

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of August 17, 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.

Chairman Wuerch announced the Alaska Journal of Commerce won the bid for newspaper advertising; the Assembly agenda will be published in that newspaper for the next year.

2. ROLL CALL:

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

3. PLEDGE OF ALLEGIANCE:

The pledge was led by Ms. Clementson.

Ms. Clementson offered the Assembly’s condolences and sympathies to the family of former Assembly person Dr. Lidia Selkregg, who died recently. Ms. Clementson felt Dr. Selkregg was a great leader who contributed a lot to the community and left a wonderful legacy.

4. MINUTES OF PREVIOUS MEETING:

- A. Regular Meeting - February 23, 1999
- B. Special Meeting - February 23, 1999

Ms. Abney moved, to approve the minutes of the regular and special
seconded by Mr. Meyer, Assembly meetings of February 23, 1999.
and it passed without
objection and with the newly-
elected members abstaining,

5. MAYOR'S REPORT:

Mayor Mystrom announced the dedication of the Dempsey Anderson II Ice Arena was scheduled for August 19, 1999. He said a broom-ball game would be held at the new arena, with one team composed of media representatives, and the other composed of Assembly and administration members. He encouraged all Assembly members to attend, even if they do not participate in the game.

6. ADDENDUM TO AGENDA:

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

Chairman Wuerch read the addendum items.

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

7. CONSENT AGENDA

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

- A. BID AWARDS:
- 1. Assembly Memorandum No. AM 777-99, recommendation of award to Anderson Brothers Construction for furnishing **year round road maintenance services** to the Municipality of Anchorage, Public Works Department (ITB 98-156), Purchasing.
 - 2. Assembly Memorandum No. AM 778-99, recommendation of award to N.C. Machinery, Inc. for furnishing a **waste disposal crawler tractor** to the Municipality of Anchorage, Solid Waste Services (ITB 99-B075), Purchasing.
 - 3. Assembly Memorandum No. AM 779-99, recommendation of award to Western Peterbilt, Inc. for furnishing **frontload refuse trucks** to the Municipality of Anchorage, Solid Waste Services (ITB 99-B072), Purchasing.
 - 4. Assembly Memorandum No. AM 780-99, recommendation of award to Wilder Construction Company for the **Midtown Ballfields Development Project** for the Municipality of Anchorage, Cultural and Recreational Services (ITB 99-C052), Purchasing.

5. Assembly Memorandum No. AM 803-99, recommendation of award to Alaska Mechanical, Inc. for **Service High School 10 million gallon reservoir** for the Municipality of Anchorage, Water and Wastewater Utility (ITB 99-C051), Purchasing. (**addendum**)
6. Assembly Memorandum No. AM 804-99, recommendation of award to S.R. Swett & Sons Construction for the **S&R Street Water Upgrade and 10th & Cordova Water Upgrade Project** for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (ITB 99-C054), Purchasing. (**addendum**)
7. Assembly Memorandum No. AM 805-99, recommendation of award to Annette's Trucking, Inc. for **Illiamna Avenue Sewer Repair & Rehabilitation (R&R)** for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (ITB 99-C055), Purchasing. (**addendum**)
8. Assembly Memorandum No. AM 808-99, recommendation of award to Pruhs Corporation for **Baxter Road and Beaver Place Improvements-Northern Lights Boulevard to DeBarr Road and Phase I-Cheney Lake Outlet** for the Municipality of Anchorage, Public Works (ITB 99-C057), Purchasing. (**addendum**)

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

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 99-117, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the **issuance of not to exceed \$35,000,000 in aggregate principal amount of General Obligation School Bonds** of the Municipality for the purpose of raising funds to pay the costs of educational capital improvement projects in the Municipality; fixing certain details of said bonds; providing for the form and manner of sale of said bonds; pledging the full faith and credit of the Municipality to the payment thereof; authorizing the Chief Fiscal Officer to negotiate and execute a contract for the purchase and sale of said bonds; and related matters, Finance. public hearing 9-14-99.
 - a. Assembly Memorandum No. AM 755-99.

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

2. Ordinance No. AO 99-118, an ordinance of the Municipality of Anchorage, Alaska, providing for the **issuance of Subordinate Lien Water Revenue and Refunding Bonds of the Municipality in the aggregate amount of not to exceed \$75,000,000** for the purpose of providing part of the funds to refund certain outstanding general obligation water bonds of the Municipality and to provide for certain improvements to the water utility and to pay costs of issuance; fixing certain covenants and protective provisions safeguarding the payment of the principal of and interest on said bonds; providing for the date, form, terms, maturities and manner of sale of the bonds; delegating to the Chief Fiscal Officer the approval of final maturity amounts and interest rates on said bonds; authorizing an official statement; appointing an escrow agent; approving the form of an escrow deposit agreement; and authorizing the sale of such bonds, Finance. public hearing 9-14-99.
 - a. Assembly Memorandum No. AM 756-99.
3. Ordinance No. AO 99-119, an ordinance of the Municipality of Anchorage, Alaska, providing for the **issuance of Wastewater Revenue Bonds of the Municipality in the aggregate amount of not to exceed \$5,700,000** for the purpose of providing for certain improvements to the wastewater utility and to pay costs of issuance; fixing certain covenants and protective provisions safeguarding the payment of the principal of and interest on said bonds; providing for the date, form, terms, maturities and manner of sale of the bonds; delegating to the Chief Fiscal Officer the approval of final maturity amounts and interest rates on said bonds; authorizing an official statement; and authorizing the sale of such bonds, Finance. public hearing 9-14-99.
 - a. Assembly Memorandum No. AM 757-99.
4. Ordinance No. AO 99-120, an ordinance of the Anchorage Municipal Assembly **authorizing extension of the lease between the Municipality of Anchorage as lessor and Dimond D Partners as lessee of Lot 4, Block 3, Merrill Field Replat Addition No. 2**, located between Runway 6-24 and Merrill Field Drive, Merrill Field Airport. public hearing 9-14-99.
 - a. Assembly Memorandum No. AM 760-99.
5. Ordinance No. AO 99-121, an ordinance of the Anchorage Municipal Assembly **authorizing renewal of the lease between the Municipality of Anchorage as lessor and Michael B. Spornak and Marita C. Crosby as lessee of Lot 3A, Block 3, Merrill Field Replat Addition No. 2**, located between Runway 6-24 and Merrill Field Drive, Merrill Field Airport. public hearing 9-14-99.
 - a. Assembly Memorandum No. AM 761-99.
6. Resolution No. AR 99-215, a resolution of the Municipality of Anchorage appropriating \$1,296,431 to the State Categorical Grants Fund (231) from the State Department of Health and Social Services, and appropriating \$270,000 to the State Categorical Grants Fund (231) from the General Government Operating Budget Area-wide General Fund (101), Health and Human Services Department, to **fund essential health and human services in the Municipality of Anchorage**, Health and Human Services. public hearing 9-14-99.
 - a. Assembly Memorandum No. AM 762-99.
7. Resolution No. AR 99-216, a resolution authorizing the Municipality of Anchorage, Department of Public Works to enter into a Transfer of Responsibilities Agreement (TORA) in the amount of \$150,000 with the State of Alaska, Department of Transportation and Public Facilities for a portion of the **design and construction of Eagle River Heights North Subdivision reconstruction** and appropriating these funds to the Chugiak Birchwood Eagle River Rural Road Service Area Capital Improvement Program (CIP) Fund (419), Public Works. public hearing 9-14-99.
 - a. Assembly Memorandum No. AM 763-99.

8. Resolution No. AR 99-229, a resolution of the Municipality of Anchorage **naming the Plaza at Loussac Library the "Soroptimist Plaza"**, Cultural and Recreational Services. public hearing 9-21-99.
 - a. Assembly Memorandum No. AM 783-99.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 99-208, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Detective Jerry W. Kirkley for his 15 years of service** with the Anchorage Police Department, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

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

2. Resolution No. AR 99-220, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Elizabeth E. Arend for her 25 years of service** with the Municipality of Anchorage, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

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

3. Resolution No. AR 99-221, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Michael J. Meehan for his years of service** with the Municipality of Anchorage, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

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

4. Resolution No. AR 99-222, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Robert L. Woolsey for his 25 years of service** with the Anchorage Fire Department, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

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

5. Resolution No. AR 99-223, a resolution of the Anchorage Municipal Assembly **recognizing the 20th Anniversary of Bean's Cafe**, Assemblymembers Taylor, Tesche, Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Tremaine, Von Gemmingen, and Wuerch.

