

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of August 15, 2000

1. CALL TO ORDER:

The meeting was convened at 5:10 p.m. by Assembly Chair Fay Von Gemmingen in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

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.
Absent: Cheryl Clementson (excused).

3. PLEDGE OF ALLEGIANCE:

The pledge was led by Ms. Fairclough.

4. MINUTES OF PREVIOUS MEETING:

- A. Regular Meeting - May 23, 2000 (**addendum**)
- B. Special Meeting - May 26, 2000 (**addendum**)

Action on this item was postponed until later in the meeting. See after item 8.F.

5. MAYOR'S REPORT:

Mayor Wuerch reported on the Administration's ongoing efforts to implement procurement credit cards. He said that approximately 45,000 checks are written each year by the Municipality, and this project would streamline the process and make it more efficient. He said the program will be phased in by department; he expected it to be fully implemented by January 2001. Mayor Wuerch invited the public to visit the Municipality's web site or www.tax-savers.org and share their views and suggestions on improvements and changes that could be made to the budget in order to achieve the community's goals and objectives. He said the web site would be expanded in the future so that visitors would be able to submit their own tailor-made budgets to the Administration. Mayor Wuerch noted that the fax and email sites are currently accessible from the Municipality's web site, and voice mail would be available soon.

6. ADDENDUM TO AGENDA:

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

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. Tesche,

A. BID AWARDS:

- 1. Assembly Memorandum No. AM 756-2000, recommendation of award to Wilder Construction Company, Inc. for **Christensen Drive Rehabilitation - 3rd Avenue to Alaska Railroad** for the Municipality of Anchorage, Department of Public Works (ITB 20-C-045) (\$1,368,061.50), Purchasing.
- 2. Assembly Memorandum No. AM 790-2000, recommendation of award to Wilder Construction Company for **Campbell Creek Trail Connection to Tudor Crossing - Segment D, Wright Street to Bragaw Street** for the Municipality of Anchorage, Cultural and Recreational Services (ITB 20-C046) (\$690,689), Purchasing.

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

- 1. Ordinance No. AO 2000-101, an ordinance amending Anchorage Municipal Code Section 3.30.172 to **classify executive positions**, Legal Department. public hearing 8-29-00.
 - a. Assembly Memorandum No. AM 757-2000.
- 2. Ordinance No. AO 2000-126, an ordinance of the Municipality of Anchorage, Alaska, **authorizing the issuance of a Nonrecourse Revenue Bond (United Way of Anchorage), of the Municipality in an aggregate principal amount not to exceed \$850,000**; authorizing the execution and delivery of a loan agreement in connection therewith; authorizing the proper officials of the Municipality to

do all things necessary or advisable to consummate the issuance, sale and delivery of such bonds; providing the form of bond and manner of sale of said bond; and providing that the bond be placed with National Bank of Alaska, Finance. public hearing 9-12-00.

- a. Assembly Memorandum No. AM 746-2000.
3. Ordinance No. AO 2000-129, an ordinance amending Anchorage Municipal Code Chapter 26.50, **Sewer Service** to provide new or amended definitions and revised technically based discharge limitations for toxic pollutants, standards for sewerage discharge, permit forms and procedures, sampling requirements and methodology, reporting requirements, and enforcement mechanisms and fines to comply with federal law, Water and Wastewater Utility. public hearing 9-26-00.
 - a. Assembly Memorandum No. AM 788-2000.
4. Ordinance No. AO 2000-130, an ordinance amending Anchorage Municipal Code Sections 9.06.090 and 9.48.130 to include **double fines for traffic offenses occurring in highway work zones** and to authorize the Traffic Engineer to establish such zones, Legal Department. public hearing 8-29-00.
 - a. Assembly Memorandum No. AM 798-2000. (**addendum**)
5. Ordinance No. AO 2000-131, an ordinance amending Anchorage Municipal Code Chapter 1.35 by enacting an ordinance **delineating which principal executive personnel and members of boards and commissions shall take and subscribe an oath of office**, Legal Department. public hearing 8-29-00.
 - a. Assembly Memorandum No. AM 791-2000.
6. Ordinance No. AO 2000-132, an ordinance of the Anchorage Municipal Assembly **authorizing the Municipality of Anchorage to consolidate and amend existing leases by City Hall**, to extend the leases for a term to expire no earlier than September 30, 2025, adjust the rent, provide for an option to purchase and amend other provisions, for the purpose of continuing the lease thereof for municipal offices, Assemblymember Tesche. public hearing 8-29-00.
 - a. Assembly Memorandum No. AM 797-2000.

