

MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of July 20, 1999

1. CALL TO ORDER:

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

2. ROLL CALL:

Present: Dan Kendall, Dan Sullivan, Cheryl Clementson, Allan Tesche, Melinda Taylor, George Wuerch, Kevin Meyer, Anna Fairclough, Dick Tremaine (5:10 p.m.), Fay Von Gemmingen, Pat Abney.
Absent: None.

3. PLEDGE OF ALLEGIANCE:

Ms. Taylor led the pledge.

4. MINUTES OF PREVIOUS MEETING: None.

5. MAYOR'S REPORT: None.

6. ADDENDUM TO AGENDA:

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

Ms. Fairclough moved, to amend the addendum to add to 7.C.4, a resolution
seconded by Mr. Tesche, regarding investigation of and implementation of a credit
and it passed without card program for municipal travel and purchases.
objection,

(Clerk's Note: This resolution was numbered AR 99-198.)

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

7. CONSENT AGENDA:

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

A. BID AWARDS:

1. Assembly Memorandum No. AM 664-99, recommendation of award to Wilder Construction Company for **Third Avenue Surface Rehabilitation-E Street to Post Road** for the Municipality of Anchorage, Department of Public Works (ITB 99-C035), Purchasing.
2. Assembly Memorandum No. AM 671-99, recommendation of award to Young's Firehouse for providing **police uniforms** to the Municipality of Anchorage, Police Department (ITB 99-B058), Purchasing.
3. Assembly Memorandum No. AM 672-99, recommendation of award to Tam Construction, Inc. for **Cherry Hill/Port of Anchorage Storm Drain, Phase II Sedimentation Basin** for the Municipality of Anchorage, Department of Public Works (ITB 99-C042), Purchasing.
4. Assembly Memorandum No. AM 673-99, recommendation of award to Alaska Road Boring Company for the **Orca Street Water Line Removal and Replacement (R&R)** for the Municipality of Anchorage, Water and Wastewater Utility (ITB 99-C036), Purchasing.
5. Assembly Memorandum No. AM 682-99, recommendation of award to Newton Excavating, Inc. for the **Huffman Road and Mary Avenue Storm Drain - Timberlane to 121st Avenue** for the Municipality of Anchorage, Department of Public Works (ITB 99-C040), Purchasing.

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

6. Assembly Memorandum No. AM 683-99, recommendation of award to Summit Paving and Construction, Inc. for the **36th Avenue Storm Drain Rehabilitation - Scarlet Place to Wisconsin Street** for the Municipality of Anchorage, Department of Public Works (ITB 99-C041), Purchasing.

Ms. Fairclough asked this item be considered on the regular agenda. See 8.B.

7. Assembly Memorandum No. AM 689-99, recommendation of award to SeaCoast Construction Co., Inc. for the **Chugach Foothill Park/Turner Park playground improvements** for the Municipality of Anchorage, Cultural and Recreational Services (ITB 99-C037), Purchasing.

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

8. Assembly Memorandum No. AM 699-99, recommendation of award to Summit Paving & Construction Co., Inc. for the **Russian Jack Springs Park trail extension** for the Municipality of Anchorage, Cultural and Recreational Services (ITB 99-C039), Purchasing. (**addendum**)

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

9. Assembly Memorandum No. AM 700-99, recommendation of award to SeaCoast Construction Co., Inc. for the **1999 Miscellaneous American with Disabilities Act (ADA) construction improvements** for the Municipality of Anchorage, Public Works (ITB 99-C046), Purchasing. (**addendum**)

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

10. Assembly Memorandum No. AM 705-99, recommendation of award to Summit Paving & Construction for **Mountain View transportation improvements** for the Municipality of Anchorage, Public Works (ITB 99-C048), Purchasing. (**addendum**)

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

11. Assembly Memorandum No. AM 706-99, recommendation of award to Summit Paving & Construction Co., Inc. for the **1998 Anchorage Townsite alley reconstruction** for the Municipality of Anchorage, Public Works (ITB 99-C049), Purchasing. (**addendum**)

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

12. Assembly Memorandum No. AM 708-99, recommendation of award to Newton Excavating, Inc. for the **Kluane Terrace Water Upgrade, Phase 2** for the Municipality of Anchorage, Water and Wastewater Utility (ITB 99-C043), Purchasing. (**addendum**)

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

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 99-107, an ordinance amending Anchorage Municipal Code 26.80.050 to **amend the Solid Waste Fee Schedule** for secured and unsecured loads, pick up of hazardous waste, removal of chlorofluorocarbons and hydro-chlorofluorocarbons and tarp sales, Solid Waste Services. public hearing 8-10-99.
 - a. Assembly Memorandum No. AM 674-99.
2. Ordinance No. AO 99-108, an ordinance of the Anchorage Municipal Assembly amending the zoning map and rezoning to provide for a change of Special Limitation from B-3SL (General Business District) with Special Limitations to B-3SL for **Tracts A-2, A-3 KFQD Subdivision**, Assemblymember Abney. TO BE REFERRED TO THE PLANNING AND ZONING COMMISSION.

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

3. Ordinance No. AO 99-109, an ordinance amending the Anchorage Municipal Code by enacting a new Chapter 12.50 to provide **procedures for declaration of a deteriorated area or property**, including definitions of deteriorated area or property and rehabilitation, and requiring a Confirmation Impact Study (CIS), and requiring the Assembly to hold a public hearing prior to declaring a deteriorated area or property, application procedures for obtaining taxation exemption or deferral, Assemblymember Clementson. public hearing 8-17-99.
 - a. Assembly Memorandum No. AM 694-99.
4. Resolution No. AR 99-188, a resolution of the Municipality of Anchorage, Alaska, accepting and appropriating an Alaska Clean Water Fund loan offer in the amount of \$1,410,000 for financing a portion of the **costs of FY99 Miscellaneous Small Sewer Replacement and Rehabilitation (R&R) Projects, Phase I**, Water and Wastewater Utility. public hearing 8-10-99.
 - a. Assembly Memorandum No. AM 665-99.
5. Resolution No. AR 99-191, a resolution of the Municipality of Anchorage appropriating \$491,388 of reserve account proceeds received from Ben Boeke and Dempsey Anderson Ice Arenas to the Ice Revenue Bond Fund 1998 (265) for payment of the 1999 & 2000 interest expense due on the revenue bonds for the **expansion of Dempsey Anderson Ice Arena**, Property and Facility Management. public hearing 8-10-99.
 - a. Assembly Memorandum No. AM 675-99.
6. Resolution No. AR 99-193, a resolution of the Municipality of Anchorage appropriating \$160,500 from the State of Alaska, Department of Environmental Conservation under the Prevention and Emergency Response Program, to the State Categorical Grants (231) Fund to **expand the hazardous response capabilities of the Anchorage Hazardous Materials (HAZMAT) Response Team**, Anchorage Fire Department. public hearing 8-10-99.
 - a. Assembly Memorandum No. AM 690-99.
7. Resolution No. AR 99-194, a resolution of the Municipality of Anchorage, Alaska, accepting and appropriating a State of Alaska Drinking Water Fund loan offer in the amount of \$2,000,000 for

financing a portion of the costs of the **Eagle River Reservoir/Water Transmission Main project**, Water and Wastewater Utility. public hearing ~~8-10-99~~ 8-17-99.

- a. Assembly Memorandum No. AM 691-99.

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

8. Ordinance No. AO 99-110, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 9.26.020, **reducing the maximum speed limit on certain streets**, as determined by the Traffic Engineer, Assemblymember Meyer. public hearing 8-10-99. **(addendum)**
 - a. Assembly Memorandum No. AM 698-99.

