

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of July 18, 2000

1. CALL TO ORDER:

The meeting was convened at 5:06 p.m. by Assembly Chair Fay Von Gemmingen in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

Mr. Meyer moved, to change the orders of the day to consider item 14.A,
seconded by Mr. Tesche, the oath of office for newly-appointed member Wilda Hudson.
and it passed without
objection,

Municipal Clerk Jane Ferguson administered the oath of office to Ms. Hudson.

2. ROLL CALL:

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

3. PLEDGE OF ALLEGIANCE:

The pledge was led by Ms. Hudson.

4. MINUTES OF PREVIOUS MEETING:

A. Regular Meeting - April 25, 2000

Mr. Kendall moved, to approve the minutes of the regular meeting of April 25,
seconded by Mr. Tesche, 2000.
and it passed without
objection,

5. MAYOR'S REPORT:

Mayor Wuerch explained the majority of addendum items were time-sensitive bid award items. He said he would make a concerted effort to minimize the use of the addendum feature. Mayor Wuerch also invited Assembly members to attend several meetings in the coming months where the two alternative Municipal budgets would be discussed. Lastly, he noted he was working on implementing an electronic process for the issuance of Public Works permits. He encouraged members to use e-mail for communicating with the Administration, including Assembly Information Requests.

Chair Von Gemmingen presented a commemorative gavel and a plaque to Mayor Wuerch, in recognition of his service on the Anchorage Assembly.

6. ADDENDUM TO AGENDA:

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

Chair Von Gemmingen 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. Meyer,

A. BID AWARDS:

1. Assembly Memorandum No. AM 696-2000, recommendation of award to Hartman Construction & Equipment, Inc. for the **Municipal Light & Power (ML&P) Finance Department Office Building Design/Build** for the Municipality of Anchorage, Municipal Light & Power (ITB 20-C016), Purchasing.
2. Assembly Memorandum No. AM 706-2000, recommendation of award to Orca Excavators for **Campbell Creek Trail Relocation Project** for the Municipality of Anchorage, Cultural and Recreational Services (ITB 20-C030), Purchasing.
3. Assembly Memorandum No. AM 715-2000, recommendation of award to Pinnacle Construction for **new transit maintenance underground tank replacement** for the Municipality of Anchorage, Department of Property and Facility Management (ITB 20-C-021), Purchasing.

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

4. Assembly Memorandum No. AM 716-2000, recommendation of award to SeaCoast Construction Co. for **Mountain View transportation improvements** for the Municipality of Anchorage, Department of Public Works (ITB 20-C033), Purchasing.
5. Assembly Memorandum No. AM 723-2000, recommendation of award to Watterson Construction Co. for **Fire Station No. 7 (Sand Lake)** for the Municipality of Anchorage, Property and Facility Management (ITB 20-C026), Purchasing. **(addendum)**
6. Assembly Memorandum No. AM 724-2000, recommendation of award to SiteWorks for **Baxter Road and Beaver Place Improvements-Northern Lights Boulevard to DeBarr Road -Phase 2 Road Improvements** for the Municipality of Anchorage, Department of Public Works (ITB 20-C040), Purchasing. **(addendum)**
7. Assembly Memorandum No. AM 725-2000, recommendation of award to GMG General, Inc. for **2000 Miscellaneous Americans with Disabilities Act (ADA) improvements** for the Municipality of Anchorage, Public Works (ITB 20-C038), Purchasing. **(addendum)**
8. Assembly Memorandum No. AM 726-2000, recommendation of award to SeaCoast Construction Co., Inc. for **1999 Alley Construction** for the Municipality of Anchorage, Public Works Department (ITB 20-C039), Purchasing. **(addendum)**
9. Assembly Memorandum No. AM 727-2000, recommendation of award to Dar-Con Corporation for **Special Olympics 2001 Improvements-Kincaid Chalet** for the Municipality of Anchorage, Property and Facility Management (ITB 20-C041), Purchasing. **(addendum)**
10. Assembly Memorandum No. AM 728-2000, recommendation of award to Cullips Excavating, Inc. for **Kincaid Park Access Road-Phase 1, Bus Access and Bus Facilities-Chalet to NSC Bunker** for the Municipality of Anchorage, Public Works Department (ITB 20-C042), Purchasing. **(addendum)**
11. Assembly Memorandum No. AM 729-2000, recommendation of award to Summit Roads for **Geneva Woods Subdivision RID-Phase 1 Improvements** for the Municipality of Anchorage, Public Works Department (ITB 20-C043), Purchasing. **(addendum)**

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2000-120, an ordinance of the Municipality of Anchorage **creating Street Reconstruction Special Assessment District 3SR00 - Ledora Circle Street Reconstruction** and determining to proceed with proposed improvements therein, Public Works. public hearing 8-15-00.
 - a. Assembly Memorandum No. AM 688-2000.
2. Ordinance No. AO 2000-121, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 2.30.030 to **change the order of business at regular assembly meetings and to remove provisions regarding time sensitive items**, Assemblymembers Sullivan, Abney, Fairclough, Meyer, Taylor, Tesche and Tremaine. public hearing 8-15-00.
 - a. Assembly Memorandum No. AM 714-2000.
3. Resolution No. AR 2000-203, a resolution of the Municipality of Anchorage accepting when tendered \$1,410,000 from the Federal Aviation Administration Airport Improvement Program grant, and \$47,000 from the Alaska State Department of Transportation and Public Facilities grant; and appropriating said grants and \$47,000 from Airport Retained Earnings to Merrill Field's Capital Improvement Fund for **relocating Taxiways Echo, Foxtrot, Golf & Hotel and Phase I security improvements and revising the 2000 Merrill Field Capital Improvement Budget (581)**, Merrill Field Airport. public hearing 7-25-00.
 - a. Assembly Memorandum No. AM 689-2000.
4. Resolution No. AR 2000-205, a resolution of the Municipality of Anchorage appropriating \$1,020,118 to the State Categorical Grants Fund (231) from the Alaska Department of Labor and Workforce Development for the **PY 2000 Workforce Investment Act Title IB Youth Program** within the Community Planning and Development Department. public hearing 7-25-00.
 - a. Assembly Memorandum No. AM 697-2000.
5. Resolution No. AR 2000-206, a resolution of the Municipality of Anchorage appropriating \$600,000 from within the Areawide General Capital Improvement Program Fund (401) and \$25,000 as a contribution from the Areawide General Capital Improvement Program Fund (401) to the Anchorage Roads and Drainage Service Area (ARDSA) Capital Improvement Program Fund (441) in **support of the Municipal Facilities Major Maintenance and Upgrade Program**, Office of Management and Budget. public hearing 7-25-00.
 - a. Assembly Memorandum No. AM 698-2000.
6. Resolution No. AR 2000-209, a resolution of the Anchorage Municipal Assembly **appropriating the sum of \$350,200 from seized and forfeited monies awarded from criminal narcotics cases** by the U.S. Drug Enforcement Agency, to the Police Investigation Fund (257) for use by the Anchorage Police Department. public hearing 7-25-00.
 - a. Assembly Memorandum No. AM 707-2000.
7. Resolution No. AR 2000-210, a resolution of the Municipality of Anchorage appropriating \$170,000 of Fund Balance from the Glen Alps Limited Road Service Area Fund (105) to the Department of Public Works 2000 General Operating Budget for **summer maintenance reduction and repair projects**, Public Works. public hearing 7-25-00.
 - a. Assembly Memorandum No. AM 708-2000.
8. Resolution No. AR 2000-212, a resolution authorizing the acceptance of a Federal Transit Administration Section 5309 grant that provides federal capital assistance of \$2,471,750 for the **transportation improvements needed to carry out the Year 2001 Winter Special Olympics at the Kincaid Park**, Public Works. public hearing 7-25-00. **(NOT SUBMITTED; see AR 2000-213)**

- a. Assembly Memorandum No. 717-2000.

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

9. Resolution No. AR 2000-213, a resolution of the Municipality of Anchorage accepting and appropriating \$2,471,750 as a grant, when tendered, from the Federal Transit Administration (Section 5309) to the Anchorage Roads and Drainage Service Area CIP Fund (441) and authorizing a temporary internal loan from the construction cash pool in an amount not to exceed \$2,471,750 to the Anchorage Roads and Drainage Service Area Capital Improvement Fund (441) for **capital improvements necessary for the transportation needs of the 2001 Special Olympics World Winter Games Alaska**, Public Works. public hearing 7-25-00. **(addendum)**
- a. Assembly Memorandum No. AM 721-2000.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 2000-204, a resolution to **establish the delinquent dates for the first and second half of yearly business personal and personal property tax payments** for Tax Year 2000, Finance.
- a. Assembly Memorandum No. AM 690-2000.
2. Resolution No. AR 2000-207, a resolution of the Municipality of Anchorage appropriating the sum of \$33,000 from the Alaska Department of Environmental Conservation to the State Categorical Grants Fund (231) for the Anchorage Air Pollution Control Agency in the Department of Health and Human Services to **fund fine particulate pollution monitoring**, Health and Human Services.
- a. Assembly Memorandum No. AM 699-2000.
3. Resolution No. AR 2000-208, a resolution authorizing the Municipality to **grant an electrical easement across a portion of Oceanview Elementary School site** located at Johns Road within the SE 1/4 of Section 19, T12N, R3W, Seward Meridian, Tax Code #016-162-02, Public Works.
- a. Assembly Memorandum No. AM 700-2000.
4. Resolution No. AR 2000-211, a resolution of the Municipality of Anchorage appropriating \$7,000 of Fund Balance from the Bear Valley Limited Road Service Area Fund (144) to the Department of Public Works 2000 General Operating Budget for **summer culvert and road repair projects**, Public Works.
- a. Assembly Memorandum No. AM 709-2000.
5. Resolution No. AR 2000-214, a resolution of the Anchorage Municipal Assembly **recommending that the Tikishla Park outdoor ice rink be named in recognition of Scotty Gomez**, Assemblymember Meyer. **(addendum)**

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

6. Resolution No. AR 2000-216, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Senior Patrol Officer Lise J. Shore for her 21 years of service** with the Anchorage Police Department, Assemblymembers Abney, Clementson, Fairclough, Hudson, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, and Von Gemmingen. **(addendum)**

(Clerk's Note: This item was read into the record during the Regular Agenda. See item 8.D.)

7. Resolution No. AR 2000-217, a resolution of the Anchorage Municipal Assembly **empaneling a special citizens task force to advise the Mayor and Assembly on appropriate legislative action necessary to prevent and deter drunken driving in Anchorage**, Assemblymembers Tesche, Von Gemmingen, Abney, and Tremaine. **(addendum)**

Ms. Taylor asked she be added as a sponsor of this resolution.

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

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 701-2000, **Appointments to the Executive Staff** (Jewel Jones, Director-Health & Human Services; William A. Greene, Municipal Attorney; Craig E. Campbell, Executive Director-Community Services & Development; Michael C. Callahan, Director-Information Services; Cheryl L. Frasca, Director-Management and Budget; John H. Fullenwider, Chief-Anchorage Fire Department; Kate H. Giard, Chief Financial Officer; Everett Mabry, Director-Customer Services; James M. Posey, Director-Cultural and Recreational Services), Mayor's Office.
2. Assembly Memorandum No. AM 704-2000, **Garden Relievers** - New Recreational Site Liquor License (Russian Jack Community Council), Clerk's Office.

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

3. Assembly Memorandum No. AM 705-2000, **Oriental Garden** - New Restaurant/Eating Place Liquor License (Spenard Community Council), Clerk's Office.
4. Assembly Memorandum No. AM 691-2000, Findings and Conclusions: **Appeal S-10521 BLM Lots 84 and 85 Subdivision with Vacation and Variance**, Community Planning and Development.
5. Assembly Memorandum No. AM 702-2000, Findings and Conclusions: **Appeal S-10518 Delong Landing Subdivision**, Community Planning and Development.

Ms. Clementson asked the record reflect her abstention on this item.

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

6. Assembly Memorandum No. AM 692-2000, change order No. 2 to purchase order 200711 with Unisys Corporation for furnishing **computer hardware maintenance and software license renewal** to the Municipality of Anchorage, Anchorage Police Department/Purchasing.
7. Assembly Memorandum No. AM 693-2000, recommendation of award to AIS, Inc. dba Alaska Insulation Supply and Alaskan Insulation Specialties, Inc. for providing **specialized insulation services and crews** for the Municipality of Anchorage, Municipal Light and Power (RFP 20-P011), Purchasing.
8. Assembly Memorandum No. AM 694-2000, change order No. 2 to purchase order 994131 with Alaska Archives and Mailing Services for furnishing **printing and mail services** to the Municipality of Anchorage, Municipal Light and Power/Purchasing.
9. Assembly Memorandum No. AM 695-2000, CRW Engineering Group professional services contract; Contract Amendment No. 3-**Strawberry Road Improvements**, DPW File No. 90-07, Public Works.
10. Assembly Memorandum No. AM 703-2000, proprietary award to Frank J. Zamboni & Co., Inc. for furnishing an **ice resurfer** to the Municipality of Anchorage, Property and Facility Management Department/Purchasing.
11. Assembly Memorandum No. AM 710-2000, proprietary award to HRC, Inc. for **administering the local Workforce Investment Board for the Matanuska-Susitna (Mat-Su) Area** for the Municipality of Anchorage, Department of Community Planning and Development/Purchasing.
12. Assembly Memorandum No. AM 711-2000, proprietary purchase of **computer software maintenance** for the Municipality of Anchorage, Management Information Systems Department (MISD), Purchasing.
13. Assembly Memorandum No. AM 712-2000, recommendation of award to Tryck Nyman Hayes, Inc. for providing **professional architectural/engineering services** for eight Public Works projects for the Municipality of Anchorage, Public Works Department (RFP 99-P024), Purchasing.
14. Assembly Memorandum No. AM 713-2000, recommendation of award to Resource Data, Inc. to provide **professional services for a Global Positioning System (GPS) Pilot Project** for the Municipality of Anchorage, Water and Wastewater Utility (RFP 20-P004), Purchasing.
15. Assembly Memorandum No. AM 719-2000, **appointment of a Citizen Naming Panel** for naming a facility after Lidia Selkregg (Dwayne Adams, Deborah Bonito, Virginia Collins, Marcia Davis, Arliss Sturgulewski), Assemblymember Taylor. (**addendum**)
16. Assembly Memorandum No. AM 720-2000, Proposed Assembly Schedule - **Public Hearings Regarding the Comprehensive Plan**, Assemblymembers Tesche and Fairclough. (**addendum**)

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

17. Assembly Memorandum No. AM 722-2000, contract amendment No. 5 to **King Street/100th Avenue Upgrade, 96th Court to Old Seward Highway Project**, Quality Asphalt Paving, Inc., Contract No. C-991519, DPW File No. 96-14, Public Works. (**addendum**)

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 71-2000, **waiver of formal procedures for brush clearing and chipping services** for the Municipality of Anchorage, Anchorage Fire Department (ITB 20-B074), Purchasing.

