

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of May 25, 1999

1. CALL TO ORDER:

The meeting was convened at 5:00 p.m. by Assembly Chairman George Wuerch in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

2. ROLL CALL:

Present: Dan Kendall, Dan Sullivan, Cheryl Clementson, Allan Tesche, Melinda Taylor, George Wuerch, Kevin Meyer, Anna Fairclough, Dick Tremaine (9:35 p.m.), Fay Von Gemmingen, Pat Abney.
Absent: None.

3. PLEDGE OF ALLEGIANCE:

Chairman Wuerch introduced the Chugiak High School Swing Choir, directed by Ron Lang. The Choir performed the National Anthem. The pledge was led by Ms. Fairclough.

Chairman Wuerch introduced Pam Collins, the head of Project Citizen, who was present with students displaying items in the lobby of the Chambers.

Ms. Collins explained Project Citizen was developed by the Center for Civic Education. The Project involves middle school teachers of math, science, social studies and english to empower youth to make a difference in their community. She traveled to Russia recently to teach the program to Russian teachers. Ms. Collins said topics for the research projects for this year's competition included Mudflats Safety & Awareness, Homeless Shelters, Overcrowded Classrooms and Teen Recreation Centers. Ms. Collins thanked Kinkos, Time Frame and Blaine's Graphic and Arts for donating the presentation materials for the projects, and thanked Ultrazone for giving the participants game coupons. She also thanked the Assembly for recognizing this program. She introduced Doug Phillips of the Anchorage School District, who brought the program to Alaska; Mary Bristo, the head of the We the People program, a high school branch of Project Citizen, who led the delegation to Russia in February; and Molly Schmidt, an eighth-grade teacher at Clark Middle School.

4. MINUTES OF PREVIOUS MEETING:

A. Regular Meeting - January 26, 1999

Ms. Clementson moved, to approve the minutes of the January 26, 1999 regular
seconded by Ms. Taylor, Assembly meeting.
and it passed without
objection,

5. MAYOR'S REPORT: None.

6. ADDENDUM TO AGENDA:

Ms. Abney moved, to amend the agenda with the addendum items.
seconded by Mr. Sullivan,

Chairman Wuerch read the addendum items.

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

Mr. Kendall moved, to change the orders of the day to consider item 7.C.1 and
seconded by Mr. Sullivan, 7.C.11, AR 99-130 and AR 99-137.
and it passed without
objection,

Resolution No. AR 99-130, a resolution of the Anchorage Municipal Assembly **recognizing the Chugiak High School Choirs for the awards received at the International Music Festivals Competition**, Assemblymembers Kendall, Fairclough, Abney, Clementson, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

Ms. Von Gemmingen moved, to approve AR 99-130.
seconded by Ms. Fairclough,
and it passed without
objection,

Ms. Fairclough read the resolution and it was presented to Mr. Lang, director of the Choir.

Mr. Lang thanked the Assembly.

Resolution No. AR 99-137, a resolution of the Anchorage Municipal Assembly **recognizing and endorsing the "We the People...Project Citizen" program**, Assemblymembers Tremaine, Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Von Gemmingen, and Wuerch. (**addendum**)

Ms. Abney moved, to approve AR 99-137.
seconded by Ms. Taylor,
and it passed without
objection,

Mr. Sullivan read the resolution while Ms. Abney and Mr. Tesche presented it to representatives of Clark and Goldenview middle schools.

7. CONSENT AGENDA

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

A. BID AWARDS:

1. Assembly Memorandum No. AM 453-99, recommendation of award to Skyline Electric, Inc. for providing **electrical day labor services** on an "as needed" basis for the Municipality of Anchorage, Public Works Department (ITB 99-B006), Purchasing.
2. Assembly Memorandum No. AM 454-99, recommendation of award to Western Peterbilt for furnishing **transfer tractors** to the Municipality of Anchorage, Solid Waste Services (ITB 99-B036), Purchasing.
3. Assembly Memorandum No. AM 473-99, recommendation of award to L & C Services for **providing equipment and labor necessary to crush, mix and stockpile asphaltic material** for the Municipality of Anchorage, Public Works Department (ITB 99-B035), Purchasing.
4. Assembly Memorandum No. AM 474-99, recommendation of award to Tam Construction, Inc. for the **1999 miscellaneous construction services** for the Municipality of Anchorage, Department of Public Works (ITB 99-C015), Purchasing.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 99-81, an ordinance authorizing the **sale of the West Two feet of Lot 10, Block 1, Aurora Park Subdivision** in Anchorage foreclosed by the Municipality for delinquent taxes (Tax Parcel 016-261-86), Heritage Land Bank/Real Estate Services. public hearing 6-8-99.
a. Assembly Memorandum No. AM 455-99.
2. Ordinance No. AO 99-82, an ordinance amending Anchorage Municipal Code ("AMC") Section 3.30.112 to **add prohibited employment relationships between relatives to the reasons for layoff**; repealing and re-enacting AMC Section 3.30.168 to **modify the definition of "relative" and to clarify and establish standards, restrictions, conditions and hiring authority for employment of relatives**; and amending AMC Chapter 3.30 to add Section 3.30.179 **making the employment of relative provisions applicable to executive employees**, Legal Department. public hearing 6-8-99.
a. Assembly Memorandum No. AM 475-99.

Mr. Tesche requested this item be considered on the Regular Agenda. See item 8.C.

3. Ordinance No. AO 99-83, an ordinance of the Municipality of Anchorage **authorizing the Heritage Land Bank (HLB) to sell via sole source Tract A, Eagle Bluff Subdivision, Plat No. 98-40**, generally located northeast of the Hiland Road and Glenn Highway Interchange adjacent to Yosemite Drive in Eagle River, to Jose Vicente, Heritage Land Bank. public hearing 6-8-99.
a. Assembly Memorandum No. AM 495-99.
4. Resolution No. AR 99-132, a resolution of the Municipality of Anchorage appropriating \$100,000 from Police Service Area Fund (151) balance and \$200,000 from Anchorage Fire Service Area Fund (131) balance for **legal services for labor relations activities** for the Anchorage Police Department and the Anchorage Fire Department/Employee Relations Department. public hearing 6-8-99.
a. Assembly Memorandum No. AM 476-99.

Mr. Tesche requested this item be considered on the Regular Agenda. See item 8.C.

5. Resolution No. AR 99-133, a resolution of the Anchorage Municipal Assembly **adopting recommendations on major amendments to the 1998-2000 Transportation Improvement Program** for federal fiscal years 1999 and 2000, Community Planning and Development. public hearing 6-8-99.
a. Assembly Memorandum No. AM 477-99.
6. Resolution No. AR 99-134, a resolution setting the date of assessment installment payments for **Paving Special Assessment District No. 2P94 - the 'G' Street/'H' Street Alley from West Thirteenth Avenue to West Fourteenth Avenue** and for **Paving Special Assessment District No. 1P96 - the East Fourth Avenue/Fifth Avenue Alley from Ingra Street to Juneau Street**, Public Works. public hearing ~~6-8-99~~.
a. Assembly Memorandum No. AM 478-99.

Ms. Von Gemmingen requested this item be considered on the Regular Agenda. See item 8.C.

7. Ordinance No. AO 99-84, an ordinance **designating certain real property as deteriorated property known as the Knik Arm Power Plant at Ship Creek**, Assemblymember Tesche. public hearing ~~6-15-99~~ 7-13-99. (**addendum**)

Ms. Clementson requested this item be considered on the Regular Agenda. See item 8.C.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 99-130, a resolution of the Anchorage Municipal Assembly **recognizing the Chugiak High School Choirs for the awards received at the International Music Festivals Competition**, Assemblymembers Kendall, Fairclough, Abney, Clementson, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

This item was considered earlier in the meeting.

2. Resolution No. AR 99-135, a resolution of the Anchorage Municipal Assembly **supporting the Alaska Native Heritage Center and thanking those who helped make this cultural institution possible**, Assemblymembers Taylor, Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Tesche, Tremaine, Von Gemmingen, and Wuerch.

Ms. Taylor requested this item be considered on the Regular Agenda. See item 8.D.

3. Resolution No. AR 99-136, a resolution of the Anchorage Municipal Assembly **recognizing the leadership of Assemblymember Charles P. Wohlforth in the orderly and successful disposal of the Anchorage Telephone Utility**, Assemblymembers Tesche, Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tremaine, Von Gemmingen, and Wuerch.

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

4. Resolution No. AR 99-129, a resolution of the Anchorage Municipal Assembly **expressing appreciation to Wade D. Klingbeil for his 30 years of service** to the Municipality of Anchorage upon his retirement, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

Mr. Meyer requested this item be considered on the Regular Agenda. See item 8.D.

5. Resolution No. AR 99-131, a resolution of the Anchorage Municipal Assembly **expressing appreciation to Mary A. Lee for her dedication and service to the people of Anchorage** upon her retirement, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

Ms. Taylor requested this item be considered on the Regular Agenda. See item 8.D.

6. Resolution No. AR 99-122, a resolution of the Municipality of Anchorage appropriating \$1,900 from the State of Alaska, Department of Community and Regional Affairs, to the State Categorical Grants Fund (231) for a **customized GIS/ARC Info program** that will support the Municipality's wetlands management efforts under the continuing implementation of the Anchorage Coastal Management Program, Community Planning and Development.
 - a. Assembly Memorandum No. AM 456-99.
7. Resolution No. AR 99-123, a resolution of the Municipality of Anchorage providing for the appropriation of \$6,500 donated from the Friends of the Library for the BP Wish List 1999 Program and \$430 donated from numerous citizens to the Miscellaneous Operational Grants Fund (261) for the **purchase of library books and materials**, Cultural and Recreational Services/Library.
 - a. Assembly Memorandum No. AM 457-99.
8. Resolution No. AR 99-124, a resolution to **amend the collective bargaining agreement between the Anchorage Joints Crafts Council** and the Municipality of Anchorage to include the employment category of Seasonal Employee, Employee Relations Department.
 - a. Assembly Memorandum No. AM 458-99.

Municipal Manager George Vakalis requested this item be considered on the Regular Agenda. See item 8.D.

9. Resolution No. AR 99-125, a resolution rescinding AR No. 99-74 and **establishing new delinquent dates for the first and second half of yearly real property tax payments** for Tax Year 1999, Finance.
 - a. Assembly Memorandum No. AM 459-99.
10. Resolution No. AR 99-126, a resolution of the Municipality of Anchorage **temporarily suspending a surcharge at the Anchorage Golf Course and postponing loan repayment**, Property and Facility Management.
 - a. Assembly Memorandum No. AM 460-99.
11. Resolution No. AR 99-137, a resolution of the Anchorage Municipal Assembly **recognizing and endorsing the "We the People...Project Citizen" program**, Assemblymembers Tremaine, Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Von Gemmingen, and Wuerch. (**addendum**)
12. Resolution No. AR 99-138, a resolution of the Anchorage Municipal Assembly **supporting the adoption of the State of Alaska, Department of Fish and Game's plan for the fish ladder at**

Chester Creek, Assemblymembers Abney, Tesche, Fairclough, Meyer, Sullivan, and Taylor.
(addendum)

Municipal Manager George Vakalis requested this item be considered on the Regular Agenda. See item 8.D.