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

7. Ordinance No. AO 2000-133, an ordinance amending Anchorage Municipal Code Chapter 4.40 to enact a new Section 4.40.160 **creating the Firearm Registration Review Board** to review and determine applicant eligibility of federal "Application for Tax Paid Transfer and Registration of Firearm" (Alcohol, Tobacco and Firearm Form 4) and setting out the Board's duties, responsibilities and procedures, Legal Department. public hearing 8-29-00.
 - a. Assembly Memorandum No. AM 799-2000.
 - b. Ordinance No. AO 2000-133(S), an ordinance amending Anchorage Municipal Code Chapter 4.40 to enact a new Section 4.40.160 creating the Firearm Registration Review Board to review and determine applicant eligibility of federal "Application for Tax Paid Transfer and Registration of Firearm" (Alcohol, Tobacco and Firearm Form 4) and setting out the Board's duties, responsibilities and procedures, Legal Department. public hearing 8-29-00. (**addendum**)
 - c. Assembly Memorandum No. AM 804-2000.
8. Resolution No. AR 2000-228, a resolution of the Municipality of Anchorage appropriating \$418,604 to the State Categorical Grants Fund (231), Department of Public Transportation from the Alaska Commission on Aging to **assist in the funding of coordinated transportation services for senior citizens and for people with disabilities within the Municipality of Anchorage**, Public Transportation Department. public hearing 8-29-00.
 - a. Assembly Memorandum No. AM 758-2000.
9. Resolution No. AR 2000-229, a resolution **confirming and levying assessments for the water special improvements within Levy Upon Connection (LUC) Roll 2000-W-1**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility. public hearing 9-12-00.
 - a. Assembly Memorandum No. AM 759-2000.
10. Resolution No. AR 2000-230, a resolution **authorizing the application for and acceptance and appropriation of State of Alaska, Department of Environmental Conservation (ADEC) grant funds** under the ADEC Matching Grant Program (Senate Bill 192) (\$2 million), Water and Wastewater Utility. public hearing 8-29-00.
 - a. Assembly Memorandum No. AM 760-2000.
11. Resolution No. AR 2000-231, a resolution of the Municipality of Anchorage accepting when tendered \$468,750 from the Federal Aviation Administration Airport Improvement Program grant, and \$15,625 from the Alaska State Department of Transportation and Public Facilities grant; and appropriating said grants and \$15,625 from Airport Retained Earnings to Merrill Field's Capital Improvement Fund for **installing barrier gates and signage on Taxiways Golf and Quebec**, Merrill Field Airport. public hearing 8-29-00.
 - a. Assembly Memorandum No. AM 761-2000
12. Resolution No. AR 2000-232, a resolution of the Municipality of Anchorage revising the 2000 General Government Operating Budget to **provide for an increase of salaries and benefits in accordance with the International Association of Fire Fighters (IAFF), Local No. 1264 contract agreement**, Office of Management and Budget (\$1,568,230). public hearing 8-29-00.
 - a. Assembly Memorandum No. AM 762-2000.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 2000-202, a resolution **appointing election officials for the Special Municipal Election of August 22, 2000**, Municipal Clerk.

2. Resolution No. AR 2000-233, a resolution of the Municipality of Anchorage appropriating \$9,766.97 from the Areawide General Fund (101) Balance to the Assembly to **pay attorney fees in the matter of Native Village of Eklutna vs. Municipality of Anchorage, Board of Adjustment and National Bank of Alaska**, Assembly Chair Von Gemmingen.
 - a. Assembly Memorandum No. AM 763-2000.
3. Resolution No. AR 2000-234, a resolution of the Municipality of Anchorage providing for the appropriation of \$25,000 from donations to the Miscellaneous Operational Grants Fund (261) for the **purchase of library books and materials**, Cultural and Recreational Services/Library.
 - a. Assembly Memorandum No. AM 764-2000.
4. Resolution No. AR 2000-235, a resolution of the Municipality of Anchorage appropriating \$30,000 of Fund Balance from the Girdwood Valley Service Area Fund (106) and contributing the appropriation to the Girdwood Valley Capital Improvement Fund to **provide required matching funds for SB-192, Girdwood Service Area Road & Drainage System Rehabilitation grant**, Public Works Department.
 - a. Assembly Memorandum No. AM 765-2000.
5. Resolution No. AR 2000-236, a resolution authorizing the Municipality to **grant an electrical easement on a portion of Tract A-1, Chinook and Dimond Mears School Site subdivision**, Tax Code #012-284-20, Public Works Department.
 - a. Assembly Memorandum No. AM 766-2000.
6. Resolution No. AR 2000-237, a resolution of the Anchorage Municipal Assembly **approving the revised schematic design for the new South Anchorage Area High School project**, Anchorage School District.
 - a. Assembly Memorandum No. AM 782-2000.

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

7. Resolution No. AR 2000-238, a resolution of the Anchorage Municipal Assembly **approving the professional services selection for Service High Renewal School project -Design Services**, Anchorage School District.
 - a. Assembly Memorandum No. AM 783-2000.
8. Resolution No. AR 2000-239, a resolution of the Anchorage Municipal Assembly **approving the professional services selections for Denali Elementary School Replacement-Design Services**, Anchorage School District.
 - a. Assembly Memorandum No. AM 781-2000.
9. Resolution No. AR 2000-241, a resolution of the Municipality of Anchorage appropriating the sum of \$49,990 from the State of Alaska, Department of Health and Social Services to the State Categorical Grants Fund (231), Anchorage Police Department, as a **grant to conduct investigations and perform checks for minors consuming alcohol**, Anchorage Police Department. (**addendum**)
 - a. Assembly Memorandum No. AM 795-2000.

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 767-2000, Historical & Fine Arts Commission appointment (Bernadine Nyboer), Mayor's Office.
2. Assembly Memorandum No. AM 792-2000, Campbell Airstrip/Section 6 Limited Road Service Area Board of Supervisors appointment (Eric Johnson), Mayor's Office.
3. Assembly Memorandum No. AM 793-2000, Sequoia Estates Limited Road Service Area Board of Supervisors appointments (Charles Riddle, Dagmar Mikko, Regan Ramsey, Mark Lindsey), Mayor's Office.
4. Assembly Memorandum No. AM 794-2000, confirmation of appointments to 401(k) Retirement Committee (Duane Udland and Denise Burger), Mayor's Office.
5. Assembly Memorandum No. AM 784-2000, As Is Cafe - Transfer of Ownership and Application for a Restaurant Designation Permit for a Restaurant/Eating Place Liquor License (Downtown Community Council), Clerk's Office.
6. Assembly Memorandum No. AM 785-2000, Golden Dragon - Transfer of Ownership and Application for a Restaurant Designation Permit for a Restaurant/Eating Place Liquor License [from Golden Dragon at 301 E. Dimond Blvd. to Genghiskhan Mongolian BBQ at 301 E. Dimond Blvd.] (Bayshore/ Klatt & Taku/Campbell Community Councils), Clerk's Office.
7. Assembly Memorandum No. AM 786-2000, Mom & Pop's Grocery & Liquor - Transfer of Ownership for a Package Store Liquor License (Spenard Community Council), Clerk's Office.
8. Assembly Memorandum No. AM 787-2000, Tesoro Northstore Co. - Transfer of Location for a Package Store Liquor License [from 2Go Mart #59 at 12870 Old Seward Hwy. to 2Go Mart #15 at 1211 E. Huffman Rd.] (Huffman/ O'Malley Community Council), Clerk's Office.
9. Assembly Memorandum No. AM 738-2000, proprietary purchase from Motorola Communications, Inc. for furnishing **command bus equipment** to the Municipality of Anchorage, Anchorage Fire Department/Purchasing (\$78,956.40).
10. Assembly Memorandum No. AM 768-2000, change order No. 1 to purchase order 200374 with Medtronic Physio-Control Corporation for **miscellaneous maintenance and repair service of various models of Lifepack defibrillators** for the Municipality of Anchorage, Fire Department (\$30,000), Purchasing.
11. Assembly Memorandum No. AM 769-2000, proprietary purchase with Scott's Heating & Air Conditioning for a **FuelMaker Compressed Natural Gas dispenser** for the Municipality of Anchorage, Property and Facility Management Department (\$98,154), Purchasing.