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

2. Information Memorandum No. AIM 72-2000, **report of Public Works' construction contract amendments**, Public Works.
3. Information Memorandum No. AIM 70-2000, **contracts awarded between \$30,000 and \$100,000 through formal competitive processes** for the month of June 2000, Purchasing. (**addendum**)

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

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

8. REGULAR AGENDA:

A. TIME CRITICAL ITEMS: None.

B. BID AWARDS:

1. Assembly Memorandum No. AM 715-2000, recommendation of award to Pinnacle Construction for **new transit maintenance underground tank replacement** for the Municipality of Anchorage, Department of Property and Facility Management (ITB 20-C-021), Purchasing.

Mr. Tremaine moved, to postpone action on AM 715-2000 until July 25, 2000.
seconded by Mr. Tesche,
and it passed without
objection,

C. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Resolution No. AR 2000-212, a resolution authorizing the acceptance of a Federal Transit Administration Section 5309 grant that provides federal capital assistance of \$2,471,750 for the **transportation improvements needed to carry out the Year 2001 Winter Special Olympics at the Kincaid Park**, Public Works. ~~public hearing 7-25-00.~~ **(NOT SUBMITTED; see AR 2000-213)**
 - a. Assembly Memorandum No. 717-2000.

Mr. Tremaine moved, to postpone action on AR 2000-212 indefinitely.
seconded by Ms. Taylor,
and it passed without
objection,

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 2000-214, a resolution of the Anchorage Municipal Assembly **recommending that the Tikishla Park outdoor ice rink be named in recognition of Scotty Gomez**, Assemblymember Meyer. **(addendum)**

Mr. Meyer moved, to approve AR 2000-214.
seconded by Mr. Kendall,

Mr. Meyer said the idea to name the Tikishla Park outdoor ice rink in honor of Scotty Gomez had been submitted by Representative Sharon Cissna and residents of the Airport Heights community. Mr. Meyer supported this idea, and he suggested the Parks and Recreation Naming Committee be utilized in order to ensure consistency in naming all Anchorage community parks and recreation facilities.

Question was called on the motion to approve AR 2000-214 and it passed without objection.

2. Resolution No. AR 2000-216, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Senior Patrol Officer Lise J. Shore for her 21 years of service** with the Anchorage Police Department, Assemblymembers Abney, Clementson, Fairclough, Hudson, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, and Von Gemmingen. **(addendum)**

Elvi Gray-Jackson of the Assembly Office advised that they were requested to bring this resolution forward, but Officer Shore would not be here tonight nor at any other meeting to accept it.

At Ms. Abney's request, Chair Von Gemmingen read Resolution AR 2000-216 into the record.

Ms. Fairclough added that she had the opportunity of going on her first ride-along, as well as what turned out to be a stakeout, with Officer Shore. She said Officer Shore was a fine officer and would be missed throughout the Anchorage community and especially in the Eagle River area.

3. Resolution No. AR 2000-217, a resolution of the Anchorage Municipal Assembly **empaneling a special citizens task force to advise the Mayor and Assembly on appropriate legislative action necessary to prevent and deter drunken driving in Anchorage**, Assemblymembers Tesche, Von Gemmingen, Abney, and Tremaine. **(addendum)**

Mr. Tesche moved, to approve AR 2000-217.
seconded by Mr. Kendall,

Mr. Tesche explained this resolution was prepared in cooperation with Mayor Wuerch, the Administration, and members of the Assembly to address the issue of drunken driving in Anchorage. He summarized the "Whereas" clauses of the resolution for the benefit of the audience. Mr. Tesche suggested the task force consider three primary goals in the legislation that it would propose, namely, that: (1) the legislation be proven as effective in other jurisdictions, (2) it be fair to all concerned, and (3) it be cost-effective. He urged adoption and requested the Administration's comments.

Mayor Wuerch thanked everyone who had called or spoken to him about their interest in continuing efforts to prevent accidents and deaths in our community that occur as a result of people who drive while under the influence of alcohol. He said that following a catastrophic week of such accidents, Chief Udland had instituted a program of increased patrols, and they have since had discussions regarding monitoring the results of the program. Mayor Wuerch said if anyone was interested, Chief Udland could provide a more detailed report. He said the companion effort of broadening the issue to encourage more citizen participation in the program may be a means of receiving community input regarding other possible courses of action they could take. Mayor Wuerch distributed a draft charter statement to the Assembly and highlighted the key elements, including the mission of and issues to be addressed by the task force. He said the task force would provide a written report with recommendations by October 15, 2000. He noted that including Joe Murdy and Bob Bailey as co-chairs, they currently had a total of 15 persons who had accepted positions on the task force. He said additional representatives from minority ethnic and cultural groups were needed for a truly diverse perspective on the task force. Mayor Wuerch encouraged adoption of the resolution.

Ms. Taylor commended the initial sponsors of the resolution for their prompt action as well as the Administration for its rapid response to this problem. She expressed hope that industry representatives would participate as task force members.

In response to Mr. Meyer, Municipal Attorney Bill Greene stated the impoundment laws initiated by former Assemblymember Dick Traini in 1993/1994 were still in effect, and his office processed approximately 1,400 cases per year. He said the first offense of DWI conviction results in a driver's vehicle being impounded for 30 days; the second offense results in forfeiture of the driver's vehicle.

Ms. Clementson and Mr. Sullivan asked to be added as sponsors of AR 2000-217.

Mr. Tesche said he had spoken with the Municipal Attorney regarding the need to review the current program of vehicle impoundment to determine its effectiveness as a deterrent to repeat offenders in light of the recent rash of DWI-related incidents. He asked that that information be provided to the task force.

Chair Von Gemmingen said she was very pleased that all Assembly members had sponsored this resolution. She said it reflected the seriousness of the problem within the community and the Assembly's commitment to finding a resolution to it.

Question was called on the motion to approve AR 2000-217 and it passed without objection.

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 704-2000, Garden Relievers - New Recreational Site Liquor License (Russian Jack Community Council), Clerk's Office.

Ms. Clementson moved, to approve AM 704-2000.
seconded by Mr. Meyer,

Ms. Clementson explained this memorandum was for a liquor license for a new recreational site at the Cartee Ballfields, which is located on Pine Street adjacent to Russian Jack Park. She said there was no conditional use permit at this location, and the Municipality was the owner of the property. She said she had spoken with Mr. Posey, Director of Cultural and Recreational Services, who informed her the Municipality had no intention of applying for a conditional use permit at this site. Ms. Clementson advised that drinking in the park had been a problem for many years and has been of concern to the Community Council.

Ms. Clementson moved, to amend AM 704-2000 to add a sentence at the end of line 39
seconded by Ms. Fairclough, to read: "The Municipality of Anchorage, owner of the
and it passed without subject property, does not intend to apply for a conditional use
objection, permit at this location."

Ms. Clementson said the reason for her amendment was to make it clear, when this application went before the State Alcoholic Beverage Control (ABC) Board, that this would be the end of the issue.

Question was called on the motion to approve AM 704-2000 as amended and it passed without objection.

2. Assembly Memorandum No. AM 702-2000, Findings and Conclusions: Appeal S-10518 Delong Landing Subdivision, Community Planning and Development.

Mr. Kendall moved, to approve AM 702-2000.
seconded by Mr. Tesche,
and it passed with Mr. Kendall
objecting and Ms. Clementson
abstaining,

3. Assembly Memorandum No. AM 720-2000, Proposed Assembly Schedule - Public Hearings Regarding the Comprehensive Plan, Assemblymembers Tesche and Fairclough. (**addendum**)

Ms. Clementson moved, to approve AM 720-2000.
seconded by Ms. Fairclough,

Ms. Clementson pointed out this was the Anchorage Bowl Comprehensive Plan, and while it was primarily focused on Anchorage, it did have implications for outlying areas. She noted that Chugiak/Eagle River and Girdwood had their own separate comprehensive plans, and she questioned why hearings were proposed to be held in Chugiak/Eagle River and south Anchorage, which she assumed meant Girdwood.

Mr. Tesche responded that south Anchorage, in this instance, meant any site in south Anchorage that was convenient to the Assembly and to residents of south Anchorage. He said they were considering South Anchorage high schools as the meeting place, or, alternatively, they could meet at a large facility in Girdwood. He explained the reason they would take this issue to the Chugiak/Eagle River and Girdwood areas was because the Plan and the pattern of development in Anchorage would affect those communities. He also felt it important to show residents that the Assembly was willing to meet with them in their communities to address their concerns.

Ms. Hudson moved, to amend AM 720-2000 to delete the public hearing that was
seconded by Mr. Kendall, scheduled for August 22, 2000.

Ms. Hudson noted that August 22 was the date of the State primary election. She said she and other residents felt the Assembly should not meet on election nights except in case of an emergency. She said having a hearing on the

Comprehensive Plan, which was an extremely important issue to the community, on election night may put people in the position of having to choose between voting or attending the public hearing.

Ms. Fairclough noted there would be a controlled agenda for that evening's meeting, with only a couple of specialized items, and only 20 people would be allowed to testify on the Plan. She felt it was important to have the special meeting, although she would be willing to change it to another date so it did not fall on the evening of the election.

Mr. Tesche moved, and it was accepted as a friendly amendment,	to amend the amendment to also remove the one-and-a-half-hour time limit and the limit of 20 people who could testify at the August 29, 2000 meeting.
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Question was called on Ms. Hudson's motion to amend AM 720-2000 as amended and it passed:

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

NAYS: Fairclough.

Discussion was heard regarding other dates to hold the hearing on the Comprehensive Plan.

Ms. Fairclough moved, seconded by Mr. Tesche, and it was withdrawn,	to amend AM 720-2000 to change the special meeting of August 22 to Wednesday, August 23.
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Chair Von Gemmingen advised that the Assembly Chambers were not available on August 23, and they were checking availability on August 24.

Ms. Fairclough withdrew her motion to amend. Mr. Tesche concurred.

Ms. Clementson said several Planning and Zoning (P&Z) Commission members felt that due to the large amount of work that has been performed on the Plan and the large number of people who have already participated in public hearings on it, there may not be as many people to testify as the Assembly was anticipating. She said if there was a need, they could schedule a special meeting in September. Ms. Clementson said she concurred with the suggestion to hold public hearings in Chugiak/Eagle River and Girdwood, but she did not agree that a meeting should be held at Hanshaw Junior High in South Anchorage, effectively separating south Anchorage from the rest of Anchorage.

Chair Von Gemmingen advised she had just received word that the Assembly Chambers were available August 23.

In response to Ms. Clementson, Sue Fison, Acting Director of Community Planning and Development, said she thought a mid-September date would be workable for a special meeting to take public testimony on both the Comp Plan and the Girdwood Transportation Plan.

Ms. Clementson moved, seconded by Mr. Tremaine, and it passed without objection,	to amend AM 720-2000 to change the September 14, 2000 Assembly meeting to Girdwood instead of South Anchorage and to change "Comp Plan only" to read: "Comp Plan and Girdwood Transportation Plan."
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Mr. Tesche moved, seconded by Ms. Taylor, and it passed without objection,	to amend AM 720-2000 to reinstate the Special Meeting on the Comp Plan for August 23, 2000, in the Assembly Chambers.
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Mr. Tesche moved, seconded by Mr. Sullivan, and it passed without objection,	to amend AM 720-2000 to reinstate the requirement of a one-and-a-half-hour time limit and a limit of 20 people who could testify at the August 29, 2000 meeting.
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Mr. Tesche recommended 7:00 p.m. as the start time for the Girdwood meeting.

Mr. Sullivan recommended 7:00 p.m. for the Chugiak/Eagle River meeting as well.

Chair Von Gemmingen said those would be the recommendations to staff.

Ms. Clementson said although she would not be in attendance at the special meeting of August 23, 2000, she recommended 7:00 p.m. as the start time for that meeting since the regular start time of 5:00 p.m. may be too early to allow many members of the public to attend in time to give their testimony on the Plan.

Chair Von Gemmingen recommended 6:00 p.m. instead so more people would have the opportunity to testify.

Mr. Sullivan advised he would be absent on August 23rd.

Question was called on the motion to approve AM 720-2000 as amended and it passed without objection.

F. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 71-2000, **waiver of formal procedures for brush clearing and chipping services** for the Municipality of Anchorage, Anchorage Fire Department (ITB 20-B074), Purchasing.

Mr. Kendall moved, to accept AIM 71-2000.
seconded by Ms. Fairclough,

Mr. Kendall noted his concern regarding response times for fires in the Skyline Drive and Highland Drive areas of Eagle River. He said it was his understanding the specific fire he referenced was within the fire service area.

Fire Chief John Fullenwider replied the fire mitigation effort had come about from a FEMA grant last year and would be continued this year, and the Assembly had appropriated the funds to do so. He explained the bid specifications limit the areas to be covered under the grant to those areas within the Anchorage fire service area. Mr. Fullenwider stated that for this year, 1,270 hours had been allocated to the Anchorage Bowl area and 530 hours to Eagle River.

In response to Ms. Fairclough, Mr. Fullenwider said \$10,000 of the \$150,000 approved by the Assembly on June 12, 2000 was for administrative costs. Mr. Fullenwider explained the notification procedures to be used and how the contract with Carlos Tree Service for chipping services would be administered between Anchorage and Eagle River. He also explained how costs would be broken out for appropriate allocation between the Hillside and Eagle River. At Ms. Fairclough's request, Mr. Fullenwider said he would provide a copy of the notification.

Question was called on the motion to accept AIM 71-2000 and it passed without objection.

Chair Von Gemmingen noted it was after 6:00 p.m. There was a suggestion to change the orders of the day to consider item 10, Appearance Requests, and there was no objection.

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

- A. Resolution No. AR 2000-111, a resolution **confirming and levying sanitary sewer assessments for Old Girdwood Sanitary Sewer Improvement District 60-9**, including date of payment, penalties and interest in the event of delinquency, Water and Wastewater Utility.
 1. Assembly Memorandum No. AM 460-2000.
(CARRIED OVER FROM 5-16-00; POSTPONED FROM 5-23-00, CARRIED OVER FROM 6-27-00)

This item was considered later in the meeting. See after 11.B.

- B. Resolution No. AR 2000-131, a resolution **confirming and levying special assessments for Special Assessment District No. 4SR96**, which reconstructed North Point Drive, North Point Circle, and Mere Circle, and setting the date of assessment, installment, payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency, Public Works Department.
 1. Assembly Memorandum No. AM 509-2000.
 2. Information Memorandum No. AIM 60-2000.
 3. Information Memorandum No. AIM 76-2000. (**addendum**)
(CARRIED OVER FROM 6-13-00; AMENDED 6-20-00; POSTPONED FROM 6-20-00)

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

- C. **NOTICE OF RECONSIDERATION: Ordinance No. AO 2000-86(S)**, an ordinance amending the zoning map and providing for the rezoning from R-O/SL (Residential Office District with Special Limitations) to B-3/SL (General Business District with Special Limitations) for **the west 273+/- feet of Tract B-8, Australaska Subdivision**, generally located on the north side of DeBarr Road and west of Delasala Place (Russian Jack Springs Community Council) (Planning and Zoning Commission Case 2000-014), Assemblymember Clementson.
(AMENDED AND APPROVED 6-27-00; NOTICE OF RECONSIDERATION WAS GIVEN BY MR. KENDALL 6-27-00)

This item was considered later in the meeting. See after 11.B.

- D. Assembly Memorandum No. AM 606-2000, **The Liquor Store** - Transfer of Ownership for a Package Store Liquor License (Government Hill Community Council), Clerk's Office.
(POSTPONED FROM 6-13-00)
- E. Information Memorandum No. AIM 40-2000, **Bar Violations/Quarterly Reports** (1st Quarter 2000: Alaska Club (E. Tudor Rd. Location); Alyeska Sitzmark Bar and Grill; Anna's Place; Hooters Restaurant; Jen's Restaurant, Bodega, and Gallery; Long Branch Saloon; Oaken Keg Spirit Shop #54 (Huffman Store); Office Lounge; Spenard Paradise Inn and Lounge; Spirits of Alaska #2 (International Airport Rd.); Spirits of Alaska #3 (Old Seward Hwy.); Tesoro Northshore Company (2 Go Mart #007); Value Liquor #3 (Jewel Lake Store)), Anchorage Police Department.
(POSTPONED FROM 4-18-00, 4-25-00; CARRIED OVER FROM 5-16-00, 5-23-00, 6-13-00, 6-20-00, AND 6-27-00)
- F. Ordinance No. AO 2000-72, an ordinance amending Anchorage Municipal Code Chapter 2.30 to provide **procedures for Assembly recommendation of conditions for State imposition on the issuance, renewal, transfer, relocation and continued operation of alcoholic beverage licenses**, and designation of the Anchorage Police Department as the agency responsible for monitoring licensees for compliance with such conditions, Assemblymember Meyer.
 1. Assembly Memorandum No. AM 356-2000.

(CARRIED OVER FROM 5-16-00, 5-23-00, AND 6-13-00; POSTPONED FROM 6-20-00; CARRIED OVER FROM 6-27-00)

- G. Ordinance No. AO 2000-93, an ordinance amending Anchorage Municipal Code Section 28.60.030, Absentee Voting In Person, to **provide for absentee polling places and an election day absentee polling place on the University of Alaska, Anchorage campus**, Assemblymember Sullivan.
(CARRIED OVER FROM 6-13-00; POSTPONED FROM 6-20-00)
- H. Ordinance No. AO 2000-76, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 28.50 by adding a new Section 28.50.085 authorizing the **establishment of additional polling places to receive questioned ballots** voted under AMC 28.50.080, Assemblymembers Tesche and Tremaine.
(APPROVED 4-25-00; NOTICE OF RECONSIDERATION WAS GIVEN BY MR. SULLIVAN 4-26-00; RECONSIDERED AND POSTPONED FROM 5-16-00; CARRIED OVER FROM 5-23-00, 6-13-00, AND 6-20-00)

Action on items 9.D. through 9.H. was continued until July 25, 2000.

10. APPEARANCE REQUESTS:

- A. **Homer Burrell**, to request the deletion of parking lot at Campbell Creek from the Arctic Blvd. Roadway Construction Project (Raspberry Road to Dimond Blvd.).

Mr. Burrell directed the Assembly to the packet of information he distributed. He explained the Arctic Boulevard project had originally included a parking lot to be built on the greenbelt on city-owned land at Campbell Creek. During the Mstrom Administration, the parking lot had been deleted from the project, probably due to pressure from area residents. Mr. Burrell said the Community Council had originally voted to eliminate the parking lot by a vote of 15 and had later revoted to eliminate it by a vote of 30 to 40. He said the packets he had distributed to the Assembly members contained a petition signed by over 600 people in that neighborhood. He said unless the originally proposed parking lot was reinstated into the project, there would be no access to the greenbelt from C Street all the way down to Campbell Lake. He added that a shortage of parking in the area may cause an increase in accidents along Arctic Boulevard, and he requested that the parking lot at Campbell Creek be reinstated as part of the project.

- B. **Ed Earnhart**, regarding the proposed parking lot in or near the Campbell Creek Greenbelt on Arctic Blvd.

Mr. Earnhart said the decision had been made not to have the parking lot, an alternate location had not been found. He urged the Assembly to say the matter had been decided and that it was unfortunate that not everyone was happy with the decision, but that was the way matter stands.

Mayor Wuerch explained that several million federal dollars were involved in the Arctic Boulevard project, and they needed to move the contract forward or they would risk losing those dollars. He said Mr. Earnhart had accurately summarized the situation. They had made an effort to compromise on the parking lot issue, but the neighborhood was divided on the issue, and those efforts had failed to produce a product to which everyone could agree. He said the current plan was to award a bid for the road upgrade but omit the parking lot.

Chair Von Gemmingen said she feared this area would become congested due to people parking on side streets in the neighborhoods and the Assembly would soon be revisiting this matter.

Mr. Sullivan said he was present at the second vote of the Community Council on this issue, and several good ideas had been offered at that meeting. The people at the meeting had noted that it was a very short window of time, a couple of weeks during the summer, and warning signs could be posted that vehicles would be towed from the no-parking areas. He suggested that enforcement efforts be implemented to see if it would remedy the situation. He noted there were parking lots near the intersections of Dimond and Rainy and Dimond and Stormy, and signs could be posted apprising motorists of these alternate parking areas.

- C. **Jed Whittaker**, regarding freedom, 4th of July, and Anchorage 2000.

Mr. Whittaker announced he was a candidate for the State Senate, Seat G. He said he had wanted to be in the 4th of July parade, to participate in the celebration of freedom. However, when he contacted Anchorage 2000, he was informed that politicians would not be allowed in the 4th of July parade. He said he contacted the Ombudsman's Office and was advised that he could apply for a parade permit. Mr. Whittaker noted there were two or three politicians in the 4th of July parade, and he felt that he had been lied to by Anchorage 2000. He said since the 4th of July parade was about freedom, he felt anyone who wanted to be in the parade should not be excluded. He asked the Assembly to initiate an ordinance that would prohibit organizations from excluding individuals or other organizations from the 4th of July parade.

In response to Mr. Tesche, Mr. Whittaker said he had applied to participate in his political capacity, and he felt his exclusion was a potential violation of his civil rights.

Mr. Tremaine and Mr. Tesche concurred with Mr. Whittaker's position that the 4th of July was about freedom, and this included the right of a politician to participate in a 4th of July parade and be permitted to exercise the fundamental right of freedom of political speech. Mr. Tesche requested the Administration to review the permit-issuing process of any organization that might, on behalf of the City, conduct or manage next year's 4th of July parade to ensure that politicians are not precluded from participating in the parade.

- D. **Marie Motschman**, concerning the 4th of July Parade.

Ms. Motschman said she felt it was important to express her opinions about the spirit of the 4th of July parade, and she was glad Mr. Whittaker had spoken before her on this issue. She said it was her intention to motivate action toward basic

freedoms, and she felt parade permits should not be allocated to groups that discriminate against any particular logical group of people, "logical" meaning people who do not intend harm to other people. She read from the rules for the Anchorage 2000 parade: "The use of political signs or other social or political material will not be permitted, and no material may be handed out or thrown from the floats. Persons in the official lineup are prohibited from distributing merchandise, gifts, literature, or other materials, including candy. Absolutely nothing can be thrown from the floats." She did not feel this "celebrated" Independence Day. She said that during an election year, political candidates should have a right to carry their banners and hand out literature to educate the public as to who they are and what they stand for. Ms. Motschman said having lived in Anchorage for more than 38 years, she could not believe our freedoms had been reversed in one board meeting by some event planner. She said this was a blatant denial of the freedom of speech and totally un-American, especially on Independence Day.

Mr. Tesche requested a point of personal privilege to introduce a distinguished visitor who was in the audience, Dr. Carlos Weiss, an attorney from Cordova, Argentina. Mr. Tesche officially welcomed Dr. Weiss to the Anchorage Assembly.

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

to change the orders of the day to consider item 11.B., AO 2000-11.

Ordinance No. AO 2000-11, an ordinance amending the zoning map and providing for the rezoning from R-5 (Rural Residential) to B-3 (General Business) for the **Arlon Subdivision, Lots 3, 4, 5 and 6**, generally located on the north side of Abbott Road between Golovin Street and Arlon Street (Abbott Loop Community Council) (Planning and Zoning Commission Case 99-061), Community Planning and Development.

1. Assembly Memorandum No. AM 10-2000.
(CONTINUED FROM 3-7-00)

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

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

to postpone action on AO 2000-11 indefinitely.

The meeting recessed at 6:45 p.m. and reconvened at 7:20 p.m.

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

to change the orders of the day to consider items 9.A., 9.C., 12.A., and 12.B.

Resolution No. AR 2000-111, a resolution **confirming and levying sanitary sewer assessments for Old Girdwood Sanitary Sewer Improvement District 60-9**, including date of payment, penalties and interest in the event of delinquency, Water and Wastewater Utility.

1. Assembly Memorandum No. AM 460-2000.
(CARRIED OVER FROM 5-16-00; POSTPONED FROM 5-23-00, CARRIED OVER FROM 6-27-00)

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

to postpone action on AR 2000-111 until August 15, 2000.

NOTICE OF RECONSIDERATION: Ordinance No. AO 2000-86(S), an ordinance amending the zoning map and providing for the rezoning from R-O/SL (Residential Office District with Special Limitations) to B-3/SL (General Business District with Special Limitations) for **the west 273+/- feet of Tract B-8, Australaska Subdivision**, generally located on the north side of DeBarr Road and west of Delasala Place (Russian Jack Springs Community Council) (Planning and Zoning Commission Case 2000-014), Assemblymember Clementson.
(AMENDED AND APPROVED 6-27-00; NOTICE OF RECONSIDERATION WAS GIVEN BY MR. KENDALL 6-27-00)

Chair Von Gemmingen gave the history of the ordinance and noted the question of whether to reconsider action was before the body.

Mr. Kendall said Ms. Clementson had provided an (S) version at the last Assembly meeting. He said the applicant had requested this be reconsidered for the purpose of addressing the site plan review, and he agreed further discussion was appropriate in light of the recent submittal of the (S) version.

Mr. Meyer concurred with Mr. Kendall's comments. He said his concern was this project was being held to a higher or different standard than other projects, and had the petitioner known the Assembly would require this, he would have commenced his process sooner so he could finish his project during the summer months. Mr. Meyer urged reconsideration for the purpose of further discussion and consideration.