13. Resolution No. AR 99-134, a resolution setting the date of assessment installment payments for **Paving Special Assessment District No. 2P94 - the 'G' Street/'H' Street Alley from West Thirteenth Avenue to West Fourteenth Avenue** and for **Paving Special Assessment District No. 1P96 - the East Fourth Avenue/Fifth Avenue Alley from Ingra Street to Juneau Street**, Public Works.

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 468-99, **River Place Restaurant** - Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Eagle River Community Council), Clerk's Office.
2. Assembly Memorandum No. AM 469-99, **1999-2000 Liquor License Renewals**: Chuck E. Cheese, Curly's Neighborhood Grill, Thai Cuisine Too (Restaurant/Eating Place), Clerk's Office.
3. Assembly Memorandum No. AM 470-99, Transfer of Ownership of a Restaurant/Eating Place Liquor License and Restaurant Designation Application: **Godfather's Pizza #2502 (Northeast Community Council), Godfather's Pizza #2503 (Taku/Campbell Community Council), Godfather's Pizza #2504 (Fairview Community Council)**, Clerk's Office.
4. Assembly Memorandum No. AM 471-99, **1999-2000 Liquor License Renewals**: Adantes (Restaurant/Eating Place); Ah Sa Wan Restaurant [NO PREMISE], Alaskan Samovar Inn (Beverage Dispensary); China Express (Restaurant/Eating Place); Eagles #4174 F.O.E. (Club); 4th Avenue Theatre (Beverage Dispensary); K & L Distributors (Wholesale); Outback Restaurant (Beverage Dispensary), Clerk's Office.
5. Assembly Memorandum No. AM 461-99, amendment No. 1 to the contract with ECI/Hyer, Inc., Architects for the **Anchorage Jail/Inebriate Drop-Off Center Project**, Property and Facility Management.
6. Assembly Memorandum No. AM 462-99, **private development water main oversizing reimbursement for Eagle Pointe Subdivision** AWWU File No. W-97-057, Water and Wastewater Utility.
7. Assembly Memorandum No. AM 463-99, sole source procurement authorization from Yukon Equipment to support **fleet services operations** for the Municipality of Anchorage, Department of Property and Facility Management/Purchasing.
8. Assembly Memorandum No. AM 464-99, change order No. 2 to purchase order 83242 to exercise the option with Baxter Excavating for furnishing a **dozer with operator** to the Municipality of Anchorage, Department of Public Works/Purchasing.
9. Assembly Memorandum No. AM 465-99, change order No. 3 to purchase order 83785 to exercise the option with Ogard Leasing, Inc. for furnishing a **belly scraper with operator** to the Municipality of Anchorage, Department of Public Works/Purchasing.
10. Assembly Memorandum No. AM 481-99, proprietary purchase of **library materials** from Gale Research for the Municipality of Anchorage, Department of Cultural and Recreational Services/Purchasing.
11. Assembly Memorandum No. AM 482-99, sole source procurement authorization from Newbridge Network, Inc. to **support power generation plant operations** for the Municipality of Anchorage, Municipal Light and Power/Purchasing.
12. Assembly Memorandum No. AM 483-99, sole source purchase from Somera Communications for furnishing **communications equipment components** for the Municipality of Anchorage, Municipal Light and Power/Purchasing.
13. Assembly Memorandum No. AM 484-99, change order No. 1 to Request for Proposal 70-98 with Cues for **providing and installing vehicle mounted closed circuit television equipment** for the Municipality of Anchorage, Public Works Department/Purchasing.

Ms. Fairclough requested this item be considered on the Regular Agenda. See item 8.E.

14. Assembly Memorandum No. AM 485-99, change order No. 2 to purchase order 82195 to exercise the option with Chugach Yard Care for furnishing **grounds maintenance and burial services** to the Municipality of Anchorage, Public Works Department/Purchasing.

Ms. Fairclough requested this item be considered on the Regular Agenda. See item 8.E.

15. Assembly Memorandum No. AM 486-99, change order No. 3 to purchase order 81884 with Interstate Security Alaska for providing **security guard services** to the Municipality of Anchorage, Department of Property and Facility Management/Purchasing.

Ms. Fairclough requested this item be considered on the Regular Agenda. See item 8.E.

16. Assembly Memorandum No. AM 487-99, sole source purchase from The Harbinger Company for **furnishing carpet** for the Municipality of Anchorage, Department of Property and Facility Management/ Purchasing.

Ms. Fairclough requested this item be considered on the Regular Agenda. See item 8.E.

17. Assembly Memorandum No. AM 488-99, sole source contract with Davis Constructors & Engineers, Inc. for the **Service High School Reservoir Storm Drain and Water Main Extensions Project** for the Municipality of Anchorage, Water and Wastewater Utility (AWWU), Purchasing.
18. Assembly Memorandum No. AM 489-99, amendment No. 2 to the contract for professional services with Montgomery Watson Americas, Inc. for the **Service High Reservoir and Anchorage Loop Water Transmission Main - Phase V Projects**, Water and Wastewater Utility.
19. Assembly Memorandum No. AM 490-99, approval of **sole source contract award by Dr. Michael Levy to serve as medical doctor of the Anchorage Fire Department**, Fire Department.
20. Assembly Memorandum No. AM 491-99, change order No. 2 to purchase order 72169 with Mattson Investigations, Inc. to provide **courier services** to the Municipality of Anchorage, Municipal Attorney's Office/Purchasing.
21. Assembly Memorandum No. AM 492-99, Municipality of Anchorage **matching grant for UAA Logistics Management Program**, Mayor's Office.
22. Assembly Memorandum No. AM 493-99, Findings and Conclusions, **Appeal S-10236 East Addition to the Townsite of Anchorage Subdivision**, Community Planning and Development.

Ms. Clementson requested this item be considered on the Regular Agenda. See item 8.E.

23. Assembly Memorandum No. AM 496-99, sole source award for **purchase of playground equipment and amenities** from Division 10 for the Municipality of Anchorage, Department of Cultural and Recreational Services/Purchasing. (**addendum**)

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 42-99, **Bar Violations/Quarterly Report** - First Quarter 1999, Anchorage Police Department.
2. Information Memorandum No. AIM 43-99, **contracts awarded between \$30,000 and \$100,000 through formal competitive processes** for the months of March and April 1999, Purchasing.
3. Information Memorandum No. AIM 44-99, notice of award of RFP 99-P002 for **gravel extraction rights** in exchange for ballfield improvements at Loretta French Park., Purchasing. (**addendum**)

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

AYES: Kendall, Sullivan, Clementson, Tesche, Taylor, Wuerch, Meyer, Fairclough, Von Gemmingen, Abney.

NAYS: None.

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

8. REGULAR AGENDA:

A. TIME CRITICAL ITEMS: None.

B. BID AWARDS: None.

C. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 99-82, an ordinance amending Anchorage Municipal Code ("AMC") Section 3.30.112 to **add prohibited employment relationships between relatives to the reasons for layoff**; repealing and re-enacting AMC Section 3.30.168 to **modify the definition of "relative" and to clarify and establish standards, restrictions, conditions and hiring authority for employment of relatives**; and amending AMC Chapter 3.30 to add Section 3.30.179 **making the employment of relative provisions applicable to executive employees**, Legal Department. public hearing 6-8-99.
 - a. Assembly Memorandum No. AM 475-99.

Mr. Tesche, Ms. Taylor and Mr. Meyer joined in introducing this ordinance. The public hearing was scheduled for June 8, 1999.

Mr. Tesche requested the administration provide a briefing about this ordinance, including whether employee groups were consulted, by the time of the public hearing.

Employee Relations Director Tom Tierney said there has been no direct consultation with affected employees. In many cases, it is unknown which employees are affected. He said the proposal has been reviewed by the Human Services Advisory Board. At one of the meetings of that Board, the Chair of the Personnel Rules Committee was present and voiced no objections. The Committee considers matters that affect non-represented employees.

2. Resolution No. AR 99-132, a resolution of the Municipality of Anchorage appropriating \$100,000 from Police Service Area Fund (151) balance and \$200,000 from Anchorage Fire Service Area Fund (131) balance for **legal services for labor relations activities** for the Anchorage Police Department and the Anchorage Fire Department/Employee Relations Department. public hearing 6-8-99.
 - a. Assembly Memorandum No. AM 476-99.

Mr. Tesche, Ms. Taylor and Mr. Meyer joined in introducing this resolution. The public hearing was scheduled for June 8, 1999.

Mr. Tesche pointed out there is some history about the negotiations with the Police and Fire Departments, and the resolution references the lawsuit regarding the police work schedule. He suggested the new Assembly members might benefit from a briefing on the status of the negotiations.

Employee Relations Director Tom Tierney clarified there is no lawsuit pending regarding the police work schedule. It is really a grievance than was handled through the arbitration process. He said he would provide the new members with informational memorandums regarding the police schedule grievance that were presented to the Assembly before they were elected. He said a briefing on that topic, if the Assembly desired, would not be a problem. However, he said the administration was limited by the Municipal Code provisions on how much information can be reported to the Assembly regarding the labor negotiations.

3. Resolution No. AR 99-134, a resolution setting the date of assessment installment payments for **Paving Special Assessment District No. 2P94 - the 'G' Street/'H' Street Alley from West Thirteenth Avenue to West Fourteenth Avenue** and for **Paving Special Assessment District No. 1P96 - the East Fourth Avenue/Fifth Avenue Alley from Ingra Street to Juneau Street**, Public Works. public hearing
 - a. Assembly Memorandum No. AM 478-99.

Ms. Von Gemmingen moved, to reassign this item to the Resolutions for Action
 seconded by Ms. Clementson, category.
 and it passed without objection,

Ms. Von Gemmingen moved, to approve AR 99-134.
 seconded by Ms. Clementson,
 and it passed without objection,

4. Ordinance No. AO 99-84, an ordinance **designating certain real property as deteriorated property known as the Knik Arm Power Plant at Ship Creek**, Assemblymember Tesche. public hearing ~~6-15-99~~ 7-13-99. (addendum)

M s. Clementson, Mr. Tesche and Ms. Taylor joined in introducing this ordinance.

Ms. Clementson wanted to ensure this item was considered far enough in the future to allow time for a process to designate deteriorated property to be established first. She felt a public hearing date of June 15, 1999 would not allow adequate time.

Municipal Assessor Wayne Haerer said he had a meeting with Mr. Marlow, his attorney, and the Chief Fiscal Officer. They developed several criteria they planned to advance for eligibility as a deteriorated property or area.

In response to Mr. Tesche, Marc Marlow addressed the Assembly. He did not object to a delay on this item until July 13, 1999.