12. Assembly Memorandum No. AM 770-2000, change order No. 3 to purchase order 992198 with CEF Inc. dba Sonshine Enterprises for **year round road maintenance for Talus West LRSA** for the Municipality of Anchorage, Public Works Department (\$40,640), Purchasing.
13. Assembly Memorandum No. AM 771-2000, change order No. 3 to purchase order 992035 with CEF Inc. dba Sonshine Enterprises for **year round road maintenance for Valli Vue LRSA** for the Municipality of Anchorage, Public Works Department (\$67,450), Purchasing.
14. Assembly Memorandum No. AM 772-2000, request for **amendment to Ridgemoor, Phase 2 Subdivision Agreement**, File No. 2000-007 (\$221,552.35), Public Works Department.
15. Assembly Memorandum No. AM 773-2000, change order No. 2 to **Eau Claire Place water upgrade contract** with CEF, Inc. dba Sonshine JV (\$18,481.99), Water and Wastewater Utility.
16. Assembly Memorandum No. AM 774-2000, change order No. 2 to **Anchorage Loop WTM, Phase VI - Minnesota Crossing contract** with Wilder Construction Co., Inc. (\$46,212.28), Water and Wastewater Utility.
17. Assembly Memorandum No. AM 775-2000, change order No. 1 to **Service High 10 MG Reservoir contract** with Alaska Mechanical, Inc. in the amount of \$63,803.84, Water and Wastewater Utility.
18. Assembly Memorandum No. AM 776-2000, change order No. 2 to vendor contract 99MLP0423 with Bently Nevada for furnishing **technical services, repairs, and replacement parts for Bently vibration equipment** to the Municipality of Anchorage, Municipal Light and Power (\$20,000), Purchasing.
19. Assembly Memorandum No. AM 777-2000, change order No. 2 to purchase order 82090 to Hickel Investment Company for **leased satellite office space** for the Municipality of Anchorage, Municipal Light and Power (\$33,852.89), Purchasing.

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

20. Assembly Memorandum No. AM 778-2000, change order No. 1 to vendor contract 20MLP371 with General Electric Company for furnishing **technical services, repairs and replacement parts for General Electric gas turbines** to the Municipality of Anchorage, Municipal Light and Power (\$500,000), Purchasing.
21. Assembly Memorandum No. AM 779-2000, change order No. 1 to vendor contract 20WWU293 with Alaska Pump & Supply for furnishing **Wallace & Tiernan and Flygt pump parts** to the Municipality of Anchorage, Anchorage Water and Wastewater Utility (\$30,000), Purchasing.
22. Assembly Memorandum No. AM 780-2000, change order No. 1 to purchase order 206163 with Great Western Chemical Co. for furnishing **chlorine** to the Municipality of Anchorage, Water and Wastewater Utility (\$90,000), Purchasing.
23. Assembly Memorandum No. AM 796-2000, change order No. 2 to contract with KPMG to perform **client assistance for reconciliation of accounts, evaluating business practices, and implementation of PeopleSoft Version 7.5** (\$272,500), Finance. (**addendum**)

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

24. Assembly Memorandum No. AM 800-2000, **East 15th Avenue Safety Improvements (Ingra Street to Sitka Street)** DPW Project No. 98-10 for underground storage tank removal and disposal costs (\$28,985), Public Works. (**addendum**)

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 82-2000, Internal Audit Report 2000-7 - **Enhanced 911 Surcharge Payments, Anchorage Police Department**, Internal Audit.
2. Information Memorandum No. AIM 83-2000, Internal Audit Report 2000-8 - **Cash Controls, Prosecution Division-Municipal Attorney**, Internal Audit.
3. Information Memorandum No. AIM 84-2000, **Bar Violations/Quarterly Report for 2nd Quarter 2000** (Applebee's Neighborhood Grill, Darwin's Theory, Residence Inn by Marriott, Spenard Paradise Inn & Lounge), Anchorage Police Department.

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

4. Information Memorandum No. AIM 85-2000, **waiver of formal procedures for Fish Creek trunk failure** for the Municipality of Anchorage, Water and Wastewater Utility (\$65,000), Purchasing.

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

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

NAYS: None.

8. REGULAR AGENDA:

A. TIME CRITICAL ITEMS: None.

B. BID AWARDS: None.

C. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2000-132, an ordinance of the Anchorage Municipal Assembly **authorizing the Municipality of Anchorage to consolidate and amend existing leases by City Hall**, to extend the

leases for a term to expire no earlier than September 30, 2025, adjust the rent, provide for an option to purchase and amend other provisions, for the purpose of continuing the lease thereof for municipal offices, Assemblymember Tesche. public hearing 8-29-00.

a. Assembly Memorandum No. AM 797-2000.