Mr. Tesche said he understood the Administration was working on a possible amendment to the site plan review requirement in the (S) version and he wanted to hear that. For that reason, and because the (S) version was offered at the last meeting, he would vote in favor of reconsideration.

Ms. Clementson stated her opposition to reconsideration. She said when the issue first arose, she had advised that she would have an (S) version on two of the four issues before the Assembly at that time. She emphasized the importance of the Assembly members saving their packets, and she said it would be necessary to have the packets in order to reconsider this ordinance. Ms. Clementson stated this rezone was not held to a different standard than other rezones, and she explained the history and the reason it was not. Ms. Clementson distributed a letter from the Community Council that was originally contained in the packets, and she noted that the Council had stated they looked forward to a site plan review. Ms. Clementson pointed out that it had been represented to the Assembly that a site plan review had already been conducted and approved, and that was not the case. She said the Community Council had also expressed concerns regarding the access points near the intersection at Hoyt Street and DeBarr Road, lighting, and landscaping, and none of these concerns had been addressed to date. Ms. Clementson said this was an important issue, to the developer and to the community, and it was not given different treatment. She said it was the same standard as had been applied to every other development on that parcel. She said the issue had been dealt with, and she respectfully requested that it not be reopened, but that the Assembly stand with what they had already approved.

In response to Chair Von Gemmingen, Mr. Tesche said the Administration, through Municipal Attorney Bill Greene, had prepared an amendment that could be considered if the Assembly voted to reconsider this item, and the amendment, he felt, addressed the concerns that had been raised. He said in order to review the Administration's amendment, he urged reconsideration.

Ms. Clementson noted that as a sponsor of this ordinance, she obviously had ownership and concern in this issue, and it would have been respectful of the Administration to have included her in discussions of subsequent amendments. She added that there had been lobbying on this issue and it was not the straightforward issue it appeared to be.

Question was called on whether to reconsider action on AO 2000-86(S) and it passed:

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

NAYS: Fairclough, Clementson.

Mr. Tesche said he was not aware of any other issue before the Assembly except the site plan review, and he requested the Municipal Attorney to review the proposed amendment to Section 1 on page 2 under "Site Plan Review."

Municipal Attorney Bill Greene directed Assembly members to a copy of page 2 of the (S) version that had just been distributed, and he read the revised paragraph into the record.

In response to Ms. Clementson, Sue Fison, Acting Director of Community Planning and Development, explained the procedures for a public hearing site plan review that would be conducted by the Planning Department.

Mr. Greene further explained that the B-3 zoning district, unlike the B-1 district, does not require a site plan review for a change to the B-3 zone, and there was no provision in the Code that required P&Z to hear this unless designated as such by the Assembly. He said the (S) version did not specify which entity would be responsible for the site plan review, but there was nothing in the Code that would preclude the Planning Department from doing it by direction of the Assembly. Mr. Greene said he could not provide an example of the Planning Department ever having conducted a site plan review public hearing, but other departments conduct administrative hearings.

In response to Ms. Clementson, Mr. Greene and Ms. Fison explained how the proceedings would be conducted by the Planning Department as well as the purpose of the Planning Department conducting the public hearing as opposed to the P&Z Commission.

Mr. Marlow, the petitioner, and his representative responded to Assembly questions regarding the timing of his project and the concerns of the Community Council.

Mr. Greene clarified that there was no provision in the Code for a site plan review in this instance, so the Legal Department had attempted to address Ms. Clementson's concern that a public hearing be held in a process that conforms with the Code and, at the same time, addresses some of the developer's issues.

Ms. Clementson addressed the petitioner's and Mr. Kendall's comments. She asked the President of the Community Council to appear before the Assembly and explain whether or not the Community Council had approved the site plan and if they had had the opportunity to address the Council's concerns to the developer.

Kathleen Plunkett, President of the Russian Jack Community Council addressed the Assembly. At Ms. Clementson's request, Ms. Plunkett addressed the letter she had written to the Planning Department regarding a presentation to the Community Council by the developer's representative relating to their request for a rezone.

In response to Ms. Clementson, Mr. Marlow said he would be happy to meet with the Community Council after August 5, 2000, to address their concerns.

In response to Mr. Tesche, Ms. Plunkett asked if Community Council members would be afforded the opportunity to question staff as well as the developer and if they would have a three-minute time limit in the process that was being proposed. She said some issues may require more than three minutes to address, and that would be a concern.

Mr. Tesche moved,
seconded by Mr. Kendall,

to amend AO 2000-86(S) to change paragraph C.1. on page 2 to read: "Prior to development, there shall be a public hearing site plan review by the Planning Department that addresses but shall not be limited to building design, access, landscaping, lighting, drainage, traffic, pedestrian and vehicular circulation

and signage. The Director of Planning shall ensure that the site plan conforms to the B-3 zoning district and this ordinance."

Mr. Tesche said this amendment appeared to address the concerns that had been raised, first, that there be a public hearing to resolve this matter once and for all and to make absolutely certain that the Russian Jack Community Council and the public in this area had had an opportunity to provide input on this at a meaningful time before final decisions were made, and secondly, to accomplish this within a time period that would still allow the project to proceed this year.

Ms. Clementson noted her non-opposition to the amendment.

In response to Ms. Clementson, Ms. Fison said the Planning Department would ensure the hearing would have public notice, it would be an evening meeting, and it could be coordinated to be held after the Community Council's meeting with Mr. Marlow. Ms. Clementson noted that she appreciated the amendment, and requested that, in the future, individuals who sponsor ordinances be afforded the courtesy of being informed of discussions about or impending actions on their ordinances.

Mr. Tremaine expressed his appreciation to the Administration for coming up with a solution that involves the public fully and expedites the process.

Question was called on the motion to amend AO 2000-86(S) and it passed:

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

Question was called on the motion to adopt AO 2000-86(S) as amended and it passed:

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

Mr. Kendall moved, immediate reconsideration.
seconded by Mr. Tesche,

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

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

11. CONTINUED PUBLIC HEARINGS:

- A. Ordinance No. AO 99-137, an ordinance amending Anchorage Municipal Code of Ordinances Title 21 concerning **publicly owned and operated outdoor recreation facilities** such as athletic fields, tennis courts, parks and playgrounds and publicly owned and operated buildings and uses in residential zoning districts, Assemblymember Tesche.
1. Assembly Memorandum No. AM 946-99.
 2. Information Memorandum No. AIM 4-2000, Community Planning and Development.
(CONTINUED FROM 1-11-00; CARRIED OVER FROM 5-16-00 AND 5-23-00, AND 6-13-00;
CONTINUED FROM 6-20-00)

This item was considered later in the meeting. See following item 12.B, AO 2000-111.

- B. Ordinance No. AO 2000-11, an ordinance amending the zoning map and providing for the rezoning from R-5 (Rural Residential) to B-3 (General Business) for the **Arlon Subdivision, Lots 3, 4, 5 and 6**, generally located on the north side of Abbott Road between Golovin Street and Arlon Street (Abbott Loop Community Council) (Planning and Zoning Commission Case 99-061), Community Planning and Development.
1. Assembly Memorandum No. AM 10-2000.
(CONTINUED FROM 3-7-00)

This item was considered earlier in the meeting. See after item 10.

- C. Ordinance No. AO 2000-95, an ordinance **amending the Municipal Penal Code**, Title 8, to redefine child abuse, child neglect, family violence, and contributing to the delinquency of a minor; to make the act of disabling a telephone a separate domestic violence offense; to add harassment by electronic communication, failure to remand, and abuse of a third party appointment as offenses; redefining resisting or interfering with an officer; and defining and criminalizing the sale or possession of drug paraphernalia; and modifying the applicable penalties, Legal Department.
1. Assembly Memorandum No. AM 565-2000.
(CARRIED OVER FROM 6-13-00; CONTINUED FROM 6-20-00)
- D. Ordinance No. AO 2000-106, an ordinance amending Anchorage Municipal Code Chapter 25.25 by enacting new sections to **establish definitions, procedures and requirements for the submission and assembly approval of professional school design personnel and preliminary, subsequent and revised school designs**, Assemblymember Clementson.
(CONTINUED FROM 6-27-00)

Items C. and D. were considered later in the meeting. See following item 12.B, AO 2000-111.

12. NEW PUBLIC HEARINGS:

- A. Ordinance No. AO 2000-110, an ordinance of the Municipality Of Anchorage, Alaska, authorizing and providing for the **issuance of not to exceed \$94,115,000 in aggregate principal amount of General Obligation General Purpose Bonds** of the Municipality for the purpose of raising funds to pay costs related to emergency service improvements, fire protection improvements, road and drainage improvements, parks and recreation improvements in Anchorage and Eagle River, public transit improvements, police service improvements, cemetery improvements, Senior Center improvements, and related capital improvements; 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.
1. Assembly Memorandum No. AM 648-2000.

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

Ms. Fairclough moved, to adopt AO 2000-110.
seconded by Ms. Abney,

In response to Ms. Hudson, Cindy Cartledge of Wohlforth, Vassar et. al., the Municipality's bond counsel, addressed the Assembly. Ms. Cartledge explained practice has been for the Municipal Manager to sign the bonds rather than the Mayor; this practice carried over from the previous Administration. However, the Mayor is authorized to sign the bonds.

Mayor Wuerch noted he was looking into a way to reduce the number of signatures for various documents. He said one idea was to have documents submitted by the "Office of the Mayor" and be signed by the Mayor or one of his designees. He felt this might accelerate processing of paperwork. The idea is being reviewed by legal counsel.

Question was called on the motion to adopt AO 2000-110 and it passed:

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

- B. Ordinance No. AO 2000-111, an ordinance of the Municipality Of Anchorage, Alaska, authorizing and providing for the **issuance of not to exceed \$77,900,000 in aggregate principal amount Of General Obligation School Bonds** of the Municipality or 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.
1. Assembly Memorandum No. AM 649-2000.

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

Ms. Fairclough moved, to adopt AO 2000-111.
seconded by Mr. Kendall,

Ms. Hudson moved, to amend AO 2000-111 on page 20 to remove Mr. Vakalis' name listed as Municipal Manager, as he no longer is in that position.
seconded by Ms. Fairclough,
and it passed without objection,

Question was called on the motion to adopt AO 2000-111 as amended and it passed:

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

Ms. Clementson suggested that they change the orders of the day to consider remaining continued public hearing items, and there was no objection.

Mayor Wuerch said the Administration would appreciate it if the Assembly could complete the appropriations items on the agenda tonight, and especially the items related to the Special Olympics and settlement of the Jewel Lake wetlands.

Ordinance No. AO 99-137, an ordinance amending Anchorage Municipal Code of Ordinances Title 21 concerning **publicly owned and operated outdoor recreation facilities** such as athletic fields, tennis courts, parks and playgrounds and publicly owned and operated buildings and uses in residential zoning districts, Assemblymember Tesche.

1. Assembly Memorandum No. AM 946-99.
2. Information Memorandum No. AIM 4-2000, Community Planning and Development.
(CONTINUED FROM 1-11-00; CARRIED OVER FROM 5-16-00 AND 5-23-00, AND 6-13-00;
CONTINUED FROM 6-20-00)

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

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

to postpone action on AO 99-137 indefinitely.

Ordinance No. AO 2000-95, an ordinance **amending the Municipal Penal Code**, Title 8, to redefine child abuse, child neglect, family violence, and contributing to the delinquency of a minor; to make the act of disabling a telephone a separate domestic violence offense; to add harassment by electronic communication, failure to remand, and abuse of a third party appointment as offenses; redefining resisting or interfering with an officer; and defining and criminalizing the sale or possession of drug paraphernalia; and modifying the applicable penalties, Legal Department.

1. Assembly Memorandum No. AM 565-2000.
(CARRIED OVER FROM 6-13-00; CONTINUED FROM 6-20-00)

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

Mr. Kendall moved,
seconded by Ms. Fairclough,

to adopt AO 2000-95.

Ms. Clark-Weeks, from the Municipal Prosecutor's Office, responded to Ms. Clementson's questions regarding the legal technicalities of the language of the ordinance and the sufficiency of notice as provided by the ordinance.

Mr. Tremaine said this item had been before the Assembly several times, and he was fully in favor of protecting children; however, he expressed concern that the ordinance may be overly broad.

Ms. Clark-Weeks responded to additional Assembly member questions regarding definitions, the difference between subjective and objective standards of State and Municipal laws, and case law and outcomes of cases in other states.

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

to amend AO 2000-95 at lines 6, 9, 12, 15, and 21 on page 5 to read: "...being the age of 18 years or older."

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

to amend AO 2000-95 at line 3 on page 5 to read: "...being the age of 21 years or older."

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

to amend AO 2000-95 at line 19 on page 5 to read: "Division of Family and Youth Services."

Question was called on the motion to adopt AO 2000-95 as amended and it passed:

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

Ordinance No. AO 2000-106, an ordinance amending Anchorage Municipal Code Chapter 25.25 by enacting new sections to **establish definitions, procedures and requirements for the submission and assembly approval of professional school design personnel and preliminary, subsequent and revised school designs**, Assemblymember Clementson.
(CONTINUED FROM 6-27-00)

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak.

Ms. Clementson advised that she intended to move to continue the public hearing for AO 2000-106 until next week. She said the School Site Selection Committee met last week to discuss this issue, and a subcommittee had been appointed to draft a substitute version to address difficulties with the current ordinance. She suggested anyone who wished to testify may wish to wait until the substitute version was introduced at the Assembly meeting next week. Ms. Clementson added that the subcommittee would meet on Thursday, July 20, at 3:00 p.m. and Monday, July 24, at 3:00 p.m. to review the progression of this ordinance.

