

MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of June 15, 1999

1. CALL TO ORDER:

The meeting was convened at 5:00 p.m. by Assembly 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 (5:03 p.m.), Fay Von Gemmingen, Pat Abney (5:03 p.m.)
Absent: George Wuerch (excused.)

3. PLEDGE OF ALLEGIANCE:

The pledge was led by Mr. Sullivan.

4. MINUTES OF PREVIOUS MEETING: None.

5. MAYOR'S REPORT:

Mayor Mystrom reported on the logistics program. He pointed out the administration has been working with the University of Alaska, Anchorage, and there was about \$125,000 in the 1999 budget to be matched with private funds for the first year of the three-year program. He said UAA has been working very hard to develop the curriculum, and there is tentative support from various private companies for the second and third years of the program. Mayor Mystrom also updated the Assembly on the program to mitigate fire danger on the hillside. Shredders will be available at two locations on the hillside next week for disposal of trees and brush. Citizens will only have to cut down trees and brush in the 30-foot defensible space around their homes, and arrangements have been made with the contractor to pick up the cut material. The shredded material will be made available if people desire, or it will be disposed of by the contractor. There will be a notification mailing to affected residents. Lastly, the Mayor reported a agreement has been reached with the Police union, for a five-year contract. The contract includes three years of wage freezes, two years of cost of living adjustments, and one year of a 457 Deferred Compensation contribution to equal the cost of living in that particular year.

6. ADDENDUM TO AGENDA:

Mr. Tremaine moved, to amend the agenda to include the addendum items.
seconded by Mr. Kendall,

Vice Chair Taylor read the addendum items.

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

7. CONSENT AGENDA:

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

A. BID AWARDS:

1. Assembly Memorandum No. AM 539-99, recommendation of award to Dimond Electric Company, Inc. for the **1999 Miscellaneous Construction Services-Signal and Lighting Improvements** for the Municipality of Anchorage, Department of Public Works (ITB 99-C017), Purchasing.
2. Assembly Memorandum No. AM 540-99, recommendation of award to Northern Mechanical for **1999 Sewer Improvements** for the Municipality of Anchorage, Water and Wastewater Utility (ITB 99-C018), Purchasing.
3. Assembly Memorandum No. AM 541-99, recommendation of award to DBS Enterprises for **Kincaid Bunker improvements** for the Municipality of Anchorage, Property and Facility Management (ITB 99-C019), Purchasing.
4. Assembly Memorandum No. AM 542-99, recommendation of award to City Electric, Inc. for **distribution line extension unit price construction contract** for the Municipality of Anchorage, Municipal Light and Power (ITB 99-C022), Purchasing.
5. Assembly Memorandum No. AM 556-99, recommendation of award to CompUSA and Alaska Computer Brokers for furnishing **personal computers, printers, warranty, and miscellaneous components** to the Municipality of Anchorage, Anchorage Water and Wastewater Utility (ITB 99-B053), Purchasing.
6. Assembly Memorandum No. AM 557-99, recommendation of award to Fike Brothers Building for the **Anchorage Water and Wastewater (AWWU) Operations Facility Phase II** for the Municipality of Anchorage, Water and Wastewater Utility (ITB 99-C020), Purchasing.

7. Assembly Memorandum No. AM 558-99, recommendation of award to CEF, Inc. dba Sonshine Enterprises for the **AWWU 1999 miscellaneous construction services** for the Municipality of Anchorage, Water and Wastewater Utility (ITB 99-C025), Purchasing.
8. Assembly Memorandum No. AM 559-99, recommendation of award to EASTWIND A Division of NORCON, Inc. for the **Eagle River Water Improvements - 1998** for the Municipality of Anchorage, Water and Wastewater Utility (ITB 99-C021), Purchasing.

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

9. Assembly Memorandum No. AM 560-99, recommendation of award to Rockford Corporation for the **Port of Anchorage Phase III - dock piping replacement** for the Municipality of Anchorage, Port of Anchorage (ITB 99-C014), Purchasing.
10. Assembly Memorandum No. AM 561-99, recommendation of award to Ebco General Contractors for the **Emergency Operations Center renovations** for the Municipality of Anchorage, Property and Facility Management (ITB 99-C023), Purchasing.
11. Assembly Memorandum No. AM 585-99, recommendation of award to Klebs Mechanical for the **Municipal Light and Power Dispatch Center Heating, Ventilating and Air Conditioning (HVAC) upgrade** for the Municipality of Anchorage, Municipal Light and Power (ML&P) (ITB 99-C032), Purchasing. **(addendum)**
12. Assembly Memorandum No. AM 598-99, recommendation of award to Construction Unlimited, Inc. for **Anchorage Loop Water Transmission Main - Phase V** for the Municipality of Anchorage, Water and Wastewater Utility (ITB 99-C030), Purchasing. **(addendum)**

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 99-90, an ordinance **continuing or reestablishing the Public Safety Advisory Commission**, Municipal Clerk. public hearing 7-13-99.
 - a. Assembly Memorandum No. AM 545-99.
2. Ordinance No. AO 99-91, an ordinance repealing Anchorage Municipal Code Chapter 16.60 and Anchorage Municipal Code of Regulations Chapter 16.60, "Food and Food Facilities", and re-enacting Anchorage Municipal Code Chapter 16.60, "**Anchorage Food Code**", regulating food care, food handling and processing procedures, sanitation, facility requirements, equipment, personnel, permit requirements, and compliance procedures. In addition, the Ordinance amends Anchorage Municipal Code Chapter 14.20, "Administrative Hearing Officer", relating to jurisdiction, Anchorage Municipal Code Chapter 14.60, "Fines", and Anchorage Municipal Code of Regulations Chapter 15.05, "Health & Human Services Fee Regulations", Health and Human Services. public hearing 7-13-99.
 - a. Assembly Memorandum No. AM 547-99.
 - b. Information Memorandum No. AIM 49-99.
3. Ordinance No. AO 99-92, an ordinance of the Municipality of Anchorage **creating Alley Paving Special Assessment District 2P99 - Spenard Road Alley from West Twenty-Fifth Avenue to Fireweed Lane** and determining to proceed with proposed improvements therein, Public Works. public hearing 7-13-99.
 - a. Assembly Memorandum No. AM 562-99.

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

4. Ordinance No. AO 99-93, an ordinance of the Municipality of Anchorage **creating Alley Paving Special Assessment District 3P99 - 'I' Street/'K' Street Alley from West Fifteenth Avenue to West Sixteenth Avenue** and determining to proceed with proposed improvements therein, Public Works. public hearing 7-13-99.
 - a. Assembly Memorandum No. AM 563-99.

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

5. Ordinance No. AO 99-94, an ordinance **authorizing the disposal of 2,595 square feet from Lots 9 and 10, Ridge View Subdivision, in Anchorage**, to the State of Alaska, Department of Transportation and Public Facilities for right of way on the Old Seward Highway, Heritage Land Bank/Real Estate Services. public hearing 7-13-99.
 - a. Assembly Memorandum No. AM 564-99.
6. Ordinance No. AO 99-95, an ordinance amending Anchorage Municipal Code of Regulations Chapter 25.60 to **establish a minimum marker fee at time of burial, authorizing installation of double markers, and exempting infant caskets from vault requirements**, Public Works. public hearing 7-13-99.
 - a. Assembly Memorandum No. AM 565-99.

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

7. Resolution No. AR 99-150, a resolution **confirming and levying assessments for water improvements for Schroeder East Water Special Assessment District (WID) 329**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility. public hearing 7-13-99.
 - a. Assembly Memorandum No. AM 543-99.
8. Resolution No. AR 99-156, a resolution of the Municipality of Anchorage accepting and appropriating a State of Alaska grant per Senate Bill 32 in the amount of \$1,150,000 to the Port of

Anchorage Capital Fund (571) for the **Knik Arm shoal dredging project**, Port of Anchorage. public hearing 7-13-99.

- a. Assembly Memorandum No. AM 566-99.