Messrs. Tesche and Tremaine and Ms. Fairclough joined in introducing AO 2000-132. The public hearing was scheduled for August 29, 2000.

In response to Ms. Fairclough, Mayor Wuerch spoke in favor of this ordinance and said it may be a very beneficial opportunity for the City to secure a downtown location for City Hall for an extended period of time at an advantageous rental rate.

In response to Ms. Fairclough, Mr. Tesche said he anticipated updated information would be available prior to the date of the public hearing. However, if they do not have the updated information by August 29, they could postpone action until the offer deadline, which he believed was September 12 or 14. He said he had spoken with the developer regarding an accelerated time period, and the developer was comfortable with it.

In response to Ms. Fairclough, an unidentified staff member explained that the Municipality would not have enough time to be a bidder because it would take a vote of the people.

Ms. Fairclough clarified that she had not intended that the Municipality participate in the bid process but consider purchasing the building outright or over time from Weyerhaeuser.

The unidentified staff member replied that ownership may not necessarily be the least expensive alternative. He added that an analysis of the spreadsheets would provide them an opportunity to consider whether that would be a feasible alternative.

Mr. Tesche said that a piece of legislation of this magnitude normally would be accompanied by a Summary of Economic Effects. He was aware the Administration had been working diligently to carefully scrutinize the economic effects of this project. He said he would defer to the Administration's Summary of Economic Effects when it became available and as the public hearing date approaches.

D. RESOLUTIONS FOR ACTION:

1. **Resolution No. AR 2000-237**, a resolution of the Anchorage Municipal Assembly **approving the revised schematic design for the new South Anchorage Area High School project**, Anchorage School District.

a. Assembly Memorandum No. AM 782-2000.

Mr. Tremaine moved, to approve AR 2000-237.
seconded by Mr. Tesche,

Mr. Tremaine noted this project was the subject of a lawsuit which could derail the project. Also, the access road for the school was not built yet, but the Mayor had assured everyone during the work session today that the road would be built in time for the school to open. A third issue was that the schematic design contains two components that are in violation of current zoning for the school site, which is currently zoned R-1 SL. Mr. Tremaine said the building design of 80 feet is a violation of the height limitation. In addition, current zoning allows one access road off Elmore Road, and the school schematic reflects two roads. Community Planning and Development Department staff recommends one access road off Elmore, and this is scheduled to be before the Planning & Zoning Commission on September 25, 2000. Mr. Tremaine requested Anchorage School District staff explain why the Assembly should approve the schematic at this point in light of these zoning violations.

In response to Mr. Tremaine, George Vakalis, representing the Anchorage School District, explained that since the Planning and Zoning Commission did not consider speculative rezones, the District needed to have as complete a set of plans as possible to go before the Commission. Mr. Vakalis said they were requesting the Assembly approve the schematic design with the understanding that the issue would continue through the public hearing process, while still allowing the District to continue with its planning process for the project. He pointed out the District would be required to address any problems with the design, the site plan, or other phases of the project when it was considered by the Planning and Zoning Commission and the Urban Design Commission. He said the School District would be required to comply with recommended changes by those Commissions or to appeal them, but there was intent to comply.

Mr. Tremaine noted that there had been a lawsuit filed regarding the site, and a petition had been signed supporting a majority vote in order to rezone it. He said in light of this, any zoning to PLI may be appealed to the Assembly, and he was uncomfortable approving the schematic design containing the zoning violations if the Assembly may be in the position of adjudicating the rezone should it be appealed. He requested legal advice on this issue.

Municipal Attorney Bill Greene advised that all the Assembly was being requested to approve was the design. From this point forward, the Anchorage School District would be proceeding at its own risk in terms of the zoning issue, which was unrelated to the approval of the schematic design. The School District could have proceeded with a change in zoning at any time they had determined that they would use the land for the proposed facility.

Mr. Tremaine noted that the history of this project reflected that multiple steps in this process had been taken out of order, including this request for approval of the current schematic design. He felt the zoning change should have been pursued and approved prior to presentation to the Assembly. For that reason, he said he would vote against this item. While it was a good design for the location, the manner in which the School District had proceeded may put the Assembly in an awkward position, and he was not comfortable approving it at this stage. Mr. Tremaine added that citizens had advised him that AR 2000-237 was not available to the public, which apparently is common with Consent Agenda items. He suggested that the

Assembly discuss the possibility of making Consent Agenda items available in some form to the public in the future. He felt it was inappropriate for the Assembly to vote on issues that were not available to the public.

Question was called on the motion to approve AR 2000-237 and it passed:

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

NAYS: Tremaine, Tesche, Taylor.

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 777-2000, change order No. 2 to purchase order 82090 to Hickel Investment Company for **leased satellite office space** for the Municipality of Anchorage, Municipal Light and Power (\$33,852.89), Purchasing.

Ms. Abney moved, to approve AM 777-2000.
seconded by Mr. Tesche,

In response to Ms. Abney, Acting Purchasing Officer Bart Mauldin explained cover fees included common area maintenance, insurance, taxes, advertising, and mall dues. He said those additional costs were built into the original lease, but were not charged and collected during the first year of the contract. He said the fees were always calculated in arrears, but the dues for the first year were not charged until they were well into the second year of the contract, and because of oversight, no budget or estimate had been established for the cover fees.

In response to Ms. Abney, Dan Helmick of Municipal Light and Power confirmed that approximately \$16,000 would take care of the first three years. He said the additional \$17,000 would take care of the fees on the final year of the lease.

Mr. Helmick responded to additional questions from Mr. Tremaine regarding why these fees had not been billed by Hickel Investment Company and paid by the Municipality in a more timely manner.

Question was called on the motion to approve AM 777-2000 and it passed with one objection by Mr. Tremaine.