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

6. Resolution No. AR 99-224, a resolution of the Anchorage Municipal Assembly **recognizing the selection of the Anchorage Youth Court as a model program** to be studied by the Urban Institute, Assemblymembers Von Gemmingen, Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, and Wuerch.

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

7. Resolution No. AR 99-225, a resolution of the Anchorage Municipal Assembly **recognizing and thanking the Army National Guard and Navy Reserve personnel who participated in Operation Oberg Park**, Assemblymembers Kendall, Abney, Clementson, Fairclough, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

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

8. Resolution No. AR 99-226, a resolution of the Anchorage Municipal Assembly **supporting the proposal to designate the Historic Transportation Corridor through the Kenai Mountains and the region immediately north of the Turnagain Arm as a National Historic Corridor**, Assemblymember Wuerch.
9. Resolution No. AR 99-217, a resolution authorizing the **granting of a tax refund to Roy L. and Darlene Bainbridge as a result of manifest clerical error** on Real Property Account 006-063-97, Finance.
 - a. Assembly Memorandum No. AM 764-99.
10. Resolution No. AR 99-218, a resolution authorizing the **granting of a tax refund to Randy L. Roosdett as a result of manifest clerical error** on Real Property Account 017-092-57, Finance.
 - a. Assembly Memorandum No. AM 765-99.
11. Resolution No. AR 99-219, a resolution authorizing the **granting of a tax refund to Robert K. and Carol J. Petit as a result of manifest clerical error** on Real Property Account 050-314-45, Finance.
 - a. Assembly Memorandum No. AM 766-99.
12. Resolution No. AR 99-227, a resolution of the Municipality of Anchorage appropriating \$95,000 to the State Categorical Grants Fund (231) from the Alaska Department of Health and Social Services for the provision of **HIV/AIDS Prevention Services**, Health and Human Services.
 - a. Assembly Memorandum No. AM 781-99.
13. Resolution No. AR 99-228, a resolution of the Municipality of Anchorage appropriating the sum of \$50,250 from the State of Alaska, Department of Public Safety, Division of State Troopers, and

\$16,750 as a contribution from the 1999 Anchorage Metropolitan Police Service Area Fund (151) Operating Budget to the State Categorical Grants Fund (231) for this **Methamphetamine Enforcement Program**, Anchorage Police Department.

- a. Assembly Memorandum No. AM 782-99.
14. Resolution No. AR 99-230, a resolution of the Anchorage Municipal Assembly appropriating \$65,000 from Areawide General Fund (0101) Balance to the Department of Health and Human Services to be used as a **grant to the Chugiak Senior Center**, Assemblymember Kendall. **(addendum)**
 - a. Assembly Memorandum No. AM 806-99.

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

15. Resolution No. AR 99-231, a resolution of the Anchorage Municipal Assembly **requesting past and present tax rolls be included as part of the evidentiary records of the Board of Equalization**, Assemblymembers Abney and Tremaine. **(addendum)**

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

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 773-99, **Board of Ethics appointments** (Jane Chaput, Jim Maley), Mayor's Office.
2. Assembly Memorandum No. AM 774-99, **Historic Preservation Board appointment** (James Romerdahl), Mayor's Office.
3. Assembly Memorandum No. AM 775-99, **Housing and Neighborhood Development Commission appointments** (Douglas Askerman, Mac Carey, Sam Combs, Margaret Evans), Mayor's Office.
4. Assembly Memorandum No. AM 776-99, **Upper O'Malley Limited Road Service Area Board of Supervisors appointment** (James Cazort), Mayor's Office.
5. Assembly Memorandum No. AM 758-99, **New Party Time Liquors** - Transfer of Ownership of a Package Store Liquor License (Spenard/Turnagain Community Councils); **New Party Time Liquors II** - Transfer of Ownership of a Package Store Liquor License (Campbell Park/University/Tudor Community Councils), Clerk's Office.
6. Assembly Memorandum No. AM 759-99, **O'Malley Ice Arena** - New Recreational Site Liquor License (Bayshore/Klatt Community Council), Clerk's Office.

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

7. Assembly Memorandum No. AM 767-99, change order No. 2 to purchase order 72995 with Software North, Inc. for providing **Y2K analysis and programming support** for the Municipality of Anchorage, Management Information Systems Department/ Purchasing.
8. Assembly Memorandum No. AM 768-99, proprietary purchase of **handheld electronic meter reading equipment and software** from Southeastern Data Cooperative for the Municipality of Anchorage, Municipal Light and Power/Purchasing.
9. Assembly Memorandum No. AM 769-99, Assembly approval of change order #3 to 1997-1999 contract with Delisio, Moran, Geraghty & Zobel, P.C. to provide **legal services**, Finance.
10. Assembly Memorandum No. AM 770-99, contract amendment No. 1 with HDR Engineering to **97th Avenue Storm Drain Phase III**, DPW Project No. 96-20, Public Works.
11. Assembly Memorandum No. AM 771-99, **Knik Arm Shoal dredging project** cooperative agreement, Port of Anchorage.
12. Assembly Memorandum No. AM 772-99, change order No. 1 to Aurora Refrigeration for **Freon removal services** at solid waste disposal facilities, Solid Waste Services.
13. Assembly Memorandum No. AM 784-99, change order No. 6 to purchase order 73756 with HRC, Inc. for the **operation of the Job Training Partnership Act (JTPA)/State Training and Employment Programs (STEP)** in the Matanuska-Susitna Borough for the Municipality of Anchorage, Department of Community Planning and Development/Purchasing.
14. Assembly Memorandum No. AM 785-99, change orders to various purchase orders with various firms to exercise the option period to provide **Anchorage/Matanuska-Susitna Job Training Partnership Act (JTPA) Programs - Classroom, Industry Specific and Customized Training** for the Municipality of Anchorage, Department of Community Planning and Development/Purchasing.
15. Assembly Memorandum No. AM 786-99, proprietary purchase of **new hire employee testing materials and services** from Firefighter Selection, Inc. for the Municipality of Anchorage, Fire Department/Purchasing.
16. Assembly Memorandum No. AM 787-99, change order No. 1 to purchase order 991688 with Statewide Clearing, Inc. for **brush chipping services** for the Municipality of Anchorage, Fire Department/Purchasing.
17. Assembly Memorandum No. AM 788-99, change order No. 1 to purchase order 70753 with USKH, Inc. for providing professional engineering services for the **Port Land Development project for Lot 4A** for the Municipality of Anchorage, Port of Anchorage/Purchasing.
18. Assembly Memorandum No. AM 789-99, change order No. 1 to purchase order 83314 to exercise the first option period with Alaska Energy Recovery, Inc. for providing **pumping, hauling, testing, and disposal of waste oil and petroleum sludge** for the Municipality of Anchorage, Purchasing Department.
19. Assembly Memorandum No. AM 790-99, change order No. 1 to purchase order 83315 to exercise the first option period with Exide Corporation for providing **automotive and equipment batteries** for the Municipality of Anchorage, Purchasing Department.

20. Assembly Memorandum No. AM 791-99, change order No. 3 to purchase order 63511 with Guess and Rudd, Inc. for providing **legal services** for the Municipality of Anchorage, Anchorage Water and Wastewater Utility/Purchasing.
21. Assembly Memorandum No. AM 792-99, change order No. 2 to purchase order 82944 with RCC Consultants, Inc. for **additional needs analysis and recommendations for the mobile data system** for the Municipality of Anchorage, Municipal Manager's Department/Purchasing.
22. Assembly Memorandum No. AM 793-99, change order No. 1 to purchase order 994090 with WESCO for furnishing **transformer units** to the Municipality of Anchorage, Municipal Light and Power/Purchasing.
23. Assembly Memorandum No. AM 794-99, change order No. 6 to purchase order 32874 with CH2M Hill Inc. for **permit administration and pending renewal of the Pt. Woronzof National Pollution Discharge Elimination System (NPDES) Permit and 301(h) Waiver** for the Municipality of Anchorage, Anchorage Water and Wastewater Utility/Purchasing.
24. Assembly Memorandum No. AM 795-99, change order No. 1 and change order No. 2 to the contract with the Anchorage Permit and Development Center, LLC for the **design, construction and lease of the Municipal Permit Center** (AM 1181-98), Property and Facility Management.