Ms. Clementson moved, to schedule the public hearing for AO 99-84 on July 13,
 seconded by Mr. Tesche, 1999.
 and it passed without objection,

Municipal Attorney Mary Hughes pointed out the current title of the ordinance was insufficient for public notice purposes.

Mr. Tesche moved, to amend the title of AO 99-84 to read: "...property known
 seconded by Ms. Taylor, as the Knik Arm Power Plant at Ship Creek."
 and it passed without objection,

Ms. Clementson urged a delay on introduction of this item until after the Assessor's process for designating property is established.

Mr. Tesche felt any changes to the ordinance could be made as amendments during consideration.

Ms. Clementson moved, to postpone action on AO 99-84 indefinitely.
 seconded by Ms. Fairclough,

AYES: Kendall, Clementson, Fairclough, Von Gemmingen.
 NAYS: Sullivan, Tesche, Taylor, Wuerch, Meyer, Abney.

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

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 99-135, a resolution of the Anchorage Municipal Assembly **supporting the Alaska Native Heritage Center and thanking those who helped make this cultural institution possible**, Assemblymembers Taylor, Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Tesche, Tremaine, Von Gemmingen, and Wuerch.

Ms. Taylor moved, to approve AR 99-135.
seconded by Mr. Meyer,

Ms. Taylor moved, to postpone action on AR 99-135 until June 8, 1999.
seconded by Mr. Sullivan,
and it passed without
objection,

2. **Resolution No. AR 99-136**, a resolution of the Anchorage Municipal Assembly **recognizing the leadership of Assemblymember Charles P. Wohlforth in the orderly and successful disposal of the Anchorage Telephone Utility**, Assemblymembers Tesche, Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tremaine, Von Gemmingen, and Wuerch.

Ms. Abney moved, to approve AR 99-136.
seconded by Ms. Taylor,
and it passed without
objection,

Ms. Abney read the resolution while Mr. Tesche presented it to Mr. Wohlforth.

Mr. Wohlforth thanked the Assembly. He felt it was a great honor to receive this recognition. He said the sale of ATU process was an example of government at its best, not because of him but because of the entire Assembly and all the other people who were involved. He said it was a good lesson that things seem to work best when everyone's ideas are considered, and there are no preconceptions; consensus through the process was the goal.

Mr. Meyer thanked Mr. Wohlforth and congratulated him on the birth of his son.

Mr. Tesche asked the record reflect that on May 25, 1999, Joseph Perkins Wohlforth attended his first meeting of the Anchorage Assembly.

3. **Resolution No. AR 99-129**, a resolution of the Anchorage Municipal Assembly **expressing appreciation to Wade D. Klingbeil for his 30 years of service** to the Municipality of Anchorage upon his retirement, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

Mr. Meyer moved, to approve AR 99-129.
seconded by Ms. Von Gemmingen,
and it passed without
objection,

Public Works Director Jim Fero said he would deliver the resolution to Mr. Klingbeil on behalf of the Assembly.

4. **Resolution No. AR 99-131**, a resolution of the Anchorage Municipal Assembly **expressing appreciation to Mary A. Lee for her dedication and service to the people of Anchorage** upon her retirement, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

Ms. Taylor moved, to approve AR 99-131.
seconded by Ms. Clementson,
and it passed without
objection,

Ms. Taylor read the resolution while Ms. Clementson presented it to Ms. Lee.

Ms. Lee thanked the Assembly. She appreciated the honor.

5. **Resolution No. AR 99-124**, a resolution to **amend the collective bargaining agreement between the Anchorage Joints Crafts Council** and the Municipality of Anchorage to include the employment category of Seasonal Employee, Employee Relations Department.
a. Assembly Memorandum No. AM 458-99.

Municipal Manager George Vakalis explained the nature of this document required a public hearing.

Mr. Kendall moved, to schedule AR 99-124 for public hearing on June 8, 1999.
seconded by Ms. Clementson,
and it passed without
objection,

6. **Resolution No. AR 99-138**, a resolution of the Anchorage Municipal Assembly **supporting the adoption of the State of Alaska, Department of Fish and Game's plan for the fish ladder at Chester Creek**, Assemblymembers Abney, Tesche, Fairclough, Meyer, Sullivan, and Taylor.
(addendum)

Mr. Tesche moved, to approve AR 99-138.
seconded by Mr. Meyer,

Municipal Manager George Vakalis said this item is complex. The administration is working with the U.S. Army Corps of Engineers, the Community Planning and Development Department, and possibly one utility on this item. He requested a postponement to allow more time for researching this issue, and determining its relationship to the administration's position.

Ms. Clementson moved, to postpone action on AR 99-138 until June 8, 1999.
seconded by Mr. Meyer,
and it passed without
objection,

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 484-99, change order No. 1 to Request for Proposal 70-98 with Cues for **providing and installing vehicle mounted closed circuit television equipment** for the Municipality of Anchorage, Public Works Department/Purchasing.
2. Assembly Memorandum No. AM 485-99, change order No. 2 to purchase order 82195 to exercise the option with Chugach Yard Care for furnishing **grounds maintenance and burial services** to the Municipality of Anchorage, Public Works Department/Purchasing.
3. Assembly Memorandum No. AM 486-99, change order No. 3 to purchase order 81884 with Interstate Security Alaska for providing **security guard services** to the Municipality of Anchorage, Department of Property and Facility Management/Purchasing.
4. Assembly Memorandum No. AM 487-99, sole source purchase from The Harbinger Company for **furnishing carpet** for the Municipality of Anchorage, Department of Property and Facility Management/ Purchasing.

Ms. Fairclough pointed out there have been additional revenue cuts by the State Legislature. She expressed concern that many change orders on contracts are approved on the Consent Agenda seemingly without review.

Ms. Fairclough moved, to approve AM 484-99.
seconded by Mr. Meyer,

Public Works Director Jim Fero explained until now, the Municipality has owned only one device to allow a camera to be inserted into sewers. His staff would borrow the camera from the Anchorage Water and Wastewater Utility when needed, but sharing was difficult as it was needed by both departments on a frequent basis. He said an opportunity arose to purchase another camera for Public Works. The camera is the same as the one owned by AWWU, which would provide economy. Also, he felt money would be saved in the long run, by the ability to inspect pipes too small for human inspection.

Ms. Clementson supported this item. She pointed out there have been drainage problems in east Anchorage, when there was a delay in repair because of waiting to use the shared camera.

Question was called on the motion to approve AM 484-99 and it passed:

AYES: Kendall, Sullivan, Clementson, Tesche, Taylor, Wuerch, Meyer, Fairclough, Von Gemmingen, Abney.
NAYS: None.

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

Ms. Fairclough moved, to approve AM 485-99.
seconded by Ms. Clementson,
and it passed without
objection,

Ms. Fairclough moved, to approve AM 486-99.
seconded by Ms. Clementson,

In response to Ms. Fairclough, Don Simmons of Property and Facility Management explained this item represented the third year option of the contract. He said the amount of the contract had increased slightly as a result of additional services requested by various departments. He said each department will be going through a rigorous review of expenditures, as a result of budget constrictions. He was certain security services would be reviewed also, and may be services that have to be reduced in the future.

Question was called on the motion to approve AM 486-99 and it passed without objection.

Ms. Fairclough moved, to approve AM 487-99.
seconded by Ms. Taylor,

In response to Ms. Fairclough Don Simmons of Property and Facility Management explained this item would fund carpeting, which needs to be replaced because it is quite worn and there are holes in the existing carpet. He said despite budget reductions, existing facilities must be maintained. This item is a capital budget item and is not funded from the operating budget. Matching funds are provided by the State of Alaska.

In response to Ms. Clementson, Mr. Simmons said the need for a sole source contract with this vendor was that the vendor provided the original carpet. The entire carpet is not being replaced, only a portion, so a match was important.

In response to Ms. Fairclough, Mr. Simmons said there was no local source for the carpeting. A considerable amount of money was saved by dealing directly with the mill.

Question was called on the motion to approve AM 487-99 and it passed without objection.

5. Assembly Memorandum No. AM 493-99, Findings and Conclusions, **Appeal S-10236 East Addition to the Townsite of Anchorage Subdivision**, Community Planning and Development.

Ms. Clementson moved, to approve AM 493-99.
seconded by Ms. Taylor,

Ms. Clementson moved, to amend AM 493-99 in the attached findings, in paragraph
seconded by Ms. Taylor, 3 and 4, to delete the words “Appellant alleges..” and replace
and it passed without with the words “The Assembly agrees with the appellant
objection, that...”

Ms. Clementson said she confirmed with the Municipal Attorney’s office the appropriateness of this amendment.

Question was called on the motion to approve AM 493-99 as amended and it passed without objection.

F. INFORMATION AND REPORTS: None.

The meeting recessed at 6:15 p.m. and reconvened at 6:25 p.m.

The Assembly changed the orders of the day to consider item 13, Board of Adjustment/Assembly Appeals.

REQUEST FOR RECONSIDERATION: Appeal S-10054, **Denali View Subdivision**, Municipal Clerk.

Chairman Wuerch said a request for reconsideration of the Board of Adjustment’s decision on Appeal S-10054 was before the body. He explained there are three provisions under the law to make such a request: a substantial procedural error in the original proceeding; the Board acted without jurisdiction in the original proceeding; and the original decision was framed upon fraud or misrepresentation. He pointed out the Board was allowed to review the written record only.

Mr. Meyer moved, to reconsider the Board of Adjustment’s decision on
seconded by Ms. Taylor, Appeal S-10054, made on January 5, 1999.

Mr. Meyer felt it was not necessary to discuss the appeal in full again, because the Board’s attorney, Ron Baird, has done a good job summarizing the Board’s decision. He referred his colleagues to the Decision on Motion for Reconsideration prepared by Mr. Baird: “Skyline has failed to demonstrate any grounds which would permit this Board to reconsider its decision.”

Ms. Clementson pointed out she did not vote on the findings and conclusions for this appeal (approved March 2, 1999) because of issues that were alleged by the petitioner. She intended to vote on the reconsideration. All the ex parte contact was on the record, which took place after the vote. The same petitioner who was alleging that that was improper tried to contact her 14 times over a two-day period and numerous times after being advised by the Municipal Attorney to not have contact with Assembly members.

Chairman Wuerch agreed Ms. Clementson should vote, as this question is on the procedure of the Board rather than the merits of the appeal.

Question was called on the motion to reconsider action on Appeal S-10054 and it failed:

AYES: None.

NAYS: Kendall, Sullivan, Clementson, Tesche, Taylor, Wuerch, Meyer, Fairclough, Von Gemmingen.

(Clerk’s Note: Mr. Tremaine had not arrived, and Ms. Abney was out of the room at the time of the vote.)

Ron Baird advised the Assembly to take a formal vote on the Decision on Motion for Reconsideration.

Mr. Tesche moved, to approve the document entitled “Decision on Motion for
seconded by Ms. Taylor, Reconsideration” on Appeal S-10054.

