

MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of June 8, 1999

1. CALL TO ORDER:

The meeting was convened at 5:00 p.m. by Assembly Vice Chair Melinda Taylor in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

2. ROLL CALL:

Present: Dan Kendall, Dan Sullivan, Cheryl Clementson, Allan Tesche, Melinda Taylor, Kevin Meyer,
Anna Fairclough, Dick Tremaine, Fay Von Gemmingen, Pat Abney.
Absent: George Wuerch (excused).

3. PLEDGE OF ALLEGIANCE:

The pledge was led by Mr. Meyer.

4. MINUTES OF PREVIOUS MEETING: None.

5. MAYOR'S REPORT:

In reply to Ms. Von Gemmingen, Municipal Manager George Vakalis indicated the implementation of the proposed \$100 permit fee to do work on that portion of a driveway in the right-of-way was under control.

6. ADDENDUM TO AGENDA:

Ms. Abney moved, to amend the agenda to include addendum items.
seconded by Ms. Fairclough,

Vice Chair Taylor read the items.

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

7. CONSENT AGENDA:

Ms. Fairclough moved, to approve all items on the consent agenda
seconded by Ms. Von Gemmingen, as amended.

A. BID AWARDS:

1. Assembly Memorandum No. AM 517-99, recommendation of award to Hartman Construction & Equipment, Inc. for **Metro Street Maintenance Facility demolition** for the Municipality of Anchorage, Property and Facility Management (ITB 99-C026), Purchasing.
2. Assembly Memorandum No. AM 518-99, recommendation of award to Quality Asphalt Paving, Inc. for **King Street/100th Avenue Upgrade - 96th Court to Old Seward Highway** for the Municipality of Anchorage, Department of Public Works (ITB 99-C027), Purchasing.
3. Assembly Memorandum No. AM 519-99, recommendation of award to Summit Paving & Construction Co., Inc. for **UAA Drive resurfacing - Providence Drive to Northern Lights Boulevard** for the Municipality of Anchorage (ITB 99-C028), Purchasing.
4. Assembly Memorandum No. AM 520-99, recommendation of award to EASTWIND A Division of NORCON, Inc. for **Phase II - Kempton Hills Subdivision Street Reconstruction Road Improvement District (R.I.D.)** for the Municipality of Anchorage, Department of Public Works (ITB 99-C029), Purchasing.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Resolution No. AR 99-144, a resolution of the Municipality of Anchorage appropriating \$1,167,029 to the State Categorical Grants Fund (231) from the Department of Community and Regional Affairs for the **JTPA program**, Community Planning and Development. public hearing 6-15-99.
 - a. Assembly Memorandum No. AM 521-99.
2. Resolution No. AR 99-145, a resolution of the Municipality of Anchorage to appropriate \$148,280 from the General Areawide (101) Fund Balance to the Office of the Municipal Attorney to make **final payments for professional services for the sale of the Anchorage Telephone Utility**, Legal Department. public hearing 6-15-99.
 - a. Assembly Memorandum No. AM 522-99.
3. Resolution No. AR 99-146, a resolution of the Municipality of Anchorage appropriating \$282,500 from the MOA Trust Fund for **expert financial services needed to invest the proceeds from the sale of the Anchorage Telephone Utility**, Finance. public hearing 6-15-99.
 - a. Assembly Memorandum No. AM 523-99.

4. Resolution No. AR 99-147, a resolution of the Municipality of Anchorage **accepting and appropriating State of Alaska legislative grants per Senate Bill 32**, Office of Management and Budget. public hearing 6-15-99.
 - a. Assembly Memorandum No. AM 524-99.
5. Ordinance No. AO 99-85, an ordinance of the Municipality of Anchorage repealing and re-enacting Section 3.85.050 of the Anchorage Municipal Code to **provide for recovery by the Police and Fire Retirement System of benefits paid to members where a third party is liable**, Police and Fire Retirement Board. public hearing 7-13-99.
 - a. Assembly Memorandum No. AM 497-99.
6. Ordinance No. AO 99-86, an ordinance amending Anchorage Municipal Code Chapter 3.85 to **eliminate the benefit reduction upon remarriage of a surviving spouse of a deceased member**, Police and Fire Retirement Board. public hearing 7-13-99.
 - a. Assembly Memorandum No. AM 498-99.
7. Ordinance No. AO 99-87, an ordinance of the Anchorage Assembly amending AMC 3.85.280 (Police and Fire Retirement System) relating to **Plan III Cost of Living Adjustment (COLA) administration**, Police and Fire Retirement Board. public hearing 7-13-99.
 - a. Assembly Memorandum No. AM 499-99.
8. Ordinance No. AO 99-88, an ordinance providing for the **sale of Lot 3, Block 1, Bruce Subdivision** (Parcel No. 012-342-04), located at 1800 Della Street in Anchorage, Heritage Land Bank/Real Estate Services. public hearing 7-13-99.
 - a. Assembly Memorandum No. AM 500-99.