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

25. Assembly Memorandum No. AM 796-99, sole source contract for professional services with MGM Consulting for Guy Pasela to provide a **Comprehensive Management and Technical Services Assessment** of the Information Services organization, operations, applications, and technology environment for the Municipality of Anchorage, Executive Manager.

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

26. Assembly Memorandum No. AM 797-99, contract change order No. 2 to MMC Construction Company for the **construction of 88th Avenue sidewalk**, Contract No. 991011, DPW Project No. 98-30, Public Works.
27. Assembly Memorandum No. AM 798-99, **Port Land Development Project - Lot 4A**, P.O. No. 80311, Change Order No. 2, Port of Anchorage.
28. Assembly Memorandum No. AM 799-99, reimbursement agreement with Alaska Railroad Corporation for **100th Avenue Railroad Crossing relocation**, DPW #96-14, Public Works.
29. Assembly Memorandum No. AM 800-99, contract amendment No. 4 to Spernak and Son, Inc. for the **construction of the North Point Road Improvement District**, File 97-02, Public Works.
30. Assembly Memorandum No. AM 801-99, change order No. 2 to purchase order 99FIN478 with Willis Corroon for providing **excess liability insurance coverage** for the Municipality of Anchorage, Finance Department.
31. Assembly Memorandum No. AM 802-99, amendment No. 2 to professional services contract with HDR Alaska, Inc. for **south extension of the Coastal Trail-Kincaid Park to Potter Weigh Station**, Cultural and Recreational Services.

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

E. INFORMATION AND REPORTS:

1. Appeal 99-041 - Conditional Use for a Utility Facility in the PLI District (Tract B, Abbott Road Subdivision), has been scheduled for hearing before the Board of Adjustment on September 28, 1999, Clerk's Office.
2. Information Memorandum No. AIM 71-99, **Anchorage Regional Landfill recognition**, Solid Waste Services. (**addendum**)

Ms. Von Gemmingen 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, Abney, Tesche, Taylor, Wuerch, Meyer, Fairclough, Tremaine, Von Gemmingen, Clementson.
NAYS: None.

Mayor Mystrom congratulated the newly-appointed board and commission members.

8. REGULAR AGENDA:

(Clerk's Note: This item was inadvertently taken out of agenda order).

Ordinance No. AO 99-117, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the **issuance of not to exceed \$35,000,000 in aggregate principal amount of General Obligation School Bonds** of the Municipality for the purpose of raising funds to pay the costs of educational capital improvement projects in the Municipality; fixing certain details of said bonds; providing for the form and manner of sale of said bonds; pledging the full faith and credit of the Municipality to the payment thereof; authorizing the Chief Fiscal Officer to negotiate and execute a contract for the purchase and sale of said bonds; and related matters, Finance. public hearing 9-14-99.

- a. Assembly Memorandum No. AM 755-99.

Mr. Tremaine, Ms. Taylor and Ms. Clementson supported introduction of AO 99-117. The public hearing was set for September 14, 1999.

Mr. Tremaine asked for assurance that approval of the ordinance would not authorize construction on the presently designated site of the south Anchorage high school.

A. TIME CRITICAL ITEMS: None.

B. BID AWARDS:

1. Assembly Memorandum No. AM 808-99, recommendation of award to Pruhs Corporation for **Baxter Road and Beaver Place Improvements-Northern Lights Boulevard to DeBarr Road and Phase I-Cheney Lake Outlet** for the Municipality of Anchorage, Public Works (ITB 99-C057), Purchasing. (**addendum**)

Ms. Taylor moved, to approve AM 808-99.
seconded by Ms. Clementson,

Ms. Taylor moved, to postpone action until after appearance requests.
seconded by Mr. Tesche,
and it passed without
objection,

(Clerk's Note: This matter came up several times throughout the meeting. The next discussion follows 11.A, AO 99-60.)

C. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

See before item 8.A.

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 99-208, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Detective Jerry W. Kirkley for his 15 years of service** with the Anchorage Police Department, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

Mr. Tesche moved, to approve AR 99-208.
seconded by Mr. Tremaine,
and it passed without
objection,

Mr. Tremaine read the resolution while Mr. Tesche presented it to Officer Kirkley.

Senior Patrol Officer Kirkley thanked the Assembly for the recognition.

2. Resolution No. AR 99-220, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Elizabeth E. Arend for her 25 years of service** with the Municipality of Anchorage, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

Ms. Taylor moved, to approve AR 99-220.
seconded by Mr. Meyer,
and it passed without
objection,

Ms. Taylor read the resolution while Mr. Meyer presented it to Ms. Arend.

Ms. Arend thanked the Assembly for the recognition.

3. Resolution No. AR 99-221, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Michael J. Meehan for his years of service** with the Municipality of Anchorage, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

Ms. Von Gemmingen moved, to approve AR 99-221.
seconded by Ms. Taylor,
and it passed without
objection,

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

Mayor Mystrom reminisced about the controversial matters he and Mr. Meehan had been involved in over the years. He presented a proclamation recognizing Mr. Meehan's contribution to the development of the Coastal Trail.

Mr. Meehan thanked the Assembly and the Mayor for the recognition.

4. Resolution No. AR 99-222, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Robert L. Woolsey for his 25 years of service** with the Anchorage Fire Department, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

Mr. Tesche moved, to approve AR 99-222.
seconded by Ms. Taylor,
and it passed without
objection,

Mr. Sullivan read the resolution while Mr. Tesche presented it. A Deputy Fire Chief accepted the honor on behalf of Mr. Woolsey.

5. Resolution No. AR 99-223, a resolution of the Anchorage Municipal Assembly **recognizing the 20th Anniversary of Bean's Cafe**, Assemblymembers Taylor, Tesche, Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Tremaine, Von Gemmingen, and Wuerch.

Ms. Taylor moved, to approve AR 99-223.
seconded by Mr. Meyer,
and it passed without
objection,

Mr. Tesche read the resolution while Ms. Taylor presented it.

Mr. George Hieronymus, Executive Director of Bean's Café, introduced Lynn Ballew who founded the Café. He thanked the citizens for their support and the Assembly for the recognition.

6. Resolution No. AR 99-224, a resolution of the Anchorage Municipal Assembly **recognizing the selection of the Anchorage Youth Court as a model program** to be studied by the Urban Institute, Assemblymembers Von Gemmingen, Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, and Wuerch.

Ms. Von Gemmingen moved, to approve AR 99-224.
seconded by Mr. Tremaine,
and it passed without
objection,

Ms. Abney read the resolution while Ms. Von Gemmingen presented it.

Stewart Bannon, Anchorage Youth Court Bar Association President accepted the resolution and thanked the Mayor and Assembly.

7. Resolution No. AR 99-225, a resolution of the Anchorage Municipal Assembly **recognizing and thanking the Army National Guard and Navy Reserve personnel who participated in Operation Oberg Park**, Assemblymembers Kendall, Abney, Clementson, Fairclough, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

Ms. Fairclough moved, to approve AR 99-225.
seconded by Mr. Meyer
and it passed without
objection,

Ms. Fairclough read the resolution while Mr. Kendall presented it.

Lt. Gilbert thanked the Assembly for the recognition.

8. Resolution No. AR 99-230, a resolution of the Anchorage Municipal Assembly appropriating \$65,000 from Areawide General Fund (0101) Balance to the Department of Health and Human Services to be used as a **grant to the Chugiak Senior Center**, Assemblymember Kendall.
(addendum)
a. Assembly Memorandum No. AM 806-99.

Ms. Clementson moved, to approve AR 99-230.
seconded by Mr. Kendall,

In response to Ms. Clementson, Bill Lester, Acting Senior Center Director, explained Senior Center Board members loaned the Center money to bring in a consultant to review and correct Center management practices. He introduced Ken Takakoowa the new Director.