AYES: Kendall, Sullivan, Clementson, Tesche, Taylor, Wuerch, Meyer, Fairclough, Von Gemmingen.

NAYS: None.

(Clerk’s Note: Mr. Tremaine had not arrived, and Ms. Abney was out of the room at the time of the vote.)

The meeting recessed at 6:30 p.m. and reconvened at 6:45 p.m.

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

- A. Assembly Memorandum No. AM 357-99, 1999-2000 Liquor License Renewal: **Denali Winery** (Winery), Clerk’s Office.
(QUESTION OF RENEWAL WAS DIVIDED OUT AND ACTION WAS POSTPONED FROM 4-27-99;
POSTPONED FROM 5-11-99)

Chairman Wuerch gave the history of the memorandum and noted no motions were pending on the Denali Winery license portion of AM 357-99.

Ms. Clementson moved,
seconded by Mr. Tesche,

to approve the Denali Winery liquor license renewal
portion of AM 357-99.

Ms. Clementson addressed the license owner, Judy Beauchemin-Hall. Ms. Clementson recalled their conversation at the Assembly meeting at which the conditional use permit was approved. She specifically asked whether there would be wine tastings or free giveaways, and recalled Ms. Hall's answer was "no."

Ms. Hall replied she listened to a tape recording of that meeting, and heard Ms. Clementson ask if there would be wine trading, to which she replied "no," but there would be testing of the wine prior to bottling and there would be samples given to help customers decide on the type of wine to make.

Ms. Clementson pointed out she received an advertisement for the shop in the mail, which included the text "...have a wine tasting party, it's absolutely free. We will supply your group with free wine samples... if you have 14 or more guests at your party we will give you a gift of 26 bottles of wine free." Ms. Clementson acknowledged the 26 bottles were wine kits. She felt the owner was close to the line of impropriety in that giveaways of alcohol is prohibited.

Ms. Hall explained before she did anything, she checked with Bill Roach of the State Alcoholic Beverage Control Board, who said her activities were perfectly legal under her license. After she received notice that the Assembly was concerned about her activities, she checked with him again, and showed him the advertisement. Mr. Roach again confirmed her activities were perfectly legal under her license. She said as a winery, they host wine tastings and give away samples. This is allowed for a winery. The samples are about one ounce each, and a typical wine tasting includes four samples.

Question was called on the motion to approve the Denali Winery license renewal and it passed without objection.

- B. **Motion to obtain legal counsel** regarding the animal control contract award by the Mayor.
(POSTPONED FROM 3-23-99 AND 4-6-99; CARRIED OVER FROM 4-27-99; POSTPONED FROM 5-11-99)

Mr. Tesche said this motion was made while Mr. Wohlforth was on the Assembly; he kept the issue pending since then to review it and develop a process to resolve the issues Mr. Wohlforth raised. Mr. Tesche said he has since spoken with the Municipal Attorney, who assured him he could contact counsel for the Municipality to further investigate the issues. He recommended the Assembly withdraw the motion.

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

to postpone indefinitely action on the motion to obtain legal
counsel regarding the animal control contract

- 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 & 4-6-99; CARRIED OVER FROM 4-27-99; POSTPONED FROM 5-11-99)

Chairman Wuerch gave the history of the resolution and noted a motion to approve was on the floor.

Mr. Sullivan supported the resolution. He felt it was important that ML&P be allowed to consolidate the holdings they have surrounding the property. A need has been established for the land, and part of the purchase price will be refunded by the Ship Creek Trail project.

Question was called on the motion to approve AR 99-53 and it passed:

AYES: Kendall, Sullivan, Clementson, Tesche, Taylor, Fairclough, Von Gemmingen, Abney.
NAYS: Wuerch, Meyer.

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

- D. **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.
1. Assembly Memorandum No. AM 389-99.
(POSTPONED FROM 5-11-99)

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

- E. **Assembly Memorandum No. AM 430-99**, contract amendment No. 2 to Rabbit Creek View Subdivision and Rabbit Creek Heights Subdivision Survey Assessment District 1V96, **professional surveying services** with Kean and Associates, Public Works.
(POSTPONED FROM 5-11-99)

This item was postponed until June 8, 1999 by a motion passed later in the meeting. See item 16, Unfinished Agenda.

- F. 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; CARRIED OVER FROM 4-27-99; POSTPONED FROM 5-11-99)

Chairman Wuerch gave the history of the resolution and noted a motion to approve was on the floor.

Mr. Kendall moved, to postpone action on AR 99-83 until September 7, 1999.
seconded by Mr. Meyer,

Mr. Kendall requested a work session be scheduled with the administration, the Municipal Assessor and the Board of Equalization to discuss this issue. He said there is no rush to act, because the Legislature will not convene until January.

Question was called on the motion to postpone action on AR 99-83 until September 7, 1999 and it passed:

AYES: Kendall, Sullivan, Wuerch, Meyer, Fairclough, Abney.
NAYS: Clementson, Tesche, Taylor, Von Gemmingen.

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

- G. Ordinance No. AO 99-20, an ordinance amending Anchorage Municipal Code Chapter 21.10 to **provide a public comment period on appointees to the Planning and Zoning Commission, Urban Design Commission, Platting Board and Zoning Board of Examiners and Appeals prior to Assembly confirmation**; reiterating and establishing requirements and prohibitions regarding the performance of duties by such boards and commissions and their members; and the basis of removal from office for such board and commission members' conflicts of interest, Assemblymember Clementson.
(POSTPONED FROM 2-9-99 AND 3-23-99)

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

10. APPEARANCE REQUESTS: None.

11. CONTINUED PUBLIC HEARINGS:

- A. Ordinance No. AO 99-8, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 4.60, Program Advisory Boards, to **establish an Anchorage Trails Commission**, Assemblymembers Abney and Taylor.
1. Assembly Memorandum No. AM 115-99, Community Planning and Development.
2. Assembly Memorandum No. AM 494-99, Community Planning and Development.
(CONTINUED FROM 2-2-99, 3-2-99, AND 5-11-99)

Ms. Abney announced her intent to postpone action on this item indefinitely.

Executive Manager Elaine Christian explained AM 494-99 speaks to a Trails Oversight Committee which is required by the Areawide Trails Plan. In addition, there is a list of names of Trails Oversight Committee members, each of whom have been contacted and asked to serve. The Committee would be staffed by the Community Planning and Development Department.

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

TERRY BURRELL urged the Assembly to postpone action on this ordinance until community councils have the opportunity to discuss the issue. She questioned the need to add another commission. She was discouraged the Mayor had appointed people to the Oversight Committee without input from community councils.

DEANNA ESSERT, a member of the Sand Lake Community Council trails committee, pointed out there was no notice of this ordinance to their Council. She felt the members of the Oversight Committee represented special interest groups; special interest group serve their own needs rather than those of the community. There are needs for trails in south Anchorage that apply to community needs and safety. She felt trails should be built with the benefit of input from safety experts from the Police and Fire Departments. The Oversight Committee lacks members who represent the average citizen.

SHARON MINSCH said it was good to have certain user groups represented on the Committee, but there is a serious lack of representatives from the average user. The trails in the bowl area are mostly used by pedestrians, and there should be more representatives from the general public. As a community council member, she would have appreciated notice about this ordinance, to provide more comprehensive input.

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

Ms. Abney moved, to postpone action on AO 99-8 indefinitely.
seconded by Ms. Taylor,

Ms. Abney commented the ordinance was introduced and advertised according to the law. It was also postponed several times, and each of those times was advertised again. She explained the membership of the Committee was consistent with requirements in the Areawide Trails Plan.

Question was called on the motion to postpone action on AO 99-8 indefinitely and it passed:

AYES: Kendall, Sullivan, Clementson, Tesche, Taylor, Wuerch, Meyer, Fairclough, Von Gemmingen, Abney.
NAYS: None.

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

12. NEW PUBLIC HEARINGS :

- A. Resolution No. AR 99-114, a resolution of the Municipality of Anchorage accepting when tendered \$250,000 from the Federal Aviation Administration Airport Improvement Program grant, and \$8,334 from the Alaska State Department of Transportation and Public Facilities grant; and appropriating said grants and \$8,334 from Airport Retained Earnings to Merrill Field's Capital Improvement Fund for **acquisition of snow removal equipment**, Merrill Field Airport.
1. Assembly Memorandum No. AM 423-99.

Chairman Wuerch opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public hearing.

Ms. Clementson moved, to approve AR 99-114.
seconded by Ms. Von Gemmingen,

AYES: Kendall, Sullivan, Clementson, Tesche, Taylor, Wuerch, Meyer, Fairclough, Von Gemmingen, Abney.
NAYS: None.

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

- B. Resolution No. AR 99-115, a resolution of the Municipality of Anchorage appropriating \$1,423,900 of 1999 tax revenues from the CBERRRSA Fund (0119) to the Chugiak, Birchwood, Eagle River Rural Road Service Area (CBERRRSA) Capital Improvement Program Mill Levy Fund (0419) for **road and drainage capital improvement projects**, Public Works.
1. Assembly Memorandum No. AM 424-99.

Chairman Wuerch opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public hearing.

Mr. Kendall moved, to approve AR 99-115.
seconded by Ms. Fairclough,

AYES: Kendall, Sullivan, Clementson, Tesche, Taylor, Wuerch, Meyer, Fairclough, Von Gemmingen, Abney.
NAYS: None.

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

- C. Ordinance No. AO 99-74, an ordinance **authorizing the lease of an area in the southern portion of the Transit Shed Warehouse** at the Port of Anchorage, totaling approximately 6,909 square feet, to Totem Ocean Trailer Express, Inc., Port of Anchorage.
1. Assembly Memorandum No. AM 416-99.

Chairman Wuerch opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public hearing.

Ms. Clementson moved, to adopt AO 99-74.
seconded by Ms. Taylor,

AYES: Kendall, Sullivan, Clementson, Tesche, Taylor, Wuerch, Meyer, Fairclough, Von Gemmingen, Abney.
NAYS: None.

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

- D. Ordinance No. AO 99-78, an ordinance of the Municipality of Anchorage **authorizing a sole source sale by the Heritage Land Bank (HLB) to the Alaska Railroad Corporation of up to 8.65 acres of land from HLB Parcels 1-026, 1-027, 1-042 and 1-043**, and granting a right of way easement to the Alaska Railroad Corporation across an approximate .59 acre portion of HLB Parcel 1-009 for the appraised fair market value, Heritage Land Bank.
1. Assembly Memorandum No. AM 447-99.

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

BOBBI WELLS spoke to supplement the written materials she previously submitted to Assembly members. She asked the Assembly to include a degree of protection for the community in this deal. One item would be to protect the watershed. The soils in the area are poor. Another was protection of the existing trails in the area. The trails are well-established and either compliment or continue existing trails. She felt restoration of the trails affected by the realignment should be a requirement included in the sale agreement. Ms. Wells said the best interest of the Municipality would be served if the land for the realignment was exchanged for a parcel of equal value in the Ship Creek area. The Ship Creek redevelopment is an important project and this would be a good opportunity to enhance that project. However, she said her preference was to

grant the Alaska Railroad (ARR) an easement for exclusive use, rather than selling them the land, to allow the Municipality to retain control over the entire parcel.