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

9. Ordinance No. AO 99-89, an ordinance authorizing the **sale of properties foreclosed by the Municipality for delinquent taxes and/or special assessments** (Fairview Extension, Block 20, Lots 1 & 2; T13NR3W, Section 33, Lot 14; Olympus, Block 2, Lot 11; Patricia, Block 6, Lot 9; Laurel Acres, Block 10, Lots 48, 49, 51 & 52; Chugach Meadows, Block 3, Lot 6; Mt. Valley Estates, Block 1, Lot 19; Mt. Valley Estates, Block 3, Lot 6; Mt. Valley Estates #1, Block 3, Lots 16 & 17; Mt. Valley Estates #1, Block 4, Lots 6 & 9; Mt. Valley Estates #1, Block 5, Lots 9, 10 & 11; River View Estates, Block 5, Lots 18 & 19; River View Estates, Block 8, Lot 11; Earl Ray, Block 2, Lots 9 & 10; Sleepy Hollow #1, Block 1, Lots 1 & 2; Sleepy Hollow #2, Block 1, Lot 14; Sleepy Hollow #2, Block 2, Lot 16), Heritage Land Bank/Real Estate Services. public hearing 7-13-99.
 - a. Assembly Memorandum No. AM 501-99.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 99-139, a resolution of the Municipality of Anchorage appropriating \$5,000 from a National Park Service grant to the Federal Categorical Grants Fund (241) and \$5,000 of Girdwood Valley Service Area Capital Improvement Program Fund (406) Interest as a contribution to the Federal Categorical Grants Fund (241) for Girdwood Valley Service Area for **Iditarod National Historic Trail reconstruction**, Cultural and Recreational Services.
 - a. Assembly Memorandum No. AM 503-99.
2. Resolution No. AR 99-140, a resolution to **establish the delinquent dates for the first and second half of yearly business personal and personal property tax payments for Tax Year 1999**, Finance.
 - a. Assembly Memorandum No. AM 504-99.
3. Resolution No. AR 99-141, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Robert F. "Bob" Fuge for his 28 years of service** with the Municipality of Anchorage, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

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

4. Resolution No. AR 99-142, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Detective Anthony K. Provost for his 20 years of service** with the Anchorage Police Department, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

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

5. Resolution No. AR 99-143, a resolution of the Anchorage Municipal Assembly **recommending that Lore Street Park be renamed in remembrance and honor of Whisper Faith Kovach**, Assemblymembers Meyer, [Abney, Clementson, Fairclough, Kendall, Sullivan, Taylor, Tesche, Tremaine, and Von Gemmingen](#).

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

6. Resolution No. AR 99-148, a resolution of the Anchorage Municipal Assembly **supporting the restoration of fish habitat in Chester Creek and fish passage from Cook Inlet to Chester Creek at Westchester Lagoon**, Executive Manager's Office.
 - a. Assembly Memorandum No. AM 539-99.

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

7. Resolution No. AR 99-149, a resolution of the Anchorage Municipal Assembly **urging the Alaska Railroad Corporation to include the design and construction of grade-separated railroad crossings**, especially at the Birchwood Crossing, and to incorporate the costs, as part of the Anchorage - Wasilla Realignment Project, Assemblymembers Fairclough, Taylor, Tesche, Von Gemmingen, and Kendall, and Meyer. (**addendum**)
8. Resolution No. AR 99-154, a resolution of the Anchorage Municipal Assembly **urging the Mayor and Governor to act expeditiously to prevent the listing of Cook Inlet beluga whales under the Endangered Species Act or Marine Mammals Protection Act**, Assemblymember Von Gemmingen. (**addendum**)

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

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 508-99, **Historic Preservation Board reappointment** (Bridget Bushue), Mayor's Office.
2. Assembly Memorandum No. AM 509-99, **Transit Advisory Board appointment** (Carol Jackson), Mayor's Office.
3. Assembly Memorandum No. AM 510-99, **Birch Tree/Elmore Limited Road Service Area Board of Supervisors appointment** (Richard Greer), Mayor's Office.
4. Assembly Memorandum No. AM 511-99, **Chugiak, Birchwood, Eagle River Rural Road Service Area Board of Supervisors reappointments** (Chris Ingmanson, Pete Miller), Mayor's Office.
5. Assembly Memorandum No. AM 512-99, **Chugiak-Eagle River Parks and Recreation Board of Supervisors appointment** (Kate Koch), Mayor's Office.
6. Assembly Memorandum No. AM 513-99, **Chugiak-Eagle River Parks and Recreation Board of Supervisors reappointments** (Janet Brand, Dave Wolfe), Mayor's Office.
7. Assembly Memorandum No. AM 514-99, **Rockhill Limited Road Service Area Board of Supervisors appointment** (Stephen Routh), Mayor's Office.
8. Assembly Memorandum No. AM 515-99, **Valli Vue Limited Road Service Area Board of Supervisors appointment** (William Robertson), Mayor's Office.
9. Assembly Memorandum No. AM 505-99, change order No. 3 to purchase order 74639 with Perkins Coie for **legal services related to public safety activities involving the Anchorage Police Department Employees Association (APDEA) and the International Association of Firefighters (IAFF)** for the Municipality of Anchorage, Employee Relations Department.