Replying to Mr. Kendall, Ms. Ingmanson, Senior Center Board Chair, warned that services would be reduced if the funds are not approved. This money will be used to implement improvements the consultants recommended.

Addressing questions from Mr. Meyer, Ms. Ingmanson stated that this appropriation and addition of a new Director, would enable the Board to focus on ways to improve the Center's revenue picture.

In response to Ms. Taylor, Mr. Lester indicated some of the funds would be used to pay for the management consultant and attorney's fees stemming from on-going litigation.

Ms. Fairclough urged the Assembly to approve the appropriation so the Center could adequately investigate the problems at the facility.

In reply to Ms. Clementson, Municipal Manager George Vakalis stated the administration would provide oversight of the grant.

At the invitation of the Assembly, Mr. Takakoowa briefly reviewed his background and experience.

Question was called on the motion to approve AR 99-230 and it passed:

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

9. Resolution No. AR 99-231, a resolution of the Anchorage Municipal Assembly **requesting past and present tax rolls be included as part of the evidentiary records of the Board of Equalization**, Assemblymembers Abney and Tremaine. **(addendum)**

Ms. Clementson moved, to approve AR 99-231.
seconded by Mr. Tremaine,

In response to Ms. Clementson, Municipal Attorney Mary Hughes asked that the item be postponed so it could be reviewed by her department.

Ms. Clementson moved, to postpone AR 99-231 to September 14, 1999.
seconded by Mr. Tremaine,
and it passed without
objection,

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 759-99, **O'Malley Ice Arena** - New Recreational Site Liquor License (Bayshore/Klatt Community Council), Clerk's Office.

Ms. Clementson moved, to approve AM 759-99.
seconded by Ms. Fairclough,

Ms. Clementson opposed the license because it increased the number of licensed premises beyond allowed limits. She believed recreational sites should not be encouraged to make a significant portion of their profit from the sale of alcohol.

Question was called on the motion to approve AM 759-99 and it passed:

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

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

2. Assembly Memorandum No. AM 795-99, change order No. 1 and change order No. 2 to the contract with the Anchorage Permit and Development Center, LLC for the **design, construction and lease of the Municipal Permit Center** (AM 1181-98), Property and Facility Management.

Mr. Tremaine moved, to approve AM 795-99.
seconded by Ms. Fairclough,

In response to Mr. Tremaine, Don Simmons of Property and Facility Management explained the rent payment was always part of the deal and offered to all proposers. He felt the rate was competitive and comparable to other Class A office space.

In reply to Ms. Abney, Mr. Simmons noted the original RFP offered an opportunity for construction of more space which the developer could rent to a client of his choice.

Mr. Simmons, in answer to Chairman Wuerch, said information furnished last year on this project could be supplied to new Assembly members.

Mayor Mystrom urged the Assembly not to delay action. The requested information will be supplied tomorrow in time to file reconsideration if concerns are not satisfied.

Mr. Tremaine pointed out the municipality was paying a developer \$2,000,000 to construct a building on land the municipality owned and also paying rent of \$1.52 per square foot per month.

Question was called on the motion to approve AM 795-99 and it passed:

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

3. Assembly Memorandum No. AM 796-99, sole source contract for professional services with MGM Consulting for Guy Pasela to provide a **Comprehensive Management and Technical Services Assessment** of the Information Services organization, operations, applications, and technology environment for the Municipality of Anchorage, Executive Manager.

Mr. Tesche moved, to approve AM 796-99.
seconded by Ms. Fairclough,

In response to Mr. Tesche, Executive Manager Elaine Christian stated there were no previous contracts with this company. The hourly pay rate of \$200 is consistent with rates the municipality has been receiving for other information technology personnel. This person was selected after contacting ten other consultants. Information technology, at this time, is a high demand field and many consultants put the municipality third in line for consideration. Other contractors were not available or could not provide anyone to do the work within the stated time frame.

Mr. Tesche felt that the memo did not provide sufficient information to justify sole source procurement. Although he did not want to delay the work he was concerned about the process and pay rate.

In response to Ms. Taylor, Ms. Christian stated the contract would have a broad focus and include a review of procedures and processes throughout the department.

Mayor Mystrom urged the Assembly to approve the contract. Even if an RFP were issued, it is likely no one would be available to do the work in the time specified. Ms. Christian went through a long process to obtain the services of this contractor. He felt the work was critical and the sole source procurement was justified.

Question was called on the motion to approve AM 796-99 and it passed:

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

4. Assembly Memorandum No. AM 802-99, amendment No. 2 to professional services contract with HDR Alaska, Inc. for **south extension of the Coastal Trail-Kincaid Park to Potter Weigh Station**, Cultural and Recreational Services.

Mr. Tremaine moved, to approve AM 802-99.
seconded by Mr. Meyer,

At the invitation of Assemblyman Tremaine, representatives of two community councils came forward.

DAVID CARTER, Bayshore Klatt Community Council, advised the council passed a resolution supporting an interior, above the bluff, route for the project. However, council members opposed routing the trail through the marsh below the bluff. He felt the purpose and needs statement (PNS) was biased because it only provided for a route through the marsh below the bluff. The purpose and needs statement should be a route neutral analysis and consider many alternatives for moving people through Kincaid to south Potter Marsh. Not all the agencies have concurred with the revised PNS. The document before the Assembly contains no details on how the funds will be allocated. He suggested action be delayed until September 14 to give the public an opportunity to comment on this expenditure.

SHERRY JACKSON, Sand Lake Community Council, stated the council passed a resolution opposing the coastal trail. The major concern of members is expense.

DEANNA ESSERT, Sand Lake Community Council, was concerned that some of the tasks funded by this amendment were supposed to be done in Phase 1 of the project. She has been unable to obtain or review preliminary engineering documents that were supposed to form the basis of the purpose and needs statement. There seems to be confusion about where these documents are. She asked the Assembly to postpone action so questions could be answered.

Consideration of AM 802-99 was suspended at this point. See further action after item 8.F.1.

F. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 71-99, **Anchorage Regional Landfill recognition**, Solid Waste Services. (**addendum**)

Ms. Von Gemmingen moved, to accept AIM 71-99.
seconded by Mr. Kendall,
and it passed without
objection,

Solid Waste Services Director Joel Grunwaldt, reviewed the history of how the award was obtained.

The Assembly then returned to AM 802-99.

Assembly Memorandum No. AM 802-99, amendment No. 2 to professional services contract with HDR Alaska, Inc. for **south extension of the Coastal Trail-Kincaid Park to Potter Weigh Station**, Cultural and Recreational Services.

Mr. Tremaine moved,
seconded by Ms. Von Gemmingen,

to postpone AM 802-99 until September 14, 1999
and schedule a work session in the interim.

At the invitation of Mayor Mystrom members of the Coastal Trail Advisory Board came forward.

MIKE JENS, a member of the Citizen Advisory Board on the Coastal Trail, commended the contractor for the work done to date. They are not biased. Rather than eliminating a specific trail route, the focus should be to keep all the options on the table. Studies to assess the impacts of each alternative have not been done. It is a painfully slow process that needs to keep moving forward without further delay.

JOAN NOCKELS, trail users' representative to the Citizens' Advisory Board, stated the PNS keeps all options on the table. She looked forward to the work session and efforts to expand the coastal trail.

Ms. Clementson pointed out that while community councils had expressed route preferences, no route had been selected. Although trail location seems to be a contentious issue, she did not support delaying the project.

Question was called on the motion to postpone AM 802-99 and it passed:

AYES: Abney, Wuerch, Meyer, Fairclough, Tremaine, Von Gemmingen.

NAYS: Kendall, Sullivan, Tesche, Taylor, Clementson.

Mayor Mystrom announced the city flag would be flown at half-staff in honor of Dr. Lidia Selkregg, a former Assembly member and committed community activist.