ANN NEWBERRY, a resident of the Birchwood Community Council area, concurred with Ms. Wells' comments. She said for about 20 years, residents have repeatedly requested Heritage Land Bank allow the parcel to be incorporated into the Beach Lake Park. The park is a regional facility which is used by north Anchorage and bowl residents alike. She felt it was a bad idea to sell the property at such a low price. Also, she favored granting an easement through the property rather than selling the entire parcel to ARR.

SHARON MINSCH agreed the proposed purchase price for the parcel was too low. Another concern was the long period of time that residents have tried to get the parcel added to the Beach Lake Park. She felt if the highest and best use of the property should not be determined to be for ARR use at a price of \$7,000 per acre. When funding for water and sewer amenities is received for the Birchwood area, a sewer plant would be located near the Birchwood Airport. All of Eklutna's industrial property is also at the Airport. Traffic is bad now, and will become worse. The fire station is located on the other side of the railroad tracks; this week, a fire truck responding to an emergency had to wait at the crossing for 56 railroad cars to pass. She felt ARR should pay for a Birchwood crossing, as well as their proposed Beach Lake Crossing. The Beach Lake Crossing is used primarily by recreationalists; a crossing at Birchwood to serve emergency vehicles and heavy traffic seems more important. In response to Ms. Fairclough, Ms. Minsch said currently, trains in the area travel about 30 miles per hour or less. It is her understanding that the proposed realignment would allow trains to travel at 60 miles per hour.

TOM BROOKS, chief Engineer of ARR, gave a history of the construction of the railroad. In 1916, excavation was difficult, so the track was laid to conform with the existing contour of the land. The result was a track with many curves. Funds have not been available in the last 75 years to straighten the track. Now that some Federal funds are available, the track can be straightened which will make train traffic both safer and faster. He said this was an efficient way to compete with the other major over-land transportation access, the Glenn Highway. The proposed land sale will allow realignment of only one of the 20 locations proposed to be realigned. Mr. Brooks felt the project offers significant benefits to the Municipality, including safer and faster rail service and a good alternative to the Glenn Highway.

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

Mr. Kendall moved, to adopt AO 99-78.
seconded by Ms. Clementson,

In response to Mr. Kendall, Heritage Land Bank Director Larry Houle explained the valuation of the parcel. He said the appraisal was performed by Accuval-Resco Appraisal Company. Franklin King of that company has been in the appraisal business in Alaska for about 30 years. Mr. Houle had the appraisal reviewed, and it is accurate. He explained the process was a "larger parcel" appraisal; the appraiser valued the entire 133-acre parcel. The proposed 2.5-acre parcels adjacent to ARR property are not served by gas, electricity, telephone or roads. The nearest dead-end road is one-half a mile away. Since the smaller parcels were appraised as part of the larger 133-acre parcel, the value was \$7,000 per acre. Mr. Houle said there were comparable values for other larger parcels in the area, which indicate sales of \$2,000 to \$10,000 per acre. He explained gravel rights for the property were not addressed in the appraisal process. He said the State Department of Transportation (ADOT) holds a free-use gravel permit for all of the gravel in Section 25. The appraiser told him the gravel issue would have a negative impact on the value. It would be difficult to sell the 133-acre parcel to a subdivider, because they would not have access to the gravel per the State permit. Mr. Houle instructed the appraiser to leave out the question of gravel rights, because the value of the lots would have been much less than \$7,000 per acre. He said a long-term lease option was not explored, because ARR requested a sale. There would be liability issues associated with a long-term lease. Mr. Houle explained the sole source option was allowed by the Municipal Code, and was appropriate in this case because it was difficult to imagine another user for the land.

Executive Manager Elaine Christian added the justification for sole source regarded the use of the property, the value in relationship to a competitive process versus the use for ARR, and the administration's interest in assisting ARR to make the tracks straighter and more safe for the community.

In response to Mr. Kendall, Mr. Houle said a land exchange was not discussed. In his opinion, the fee simple purchase was the most practical and feasible alternative.

In response to Mr. Tesche, Municipal Attorney Mary Hughes said there were no provisions in the Municipal Code to allow for sole source purchase of Heritage Land Bank lands. That is why there is language in the ordinance which reads: "notwithstanding the particular provisions of Code." The result of this ordinance would be to create an exception to the existing law which requires competitive bidding.

Ms. Fairclough pointed out ARR has access to \$22 million in Federal funds for this project. She agrees with the goal of straightening the track, but wanted safety issues to be addressed at this point. An upgraded crossing at Birchwood is important, because it is the site of several community facilities, and the site for a future wastewater treatment plant. She pointed out the traffic at that crossing will only increase, because the population is growing at a greater rate in the north Anchorage area. She felt it would be remiss to not require ARR to upgrade this crossing now, because the Municipality will bear the cost in the future when an upgrade is critical.

Mr. Tesche moved, to amend AO 99-78 to add a new Section 4 to read: "The purchaser shall fully comply with all applicable municipal zoning, environmental, and other fire and life safety ordinances and regulations in connection with use and occupancy of the property." and add a new Section 5 to read: "Existing trails (whether adopted, dedicated or permitted) that are impacted by use and occupancy of the property by the purchaser shall be restored to their original condition, subject

to municipal inspection.” and to renumber the following section accordingly.

Mr. Tesche explained the amendment was in response to suggestions by Bobbi Wells.

In response to Mr. Kendall, Mr. Brooks said he had no objection to the proposed amendment.

In response to Ms. Clementson, Mr. Brooks addressed the issue of crossings. He said the Beach Lake Park crossing would result from a realignment that has not been formally proposed. That will also require some Municipal land. There has been engineering work done at that site, and the grade of the road lends itself to an easy installation of an over-crossing with the minimal amount of cost. The existing crossing at Birchwood airport is at a State highway; the cost of a crossing would be very high. Although a formal estimate has not been done, he guessed the cost would exceed \$1 million. The existing crossing is not high on the priority list for upgrade. ARR is currently working with the ADOT to grade-separate other crossings that have higher priorities. Mr. Brooks said ARR has agreed at community council meetings to examine the cost of the Birchwood crossing with a technical study group; if there are improvements identified, ARR will be happy to pursue them with ADOT to the extent possible.

In response to Chairman Wuerch, Mr. Brooks said ARR was allowed, with the Federal funds, to install new grade-separated crossings.

In response to Ms. Fairclough, Mr. Brooks explained the Federal grant funds were from Amtrak, and to be used for inner-city rail passenger services. Because Alaska does not have Amtrak service, one percent of the funds were allocated toward inner-city rail passenger service in Alaska. ARR is not required to spend the funds in the Anchorage area, but projects do need to be loosely identified with inner-city rail passenger service. He said ARR has identified the corridor between Anchorage and Wasilla as a good place to spend those funds. There are crossings along that corridor that have problems, and grade-separated crossings have been requested for those. Some are located on the military bases and in Eklutna Village. The grant funds will come in two appropriations, about half last year and half this year. The entire grant is not being applied to the Eagle River to Wasilla realignment. Some of the funds will be used for equipment. The plan is to use about \$10 million of the Amtrak funds for realignment between Eagle River and Wasilla. Actual expenditures to date on the project have been less than \$1 million. He was unsure if the entire grant had been assigned to specific projects.

Ms. Fairclough formally requested ARR to assign a sufficient amount of the grant funds to address a grade-separated crossing in Birchwood.

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

Mr. Kendall explained the need for an exception to the provisions in the Municipal Code. He pointed out there are unusual circumstances because ARR is attempting to improve transportation for the southcentral Alaska region. He felt it was important for the Municipality to cooperate with ARR on that project. He agreed with Ms. Fairclough that a grade-separated crossing at Birchwood was in everyone’s best interest, and he would support that project in the future. However, the legislation before the Assembly tonight was just one part of the total project. He felt it met the standards to justify an exception to the Code. However, he hoped such exceptions would not become commonplace, especially with regard to Heritage Lank Bank properties, because he felt competitive process was very important.

In response to Ms. Fairclough, Mr. Kendall felt the issue of an overpass at Birchwood might be best addressed separately in an Assembly resolution. He supported working toward that goal.

Question was called on the motion to adopt AO 99-78 as amended and it passed:

AYES: Kendall, Sullivan, Clementson, Tesche, Taylor, Wuerch, Meyer, Fairclough, Von Gemmingen, Abney.
NAYS: None.

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

- E. Ordinance No. AO 99-79, an ordinance by the Municipality of Anchorage **authorizing a sale by Anchorage Water and Wastewater Utility (AWWU) of Tract 4, International East Subdivision, Plat No. 87-28**, generally located east of Minnesota Bypass and south of 56th Avenue in the Anchorage Recording District and the acquisition of 2.04+/- acres of land generally located on the west side of Arctic Boulevard at West 32nd Avenue in the Anchorage Recording District, owned by the Horrell Family Trust, Heritage Land Bank.
1. Assembly Memorandum No. AM 448-99.

Deputy Municipal Attorney Bill Greene advised the Assembly that a member of the Zoning Board of Examiners and Appeals is associated with this transaction, and has filed a Notice of Intent to Do Business with the Municipality, as required by Municipal Code section 1.15.210. He said under that Code section, the Assembly may not take action on the transaction for a period of ten days after the filing of that notice; that ten day period has not yet expired. The Code also requires the Municipal Clerk to publish the Notice of Intent, and the Assembly may not take action until seven days after the published notice.

There was discussion about whether to open the public hearing tonight.

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

SAM O’CONNOR, president of Westside Community Patrol, distributed photographs to the Assembly members. He explained the photos showed property adjacent to the subject property, which is infested with garbage and bottles of alcohol, and there are many homeless camps. He pointed out crime and safety is a major concern to the community. The property is a concern in both regards, and is an eyesore. Mr. O’Connor urged the Assembly to acquire this property, to allow it to be

improved. He pointed out there is a beautiful park across Arctic Boulevard, which attracts many children. He felt the close proximity of the homeless camps to the park was an unsafe situation.

ROBERT AUTH, chair of the Spenard Community Council, said the subject property was discussed at the last Council meeting. There was quite a bit of evidence of drinking, drug use and other unacceptable activities on the property. The Council passed a resolution finding the property is a public nuisance, and supporting a solution to clean up the property. The proposal for sale of the property did not exist at that time, but he felt the sale would be the quickest way to clean up the area. He added there have been a lot of police calls to the area, and it has been the subject of zoning enforcement actions. Nothing else seems to have helped; assuming the utility would clean up the property, he felt ownership by AWWU would be supported by the Council.