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

10. Assembly Memorandum No. AM 506-99, change order #3 to 1996-2000 contract with Clapp, Peterson & Stowers to provide **legal services in the area of tort liability**, Finance.
11. Assembly Memorandum No. AM 507-99, contract change order No. 2 to Wilder Construction Company for the **construction of Northwood Drive/88th Avenue Surface Rehabilitation** - DPW No. 96-13, Public Works.
12. Assembly Memorandum No. AM 525-99, **Port Terminal No. 2 water replacement project**, PO No. 80353, Change Order #1, Port.
13. Assembly Memorandum No. AM 526-99, amendment No. 1 to the contract with GDM, Inc. for the **Emergency Operation Center**, Property and Facility Management.
14. Assembly Memorandum No. AM 527-99, amendment number one (1) to **King Street/100th Avenue Street Improvements Project** with USKH, Inc., DPW No. 96-14, Public Works.
15. Assembly Memorandum No. AM 528-99, sole source contract with PeopleSoft for **furnishing Fair Labor Standards Act (FLSA) modification** for the MOA, Executive Manager's Office.
16. Assembly Memorandum No. AM 529-99, change order No. 1 to purchase order 81312 to exercise the option with Warning Lites of Alaska, Inc. for providing **traffic control devices** for the Municipality of Anchorage, Purchasing Department.
17. Assembly Memorandum No. AM 530-99, change order No. 2 to various purchase orders for providing **air freight forwarding services** for the Municipality of Anchorage, Purchasing Department.
18. Assembly Memorandum No. AM 531-99, change order No. 1 to purchase order 81700 to exercise the option with Alaska Terminals, Inc. for providing **local moving services** for the Municipality of Anchorage, Purchasing Department.
19. Assembly Memorandum No. AM 532-99, change order No. 1 to purchase order 991330 with the Anchorage Economic Development Corporation for providing **professional services for the Municipality of Anchorage, Port of Anchorage**/Purchasing.
20. Assembly Memorandum No. AM 533-99, change order No. 1 to purchase order 81862 to exercise the first option period with Alaska Frontier Services for **furnishing belly dump trucks with operators** for the Municipality of Anchorage, Department of Public Works/ Purchasing.
21. Assembly Memorandum No. AM 534-99, sole source awards for **purchase of bus stop benches and trash receptacles** from Division 10 and Recreation Resources for the Municipality of Anchorage, Public Transportation Department/Purchasing.
22. Assembly Memorandum No. AM 535-99, recommendation of award to Dimond Center, LTD for **providing leased space for the Samson-Dimond Branch Library** for the Municipality of Anchorage, Department of Property and Facility Management (RFP 99-P010), Purchasing.
23. Assembly Memorandum No. AM 536-99, sole source contract for **supervision and inspection services** with Jon-Hill Associates for the Municipality of Anchorage, Municipal Light and Power/ Purchasing.
24. Assembly Memorandum No. AM 537-99, change order No. 1 to purchase order 82449 to exercise the option with Grinnell Fire Protection Systems for **providing certified inspections, testing, and**

- repair services to sprinkler and alarm systems for the Municipality of Anchorage, Municipal Light and Power (MLP), Purchasing.
25. Assembly Memorandum No. AM 516-99, **Board and/or Commission Termination Date** (Public Safety Advisory Commission), Municipal Clerk.

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 45-99, **report of printing of the Official Municipal Election Ballots** from A.T. Publishing & Printing Company for the Municipality of Anchorage, Municipal Clerk/Purchasing.
2. Information Memorandum No. AIM 46-99, **report of Public Works' construction contract amendments**, Public Works.
3. Information Memorandum No. AIM 47-99, Anchorage Water and Wastewater Utility **construction contract change order report (Kruger Sewer Upgrade)**, Water and Wastewater Utility.

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

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

8. REGULAR AGENDA:

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

1. Ordinance No. AO 99-88, an ordinance providing for the **sale of Lot 3, Block 1, Bruce Subdivision** (Parcel No. 012-342-04), located at 1800 Della Street in Anchorage, Heritage Land Bank/Real Estate Services. public hearing 7-13-99.
 - a. Assembly Memorandum No. AM 500-99.

Ms. Von Gemmingen, Mr. Kendall and Mr. Sullivan supported introduction of AO 99-88.

Ms. Von Gemmingen moved, seconded by Ms. Clementson, and it passed without objection,	to amend AO 99-88 on line 25 to read "...lot 3, block 1..." and AM 500-99 on line 7 by deleting the parcel number.
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There was no objection to setting the amended ordinance for public hearing on July 13, 1999.

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 99-141, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Robert F. "Bob" Fuge for his 28 years of service** with the Municipality of Anchorage, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

Mr. Meyer moved, seconded by Mr. Tesche, and it passed without objection	to approve AR 99-141.
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Mr. Meyer read the resolution while Mr. Tremaine presented it. Mr. Fuge thanked the Assembly for the recognition.

2. Resolution No. AR 99-142, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Detective Anthony K. Provost for his 20 years of service** with the Anchorage Police Department, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

Mr. Tesche moved, seconded by Ms. Clementson, and it passed without objection,	to approve AR 99-142.
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Mr. Sullivan read the resolution while Mr. Tesche presented it. Detective Provost thanked the Assembly for the recognition and encouraged all members to become familiar with the police department.

3. Resolution No. AR 99-143, a resolution of the Anchorage Municipal Assembly **recommending that Lore Street Park be renamed in remembrance and honor of Whisper Faith Kovach**, Assemblymembers Meyer, Abney, Clementson, Fairclough, Kendall, Sullivan, Taylor, Tesche, Tremaine, and Von Gemmingen.

Mr. Meyer moved, to approve AR 99-143.
seconded by Ms. Clementson,
and it passed without
objection,

Mr. Meyer explained the resolution was the first step in the long process to name this park for Whisper Kovach.

All members present asked that their names be added as cosponsors of the resolution.

4. **Resolution No. AR 99-148**, a resolution of the Anchorage Municipal Assembly **supporting the restoration of fish habitat in Chester Creek and fish passage from Cook Inlet to Chester Creek at Westchester Lagoon**, Executive Manager's Office.
a. Assembly Memorandum No. AM 539-99.

Ms. Abney moved, to postpone action on AR 99-148 until
seconded by Mr. Sullivan, after agenda item 9.C, AR 99-138.
and it passed without
objection,

Assembly Memorandum No. AM 505-99, change order No. 3 to purchase order 74639 with Perkins Coie for **legal services related to public safety activities involving the Anchorage Police Department Employees Association (APDEA) and the International Association of Firefighters (IAFF)** for the Municipality of Anchorage, Employee Relations Department.

In explanation to Mr. Tesche, Director of Employee Relations Tom Tierney recalled the contract was initiated in 1997. The scope of work has not changed during the contract period. However, some of the negotiations have taken longer than anticipated and may extend beyond the contract completion date. The original RFP sought a law firm with broad experience in general labor matters and negotiations.