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

- A. **NOTICE OF RECONSIDERATION:** Ordinance No. AO 99-104, an ordinance amending the zoning map and providing for the rezoning from R-3 (Multiple Family Residential District) to R-4SL (Multiple Family Residential District) with Special Limitations for **Third Addition Subdivision, Block 15C, Lots 1 through 12**; generally located between East 12th and 13th Avenues between Cordova and Barrow Streets (Fairview Community Council) (Case 99-004), Community Planning and Development.
 1. Assembly Memorandum No. AM 652-99.
(AMENDED & APPROVED 8-10-99; NOTICE OF RECONSIDERATION GIVEN BY MR. TESCHE 8-11-99)
- B. Assembly Memorandum No. AM 711-99, **Bidding Review Board appointment** (Bob Bezek), Mayor's Office.
 1. Information Memorandum No. AIM 72-99. **(addendum)**
(POSTPONED FROM 8-10-99)
- C. Assembly Memorandum No. AM 712-99, **Urban Design Commission appointment** (Hugh McPeck), Mayor's Office.
(POSTPONED FROM 8-10-99)
- D. Assembly Memorandum No. AM 737-99, **Transportation Commission appointments** (Amy Ahmed, Anthony Lombardo), Mayor's Office.
(POSTPONED FROM 8-10-99)
- E. Assembly Memorandum No. AM 740-99, amendment No. 2 to the contract with Ogden Facility Management of Alaska, Inc. for the **management of Ben Boeke/Dave Baumeister and Dempsey Anderson Ice Arenas**, Property and Facility Management.
(POSTPONED FROM 8-10-99)
- F. Assembly Memorandum No. AM 647-99, **Anchorage Marriott Hotel** - New Beverage Dispensary Tourism Liquor License and Restaurant Designation Permit (Downtown/South Addition Community Councils), Clerk's Office.
(POSTPONED FROM 7-13-99 AND 8-10-99)
- G. Ordinance No. AO 99-83, an ordinance of the Municipality of Anchorage **authorizing the Heritage Land Bank (HLB) to sell via sole source Tract A, Eagle Bluff Subdivision, Plat No. 98-40**, generally located northeast of the Hiland Road and Glenn Highway Interchange adjacent to Yosemite Drive in Eagle River, to Jose Vicente, Heritage Land Bank.
 1. Assembly Memorandum No. AM 495-99.
 2. Ordinance No. AO 99-83(S), an ordinance of the Municipality of Anchorage authorizing the Heritage Land Bank (HLB) to sell via sole source Tract A, Eagle Bluff Subdivision, Plat No. 98-40, generally located northeast of the Hiland Road and Glenn Highway Interchange adjacent to Yosemite Drive in Eagle River, to Jose Vicente, Heritage Land Bank.
 3. Assembly Memorandum No. AM 746-99.
(ORDINANCE NO. AO 99-83 WAS REMANDED TO THE HERITAGE LAND BANK ADVISORY COMMISSION ON 6-8-99; FURTHER ACTION WAS POSTPONED FROM 8-10-99)
- H. 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.
 1. Assembly Memorandum No. AM 704-99.
(CARRIED OVER FROM 7-20-99; POSTPONED FROM 8-10-99)
- I. Ordinance No. AO 99-105, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 11.30.070, by **deleting provisions regarding smoking, eating, drinking and playing audio entertainment devices in a regulated vehicle**, Assemblymember Kendall.
 1. Assembly Memorandum No. AM 659-99.
(CARRIED OVER FROM 8-10-99)

- J. 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.
1. Assembly Memorandum No. AM 703-99.
(CARRIED OVER FROM 8-10-99)

Items 9. A through J were considered later in the meeting. See following 11.A, AO 99-60.

10. APPEARANCE REQUESTS:

- A. **P. Dennis Maloney**, regarding the Municipal legislative proposals for the year 2000.

Attorney DENNIS MALONEY stated that 10% of the municipality's snow plow drivers had been disabled in the last four years. For their loyal work they are awarded \$13,5000 from worker's compensation and then fired. The injuries are caused by hitting "high" manholes while plowing the streets. In recent years the budget to adjust manhole height has been steadily reduced and the break away bolts on the plows have been replaced by hardened steel bolts. So, instead of the plows breaking, the men break. He recommended the Assembly propose in its legislative program that calculation of payment for permanent, partial disability revert to the method used prior to 1986.

Mr. Tesche and Mr. Maloney discussed methods for determining benefits paid to injured workers.

Chairman Wuerch suggested the matter be discussed at the next Legislative Committee meeting.

- B. **Andree McLeod** regarding Ogden facility management of Alaska, Inc.

ANDREE McLEOD drew the members' attention to a newspaper article reporting that simulated sex acts were performed on stage during a Metallica concert held in the Sullivan Arena. Such a display violates municipal code because there were several hundred teenagers under 18 in the crowd. When she inquired of arena management, she was told management could not stop the act because it happened so quickly. Additionally, she was told they were afraid removing the dancers from the stage would cause a riot. If that is the case, she questioned the ability of arena management to control crowds in the arena. She wondered who owned the liability if the management company failed to adequately address an emergency situation or control crowds at municipal facilities.

In response to Mr. Meyer, Don Simmons of Property and Facility Management, stated Ogden Facility Management was required to carry insurance and partially indemnified the municipality.

Ms. Clementson added that the municipal attorney's office was investigating criminal charges because the Code prohibited nude dancing before persons under 18.

- C. **Friends of Cheney Lake**, to present a viewpoint opposing the lowering of Cheney Lake. (**addendum**)

ARMOND KIRSCHBAUM briefly reviewed the development of Baxter Road at this location. He agreed the road needed improvement. However, options were presented which would avoid lowering the level of Cheney Lake. He contended that in some areas up to 200 feet of lake bottom would be exposed if the currently proposed plan is followed. He was concerned about the effect the change would have on nesting birds, fish and recreational activities. He asked the bid award be delayed.

11. CONTINUED PUBLIC HEARINGS:

- A. Ordinance No. AO 99-60, an ordinance amending Anchorage Municipal Code Title 2 to enact a **Demerit Point System** to identify potential and actual problem alcoholic beverage licensees and establish standards and procedures for the assignment of points, notices, hearings and Assembly action on warnings to potential problem licensees and Assembly protests of the issuance, renewal, transfer and continued operation of an alcohol beverage license and Assembly issuance, revocation or modification of or imposition of conditions on conditional land use permits for the retail sale of alcoholic beverages, Assemblymember Wohlforth.
1. Assembly Memorandum No. AM 314-99.
 2. Ordinance No. AO 99-60(S), an ordinance amending Anchorage Municipal Code Title 2 to enact a Demerit Point System to identify potential and actual problem alcoholic beverage licensees and establish standards and procedures for the assignment of points, notices, hearings and Assembly action on warnings to potential problem licensees and Assembly protests of the issuance, renewal, transfer and continued operation of an alcohol beverage license and Assembly issuance, revocation or modification of or imposition of conditions on conditional land use permits for the retail sale of alcoholic beverages, Assemblymember Wohlforth.
 3. Assembly Memorandum No. AM 388-99.
 4. Assembly Memorandum No. AM 807-99, indefinite postponement of AO 99-60 and AO 99-60(S), Assemblymember Tesche. (**addendum**)
(CARRIED OVER FROM 4-27-99; CONTINUED FROM 5-11-99)

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

Mr. Tesche moved, to postpone AO 99-60 and AO 99-60(S) indefinitely.
seconded by Ms. Taylor,
and it passed without
objection,

The meeting recessed at 7:15 p.m. and reconvened at 7:45 p.m.

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

to postpone action on item 8.B.1, AM 808-99, until later in the
meeting to allow time for the project manager to arrive.

(Clerk's Note: See after action on item 9.J, AO 99-111.)

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

to change the orders of the day and consider item 9, Old
Business items.

9.a. **NOTICE OF RECONSIDERATION:** Ordinance No. AO 99-104, an ordinance amending the zoning map and providing for the rezoning from R-3 (Multiple Family Residential District) to R-4SL (Multiple Family Residential District) with Special Limitations for **Third Addition Subdivision, Block 15C, Lots 1 through 12**; generally located between East 12th and 13th Avenues between Cordova and Barrow Streets (Fairview Community Council) (Case 99-004), Community Planning and Development.

1. Assembly Memorandum No. AM 652-99.

(AMENDED & APPROVED 8-10-99; NOTICE OF RECONSIDERATION GIVEN BY MR. TESCHE 8-11-99)

Mr. Tesche urged reconsideration so additional amendments could be offered.