Mayor Wuerch advised that he and other Municipal and School District staff would be meeting on this issue tomorrow to draft a version that would be acceptable to everyone.

ANGELA KUENTZEL, representing Anchorage Citizens for Responsible Governing, said they wished to support the ordinance with the possible exception of a change of item B.4. to read: "The Assembly shall set public hearings." She noted that schools were built for community use and additional community input is provided during public hearings.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one.

Ms. Clementson moved, to continue the public hearing for AO 2000-106 until July 25, 2000.
seconded by Ms. Fairclough,
and it passed without
objection,

The Assembly then returned to item 12, New Public Hearings.

- C. Resolution No. AR 2000-197, a resolution of the Municipality of Anchorage appropriating \$199,000 from the Southcentral Foundation to the Federal Categorical Grants Fund (241) for **emergency alcohol services** in the Department of Health and Human Services.
1. Assembly Memorandum No. AM 664-2000.

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

Ms. Abney moved, to approve AR 2000-197.
seconded by Ms. Fairclough,

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

NAYS: None.

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

- D. Resolution No. AR 2000-198, a resolution of the Anchorage Municipal Assembly appropriating \$380,000 from the Anchorage School District to the Anchorage Roads and Drainage Service Area Fund (441) for the **improvement of East 64th Avenue, between Burlwood Street and Petersburg Street**, Public Works.
1. Assembly Memorandum No. AM 665-2000.

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

Mr. Tesche moved, to approve AR 2000-198.
seconded by Mr. Meyer

Mr. Meyer noted that passage of this resolution would resolve the ongoing conflict between Pond Subdivision residents and the Polar School. His concern was that the road be done prior to school starting in the fall.

A Public Works staff member advised that they were currently working with a property owner to acquire right-of-way. If the negotiations were successful, the road would be completed by the time school started or shortly thereafter. Otherwise, the road project would be delayed.

Ray Amsden, of the Facilities Department with the Anchorage School District, stated the School Board had approved this expenditure.

Chair Von Gemmingen said the name of the school would be corrected to Polar School, deleting the word "Elementary."

Question was called on the motion to approve AR 2000-198 and it passed:

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

NAYS: None.

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

- E. Resolution No. AR 2000-199, a resolution of the Municipality of Anchorage accepting and appropriating \$1,000,000 from the Bureau of Land Management for the **purchase of Jewel Lake Wetlands properties**, Legal Department.
1. Assembly Memorandum No. AM 678-2000.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak.

ED EARNHART congratulated the Bureau of Land Management for performing a good deed. He spoke in favor of the resolution.

ALAN CLEVELAND asked if the purchase of the Jewel Lake wetlands project had anything to do with the consolidated rental car center and if they intended to enter into negotiations with the Anchorage International Airport.

Mayor Wuerch responded that the connection was the Connors Bog properties. A portion of the funds would be used to purchase some of the remaining private land in the Connors Bog area, which has been defined as part of the Greater Jewel Lake Wetlands resource. He said a proposal for Anchorage International Airport to use Connors Bog for a consolidated vehicle rental facility had been deleted from the plan.

Mr. Cleveland asked if the acquisition of the Jewel Lake wetlands property specified in this resolution had anything to do with negotiations with the Anchorage International Airport for the swap, trade, sale, or use of land for developing the consolidated vehicle rental facility.

Mayor Wuerch responded he did not know, but they would find out. He said he knew there were a number of wetlands off-site mitigation proposals, but they were related to the Klatt properties further south near O'Malley Road and the Minnesota Boulevard turn. He further clarified that this was an opportunity for the Municipality to purchase more conservation wetlands to be added to the Jewel Lake resource for wetlands and a recreation area.

In response to Chair Von Gemmingen, Mayor Wuerch confirmed this was Dr. Bierns' property.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one, and she closed the public hearing.

Ms. Fairclough moved, to approve AR 2000-199.
seconded by Mr. Tesche,

Ms. Fairclough said she had obtained information from Theresa Hillhouse in the Municipal Attorney's office that 28.5 acres were personally-held wetlands in the area, and the proposal of using these funds to incorporate wetlands into the Heritage Land Bank and preserve it was part of the project. She said a larger aspect, as alluded to by Mayor Wuerch, was to settle an outstanding ownership lawsuit. She said the Legal Department could speak to the latter, but once property enters into the Municipality, the Assembly was tasked with utilizing the property in the best interests of the public.

In response to Ms. Abney, Municipal Attorney Bill Greene explained this was part of a settlement of a lawsuit relating to inverse condemnation, and the funds were being used as authorized by the grant to buy the property rather than litigate the lawsuit.

Ms. Fairclough said this was good for the public and good for the Municipality. She explained the Municipality was accepting \$1 million from the federal government to acquire wetlands to settle a lawsuit. She said if the public had concerns regarding what would be done at a future date, those concerns would have to be addressed at that time as they cannot foresee, once they become the owner of a piece of property, all the different issues that may arise out of their ownership.

Question was called on the motion to approve AR 2000-199 and it passed:

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

NAYS: None.

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

- F. Resolution No. AR 2000-200, a resolution of the Municipality of Anchorage **appropriating \$1,400,000 as a grant, when tendered, from 2001 Special Olympics World Winter Games Alaska** to the Anchorage Parks and Recreation Service Area Capital Improvement Fund (461) and authorizing a temporary internal loan from the construction cash pool in an amount not to exceed \$1,400,000 to the Anchorage Parks and Recreation Service Area Capital Improvement Fund (461) for improvements to the Kincaid Ski Chalet in preparation for the 2001 Special Olympics World Winter Games Alaska, Property and Facility Management.
1. Assembly Memorandum No. AM 686-2000.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak.

BEN STEVENS, President of the 2001 Special Olympic Games, advised the Assembly that they had executed a grant agreement with the U.S. Department of Housing and Urban Development on July 14, 2000, which authorized them to begin using the funds. He advised that the internal loan portion was not necessary at this time. He urged the Assembly to pass the resolution as they have funds available to do the transfer for the Kincaid Chalet improvement.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one, and she closed the public hearing.

Mr. Sullivan explained this was a pass-through grant from the federal government, and no Municipal funds were being spent; the Assembly was only serving as the pass-through agency. He said this was a great project as part of the overall 2001 Special Olympic Games.

Ms. Abney moved, to approve AR 2000-200.
seconded by Ms. Fairclough,

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

NAYS: None.

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

- G. Ordinance No. AO 2000-115, an ordinance **dedicating Eliassen Park, Eagle River Commons, Loretta French Park, Marianna Koehler Memorial Park, Mirror Lake/Edmonds Lake Park, Russell's Field (Oberg Soccer Field), Targhee Park, and Turner Park**, all located in the Chugiak/Eagle River Area, for park and recreational purposes, Cultural and Recreational Services.
1. Assembly Memorandum No. AM 659-2000.

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

Mr. Kendall moved, to adopt AO 2000-115.
seconded by Ms. Fairclough

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

NAYS: None.

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

- H. Ordinance No. AO 2000-116, an ordinance amending Anchorage Municipal Code Chapter 12.45, **Rental Tax on Retail Rental of Motor Vehicles**, to establish the requirements and procedures for its administration, collection and enforcement including, but not limited to, definitions; rental agency registration; tax credits; tax returns; prohibited acts; penalties and interest; application of payments; records retention, inspection and confidentiality; tax refunds and taxpayer remedies. In addition, this ordinance amends Anchorage Municipal Code Chapter 14.60, Fines, to establish additional civil fines related to failure to comply with Chapter 12.45, Legal/Finance.
1. Assembly Memorandum No. AM 660-2000.
 2. Ordinance No. AO 2000-116(S), an ordinance amending Anchorage Municipal Code Chapter 12.45, Rental Tax on Retail Rental of Motor Vehicles, to establish the requirements and procedures for its administration, collection and enforcement including, but not limited to, definitions; rental agency registration; tax credits; tax returns; prohibited acts; penalties and interest; application of payments; records retention, inspection and confidentiality; tax refunds and taxpayer remedies. In addition, this ordinance amends Anchorage Municipal Code Chapter 14.60, Fines, to establish additional civil fines related to failure to comply with Chapter 12.45, Finance.
 3. Assembly Memorandum No. AM 718-2000.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak.

DAN COFFEY, co-owner of Dollar Rent-A-Car, felt the appropriate method for taxation was on the time and mileage associated with rental vehicles. He said in the past six weeks at Dollar Rent-A-Car, 86 percent of their revenues were generated from time and mileage. He would like to see the provision to tax gasoline eliminated. If renters filled up their rental car gas tanks before returning the vehicle to the rental company, they would not be charged that tax, so he did not understand why they should be taxed if the car rental agency topped off the tanks when the vehicles were returned. Mr. Coffey reiterated that taxation based on time and mileage would simplify the process for everyone concerned.

Mr. Kendall requested Mr. Coffey to review the proposed amendments and comment.

Mr. Coffey said he understood the 30 day provision, which basically targeted corporate or fleet rentals. The way he understood it, they would try to capture the first 30 days of a contract term and tax it. However, many corporate clients have a one- or two-year contract, and they rent vehicles for several days at a time under that contract, so the rental time per vehicle would be less than 30 days. He was not sure that was the intent of this ordinance. He thought the intent of the ordinance was to tax short-term car rentals.

GARY ZIMMERMAN, of Avis Rent-A-Car, concurred with Mr. Coffey's comments. He commended the Administration and the Assembly for working with the industry after the tax was approved by voters. He said while he could accept that the ballot proposition had passed in April, he was frustrated over the inadequate notice that had resulted in the industry's lack of involvement on the issue. He said he realized the Assembly had given public notice, but the agencies were not individually notified, and had they been, they would have been present at the public hearings to provide testimony. Mr. Zimmerman requested an explanation of why the car rental ordinance was handed out at the polling place on voting day. In response to Assembly member questions, Mr. Zimmerman emphasized the use of time and mileage in an effort to keep it simple, both for training and administrative purposes for rental car operations. On page 6 of 15, Section F, relating to registration of rental vehicles, he said that rental agencies were required by the Assembly to provide a list of all motor vehicles owned and controlled by the rental agency. However, he said that was virtually impossible as car rental agencies' fleets change on an almost daily basis. He felt it would become an accounting nightmare for the Municipality as well as the rental agencies.

In response to Mr. Zimmerman's question regarding the separate sheet on the rental car tax that was handed out at the polls, Municipal Attorney Bill Greene explained Section 2 of the initial ordinance that placed the measure on the ballot had provided: "A ballot proposition containing substantially the following language, together with the full text of Section 1 of this ordinance, shall be submitted to the qualified voters of the Municipality at its next regular election." He said that could have been included on the ballot or handed out separately, and in this case, it was handed out separately.

Mr. Zimmerman felt that scenario was akin to handing a person who wanted to commit suicide a loaded gun. The information clearly outlined the measure, and it did not affect voters in their pocketbook, so it was easy to vote yes.

Ms. Hudson added that she worked the polls, and the distribution of the additional text caused a lot of concern among voters. She said most comments were negative, and voters felt the Municipality was pushing the idea of passing the tax by handing out the information sheet to voters on their way into the polls to vote. She said if they can avoid this in the future, they should, because it had a highly negative impact and caused much concern with the voters.

Ms. Fairclough pointed out the irony of Mr. Zimmerman's statement that the industry was uninformed about this ballot issue. She said the Assembly had discussed simply enacting the legislation as a car rental industry fee as opposed to taking it to the polls, but they felt it an important enough issue to put before the voters.

ALAN CLEVELAND concurred with Mr. Zimmerman regarding the separate handout on the car rental tax proposition at the ballot box. He also concurred with Mr. Zimmerman's and Mr. Coffey's comments regarding the way the tax would be administered. He pointed out that the separate handout had said Proposition 3 would "offset other taxes." He asked what "other taxes" the Assembly thought voters would immediately think would be offset -- property taxes. But the handout did not specify property or any other taxes that would be offset by the car rental tax. He questioned the distinction between vans, trucks, and sport utility vehicles, and why the distinction was being made.

Chair Von Gemmingen clarified the ballot language did say the rental vehicle tax would substitute for property and other taxes, and "other" taxes included tobacco tax.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one, and she closed the public hearing.

Mr. Sullivan moved, to adopt AO 2000-116(S).
seconded by Mr. Meyer,

With respect to subsection 050(c) and (f) on page 6 of the (S) version related to the automatic termination of the certificate of registration, Municipal Attorney Bill Greene said the two gentlemen who testified on this had a valid point regarding the complexity and the awkwardness of that section as worded. He said subject to the Assembly's direction, they could revise the wording of that section to eliminate the burden, which he said was not the intent of the provision.

Mr. Kendall moved, to postpone action on AO 2000-116(S) to the end of the
seconded by Ms. Abney, agenda.

Ms. Fairclough urged a no vote. She said they could address other amendments to the ordinance while Mr. Greene and Municipal Treasurer Dan Moore worked on a revision.

Question was called on the motion to postpone action on AO 2000-116(S) and it failed:

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

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

Mr. Sullivan moved, to amend AO 2000-116(S) by incorporating the sheet
seconded by Mr. Meyer, of amendments, "Suggested Intent and Amendment
Language," as an attachment.

(Clerk's Note: This list of amendments is attached as Exhibit A.)

Mr. Sullivan read Amendment #1 under item III and clarified that fueling charges were exempt from this tax.

Ms. Fairclough said her intent was that the tax would apply to vehicles that were rented for up to 30 days.

Question was called on the motion to amend AO 2000-116(S) and it passed:

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

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

Ms. Clementson moved, to amend AO 2000-116(S), on page 6, line 42 to change the
seconded by Ms. Fairclough, word "subsection" to "subsections" and to change "C." to "C.1.
through C.5."