Mr. Tesche moved, to approve AM 505-99.
seconded by Mr. Kendall

Manager George Vakalis asked that action follow consideration of AR 99-132.

Ms. Clementson moved, to delay action on AM 505-99
seconded by Mr. Kendall, until after item 12.A, AR 99-132 was considered.
and it passed without
objection,

In response to a request by Mr. Kendall, Mr. Tierney reminded Assembly members the Municipal Code prohibited members from discussing ongoing labor negotiations with the members, representatives or agents of either side.

5. **Resolution No. AR 99-154**, a resolution of the Anchorage Municipal Assembly **urging the Mayor and Governor to act expeditiously to prevent the listing of Cook Inlet beluga whales under the Endangered Species Act or Marine Mammals Protection Act**, Assemblymember Von Gemmingen. (addendum)

Ms. Von Gemmingen moved, to approve AR 99-154.
seconded by Mr. Tremaine,
and it passed with Ms. Abney
objecting,

Ms. Von Gemmingen noted placing the beluga whale on the endangered species list would seriously effect shipping and oil and gas lease sales in Cook Inlet. Anything that effects shipping to and from Anchorage will profoundly effect railbelt communities and should be carefully considered.

E. NEW BUSINESS: None.

F. INFORMATION AND REPORTS: None.

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

- A. **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.
1. Resolution No. AR 99-135(S), 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, Clementson, Abney, Fairclough, Kendall, Meyer, Sullivan, Tesche, Tremaine, Von Gemmingen, and Wuerch. (POSTPONED FROM 5-25-99)

Vice Chair Taylor reviewed previous Assembly actions. She stated a motion to approve AR 99-135 was on the floor.

Vice Chair Taylor read AR 99-135(S) while Ms. Clementson presented it.

Mr. Eaton of the Native Heritage Center thanked the Assembly for the recognition. He described the facility and attractions at the Center.

Ms. Clementson moved, to substitute and approve AR 99-135(S).
seconded by Mr. Tesche,
and it passed without
objection,

- B. **NOTICE OF RECONSIDERATION:** 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.
(APPROVED 5-25-99; NOTICE OF RECONSIDERATION WAS GIVEN BY MR. KENDALL 5-26-99)

Vice Chair Taylor reviewed previous Assembly actions. She stated a motion to reconsider AO 99-20 was on the floor.

Mr. Kendall noted the Assembly passed the ordinance late in the evening without discussion. Specifically, he was concerned about how the new regulations treated ex parte contacts.

Municipal Attorney Mary Hughes advised current law was similar to proposed provisions of the ordinance. The purpose of this ordinance is to gather the provisions together and make them easy for board members to find. Deputy Municipal Attorney Bill Greene confirmed most of the ex parte contact provisions were in the existing code but were somewhat amplified by this ordinance to reflect court decisions. He stated boards could visit sites as a group but site visits by individuals were subject to criticism.

Ms. Clementson stated several members had been contacted by persons concerned about appointments to land use boards. Currently, there is no process for the public to comment on proposed appointees. This ordinance provides a mechanism for public input. No board or commission members have said this provision would keep them from reapplying.

Ms. Abney moved, the previous question on the motion to
seconded by Mr. Tremaine, reconsider AO 99-20.

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

Mr. Tesche urged the Assembly to let the passage of AO 99-20 stand.

Ms. Fairclough pointed out on page 3, line 37, one "from" should be deleted. Ms. Clementson stated the Reviser of Ordinances would resolve grammatical errors.

Question was called on the motion to reconsider AO 99-20 and it failed:

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

At this time the Assembly took up Appearance Requests.

Christine Guiteress, representing Anchorage area taxicab drivers, regarding an amendment to Title 11 of the Anchorage Municipal Code.

Ms. Guiteress submitted petitions from cab drivers opposing provisions of a recently passed ordinance prohibiting eating, drinking and smoking in taxi cabs. Drivers are very concerned passengers will physically attack them when told they cannot eat, drink or smoke in the cab. Passengers can request "non-smoking" cabs now. This law infringes on the drivers' freedom of choice and potentially exposes them to harm.

- C. **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. (POSTPONED FROM 5-25-99)

Vice Chair Taylor reviewed previous actions. She stated a motion to approve the resolution was on the floor.

Ms. Abney reviewed the contents of information packets distributed to members. She urged support for AR 99-138.

Senior Planner Thede Tobish stated money from the mitigation of the jet fuel pipeline was to be used as matching funds to do a watershed-wide fish restoration project. The first focus of the project was the Chester Creek weir. Technically, there are no formal proposals from state or federal agencies at this point. However, there are ideas and draft plans which have been used as place holders to allow the federal agencies to apply for funding. Once the Municipality joins with the Corps of Engineers, the intent is to systematically pursue all the designs and incorporate all the issues. In response to Mr. Tesche, he said Fish and Game did not intend to open Chester Creek to fishing. However, there is interest in providing a salmon viewing platform near the weir. At this point, the idea is to recreate the fish passage and provide viewer amenities at the weir.

At the invitation of Ms. Abney, Jerry McCutcheon addressed the Assembly. He stated several months ago a final, state plan went to Senator Stevens' staff who accepted it for appropriation. The Corps' plan is not workable. He opposed spending the majority of funds for studies.

Mr. Tremaine moved, to amend AR 99-138 on page 2, line 22,
and it was accepted as a friendly amendment, to read: "...draft plan for a new all-tide..."

Ms. Clementson moved, to substitute AR 99-148.
and it died for lack of a second,

Ms. Clementson urged the Assembly to act cautiously on AR 99-138. The Assembly should listen to staff members like Mr. Tobish who have been intimately involved in projects.