Question was called on the motion to reconsider AO 99-104 and it passed:

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

Mr. Tesche moved,
seconded by Mr. Meyer,

to amend AO 99-104 in Section 5 by adding two conditions to read as follows: "C. Conveyance of the property described in Section 1 by recorded deed to the Alano Club and issue of a building permit for construction of the new club on the property." and "D. Recordation of a deed covenant by the Alano Club requesting that its successors, assigns and lessees first obtain a conditional use permit from the Planning and Zoning Commission if they wish to continue operation of a private club on the property."

Ms. Clementson was concerned the use for this R-4 property was being restricted to the Alano Club. The property is currently zoned R-3 and the Alano Club can use it now if they get a conditional use permit. She questioned the wisdom of tailoring the zoning to one user.

Ms. Fairclough moved,
seconded by Ms. Taylor,

the previous question.

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

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

In response to Mr. Meyer, Mr. Bredesen of the Alano Club, said the most important thing to the Club was that it be a principle, permitted use on the property. The Club accepts the additional conditions. He pointed out the widening of 15 Avenue, a municipal project, was forcing the club to relocate.

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

to divide the question and consider each
condition separately.

Ms. Von Gemmingen moved,
seconded by Ms. Taylor,

to approve amendment item "C".

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

Ms. Von Gemmingen moved,
seconded by Mr. Sullivan,

to approve amendment item "D".

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

Further, in reply to Mr. Tesche, Mr. Bredesen asked the Assembly to amend the ordinance to allow uses permitted in the R-3 zone in the event the property was sold to a third party.

Don Alspach of Community Planning and Development advised that the Planning and Zoning Commission and the Assembly could, through the special limitation process, remove but not add permitted uses allowed under the code.

Ms. Fairclough moved,
seconded by Ms. Taylor,

to amend AO 99-104 on page 1, line 28, by adding:
"3. Non-profit organizations. 4. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions, but excluding day care use, which shall be permitted only if they are otherwise allowed in accordance with this title. Use of church buildings other than parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title. 5. Family residential care and day care. 6. Parks, playgrounds and playfields, and municipal buildings and uses in keeping with the character and requirements of the district. 7. Public branch libraries."

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

to amend the amendment to delete permitted use #3.

Ms. Fairclough noted the use was already listed as #1.

Question was called on the amendment as amended and it passed:

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

Mr. Sullivan noted the Assembly amendments essentially created an R-3 zoning with special limitations. The petitioner could get the same result by obtaining a conditional use for the property and leaving the zoning as it is.

Ms. Von Gemmingen felt this was spot zoning. The Club should get a conditional use for the R-3 property.

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

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

There was confusion on whether the vote pertained to the amendment or the main motion and the Chair directed the members to vote again. The motion to adopt AO 99-104 as amended passed again:

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

- 9.b. Assembly Memorandum No. AM 711-99, **Bidding Review Board appointment** (Bob Bezek), Mayor's Office.
1. Information Memorandum No. AIM 72-99. **(addendum)**
(POSTPONED FROM 8-10-99)

Chairman Wuerch gave the history of the memorandum and noted a motion to approve AM 711-99 was on the floor.

Question was called on the motion to approve AM 711-99 and it passed without objection.

- 9.c. Assembly Memorandum No. AM 712-99, **Urban Design Commission appointment** (Hugh McPeck), Mayor's Office.
(POSTPONED FROM 8-10-99)

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

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

to approve AM 712-99.

- 9.d. Assembly Memorandum No. AM 737-99, **Transportation Commission appointments** (Amy Ahmed, Anthony Lombardo), Mayor's Office.
(POSTPONED FROM 8-10-99)

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

Municipal Manager George Vakalis asked the Assembly to postpone action on this item until September 14, 1999.

Mr. Kendall moved,
seconded by Ms. Von Gemmingen,
and it was withdrawn,

to postpone action on AM 737-99 until September 14, 1999.

In response to Mr. Kendall, Mr. Vakalis explained one of the recommended appointees may be rendered ineffective because the appointee may have conflicts of interest on most of the issues the Commission considers.

Mr. Kendall encouraged the inclusion of an industry representative on the Commission.

Ms. Von Gemmingen moved, seconded by Mr. Tesche, and it passed without objection,	to divide the question and consider each appointee separately.
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Ms. Von Gemmingen moved, seconded by Ms. Taylor, and it passed without objection,	to approve the appointment of Anthony Lombardo to the Transportation Commission.
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Ms. Von Gemmingen moved, seconded by Mr. Tremaine,	to approve the appointment of Amy Ahmed to the Transportation Commission.
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Mr. Vakalis reiterated the problem was not with the person but the position the person held in the industry and the prospect that abstention would be required on most issues brought before the Commission.

Mr. Tesche recommended an ordinance be adopted which would allocate some Commission seats to the taxi industry.

In discussion with Mr. Kendall, Municipal Attorney Mary Hughes confirmed that under Anchorage Municipal Code 1.15 Ms. Ahmed would be required to abstain on most Commission votes.

Mr. Tesche moved, seconded by Ms. Abney, and it passed without objection,	to postpone appointment of Ms. Ahmed until September 14, 1999.
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9.e. Assembly Memorandum No. AM 740-99, amendment No. 2 to the contract with Ogden Facility Management of Alaska, Inc. for the **management of Ben Boeke/Dave Baumeister and Dempsey Anderson Ice Arenas**, Property and Facility Management.
(POSTPONED FROM 8-10-99)

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

Question was called on the motion to approve AM 740-99 and it passed:

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

9.f. Assembly Memorandum No. AM 647-99, **Anchorage Marriott Hotel** - New Beverage Dispensary Tourism Liquor License and Restaurant Designation Permit (Downtown/South Addition Community Councils), Clerk's Office.
(POSTPONED FROM 7-13-99 AND 8-10-99)

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

Ms. Clementson opposed the license because she felt tourism licenses circumvented the limits the legislature placed on the number of licenses allowed in the community.

Mr. Tesche noted the Downtown and South Addition Community Councils did not recommend protest of the license. He suggested the Assembly consider asking the legislature to review the law through its legislative program.

Question was called on the motion to approve AM 647-99 and it passed:

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

9.g. Ordinance No. AO 99-83, an ordinance of the Municipality of Anchorage **authorizing the Heritage Land Bank (HLB) to sell via sole source Tract A, Eagle Bluff Subdivision, Plat No. 98-40**, generally located northeast of the Hiland Road and Glenn Highway Interchange adjacent to Yosemite Drive in Eagle River, to Jose Vicente, Heritage Land Bank.

1. Assembly Memorandum No. AM 495-99.
2. Ordinance No. AO 99-83(S), an ordinance of the Municipality of Anchorage authorizing the Heritage Land Bank (HLB) to sell via sole source Tract A, Eagle Bluff Subdivision, Plat No. 98-40, generally located northeast of the Hiland Road and Glenn Highway Interchange adjacent to Yosemite Drive in Eagle River, to Jose Vicente, Heritage Land Bank.
3. Assembly Memorandum No. AM 746-99.

(ORDINANCE NO. AO 99-83 WAS REMANDED TO THE HERITAGE LAND BANK ADVISORY COMMISSION ON 6-8-99; FURTHER ACTION WAS POSTPONED FROM 8-10-99)

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

JOSE VICENTE, developer of Eagle Point, stated he was required to install a traffic signal and extend a water line 4,000 feet to serve the subdivision. Tract A is served by all utilities because he extended them to his development. The only access to this property is via Yosemite Drive which he constructed. Tract A is adjacent to a very narrow strip of land between Yellowstone Circle and the boundary of Eagle Point Subdivision. His past offers to buy neighboring land, including this parcel, were rejected. He contended the increasing value of the parcel was attributable to improvements he constructed.

JEAN BLAKE opposed the sale because she felt it was not in the public's interest. The placement and construction of Yellowstone Circle created a "spite" strip that cut off practical access to Tract A, a situation about which the developer was fully aware. The lack of practical access diminished the value of Tract A and will require another road be built for access. She favored a bid process for selling the tract. The Heritage Land Bank has the responsibility for getting the highest dollars for publicly owned lands. Authorizing this sole source purchase side steps this issue. If an exception is granted for this developer, a precedent will be set and the Land Bank should prepare for an onslaught.