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

9. Ordinance No. AO 99-111, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 11.30.070 regarding **smoking in regulated vehicles**, Assemblymember Abney. public hearing 8-10-99. **(addendum)**
 - a. Assembly Memorandum No. AM 703-99.

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

10. Ordinance No. AO 99-112, an ordinance of the Anchorage Municipal Assembly amending the zoning map and rezoning to provide for a change of Special Limitation from B-3SL (General Business District) with Special Limitations to B-3SL for **Tracts A-2, A-3 KFQD Subdivision and Tract 1, Mirawood Estates Subdivision**, Assemblymember Abney. **(addendum)**
 - a. Assembly Memorandum No. AM 707-99.

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

11. Ordinance No. AO 99-113, an ordinance amending Anchorage Municipal Code Chapter 28, Elections, to implement an amendment to the Municipal Charter approved by voters at the Regular Election of April 20, 1999 **changing the date for runoff elections and to clarify standards for counting absentee ballots**, Assemblymembers Sullivan and Tesche. public hearing 8-10-99. **(addendum)**
 - a. Assembly Memorandum No. AM 709-99.

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

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 99-181, a resolution of the Anchorage Municipal Assembly **recognizing and thanking Mark Newell for his "NetDay" efforts and accomplishments**, Assemblymember Von Gemmingen.

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

2. Resolution No. AR 99-192, a resolution of the Municipality of Anchorage appropriating \$50,000 of Fund Balance from the Girdwood Road Service Area Fund (106) to the Department of Public Works 1999 General Operating Budget for **summer maintenance projects**, Public Works.
 - a. Assembly Memorandum No. AM 676-99.
3. Resolution No. AR 99-197, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Richard W. Lobdell, Jr. - "World's Oldest Living Radio Communicator"**, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch. **(addendum)**
4. Resolution No. AR 99-198, a resolution of the Municipal Assembly **implementing a corporate travel credit card program for Assembly travel** and evaluating a procurement credit card program for municipal purchases, Assemblymembers Fairclough, Abney, Kendall, Sullivan, Taylor, Tesche, Tremaine and Wuerch. **(LAID ON THE TABLE)**

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

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 677-99, **Ravenwoods/Bubbling Brook Limited Road Service Area Board of Supervisors appointment** (Lloyd Andrews, Jr.), Mayor's Office.
2. Assembly Memorandum No. AM 678-99, **South Goldenview Limited Road Service Area Board of Supervisors appointments** (Dan Heynen, James Sizemore), Mayor's Office.
3. Assembly Memorandum No. AM 670-99, **Tesoro 2GO** - Transfer of Ownership of a Package Store Liquor License (NO PREMISE), Clerk's Office.

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

4. Assembly Memorandum No. AM 666-99, change order No. 1 to purchase order 83267 with RA Environmental to perform **removal, storage, and/or disposal of materials in violation of municipal zoning laws and regulations** for the Municipality of Anchorage, Department of Public Works/Purchasing.

5. Assembly Memorandum No. AM 679-99, change order No. 1 to construction contract with Pacific Green for **Russian Jack Springs soccer fieldseeding**, Cultural and Recreational Services.
6. Assembly Memorandum No. AM 680-99, contract amendment No. 1 to the professional services contract with R & M Consultants, Inc. for **HSIP FY 97 Group I, Traffic Safety Study**, RFP 22-98, PO #83103, Public Works Department.
7. Assembly Memorandum No. AM 681-99, change order No. 1 to purchase order 82337 with Heaven Scent for providing **custodial services** to the Municipality of Anchorage, Anchorage Water and Wastewater Utility/Purchasing.
8. Assembly Memorandum No. AM 684-99, change order No. 2 to purchase orders 71828 and 72538 with BJY, Inc. and HDK Company for providing **plan review services** to the Municipality of Anchorage, Public Works Department/Purchasing.
9. Assembly Memorandum No. AM 685-99, change order No. 2 to purchase order 82735 to exercise the option with Unisource for furnishing **janitorial/cleaning supplies** to the Municipality of Anchorage, Purchasing Department.
10. Assembly Memorandum No. AM 686-99, proprietary purchase for **refurbishing an auxiliary gearbox for Unit #8** from the Elliott Company for the Municipality of Anchorage, Municipal Light and Power/Purchasing.
11. Assembly Memorandum No. AM 687-99, change order No. 1 to purchase order 82668 with TWS Services of Alaska, Inc. for providing **remittance hardware and software equipment** to the Municipality of Anchorage, Finance Department/Purchasing.
12. Assembly Memorandum No. AM 688-99, cooperative purchase of a **loader mounted snow blower** from Yukon Equipment, Inc. for the Municipality of Anchorage, Department of Property and Facility Management/Purchasing.
13. Assembly Memorandum No. AM 692-99, change order No. 2 to purchase order 83359 with VZM/TransSystems Corporation for providing services to **upgrade the Port of Anchorage Master Plan** for the Municipality of Anchorage, Port/Purchasing.
14. Assembly Memorandum No. AM 693-99, **cooperative education agreement with the University of Alaska Anchorage, University of Alaska Mat-Su, and the Alaska Vocational Technical Center** for the Municipality of Anchorage, Community Planning and Development.
15. Assembly Memorandum No. AM 701-99, amendment No. 2 to professional services contract with CRW Engineering Group for **Campbell Creek trail connection to Tudor Crossing**, Cultural and Recreational Services. (**addendum**)
16. Assembly Memorandum No. AM 702-99, change order No. 1 to construction contract with Summit Paving and Construction Co., Inc. for **South Anchorage Sports Field Development Project**, Cultural and Recreational Services. (**addendum**)

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 62-99, Internal Audit Report 99-06 - **Review of Lease, Permit and Escrow Payments, Heritage Land Bank**, Internal Audit.
2. Information Memorandum No. AIM 63-99, **contracts awarded between \$30,000 and \$100,000 through formal competitive processes** for the month of June 1999, Purchasing.
3. Information Memorandum No. AIM 64-99, **Sole Source Procurement Report** for the month of June 1999, Purchasing.
4. Information Memorandum No. AIM 66-99, **AMC 3.70.090.B Bargaining Status Report**, Employee Relations. (**addendum**)

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

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

8. REGULAR AGENDA:

A. TIME CRITICAL ITEMS: None.

B. BID AWARDS:

1. Assembly Memorandum No. AM 682-99, recommendation of award to Newton Excavating, Inc. for the **Huffman Road and Mary Avenue Storm Drain - Timberlane to 121st Avenue** for the Municipality of Anchorage, Department of Public Works (ITB 99-C040), Purchasing.

Ms. Taylor moved, to approve AM 682-99.
 seconded by Mr. Tremaine,

Ms. Von Gemmingen stated she had a conflict of interest on this item and asked the record show her abstention.

Question was called on the motion to approve AM 682-99 and it passed without objection, Ms. Von Gemmingen abstaining.

2. Assembly Memorandum No. AM 683-99, recommendation of award to Summit Paving and Construction, Inc. for the **36th Avenue Storm Drain Rehabilitation - Scarlet Place to Wisconsin Street** for the Municipality of Anchorage, Department of Public Works (ITB 99-C041), Purchasing.

Ms. Fairclough moved, to approve AM 683-99.
 seconded by Ms. Taylor,

In response to Ms. Fairclough, Public Works Director Jim Fero explained various factors that could result in differences between a project's bid price and the engineer's estimate.

Purchasing Officer Ted Chenier added that bidders are asked to verify bid amounts if the difference is 10% or more below the engineer's estimate.