Question was called on the motion to approve AR 99-138 as amended and it passed:

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

Resolution No. AR 99-148, a resolution of the Anchorage Municipal Assembly **supporting the restoration of fish habitat in Chester Creek and fish passage from Cook Inlet to Chester Creek at Westchester Lagoon**, Executive Manager's Office.
a. Assembly Memorandum No. AM 539-99.

Ms. Clementson moved, to approve AR 99-148.
seconded by Ms. Von Gemmingen,

Ms. Abney moved, to postpone AR 99-148 indefinitely.
seconded by Mr. Tesche,

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

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 AND 5-25-99)

Vice Chair Taylor reviewed previous actions. She stated a motion to approve the resolution was on the floor.

Mr. Tremaine and Ms. Abney each distributed copies of proposed amendments to the resolution.

Municipal Attorney Mary Hughes opined the amendments were acceptable from a policy standpoint but not from a notice standpoint. The crux of the amendments require reballoting and reallocation of costs which was not part of the original notice people received.

Mr. Tremaine moved, to amend AR 99-100, Section 2 to read: "Phase II of the
seconded by Ms. Abney, professional services agreement will be split into two parts and renegotiated/rebid as follows: A. The contract for assisting the Municipality through the court will be set at an hourly fee for Kean and Associates. B. The Municipality will supply the attorney, not Kean and Associates. C. The contract to replat (restake) the subdivisions will be let on a new bid. The contract will be awarded to the lowest bidder found to be responsive and responsible, contingent on acceptance by the property owners (see Section 3)"; amend Section 3 to read: "The replating (restaking) will be subject to the approval of a majority of the affected property owners who will be paying for the replating. This approval will be contingent on a balloting of these owners done after the opening of the bids."; amend Section 4 to read: "The Assembly requests that the court decide this matter expediently and in the least costly manner. It is our intent to contribute what Municipal funds and lands may be necessary to make an equitable solution."; amend Section 5 to read: "The Assembly intends to revisit the issue of project cost at the completion of the project and determine an equitable amount to charge to the owners of the affected property in the form of a ten year loan."; and amend Section 6 to read: "This resolution shall be effective immediately upon passage."

Ms. Abney moved,
and it was accepted as a
friendly amendment,

to amend the amendment to read as follows:
"Section 2. Phase II of the professional services agreement
will be split into two parts and renegotiated/rebid as follows:
A. The contract for assisting the Municipality through the
court will be set at an hourly fee for Kean and Associates. B.
The Municipality will supply the attorney, not Kean and
Associates. C. The contract to replat (restake) the
subdivisions will be let on a new bid. The contract will be
awarded to the lowest bidder found to be responsive and
responsible. Section 3. The Municipality shall assume the
costs of any overrun of the last approved estimate plus 10%.
Section 4. The Assembly requests that the court decide this
matter expediently and in the least costly manner. It is our
intent to contribute what Municipal funds and lands may be
necessary to make an equitable solution. Section 5. This
resolution shall be effective immediately upon passage."

Ms. Clementson opposed the amendment. The Municipality did not create the problem. Therefore, it is not the responsibility of the taxpayers at large to bear the costs of correction. The local government has tried to help and even asked that state law be changed so it could help these property owners. This is a unique assessment district in which State law dictates that the court will decide disputed assessed costs.

Mr. Kendall felt funds should not be appropriated to the project until a more accurate figure can be determined. The value of lots in the subdivisions will increase more than the amount of the special assessments.

In response to Mr. Tremaine, Municipal Attorney Mary Hughes advised the court would be the final arbiter in the case. However, if the Assembly decides to make a contribution on behalf of all taxpayers, that decision should be made earlier rather than later so the court can take the amount of reimbursement into account. State law supersedes local code in Chapter 19.

Mr. Tremaine felt it was a situation of broken trust. Originally the property owners were told the cost would be \$1100 per lot. Subsequently, the Assembly approved a contract for an amount equal to the total amount of assessments to be collected. The Assembly knew the contract amount did not include costs of resolving matters through courts or replatting fees. He alleged by that action the Assembly and Municipality broke its trust with the property owners. Rebuilding trust comes at a price and that is what this appropriation is about.

Ms. Von Gemmingen noted these specific property owners will be the sole beneficiaries of the project. She objected to placing the cost burden on all taxpayers.

In reply to Mr. Tesche, Mary Hughes advised that under Chapter 19 of Municipal Code the Assembly had the authority to cause the district to be rebalotted.

Ms. Abney felt the Municipality bore some responsibility in the matter. The cost to the taxpayers will be off-set by the increased tax collections from these property owners once the resurvey is completed.

In reply to Mr. Kendall, Director of Public Works Jim Fero estimated the resurvey and monument replacement would cost \$130,000 and the court costs would range between \$90,000 and \$180,000.

Ms. Abney moved, to postpone AR 99-100 to June 15, 1999.
seconded by Ms. Fairclough,

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

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 AND 5-25-99)

Ms. Fairclough moved, to postpone AM 430-99 to June 15, 1999.
seconded by Mr. Meyer,
and it passed without
objection,

10. APPEARANCE REQUESTS:

A. **Christine Guiteress**, representing Anchorage area taxicab drivers, regarding an amendment to Title 11 of the Anchorage Municipal Code.

Ms. Guiteress appeared earlier in the meeting.

The meeting recessed at 7:05 p.m. and reconvened at 7:25 p.m.

11. CONTINUED PUBLIC HEARINGS:

A. Resolution No. AR 99-86, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Package Store) located on N 1/2 of the S 1/2 of the SE 1/4 of the SE 1/4 of

Section 18, T12N, R3W, S.M., AK, generally located on the west side of Seward Highway and north of O'Malley Road (**Williams Express**) (Case 99-080), Community Planning and Development.