2. Assembly Memorandum No. AM 796-2000, change order No. 2 to contract with KPMG to perform **client assistance for reconciliation of accounts, evaluating business practices, and implementation of PeopleSoft Version 7.5** (\$272,500), Finance. **(addendum)**

Ms. Fairclough moved, to postpone action on AM 796-2000 indefinitely.
seconded by Mr. Tesche,

Ms. Fairclough advised that the Audit Committee met with the Finance Department earlier in the day and had been advised this was not the appropriate vehicle for this subject. She said she would introduce another item later in the meeting to resolve the issue.

Question was called on the motion to postpone action on AM 796-2000 indefinitely and it passed without objection.

F. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 84-2000, **Bar Violations/Quarterly Report for 2nd Quarter 2000** (Applebee's Neighborhood Grill, Darwin's Theory, Residence Inn by Marriott, Spenard Paradise Inn & Lounge), Anchorage Police Department.

Mr. Tesche moved, to accept AIM 84-2000.
seconded by Mr. Kendall,

Mr. Tesche noted that reports regarding Darwin's Theory were disturbing, and he wanted to ensure that the Assembly members were aware of the circumstances. He asked that the Clerk to be directed to request a representative of Darwin's Theory appear before the Assembly to explain the circumstances surrounding the violations reported.

Ms. Fairclough noted there were several violations by Applebee's and Spenard Paradise Inn as well, and she requested that their representatives also be sent requests to appear before the Assembly to address the issues. Ms. Fairclough noted that Mr. Tremaine had asked that Residence Inn by Marriott also be included, but she said it appeared the problem at that establishment had been resolved after authorities had spoken with them.

Mr. Tremaine noted that the happy hour violations were serious, but they had not repeated the incident after being notified that happy hours were illegal.

Chair Von Gemmingen directed the Clerk to notify Darwin's Theory, Applebee's, and Spenard Paradise Inn and Lounge to have a representative appear before the Assembly.

Ms. Fairclough asked the Clerk to advise the Assembly when each establishments' licenses would be coming up for renewal as well.

Question was called on the motion to accept AIM 84-2000 and it passed without objection.

There was a suggestion to change the orders of the day to consider Item 4, Minutes of the Previous Meeting, and there was no objection.

- A. Regular Meeting - May 23, 2000 (**addendum**)
- B. Special Meeting - May 26, 2000 (**addendum**)

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

to approve the minutes of the regular Assembly meeting of
May 23, 2000, and the special Assembly meeting of May 26,
2000.

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

- A. Resolution No. AR 2000-111, a resolution **confirming and levying sanitary sewer improvements for Old Girdwood Lateral Sewer Special Improvement District (LID) 60-9**, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility.
 1. Assembly Memorandum No. AM 460-2000.
 2. Resolution No. AR 2000-111(S), a resolution confirming and levying sanitary sewer improvements for Old Girdwood Lateral Sewer Special Improvement District (LID) 60-9, setting date of payment and providing for penalties and interest in the event of delinquency, Water and Wastewater Utility.
 3. Assembly Memorandum No. AM 754-2000.
 (CARRIED OVER FROM 5-16-00; POSTPONED FROM 5-23-00, CARRIED OVER FROM 6-27-00; POSTPONED FROM 7-18-00)

Chair Von Gemmingen gave the history of the resolution and noted no motions were pending.

With respect to Lot 5 on Dawson Street, Ms. Abney said the owner had requested that he be exempt from the payment and that a road be built into the area. Ms. Abney reported that she and Mr. Tremaine had walked this area recently and had found the area to be fairly deep in water; it was her intent to move that the area not be included in the levy until there is a building and access to the property.

Mr. Kendall moved,
seconded by Ms. Fairclough,

to approve AR 2000-111(S).

Mr. Tremaine noted that contaminated soil had been discovered on Municipal land in a right-of-way, and it was alleged the contamination had originated from other Municipal lands. He felt it was unreasonable to ask residents to clean up contamination that originated on Municipal lands that were not in the right-of-way.

Mr. Tremaine moved,
and it died for
lack of a second,

to amend AR 2000-111(S) to delete the costs of Municipal
waste contamination cleanup from the assessments, and that
those costs be borne by the Municipality.

Anchorage Water and Wastewater Utility General Manager Mark Premo advised that the party responsible for discharge of the hazardous waste at that location had not been identified during the investigation that was conducted prior to and during construction. He said they had sought legal counsel for advice on how to approach the situation, and they had been advised that it would be proper to include the cleanup costs in the construction cost for the project and pass them on to the associated individuals to be levied.

In response to Ms. Fairclough, Mr. Premo said the contamination cleanup costs totaled \$164,826 and could be broken down by line item if the Assembly desired. He said if the Assembly did not approve incorporating the cleanup costs into the assessments, the costs would be picked up by all the ratepayers, assuming the Regulatory Commission of Alaska (RCA) approved it.

In response to Chair Von Gemmingen, Mr. Premo discussed the history of how this issue was dealt with in a similar situation in Northeast Turnagain.

Ms. Abney moved,
seconded by Mr. Tremaine,

to amend AR 2000-111(S) so that Item 38, Girdwood Original
Townsite, Lot No. 075152-15, Lot 5, Block 5, Girdwood,
Alaska, be exempt from the payment of the levy until there is
access to the area.

Ms. Abney reiterated that she and Mr. Tremaine had walked the area during a hot, dry time of the year, and the area was muddy, with knee-deep water in some areas.

Chair Von Gemmingen explained she would vote no on the motion. She said she had learned a hard lesson from the Northeast Turnagain matter, and she would always vote for anything put before her from the Anchorage Water and Wastewater Utility (AWWU). She said this issue should have been addressed prior to the improvements and not afterward.

In response to Mr. Premo, Ms. Abney clarified the subject of her motion was Line No. 38 on the assessment roll, a property owned by Thomas Carlson.