Question was called on the motion to approve AM 683-99 and it passed without objection.

Chairman Wuerch then moved to Ordinances and Resolutions for Introduction.

Ordinance No. AO 99-108, an ordinance of the Anchorage Municipal Assembly amending the zoning map and rezoning to provide for a change of Special Limitation from B-3SL (General Business District) with Special Limitations to B-3SL for **Tracts A-2, A-3 KFQD Subdivision**, Assemblymember Abney. TO BE REFERRED TO THE PLANNING AND ZONING COMMISSION.

Ms. Abney moved, to postpone AO 99-108 indefinitely.
seconded by Ms. Clementson,
and it passed without
objection,

(Clerk's Note: This item was not submitted. See AO 99-112)

Chairman Wuerch returned to Bid Awards.

3. Assembly Memorandum No. AM 699-99, recommendation of award to Summit Paving & Construction Co., Inc. for the **Russian Jack Springs Park trail extension** for the Municipality of Anchorage, Cultural and Recreational Services (ITB 99-C039), Purchasing. (**addendum**)

Mr. Tremaine moved, to approve AM 699-99.
seconded by Mr. Meyer,
and it passed without
objection,

Mr. Tremaine explained he wanted to be sure the items sent in Friday's packet were the same as the ones included with the addendum.

4. Assembly Memorandum No. AM 700-99, recommendation of award to SeaCoast Construction Co., Inc. for the **1999 Miscellaneous American with Disabilities Act (ADA) construction improvements** for the Municipality of Anchorage, Public Works (ITB 99-C046), Purchasing. (**addendum**)

Mr. Tremaine moved, to approve AM 700-99.
seconded by Ms. Taylor,
and it passed without
objection,

5. Assembly Memorandum No. AM 705-99, recommendation of award to Summit Paving & Construction for **Mountain View transportation improvements** for the Municipality of Anchorage, Public Works (ITB 99-C048), Purchasing. (**addendum**)

Mr. Tremaine moved, to approve AM 705-99.
seconded by Ms. Taylor,
and it passed without
objection,

Mr. Tremaine noted his reluctance to act on the award of a construction project in excess of \$2,000,000 that was presented shortly before the meeting.

In response to Mr. Tesche, Purchasing Officer Ted Chenier stated the bid was opened on July 15. The award was brought forward tonight because the Assembly is not scheduled to meet again until August 10 and the administration wished to get the project underway.

6. Assembly Memorandum No. AM 706-99, recommendation of award to Summit Paving & Construction Co., Inc. for the **1998 Anchorage Townsite alley reconstruction** for the Municipality of Anchorage, Public Works (ITB 99-C049), Purchasing. (**addendum**)

Mr. Tremaine moved, to approve AM 706-99.
seconded by Mr. Meyer,
and it passed without
objection,

Mr. Tremaine reiterated his reluctance to approve awards of such magnitude on such short notice.

7. Assembly Memorandum No. AM 708-99, recommendation of award to Newton Excavating, Inc. for the **Kluane Terrace Water Upgrade, Phase 2** for the Municipality of Anchorage, Water and Wastewater Utility (ITB 99-C043), Purchasing. **(addendum)**

Ms. Taylor moved, to approve AM 708-99.
seconded by Ms. Clementson,

Ms. Von Gemmingen stated she had a conflict of interest and asked the record show her abstention.

Question was called on the motion to approve AM 708-99 and it passed without objection, Ms. Von Gemmingen abstaining.

C. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Resolution No. AR 99-194, a resolution of the Municipality of Anchorage, Alaska, accepting and appropriating a State of Alaska Drinking Water Fund loan offer in the amount of \$2,000,000 for financing a portion of the costs of the **Eagle River Reservoir/Water Transmission Main project**, Water and Wastewater Utility. public hearing 8-17-99.
a. Assembly Memorandum No. AM 691-99.

Ms. Clementson, Mr. Sullivan and Mr. Kendall supported introduction. The public hearing was set for August 17, 1999.

2. Ordinance No. AO 99-110, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 9.26.020, **reducing the maximum speed limit on certain streets**, as determined by the Traffic Engineer, Assemblymember Meyer. public hearing 8-10-99. **(addendum)**
a. Assembly Memorandum No. AM 698-99.

Mr. Tremaine, Ms. Taylor and Ms. Clementson supported introduction. The public hearing was set for August 10, 1999.

3. Ordinance No. AO 99-111, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 11.30.070 regarding **smoking in regulated vehicles**, Assemblymember Abney. public hearing 8-10-99. **(addendum)**
a. Assembly Memorandum No. AM 703-99.

Mr. Tremaine, Ms. Clementson and Ms. Fairclough supported introduction. The public hearing was set for August 10, 1999.

4. Ordinance No. AO 99-112, an ordinance of the Anchorage Municipal Assembly amending the zoning map and rezoning to provide for a change of Special Limitation from B-3SL (General Business District) with Special Limitations to B-3SL for **Tracts A-2, A-3 KFQD Subdivision and Tract 1, Mirawood Estates Subdivision**, Assemblymember Abney. **(addendum)**
a. Assembly Memorandum No. AM 707-99.

In response to Mr. Kendall, Don Alspach of Community Planning and Development advised nothing was currently scheduled before the Planning and Zoning Commission on this topic. This action is being initiated by the Assembly, not the property owner.

Ms. Clementson questioned whether sponsorship by the entire Assembly gave the ordinance undue weight in the eyes of the Planning and Zoning Commission.

Ms. Abney explained the ordinance provided for a site plan review of the Fred Meyer site on Lake Otis Road. She felt the zoning amendment required action of the Assembly to initiate.

Don Alspach of Community Planning and Development added the property's zoning allows for the planned construction.

The Assembly agreed to return to this item later in the meeting. See item 16. Unfinished Agenda.

5. Ordinance No. AO 99-113, an ordinance amending Anchorage Municipal Code Chapter 28, Elections, to implement an amendment to the Municipal Charter approved by voters at the Regular Election of April 20, 1999 **changing the date for runoff elections and to clarify standards for counting absentee ballots**, Assemblymembers Sullivan and Tesche. public hearing 8-10-99. **(addendum)**
a. Assembly Memorandum No. AM 709-99.

Mr. Tremaine, Ms. Fairclough and Ms. Von Gemmingen supported introduction. The public hearing was set for August 10, 1999.

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 99-181, a resolution of the Anchorage Municipal Assembly **recognizing and thanking Mark Newell for his "NetDay" efforts and accomplishments**, Assemblymember Von Gemmingen.

Ms. Von Gemmingen moved, to approve AR 99-181.
seconded by Ms. Taylor
and it passed without
objection,

Ms. Von Gemmingen read the resolution while Ms. Clementson presented it to Mr. Newell.

Mr. Newell thanked the Assembly for the recognition.

2. Resolution No. AR 99-198, a resolution of the Municipal Assembly **implementing a corporate travel credit card program for Assembly travel** and evaluating a procurement credit card program for municipal purchases, Assemblymembers Fairclough, Abney, Kendall, Sullivan, Taylor, Tesche, Tremaine and Wuerch. (**LAI**D ON THE TABLE)

Ms. Fairclough moved, to approve AR 99-198.
seconded by Ms. Taylor,
and it passed without
objection,

Ms. Fairclough thanked Greg Moyer for the research he conducted on the resolution.

Executive Manager Elaine Christian stated the administration agrees the idea has merit and is considering implementing credit card procurement for 2000.

Mr. Meyer cautioned that costs of coordinating the "air miles" program can exceed savings if not closely monitored.