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

9. Resolution No. AR 99-157, a resolution of the Anchorage Municipal Assembly accepting and appropriating the sum of \$2,400,000 from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) to the Anchorage Metropolitan Police Service Area Capital Improvement Program Fund (451) for costs related to **implementation of a mobile data technology in-car computer system**, Anchorage Police Department. public hearing 7-13-99.
 - a. Assembly Memorandum No. AM 567-99.
10. Resolution No. AR 99-158, a resolution of the Municipality of Anchorage appropriating \$1,000,000 from the Anchorage Metropolitan Police Service Area Operating Fund (151) to the Anchorage Metropolitan Police Service Area Capital Improvement Program (451) for **costs associated with implementation of mobile data technology in the Anchorage Police Department**, Anchorage Police Department. public hearing 7-13-99.
 - a. Assembly Memorandum No. AM 568-99.
11. Resolution No. AR 99-159, a resolution authorizing the Municipality of Anchorage, Community Planning and Development Department to enter into a memorandum of agreement in the amount of \$181,940 with the State of Alaska, Department of Transportation and Public Facilities, and accepting and appropriating \$10,000 from the Alaska Railroad Corporation as a match for **financing the Ship Creek Multi-Categorical Grants Fund (231)**, Community Planning and Development. public hearing 7-13-99.
 - a. Assembly Memorandum No. AM 569-99.
12. Resolution No. AR 99-160, a resolution **appropriating the Annual FFY99 Entitlement Grants** from the U.S. Department of Housing and Urban Development in the amount of \$2,268,000 for the Community Development Block Grant (CDBG) \$965,000 for Home Investment Partnership (HOME) Program, and \$80,000 for Emergency Shelter Grants (ESG), and appropriating said funds, together with \$121,967 in Program Income to the Federal Categorical Grants Fund (241) and \$620,000 in future year Community Development Block Grant (CDBG) Funds, to eligible activities, Community Planning and Development.
 - a. Assembly Memorandum No. AM 570-99.

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

13. Ordinance No. AO 99-96, an ordinance amending AO 94-241(S) and amending the zoning map for the rezoning from PLI (Public Lands and Institutions District) with Special Limitations to PLI (Public Lands and Institutions District) with Special Limitations for **Moose Meadows Subdivision, Tract B**, generally located to the east of the New Seward Highway and north of Huffman Road (Huffman O'Malley Community Council) (Planning and Zoning Commission Case 99-083), Assemblymember Sullivan. public hearing 7-20-99. (**addendum**)
 - a. Assembly Memorandum No. AM 592-99.

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

14. Resolution No. AR 99-165, a resolution **appropriating the Annual FFY99 Entitlement Grants** from the U.S. Department of Housing and Urban Development in the amount of \$2,268,000 for the Community Development Block Grant (CDBG) \$965,000 for Home Investment Partnership (HOME) Program, and \$80,000 for Emergency Shelter Grants (ESG), to the Federal Categorical Grants Fund (241), Community Planning and Development. public hearing 7-13-99. (**addendum**)
 - a. Assembly Memorandum No. AM 594-99.
15. Ordinance No. AO 99-97, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 15.70.060 B.3.b. regarding the **permitted sound levels for construction tools and equipment used at or within residential real property boundary or within a noise-sensitive zones**, Assembly Vice Chair Taylor. public hearing 7-13-99. (**addendum**)
 - a. Assembly Memorandum No. AM 595-99.
16. Ordinance No. AO 99-98, an ordinance providing for the rezoning from R-0 (Residential Office District) to B-2C (Central Business District, Periphery), for the **North 1/2 of Blocks 23 and 24, Anchorage Original Townsite**, generally located on the south side of East 3rd Avenue between Cordova and Eagle Streets containing 2.2 acres more or less (Fairview Community Council) (Planning and Zoning Commission Case 99-107), Assemblymember Tesche. public hearing 7-20-99 (**addendum**)

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

17. Ordinance No. AO 99-99, an ordinance amending Assembly Ordinance 93-183(S-1)(aa) adopted January 11, 1994 and amended June 7, 1994, which provided for the rezoning from PC (Planned Community District) to PC (Planned Community District), for portions of **Sections 7 and 18, T13N, R3W, S.M. and Section 13, T13N, R4W, S.M.**; as depicted in Exhibit A, generally located in the Lower Ship Creek Valley between the railroad yards and Downtown Anchorage containing 127 acres more or less (Downtown Community Council) (Planning and Zoning Commission Case 99-114), Assemblymember Tesche. public hearing 7-20-99. (**addendum**)

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

18. Ordinance No. AO 99-100, an ordinance of the Anchorage Municipal Assembly **authorizing the consent to the assignment of the lease of Lot 7B, Port of Anchorage Subdivision**, totaling 380,559 square feet, from Equilon Enterprises LLC to Tesoro Alaska Company, Port of Anchorage. public hearing 7-20-99. (**addendum**)
 - a. Assembly Memorandum No. AM 597-99.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 99-151, a resolution of the Anchorage Municipal Assembly **commending V. Kay Lahdenpera for her dedication and service to the people of Anchorage**, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

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

2. Resolution No. AR 99-152, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Elizabeth "Betsy" Kanago for her 11 years of service** with the Municipality of Anchorage, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

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

3. Resolution No. AR 99-153, a resolution of the Municipality of Anchorage appropriating \$36,241 to the State Categorical Grants Fund (0231) from the Alaska Department of Health and Social Services for the **provision of Women, Infants & Children nutrition services**, Health and Human Services.
 - a. Assembly Memorandum No. AM 544-99.
4. Resolution No. AR 99-155, a resolution of the Municipality of Anchorage appropriating \$4,300 of Prior Year Encumbrance Reserves and \$10,000 of Fund Balance from the Ravenwoods/ Bubbling Brook Limited Road Service Area Fund (116) to the Department of Public Works 1999 General Operating Budget for **summer maintenance projects**, Public Works.
 - a. Assembly Memorandum No. AM 548-99.
5. Resolution No. AR 99-161, a resolution of the Municipality of Anchorage appropriating \$37,739 to the State Categorical Grants Fund (231) from the Alaska Department of Health and Social Services to **fund Community Health Nursing Services**, Health and Human Services.
 - a. Assembly Memorandum No. AM 571-99.

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 549-99, **re-appointment to the Executive Staff** (Timothy G. Middleton - Administrative Hearing Officer), Mayor Mystrom.

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

2. Assembly Memorandum No. AM 572-99, **Investment Advisory Commission appointments** (Sophie Minisch, Per Bjorn-Roli), Mayor's Office.
3. Assembly Memorandum No. AM 573-99, **Mt. View Community Recreation Center Advisory Commission appointments** (James Allen, Niki Burrow, Richard Benavides, Roberta Brooks, John Beyers, Dee Dee Payne, Tim Sullivan), Mayor's Office.

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

4. Assembly Memorandum No. AM 574-99, **Police and Fire Retirement Board reappointments** (Elaine Christian, Tom Tierney), Mayor's Office.
5. Assembly Memorandum No. AM 575-99, **Police and Fire Retirement Board reappointment** (John Gentile), Mayor's Office.
6. Assembly Memorandum No. AM 576-99, **Chugiak-Eagle River Parks and Recreation Board of Supervisors appointment** (James Gorski), Mayor's Office.
7. Assembly Memorandum No. AM 553-99, **Harry's Restaurant** - Transfer of Ownership of a Beverage Dispensary Liquor License and Restaurant Designation (Fairview/Spenard Community Councils), Clerk's Office.
8. Assembly Memorandum No. AM 554-99, **Residence Inn by Marriott** - New Restaurant/Eating Place Liquor License and Restaurant Designation Permit (Rogers Park, Tudor, and Spenard Community Councils), Clerk's Office.
9. Assembly Memorandum No. AM 555-99, **Williams Express** - Transfer of Ownership of Package Store Liquor Licenses #129, #663, #1317, #1991 (NO PREMISES), Clerk's Office.

Mr. Tremaine requested this item be considered on the Regular Agenda. See item 8.E.

10. Assembly Memorandum No. AM 550-99, amendment No. 2 to professional services agreement with Resource Data Inc. for providing software, equipment, and professional services for a **Maintenance Management System Project**, Water and Wastewater Utility.
11. Assembly Memorandum No. AM 551-99, contract change order No. 1 to Summit Paving and Construction, Inc. for the **5th Avenue and H Street emergency pavement repair** (Contract No. C-996134), Water and Wastewater Utility.