1. Assembly Memorandum No. AM 360-99.
(CARRIED OVER FROM 4-27-99; CONTINUED FROM 5-11-99)

Vice Chair Taylor reviewed previous consideration of the resolution. She opened the public hearing and asked if anyone wished to speak.

DAN COFFEY stated he and other representatives of Williams Express were present to answer questions. Support was received from the Bayshore/Klatt Community Council on June 3. In response to Ms. Clementson, he said the corporation planned to open more liquor stores but applications were not pending at this time.

BARBARA WEINIG questioned why neighboring Old Seward/ Oceanview Community Council was not notified of the pending application.

PAUL FARNSWORTH, construction manager for Williams Express, stated the store at Boniface and Debar was not being remodeled. Only store 2 is being remodeled at this time.

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

Mr. Sullivan moved, to approve AR 99-86.
seconded by Mr. Kendall,

Ms. Fairclough wondered whether approving the resolution would encourage the expansion of gas station convenience stores that offer liquor.

Mr. Sullivan pointed out the number of permits was finite which would limit proliferation.

Mr. Tesche felt the question was what message was sent to people who drive cars. The message "don't drink and drive" should be consistent; especially when making land use decisions.

Relating a 1997 incident at a Mapco station, Ms. Clementson explained she learned the company had a policy not to sell liquor in their gas stations or stores. Later, she learned the company was planning to put liquor stores in four "super" stores in order to compete. She pointed out the community spends a lot of money trying to reinforce the value of driving sober. A decision to allow gas stations to sell alcohol seems to be at odds with that public policy especially if the sale of "singles" is allowed.

Mr. Kendall noted it boiled down to a question of individual responsibility, not the location of the liquor store. The problem drinker does not care where he buys alcohol.

In reply to Mr. Meyer, Mr. Coffey disagreed the location of this license was a matter of public policy. True public policy is made by the adoption of an ordinance or regulation which allows or prohibits alcohol sales at all locations where gasoline is sold.

Mr. Tremaine felt the Assembly should postpone consideration of all liquor license issues to allow the Assembly to put a broad policy in place.

Mr. Tremaine moved, to postpone all liquor license transfers
seconded by Ms. Fairclough, for six months.

Mr. Kendall raised a point of order. The Assembly has a noticed issue before it for action. Mr. Tremaine's motion, which is very broad, does not directly relate to AR 99-86. He also felt it would be arbitrary for the Assembly to postpone action in the middle of the existing process.

Vice Chair Taylor ruled Mr. Tremaine's motion out of order.

Mr. Tremaine moved, to postpone AR 99-86 for six months.
seconded by Ms. Fairclough,

Mr. Sullivan opposed the delay. The Assembly can discuss the public policy on sales of alcohol at gas stations after acting on this matter.

Question was called on the motion to postpone action on AR 99-86 and it failed:

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

Question was called on the motion to approve AR 99-86 and it failed:

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

Ms. Von Gemmingen moved, to enter reconsideration of AR 99-86
seconded by Ms. Abney, on the minutes.

Ms. Von Gemmingen advised the intent was to reconsider the item next week and postpone further action to July 13, 1999 when a full complement of Assembly members is expected to be present.

- B. 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~~ Partnership, Heritage Land Bank
1. Assembly Memorandum No. AM 448-99. (CONTINUED FROM 5-25-99)

Vice Chair Taylor reviewed previous consideration of the ordinance. She opened the public hearing and asked if anyone wished to speak. There was no one, and she closed the public hearing.

Executive Manager Elaine Christian stated the ordinance and memorandum should be corrected by replacing "Horrell Family Trust" with "Horrell Family Partnership."

Mr. Meyer moved, to adopt AO 99-79 and amend the ordinance and
seconded by Mr. Tesche, memorandum by changing "Horrell Family Trust" to "Horrell
Family Partnership" throughout the documents.

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

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

12. NEW PUBLIC HEARINGS:

Mr. Tremaine moved, to suspend the rules and take up
seconded by Ms. Von Gemmingen, AR 99-133 at 8:30 p.m.
and it passed without
objection,

- A. 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.
1. Assembly Memorandum No. AM 476-99.

Vice Chair Taylor opened the public hearing and asked if anyone wished to speak. There was no one, and she closed the public hearing.

Ms. Von Gemmingen moved, to approve AR 99-132.
seconded by Ms. Abney,

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

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

Assembly Memorandum No. AM 505-99, change order No. 3 to purchase order 74639 with Perkins Coie for **legal services related to public safety activities involving the Anchorage Police Department Employees Association (APDEA) and the International Association of Firefighters (IAFF)** for the Municipality of Anchorage, Employee Relations Department.

Mr. Kendall moved, to approve AM 505-99
seconded by Mr. Tesche,

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

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

- B. 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.
1. Assembly Memorandum No. AM 458-99.

Vice Chair Taylor opened the public hearing and asked if anyone wished to speak. There was no one, and she closed the public hearing.

Ms. Von Gemmingen moved, to approve AR 99-124.
seconded by Ms. Abney,

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

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

- C. 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.
1. Assembly Memorandum No. AM 475-99.

Vice Chair Taylor opened the public hearing and asked if anyone wished to speak. There was no one, and she closed the public hearing.

Mr. Kendall moved, to adopt AO 99-82.
seconded by Ms. Fairclough,

Ms. Abney moved, to postpone action on AO 99-82 until
seconded by Mr. Tesche, June 15, 1999.
and it passed without
objection,

- D. 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.
1. Assembly Memorandum No. AM 455-99.