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 670-99, **Tesoro 2GO** - Transfer of Ownership of a Package Store Liquor License (NO PREMISE), Clerk's Office.

Ms. Clementson moved, to approve AM 670-99.
seconded by Mr. Kendall,

Ms. Clementson voiced opposition to the sale of liquor at gas stations. She encouraged the Assembly to discuss the broader public policy question before approving this or similar requests.

In response to Mr. Tesche, applicant representative Dan Coffey stated a conditional use application to operate the license at Northern Lights Boulevard and A Street would be submitted soon. The owners plan to operate a full service convenience store at the location.

Mr. Tesche noted the Assembly referred an ordinance to the Planning and Zoning Commission that would regulate the sale of "singles" at gas stations.

Ms. Clementson commented that a bar violation report the Assembly got about 18 months ago, showed Tesoro had several thefts of alcohol. At that point, Tesoro managers were invited to talk with the Assembly. She has been told since then that Tesoro employees are not allowed to report alcohol thefts to the police because then managers will have to come before the Assembly.

Question was called on the motion to approve AM 670-99 and it passed:

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

F. INFORMATION AND REPORTS: None.

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

- A. Resolution No. AR 99-184, a resolution of the Anchorage Municipal Assembly **honoring and remembering Joe Redington Sr., Father of the Iditarod**, Assemblymembers Von Gemmingen, Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, and Wuerch. (POSTPONED FROM 7-13-99)

Chairman Wuerch gave the history of the resolution and noted no motions were pending.

Ms. Von Gemmingen moved, to approve AR 99-184.
seconded by Ms. Taylor,
and it passed without
objection,

Ms. Von Gemmingen asked that the Chairman send a letter to the family along with the resolution.

- B. 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. (POSTPONED FROM 6-15-99; CARRIED OVER FROM 7-13-99)

Chairman Wuerch gave the history of the memorandum and noted a motion to approve AM 573-99 was on the floor.

Ms. Clementson moved, to postpone AM 573-99 indefinitely.
seconded by Ms. Fairclough,

Ms. Clementson noted the membership of the advisory group was dictated by ordinance. She asked that when the administration returns with a new list of appointees, that a majority be from Mt. View and that each individual be assigned a seat.

Question was called on the motion to postpone AM 573-99 indefinitely and it passed without objection.

- C. **Ordinance No. AO 99-90**, an ordinance **continuing or reestablishing the Public Safety Advisory Commission**, Municipal Clerk.
1. Assembly Memorandum No. AM 545-99.
 2. Information Memorandum No. AIM 65-99, Mayor's Office.
- (POSTPONED FROM 7-13-99)

Chairman Wuerch gave the history of the ordinance and noted a motion to adopt AO 99-90 was on the floor.

Question was called on the motion to adopt AO 99-90 and it passed without objection.

The Assembly took up Appearance Requests at this point.

Theresa Nangle Obermeyer, regarding the Open Meetings law.

Chairman Wuerch encouraged Ms. Obermeyer to confine her remarks to the open meetings law and not impugn the reputation, motives or integrity of school board members.

THERESA OBERMEYER stated that every person who is a public figure is open to criticism. Although she has been repeatedly insulted and everyone in the state is trying to tear her family apart she remains unfazed because at least she tries.

Terry Martin, to present a request to establish a committee to amend the Home Rule Charter as it relates to single-member voting districts.

TERRY MARTIN felt people in the single member Assembly district were treated as second class citizens. He suggested the Assembly consider reapportioning into single member districts to equalize representation for all citizens. The 1965 voting rights act and court decisions favor single member district representation. It is less costly for candidates to run in single member districts because they are smaller. He contended the Assembly was malapportioned and that the census would bear that out.

Chairman Wuerch noted the Assembly addressed the topic of single member districting a couple years ago and discovered that plan would take quite some time to implement. He suggested this be a topic on the agenda for the next Assembly retreat.

In response to Mr. Tesche, Mr. Martin felt single member districts would improve voter participation and the potential to elect minority candidates.

The Assembly returned to Old Business topics.

- D. **Resolution No. AR 99-180**, a resolution of the Municipality of Anchorage appropriating \$40,000 from the State of Alaska Department of Natural Resources to the Areawide General CIP Fund (401) for **rehabilitation of Fire Lake Dam**, Public Works.
1. Assembly Memorandum No. AM 619-99.
 2. Resolution No. AR 99-180(S), a resolution of the Municipality of Anchorage appropriating \$40,000 from the State of Alaska Department of Natural Resources to the Areawide General CIP Fund (401) for rehabilitation of Fire Lake Dam, Public Works.
 3. Assembly Memorandum No. AM 695-99.
- (POSTPONED FROM 7-13-99)

Chairman Wuerch gave the history of the resolution and noted a motion to approve AR 99-180 was on the floor.

Mr. Kendall moved, to substitute AR 99-180(S).
seconded by Ms. Fairclough,

In response to Mr. Kendall, Public Works Director Jim Fero stated he intended to use the money to analyze the condition of the existing dam, design repairs deemed adequate by the state and obtain a cost estimate to do the work. His goal was to repair the dam now so future costs will be minimal. To date, the rural road board has been paying the maintenance costs at the maximum level required by court order.

Municipal Manager George Vakalis added no assessment district would be formed unless requested and approved by the affected homeowners. The road will continue to be maintained by the rural road board.

At the invitation of Ms. Fairclough, John Russell, Fire Lake Homeowners' Association President, came forward. He stated the homeowners did not want to form a dam improvement district. Parking and playing children in the vicinity of the dam have created dangerous situations.

In response to Ms. Fairclough, Public Works Director Jim Fero commented traffic and parking in the area were more properly handled by the rural road board rather this dam repair project.

In conclusion, Mr. Russell urged that a plan be developed to handle parking and other uses at the dam.

Ms. Clementson wondered if the land being used for parking could be turned over to the Eagle River Parks and Recreation Board for management.

Question was called on the motion to substitute AR 99-180(S) and it passed without objection.

Question was called on the motion to approve AR 99-180(S) and it passed without objection.

- E. Assembly Memorandum No. AM 634-99, Assembly Request: **Subdivision agreement time extension for Tudor Centre Subdivision**, Community Planning and Development.
(POSTPONED FROM 7-13-99)

Chairman Wuerch gave the history of the memorandum and noted a motion to amend AM 634-99 was on the floor.

Don Alspach of Community Planning and Development reported the petitioner did not oppose reducing the time extension from four years to two years.

Question was called on the motion to amend AM 634-99 and it passed without objection.

Question was called on the motion to approve AM 634-99 as amended and it passed without objection.

- F. 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.
(APPROVED 6-15-99; RECONSIDERED AND POSTPONED FROM 6-15-99; CARRIED OVER FROM 7-13-99)

Chairman Wuerch gave the history of the memorandum and noted a motion to approve AM 591-99 was on the floor.

Mr. Tesche reported the Downtown Community Council met with the applicant and did not recommend the Assembly protest the transfer of ownership.

Mr. Kendall moved, seconded by Ms. Fairclough, and it passed without objection,	to amend AM 591-99 line 33 to read: "...will protest the transfer until such time as the taxes are paid."
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Question was called on the motion to approve AM 591-99 as amended and it passed without objection.

- G. Assembly Memorandum No. AM 646-99, **Los Arcos Restaurant** - Transfer of Location and Ownership of a Beverage Dispensary Liquor License and a Restaurant Designation (Campbell Park and Abbott Loop Community Councils), Clerk's Office.
(POSTPONED FROM 7-13-99)

Chairman Wuerch gave the history of the memorandum and noted no motions were pending.