Mr. Greene recommended the Clerk attach Mr. Sullivan's sheet of amendments to the ordinance for purposes of the permanent file.

Question was called on Ms. Clementson's motion to amend AO 2000-116(S) and it passed:

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

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

In response to Mr. Sullivan, Mr. Moore explained the definitions and the reason a distinction had been made between trucks, vans, cars, and SUV's. He said the ballot question contained specific language that would apply two different caps, \$120 for passenger cars and \$240 for vans, trucks, and recreational vehicles. He said it had become clear in a prior work session with the operators that they should differentiate and clarify the definitions of the two different categories. He further explained how the definitions were arrived at and that they tied in with the Department of Motor Vehicle classifications, which should make the ordinance straightforward for the operators to implement.

Discussion was heard whether vans, mini-vans, and SUV's were considered trucks or cars. Mr. Greene recommended that, in light of the ballot measure, the Assembly deal with this issue at a later date.

Question was called on the motion to adopt AO 2000-116(S) as amended and it passed:

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

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

Mr. Sullivan moved, immediate reconsideration of AO 2000-116(S) as amended.
seconded by Ms. Fairclough,

AYES: Clementson.

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

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

The meeting recessed at 9:25 p.m. and reconvened at 9:40 p.m.

- I. Resolution No. AR 2000-162, a resolution **confirming and levying special assessments for Special Assessment District No. 1G98**, which reconstructed natural gas line improvements in the East Eagle River Valley Area, and setting the date of assessment installment payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency, Public Works Department.
 1. Assembly Memorandum No. AM 588-2000.

At Chair Von Gemmingen's request, Howard Holtan, Municipal Engineer, addressed the Assembly. He said this improvement district was fairly unique in that it used Title 19 to form an assessment district for the construction of gas line mains to serve 267 properties in the Eagle River valley. The assessment was based on one lot, one assessment, so they were all equal, and every property that could be served by the main was included in the assessment district. He said some property owners would testify that they should not be included in the assessment district, but the Municipal Engineer's Office believed they should because they can receive service. Mr. Holtan requested that Parcel 157, on page 6 of the assessment roll, be removed because as the line was constructed, it would be necessary to construct an additional main to serve that property. He said that rather than the cost being assessed to the remaining properties, it would be paid out of a previous appropriation which covered the administrative work required to create gas line districts.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak.

JOHN TRUSCOTT read part of a letter he received from Enstar Natural Gas Co. dated December 24, 1997, which stated that any owner who connected to the Enstar gas line would be reimbursed \$678 for each connection. He then read a portion of a letter he had received on June 16, 1998, which stated Enstar would reimburse a free main allowance toward the owner's assessment if they connected to the gas line. He said he had recently picked up a piece of information that said "the free main allowance as required by tariff." He asked someone to explain that phrase. In response to Ms. Fairclough, Mr. Truscott said he owned Lots 1, 3, and 4. Mr. Truscott said they had a meeting last Wednesday and everyone was told they would be reimbursed at different rates based on usage, and he asked why.

ELSIE LESTER said she had a question regarding what Enstar had offered to return to property owners. If the amount of funds allotted was according to gas usage. Would property owners pay the actual final assessment amount or the final assessment less the free main allowance?

Chair Von Gemmingen asked Mr. Holtan to address the questions presented by these testifiers.

Mr. Holtan explained that Enstar provides a credit to property owners who hook up to the gas main. This credit was called a free main allowance, and was included in the tariff. The amount of the reimbursement varies from year to year and was based on the square footage of the home. He gave examples of free main allowances for homes of different heated square footage in the years 1999 and 2000. He said Enstar would accumulate on a quarterly basis the free main allowance amounts based on the quarter in which property owners hooked up to the gas main and the year that applied for the credit and then would pay that to the Municipality. The Municipality would then reduce the amount of the assessment remaining to the property owners by that amount.

In response to Chair Von Gemmingen, Mr. Holtan said he did not know that it would reduce their payments, but it would shorten the term and the interest. With respect to Mr. Truscott's letter from Enstar dated December 24, 1997, which offered a fixed amount of \$678, Mr. Holtan said he had no knowledge that Enstar's tariff had changed since that time. In response to Ms. Clementson, Mr. Holtan said there were no Enstar representatives present to address questions and concerns.

Mr. Truscott said they were led to believe that everyone would receive \$678 for hooking up to the gas line.

Mr. Meyer pointed out that the December 1997 letter did not say "average."

HOWARD MEYER said he was number 198 on the tax roll, and had considerable communication regarding his inclusion in the assessment. He said it had been voted on, and they had been told they would receive a flat rate in the beginning. Using a map, Mr. Meyer described his property and explained why he felt he should not be included in the assessment. He said he had been told that he had the longest gas line in the valley, his being approximately 1,250 feet long -- the next longest one in the valley being about 800 feet. He said a piece of property adjacent to his was closer but was not included in the district. He was not suggesting that property owner be brought into the district but that he be omitted from it. He directed the Assembly members to the letter he had sent and stated that the total cost to bring the gas line onto his property would be about \$6,000, and it would be a detriment, not a benefit to him.

Ms. Clementson said it was her understanding that the difference between his property and the adjacent property was the adjacent property would require a main line extension and Mr. Meyer's property would only require a service connect, albeit a long one.

Mr. Meyer replied that he was not sure what the difference was between the main line and the service connect, but his localized plat map said the line went by both. At Ms. Clementson's request, Mr. Meyer provided further explanation and indicated where his home, driveway, and gas line were located on the map. Mr. Meyer identified which parcels on his plat map were being assessed and which were not.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one, and she closed the public hearing.

Mr. Kendall declared a potential conflict of interest and requested to be excused from participation.

Ms. Fairclough moved,
seconded by Mr. Meyer,

the question, "does Assemblymember Kendall have a substantial financial interest in the matter before the Assembly?"

Mr. Kendall stated his employer was involved with the gas improvement district. He noted he had abstained on other matters that directly related to his employer in the past.

Ms. Clementson said that while Mr. Kendall would obviously not directly benefit from this assessment district, the appearance of conflict was apparent.

In response to Mr. Tremaine, Mr. Kendall said his job was not directly related to this project. His performance evaluations and continued employment did not hinge on the company's success in this project.

Mr. Tremaine suggested there was no conflict.

Ms. Clementson disagreed, stating that it could be construed that his participation would directly benefit his employer and his vote was beneficial to his employer.

Mr. Tesche pointed out that the question was not would Mr. Kendall's employer benefit, but would Mr. Kendall benefit personally. He said the questions that needed to be asked were: (1) Does Mr. Kendall have a financial interest in the outcome of the vote, and (2) Would that interest, if it existed, rise to the level of "substantial financial interest"? Mr. Tesche said he thought Mr. Tremaine was correct in his analysis. He said the question for Mr. Kendall was did he have any conceivable financial benefit that was dependent upon or would be affected by this vote.

Municipal Attorney Bill Greene said the Code, in the definition of "financial interest," imputes the interests of Enstar to Mr. Kendall by definition, and so Enstar's financial interest would in fact be Mr. Kendall's financial interest as well.

Mr. Tremaine pointed out that Mr. Kendall probably had more of a financial interest in the action on mill rates than he did in this action as an employee of Enstar. For that matter, probably all of the Assembly members would have a "substantial financial interest" in the mill rate issue. Mr. Tremaine added that "perception of conflict" was what was discussed, and "actual conflict" was what was voted on, and he did not see there was any actual conflict in this case.

Question was called on whether Mr. Kendall had a substantial financial interest and it failed:

AYES: Sullivan, Meyer, Clementson.

NAYS: Tremaine, Abney, Tesche, Von Gemmingen, Fairclough, Taylor, Hudson.

ABSTAIN: Kendall.

Mr. Meyer moved,
seconded by Mr. Tesche,

to approve AR 2000-162.

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

to amend AR 2000-162 to delete number 157 from the roll.

At Ms. Fairclough's request, Mr. Holtan explained the basis for removal from or inclusion in the district of a property was whether a service line could be provided logically from the gas main that was being constructed under this district. He said they were asking that Property 157 be excluded because it would require an additional main extension and a separate assessment. He said Property 198 could be served from the gas main line, and there were numerous gas service lines that were longer than the one on property 198 would be, so it was not unusual in that regard.

Ms. Fairclough moved,
seconded by Mr. Meyer,

to amend AR 2000-162 to delete number 198 from the roll.

At Ms. Clementson's request, Mr. Holtan reiterated that the tariff provided that a parcel would be included in the assessment district if it could be served from the gas main that was being constructed under this district.

Chair Von Gemmingen said it may be appropriate to postpone action for one week to answer Ms. Clementson's questions, and allow a representative from Enstar to be present to address the questions and concerns raised tonight. She also advised that it was almost 10:30, at which time they would, by law, be required to discontinue further discussion and/or action on public hearings.

Mr. Sullivan moved,
seconded by Ms. Fairclough,

to postpone action on AR 2000-162 until July 25, 2000.

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

NAYS: None.

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

Ms. Fairclough moved, to extend the public hearing portion of the meeting until
seconded by Mr. Tesche, 11:30 p.m.

AYES: Sullivan, Tre maine, Abney, Tesche, Von Gemmingen, Meyer, Fairclough, Taylor, Hudson, Clementson.

NAYS: Kendall.

J. Resolution No. AR 2000-185, a resolution **confirming and levying special assessments for Special Assessment District No. 3SR98**, which reconstructed the 3rd/4th Avenue Alley between 'E' Street and 'F' Street, and setting the date of assessment installment payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency, Public Works.

1. Assembly Memorandum No. AM 633-2000.

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

Ms. Clementson moved, to approve AR 2000-185.
seconded by Ms. Fairclough,

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

NAYS: None.

(Clerk's Note: This action was reconsidered. See after the following item.)

K. Resolution No. AR 2000-186, a resolution **confirming and levying special assessments for Special Assessment District No. 1SA98**, which constructed street, drainage, and street light improvements on Spalding Circle and Racquet Circle, and setting the date of assessment installment payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency, Public Works.

1. Assembly Memorandum No. AM 634-2000.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak.

SHELLY BENTZ said she was a resident of Racquet Circle and was representing residents on both Circles. Ms. Bentz said they had a special meeting with Jim Lamson of the Public Works Department on July 12, 2000, and an accounting error had been found. She said it appeared a duplicate bill had been submitted for the gravel fill that had resulted in a \$30,000 error. She said correction of this error would reduce the assessment by approximately one-third for each property owner.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one, and she closed the public hearing.

Mr. Meyer moved, to approve AR 2000-186.
seconded by Ms. Clementson,

Municipal Engineer Howard Holtan distributed a revised roll that reflected the correction, and noted the property owners had been provided copies of the revised version.

Mr. Meyer moved, to amend AR 2000-186 to substitute the assessment roll
seconded by Mr. Tesche, dated July 13, 2000, with a total assessment of
and it passed without \$22,447.83.
objection,

Mr. Tesche moved, to amend AR 2000-186 to change the due dates on lines 32
seconded by Mr. Kendall, and 33 to October 1.
and it passed without
objection,

Ms. Fairclough noted that today's date, July 18, 2000, needed to be inserted on line 22 as well. There was no objection.

Question was called on the motion to approve AR 2000-186 as amended and it passed:

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

NAYS: None.

Mr. Tesche moved, to reconsider action on AR 2000-185.
seconded by Mr. Kendall,
and it passed without
objection,

Mr. Tesche moved, to amend AR 2000-185 to change the dates on lines 32
seconded by Mr. Kendall, and 33 to October 1, and line 22, the public hearing date, to
and it passed without July 18.
objection,

Question was called on the motion to approve AR 2000-185 as amended and it passed:

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

NAYS: None.

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

- L. Ordinance No. AO 2000-104, an ordinance of the Municipality of Anchorage **creating Street Reconstruction Special Assessment District 2SR00 – street reconstruction for Campbell Terrace Subdivision area** and determining to proceed with proposed improvements therein, Public Works.
1. Assembly Memorandum No. AM 613-2000.

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak.

KEN WEISS, property owner in Campbell Terrace Subdivision, said street maintenance has been a big problem for area residents. He said this project addressed those problems, increased property values within the neighborhood, and drew property owners and renters back to the area. The quality of life had improved. He also commended Mr. Lamson for reaching out to the community and doing a really great job.

Ms. Clementson expressed her appreciation to Mr. Weiss for staying so late to provide positive comments.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one, and she closed the public hearing.

Ms. Clementson moved, to adopt AO 2000-104.
seconded by Mr. Kendall,

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

- M. Ordinance No. AO 2000-117, an ordinance of the Anchorage Municipal Assembly **authorizing the long term lease between the Municipality of Anchorage as lessor and Chugach Hangars Owners Association**, an Alaska non-profit corporation, as lessee of Lot 13, Block 2, Merrill Field replat, located between Runway 6-24 and East 5th Avenue, Merrill Field Airport.
1. Assembly Memorandum No. AM 661-2000.

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

Ms. Clementson moved, to adopt AO 2000-117.
seconded by Mr. Kendall,

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

- N. Resolution No. AR 2000-187, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Package Store Liquor) located on Chester H. Lloyd Subdivision, South 1/2, South 1/2, Lot 14, generally located on the east side of Jewel Lake Road and north of West Dimond Boulevard (MRT, Inc. dba **C&D Liquor #4**) (Case 2000-125), Community Planning and Development.
1. Assembly Memorandum No. AM 605-2000.
 2. Information Memorandum No. AIM 79-2000, public comment, Municipal Clerk. (**addendum**)

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak.