12. Assembly Memorandum No. AM 552-99, proprietary purchase of **computer hardware and software maintenance** from Digital Equipment Corporation (DEC) for the Municipality of Anchorage, Municipal Light and Power/Purchasing.
13. Assembly Memorandum No. AM 577-99, proprietary approval for **purchase of WEMCO grit pump replacement parts** from APSCO, Inc. for the Municipality of Anchorage, Anchorage Water and Wastewater Utility/Purchasing.
14. Assembly Memorandum No. AM 578-99, proprietary purchase of **duplex emergency valve actuators** from Alaska Pump & Supply for the Municipality of Anchorage, Anchorage Water and Wastewater Utility/Purchasing.
15. Assembly Memorandum No. AM 579-99, contract amendment Number One (1) to the **East 68th Avenue Utility Relocation Agreement with ATU Communication, Inc.**, DPW No. 93-14, Public Works.

Mr. Tremaine requested this item be considered on the Regular Agenda. See item 8.E.

16. Assembly Memorandum No. AM 580-99, proprietary purchase of a **promotional process system** from Justex Systems, inc. for the Municipality of Anchorage, Police Department/Purchasing.
17. Assembly Memorandum No. AM 581-99, proprietary purchase of **computer software maintenance/support** from Compuware Corporation for the Municipality of Anchorage, Management Information Systems Department/Purchasing.

Mr. Tremaine requested this item be considered on the Regular Agenda. See item 8.E.

18. Assembly Memorandum No. AM 582-99, change order No. 1 to purchase order 99MIS392 with Unisys Corporation for providing Miscellaneous Cisco Systems **routers, switches, hubs, and related hardware and software** to the Municipality of Anchorage, Management Information Systems Department/ Purchasing.

Mr. Tremaine requested this item be considered on the Regular Agenda. See item 8.E.

19. Assembly Memorandum No. AM 583-99, recommendation of award to ROMAC International, Inc. for **providing personnel in support of the PeopleSoft Public Sector Financial and Human Resources System** for the Municipality of Anchorage, Management Information Systems Department (RFP 99-P006), Purchasing.
20. Assembly Memorandum No. AM 584-99, recommendation of award to various carriers for providing **excess liability, fine arts, and property insurance** to the Municipality of Anchorage, Finance Department/Purchasing.
21. Assembly Memorandum No. AM 586-99, proprietary approval for purchase of **Neptune cold water meters & supplies** from Yukon Equipment, Inc. for the Municipality of Anchorage, Anchorage Water and Wastewater Utility/Purchasing. (**addendum**)
22. Assembly Memorandum No. AM 587-99, change order No. 1 to purchase order 81861 to Shephard Brothers, Inc. for furnishing **extended passenger vans** to the Municipality of Anchorage, Public Transportation Department/Purchasing. (**addendum**)
23. Assembly Memorandum No. AM 588-99, sole source contract with Associated Pool Builders, Inc. for **Bartlett High School pool painting** for the Municipality of Anchorage, Department of Property and Facility Management/Purchasing. (**addendum**)
24. Assembly Memorandum No. AM 591-99, **Jass Alley** - Transfer of Ownership of a Restaurant/Eating Place Liquor License and Restaurant Designation (Downtown/South Addition/Government Hill Community Councils), Clerk's Office. (**addendum**)

(Clerk's Note: This item was reconsidered later in the meeting, and action was postponed until July 13, 1999.)

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 48-99, **Annual Report of the Prefunding Investment Board**, Executive Manager's Office.
2. Information Memorandum No. AIM 50-99, **1998 Comprehensive Annual Financial Report**, Finance.
3. Information Memorandum No. AIM 51-99, **Executive Appointment Report** for the period of January 1999 to March 1999 (David J. Frenier, Program & Policy Director-DPW; Howard C. Holtan, Municipal Engineer-DPW; Michael S. Byington, Special Admin. Assistant II-Airport; Beverly J. Shroyer, Utility Division Manager I-AWWU; Stacey L. Sargent, General Services Manager-DHHS; Barbara A. Jones, Municipal Attorney I-Equal Rights; Tracy G. Dunn, Municipal Attorney I-Law; Richard B. Roberts, Municipal Attorney I-Law; Midori G. Shaw, Municipal Attorney I-Law; William Sherman Ernouf, Public Information Officer-Mayor; Tina M. Dickson, Special Admin. Assistant II-ML&P; Linda A. Jackson, Special Admin. Assistant I-Mayor), Employee Relations Department.

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

4. Information Memorandum No. AIM 52-99, **Sole Source Procurement Report** for the months of March, April and May 1999, Purchasing.
5. Information Memorandum No. AIM 53-99, **contracts awarded between \$30,000 and \$100,000 through formal competitive processes** for the month of May 1999, Purchasing.

6. Information Memorandum No. AIM 54-99, **waiver for formal procedures for sub-grade work at the Anchorage Football Stadium** for the Municipality of Anchorage, Department of Cultural and Recreational Services (ITB 99-C034), Purchasing.

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

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, Meyer, Fairclough, Tremaine, Von Gemmingen, Abney.
NAYS: None.

Mayor Mystrom congratulated the newly appointed board and commission members.

8. REGULAR AGENDA:

A. TIME CRITICAL ITEMS: None.

B. BID AWARDS:

1. Assembly Memorandum No. AM 559-99, recommendation of award to EASTWIND, a division of NORCON, Inc. for the **Eagle River Water Improvements - 1998** for the Municipality of Anchorage, Water and Wastewater Utility (ITB 99-C021), Purchasing.

Ms. Fairclough moved, to approve AM 559-99.
seconded by Ms. Clementson,

Ms. Fairclough noted the proposed contract amount was about \$1.2 million less than the Municipal engineer's estimate. She announced that she expected all contractors to complete their jobs on schedule and for the price bid. If there are exceptions, she expected detailed justification.

Question was called on the motion to approve AM 559-99 and it passed without objection.

C. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 99-92, an ordinance of the Municipality of Anchorage **creating Alley Paving Special Assessment District 2P99 - Spenard Road Alley from West Twenty-Fifth Avenue to Fireweed Lane** and determining to proceed with proposed improvements therein, Public Works. public hearing 7-13-99.
a. Assembly Memorandum No. AM 562-99.

Municipal Manager George Vakalis announced a change to the ordinance. On line 24, the text should read: "...Tract A and Lots B1, 11 and 12 of the Hillstrand..."

Mr. Tesche moved, to amend AO 99-92 as indicated by Mr. Vakalis.
seconded by Mr. Sullivan,
and it passed without
objection,

Ms. Abney, Ms. Clementson and Ms. Von Gemmingen joined in introducing this ordinance. The public hearing was scheduled for July 13, 1999.

2. Ordinance No. AO 99-93, an ordinance of the Municipality of Anchorage **creating Alley Paving Special Assessment District 3P99 - 'I' Street/'K' Street Alley from West Fifteenth Avenue to West Sixteenth Avenue** and determining to proceed with proposed improvements therein, Public Works. public hearing 7-13-99.
a. Assembly Memorandum No. AM 563-99.

Ms. Abney, Ms. Von Gemmingen and Mr. Kendall joined in introducing this ordinance. The public hearing was scheduled for July 13, 1999.

Ms. Abney moved, to amend AO 99-93 on line 24 to read: "...43B of the Martin
seconded by Ms. Clementson, and Welch Subdivision..."
and it passed without
objection,

Ms. Clementson suggested the Assembly and administration schedule a worksession to discuss the differences between various types of assessment districts.

3. Ordinance No. AO 99-95, an ordinance amending Anchorage Municipal Code of Regulations Chapter 25.60 to **establish a minimum marker fee at time of burial, authorizing installation of double markers, and exempting infant caskets from vault requirements**, Public Works. public hearing 7-13-99.
a. Assembly Memorandum No. AM 565-99.

Ms. Fairclough, Mr. Tremaine and Mr. Kendall joined in introducing this ordinance. The public hearing was scheduled for July 13, 1999.