Mr. Meyer moved, seconded by Ms. Taylor, and it passed without objection,	to postpone action until item 11. A., AR 99-164 is considered.
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- H. 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;
RECONSIDERED AND POSTPONED FROM 6-15-99; CARRIED OVER FROM 7-13-99)

Chairman Wuerch gave the history of the resolution and noted a motion to approve AR 99-86 was on the floor.

Ms. Clementson distributed pictures of one of the liquor establishments operated by Williams Express. As the pictures show, there is one counter and one clerk to serve all customers. Inside the liquor store, which is clearly visible to anyone entering the convenience store, is a display of Old Milwaukee Beer topped by a kid-sized, battery powered car. This display is visible to young children entering the convenience store. Also, this store had a 24-foot tall, inflated beer bottle displayed outside. She contended this type of advertising was irresponsible and confused the "don't drive drunk" message the community is trying to send.

Mr. Sullivan noted Williams Express is generally a good operator. He questioned whether the Assembly should single-out one operator or location for the prohibition of alcohol sales.

Ms. Fairclough agreed it was inappropriate to sell alcohol and gasoline at the same location. Several cities in the nation restrict the sale of alcohol and gasoline by location and conditional use permits. She recommended a six-month postponement to allow the Assembly to develop a policy.

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

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

Mr. Tesche reminded members he sponsored an ordinance that would prohibit the sale of alcohol at gas stations. That ordinance was referred to the Planning and Zoning Commission and will return to the Assembly soon. In the meantime, a separate condition could be attached to this conditional use.

Mr. Meyer commented conditions like the one suggested are not usually imposed unless an establishment's operation has caused problems. This applicant has not yet operated in this location. It also puts Williams Express at a competitive disadvantage with similar, super-convenience stores.

Ms. Clementson argued the same condition could be attached to every package store located at a gas station as the licenses come up for renewal thereby establishing equal footing for all stores.

Mr. Tesche moved, to amend AR 99-86 to add a new condition #4 in Section 1 of
seconded by Ms. Clementson, the resolution to read: "The licensee shall not permit the sale
of "singles" intended for off premise consumption from the
site. For purposes of this condition, the term "single" means
any alcoholic beverage sold in containers smaller than 705 ml
unless those containers are packaged and sold together in
cartons of at least twelve (12) units."

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

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

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

- I. 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.
(POSTPONED FROM 6-15-99; CARRIED OVER FROM 7-13-99)

Chairman Wuerch gave the history of the memorandum and noted a motion to approve AM 555-99 was on the floor.

Question was called on the motion to approve AM 555-99 and it passed with only Ms. Clementson objecting.

- J. Ordinance No. AO 99-84, an ordinance **designating certain real property as deteriorated property known as the Knik Arm Power Plant at Ship Creek**, Assemblymember Tesche.
(POSTPONED FROM 7-13-99)
1. Ordinance No. AO 99-84(S), an ordinance designating certain real property as deteriorated property known as the Knik Arm Power Plant at Ship Creek, Assemblymember Tesche.
(LAID ON THE TABLE)

Item 9 J was considered later in the meeting following item 12.H, AO 99-100.

- K. Resolution No. AR 99-166, a resolution of the Municipal Assembly **resolving that all Anchorage road projects planned for construction, rehabilitation, repaving and safety improvements will include full funding for needed roadside trail, bicycle, sidewalk and landscaping improvements**, Assemblymember Abney.
1. Assembly Memorandum No. AM 661-99, Public Works.
2. Assembly Memorandum No. AM 663-99.
3. Resolution No. AR 99-166(S), a resolution of the Municipal Assembly resolving that all Anchorage road projects planned for construction, rehabilitation, repaving and safety improvements will include full funding for needed roadside trail, bicycle, sidewalk and landscaping improvements, Assemblymember Abney. (**addendum**)
4. Assembly Memorandum No. AM 704-99.
(POSTPONED FROM 6-15-99; CARRIED OVER FROM 7-13-99)

Item 9 K was not considered during this meeting. See the minutes of August 10, 1999.

10. APPEARANCE REQUESTS:

- A. **Theresa Nangle Obermeyer**, regarding the Open Meetings law.
B. **Terry Martin**, to present a request to establish a committee to amend the Home Rule Charter as it relates to single-member voting districts.

Ms. Obermeyer and Mr. Martin appeared earlier in the meeting.

11. CONTINUED PUBLIC HEARINGS:

- A. Resolution No. AR 99-164, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Beverage Dispensary License) located on Dowling Subdivision, Lot 45, generally located on the south side of East Dowling Road and on the east side of Petersburg Street (Maria Gallo Covarrubias d.b.a. **Los Arcos**) (Case 99-143), Community Planning and Development.
1. Assembly Memorandum No. AM 593-99.
(CONTINUED FROM 7-13-99)

Chairman Wuerch opened the public hearing on AR 99-164 and asked if anyone wished to speak.

MARIA GALLO said the restaurant was losing a lot of business because they could not serve alcohol. In spite of working long hours, they are barely managing to meet the bills.

ROBERT YAHARA opposed the license. The owners already have a restaurant license and there is a package store license next door so the area is adequately served. Also, churches and schools are located nearby.

FELIX MARTINEZ, noted the Abbott Loop Community Council approved the application so he was not sure what the problem was now. The applicants lost a business recently and are in debt. In reply to Mr. Meyer, he said if the license is not granted, they may as well close. He felt the gain in customers would offset the price of the dispensary license.

BARBARA WEINIG, noted other restaurants that offer similar fare operate successfully without a dispensary license. She opposed the application because of the proximity to schools. However, she recognized the existing package store and restaurant liquor licenses predated the public schools in the area.

TOM McGRATH noted the similarity between this discussion and the one that occurred when a license was granted to Anna's Diner. The applicant's arguments were similar to the ones offered here. That family restaurant became a bar. He opposed placing a dispensary license so close to schools and churches.

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

The Assembly recessed at 7:18 p.m. and reconvened at 7:45 p.m.

Ms. Von Gemmingen moved, to approve AR 99-164.
seconded by Ms. Taylor,

In response to Mr. Meyer, Ms. Gallo and Mr. Martinez reiterated the license was needed to make the restaurant competitive. They did seek to purchase an existing license in the area but none were available.

Mr. Meyer explained the policy of community councils to maintain a static number of liquor licenses within areas. Although there are schools and churches in the area, the distance from the licensed premises is more than required by law. He felt the land use was acceptable but he opposed transferring another license into the midtown area.

Question was called on the motion to approve AR 99-164 and it passed:

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

Assembly Memorandum No. AM 646-99, Los Arcos Restaurant - Transfer of Location and Ownership of a Beverage Dispensary Liquor License and a Restaurant Designation (Campbell Park and Abbott Loop Community Councils), Clerk's Office.
(POSTPONED FROM 7-13-99)

Mr. Sullivan moved, to approve AM 646-99.
seconded by Mr. Kendall,

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

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

Chairman Wuerch opened the public hearing on AO 99-53 and asked if anyone wished to speak.

TIM POTTER, representing property owners Dell and Sue Isabelle, stated the site is 2.8 acres located near the office building, warehouse and broadcast antennas of the National Weather Service. The subject property has historically had a warehouse on it. The parcel borders residential areas. After review by the Planning and Zoning Commission, the property owners modified the request by reducing the area to be rezoned to I-1 and agreeing to limit uses in the I-1 area. The new configuration will have: 1) up to five R-1A lots, 1.8 acres of I-1 that require a site plan review, 2) buffers of varying widths on all sides of the property to shield the industrial use from neighboring uses, and 3) a wooden perimeter fence to replace the existing chain link and barbed wire fences. He felt the limitations and new configuration would protect adjacent residential areas, recognize the historical use of the property, conform with the Part 150 airport noise study, accommodate compatible light industrial uses near the airport and limit new development on the site.

