number of citations issued, suspensions, revocations and fines assessed; and the need for additional amendments to further improve AMC Title 11.” and renumber the following section accordingly.

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

Ms. Abney moved, to amend AO 98-51(S) to change the deadline for compliance
seconded by Mr. Wuerch, with the ordinance to December 31, 1999.
and it was withdrawn,

Mr. Meyer requested Mr. HEIBERT, representing a dispatch company, to address the Assembly and explain the problems that provisions in Section 11.40.053 would cause.

Mr. Heibert explained the law refers to radio communications. However, his company and others use new digital communication systems which do not transmit voice data; only one vehicle receives information from the dispatcher, not all the taxi vehicles in the fleet. He recommended amendments to this section which would take the new system into account.

Mr. Murdy moved, to amend AO 98-51(S) in Section 11.40.053 to read:
seconded by Mr. Kendall, “11.40.053 Communication requirement between dispatchers
and it passed without and taxicab chauffeurs. A. Two-way radio communication.
objection, Each dispatch company licensed under this title must operate
and maintain a two-way communications system between
dispatchers and taxicab chauffeurs. The two-way
communications system shall allow each chauffeur on a
dispatch company radio frequency to monitor dispatcher
transmissions and transmissions from other chauffeurs on that
dispatch company radio frequency unless they meet the
requirements of subsection B. B. Computerized dispatch
communication. Any dispatch company which has installed
and is using a GPS based electronic dispatch system which
transmits digital communication to and from its taxicabs is not
required to maintain continuous two-way voice
communication between its taxicabs and dispatch service.
Any dispatch company which has installed and is using a GPS
based electronic dispatch system which transmits digital
communications to and from its taxicabs is not required to
have radio identifiers from the taxis to the dispatch when on
voice.”

Mr. Kendall moved, to amend AO 98-51(S) with item #9 in Exhibit C, and on page
seconded by Mr. Carls on, 13, lines 16 and 19, to change seven days to fifteen days.
and it passed with Ms. Clementson
objecting,

Mr. Kendall moved, to amend AO 98-51(S) to reinstate the wording in item #1
seconded by Ms. Clementson, in Exhibit C “only to a bona fide luxury limousine company.”

In response to Mr. Meyer, Transportation Commission member Mr. Sardy, stated some time ago there was concern about gypsy cabs (transportation providers that do not have taxicab permits and operate as taxicabs), not being easily distinguished from a regular limousine. He recalled this provision was a compromise measure. The language was very specific, and he felt it should stand. He said he would prefer to see the language restored to read “executive sedans shall be permitted only to bona fide luxury limousine company at a ratio of no more than 50% of the current permitted limousines of that company.”

Mr. Meyer moved, to substitute all the original wording, in column 1 of item #1
seconded by Ms. Clementson, in Exhibit C.

Mr. Wohlforth pointed out the term “bona fide luxury limousine company” is not defined. The executive sedan is defined as a limousine, creating circular language. He expressed concern from the point of view of the public as to whether there is reason to minimize the number of executive sedans so long as they are operating within the rules for limousines. So the 50% limit appears to be a protection for the taxicabs, which seemed unnecessary because a luxury sedan is a limousine, and a limousine can be operated only under the established guidelines.

Mr. Kendall remarked that the limousine owners association has always opposed the 50% ratio, while the permit-holders have always supported the ratio and any limitations on executive sedans.

Mr. Wuerch said the tourism industry, the Anchorage Convention and Visitors Bureau and the Anchorage Economic Development Corporation have all supported a luxury sedan option. He opposed further restrictions to development of that industry. He pointed out last week the Assembly allowed luxury sedans, and adopted provisions that sedans have to be

dispatched by a prior call, with a minimum time requirement. He felt that the idea that a luxury sedan is going to be a gypsy cab, while these controls are in place, does not give credence to ability to regulate the industry. Mr. Wuerch agreed the sedan is competition, but felt that was a positive thing.

Question was called on Mr. Meyer’s motion to substitute and it failed:

AYES: Carlson, Clementson, Meyer, Abney.

NAYS: Bell, Wuerch, Taylor, Wohlforth, Von Gemmingen, Kendall, Murdy.

Question was called on Mr. Kendall’s motion to amend with certain language from item #1 and it passed:

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

NAYS: Bell, Wuerch, Wohlforth.

Question was called on the motion to adopt AO 98-51(S) as amended and it passed:

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

NAYS: None.

Mr. Kendall moved,

seconded by Mr. Murdy.

immediate reconsideration.

Ms. Clementson objected, stating that this ordinance had over 40 amendments; it is possible that an error was made. She felt the traditional 24-hour reconsideration period was important to address any errors.

Question was called on the motion for immediate reconsideration, and it failed:

AYES: Bell, Wohlforth.

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

- C.
- Resolution No. AR 99-118, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Detective Larry M. Arend for his 21 years of service** with the Anchorage Police Department, Assemblymembers Murdy, Abney, Bell, Carlson, Clementson, Kendall, Meyer, Taylor, Von Gemmingen, Wohlforth, and Wuerch. **(LAID ON THE TABLE)**

Mr. Murdy moved,

seconded by Mr. Carlson,

and it passed without objection,

to approve AR 99-118.

Mr. Wuerch read the resolution while Mr. Murdy and Mr. Carlson presented it to Detective Arend.

Detective Arend stated that he had thoroughly enjoyed his twenty-one-plus years working for the City. He considered Anchorage a great place to live. He expressed his deep thanks.

17. AUDIENCE PARTICIPATION: None

18. EXECUTIVE SESSIONS: None.

19. ADJOURNMENT:

Mr. Murdy moved,

seconded by Ms. Abney,

and it passed without objection,

to adjourn.

The meeting adjourned at 5:10 p.m. on May 4, 1999.

Chairman

ATTEST:

Municipal Clerk

Date Minutes Approved: November 9, 1999

VC & LF/kron

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