Ms. Fairclough moved,
seconded by Mr. Tremaine,
and it passed without
objection,

to amend AO 99-95 on page 3, line 38 to correct a
typographical error, to read: “Chairs (Additional Nest...”

4. Resolution No. AR 99-156, a resolution of the Municipality of Anchorage accepting and appropriating a State of Alaska grant per Senate Bill 32 in the amount of \$1,150,000 to the Port of Anchorage Capital Fund (571) for the **Knik Arm shoal dredging project**, Port of Anchorage. public hearing 7-13-99.
 - a. Assembly Memorandum No. AM 566-99.

Ms. Fairclough, Mr. Kendall and Mr. Meyer joined in introducing this ordinance. The public hearing was scheduled for July 13, 1999.

5. Resolution No. AR 99-160, a resolution **appropriating the Annual FFY99 Entitlement Grants** from the U.S. Department of Housing and Urban Development in the amount of \$2,268,000 for the Community Development Block Grant (CDBG) \$965,000 for Home Investment Partnership (HOME) Program, and \$80,000 for Emergency Shelter Grants (ESG), and appropriating said funds, together with \$121,967 in Program Income to the Federal Categorical Grants Fund (241) and \$620,000 in future year Community Development Block Grant (CDBG) Funds, to eligible activities, Community Planning and Development. public hearing 7-13-99. **(NOTSUBMITTED)**
 - a. Assembly Memorandum No. AM 570-99.

Municipal Manager George Vakalis requested this item be postponed indefinitely. He pointed out another agenda item, AR 99-165, was the correct legislation for this topic.

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

to postpone action on AR 99-160 indefinitely.

6. Ordinance No. AO 99-96, an ordinance amending AO 94-241(S) and amending the zoning map for the rezoning from PLI (Public Lands and Institutions District) with Special Limitations to PLI (Public Lands and Institutions District) with Special Limitations for **Moose Meadows Subdivision, Tract B**, generally located to the east of the New Seward Highway and north of Huffman Road (Huffman O'Malley Community Council) (Planning and Zoning Commission Case 99-083), Assemblymember Sullivan. public hearing 7-20-99. **(addendum)**
 - a. Assembly Memorandum No. AM 592-99.

Mr. Sullivan, Ms. Clementson and Mr. Kendall joined in introducing this ordinance. The public hearing was scheduled for July 20, 1999.

In response to Mr. Sullivan, Don Alspach of Community Planning and Development said the staff reports would be prepared by the time of the public hearing.

7. Ordinance No. AO 99-98, an ordinance providing for the rezoning from R-0 (Residential Office District) to B-2C (Central Business District, Periphery), for the **North 1/2 of Blocks 23 and 24, Anchorage Original Townsite**, generally located on the south side of East 3rd Avenue between Cordova and Eagle Streets containing 2.2 acres more or less (Fairview Community Council) (Planning and Zoning Commission Case 99-107), Assemblymember Tesche. public hearing 7-20-99 **(addendum)**

Mr. Tesche, Mr. Meyer and Ms. Clementson joined in introducing this ordinance. The public hearing was scheduled for July 20, 1999.

8. Ordinance No. AO 99-99, an ordinance amending Assembly Ordinance 93-183(S-1)(aa) adopted January 11, 1994 and amended June 7, 1994, which provided for the rezoning from PC (Planned Community District) to PC (Planned Community District), for portions of **Sections 7 and 18, T13N, R3W, S.M. and Section 13, T13N, R4W, S.M.**; as depicted in Exhibit A, generally located in the Lower Ship Creek Valley between the railroad yards and Downtown Anchorage containing 127 acres more or less (Downtown Community Council) (Planning and Zoning Commission Case 99-114), Assemblymember Tesche. public hearing 7-20-99. **(addendum)**

Mr. Tesche, Mr. Meyer and Ms. Fairclough joined in introducing this ordinance. The public hearing was scheduled for July 20, 1999.

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 99-151, a resolution of the Anchorage Municipal Assembly **commending V. Kay Lahdenpera for her dedication and service to the people of Anchorage**, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

Ms. Abney moved, to approve AR 99-151.
seconded by Ms. Fairclough,
and it passed without
objection,

Ms. Fairclough read the resolution, while Ms. Abney presented it to Ms. Lahdenpera.

Ms. Lahdenpera thanked the Assembly. She said it has been a pleasure and honor to work for the Municipality.

2. Resolution No. AR 99-152, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Elizabeth "Betsy" Kanago for her 11 years of service** with the Municipality of Anchorage, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

Ms. Clementson moved, to approve AR 99-152.
seconded by Mr. Kendall,
and it passed without
objection,

Ms. Von Gemmingen read the resolution, while Ms. Clementson presented it to Ms. Kanago.

Ms. Kanago thanked the Assembly. She said her years working for the Municipality have been varied, which is why she has stayed so long. She especially thanked the Mayor for his choices on board and commission appointments. She felt the members of the various boards were outstanding; she would miss involvement with these dedicated community activists.

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 549-99, **re-appointment to the Executive Staff** (Timothy G. Middleton - Administrative Hearing Officer), Mayor Mystrom.

Mr. Tesche moved, to approve AM 549-99.
seconded by Mr. Sullivan,

Mr. Tesche commented on Mr. Middleton's outstanding qualifications. He commended the Mayor for this appointment.

Mr. Meyer echoed Mr. Tesche's sentiment.

Question was called on the motion to approve AM 549-99 and it passed without objection.

2. Assembly Memorandum No. AM 573-99, **Mt. View Community Recreation Center Advisory Commission appointments** (James Allen, Niki Burrow, Richard Benavides, Roberta Brooks, John Beyers, Dee Dee Payne, Tim Sullivan), Mayor's Office.

Mr. Kendall moved, to approve AM 573-99.
seconded by Ms. Abney,

Mr. Tesche requested more information on appointees to this Commission.

Ms. Clementson moved, to postpone action on AM 573-99 until July 13, 1999 pending
seconded by Ms. Abney, more information on the appointees.
and it passed without
objection,

3. Assembly Memorandum No. AM 555-99, **Williams Express** - Transfer of Ownership of Package Store Liquor Licenses #129, #663, #1317, #1991 (NO PREMISES), Clerk's Office.

Mr. Tremaine moved, to approve AM 555-99.
seconded by Mr. Meyer,

Mr. Tremaine requested clarification on the addresses of two establishments that two of the licenses were being transferred from to Williams.

In response, Deputy Clerk Vickie Cantrell said she confirmed with the State Alcoholic Beverage Control Board that the address for the Bird House Liquor license at mile 27, Seward Highway, has been the address of record for many years. However, after consulting an area taxicab map, that location appears to be mile 101, the same address as the license for B J Liquor Store.

In response to Mr. Tremaine, Ms. Clementson read an excerpt from the June 8, 1999 Assembly meeting. At that meeting, she asked Williams representative Dan Coffey if any more liquor stores would be added to Williams' stores. Mr. Coffey responded he was not sure if more would be added, and there were no other applications pending. Ms. Clementson pointed out on June 8 when Mr. Coffey made that statement, the proposed application was pending, and there were transfers to Williams for four other licenses. She wondered what a gas station would do with four licenses if they did not intend to operate them. She pointed out licenses must be operated at least 30 days out of the year to remain active. She felt the owner should freely disclose to the Assembly exactly what plans are for the licenses.

In response to Mr. Sullivan, Mike Saxer, regional sales manager for Williams Express, addressed the Assembly. He explained the possibility of Williams entering into the adult beverage business in Alaska has been discussed for some years. A few years ago, his predecessor made the decision to purchase licenses when they became available, to have in case they decide to pursue alcohol sales. He pointed out since there is a limit on the number of licenses, they must be purchased when they become available through sales or transfers. Mr. Saxer said about a year ago, Williams built four prototype convenience centers in Anchorage. They are continuing to experiment with various services in those centers, such as postal service and food service. Because these centers have sufficient space, it was thought they would be the appropriate place to install adult beverage stores, if they decide to pursue that venture. That is why four licenses were purchased. He said it is true that at this time, the company is only considering alcohol sales at store #2, at Old Seward and O'Malley. They are in the process of obtaining a conditional use permit for that location. No firm decisions have been made on where, or if, the other three liquor licenses will be located.