In response to Ms. Von Gemmingen, Mr. Potter outlined interactions between the applicant, municipal staff and the Zoning Board of Examiners and Appeals. To date, the action confirming the grandfather rights for the warehouse has not been completed.

Chairman Wuerch announced a valid protest had been filed making a 2/3-majority vote necessary to adopt the ordinance.

In response to Ms. Von Gemmingen, Don Alspach of Community Planning and Development recalled the Zoning Board of Examiners and Appeals ruled the structure had grandfather rights but did not decide on the use. If the property is not rezoned Zoning Enforcement will pursue zoning actions they feel are appropriate.

Responding to Ms. Clementson, Ms. Isabelle contended grandfather rights were approved for the building and the use. The question remaining pertained to the land and the outside storage of equipment. If the property is rezoned, they planned to use the property to store equipment and materials incidental to other businesses. This property will not serve as the storage yard for the construction company. They have agreed to limit the hours of equipment operation on the site.

In response to Mr. Tesche, Mr. Potter discussed the need for and uses of warehouses on and near the airport. He contended the proposal fit well with the existing comprehensive plan policies.

Answering Chairman Wuerch's inquiry, Mr. Potter explained the property is on the edge of the Part 150 noise study boundary. The owners would probably not be allowed to increase the density of the residential zoning in the future because of airport noise. The municipality and state have agreed residential development near airports should be limited.

CHARLOTTE EMERSON, an area property owner, contended the weather station was not compatible with the industrial use. The plan presented was denied by the Planning and Zoning Commission because the residential lots were too small and the industrial use was not compatible with the neighborhood. The comprehensive plan shows this area as R-1A. The owners have been involved in zoning enforcement actions since 1995. She urged the Assembly to deny the request.

SALLY SHUMAKER, opposed the rezoning because she felt it would open the floodgates to change the zoning along Sand Lake Road to industrial. The owners have said they do not need the property for equipment storage because they already have a storage yard elsewhere. Since 1995 the noise generated by activity on this property has been tremendous. The property has been the object of several zoning complaints.

MICHELLE RALSTON, a nearby neighbor, complained the noise from this property has, on occasion, disturbed their sleep. The trucks coming and going through the residential neighborhood pose a hazard to children. It is not appropriate to allow an industrial use on residential land.

RICHARD HAYES supported the rezoning. He noted the new owners cleaned up the property.

KEN SHUMAKER urged the Assembly to support the Planning Zoning and Commission decision.

PATRICIA WARDLAW felt Anchorage needed to make a plan. It is not a good plan to put industrial uses next to single family dwellings. Thirty-foot buffer zones sound good but do not effectively separate uses. Anchorage needs to pay more attention to what could happen not just what is happening.

JERRY JUNDT, a nearby resident, commended the Isabelles for cleaning up the property. He has not heard noise from the property. He contended the truck traffic to and from the gravel pit fill site was a greater hazard than this use posed.

DAN BOOYER, a frequent user of Sand Lake Road, commented the property was cleaned up after the Isabelles bought it. He supported the rezoning.

ROBERT AUTH, Spenard Community Council Chair, speaking as an individual, noted the state is taking comments on the Part 150 noise study until September. The study has not been approved by the FAA and should not be the basis of the Assembly's decision in this matter.

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

At the invitation of Ms. Taylor, Mr. Potter explained housing was proposed along Katahdin drive to preserve the look and feel of the primary entry road to existing and future residential development. He recommended the Assembly not get into the issue of grandfather rights because that is a matter of law and code interpretation to be resolved by the hearing officer or courts.

Mr. Isabelle said the only time there is noise at night is when they plow the parking lot. Other complaints neighbors have made about noise and noxious fumes have not been documented.

Ms. Isabelle suggested the noise may have come from construction of the warehouse on the NOAH property. Her neighbors do not want more houses or industrial uses; they want things to stay the same. She and her husband want to use the warehouse, clean it up and be good neighbors.

In response to Mr. Sullivan, Tim Potter advised the lot size would be discussed by the Platting Board. However, as available, residential land declines in Anchorage, questions arise regarding the appropriate density in areas served by water and sewer.

Mr. Isabelle said he would consider platting four rather than five residential lots.

In response to Mr. Tesche, Mr. Potter explained if the rezoning were approved anything done to enlarge or develop a new project on the I-1 site would require a fully noticed, public hearing, site plan review process before the Planning and Zoning Commission.

In reply to Ms. Clementson, Mr. Potter stated the owners would agree to construct a six-foot high, wooden fence on the west, south and east property lines.

Mr. Sullivan moved, to adopt AO 99-53.
seconded by Ms. Taylor,

Mr. Meyer expressed concerns about the enforceability of the conditions suggested by Ms. Clementson. He was unsure there was a compelling reason to grant the rezoning.

Mr. Tremaine recalled the airport planned to expand toward this property. Although he did not like either choice presented, he wanted to do what the neighbors wanted.

Ms. Clementson distributed pictures she took of the area. This property is very close to the airport. From Katahdin Drive or Sand Lake, a casual passer-by cannot see what is on it. However, the chain link fence with barbed wire on the top is ugly. The adjacent land uses do not support residential development for the entire parcel. She contended the most inappropriate development in this area was new residential. The proposal seems like a reasonable compromise. She urged the Assembly to be cognizant of the need to expand the airport.

Ms. Clementson moved, to amend AO 99-53 on page 2, line 26 to read: "...buffer of 30 feet. The property shall be fenced on the east, west and south sides with a six-foot high wooden fence."; add a new Section 3 and it passed without objection, to read: "Hours of business operation, to include the moving of heavy equipment and snow removal, shall not exceed 7:00 a.m. to 8:00 p.m. Monday through Saturday and 9:00 a.m. to 8:00 p.m. on Sunday." and renumber following sections accordingly.

There was discussion of spot zoning, airport expansion and noise, and the advisability of allowing more residential development so near the airport.

Question was called on the motion to adopt AO 99-53 as amended and it passed:

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

12. NEW PUBLIC HEARINGS:

A. Assembly Memorandum No. AM 612-99, **Employee Relations Board appointment** (Ernie Hall), Employee Relations.

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

Ms. Von Gemmingen moved, to approve AM 612-99.
seconded by Mr. Tremaine,

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

(Clerk's Note: Mr. Kendall and Ms. Clementson were out of the room at the time of the vote.)

B. Resolution No. AR 99-183, a resolution of the Municipality of Anchorage for the **review and approval of the collective bargaining agreement between the Municipality of Anchorage and the Anchorage Police Department Employees Association**, Employee Relations.
1. Assembly Memorandum No. AM 649-99.

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

SGT. ROB HUEN, APDEA President, urged the Assembly to confirm the contract. It was bargained in good faith and will bring a sense of stability to the department.

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

Ms. Von Gemmingen moved, to approve AR 99-183.
seconded by Ms. Taylor,

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

(Clerk's Note: Mr. Kendall and Ms. Clementson were out of the room at the time of the vote.)

- C. Resolution No. AR 99-169, a resolution of the Municipality of Anchorage appropriating \$687,233 from the State of Alaska Department of Community and Regional Affairs to the State Categorical Grants Fund (231) for the **Day Care Assistance Program** in the Department of Health and Human Services.
1. Assembly Memorandum No. AM 604-99.