TOM McGRATH supported the proposed purchase. He felt the utility would continue to grow and need more space. His only concern was the issue of landscaping. AWWU's existing property is surrounded by a very nice fence, and the area inside the fence is beautifully landscaped, on all sides except the rear of the property, which hasn't been maintained very well. He hoped the new property, if acquired, would also be fenced. Between the subject property and the J.C. Penney warehouse is an alley commonly referred to as "Condom Alley." If the new property is fenced, but no consideration given to addressing the alley between there and J.C. Penney, he felt the situation in the alley would not improve. He encouraged the Assembly to adjust the sale document to ensure AWWU would either purchase the alley also, or at least assume responsibility for the alley. Alternately, he suggested the alley be vacated and either used by AWWU or shared by the utility and J.C. Penney, to ensure it is no longer occupied by the people and activities that are unacceptable.

Chairman Wuerch asked if anyone else wished to speak. There was no one.

Mr. Tesche moved, seconded by Ms. Taylor, and it passed without objection,	to continue the public hearing for AO 99-79 until June 8, 1999.
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- F. **Resolution No. AR 99-110**, a resolution **approving the Winchester Water Main Extension (Intertie) at East 88th Avenue and Abbott Loop Road** and providing for assessment of benefited properties at time of service connection, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 419-99.

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

JUDITH CHRISTIANSON said she did not object to the proposed water extension. She said water has been needed for a long time; it is a safety factor. Her concern was that residents were not notified there would be a pump station on the adjacent property. At the last meeting she and her neighbors attended, the location of the pump station was discussed as being at the corner of Abbott Loop and 88th Avenue. She wanted to know why the location was changed, and why residents were not notified of the change. Also, Ms. Christianson felt the amount of the assessment was outrageous. Her property's assessment was \$33,400 and her neighbor's was \$39,000.

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

Mr. Meyer moved, seconded by Ms. Clementson,	to approve AR 99-110.
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In response to Mr. Meyer, Anchorage Water and Wastewater Utility General Manager Mark Premo deferred questions to staff member Don Keefer, who has been acting as project manager. Mr. Keefer explained the nature of the pump station was that it would be located underground, and did not require an official conditional use permit public hearing normal for other types of pump stations. The station is part of the project which will be done at a later date, so there will be opportunity to discuss it in the future. The proposed legislation deals specifically with the water line which will front the properties. He clarified the proposed location of the pump station was about one lot removed from the corner of Abbott Loop and 88th. Mr. Keefer felt the installation of the water line itself would not really increase the value of the affected properties. However, value is determined by comparable sales of other properties in the area. As properties are sold, and higher prices are asked because water is available, the value of properties may increase.

In response to Chairman Wuerch, Mr. Keefer said the line that would be installed was eight-inch. The proposed assessment was typical for this size of properties with eight-inch pipe connections. The proposed assessment was just an estimate; a actual assessment would be developed after the true project costs are known. He clarified these properties will be a levy-upon-connection roll in the future; the assessment will not be levied until a connection to the line is made.

In response to Mr. Meyer, Mr. Keefer explained this is Phase V of the project, which includes large-diameter water line that will connect a new 10 million gallon reservoir near Service High School. There will also be yard piping on the track, a reservoir vault, and lines going to and from the reservoir to the intersection. There will also be a portion of Phase IV, which will stub north from the vault location.

In response to Ms. Von Gemmingen, Mr. Keefer explained a reservoir is typically a structure which is about 32 to 35 feet high, above the surface of the ground.

Mr. Premo added the reservoir near Service High will be one of the utility's larger ones, at 208 feet in diameter and 40 feet tall. It will be set back from the road as approved in the site plan. One of the conditions of approval by the Planning and Zoning Commission was that the reservoir be painted to blend in with the background. Therefore, it will be painted an off-white, with an embossed black tree-type motif, so that from a distance it will appear to be trees.

In response to Chairman Wuerch, Mr. Premo confirmed when the levy upon connection rolls are done, the only assessment the property owner will pay is for the service they will benefit from, not the greater 30 and 48-inch lines. Also, the greater lines will be high-pressure lines; direct connections to those line will not be allowed. Should property that fronts those lines need water service in the future, they will be connected to the large PRV vault that has been designed.

In response to Ms. Von Gemmingen, Mr. Premo said properties were not balloted. This is a Levy Upon Connection Roll. According to the AWWU tariff, when utility funds are used for the construction of a utility line, and a property owner would benefit from connection to that line, the utility is required to present the roll to the Assembly prior to construction of the project. The assessment is then set via one of two types of formulas. The property owner is not assessed until and unless they connect to the line. There is no balloting in this process. In the Improvement District process, when property owners request service, the question is balloted and the project only proceeds if approved by the property owners. The latter is property-owner driven; the former is a utility-driven project, for the greater good or necessity to intertie systems together.

Question was called on the motion to approve AR 99-110 and it passed:

AYES: Sullivan, Clementson, Tesche, Taylor, Wuerch, Meyer, Fairclough, Von Gemmingen, Abney.

NAYS: None.

(Clerk's Note: Mr. Kendall was out of the room and Mr. Tremaine had not arrived at the time of the vote.)

- G. Resolution No. AR 99-111, a resolution **approving the Kluane Terrace Phase II Water Main Extension** and providing for assessment of benefited properties at time of service connection, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 420-99.

Chairman Wuerch opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public hearing.

Ms. Clementson moved, to approve AR 99-111.
seconded by Ms. Taylor,

In response to Ms. Clementson, Don Keefer of Anchorage Water and Wastewater Utility agreed to coordinate with Public Works Department to coordinate the utility's work with the proposed Recycled Asphalt Paving work on Kathy Place.

Question was called on the motion to approve AR 99-111 and it passed:

AYES: Sullivan, Clementson, Tesche, Taylor, Wuerch, Meyer, Fairclough, Von Gemmingen, Abney.

NAYS: None.

(Clerk's Note: Mr. Kendall was out of the room and Mr. Tremaine had not arrived at the time of the vote.)

- H. Resolution No. AR 99-98, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Restaurant and Eating Place License) located on Hansen Subdivision, Block 2, Lot 3A, generally located on the south side of West 26th Avenue and west of Spenard Road (Louis Plante' d.b.a. **Organic Oasis Health Foods & Juice Bar**) (Case 99-090), Community Planning and Development.
1. Assembly Memorandum No. AM 452-99.

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

LOUIS PLANTE, the applicant, explained he first began operating a health foods/juice bar in 1989, and helped introduce Anchorage to the concept of green living foods such as wheat grass and spirulina. In his new restaurant, he serves only organic products and foods, such as turkey sandwiches and soups. Mr. Plante felt people of his age have no place in Anchorage to congregate that is clean and non-smoking with excellent food. He proposed to serve organic dinners, and provide organic wines and beers for patrons if they choose. There is no other place in Anchorage, or in Alaska to his knowledge to provide such a service, although it is commonplace in the continental United States. He said he knows the Spenard area well; he has been in Alaska for 24 years. He felt he could operate the license tastefully and without attracting the wrong element. He intended to refrain from advertisements such as notices in the windows. Initially, the policy will be that food must be served in order to order alcohol. He was very careful to avoid any distasteful attitude or perspective to his business.

In response to Ms. Clementson, Mr. Plante said he visited the Spenard Community Council, and members of the North Star Community Council visited his business for lunch. He received approval from both councils. He explained organic beer is made when the barley is not fumigated with chemicals. Organic wine is made from grapes grown without pesticides, and processed without sulphites.

In response to Mr. Meyer, Mr. Plante said wine tastes better without the sulphites, and it does not last as long. Currently, there are about 100 organic wineries and breweries in the United States. There is great demand for their products. He said the health benefits of wine will continue to be debated. He said the alcohol content was similar with regular wines and beers. He said the lease on his building is for ten years, and he has invested \$200,000 in the business, so he has a lot at stake. He did not intend to risk the business by being reckless with this new venture. He pointed out his prices are higher, because of the nature of organic foods and alcohol, which should tend to discourage an undesirable clientele. If necessary, he will provide a host and make dinners by reservation only. He was aware of TAM training regulations, as well as the required postings about alcohol.

In response to Ms. Fairclough, Mr. Plante explained the parking spaces issue. He said the Municipality was in error in establishing the size of the building at 20,000 square feet. The actual size is 15,000 square feet. The error has been rectified, and is awaiting final approval by a supervisor. The business is only six spaces short of the number required by zoning. His architect, Gary Spring, has a plan ready for submission which will satisfy the parking covenant. There is a dirt lot at the west end of the Spenard Center, which will be converted to parking for 40 vehicles including a ten-foot buffer on the outside edge. Also, the lot will be cleaned up as the various garbage dumpsters currently in the lot will be replaced with one large dumpster with steps and a dock. Forty additional spaces will provide thirty-four more than what is required. He added that no other businesses are open at night, so if he proceeds with the dinner program, he would be the only business open during the evening hours.

ROBERT AUTH, chair of the Spenard Community Council, confirmed Mr. Plante's presentation at the last Council meeting. Mr. Plante's plans were well-received and there were no objections. The Council has opposed new dispensary and package store licenses being introduced into the Council area, but typically has not opposed restaurant licenses. This type of facility, which is non-smoking and not open too late is not objectionable. He noted there is a large concentration of licenses in this area, and if this were another type of operation, there might be another response.

In response to Mr. Tesche, Mr. Auth said the possibility that the focus of the restaurant might change was discussed. He pointed out licenses are reviewed each year, and he felt comfortable the Council could address any changes to the restaurant operation. He acknowledged he was concerned about the concentration of licenses in the area, and the Council monitors the issue closely.

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

Ms. Von Gemmingen moved, to approve AR 99-98.
seconded by Ms. Taylor,

AYES: Kendall, Sullivan, Taylor, Wuerch, Meyer, Fairclough, Tremaine, Von Gemmingen, Abney.
NAYS: Clementson, Tesche.

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

- I. 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.
 1. Assembly Memorandum No. AM 364-99.

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

JOE STIMSON of Stimson Consulting Service, spoke on behalf of the owners. He said the Planning and Zoning Commission gave unanimous consent to this rezoning. The major concern was the property was the location of the Castle on O'Malley. There is commercial recreation use in the basement of that facility. The existing zoning did not permit that use. After a long process, the special limitations were developed and are part of this ordinance. It is the petitioners intent to further develop the area with commercial recreation. Mr. Stimson said during the public hearing with P&Z, they overlooked item #3 of Section 2, which requires an approved replat of all four parcels prior to issuance of a building permit. The problem with this is the Castle is already on a separate lot and is financed, and any future development will be financed. There probably will be future platting activity as each of the areas is developed. There is no benefit to the Municipality to require the replat of the four parcels, and it is an additional cost to the petitioner. The special limitations, the public hearing site plan review and the traffic impact analysis are the key issues. Mr. Stimson requested item #3 from Section 2 be removed.

In response to Ms. Clementson, Mr. Stimson pointed out the public hearing site plan review and traffic impact analysis was required before each phase of the development.