In response to Mr. Kendall, Dan Coffey clarified his statements on this issue last week. When he said there were no other applications pending, he was referring to conditional use permits.

In response to Ms. Clementson, Mr. Saxer said he was not aware that a license must be operated for 30 days every calendar year in order to remain active.

Mr. Coffey clarified State law says a license must be operated for 30 eight-hour days every year. If the license is not operated for that time period, a waiver may be requested from the State Alcoholic Beverage Control Board. There is a fee for that waiver. In the first year, the fee is equal to the license. In subsequent years, the fee doubles each year. If the license has not been operated by the fourth year, it is unlikely to receive a waiver.

Ms. Clementson disclosed she had a discussion yesterday with Williams officials, including Mr. Saxer. During that discussion, she asked Mr. Saxer to explain Williams' intent to sell single container beverages.

Mr. Saxer confirmed he told Ms. Clementson Williams was not intending to sell single serving beverages. However, after researching the competition such as Carrs and Oaken Keg, who sell single servings of beer and cocktails, it does not seem unreasonable for Williams to consider the same strategy. He stressed those sales would be a small part of overall sales. He apologized for any miscommunications, and pointed out there has been a staff transition. He said Williams has a good relationship with Anchorage and every other community it is in, and he did not want to damage that relationship. He offered to speak with Assembly members on any issue that may concern their constituents.

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

to amend AM 555-99 on page 2 to read: "...protest the
transfer on liquor license number 663 and 1317 pending
payment of taxes and approve the transfer..."

In response to Mr. Tesche, Mr. Saxer said all Williams stores sell gasoline. He said he would be willing to accept a condition on this license that no hard liquor would be sold, only if Williams retained the ability to readdress the issue in the future, and the proposed condition did not permanently change the nature of the license. Regarding sales of single serving beverages, he said Williams has a history of responsible operation and he is comfortable with the way the company has handled these sales in the past.

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

to postpone action on AM 555-99 until later in the meeting.

(Clerk's Note: This item was postponed until July 13, 1999 by a motion passed later in the meeting.)

4.
- Assembly Memorandum No. AM 579-99, contract amendment Number One (1) to the **East 68th Avenue Utility Relocation Agreement with ATU Communication, Inc.**, DPW No. 93-14, Public Works.

Mr. Tremaine moved,
seconded by Mr. Meyer,

to approve AM 579-99.

Mr. Tremaine said this was one of several contract amendments that are fairly large in proportion to the original bid. He was concerned there was no documentation or explanation for the increase. He was concerned about the possible practice of contractors bidding low and then getting multiple increases on change orders, although he said he did not know if this was the case on this contract.

Question was called on the motion to approve AM 579-99 and it passed without objection.

5.
- Assembly Memorandum No. AM 581-99, proprietary purchase of **computer software maintenance/support** from Compuware Corporation for the Municipality of Anchorage, Management Information Systems Department/Purchasing.

Mr. Tremaine moved,
seconded by Mr. Meyer,

to approve AM 581-99.

Mr. Tremaine reiterated his remarks from the preceding item. He said in the future, he would expect documented explanations of increases and change orders. He would not expect large change orders unless adequate justification is provided.

Question was called on the motion to approve AM 581-99 and it passed without objection.

6. Assembly Memorandum No. AM 582-99, change order No. 1 to purchase order 99MIS392 with Unisys Corporation for providing Miscellaneous Cisco Systems **routers, switches, hubs, and related hardware and software** to the Municipality of Anchorage, Management Information Systems Department/ Purchasing.

Mr. Tremaine moved, to approve AM 582-99.
seconded by Mr. Meyer,

Mr. Tremaine reiterated his remarks from the preceding two items.

Question was called on the motion to approve AM 582-99 and it passed without objection.

F. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 51-99, Executive Appointment Report for the period of January 1999 to March 1999 (David J. Frenier, Program & Policy Director-DPW; Howard C. Holtan, Municipal Engineer-DPW; Michael S. Byington, Special Admin. Assistant II-Airport; Beverly J. Shroyer, Utility Division Manager I-AWWU; Stacey L. Sargent, General Services Manager-DHHS; Barbara A. Jones, Municipal Attorney I-Equal Rights; Tracy G. Dunn, Municipal Attorney I-Law; Richard B. Roberts, Municipal Attorney I-Law; Midori G. Shaw; Municipal Attorney I-Law; William Sherman Ernouf, Public Information Officer-Mayor; Tina M. Dickson, Special Admin. Assistant II-ML&P; Linda A. Jackson, Special Admin. Assistant I-Mayor), Employee Relations Department.

Mr. Tremaine moved, to accept AIM 51-99.
seconded by Mr. Meyer,

Ms. Fairclough said after reading this document, she determined the women appointees receive less pay than the men.

Municipal Attorney Mary Hughes spoke to the appointee for her office. She explained the differences in the duties of the various appointees. She said the amount of experience also is a factor in salary. She assured the Assembly her department staff makes decisions on merit alone.

In response to Mr. Meyer, Employee Relations Director Tom Tierney explained in the Municipal Code, there are a certain number of job titles within executive classification. He said as a result of many things, including reorganization or special projects, a position will be created that does not fit into the pre-established job titles. The Special Administrative Assistant classification is generic, to provide flexibility to hire a specialized employee without amending the Code. Therefore, someone in a Special Administrative Assistant position could be someone with specialized technical expertise and earn more than a manager position.

Ms. Fairclough commended the Employee Relations Department staff for answering her questions on this item yesterday. They were very helpful in explaining the complexities of the classification system.

Question was called on the motion to accept AIM 51-99 and it passed without objection.

2. Information Memorandum No. AIM 54-99, waiver for formal procedures for sub-grade work at the Anchorage Football Stadium for the Municipality of Anchorage, Department of Cultural and Recreational Services (ITB 99-C034), Purchasing.

Mr. Meyer moved, to accept AIM 54-99.
seconded by Mr. Kendall,

In response to Mr. Meyer, Purchasing Officer Ted Chenier explained this item. He pointed out the formal procedures were waived when the bid was opened after four days rather than the minimum 14-day waiting period. He said notification to appropriate companies about the bid was made by telephone. He recalled between six and eight companies were contacted.

In response to Mr. Meyer, Mayor Mystrom said the need for haste on this contract was so the football stadium could be completed prior to football season. The funding for this item was a bond issue approved at the April 1999 election. He said the turf at the stadium was about 14 years old and quite dangerous; replacing the surface was a safety issue. Immediately after the bond was approved, it was determined the fastest projections under normal procedures put construction in the middle of the football season. It was felt the safety issue was significant enough to warrant completing construction prior to the next football season.

In response to Mr. Meyer, Mr. Chenier said waiver from normal procedures occurs about 10 times per year, normally in late fall regarding paving issues.

Mr. Meyer noted Summit Paving, the winning bidder, was almost 20 percent below the next lowest bidder. He was concerned change orders may be forthcoming.

Mr. Chenier said Summit was contacted and asked to review their estimates again. They provided, in writing, verification that they were comfortable the bid was realistic.

Question was called on the motion to accept AIM 54-99 and it passed without objection.

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

Ms. Clementson moved, to change the orders of the day to consider item 12, New
seconded by Mr. Tremaine, Public Hearings.
and it passed without
objection,

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.

1. Assembly Memorandum No. AM 521-99.

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. Clementson moved, to approve AR 99-144.
seconded by Ms. Fairclough,

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

NAYS: None.

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.

1. Assembly Memorandum No. AM 522-99.

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. Clementson moved, to approve AR 99-145.
seconded by Mr. Meyer,

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

NAYS: None.

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.

1. Assembly Memorandum No. AM 523-99.

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. Clementson moved, to approve AR 99-146.
seconded by Ms. Fairclough,

In response to Mr. Tremaine, Chief Fiscal Officer Soren Orley explained the final accounting is still being processed. He expected a final amount to be known at the end of June. Right now, he expected the approximate amount of the corpus to be \$116 million. The proposed appropriation would provide services for about seven months; the financial services will likely cost about \$500,000 per year, depending on the size of the fund. As the fund grows, the fees will be higher.