Don Keefer of AWWU discussed the background of Lot 5, Block 5, and stated he had a letter in the file from Mr. Carlson dated December 29, 1993, requesting to have his lot included in the district. He offered to provide Ms. Abney with copies of the documentation.

Ms. Abney moved,
seconded by Ms. Fairclough,

to postpone action on AR 2000-111(S) until August 29, 2000.

Chair Von Gemmingen said this item had been postponed numerous times, and she felt it was time to decide the issue.

Ms. Fairclough explained that the reason she had seconded the motion to postpone was so they could be provided the information regarding the party responsible for the contamination.

Ms. Abney pointed out that the last postponement of this item had been at the request of AWWU staff.

Question was called on the motion to postpone action on AR 2000-111(S) until August 29, 2000, and it passed:

AYES: Tremaine, Tesche, Taylor, Fairclough, Abney, Hudson.

NAYS: Sullivan, Kendall, Von Gemmingen, Meyer.

- B. Ordinance No. AO 2000-96, an ordinance of the Anchorage Municipal Assembly enacting a new section to the Anchorage Municipal Code Chapter 7.10, **giving Anchorage Neighborhood Community Patrols first right of refusal to obtain non-lethal, surplus equipment from the Anchorage Police Department**, Assemblymembers Taylor, Abney, and Tesche.
1. Assembly Memorandum No. AM 572-2000.
 2. Assembly Memorandum No. AM 682-2000, Purchasing.
- (CARRIED OVER FROM 6-13-00 AND 6-20-00; POSTPONED FROM 6-27-00)

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

Ms. Taylor said she felt they had had a very productive work session earlier in the day regarding this ordinance. She voiced her support for the original intent and urged approval.

Mr. Tesche moved,
seconded by Ms. Fairclough,

to amend AO 2000-96 on line 26 , to read: "...of refusal to obtain, free of charge, nonlethal, surplus equipment of no significant value."

Mr. Tesche explained his amendment was based, in part, on the recommendations made earlier in the day by the Municipal Manager. He said the purpose of the amendment was to ensure that the Municipality did not dispose of substantially valuable items that could be disposed of through auction or other revenue-generating means.

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

to amend the amendment to read, "... of no significant resale value."

Question was called on Mr. Tesche's motion to amend as amended and it passed without objection.

Ms. Hudson moved,
seconded by Mr. Meyer,

to amend AO 2000-96 on lines 16 and 26, to read : "...refusal, after Municipal departments/utilities...."

Ms. Hudson explained that the proposed language gave Municipal departments and utilities the first right of refusal prior to community patrols.

Question was called on Ms. Hudson's motion to amend and it passed without objection.

Mr. Tremaine observed the new Administration had advised during the work session earlier in the day that they would institute a policy of allowing surplus equipment with no significant resale value to be made available to nonprofit organizations. He felt this was a wonderful step forward. While some of these items may have no significant resale value, they can be useful for nonprofit organizations.. Mr. Tremaine said he supported a Code change so that future Administrations will continue the policy. He noted that the title of this ordinance specifies the Anchorage Police Department, but other Municipal departments should be included in this policy as well, and he asked if they could somehow be incorporated into this ordinance.

Municipal Attorney Bill Greene replied that because this ordinance was advertised and noticed to the public as equipment specifically of the Anchorage Police Department, it would not be possible to include other Municipal departments in this ordinance.

In response to Chair Von Gemmingen, Mr. Greene advised if the Assembly wanted to expand the ordinance to include other Municipal departments, they should renote it and go through the public hearing process again.

An unidentified staff member said he was very encouraged by the current Administration's new policy, and he would not be concerned that community patrols would have access to Public Works' surplus equipment after first right of refusal by other Municipal departments and utilities.

Discussion was heard whether the Assembly should take action on the ordinance tonight or postpone it so other Municipal departments could be included in the ordinance language. Mr. Tesche said based upon the draft policy and procedure the Administration was working on, once the policy was amended to reflect the Assembly action on this ordinance, they would have a system that is workable and fair. He said he would be voting yes on the amended motion.

In response to Ms. Fairclough, Mayor Wuerch said one of the dilemmas of this type of law, which is precise and quite narrow, is that it limits the Administration's ability to find other solutions. He asked the Assembly to consider that adopting such an ordinance may restrict the Administration's ability to expand the policy to other departments and/or other recipients in the future. He recommended that the Assembly not pass the ordinance until the language could be expanded to include the other departments.

Ms. Taylor said while she appreciated the Administration's willingness to go further in this process, several of the community patrols had contacted her expressing concern regarding their inability to obtain surplus equipment. She said that based upon public testimony regarding the importance and contributions of the Community Patrols, she would urge the Assembly to move forward on this issue. Ms. Taylor said a broader ordinance could be codified at some point in the future, but she felt it was important that the Assembly support those volunteers who were donating their time and resources in order to assist the Police Department in protecting the citizens of this community.

Mayor Wuerch added that if the Assembly decided to postpone action on this item until the next meeting, the Administration would see what latitude they had to implement a broader policy. He assured the Assembly that the Administration clearly and unreservedly supported the role and the importance of community patrols. He said a broader spectrum of opportunities had been presented earlier that day during the work session; however, his concern was the proposed ordinance did not reflect those opportunities.

Mayor Wuerch moved, to postpone action on AO 2000-96 until August 29, 2000.
seconded by Mr. Kendall,

Ms. Hudson noted that this issue had been before the Assembly for some time. She suggested that the Assembly pass the ordinance, and then act on amendments to broaden the language of the ordinance to include other departments in the future. At least they would have this ordinance in place that could be implemented and of benefit to the community while those amendments were going through the process.