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

Mr. Kendall moved, to adopt AO 99-83(S).
seconded by Ms. Clementson,

In response to Mr. Kendall, Heritage Land Bank Director Larry Houle stated the Land Bank Commission was aware of Mr. Vicente's past attempts to purchase the parcel and compromised on a value of \$118,000. They were also aware a sole source purchase was an exception to the code. The Ombudsman's report recommends the parcel be sold by competitive bid.

Don Alspach of Community Planning and Development stated the department would comply with the Municipal Attorney's opinion regarding correction to the plat and placement of Yellowstone Circle.

Mr. Kendall felt sufficient evidence had not been presented to support granting an exception to the code on how land is sold.

In reply to Ms. Clementson, Mr. Vicente reluctantly agreed to purchase the property for \$150,000.

Ms. Clementson pointed out the Heritage Land Bank statutes were specifically changed to stop sole source sales. Although she did not oppose Mr. Vicente per se, she was concerned about allowing sole source sale of this parcel. She noted revenues from the Land Bank were used to purchase school sites and several will be coming up.

In response to Mr. Tesche, Mr. Houle speculated that if Mr. Vicente purchased the property he would replat it and the "spite" strip would disappear. However, the existing plat will have to be corrected to eliminate the "spite" strip regardless of who buys Tract A.

Ms. Fairclough moved, to substitute AO 99-83.
seconded by Mr. Tesche,

Ms. Fairclough reported she attended the Land Bank Commission meeting when they considered the ordinance the administration requested be referred back to them. They seemed confused about what the administration wanted them to do. Consequently, they increased the price and approved a sole source sale to Mr. Vicente. She noted the value of Tract A, before improvements, would have been \$17,125. After Mr. Vicente began his development, the value increased to \$86,000. She felt the Land Bank Commission was tried to get a fair value in its original decision. Mr. Vicente has been through the process for six years, had to cope with changing rules, contributed to the value of Tract A and is now being gouged.

Mr. Kendall contended the question was whether the Assembly would follow the adopted ordinances. In recent political campaigns Assembly members have complained that too many variances to ordinances and regulations are granted and the Assembly needed to follow the rules. Yet when this case questions the rules, there is a willingness to discard them. He was astounded the Assembly was discussing selling the property on a sole source basis for less than fair market value when the code clearly requires fair market value and competitive bid. Mr. Vicente was granted access, at no charge, from South Fork Drive across Heritage Land Bank and mental health lands so he could develop Eagle Point. Mr. Vicente knew he would have to provide legal and physical access to this property when he went into the deal.

Question was called on the motion to substitute AO 99-83 and it failed:

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

Mr. Tesche argued government should not use its proprietary or regulatory power to gouge or take advantage of private citizens. The big picture here is that the value of a large tract of land has been increased and enhanced by Mr. Vicente. He felt Mr. Vicente had been treated harshly but should be allowed to go forward with the purchase at the higher price.

Chairman Wuerch noted this process began in May. If the property had been offered for competitive bid, the deal would have been concluded by now.

Ms. Von Gemmingen commented the Ombudsman's report had many interesting facts including a point that just because Mr. Vicente has been trying to buy this land for six years, does not mean the municipality can sell it to him sole source. This particular tract was only created in 1996 following completion of a land use study. Developers are in the business of improving and selling land. However, making improvements on a parcel does not give a developer rights to the property next door. Watching the public's purse is the job of the Assembly.

Question was called on the motion to adopt AO 99-83(S) and it failed:

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

- 9.h. 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.
1. Assembly Memorandum No. AM 704-99.
(CARRIED OVER FROM 7-20-99; POSTPONED FROM 8-10-99)

Chairman Wuerch gave the history of the resolution and noted a motion to approve AR 99-166(S) was on the floor.

Ms. Abney moved, to amend AR 99-166(S) on line 40 by adding
seconded by Ms. Taylor, "...improvements as referenced in the Public Works design criteria manual, the Official Streets and Highways Plan, AMC Title 21, the Anchorage Trails Plan, and the Anchorage School District's Hazardous Route Map."

Ms. Abney explained the effect of the ordinance was to limit applicability of the ordinance to TEA-21 projects and not effect individual home owners.

Question was called on the motion to amend AR 99-166(S) and it passed:

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

Ms. Von Gemmingen felt the ordinance was poor public policy and a disservice to the Assembly representatives on the AMATS committee because it limited their ability to exercise their discretion as voting members of the committee.

Mr. Tesche argued the word "needed" on line 39 gave sufficient leeway to Assembly AMATS representatives to use their discretion. The resolution reminds AMATS representatives that pedestrians, bicyclists and motorists use roads and those uses must be balanced.

Mr. Tremaine felt the resolution strengthened the Assembly's presence on AMATS and did not unduly hinder the exercise of his vote on that body.

Ms. Abney noted the municipality had been out of compliance with air quality standards for a number of years and this was one way to encourage more emphasis on CMAQ and alternative transportation programs.

Question was called on the motion to approve AR 99-166(S) and it failed:

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

- 9.i. Ordinance No. AO 99-105, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 11.30.070, by **deleting provisions regarding smoking, eating, drinking and playing audio entertainment devices in a regulated vehicle**, Assemblymember Kendall.
1. Assembly Memorandum No. AM 659-99.
(CARRIED OVER FROM 8-10-99)
9.j. 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.
1. Assembly Memorandum No. AM 703-99.
(CARRIED OVER FROM 8-10-99)

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

Mr. Kendall moved, to adopt AO 99-105.
seconded by Mr. Tremaine,

Mr. Kendall felt the previous ordinance over regulated activities of private citizens. These issues should be left to cab owners and drivers. The industry has already recognized the need for "non-smoking" cabs and made them available to passengers. He felt the law put cab drivers at risk from belligerent passengers.

Mr. Meyer moved, to divide the question and consider paragraph
seconded by Ms. Fairclough, D separately from paragraphs E and F.
and it passed without
objection,

Mr. Meyer moved, to approve deleting paragraph D
seconded by Ms. Fairclough, from AMC 11.30.070.

Mr. Meyer pointed out retaining the paragraph would not allow drivers to designate cabs as "smoking" or "non-smoking" at their whim. He speculated if the ordinance passed as proposed, most cabs will be "smoking" because then drivers will have

the option to pick-up either smokers or non-smokers. He argued that taxis are a form of public transportation. Eliminating smoking on all forms of transportation used by the public is a national trend.

Chairman Wuerch clarified a "no" vote on the motion would retain the paragraph and prohibit smoking in cabs as recently adopted.

Question was called on the motion to delete paragraph D of AMC 11.30.070 and it failed:

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

Mr. Meyer moved, to delete paragraphs E and F
seconded by Mr. Tremaine, from AMC 11.30.070.

Question was called on the motion to delete paragraphs E and F from AMC 11.30.070 and it passed:

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

Chairman Wuerch explained the Assembly's action allowed drivers and passengers to eat, drink and play music in cabs but prohibited smoking.

Ms. Abney moved, to adopt AO 99-111.
seconded by Mr. Tremaine,

Ms. Abney pointed out that under this ordinance the cabs could not be designated as "smoking" or "non-smoking" at the driver's or owner's whim. It does allow companies to determine which cabs will allow smoking.

Chairman Wuerch clarified this ordinance would replace existing language dealing with smoking in cabs.

Mr. Tremaine moved, to amend AO 99-111 in Section 1 by adding a new
seconded by Ms. Abney, subsection 3 to paragraph D to read: "Designation of a
and it passed without regulated vehicle as non-smoking shall be permanent."
objection, and by deleting lines 9 and 11 on page 2.

Ms. Clementson moved, to amend AO 99-111 on page 1, line 38 by
seconded by Ms. Abney, deleting the word "magnetic."
and it passed without
objection,

Municipal Manager George Vakalis suggested the word "chauffeur" be replaced by either "taxicab company" or "vehicle owner." Otherwise, the ordinance implies the decision can be made by the chauffeur whether or not he owns the vehicle.

Ms. Abney moved, to amend AO 99-111 on page 1, line 24 to read:
seconded by Mr. Tremaine, "Any taxicab company or vehicle owner may elect...."
and it passed without and line 25 to read: "...in the company's or vehicle owner's
objection, regulated vehicle..."