Question was called on the motion to approve AR 99-146 and it passed:

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

NAYS: None.

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.

1. Assembly Memorandum No. AM 524-99.

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 99-147.
seconded by Ms. Clementson,

Mr. Kendall requested the administration provide him with a list of the approved grant request, with a comparison to the funding which was actually approved by the Legislature.

Question was called on the motion to approve AR 99-147 and it passed:

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

NAYS: None.

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

- A. **NOTICE OF RECONSIDERATION:** 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.
(FAILED 6-8-99; RECONSIDERATION WAS ENTERED ON THE MINUTES 6-8-99)

Vice Chair Taylor gave the history of the resolution and noted the question of whether to reconsider action was before the body.

Ms. Clementson distributed a partial verbatim transcript of the June 8, 1999 Assembly meeting (attached as Exhibit A). At that meeting, she asked Williams representative Dan Coffey if any more liquor stores would be added to Williams' stores. Mr. Coffey responded he was not sure if more would be added, and there were no other applications pending. Ms. Clementson felt even if there was a misunderstanding and Mr. Coffey was referring to a conditional use permit, he knew about the four license transfers and should have told the Assembly about those licenses. She pointed out the question of reconsideration was a courtesy to the applicant because Mr. Wuerch was absent. She felt the Assembly was under no obligation, and should not set a policy of extending courtesies to parties who are not completely honest with the Assembly.

Mr. Kendall pointed out the Assembly has a long history of reconsidering or postponing votes when the absence of a member might have made a difference. He felt it was important for the Assembly to honor this tradition, and reconsider and postpone until Mr. Wuerch can be present.

Mr. Tremaine identified with Ms. Clementson's feelings; he also felt misled at last week's meeting. However, after some thought and the discussion today, he acknowledged there was some confusion. Williams Express has been a good corporate neighbor in Anchorage. Also, he pointed out the Assembly will soon consider the larger policy issue of sale of alcohol at gas stations. He wanted to be sure everyone knew that the discussion was about policy and not an individual store owner.

Ms. Von Gemmingen urged support of reconsideration.

Mr. Tesche also supported reconsideration, because he wanted the Assembly to consider a potential condition to prohibit the sale of single-serving beverages at this establishment. He felt that condition, if successful could be applied to other similar establishments. He looked forward to a thorough discussion of a public policy decision on that subject.

Question was called on whether to reconsider action on AR 99-86 and it passed:

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

Ms. Von Gemmingen moved, to postpone action on AR 99-86 until July 13, 1999.
seconded by Ms. Fairclough,
and it passed without
objection,

- B. 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.
 2. Ordinance No. AO 99-82(S), 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. (**addendum**)
 3. Assembly Memorandum No. AM 596-99.
(POSTPONED FROM 6-8-99)

Vice Chair Taylor gave the history of the ordinance and noted a motion to adopt was on the floor.

In response to Mr. Kendall, Employee Relations Director Tom Tierney discussed the differences in the substitute version. He said some of the changes were made to address concerns of the Anchorage Police Department Employees Association (APDEA). He encouraged adoption of the substitute version. Mr. Tierney said employees have a right to grieve a decision on this subject, either under the Personnel Rules or under their collective bargaining agreement. Each labor contract is different; some contracts contain references to nepotism and some do not. If the proposed ordinance is adopted, existing Personnel Rules will continue to apply for the duration of a union contract. When new union contracts are negotiated, if the union does not like the new Rules, they could negotiate a change to the agreement that addressed nepotism in some different fashion. Mr. Tierney felt the proposed rules were better and provided more protection for employees. Although the existing rules are in effect for unions, if the unions request to be switched to the new rules, that will be done.

In response to Mr. Kendall, Rob Heun, president of APDEA, addressed the Assembly. He thanked the Assembly for the opportunity to air the union members' concerns about the proposed ordinance at last weeks' work session. That work session led to an exchange of ideas with the administration that resulted in good public policy, in the form of AO 99-82(S). He said

previous concerns regarding the ability to address a director’s decision, when a conflict exists, and whether sanctions are appropriate, have been satisfactorily addressed in his opinion.

Ms. Von Gemmingen pointed out the Assembly received a letter from the Plumbers and Steamfitters Local 367, one of the seven unions in the Joint Crafts Council (JCC.) The letter said that six unions met and expressed opposition to the proposed ordinance. She felt that opposition might be because they do not understand the ordinance. She asked Mr. Tierney to meet with those unions to explain the ordinance.

Mr. Tierney replied with JCC, the existing Personnel Rules will continue to apply. They will not be affected until a new contract is negotiated. However, they have the option to implement the new rules now rather than waiting for a new contract.

Ms. Von Gemmingen moved, to substitute AO 99-82(S).
seconded by Mr. Tesche,
and it passed without
objection,

In response to Mr. Tesche, Mr. Tierney said he was not aware of language exactly the same as the definition of relative to include “any person who lives in the same household as an applicant or employee” that exists in the laws of other communities. He said the language has received extensive review by the Municipal Attorney’s office and the Perkins Coie law firms in Anchorage and Seattle, and they were comfortable that the language treats the issue of relationships fairly. The current law appears to discriminate against people who are married.

In response to Ms. Fairclough, Mr. Tierney said the ordinance is very specific, and the definition of “relative” only applies to employment. The definition would not apply to other situations such as burial or death benefits.

Ms. Fairclough noted she had received communication from several unions opposing the proposed ordinance.

Mr. Tierney reiterated the fact that union contract provisions would take precedence over the proposed ordinance.

Barbara Huff Tuckness, representing the Teamsters Local 959, said the union was supportive of the substitute ordinance.

In response to Mr. Tremaine, Mr. Tierney discussed the transition period during which the Municipal Code and union contract provisions would be in office. In the case of two “related” people, one a non-represented employee and the other a union employee, the union employee’s contract provisions and the new Personnel Rules would apply. It would take some research of the situation, as no two nepotism situations are the same. Some discussion and compromise may be necessary to arrive at the least difficult solution.

Mr. Tremaine expressed concern about various regulations which use different definitions of the term “relative.”

Mr. Tesche was supportive of the substitute version, although he was concerned about the definition of “relative.” He was concerned there was no existing Municipal law using that definition, and he knew of no court decision invalidating a law because it did not use this definition.

Mr. Tesche moved, to amend AO 99-82(S) on page 2, lines 10 and 11, to delete
seconded by Ms. Abney, the words “any person... or employee.”

Ms. Clementson opposed the amendment. She pointed out there are many provisions in various laws which penalize persons for being married, such as older people whose Social Security benefits are affected if they marry. If the amendment is approved, nepotism would only be a problem if people go through with the tradition of marriage. If they merely co-habitate, they still have a relationship and problems with one persons supervising the other would exist.

Mr. Tierney agreed with Ms. Clementson. He pointed out the primary reason for the ordinance was to correct the marriage issue.

Ms. Abney expressed concern with the ordinance. She explained having never married, she found it necessary at times from a financial standpoint to have a house-mate. Many times, these house-mates were people with whom she worked as a teacher. She felt to discriminate against people who live in the same house for economic or safety reasons, on the basis of nepotism, was a serious issue.

Mr. Tremaine moved, to amend AO 99-82(S) throughout the document to replace
seconded by Ms. Clementson, every instance of “relative” with “relative or co-habitee” and
in Section 2, paragraph A to add a new definition to read: “Co-habitee is any person who lives in the same household as an applicant or employee.”

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

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

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

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

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

to amend AO 99-82(S) on page 3, paragraph a. and b. to
change the word “determines” to “determine.”

Mr. Sullivan commended the administration and the various unions for working together and reaching consensus.

Mr. Tremaine said some people were concerned the Assembly had postponed this issue without a discussion of the reasons. He explained the postponement was due to concerns about the ordinance; he felt the postponement was justified because a new document was produced which seems to satisfy the unions’ concerns.

Question was called on the motion to adopt AO 99-82(S) as amended and it passed:

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

NAYS: None.

- C. 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.
(POSTPONED FROM 6-8-99)

Vice Chair Taylor gave the history of the resolution and noted a motion to approve was on the floor.