Question was called on the motion to postpone action on AO 2000-96 until August 29, 2000 and it failed:

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

Question was called on the motion to adopt AO 2000-96 as amended and it passed:

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

- C. 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; CARRIED OVER FROM 7-18-00; POSTPONED FROM 7-25-00)

Chair Von Gemmingen gave the history of the ordinance and noted a motion to adopt was on the floor. She noted that Ms. Hudson had moved, and it was seconded and passed, to amend by deleting the word "areawide" from line 21 in subsection A.2.

Ms. Hudson clarified that she had made this change so that line 21 in subsection A.2. would conform with Item 1. where the word "areawide" had already been deleted.

Mr. Greene advised that this language was part of the existing Code and explained why the word "areawide" should not be deleted.

Ms. Hudson recalled that she had made the motion to amend at the last meeting, and it had passed.

Ms. Hudson moved, to reconsider the amendment to the language of AO 2000-93
seconded by Mr. Tesche, passed on July 25, 2000.
and it was ruled out of order,

Chair Von Gemmingen advised that it was too late to reconsider. Discussion was heard whether or not the amendment had passed at the last meeting.

Ms. Hudson moved, to reinsert the word "areawide" on line 21 following the word
seconded by Mr. Kendall, "for" at the end of the line.

Ms. Hudson and Mr. Tremaine noted their objections for the record.

Question was called on Ms. Hudson's motion and it passed with objections by Ms. Hudson and Mr. Tremaine.

In response to Chair Von Gemmingen, Mr. Greene explained the reason the word "runoff" was not in line 17 was so that if a special absentee polling place was designated by the Clerk, it must be designated prior to either the regular or the special election but not in between a regular and a runoff, or between a special and a runoff election. He said if the word "runoff" were inserted at that point in the text, it would change the meaning so that the Clerk could designate a special absentee polling place in between a regular or special election and a runoff election.

Mr. Tesche explained this ordinance would require an additional polling place be located at the University of Alaska. He said that action had been requested some time ago, and the Administration had advised that an application had been made to the Department of Justice (DOJ) for approval. He asked if that application for the University to be a polling place had been approved by the DOJ.

Mr. Greene replied he was not aware that they had heard from the DOJ on this issue unless the Clerk had received something very recently.

Mr. Tesche asked when the application had been submitted.

Mr. Sullivan called for a point of order. He stated that while he appreciated Mr. Tesche's question, it was not germane to the passage of this ordinance.

Municipal Clerk Jane Ferguson gave the background of the ordinance, and said the application to DOJ had eventually been withdrawn because of the delay.

Mr. Tesche quoted from Chapter 28.60.010 of the Code relating to absentee ballots as follows: "In an election, a qualified voter may vote an absentee ballot if the voter expects to be unavoidably absent from the precinct or will be unable to be present at the polls because of physical disability." Mr. Tesche referred Assembly members to his handout, the Application for Absentee Ballot that was used for the April 4, 2000 election. He said the application did not contain any statement or representation to be signed by the absentee voter that they would be unavoidably absent or unable to be present at the polls due to a physical disability. He said that while he intended to vote in favor of the ordinance because it extends, to a limited extent, the voting franchise to the students at the University, he felt procedures should be reviewed to see what requirements must be met before a voter can vote an absentee ballot. He said they may need to change the Code to bring practice into compliance with the law.

In response to Mr. Tremaine, Chair Von Gemmingen said there would be an absentee polling place at the Airport for the election coming up next week.

Mr. Tremaine pointed out the upcoming election was not areawide. He noted the Code provides for an Airport polling place "...on election day for areawide regular, special or runoff Municipal elections..." He asked if it would be in violation of the Code to establish an absentee polling place at the Airport for the election in Assembly Section 4 on August 22, 2000.

Mr. Greene stated that Mr. Tremaine was correct in his interpretation of the language, it would be a violation.

In response to Chair Von Gemmingen, Ms. Ferguson said she had not interpreted the language that way, but she would be happy to cancel the Airport as an absentee polling place. She said it had not yet been advertised as a polling place.

Ms. Fairclough suggested postponing action on this item until after the election.

The Clerk noted that this was the first less-than-areawide election that had been held in a very long time, and the first since allowing an absentee polling place on election day. She said this may be something that is not required by the Code and should be deleted.

Mr. Greene added that on second thought, while Mr. Tremaine was correct, he was not sure that his interpretation of the ordinance would prohibit the Municipal Clerk from operating the polling place at the Airport. He said he would have to research the matter to clarify the answer.

Question was called on the motion to adopt AO 2000-93 as amended and it passed:

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

NAYS: None.

The meeting recessed at 6:50 p.m. and reconvened at 7:30 p.m.

- D. 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, 6-20-00, AND 7-18-00; POSTPONED FROM 7-25-00)

This item was considered later in the meeting. See item 15, Unfinished Agenda.

There was a suggestion to change the orders of the day to consider a Special Order, and there was no objection.

Assembly Memorandum No. AM 805-2000, proprietary purchase for KPMG for providing **client assistance for reconciliation of accounts, evaluating business practices, and implementation of PeopleSoft Version 7.5** (\$272,500), Finance. (**LAI D ON THE TABLE**)

Ms. Fairclough moved, to approve AM 805-2000.
seconded by Mr. Kendall,

Chief Fiscal Officer Kate Giard explained the purpose of the purchase and described the services that would be provided by KPMG, and the problems they expected to address with the upgrade to PeopleSoft Version 7.5. She also outlined changes that may need to be made in laws, policies and procedures as a result of the upgrade to Version 7.5.

Ms. Giard responded to questions, and discussion was heard regarding the feasibility of utilizing University personnel to perform some of the work that needs to be done under this project.