Mr. Kendall felt the amended ordinance was a good compromise.

Mr. Sullivan was persuaded by arguments that smoking should be banned for health reasons from all forms of public transportation.

Question was called on the motion to adopt AO 99-111 as amended and it failed:

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

The Assembly then returned to consideration of item 8.B.1, AM 808-99.

Assembly Memorandum No. AM 808-99, recommendation of award to Pruhs Corporation for **Baxter Road and Beaver Place Improvements-Northern Lights Boulevard to DeBarr Road and Phase I-Cheney Lake Outlet** for the Municipality of Anchorage, Public Works (ITB 99-C057), Purchasing. (**addendum**)

Chairman Wuerch reminded members a motion to approve the memo was on the floor.

Ms. Taylor moved, to postpone action until Friday, August 20, 1999 and
seconded by Mr. Tesche, request the Assembly set a special meeting to consider AM
808-99.

There was discussion of how many members would be available for a special meeting on Friday.

Ms. Taylor stated the purpose of the motion to postpone was to allow the project engineers to speak to the community council.

Ms. Clementson opposed the delay. It is a needed project that has been in the works for several years. She felt it was better for the full Assembly to act on the memo rather than set a special meeting where some members will be absent.

Ms. Fairclough stated she was told by Public Works that passing the memo did not prevent the community council from addressing the issue of lowering the lake level.

Question was called on the motion to postpone AM 808-99 to a special meeting on August 20 and it failed:

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

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

Ms. Taylor agreed the road needed improvement but it was also important to take the issue before the community council one last time.

In response to Ms. Fairclough, Public Works Director Jim Fero indicated the project included installing a drain pipe with a valve. As long as the valve is closed, no water will drain from the lake. The expense to install the drain will not be wasted because even if the lake is not drained for this road project, the pipe will be in place if there is a need to lower the lake in the future.

Ms. Clementson pointed out the project had been on the CIP for about six years. There is considerable flooding on the road where Beaver becomes Baxter. When the water freezes, the road is even more hazardous. As the project moved toward the bond ballot, Mr. Begich noted the water was covering benches and landscaping and that the rising lake level needed to be addressed. Twenty years ago the lake had an out fall. After subdivisions and churches were built in the area the out fall was blocked and the lake and ground water levels began to rise. Nearby subdivisions started to flood and sink holes appeared. Beginning in 1997, project consultants sent out three newsletters to over 700 residents in the project area. The topic of lowering Cheney lake was announced in the 1998 newsletter and discussed at a community council meeting.

In reply to Ms. Abney, Mr. Fero advised the recommended level of the lake was 207 feet which is close to the 1975 lake level. Once the road is rebuilt and stabilized it is not recommended that the lake be allowed to return to the level it is at today.

Ms. Clementson moved, to postpone consideration of public hearings until 11:00 p.m.
seconded by Mr. Meyer,
and it passed without
objection,

Question was called on the motion to approve AM 808-99 and it passed:

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

Chairman Wuerch encouraged the administration to work with the community on issues of the lake level and ultimate road design.

12. NEW PUBLIC HEARINGS:

- A. 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.
1. Assembly Memorandum No. AM 691-99.

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

Mr. Meyer moved, to approve AR 99-194.
seconded by Ms. Taylor,

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

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

- B. Resolution No. AR 99-200, a resolution of the Municipality of Anchorage appropriating \$150,000 to the State Categorical Grants Fund (231) from the Alaska Department of Health and Social Services for the provision of **perinatal case management/healthy baby services**, Health and Human Services.
1. Assembly Memorandum No. AM 713-99.

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 99-200.
seconded by Mr. Meyer,

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

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

- C. Resolution No. AR 99-201, a resolution of the Municipality of Anchorage appropriating \$358,531 to the Federal Categorical Grants Fund (241) from the U.S. Department of Health and Human Services to fund **Family Planning Services**, Health and Human Services.
 1. Assembly Memorandum No. AM 714-99.

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 99-201.
 seconded by Mr. Meyer

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

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

- D. Resolution No. AR 99-214, a resolution authorizing the Municipality of Anchorage, Community Planning and Development Department to enter into a Memorandum of Agreement in the amount of \$167,000 with the Department of Transportation and Public Facilities, State of Alaska, for **financing the Municipal Transportation Planning Model Update** and appropriating these funds to the State Categorical Grants Fund (231), Community Planning and Development.
 1. Assembly Memorandum No. AM 751-99.

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 99-214.
 seconded by Ms. Taylor,

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

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

- E. Resolution No. AR 99-199, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Restaurant/Eating Place License) located on Southridge Subdivision, Tract 1E, generally located on the north side of East 35th Avenue and west of LaTouche Street (NANA Management Services, LLC d.b.a. **Residence Inn by Marriott**) (Case 99-162), Community Planning and Development.
 1. Assembly Memorandum No. AM 710-99.

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 99-199.
 seconded by Ms. Taylor,

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

- F. 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.

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

Mr. Kendall moved, to continue the public hearing for AO 99-109 until
 seconded by Mr. Meyer, September 21, 1999.
 and it passed without
 objection,

Ms. Fairclough requested a work session be held in the interim.

Mr. Tesche felt there were a number of areas of the ordinance that should be reworked.

Ms. Clementson indicated she was open to suggestions for revisions. She explained the purpose of the ordinance was to treat requests to designate property as deteriorated like any other land use issue.

13. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS: None.

14. SPECIAL ORDERS:

- A. Resolution No. AR 99-232, a resolution of the Anchorage Municipal Assembly **urging the Administration to reinstate Routes 91 and 92 providing service to the students at Service High School**, Assemblymembers Abney and Tremaine. **(LAID ON THE TABLE)**

Mr. Tremaine moved, to approve AR 99-232.
seconded by Ms. Taylor,

In support of his resolution, Mr. Tremaine explained Service will be the only high school in Anchorage that will not be served if the change is allowed to stand. He noted some students rely on bus service so they can participate in school activities and some parents rely on the bus to attend meetings with teachers.

Municipal Manager George Vakalis responded that the administration did consider the impact before the three routes were deleted. The routes serve about 20 students and he recalled the savings were about \$300,000.

Ms. Clementson noted the municipality does not have enough money to fund the 1999 budget and was in the process of making mandatory budget cuts. Public meetings were held to discuss what routes were changing and the new schedule has just been printed. Perhaps there is a less expensive way to serve impacted Service students and parents. She questioned what would be cut if this service were reinstated. She felt more information was needed before the Assembly acted on the resolution.

Ms. Abney was concerned the elimination of bus service limited educational opportunities for students.

Mr. Sullivan moved, to postpone action until September 14, 1999.
seconded by Ms. Clementson,

Mr. Sullivan felt the delay would allow time for the administration to provide information on ridership, service alternatives and costs.

Question was called on the motion to postpone action on AR 99-232 and it passed:

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

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

Mr. Tremaine pointed out the delay meant Service would not have city bus service for at least two weeks. He encouraged the administration to investigate alternatives to a full sized bus and keep in mind Anchorage is a non-attainment area for air quality.

- B. An Assembly worksession was scheduled for September 21, 1999 at 1:00 p.m. in the Mayor's Conference Room - Room 830, City Hall, to discuss Ordinance No. AO 99-109 related to procedures for declaration of a deteriorated area or property.

15. ASSEMBLY COMMENTS:

Mr. Kendall voiced concern about the safety of cab drivers who must tell passengers they cannot smoke in the cab. Although it may be a national trend to prohibit smoking on public transportation and in public places, it will take several years before a majority of the people are non-smokers. He felt the Assembly erred in the decision it made on AO 99-111.

Mr. Meyer reported the public reaction to the portable speed humps had been mostly favorable. Ms. Clementson asked that some of the portable speed humps be made available for placement in east Anchorage.

Ms. Abney asked the administration to review the record of fines against the cab industry and assess whether the fines are excessive.

16. UNFINISHED AGENDA: None.

17. AUDIENCE PARTICIPATION: None.

18. EXECUTIVE SESSIONS: None.

19. ADJOURNMENT:

The meeting adjourned at 10:55 p.m.

Chairman

ATTEST:

Municipal Clerk

Date Minutes Approved: November 23, 1999

LF/lf

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