Mr. Tremaine moved,
seconded by Mr. Tesche,

to amend AR 99-133 in Table #3, item #23, to change the Programming Year of the Seward Highway Frontage Roads rehabilitation to the year 2002, and to add \$550,000 for a separated trail on the east side of Ocean Dock Road between Government Hill Loop Road and downtown, and to add \$300,000 to fund a trail/pedestrian coordinator position in 1999 and 2000.

Mr. Tremaine said he wanted to return the funding for Seward Highway frontage to year 2002 because that was the year it was scheduled for in the original 1998-2000 Transportation Improvement Program.

In response to Ms. Clementson, Lance Wilber of Community Planning and Development confirmed Mr. Tremaine was correct; the proposed table was incorrect. It should indicate that the funding for the Seward Highway project was moved to 1999.

Mr. Tremaine explained the two items would balance each other, because the Seward Highway project funding would be delayed until 2002.

In response to Ms. Fairclough, Mr. Wilber said there is a design plan in the works for a trail from Whitney Road to the corner on the east side of Ocean Dock Road. It is part of the Ship Creek Trail project; those designs are funded. There are not designs completed for a separated trail on the east side of Ocean Dock Road from Whitney all the way to the Port.

Mr. Tesche said his understanding was the proposed trail would extend from 2nd Avenue to Loop Road in Government Hill. He said he also understood that some of the design work on this trail may already be done and available through the Cultural and Recreational Services Department.

In response to Mr. Kendall, Mr. Wilber said he knew of no plans to address storm drains in the Port area. He said there is already funded designs of a trail extending from the bottom of the hill to the bottom of the bluff at Government Hill and crossing the streets and connecting to the sidewalk or trail on Bluff Road in the existing Ship Creek Trail Phase II. He clarified the Seward Highway Frontage roads project was to upgrade the existing frontage roads, and add a new one. The existing roads are in poor condition and drainage issues are a concern. Bike paths along the frontage roads are desired so pedestrians and bicyclists can traverse the highway corridor without actually being on the Highway, which is illegal. Mr. Wilber said some pedestrian work in the Port area will be accomplished with the Ocean Dock Road project in the TIP. Other pedestrian improvements include the Ship Creek Trail, and the Alaska Railroad will be contributing funds to provide pedestrian improvements near the Comfort Inn and from their Headquarters south on the west side of the road to the Depot. He heard rumors the Railroad was also investigating using additional funds to provide a trail extending to Ship Creek Point. He said the Ocean Dock Road is ready now for construction; addition of a trail will delay construction.

Mr. Meyer pointed out there is no consensus on the exact route of the trail. He wondered what the community councils’ opinion is.

Mr. Tesche said he had not had any recent communication from the Downtown Community Council about their position on a route for the trail.

Ms. Clementson noted there is already a project well under way which would address a connection from Government Hill to the Coastal Trail. She said Ocean Dock Road is not a pedestrian enhancement project; pedestrian traffic on that road would be dangerous because of the amount of heavy industrial traffic. She felt without pictures and maps and a complete concept of development in that area, the Assembly was ill-advised to consider the proposed amendment. She pointed out many of the community activists which comment to the Assembly on the issue are often lacking in the complete picture. She said the Ocean Dock Road is already a year behind schedule. It is a critical project because of the safety issues involved.

Mr. Tesche agreed the road and trail projects were distinct. He said he knew of no information that adding \$500,000 for a trail would impede the progress of Ocean Dock Road. He pointed out the trail project is also a safety issue; it would allow safe pedestrian and bicycle access between the residential areas of Government Hill and downtown. He added there are expansive development plans for the Port and Ship Creek area; to delay the project a few years would increase risk that funds would not be available in the future.

Mr. Sullivan felt since the Ship Creek trail and associated trails project was so far along, and funded for this year and the following two, with construction planned for next year, it would not be prudent to disrupt the schedule.

Ms. Abney felt changes to projects are very disruptive and increase the expense. However, minor adjustments at this point would be better than changes at a later date with a more expensive result.

In response to Mr. Tesche, Mr. Wilber said a safe, pedestrian trail was not part of the Ocean Dock Road project listed in Table #6, item #4. A pedestrian trail from Government Hill and the Coastal Trail with a connection to downtown was part of the Ship Creek trail project listed on Table #4, item #4. Construction of that project would be in 2001 or 2002. Construction would depend on completion of design and right-of-way issues. He said if the Assembly approves the proposed resolution, and the AMATS Policy Committee concurs with the Assembly's recommendation, funding would be secure for the project.

Mr. Meyer moved, to call the previous question.
seconded by Ms. Fairclough,

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

Question was called on Mr. Tremaine's motion to amend and it failed:

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

Question was called on the motion to approve AR 99-133 and it passed:

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

Ms. Abney moved, that the Assembly approve an alternative plan, that if any
seconded by Mr. Tremaine, projects are not ready to proceed and there are extra funds as a
result, that certain CIP items be considered, to include sound
barriers along the Seward Highway in the area of Cedar
Hollow, pedestrian walkways in the Port area, and pedestrian
amenities in the area of the loop on Abbott Road.

Mr. Kendall said although there were many projects he would like to advance, he felt it was appropriate to follow the three-year plan as closely as possible.

Ms. Von Gemmingen concurred with Mr. Kendall.

Question was called on Ms. Abney's motion and it failed:

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

- 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.
 2. Resolution No. AR 99-100(S), 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, Assemblymembers Abney and Tremaine.
(LAID ON THE TABLE)
(POSTPONED FROM 5-11-99, 5-25-99, AND 6-8-99)

Vice Chair Taylor gave the history of the resolution and noted a motion to amend AR 99-100 by Ms. Abney was on the floor. She said Municipal Attorney Mary Hughes cautioned the amendment makes the body of the resolution significantly different from the title, and therefore may require re-introduction and re-notice.

(Clerk's Note: The minutes of June 8, 1999 reflect Mr. Tremaine making the motion to amend, seconded by Ms. Abney.)

Ms. Abney withdrew her motion. She supported the substitute version which was developed with the Municipal Attorney's Office.

Ms. Abney moved, to substitute AR 99-100(S).
seconded by Mr. Tremaine,

In response to Ms. Abney, Ms. Hughes explained the changes in the substitute version. They included: a Whereas clause to state the cost for the re-survey would be a policy decision made by the Assembly at a later date; stating the work done by Kean and Associates on Court processes to be based on an hourly rate; and that the legal work be transferred from Kean and Associates to the direction of her office. Ms. Hughes clarified the last item did not mean all the work would necessarily be done by her staff; her staff would direct the lawyers.

Public Works Director Jim Fero expressed concern about the language in Section 5, regarding a potential re-bid for staking and monumentation of the subdivision. He pointed out Kean and Associates are the only surveyors familiar with the subdivision. If the service was re-bid, all the work done by Kean would have to be explained to potential bidders. Mr. Fero was not sure that would be possible, because there are years of work involved. He also requested there be no more postponements on this item. He pointed out the funds to pay this contractor would run out on July 2; there is not another Assembly meeting until July 13.

In response to Mr. Sullivan, Mr. Fero said the number of hours worked would be difficult to calculate in advance.

In response to Mr. Sullivan, Mr. Kean addressed the Assembly. He said the rate schedule would remain the same as throughout the job. However, it would be very difficult to estimate how many hours would be used. He said to work under an hourly rate would be easier for him. His personal rate is \$70 per hour; his assistant is \$60 per hour.

In response to Ms. Clementson, Mr. Tremaine responded to the rationale behind the new requirement to re-bid the re-staking and monumentation. He said he asked that requirement be included in the resolution in response to a resolution passed by the Bear Valley Community Council, which requested the requirement. He pointed out although the contractor was good, the project has exceeded anticipated costs.

Mr. Kean pointed out if the contract was re-bid and awarded to someone else, that contractor would have to sign the final plat, and be responsible for and accept work done on the project earlier by Mr. Kean. Mr. Kean felt most contractors would not be willing to put themselves in that position.

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

Mr. Sullivan moved, to amend AO 99-100(S) in Section 5 to read: "...of the
seconded by Ms. Clementson, subdivisions be re-negotiated."
and it passed without
objection,

Question was called on the motion to adopt AO 99-100(S) as amended and it passed:

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

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, 5-25-99, AND 6-8-99)

Vice Chair Taylor gave the history of the memorandum and noted no motions were pending.