In response to Mr. Tesche, Mr. Stimson pointed out the Comprehensive Plan regarding commercial land covers both R-A and B-4 zoning. He said staff recognized that, and admitted the request did comply with the Comprehensive Plan. That confirmation is in the P&Z resolution. Mr. Stimson said the southern R-O parcel was an integral part of the plan to provide the proposed commercial recreation development. The remainder of the B-4 parcel, which the Castle is located on, is not large enough to do the development. Therefore, not rezoning the southern parcel would have significant ramifications for the proposed projects, a toboggan slide and an indoor water slide.

In response to Ms. Abney, Mr. Prendeville, the owner, said the Huffman/O'Malley Community Council did not take any action after reviewing his proposal. There was a question about traffic, but the general reaction was positive.

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

Mr. Tesche moved, to adopt AO 99-69.
seconded by Ms. Von Gemmingen,

In response to Mr. Tesche, Community Planning and Development Director Caren Mathis explained staff had some concerns about the southern R-O zoned property, and the intensity of use and impact on the adjoining R-3 properties. However, during the course of the P&Z review, that specific issue was addressed, and the Commission found the impact from the rezone would not have significant impact on the adjoining properties, and found it compatible with the Comprehensive Plan. She said she concurred with the decision of P&Z.

Chairman Wuerch questioned the need for item #3 in Section 2, requiring the owner to replat a parcel with an existing structure with an existing mortgage.

The meeting recessed at 8:50 p.m. and reconvened at 9:10 p.m.

Ms. Taylor moved, to postpone action on AO 99-69 until later in the meeting.
seconded by Ms. Fairclough,
and it passed without
objection,

(Clerk's Note: See item 16, Unfinished Agenda, for further action on this item.)

- J. 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.
1. Assembly Memorandum No. AM 381-99.

Chairman Wuerch opened the public hearing and asked if anyone wished to speak. There was no one, and he closed the public hearing.

Mr. Sullivan moved, to adopt AO 99-70.
seconded by Mr. Meyer,

AYES: Kendall, Sullivan, Clementson, Tesche, Taylor, Wuerch, Meyer, Fairclough, Von Gemmingen, Abney.

NAYS: None.

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

- K. Ordinance No. AO 99-80, an ordinance of the Municipality of Anchorage repealing Section 14. of Anchorage Ordinance No. 98-187 and enacting new effective dates for safety-related ordinances listed in Section 14. of AO 98-187 **regulating vehicles and chauffeurs under the jurisdiction of the Anchorage Transportation Commission**, Assemblymember Kendall.
1. Assembly Memorandum No. AM 472-99.
 2. Ordinance No. AO 99-80(S), an ordinance of the Municipality of Anchorage repealing Section 14. of Anchorage Ordinance No. 98-187 and enacting new effective dates for safety-related ordinances listed in Section 14. of AO 98-187 regulating vehicles and chauffeurs under the jurisdiction of the Anchorage Transportation Commission, Assemblymember Kendall.

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

MICK ROSENBERG, a member of the Transportation Commission, said the Commission passed a resolution on this topic. The resolution outlines the events that led to, and including, the adoption of AO 98-187, and opposes the proposed ordinance. He pointed out the Assembly took a deliberate action to address safety measures, even though a comprehensive revision to Title 11 was pending, and was recently completed. Since the Assembly felt the safety measures were so important, the Commission members were surprised that the proposed ordinance would postpone the effective date of the life safety measure from June 15th to December 15. Mr. Rosenberg emphasized the life safety measures included radio identification and silent alarms. His understanding was that one dispatch company requested the proposed delay in implementation. However, three other dispatch companies have expressed no difficulty in complying with the current implementation date. At the Commission's meeting last night, representatives of the fourth company that earlier made the request for delay, stated they now felt they would be able to meet the June 15 implementation date. Mr. Rosenberg again stressed the life safety measures were very important, and should not be delayed if possible.

In response to Mr. Meyer, Mr. Rosenberg detailed the items that would be affected by the safety measures. The Commission was very pleased the Assembly acted on the safety measures because of the seriousness of the issue of chauffeur murders. He urged that action be implemented fully and in a timely manner.

In response to Ms. Von Gemmingen, Mr. Rosenberg said one of the safety measures was a silent alarm, which a chauffeur could activate in the event of a problem.

Transportation Inspector Dave Llewellyn added in the last few months, there has been an increase in robberies. There have been five in the last two months. He recalled about this time last year was when the three chauffeur murders occurred. In the summer and fall of last year, a robbery occurred about every few months. He was not sure of the reason for the increase.

CHRISTINE GUTERREZ, a taxicab driver for over 21 years, explained she has experienced robberies and assaults. She felt another proposal to regulate eating and drinking in cabs by chauffeurs was unfair and violated the rights of chauffeurs.

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

Mr. Kendall moved, to adopt AO 99-80(S).
seconded by Mr. Meyer,

Mr. Kendall explained he introduced this ordinance in the spirit of cooperation. One of the dispatch companies requested more time to implement the safety measures. Although they probably did not need until December 15 to comply, they did

need more time. Since the Commission has heard from the company who needed more time, and learned they would be able to comply by June 15, he felt the proposed ordinance could be postponed indefinitely.

Mr. Kendall moved, to postpone action on AO 99-80 and AO 99-80(S) indefinitely.
seconded by Ms. Clementson,

Ms. Clementson thanked the Commission members for all the hours they have worked on this issue in the last few years, especially over the last year.

Question was called on the motion to postpone action on AO 99-80 and AO 99-80(S) indefinitely and it passed without objection.

- L. 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.

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

PAM SIEGFRIED spoke against the ordinance. She could not understand what benefit it would provide, yet did see many problems it would cause. She pointed out one situation that could arise from the ordinance was: a person who speaks too loudly in the Library, and receives a written notice, and then attempts to testify at an Assembly meeting, they would be liable for a \$5,000 fine and one year in jail. She felt the ordinance's provisions were contrary to U.S. Constitution 1st Amendment rights. She was also concerned the ordinance introduced the possibility of serious criminal penalties. It is different from a ticket, which is a charge, and one may be found guilty or innocent. The proposed penalty presumes guilt, and may be levied by almost anyone, including security guards. Also, the penalty was imposed based on a preponderance of the evidence, which is a lesser standard than for a criminal offense, which is "beyond a reasonable doubt." Ms. Siegfried urged the Assembly defeat this ordinance.

Mr. Tremaine arrived at the meeting at 9:35 p.m.

THERESA OBERMEYER was surprised this type of ordinance could be considered. She also objected to the written form of the legislation. She felt the proposed ordinance was ridiculous; she wanted to continue to attend public meetings and voice her opinion.

ROD PFLEIGER, representing the Anchorage Downtown Partnership, said the mission of the Downtown Business Improvement District (BID) was to further a clean, safe and vital community. The District is funded from assessments charged to property owners in the District. Cleaning and maintenance crews perform the cleaning program; the ambassador program is in place; and the District officers work with various programs such as Music in the Park, ice carving contests and the tree lighting ceremony in Old Town Square. The proposed ordinance was based on legislation he heard of in Portland, Oregon, which is used by that city's business improvement district. He felt it was consistent with the Anchorage BID's safety program. Enforcement would be performed by the Anchorage police. Persons who are a nuisance would be asked either to comply with existing laws, or vacate the area where the nuisance occurs. There will be no additional cost to implement the ordinance, or to enforce it. He encouraged the Assembly to trust what has worked successfully in other communities, and have confidence in the efforts of the police and Downtown BID staff.

In response to Ms. Clementson, Mr. Pflieger confirmed he encouraged introduction of the ordinance, as part of the various programs that will help achieve the goals of the BID. He felt the ordinance would assist police in addressing the enforcement of existing laws.

GARY APPERSON, an officer with the Anchorage Police Department, pointed out when a new Title 8 of the Municipal Code was enacted in May, 1998, subsection J of the Disorderly Conduct laws was deleted. He said that section provided for citing someone with an infraction, if they were drunk and sleeping on Municipal property. The proposed ordinance would help regain some of the power of that subsection, and allow police another tool to deal with chronic violators. Officer Apperson said the law was aimed at conduct, rather than at a type of person. It was based on conduct consistent with family values and public youth settings. Only conduct would trigger the use of the ordinance. It does not represent duplication of any existing laws. He felt the ordinance was unique in that it was not suggested by the Police Department, but a citizens group. Great thought and consideration was put into the model ordinance, which was working well in Portland.

In response to Ms. Clementson, Officer Apperson said the practice of identifying someone breaking a law, and instructing them to vacate the premises, already is in use. For example, if someone is trespassing in a park after hours, they can be given the choice to leave or suffer the consequences. The difference with the proposed law is that someone can be asked to leave the Transit Center, for example, if they are violating a code of conduct within the Center.

In response to Mr. Tesche, Officer Apperson said enforcement of the proposed ordinance would be limited to conduct which is actually a violation of law. Therefore, making noise in the Library, if that was not against the law, could not be the basis for an order of exclusion. He said if an order of exclusion is issued, it would not take effect until 15 days after issuance. Within that 15 days, the recipient would have the right to appeal to a hearing officer.

In response to Mr. Tesche, Deputy Municipal Attorney Bill Greene explained how the ordinance operates in Portland, Oregon. According to a Portland attorney he spoke with, when the orders of exclusion are issued, there is usually immediate compliance, and rarely a request for a hearing. They have found it to be an effective tool.

In response to Mr. Tesche, Officer Apperson said under the current law, officers have only two options to address someone violating a law such as drinking in public or disorderly conduct. Those two options were to request voluntary compliance, or to arrest the offending person. He said the need for the proposed law was because under its provisions, re-offending would be much easier to deal with. Therefore, habitual offenders would not drain the police forces resources to such an extent as they do currently.

ROBERT HAYES said he hoped the proposed ordinance could address the problem of drug dealers and prostitutes who operate on 4th Avenue. He felt if it could, it would be a good idea.

SAM O'CONNOR, president of Westside Community Patrol, concurred with the previous speaker. He said any tool to deter prostitution and drug trafficking would be highly supported by the Patrol.

TOM McGRATH acknowledged the ordinance could be an infringement on citizens' rights. However, he felt it would be a useful tool for the Police Department. Although police use a form of this law already, called "area restriction," with prostitutes, police cannot seem to obtain orders from magistrates for pimps or drug dealers. An effective tool was greatly needed to protect innocent citizens; he felt the proposed ordinance would be a step in the right direction.

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

Mr. Tesche moved, to adopt AO 99-67.
seconded by Ms. Taylor,

Mr. Tesche said he inherited this ordinance from his predecessor on the Assembly. He requested a legal review by the Municipal Attorney's office, and he was satisfied by their opinion. He noted the ordinance had narrower provisions than the one operating in Portland, and therefore stood a higher chance of success if challenged in the courts. He pointed out the Portland ordinance was also challenged and prevailed. Therefore, he felt the law was legally sound, but did present several issues which should be discussed. Among these was who would be allowed to issue a notice of exclusion, and the geographic application of the law.