Vice Chair Taylor opened the public hearing and asked if anyone wished to speak. There was no one, and she closed the public hearing.

Ms. Fairclough moved, to adopt AO 99-81.
seconded by Ms. Abney,

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

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

- E. 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.
1. Assembly Memorandum No. AM 495-99.

Vice Chair Taylor opened the public hearing and asked if anyone wished to speak. There was no one, and she closed the public hearing.

Mr. Kendall moved, to remand AO 99-83 to the Heritage Land
seconded by Ms. Fairclough, Bank Advisory Commission.

Executive Manager Elaine Christian explained new information about access to the parcel had been received since the Commission sent its recommendation to the Assembly. The administration is asking the Commission to revisit the issue.

Question was called on the motion to remand AO 99-83 to the Heritage Land Bank Advisory Commission and it passed:

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

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

- F. Resolution No. AR 99-112, a resolution **confirming and levying assessments for the water special improvements within Carroll Water Improvement District 425**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 421-99.

Vice Chair Taylor opened the public hearing and asked if anyone wished to speak. There was no one, and she closed the public hearing.

Mr. Sullivan moved, to approve AR 99-112.
seconded by Mr. Kendall,

Anchorage Water and Wastewater Utility Manager Mark Premo stated the resolution should be amended on line 30 by changing the date of August 31, 1999 to September 30, 1999 and on line 32 by changing August 1, 1999 to September 1, 1999.

Mr. Sullivan moved, to amend AR 99-112 as indicated by Mr. Premo.
seconded by Mr. Kendall,
and it passed without
objection,

Question was called on the motion to approve AR 99-112 as amended and it passed:

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

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

- G. Resolution No. AR 99-113, a resolution **confirming and levying assessments for the water special improvements within Levy Upon Connection (LUC) Roll 99-W-1**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 422-99.

Vice Chair Taylor opened the public hearing and asked if anyone wished to speak. There was no one, and she closed the public hearing.

Mr. Kendall moved, to approve AR 99-113.
seconded by Ms. Fairclough,

Anchorage Water and Wastewater Utility Manager Mark Premo stated the resolution should be amended on line 30 by changing the date of August 31, 1999 to September 30, 1999 and on line 32 by changing August 1, 1999 to September 1, 1999.

Mr. Kendall moved, to amend AR 99-113 as indicated by Mr. Premo.
seconded by Ms. Fairclough,
and it passed without
objection,

Question was called on the motion to approve AR 99-113 as amended and it passed:

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

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

- H. Ordinance No. AO 99-75, an ordinance **creating Willene Lateral Sanitary Sewer Special Assessment District 218** and determining to proceed with the proposed improvements therein, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 417-99.

Vice Chair Taylor opened the public hearing and asked if anyone wished to speak. There was no one, and she closed the public hearing.

Mr. Kendall moved, to adopt AO 99-75.
seconded by Ms. Fairclough,

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

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

- I. Ordinance No. AO 99-76, an ordinance **creating Willene Public Water Special Assessment District 443** and determining to proceed with the proposed improvements therein, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 418-99.

Vice Chair Taylor opened the public hearing and asked if anyone wished to speak. There was no one, and she closed the public hearing.

Mr. Sullivan moved, to adopt AO 99-76.
seconded by Ms. Von Gemmingen,

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

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

- J. Ordinance No. AO 99-77, an ordinance **creating Freeman Lateral Sanitary Sewer Special Assessment District 205**, and determining to proceed with the proposed improvements therein, Water and Wastewater Utility.
1. Assembly Memorandum No. AM 446-99.

Vice Chair Taylor opened the public hearing and asked if anyone wished to speak. There was no one, and she closed the public hearing.

Mr. Sullivan moved, to adopt AO 99-77.
seconded by Ms. Von Gemmingen,

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

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

- K. 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.
1. Assembly Memorandum No. AM 477-99.

Vice Chair Taylor opened the public hearing and asked if anyone wished to speak.

WALTER PARKER, Livable Anchorage Task Force member, was pleased to see the amount of attention the Assembly gave transportation matters. Task force recommendations are geared toward ensuring transportation projects are truly improvements to the community. Fireweed Lane and Ocean Dock Road projects offer an opportunity to set the standard for projects during the next six years.

PEG TILESTON encouraged the Assembly to use the additional funds that became available to enhance all aspects of the transportation system. Such enhancements will have a positive effect on the entire community. These funds make it possible to make Fireweed Lane an enjoyable place to walk, bike and drive. She urged the TIP be amended to enhance existing roads in order to make Anchorage a safer, more livable place.

STU HALL, Government Hill Community Council President, reported the council supported improvements to Ocean Dock Road that included pedestrian facilities between the port and downtown. The council also supports the connection of Ship Creek coastal trail to a Government Hill spur.

JACK MOSEBY, Anchorage Livable Task Force member, recommended additional personnel be hired for trail planning and design. He also recommended implementation of trail and pedestrian facility goals and objectives in the comprehensive plan. He supported additions of \$2,000,000 to the Ocean Dock Road project so safe, separated pedestrian facilities could be built on both sides of the road; \$3,000,000 to connect Campbell Creek trail from Old Seward Highway to Tudor crossing; and \$4,000,000 for ADA improvements to sidewalks. He suggested the funds for these projects come from the delayed Raspberry Road and Seward Highway frontage road projects. Further, he recommended the 2000 TIP be increased by \$2,000,000 for Fireweed Lane and \$2,500,000 for A Street between 38th Avenue and Fireweed. A landscape architect or someone with similar skills should be added to design teams for TIP projects.

In response to Assembly members, Transportation Division Manager Lance Wilber indicated if unexpected funds became available, it was more likely they would be used for projects already on the TIP rather than for new projects. It is important the full amount of the appropriation be used otherwise the funds leave Anchorage.