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

Ms. Von Gemmingen moved, to approve AR 99-169.
seconded by Ms. Taylor,

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

(Clerk's Note: Mr. Kendall and Ms. Clementson were out of the room at the time of the vote.)

- D. Resolution No. AR 99-176, a resolution of the Municipality of Anchorage appropriating the sum of \$158,993 from the U.S. Environmental Protection Agency and \$323,000 as a cash match from the 1999 Department of Health and Human Services Operating Budget to the Federal Categorical Grants Fund (241) for the **operation of the Anchorage Air Pollution Control Agency**, Health and Human Services.
1. Assembly Memorandum No. AM 616-99.

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

Ms. Von Gemmingen moved, to approve AR 99-176.
seconded by Ms. Fairclough

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

(Clerk's Note: Mr. Kendall and Ms. Clementson were out of the room at the time of the vote.)

- E. Resolution No. AR 99-186, a resolution of the Municipality of Anchorage, Alaska, **accepting and appropriating \$1,500,000 for projects constructed under the AEDC Matching Grant Program** (Senate Bill 32), Anchorage Water and Wastewater Utility.
1. Assembly Memorandum No. AM 657-99.

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

Ms. Von Gemmingen moved, to approve AR 99-186.
seconded by Mr. Tremaine,

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

(Clerk's Note: Mr. Kendall and Ms. Clementson were out of the room at the time of the vote.)

- F. Resolution No. AR 99-187, a resolution authorizing the Municipality of Anchorage, Public Transportation Department to file for a Federal Transit Administration Section 5303 Metropolitan Transportation Planning Program grant, enter into a Transfer of Responsibilities Agreement in the amount of \$175,605 with the Department of Transportation and Public Facilities, State of Alaska, and to appropriate these funds along with \$43,901 for local matching funds from the Public Transportation Department's 1999 Operating Budget as a contribution to the State Categorical Grants Fund (231) for the **Transit Planning Program**, Public Transportation Department.
1. Assembly Memorandum No. AM 660-99.

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

Ms. Von Gemmingen moved, to approve AR 99-187.
seconded by Mr. Tremaine,

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

(Clerk's Note: Mr. Kendall and Ms. Clementson were out of the room at the time of the vote.)

- G. Resolution No. AR 99-189, a resolution of the Municipality of Anchorage appropriating \$240,000 from the State of Alaska, Department of Transportation and Public Facilities, to **design and implement a new public involvement program for transportation planning**, Community Planning and Development.
1. Assembly Memorandum No. AM 667-99.

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

Ms. Von Gemmingen moved, to approve AR 99-189.
seconded by Ms. Taylor,

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

(Clerk's Note: Mr. Kendall and Ms. Clementson were out of the room at the time of the vote.)

- H. 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.
1. Assembly Memorandum No. AM 597-99.

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

Ms. Von Gemmingen moved, to adopt AO 99-100
seconded by Ms. Taylor,

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

(Clerk's Note: Mr. Kendall and Ms. Clementson were out of the room at the time of the vote.)

At the request of Chairman Wuerch the Assembly interrupted public hearings and returned to old business.

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

1. Ordinance No. AO 99-84(S), an ordinance designating certain real property as deteriorated property known as the Knik Arm Power Plant at Ship Creek, Assemblymember Tesche.
(LAID ON THE TABLE)

Chairman Wuerch gave the history of the ordinance and noted no motions were pending.

Mr. Tesche moved, to adopt AO 99-84(S).
seconded by Mr. Sullivan,

Mr. Tesche stated the substitute ordinance corrected technical errors in the original document. Passage of the ordinance will allow an able and experienced developer to go forward.

Ms. Clementson argued there was a vast difference between the definition of deteriorated area and deteriorated property as described in AO 98-135(S-1). The ordinance addresses a deteriorated area of 24 acres but the hearing notice only lists a deteriorated property: the Knik Arm Power Plant. Therefore, she contended, the public hearing notice was inadequate. She felt strongly that the Assembly should establish a process first. She noted no summary of economic effects, as required by the code, was attached. In light of questions involving water rights, use of public money to develop a facility in an area now being declared deteriorated and property ownership suggest the Assembly should proceed more slowly.

In response to Mr. Kendall, Deputy Municipal Attorney Bill Greene explained a deteriorated property maybe in a deteriorated area. However, it is the deteriorated property which is eligible for the tax exemption. State law does distinguish between deteriorated area and deteriorated property. Whether the public notice was adequate is a matter of judgment the Assembly can determine.

Mr. Tesche, in response to Ms. Clementson, contended the public hearing notice was sufficient, the substitute ordinance was not significantly different from the original ordinance, questions of water rights would be addressed when Mr. Marlow presented his development plans and lastly, the courts would resolve the legal case.

Ms. Fairclough agreed the power plant should be redeveloped but felt the Assembly should establish a procedure first so that the same rules are applied to everyone.

Mr. Kendall pointed out the Assembly declared the two blocks around the McKay Building a deteriorated area even though active businesses were located in the area. In this instance some business properties need to be included to make moving Whitney Road and revitalizing the power plant economically viable.

Ms. Clementson recommended action be delayed for two months so some of the questions she raised can be answered and the Assembly can establish a framework. She stressed she did not oppose the development of Ship Creek but was concerned that a process be established.

Chairman Wuerch explained adoption of the ordinance did not grant a tax deferral or exemption. However, it would create an area which might receive tax deferrals. Therefore, he argued, there was no need for a summary of economic effects because the ordinance was cost/revenue neutral.

In response to Mr. Tremaine, Executive Manager Elaine Christian advised the tax impact was impossible to determine because development plans have not been finalized. However, the property was removed from the tax rolls in 1998 because the railroad terminated the Hobbs lease. Taxes are being collected on the Wrightway Auto and York Steel properties.

Municipal Assessor Wayne Haerer detailed the valuations of parcels within the area proposed for declaration as deteriorated. The total 1999 tax collection on the properties will be \$450.

Mr. Tremaine moved, the previous question.
seconded by Mr. Meyer,

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

Question was called on the motion to adopt AO 99-84(S) and it passed:

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

Ms. Von Gemmingen encouraged the applicant to answer questions raised by Ms. Clementson prior to asking the Assembly to grant a tax exemption.

Mr. Tremaine moved, to continue public hearings until 11:00 p.m.
seconded by Ms. Von Gemmingen,
and it passed without
objection,

- I. Resolution No. AR 99-167, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Beverage Dispensary Liquor License and Brewpub) located at Coven Village Subdivision, Block 2, Lots 1 & 2, generally located on the west side of Old Seward Highway and south of East 33rd Avenue (Fresh Ale Pub LLC d.b.a. **Moose's Tooth Pub & Pizzeria**) (Case 99-146), Community Planning and Development.
1. Assembly Memorandum No. AM 601-99.

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

ROD HANCOCK, co-owner of the restaurant, stated passage of a state law allowed restructuring of the liquor licenses so the business could expand. No operation changes are planned. In reply to Ms. Fairclough, he said they recently purchased an adjoining lot to use for parking. That lot will be paved and landscaped. While he favored exterior enhancements to the building, they only have one and a half years left on the lease so are hesitant to invest in building improvements. In response to Mr. Meyer, he stated the license was being transferred from a midtown/Spenard location.

TOM McGRATH applauded the food and fruit beer offered by the Moose's Tooth. He commended the efforts of State Representatives Rokeberg and Croft on House Bill 69. The code should be amended to address the year around use of temporary buildings such as the tent at the Moose's Tooth.