SHERRY JACKSON, volunteer Chair of the Sand Lake Community Council, said the Council held a meeting on June 12 and the C&D Liquor owners had attended and shared their desire to put a liquor store in the old Wendy's building. She said the community of Sand Lake had spoken, through various forms of communication, to their Assembly members to voice their opposition. She said Sand Lake did not want another liquor store in their community, and she asked the Assembly members to hear the voice of the people.

CARY CARRIGAN, a resident on Jewel Lake Road, said this liquor store would be located between two areas that were frequented by numerous teenagers during the week as well as on the weekends. He said despite the efforts that are made to preclude the sale of alcohol to minors, it continues to be a problem, and he felt putting a liquor store in a high-density residential area close to schools and teen hangouts was a not a good idea.

KEN WEISS spoke in opposition to the liquor store in the proposed location. He noted there are several establishments that sell alcohol in the immediate vicinity. He questioned the wisdom of allowing another liquor store to be established in a family community when there have been so many problems recently directly related to alcohol. He said he did take it personally that a liquor store was proposed in his own back yard. He urged the Assembly to take this matter seriously, to hear his voice and that of the community. He emphasized there were enough problems in this community, they were continuing, and they did not need any more.

LEE CARRIGAN, parent, community member, and influencer, felt it was her responsibility as an adult and as a parent to build a safety net for her children while she was still in control. She pointed out that from about seventh grade forward, young peoples' influences change from parents to peers. She said she could not fight open schools, the media, or peers because those were moving targets. Therefore, she had to choose her battles where she could be successful. She could fight against a new liquor store in her community and against easy access for youths to a controlled substance that would hurt them. Ms. Carrigan pointed out there were plenty of options for those adults who chose to drink, but she asked the Assembly not to allow this liquor store to come into her neighborhood.

MARIA MAYO, business owner and parent, said her business was located directly behind where the liquor store would be established. Ms. Mayo said she owned and operated a 24-hour day care center, and she already had problems with young

people who drink outside in the parking lot of the nearby bowling alley and shopping center. She cited other problems, youth doing donuts in the parking lot, breaking her windows, attempted burglaries of her business, and she felt another liquor store would further aggravate the problems in the area. She noted there were already two liquor stores in the vicinity, and she did not feel it would be an advantage to the community or her business to allow another liquor store to be established in the neighborhood. She urged the Assembly to vote no on this resolution.

In response to Chair Von Gemmingen, Ms. Mayo said her day care business was approximately 50 to 60 feet from the proposed liquor store. In response to Mr. Tesche, Ms. Mayo said the proposed new liquor store was about two blocks from the Oaken Keg in Carr's shopping center and approximately 14 blocks from the other liquor store in the area.

JEAN FLINSKI, said she was a 23-year resident of Mt. View and a long-time member of the Mt. View Community Council. She said she first met Tim and Jennifer Schrage several years ago when they proposed to open a liquor store in the Mt. View area. She said the Schrages were met with serious opposition by the community due to the irresponsibility of the previous liquor store owner, and the community was not interested in the establishment reopening. However, the Schrages promised to attend every Council meeting and volunteer within the Mt. View community. They have done what they promised to do. She said she had personally observed Mr. Schrage sitting in the parking lot across the street watching his own business with a pair of binoculars. He freely gave his home phone number and other contact information so he could be reached in the event of any problems. Mr. Schrage and Brown Jug had purchased mobile radios, which are compatible with the Mt. View Patrol, to alert each other of problem customers. She gave other examples of Mr. Schrage's participation in the community and Council events, volunteer work, and monetary donations to the community. Ms. Flinski said it was her sincere belief that whatever community Mr. and Mrs. Schrage reside in will benefit. She urged the Assembly to support the Schrages in their efforts.

PAUL POLINSKI, past President of the Mt. View Community Council, said Mr. and Mrs. Schrage had appeared before the Council to inquire about purchasing a liquor establishment in the Mt. View community while he was Vice President of the Council. He said everyone was aware of Mt. View's reputation, and the Council was not pleased that this couple proposed to reopen a liquor establishment that had been a problem in the past. Mr. Polinski reiterated Ms. Flinski's comments that the Schrages had promised they would participate in the community and keep their establishment clean. He said that was more than three years ago, and to this date they had succeeded in keeping their promises admirably. He said they had assisted police in the SARA project to arrest habitual inebriates when they attempted to purchase alcohol in their establishment. They worked with the other liquor store in the area to communicate when they have refused service to an inebriated person who would then go to the other liquor store to attempt to buy alcohol. Mr. Polinski urged the Assembly to consider Mr. Schrage's record in approving this liquor establishment.

NIKKI BURROWS, Mt. View resident and an active member of the Mt. View Community Council, testified that she normally opposes liquor licenses, but the Schrages have been very responsible and responsive license operators who made a commitment to the community. The Schrages had agreed to and abided by the limitations the Council had requested, run a clean operation, and addressed problems immediately. She reiterated Ms. Flinski's and Mr. Polinski's remarks regarding Mr. Schrage's contributions to the community and working with the Brown Jug to ensure compliance with the laws and the community's desires. Ms. Burrows said she wholeheartedly supported the license location and believed the Sand Lake community would find it to be an asset and not a problem license.

KEN LAMB, 22-year resident of the Sand Lake community, said the issue before the Assembly was not the competency of the operator but whether or not the establishment of another liquor store in the Sand Lake area would be compatible with the Comprehensive Plan. Mr. Lamb said he did not believe it was, for several reasons. Mr. Lamb said there were problems within the area itself that could not be controlled by an operator or business owner. Mr. Lamb said he had worked with the West Side Community Patrol, and although he was not speaking on their behalf, his comments were, of necessity, offered as a result of the knowledge and experience he had acquired during the three years he had served on the patrol. He said the Comprehensive Plan addressed density, but not density of businesses, population, or police calls. Mr. Lamb said one of the two densely populated residential areas in Sand Lake was located immediately behind the proposed liquor store. He said everyone was aware that alcohol fuels many of the problems that occur in high-density population areas. He pointed out that the 88th and Jewel Lake area was the location of numerous police calls in the Sand Lake area. He urged the Assembly to decline the conditional use permit.

TIM SCHRAGE, proprietor and the petitioner for the conditional use permit, said Dimond High School was almost a mile from the proposed location. The day care facility was not an unusual objection to liquor stores. However, he pointed out that the Brown Jug Liquor Store shares a wall with a day care center – a proximity of six inches. His proposed liquor store would not share ingress or egress with the nearby day care center. Mr. Schrage said he grew up in Sand Lake, and believed it could support another liquor store. He said what they were dealing with was a land use issue. He said he had made the application to the City, and the P&Z had recommended approval. Mr. Schrage said the proposed location and their operating history exceeded the standards required by the Municipality. He noted the location was in a commercial area that was expected to remain in that land use category for the foreseeable future. He said there have been three package stores in that area that are no longer operating. He said they were not talking about adding a liquor store, they were simply replacing one of three that no longer operate within the neighborhood. Mr. Schrage said it was the operator and not the location that was the key factor in having a successful liquor store operation, as was reflected by the testimony from the Mt. View Community Council members. Mr. Schrage pledged that the liquor store would not cause any problems. He added that they have three other locations, and there were no problems and no ABC violations. He said his office was in Muldoon, and there were 17 liquor licenses on Muldoon Road, but the Sand Lake area has a low concentration of package stores. He said if this conditional use permit was denied, the Municipality was sending the message to small businesses that they were not a viable part of the City and not a viable part of the Comprehensive Development Plan. Mr. Schrage pointed out that liquor licenses had recently been granted to Fred Meyer, Williams Court, Safeway, and Brown Jug to move licenses within the city despite public protest. Mr. Schrage asked that this permit be approved. He reminded the Assembly that their role in the process was to review the P&Z recommendations, listen to public testimony, and to ultimately decide whether the operator poses a threat to public safety. He said that clearly, based on his operating record, history of community involvement, and P&Z's recommendation for approval of the permit, C&D had met the requirements and should be granted the conditional use permit.

MARVIN HAWK, General Manager of Value Liquors in Anchorage, said Value Liquor was one of the other liquor stores in the proposed location area. Mr. Hawk said the proposed location was between the Oaken Keg and Value Liquor on Jewel Lake Road. With the addition of this new liquor store, there would be three within 1.2 miles. Also within that area, he said there were six churches and three schools. The Community Council and the businesses surrounding the proposed location oppose the addition of another liquor store. Mr. Hawk added that if you turned left on Dimond, there were four more liquor stores in the next 1.5 miles, and another four in the next 1.5 miles after that -- eight liquor stores within three miles of the proposed location. He noted that communities throughout the city have gone on record in opposition of additional liquor stores. He said all the Assembly members needed to do was ask themselves if the areas they represented wanted more liquor stores.

JENNIFER SCHRAGE, Tim Schrage's wife, pointed out that although many emotional issues had been discussed, the issue before the Assembly was a conditional use permit. Mrs. Schrage said, as her husband mentioned earlier, they had both grown up and attended school in the Sand Lake community, and they would not do anything to jeopardize the community. Mrs. Schrage reiterated that P&Z had recommended approval, and the data included in the packets reflected that Jewel Lake did have the smallest number of liquor licenses in the area. With respect to the three liquor operations in the area that had gone out of business, Mrs. Schrage said that could be directly attributed to the operator. She said Mr. Schrage had been an excellent operator and had a good understanding of what it takes to be a business owner. She said they were asking for the opportunity, the land use opportunity, to be business owners within that community.

SUZANNE BAKER, 50-year Anchorage resident, said Anchorage has one of the highest alcoholism rates in the country. Ms. Baker said although she had come on another matter this evening, she lived about a block away from the corner of Jewel Lake and Dimond where the Schrage's proposed to locate their liquor store. She said she had family, friends, and neighbors who lived in the Sand Lake area, and they were all adamantly opposed to any more liquor stores or any other businesses that would contribute to the alcoholism problem. She suggested that if the Schrages wanted to be members of and business owners in the Sand Lake community, they would respect their neighbors and find a more productive business that would contribute to the area. Ms. Baker said the community would love to welcome them as a new business in the community if they had a business the community could welcome and sold a product that contributed to better, happier, and stronger families. Ms. Baker said she had personally seen the destruction that alcohol has caused families, and they do not need any more businesses that sell alcohol and destroy people's lives and families. She said if the Schrages were granted the conditional use permit, she wondered how long it would be before their business was listed on page 5 of the Assembly's agenda under the bar violations quarterly reports, as she noted Value Liquor was.

Ms. Clementson noted that C&D Liquor was not on the Quarterly Bar Violation report, nor had they ever been. Chair Von Gemmingen clarified that the Schrages already owned package stores in other areas, and if there were problems with their operations anywhere in Anchorage, it would have been brought to the Assembly's attention on that report, and they never had been.

DOUG MORRIS said he had resided in the Sand Lake area for 12 years and was the owner of Morris Interiors, a furniture store in the area. He said his store had been open for 15 months, and in that time, he had swept up broken glass, a bullet hole had appeared in his delivery van, and this was before there was a liquor store 50 feet from the back of his store. He said he could not speak to the legality of the issue, but his neighborhood did not need any more problems, and, as everyone knows, liquor stores are not noted for promoting strong communities.

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

to extend the public hearing portion of the meeting until
11:45 p.m.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one, and she closed the public hearing.

Mr. Sullivan moved,
seconded by Mr. Tesche,

to approve AR 2000-187.

Mr. Sullivan felt the Assembly should focus on tonight's action, which was the conditional use permit, a land use issue. They would address the transfer of the liquor license next week. The criteria have been met with respect to the issue under consideration at this time, and he recommended approval of the resolution.

Mr. Tesche agreed that the issue before the Assembly was land use. With respect to the testimony provided tonight, he said he found no real evidence at this stage that any problems had resulted from a concentration of existing uses in the area such that if this liquor store were added into the mix of uses in the area it would exacerbate existing problems. He said while there were neighborhood fears of what happens when a liquor store is established in a residential neighborhood, which he said was of personal concern to him as well, there was simply no evidence, from a land use perspective, that those fears would be realized. Looking at the Code for guidance from the Comprehensive Plan, he said there was none, and Title 21 provided very little except for the consideration of concentration and land use and whether the transfer of location would negatively impact the community through an increase in the concentration of uses involving the sale of alcohol. But even there, he noted there were no standards to address the issue of concentration as a land use matter. For those reasons, Mr. Tesche said he would vote in favor of the conditional use permit, but he would welcome the input of other Assembly members specifically regarding the land use issue.

Vice Chair Meyer took the Chair.

Mr. Tremaine noted the land was zoned B-3, which is business, and it was fairly unrestricted as to the business uses that could locate there. He pointed out several examples of businesses that could be established there which do not sell alcohol. He said he was troubled by this issue because he tended to side with the public, but he agreed that those concerns would be more appropriately heard next week under the liquor license transfer issue. He said he would reluctantly have to concur with

Mr. Tesche on the conditional use issue, but he also would welcome comments from other Assembly members regarding other conditions that may be appropriate in this situation.