TOM McGRATH spoke in support of pedestrian and landscape amenities for Fireweed Lane and A Street.

CHERYL RICHARDSON, Anchorage Livable Task Force, complained the comments of community councils were ignored by AMATS. The Urban Design Commission recommended the same projects as the Task Force and urged them to pursue landscaping and bicycle/pedestrian safety improvements. It is important that people who use non-motorized forms of transportation be represented in the AMATS and planning process. She asked the Assembly to send a message to the road builders that Anchorage wants full funding for bicycle and pedestrian amenities included in projects for new roads or rehabilitation of existing roads.

There was a lengthy discussion of how funding might be moved between identified and proposed TIP projects to accomplish the projects supported by Anchorage Livable Task Force.

BARBARA WEINIG noted money for TIP projects was frequently allocated in one year and used in later years. She opposed delaying Old Seward Highway improvements because the upgrade is sorely needed to address safety issues. She especially supported projects numbered 15, 18 and 24.

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

Mr. Kendall moved, to approve AR 99-133.
seconded by Ms. Clementson,

In response to Mr. Meyer, Mr. Wilber stated the plan was to improve Arctic first, then Old Seward and then C Street. Each project is linked with the others so the impact of removing one is extraordinary. It is very late in the process for such a dramatic change to occur and staff will work to deliver the Arctic project as scheduled. Anchorage went through an extensive process to determine that 15% of the funds for roads should be spent on enhancements. The projects suggested tonight are in the enhancement category and if constructed would exceed the 15% target amount set by policy makers. Many of the issues raised tonight can be dealt with in the design phase of projects and incorporated as safety items. However, adding sidewalks to Ocean Dock Road at this stage will require drainage work and delay construction for one to two years.

In response to Ms. Abney, Mr. Wilber stated efforts are made to coordinate construction of pedestrian amenities with utility work if federal funds can be used for the project.

Ms. Abney suggested a contingency fund be established so that pedestrian amenities can be constructed at the same time utilities are being installed or schools are being built.

Municipal Manager George Vakalis stated utilities routinely coordinate projects with other agencies in order to save money. However, those efforts are not always successful.

In reply to Mr. Tremaine, Mr. Wilber stated omitting the funds for construction of Arctic from the 1999 TIP would require the public process be revisited and the Assembly to consider the resulting changes.

Ms. Fairclough expressed particular concern about the upgrade to Ocean Dock Road. Having a viable transportation corridor for the distribution of freight arriving at the Port of Anchorage is paramount. Attracting pedestrians to a narrow right-of-way used by large trucks may not be wise.

Ms. Abney moved, to postpone AR 99-133 until June 15,
seconded by Ms. Fairclough, and hold a work session on the topic.
and it was withdrawn,

Mr. Kendall noted the projects were virtually the same as the Assembly discussed last year. He questioned the benefit of delaying action.

Ms. Clementson reviewed the Assembly's role in the AMATS process. She related her experiences when she visited the Port area as a pedestrian. The most important aspect of the project is to address the safety concerns related to train movement, truck traffic from the loading dock and fuel tanks. Those improvements should not be delayed in order to wait for design of pedestrian amenities. Nothing prohibits the Municipality from returning with a separate pedestrian project for Ocean Dock Road when new priorities are set for the next six years. Now is not the time to make major changes in the program.

Ms. Von Gemmingen spoke in support of the listed projects for Arctic, Fireweed Lane and Strawberry Road.

Ms. Abney moved, to postpone action to June 15, 1999 and
seconded by Ms. Clementson, have a work session in the interim.

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

(Clerk's Note: The work session was scheduled for June 15, 1999 at 2:30 p.m. in the Mayor's Conference Room.)

13. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS:

A. Assembly Memorandum No. AM 546-99, Board of Adjustment Appeal 98-177 - **Campbell Creek Residential Correctional Facility**, Municipal Clerk. **(addendum)**

Mr. Sullivan moved, to approve AM 546-99.
seconded by Ms. Abney,

In reply to Ms. Clementson, the Municipal Clerk indicated she understood the request was that the Planning Department prepare a comprehensive index showing every document in the record.

Ms. Clementson moved, to amend AM 546-99 by deleting reference to the
seconded by Ms. Fairclough, comprehensive index and allow a two week extension of filing
deadlines.

In reply to questions of Assembly members, Deputy Planning Director Don Alspach stated a table of contents was prepared for each appeal but an index had never been done. Creating such an index would be a manual process and may set a precedent adding more work to preparation of future appeal packets.

Question was called on the motion to amend AM 546-99 and it passed:

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

Ms. Abney asked for information on whether municipal computers had software that could create indexes for future appeal packets.

Question was called on the motion to approve AM 546-99 as amended and it passed:

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

14. SPECIAL ORDERS:

A. 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.

By unanimous consent, the Assembly changed postponement of AR 99-83 from September 7, 1999 to September 14, 1999 to accommodate the approved Assembly meeting schedule:

15. ASSEMBLY COMMENTS:

- A. Ms. Von Gemmingen invited members to attend the Do Dah Parade on June 19.
- B. Mr. Tesche announced amendments to the "park exclusion ordinance" would be discussed at the Public Safety Committee meeting on June 15.
- C. Mr. Kendall requested the administration respond to a news article which indicated the fire department would not respond to calls from "confined space contractors."

16. UNFINISHED AGENDA: None.

17. AUDIENCE PARTICIPATION: None.

18. EXECUTIVE SESSIONS: None.

19. ADJOURNMENT:

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

The meeting adjourned at 9:45 p.m.

Chairman

ATTEST:

Municipal Clerk

Date Minutes Approved: October 26, 1999

LF/lf

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