ROBERT AUTH, Spenard Community Council Chair, advised the petitioners were well received at the last council meeting. The application was supported on the condition that the license was being transferred from elsewhere in the area.

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

Ms. Von Gemmingen moved, to approve AR 99-167.
seconded by Ms. Fairclough,

Mr. Tesche moved, to amend AR 99-167 by adding a new condition #3 to
seconded by Mr. Tremaine, Section 1 to read: "Applicant shall obtain approval by the
Director of Planning of a plan to pave and landscape the
parking area, and to create separation from 33rd Avenue and
the Old Seward Highway to reduce congestion. This
condition will become effective on July 1, 2000." and
renumber remaining conditions appropriately.

Mr. Hancock requested clarification on the intent of "separation from 33rd Avenue." Mr. McGrath explained the streets at that location are very narrow and customers back out into 33rd and Old Seward Highway from both directions creating congestion. He felt a parking lot laid out to municipal standards would cure the problem.

Mr. Tesche added the applicant would be required to satisfy the Director of Planning that all the conditions had been met.

Question was called on the motion to amend AR 99-167 and it passed without objection.

Mr. Tremaine moved, to amend AR 99-167 by adding a new condition #6 to
seconded by Mr. Tesche, Section 1 to read: "That they must conform with the first
and it was withdrawn, seven land use enforcement recommendation as shown on
page 2 of the June 25 memorandum from Mr. Fero to Mr.
Alspach."

In response to Mr. Kendall, Don Alspach of Community Planning and Development advised some of the recommendations were included in conditions on the resolution. The remaining recommendations would be resolved in the normal course of business so were not included in the resolution.

Question was called on the motion to approve AR 99-167 as amended and it passed:

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

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

Ms. Von Gemmingen moved, to extend the meeting to complete public hearings
seconded by Ms. Taylor, and consideration of item 7.B.10, introduction of AO 99-112.

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

(Clerk's Note: Ms. Clementson was out of the room at the time of the vote. This motion failed because it did not receive nine affirmative votes.)

The Assembly then took up AO 99-112. See item 16. Unfinished Agenda.

- J. Resolution No. AR 99-168, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Restaurant and Eating Place License) located on Debora Subdivision, Block "E", Lot 1A, generally located on the east side of Old Glenn Highway and north of South Juanita Loop Road (Jose & Lucia Nanez d.b.a. **River Place Restaurant**) (Case 99-147), Community Planning and Development.
1. Assembly Memorandum No. AM 602-99.
- K. 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.
1. Assembly Memorandum No. AM 592-99.
2. Ordinance No. AO 99-96(S), 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), Community Planning and Development.
3. Assembly Memorandum No. AM 655-99.
- L. 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.
1. Assembly Memorandum No. AM 599-99.
2. Information Memorandum No. AIM 60-99, Community Planning and Development.
- M. 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.
1. Assembly Memorandum No. AM 600-99.
2. Information Memorandum No. AIM 61-99, Community Planning and Development.

Items 12. J through 12. M were carried over to August 10, 1999.

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

14. **SPECIAL ORDERS:** None.

15. **ASSEMBLY COMMENTS:** None.

16. **UNFINISHED AGENDA:**

Ordinance No. AO 99-112, an ordinance of the Anchorage Municipal Assembly amending the zoning map and rezoning to provide for a change of Special Limitation from B-3SL (General Business District) with Special Limitations to B-3SL for **Tracts A-2, A-3 KFQD Subdivision and Tract 1, Mirawood Estates Subdivision**, Assemblymember Abney. **(addendum)**

a. Assembly Memorandum No. AM 707-99.

Ms. Abney, Mr. Tremaine and Ms. Fairclough supported introduction of AO 99-112.

Ms. Abney moved, to amend AO 99-112 on line 28 to add "...additional set
seconded by Mr. Tremaine, backs, site layout, pedestrian and vehicular circulation,
building design and materials."

Mr. Meyer moved, to extend the meeting to complete this item.
seconded by Ms. Taylor
and it passed without
objection,

In response to Ms. Taylor, Bruce Chambers representing property owner Pioneer Broadcasting Company, noted the project had been in the works for three years. Pioneer obtained the necessary rezoning to allow the antenna to be moved and gone to great expense to develop the property. Application has been made for the building permit and that process is about 90% complete. A retroactive, special limitation will harm the process and be expensive.

In response to Mr. Kendall, Don Alspach of Community Planning and Development stated no site plan review was required on that portion of the property zoned B-3. He was unsure of the requirements of the special limitations on that portion of the property zoned B-3 SL.

Mr. Chambers clarified the B-3SL property was not involved in the Fred Meyer project.

Mr. Kendall moved, to postpone AO 99-112 as amended, indefinitely.
seconded by Ms. Von Gemmingen,

Chairman Wuerch recapped that three members were willing to introduce the ordinance and refer it to the Planning and Zoning Commission. However, the ordinance implies the entire Assembly sponsored and endorsed it

Ms. Abney argued the proposed development would have an extraordinary impact on the community. The amendments proposed only require a site review as requested by the community.

In response to Mr. Kendall, Don Alspach of Community Planning and Development stated introduction of the ordinance did not effect the on going application process for the building permit. The project can go forward as long as the developer complies with requirements of the current zoning.

In explanation to Mr. Tremaine, Mr. Chambers said the special limitation that existed on the Fred Meyer site concerned access to Abbott and was eliminated when the property was replatted into an 18-acre tract. The action before the Assembly appears to be a retroactive rezoning. Exhibit A of the ordinance inaccurately reflects the zoning.

Question was called on the motion to postpone AO 99-112 as amended indefinitely and it failed:

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

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

Mr. Tesche moved, to amend AM 707-99 on line 11
seconded by Mr. Tremaine, to delete "...with a recommendation for approval."
and it passed without
objection,

Mr. Tesche recommended the following legislative intent be attached to the ordinance: That forwarding this matter to the Planning and Zoning Commission is a formality and a courtesy to other members of the Assembly. It does not bear the recommendation one way or the other to the Commission as to what the Commission should do.

Mr. Tesche felt the intent would make it clear the Assembly is not trying to exert influence over the Commission's decision. He wanted their perspective.

Tim Potter, DOWL Engineers, questioned whether the Assembly could target a privately owned parcel for rezoning without the owner's consent. Secondly, he felt a matter like this needed a majority vote to go forward. Lastly, the issue may be moot since the application for the building permit has been made and a vested interest established.

Deputy Municipal Attorney Bill Greene commented this was the first instance like this and more research was needed before he could advise whether a majority vote of the Assembly was required to send the ordinance to the Planning and Zoning Commission.

Chairman Wuerch noted the ordinance would change the rules after the fact. He was concerned about the message this type of action would send to future developers.

In response to Ms. Taylor, Mr. Chambers said the Abbott Loop Community Council met on several occasions with Fred Meyer representatives, negotiated numerous changes on the project and those negotiations were completed. Now, he understands HALO feels they did not participate enough in the negotiations and the council wants more input.

Mr. Greene opined the ordinance did not require six votes for introduction especially with the legislative intent clearly stated on the record.

(Clerk's Note: Without further action, AO 99-112 as amended was deemed introduced and forwarded to the Planning and Zoning Commission.)

17. AUDIENCE PARTICIPATION: None.

18. EXECUTIVE SESSIONS: None.

19. ADJOURNMENT:

Mr. Kendall moved, to adjourn.
seconded by Mr. Sullivan
and it passed without
objection,

The meeting adjourned at 11:25 p.m.

Chairman

ATTEST:

Municipal Clerk

Date Minutes Approved: November 16, 1999

LF/lf

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