Ms. Clementson moved, to approve AM 430-99.
seconded by Mr. Tesche,

Mr. Tremaine moved, to amend AM 430-99 on lines 24, 25 and 35 to delete the
seconded by Ms. Abney, reference to Contract Amendment No. 1.

The Assembly stood at ease from 9:05 p.m. to 9:10 p.m.

Municipal Attorney Mary Hughes explained the language in contract amendment no. 1 was very unusual. She quoted: "...a contract issued for less than \$30,000 is not subject to a Municipal Assembly approval until such time that the contract, as amended, would exceed \$30,000 and the amendment is not valid until the Assembly approval is obtained." Ms. Hughes pointed out the approval had already been given by the administration, and paid. She said the proposed amendment for \$279,300 was now before the Assembly as required, even though the amount has already been paid. She said Mr. Tremaine is legally correct, but from a practical standpoint, there is a dilemma.

Mr. Tremaine explained the reasons for amendment were in the case of change of scope, complexity or character of the project. Mr. Tremaine felt the request for an amendment was because Mr. Kean had under-bid the contract, not a reason for increase.

Mr. Tesche questioned whether the assessment district members should be charged for amendment no. 1, since it seemed to be a procedural error.

Ms. Hughes suggested the Assembly consider that possibility at the end of the process, when the decision of the entire assessment amount will be made.

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

AYES: Tremaine.

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

Question was called on the motion to approve AM 430-99 and it passed:

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

NAYS: None.

10. **APPEARANCE REQUESTS:** None.

11. **CONTINUED PUBLIC HEARINGS:** None.

12. **NEW PUBLIC HEARINGS:**

- A. 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.
 - 1. Assembly Memorandum No. AM 521-99.
- B. 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.
 - 1. Assembly Memorandum No. AM 522-99.
- C. 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.
 - 1. Assembly Memorandum No. AM 523-99.
- D. 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.
 - 1. Assembly Memorandum No. AM 524-99.

Items 12.A. through 12.D. were considered earlier in the meeting. See after item 8.

13. **BOARD OF ADJUSTMENT/ASSEMBLY APPEALS:** None.

14. **SPECIAL ORDERS:**

A.

Mr. Kendall moved, to postpone action on item 7.D.9, AM 555-99, until July 13, 1999,
seconded by Ms. Fairclough,

AYES: Kendall, Sullivan, Tesche, Taylor, Meyer, Fairclough.

NAYS: Clementson, Tremaine, Von Gemmingen, Abney.

- B. Ordinance No. AO 99-101, an ordinance of the Anchorage Municipal Assembly **amending Anchorage Municipal Code Section 3.30.141, Recognized Holidays with Pay, to delete Seward's Day**, Assemblymember Clementson. **(LAID ON THE TABLE)**

Ms. Clementson, Mr. Sullivan and Mr. Kendall joined in introducing this ordinance. The public hearing was scheduled for July 13, 1999.

Ms. Abney requested the Municipal Attorney’s office review this item prior to the public hearing.

- C. Resolution No. AR 99-166, a resolution of the Anchorage Municipal Assembly **requiring that all Anchorage road projects planned for construction, rehabilitation, repaving and safety improvements include full funding for needed roadside trail, bicycle, sidewalk and landscaping**, Assemblymember Abney. **(LAID ON THE TABLE)**

Mr. Kendall moved, to postpone action on AR 99-166 until July 13, 1999 pending
seconded by Ms. Fairclough, receipt of comments from staff.

Mr. Tesche expressed frustration at the practice of waiting for staff comments and recommendations on policy issues. He felt the proposed resolution was within the policy purview of the Assembly; he see no reason why the Assembly could not act on the issue immediately.

Ms. Clementson pointed out the resolution includes a mandate that road projects *will* include full funding for the subject improvements; the Assembly does not have authority over all road projects. She felt to be most effective, time to craft the best wording was advisable. Also, staff comments were important so the Assembly could be fully informed. This would avoid the need to return to laws and policies to amend mistakes. Mistakes tend to impugn the Assembly’s credibility.

Question was called on the motion to postpone action on AR 99-166 until July 13, 1999 and it passed:

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

D.

Mr. Tesche moved, seconded by Ms. Fairclough, and it passed without objection,	to reconsider action on item 7.D.24, AM 591-99 and postpone further action until July 13, 1999.
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Mr. Tesche pointed out the Downtown Community Council had requested a postponement on this item to allow time for the Council to review the item and make a recommendation.

15. ASSEMBLY COMMENTS:

Ms. Abney encouraged the Assembly to schedule a retreat to discuss various items.

Ms. Von Gemmingen invited everyone to the Spenard Doo Dah Parade on June 21.

Mr. Tremaine said this meeting was very memorable, as a new Assembly member. He looked forward to the retreat.

Ms. Fairclough appreciated the patience of her colleagues and the administration as she goes through the learning curve of a new member.

Mr. Meyer noted the Assembly was in receipt of a resolution from the Mountain View Community Council regarding an abundance of junk vehicles. He questioned the status of the Clean Sweep program.

In response, Municipal Manager George Vakalis said the program was still in existence. He will forward the schedule for removal to the Assembly. He added the contract for removal of junk vehicles expired a few days ago, and the extension was expected in the next few days. The contractor is Aurora Towing. He added when the contract extensions are finished, the administration is considering a new contract which will encompass all vehicle towing matters, including junk vehicles and Driving-While-Intoxicated impounds.

Ms. Abney said she has received many complaints from constituents about towing companies. She urged the administration to include specific customer relations provisions in the new contract.

In response to Mr. Tesche, Mr. Vakalis clarified in the few days between expiration and renewal of the towing contract, another contract for DWI impound towing will be used to address junk vehicle towing.

Mr. Kendall invited everyone to attend the parade and other activities at the Bear Paw Festival in Eagle River, on July 9 through 11.

16. UNFINISHED AGENDA: None.

17. AUDIENCE PARTICIPATION:

TOM MCGRATH reminded everyone about the Juneteenth celebration, the Mayor’s Marathon and the AWAIC Shelter fair on Town Square. He added the AWAIC program is exemplary in its responsible and efficient use of funds.

THOMAS JOHN MILLER invited everyone to the Girdwood Forest Fair on July 3 through 5. He announced the rules of the Fair: no dogs, no politicians, no religious orders, no alcohol outside the beer garden and no parking on Alyeska Highway.

18. EXECUTIVE SESSIONS: None.

19. ADJOURNMENT:

The meeting adjourned at 9:50 p.m.

ATTEST:	_____
	Chairman

Municipal Clerk

Date Minutes Approved: November 9, 1999

VC/db

MELINDA TAYLOR: Thank you. Any questions of Mr. Coffey? Ms. Clementson.

CHERYL CLEMENTSON: Thank you Madame Chairman. I apologize for being late back. Mr. Coffey, it's my understanding from discussions with executives at Mapco that this is the first of four liquor stores that they plan to put in at their superstores?

DAN COFFEY: I'm not sure that that's the case. There are more than one planned, but this is the first one to see, to try it out and see how it works, and to test it. There may be more, there may not be more. There's nothing that's, no applications pending yet.

CLEMENTSON: Are you aware that at the DeBarr Boniface store that they are remodeling and that they are telling patrons of that store that the reason that they are remodeling is to put in a liquor store?

COFFEY: No, ma'am.

CLEMENTSON: Well, it's true.

COFFEY: There's lots of things going on that I'm not aware of, as you are aware.

CLEMENTSON: I find that hard to believe, Mr. Coffey. Thank you. That's all.

Omitted: further questions of Coffey and testimony by BARBARA WEINIG

PAUL FARNSWORTH: Madame Chair, my name is Paul Farnsworth. I'm the construction manager for Williams Express. We currently do not have a remodel going on at Boniface and DeBarr. The only place that we have any permits or any monies (unclear – one syllable, sounds like “auth”) by (unclear- one syllable, sounds like “core”) construction is at that store two location at this time. I (unclear) that clarified.

TAYLOR: OK. Thank you.

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