Ms. Von Gemmingen noted that obtaining the conditional use permit was the most difficult part of this process, and once it had been obtained, the liquor license approval seemed to follow naturally. She said her concern was that the operator would consider approval of the permit a go-ahead to start his business, and while it was apparent there was no doubt in anyone's mind that the Schrages were good operators and good small business owners, that was not the question. The question was should there be a new liquor license brought into the Sand Lake area. The outcry from the neighborhood was they do not want another liquor establishment in their community. Ms. Von Gemmingen said something the community should consider, however, was that many times an empty building is more of a target for crime than an active and ongoing business operation. She suggested a new business opening in the empty Wendy's building would be a welcome addition as a viable business in the area, whether it be a liquor store or some other type of business. Ms. Von Gemmingen said she would vote no on the conditional use permit. She said she realized the license would come before the Assembly in a week or two, but she felt the question needed to be answered now, and the question was, does the Sand Lake community want another liquor establishment in the neighborhood. She said the residents of the community had spoken, and she felt compelled to listen to them. Ms. Von Gemmingen pointed out that the entire Anchorage community has experienced many problems recently related to alcohol, particularly with DWI's, and the community was becoming quite vocal on the subject. She said people were fed up and were simply saying enough is enough on liquor, and she was hearing this sentiment from every single Community Council. She pointed out that in response to this problem, the Assembly had passed a resolution tonight to appoint a task force to review the situation, the current laws, and develop recommendations as to how the problems can be addressed.

Ms. Von Gemmingen returned to the Chair.

Ms. Clementson said she personally felt the transfer of the liquor license would be the easy part to vote on because they were wrestling with the issue at the initial stage to decide the conditional use issue. She said she knew Mr. Schrage. He operated a successful business, one of those 17 liquor licenses on Muldoon Road, and he was an extremely responsible and responsive liquor license operator. Ms. Clementson said she had a different viewpoint on this issue: If a community opposes an issue, and they have what appears to be valid reasons for their opposition, then the community's concerns should be respected. She said the community had appeared, had spoken, and the Assembly should listen. Ms. Clementson said if a community was going to have a liquor license operator, there would be none finer than Mr. Schrage. While it was certainly no reflection on the Schrages, she would be voting "no" on this item. She added that there was not a high concentration of liquor licenses in the Sand Lake area, and she wanted to set the record straight on that issue, but also felt it was not necessary to start building a concentration in the area.

Question was called on the motion to approve AR 2000-187 and it failed:

AYES: Sullivan, Tremaine, Abney, Tesche, Meyer.

NAYS: Kendall, Von Gemmingen, Fairclough, Taylor, Hudson, Clementson.

- O. Ordinance No. AO 2000-107, an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code Section 11.20.080 to **allow a company approved by the Transportation Inspector to be the monitoring station for a global positioning system installed by a taxicab owner**; Section 11.20.100 to **increase the insurance requirement for taxicabs**; Section 11.30.150 to **prohibit tampering with required taxicab safety equipment**; and amending Anchorage Municipal Code of Regulations 11.10.004.A to add Section 21 and 22 **mandating the installation of safety equipment in taxicabs**, Municipal Manager/Transportation Inspection.
 - 1. Assembly Memorandum No. AM 630-2000.
- P. Ordinance No. AO 2000-108, an ordinance amending Title 23, Section 23.25.604.1 of the Anchorage Municipal Code and providing for the **use of approved plastic water pipe within buildings**, Public Works.
 - 1. Assembly Memorandum No. AM 631-2000.
- Q. Ordinance No. AO 2000-109, an ordinance amending Title 23, Section 23.85.316 of the Anchorage Municipal Code and providing for a **change in the smoke detector requirements for alterations, repairs and additions in residential dwellings**, Public Works.
 - 1. Assembly Memorandum No. AM 632-2000.
- R. Ordinance No. AO 2000-118, an ordinance amending Anchorage Municipal Code Chapter 23.15 by enacting a new local amendment 23.15.2315.1 and amending Section 23.85.301.1 to **allow the latest, finalized version of the National Earthquake Hazards Reduction Program (NEHRP) perforated shear wall method to be used in lieu of traditional lateral analysis**, Public Works.
 - 1. Assembly Memorandum No. AM 662-2000.
- S. Ordinance No. AO 2000-112, an ordinance repealing Anchorage Municipal Code Section 10.20.040 regarding Secondhand Merchants, and enacting a new Section 10.20.043 to **license used automobile display lots and provide reporting procedures regarding stolen automobiles**, Assemblymember Fairclough.
 - 1. Assembly Memorandum No. AM 675-2000.
 - 2. Information Memorandum No. AIM 73-2000.
 - 3. Information Memorandum No. AIM 74-2000. **(addendum)**
- T. Ordinance No. AO 2000-113, an ordinance amending Anchorage Municipal Code Sections 7.25.010 and 10.20.037 to redefine term Secondhand Merchant regarding **procedures for notification, disposition and disposal of stolen property**, Assemblymember Fairclough.
 - 1. Assembly Memorandum No. AM 676-2000.
 - 2. Information Memorandum No. AIM 73-2000.
 - 3. Information Memorandum No. AIM 75-2000. **(addendum)**

Action on items 12.O. through 12.T. was continued until July 25, 2000.

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

14. **SPECIAL ORDERS:**

A. **Administer Oath of Office** to Assembly Member Wilda Hudson.

This item was considered earlier in the meeting. See after item 1.

Another special order was considered later in the meeting. See item 16, Unfinished Agenda.

15. **ASSEMBLY COMMENTS:**

Assembly comments were considered later in the meeting. See item 16, Unfinished Agenda.

16. **UNFINISHED AGENDA:**

A. Resolution No. AR 2000-131, a resolution **confirming and levying special assessments for Special Assessment District No. 4SR96**, which reconstructed North Point Drive, North Point Circle, and Mere Circle, and setting the date of assessment, installment, payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency, Public Works Department.

1. Assembly Memorandum No. AM 509-2000.
2. Information Memorandum No. AIM 60-2000.
3. Information Memorandum No. AIM 76-2000. (**addendum**)
(CARRIED OVER FROM 6-13-00; AMENDED 6-20-00; POSTPONED FROM 6-20-00)

Chair Von Gemmingen gave the history of the resolution, and recognized Mr. Brant McGee .

BRANT MCGEE said he was appearing on behalf of his parents, Guy and Pat McGee. He said this issue concerned a piece of property that was in close proximity to the area the Assembly had just considered regarding the conditional use permit for C&D Liquor. He said his parents had protested an assessment of approximately \$16,500 based on the fact that they would realize no benefit from the reconstruction of North Point Drive because the access to their property was from Jewel Lake Road. He said the question had arisen at a prior meeting of whether it would be legally feasible to create a condition that would preclude his parents from developing an access to North Point Drive. The theory was that if his parents or their successors in the land would be able to derive any benefit at any point in the future, they should be required to pay the assessment. Mr. McGee said they agreed with that point of view, and his parents would be willing to sign an agreement that would forever bar them or their successors from building an access point to North Point Drive. Mr. McGee advised that a letter prepared by an attorney who specialized in property and real estate was contained in packets submitted to the Assembly. He said the letter essentially requested an amendment to the assessment which would allow his parents to pay a modest sum, equal to that of the lowest assessment among those who would actually benefit from the improvements, on the condition that they and the Municipality could execute a document that would run with the land and would bar the development of any access point to North Point Drive. He said if someone in the future wished to do so, they would be required to pay the \$16,500 assessment plus any interest that had accrued in the interim. He pointed out this was based on the cost-causer/cost-payer concept, and he pointed out that if they were not receiving any benefit from it, they should not have to pay for it. He said either the method of forever barring an access point to North Point Drive or barring it pending payment by a future successor in interest who may want to develop an access point was acceptable to his parents.

In response to Chair Von Gemmingen, Mr. McGee explained that his parents were willing to pay the lowest amount of assessment even though they did not directly benefit from the improvements because the improvements were beneficial to the neighborhood. He also said it had not been his understanding they were to have worked with the Administration to resolve this matter, that he had understood it was incumbent upon him to ascertain whether it would be legally feasible to develop a document to be attached to the land as he explained earlier in his testimony. However, he said their attorney, Mr. Jim Stanley, had been requested to provide a copy of the document to the Public Works Department the previous day, and he did so.

Chair Von Gemmingen noted it was 11:45 p.m.

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

to extend the meeting until midnight to complete the
business of the Assembly.

In response to Mr. Tesche, Municipal Attorney Bill Greene addressed the appropriateness of the McGees' proposal. He stated this was an assessment district proceeding, the purpose of which was to determine the assessment roll for the properties involved, and the question was whether these properties benefited to some degree, and whether the amount assessed was in rational relationship to the benefit received. He said it would appear from Stanley & Schadt's letter that if the McGees were prepared to pay anything at all, that would imply there was a benefit. He said as he read the letter, it requested to place any potential debt in the future, and that was not an issue that would be dealt with in an assessment district final assessment roll. In response to further questions, Mr. Greene said he did not think the Assembly could do as the McGees proposed in the context of the assessment roll, that, if anything, it would be a platting issue. He said he could not visualize an instrument that would dispose of the matter as Mr. McGee proposed, and perhaps it would be useful to meet with Mr. McGee and his attorney to further discuss the matter.

Municipal Engineer Howard Holtan advised that his department did not object to postponing the matter to attempt to resolve it, but he pointed out the statement had been that the burden was onerous given the present ownership and use of the property. However, the present assessing method does not provide for a decision as to whether properties benefit or not based on whether or not they have access. He said the adjacent properties do benefit, and the assessment proposed was commensurate

to the benefit received. In addition, he said this property had, in effect, been granted a 50-percent reduction because only half of the property was included for assessment purposes. This is also a 90/10 road improvement district, so the Municipality was picking up 90 percent of the cost. There had already been a substantial reduction in the allocation of cost to this property. He said he had provided these facts so that when they negotiated with the McGees, access was not an issue.

Ms. Clementson pointed out that there had been numerous assessment districts that had appeared before the Assembly where property owners have protested and recorded restrictions on their deeds to avoid assessment, yet were assessed anyway. Ms. Clementson gave several similar examples of such cases, and she cautioned the Assembly not to get into the habit of making exceptions and deferring assessments because it would eventually upset the system and the Municipality’s ability to collect money on a timely basis to fund the next project.

Mr. Tesche moved, to postpone action on AR 2000-131 until August 29, 2000.
seconded by Mr. Kendall,
and it passed without
objection,

B. Special Orders.

Ordinance No. AO 2000-125, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Title 21.40.130 through 21.40.220 to **require site plan review and approval for all commercial uses within the Municipality of Anchorage**, Assemblymembers Abney and Tremaine. **(LAID ON THE TABLE)**

Ms. Abney, Mr. Tesche, and Mr. Tremaine joined in introducing this ordinance. It was referred to the Planning and Zoning Commission for review.

C. Assembly Comments.

1. Ms. Clementson noted a correction to a comment she had made earlier in the meeting. She said the Site Selection Committee would meet this Thursday, July 20, 2000, at 3:00 p.m. at the Anchorage School District and Monday, July 24, 2000, at 3:00 p.m. at City Hall.
2. Ms. Taylor s requested that a meeting be scheduled for a presentation on homelessness and alcoholism by Hilary Morgan, Executive Director of Homeward Bound.
3. Ms. Hudson noted that the Assembly was scheduled to meet November 7, which was the general election, and she respectfully requested that the Assembly meeting be rescheduled to another date.

17. **AUDIENCE PARTICIPATION:** None.

18. **EXECUTIVE SESSIONS:** None.

19. **ADJOURNMENT:**

The meeting adjourned at midnight.

Chair

ATTEST:

Municipal Clerk

Date Minutes Approved: November 21, 2000

LF/ccarl

AO NO. 2000-116(S)
Chapter 12.45
Rental Tax On Retail Rental of Motor Vehicles
Suggested Intent and Amendment Language

I. A statement by the Assembly to place on the record the Assembly’s intent regarding the taxation of the first thirty days of a vehicle rental transaction:

Recommended Statement: It is the understanding and intent of the Anchorage Municipal Assembly that in approving AO 2000-116(S) the first thirty (30) days of any vehicle rental transaction is subject to the 8% rental tax as defined in AMC 12.45.020.A.

II. Amendments to AO 2000-116(S) needed to make the ordinance consistent with the Assembly’s intent regarding taxation of the first thirty days of any vehicle rental transaction:

Amendment #1: On line 34 of page 3 of the ordinance, delete the words “the period of”, add the words “the first” after the word “means”, and delete the words “or less” after the words “consecutive days”. The amended language then reads:

Thirty (30) day period means **the first** thirty (30) consecutive days a motor vehicle as defined in this section is rented under a single contract;

Amendment #2: Beginning with line 35 on page 5 of the ordinance, delete the words “when the motor vehicle is rented or leased for a term of more than” and replace with the words “subsequent to the first”. The amended language then reads:

Fees and costs paid for the rental or lease of a motor vehicle **subsequent to the first** 30 consecutive days under a single contract;

Amendment #3: On line 39 on page 5 of the ordinance, delete the words “an operating lease or capital” and replace with the words “any financing”. Beginning with line 40 on page 5 of the ordinance, make the term “direct financing lease” plural, delete the comma and the words “if the initial term of the lease is for more than 30 consecutive days”. The amended language then reads:

Fees and costs paid for the rental or lease of a motor vehicle under **any financing** lease, including direct financing leases and sales-type leases.

Amendment #4: Delete lines 2 through 4 on page 6 of the ordinance (AMC 12.45.040.D). No substitute language is needed.

III. Amendments to AO 2000-116(S) needed to add a rental vehicle tax exemption for fueling charges:

Amendment #1: On page 2 of the ordinance, under the definition of *Fees and Costs*, add a new exemption to be numbered #7 to read as follows:

7. Fueling charges.

Amendment #2: On line 36 of page 2 of the ordinance, delete the word “and”. On line 39 of page 2 of the ordinance, end the sentence with a semicolon and the word “and”.

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