In response to Mr. Tesche, Assistant Municipal Attorney Cliff Groh said he recently discussed the issue of limiting the ordinance to a geographic area with Mr. Greene. Without much time to consider the question, they felt a limitation may interject a legal flaw to the ordinance. He said he would need time to consider a limitation to the ordinance to affect only certain violations of law.

In response to Ms. Clementson, Mr. Groh explained the law required that the violation must be identified on the notice of exclusion, even if there is not an arrest or citation. The notice of exclusion would also state if the offender violated the order of exclusion when it becomes effective, they may be charged with Trespass, which is a misdemeanor.

Ms. Clementson expressed concern that an alleged crime could lead to an order of exclusion, which if violated, could lead to criminal trespass charges. However, the original crime was not tried or reviewed through the judicial process.

Chairman Wuerch suggested this issue be reviewed by the Public Safety Committee.

Ms. Fairclough said some of her constituents feel the proposed law is too vague. She questioned whether the ordinance would apply to Municipal buses, to address the problem of gang violence which occurs on the buses.

In response to Ms. Abney, Municipal Attorney Mary Hughes explained the Municipal Hearing Officer was a full-time staff member of her department. There would be no additional cost for his services.

Mr. Meyer moved, to postpone action on AO 99-67 until September 14, 1999, and
seconded by Mr. Tesche, refer it to the Public Safety Committee for review and
recommendation in the meantime.

Ms. Von Gemmingen moved, to amend the motion to postpone until July 13, 1999, to
seconded by Mr. Tesche, allow a solution to be finished in time for summer activities.
and it passed without
objection,

Question was called on the motion to postpone action on AO 99-67 until July 13, 1999 and it passed without objection.

Ms. Clementson requested the Police Department gather information over the next two months on the number and types of incidents that would qualify for a notice of exclusion, if it were currently law, to allow some data to be presented when the ordinance is considered again.

Officer Apperson said there was no mechanism to keep track of such data, but he could request the downtown units staff to keep track of certain problems on an informal basis.

13. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS:

- A. REQUEST FOR RECONSIDERATION: Appeal S-10054, **Denali View Subdivision**, Municipal Clerk.

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

14. SPECIAL ORDERS: None.

15. ASSEMBLY COMMENTS: None.

16. UNFINISHED AGENDA:

- A. 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.
1. Assembly Memorandum No. AM 364-99.

Community Planning and Development Director Caren Mathis explained condition #3 in Section 2 of the ordinance. She said there would be some replatting activity needed; however, there will not be a need to replat all four parcels into one parcel. She suggested the condition be modified.

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

to amend AO 99-69 in Section 2, line 28, to read: "...an approved replat." and delete the remaining words in the sentence.

Ms. Clementson moved,
seconded by Mr. Kendall,

to amend AO 99-69 in Section 2, line 24 to read: "Prior to all phases of development of the site..."

In response to Ms. Von Gemmingen, Joe Stimson said his interpretation of "phases" was each individual building and use. A traffic impact analysis (TIA) cannot be done without identification of a use. He said a TIA has to be done before each phase, because each of the uses will have a different impact.

Ms. Von Gemmingen felt the requirement was onerous and expensive. It seems lots of rules and regulations often are a hindrance to developers.

Ms. Mathis added the Traffic Engineer takes the lead on TIA's, getting input from her staff and the State Department of Transportation, if applicable. Generally, a cumulative effect of the entire project will be considered.

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

AYES: Sullivan, Clementson, Tesche, Taylor, Meyer, Fairclough, Tremaine, Abney.

NAYS: Kendall, Wuerch, Von Gemmingen.

Mr. Tremaine questioned what other uses were permitted in the proposed zone. He was concerned another use could be developed other than the one proposed, which might be objectionable.

Mr. Stimson said the B-3 zone does not have a list of specific uses; it includes general types of services which may be provided. However, there is a list of prohibited uses which has been developed over the years, that fit into the general use category but have been identified as objectionable. They include service stations and liquor stores.

Ms. Mathis read the definition of the B-3 zone in the Municipal Code section 2.140.180: "B-3 district is intended for general commercial uses in areas exposed to heavy automobile traffic. The district is specifically intended for areas at or surrounding major arterial intersections. Permitted principle uses: business; business services; professional services; personal services; including incidental manufacturing or processing of goods for sale at retail or wholesale... Offices; multi-family; private clubs; parks; playgrounds & playfields; vocational or trades schools; churches; offices and centers for family self sufficiency services." She noted the list of prohibited uses is included in the proposed ordinance.

Mr. Tremaine echoed Ms. Abney's concerns about the possibility that a large retail store such as Fred Meyer could be built in the proposed zoning district. He supported the proposed use, but wanted to take steps to protect the site from other uses.

Ms. Clementson explained the Assembly cannot make the proposed use conditional, because conditional uses are defined by the Code. She added the difference between this situation and other properties zoned B-3 that would allow a "box" store, is that the proposed zoning includes special limitation that require a public hearing site plan review. A site plan review decision by the Planning and Zoning Commission is able to be appealed to the Assembly. She felt the site plan review process provides more protection than land that is zoned without any limitations.

Mr. Tesche questioned whether another special limitation could be imposed to allow only the use proposed by the developer.

Ms. Mathis felt the site plan review process would address some of the Assembly's concerns.

Mr. Tesche pointed out the site plan review addresses issues such as access, landscaping, signage, buffering, drainage, snow removal and parking. However, it does not address the question of use, or the size of scale of a facility. He reiterated his earlier question.

Ms. Clementson said an option would be to add items such as size, scale and use to the parameters of the site plan review.

Ms. Abney moved,
seconded by Mr. Tremaine,

to postpone action on AO 99-69 until June 8, 1999.

Ms. Clementson spoke against the motion. She suggested rather than postponing, the Assembly include more details to the site plan review to address areas of concern.

the petitioner has spent a long time on the issues, and on crafting the proposed special limitations. He felt the petitioner would prefer the Assembly to act on the ordinance as currently composed.

Question was called on the motion to postpone and it failed:

AYES: Meyer, Tremaine, Abney.

NAYS: Kendall, Sullivan, Clementson, Tesche, Taylor, Wuerch, Fairclough, Von Gemmingen.

Ms. Clementson moved,
seconded by Mr. Sullivan,

to amend AO 99-69 in Section 2, line 21 to read: "...to access, size and scale of facilities, architectural design, function of site, landscaping, signage..."

In response to Mr. Tesche, Mr. Stimson said the amendment was acceptable.

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

Question was called on the motion to adopt AO 99-69 as amended and it passed:

AYES: Kendall, Sullivan, Clementson, Tesche, Taylor, Wuerch, Meyer, Fairclough, Tremaine, Von Gemmingen, Abney.

NAYS: None.

- B. 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.

1. Assembly Memorandum No. AM 389-99.
(POSTPONED FROM 5-11-99)

Chairman Wuerch gave the history of the resolution and noted a motion to approve was on the floor.

In response to Mr. Tremaine, Municipal Attorney Mary Hughes addressed the question of whether a Municipal attorney may be used rather than a third party. She felt under the contract with Kean and Associates, the contract could be canceled if that were the wish of the body, and the matter could be dealt with by the Municipal Attorney's Office. She added during the period of 1993 through 1995, a decision was made to allow the surveyor to select the counsel of their choice, so there would be affinity in the working relationship. If the legal work was transferred to her office, there may be the necessity to have assistance by outside counsel; she was unsure whether there would be the costs savings anticipated by the Assembly, because of the highly complex nature of the issue.

In response to Mr. Tremaine, Public Works Director Jim Fero said he and his staff have considered the possibility of granting 30-feet of Section 36 as compensation. He recommended against giving up any of the right-of-way. That is a steep, hilly area; there is not only the roadway to consider, but ditching, brushing and snow storage. Narrowing the 60-foot rights-of-way is not a recommendation.

In response to Mr. Tremaine, an unidentified representative of Public Works explained only 30 feet of Jamie Road is inside Section 36. There was 30 feet of dedication on the original plat, at the very north end of the subdivision. The gentleman added a problem with giving up 30 feet inside Section 36 was that the land was owned by the Heritage Land Bank. The Bank would have to approve such a grant. Also, giving up 30 feet of roadway on the north would benefit only a few properties on the north. He felt it would not be an equitable situation. He explained the right-of-way was not a standard 30 feet throughout the subdivision; there are certain random areas that were mis-staked, primarily along the Rabbit Creek View portion of the subdivision.

Mr. Tremaine moved,
seconded by Ms. Abney,

to extend the meeting until 11:30 p.m.

AYES: Tesche, Taylor, Meyer, Fairclough, Tremaine, Abney.

NAYS: Kendall, Sullivan, Clementson, Wuerch, Von Gemmingen.

(Clerk's Note: This motion failed for lack of nine affirmative votes required to extend the meeting past 11:00 p.m.)

Ms. Fairclough moved,
seconded by Mr. Tremaine,

to postpone action on AR 99-100 until June 8, 1999

AYES: Kendall, Sullivan, Clementson, Tesche, Taylor, Wuerch, Meyer, Fairclough, Tremaine, Abney.

NAYS: Von Gemmingen.

Ms. Clementson moved,
seconded by Mr. Tremaine,

to postpone action on item 9.E, AM 430-99, until June 8, 1999.

AYES: Kendall, Sullivan, Clementson, Tesche, Taylor, Wuerch, Meyer, Fairclough, Tremaine, Abney.

NAYS: Von Gemmingen.

- C. Ordinance No. AO 99-20, an ordinance amending Anchorage Municipal Code Chapter 21.10 to **provide a public comment period on appointees to the Planning and Zoning Commission, Urban Design Commission, Platting Board and Zoning Board of Examiners and Appeals prior to Assembly**

confirmation; reiterating and establishing requirements and prohibitions regarding the performance of duties by such boards and commissions and their members; and the basis of removal from office for such board and commission members' conflicts of interest, Assemblymember Clementson.
(POSTPONED FROM 2-9-99 AND 3-23-99)

Chairman Wuerch gave the history of the ordinance.

Ms. Clementson explained this ordinance would establish a time frame, during which the public may submit written comments regarding proposed appointees. The ordinance would also consolidate and clarify conflict of interest provisions.

Ms. Clementson moved, to adopt AO 99-20.
seconded by Mr. Sullivan,

AYES: Kendall, Sullivan, Clementson, Tesche, Taylor, Meyer, Fairclough, Tremaine, Von Gemmingen, Abney.
NAYS: Wuerch.

17. AUDIENCE PARTICIPATION: None.

18. EXECUTIVE SESSIONS: None.

19. ADJOURNMENT:

Ms. Fairclough moved, to adjourn.
seconded by Mr. Meyer,
and it passed without
objection,

The meeting adjourned at 11:00 p.m.

Chairman

ATTEST:

Municipal Clerk

Date Minutes Approved: December 7, 1999

VC/db

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