In response to Ms. Taylor, Ms. Giard said costs to date on the PeopleSoft software were approximately \$12.5 million to general government, as well as \$1.5 million to AWWU in the enterprise funds. She added that those figures do not include

staff time, which would fall in the range of \$13 to \$15 million. Discussion was heard regarding projected future costs to bring the system up to meet the Municipality's needs. Ms. Giard addressed both software and implementation issues as well as the importance of conducting a readiness assessment. She noted that PeopleSoft would be sending representatives to visit the Municipality for three days to review the system.

Municipal Manager Harry Kieling stated that it was essential that a readiness assessment be conducted before proceeding with the project.

Mr. Tesche commended the Administration for taking a fresh look at this issue. He asked that periodic update be provided to the Assembly. He echoed Ms. Taylor's concerns regarding the PeopleSoft contract, and noted that this was not the first time that the Municipality had used an outside software vendor to correct the financial management system. He asked that the PeopleSoft representatives who would be visiting be made aware of this.

Ms. Fairclough clarified that this item was noticed under AM 796-2000, which had been postponed indefinitely because it was inconsistent with the practices of the Municipality. She said Ms. Giard had brought forward a proprietary purchase contract, for the same dollar figure that had been included in AM 796-2000. She stressed that there were no new appropriations in AM 805-2000. Ms. Fairclough noted that Ms. Giard was trying to meet a deadline to implement Version 7.5 by October 10, 2000; the new Administration felt that KPMG was the firm to do the job, and Ms. Fairclough urged a "yes" vote.

Mr. Tremaine said they were talking about more than 1,000 hours of consultant work to be done within a month and a half. He said he would be inclined to vote in favor of the basic accounting functions at an accounting consultant rate and then proceed with an abbreviated RFP process. He felt they were paying an extraordinary amount of money for KPMG's learning curve when there were other consultants available, possibly at lower rates, who were already up to speed on the PeopleSoft system.

Ms. Fairclough said in discussions earlier in the day, the Finance and Purchasing Departments had indicated the time table for an RFP process would be 35 days alone before any contractor could begin work. She said the concern was that the upgrade would not be accomplished by year-end, and it needed to be in place and operational by the end of November or mid-December so there would be opportunity to discover and address glitches in the system prior to the end of the year.

Mr. Tremaine clarified that the Municipality had the ability to sole source a contract with a one-day notice and a two-week bidding time frame to select a competent vendor who could provide the services at a lower cost and within the required time.

Chair Von Gemmingen stated this was a step in the right direction to resolving the problems with the PeopleSoft system. She commended the new Administration for its immediate attention to this matter.

Ms. Fairclough added the Municipality was not reaping the full benefits of PeopleSoft. She said the sooner it could be implemented, the more savings they would realize.

Mr. Tremaine concurred with Ms. Fairclough's comments regarding the commendability of the new Administration's action on this issue. He said he still felt they would realize a cost savings by selecting a competent vendor through the selective bidding process.

Question was called on the motion to approve AM 805-2000 and it passed:

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

NAYS: Tremaine.

10. APPEARANCE REQUESTS: None.

11. CONTINUED PUBLIC HEARINGS:

- A. Ordinance No. AO 2000-119, an ordinance amending Chapter 21.05, adding Chapter 21.06, **adopting the Anchorage 2020 Anchorage Bowl Comprehensive Plan**, directing codification thereof and providing an effective date, Legal Department/Community Planning and Development.
1. Assembly Memorandum No. AM 663-2000.
 2. Information Memorandum No. AIM 81-2000.

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

RUTH MOEN said she had read the Comprehensive Plan and compared certain details with the latest version provided to the Assembly by the Planning and Zoning Commission (P&Z). She said she had also compared changes made to the recent version with oral and written testimony provided in the P&Z hearing. She said comments had been tabulated regarding the neighborhood commercial centers and the urban/rural boundary line. Ms. Moen said while neighborhood commercial centers may make sense in some high-density areas, they were inappropriate and unwelcome in lower-density areas, and they would not result in the goal of reducing traffic in the lower-density residential areas because motorists combine trips when running their errands. Ms. Moen advised that 19 of the 26 persons who provided written or oral testimony at the P&Z hearings requested that P&Z remove or relocate the neighborhood commercial centers. It was an insult to the process and the citizens that the red dots were not removed in the land use policy map. She noted that the Plan clearly states that the location of neighborhood centers will be left up to the decision of the neighborhoods, so there was no reason for the X's to remain on the map. She asked that they be removed.

Ms. Moen said her second topic was the urban/rural boundary line on the land use policy map. She said while the line had been removed from the draft plan, it was difficult to determine what it means, and it did not follow the current wastewater boundary. Ms. Moen said that the Comprehensive Plan clearly stated that the urban/rural line must be determined through an

extensive process of district land use plans, engineering studies, and other analyses. She said it would be premature to place such a defining line on the map as such lines have a likelihood of taking on lives of their own, and this would be inaccurate, inappropriate, and contrary to all testimony the P&Z had received on the issue. Ms. Moen requested that the urban/rural boundary line be removed from the land use policy map. She said the Plan was basically good, and she urged that it be approved with the appropriate changes, and that the functional plans and changes to Title 21 be funded.

DIANE HOLMES said it would be a challenge to summarize three years of involvement in this issue in three minutes. Ms. Holmes said she concurred in all of Ms. Moen's comments, and she urged the Assembly to adopt the Comprehensive Plan with some amendments. She said the basic goal of the Plan, which is to house 81,000 more people in the next 20 years was similar to the growth projections during the 1980's Comp Plan review where erroneous growth projections led to zoning consequences that the community is dealing with today. She said the goal of housing people rather than developing a city where people want to live was an unending and misplaced goal. Instead, Anchorage should strive to remain the economic capital of the state while providing all of the recreational and cultural amenities that a well-designed northern city can provide, along with an educated work force. Ms. Holmes' second concern was the Fiscal Impact Analysis report. She said she was still upset after reading it, especially the portion that says "given our current revenue structure, based primarily on property taxes, the community cannot afford the infrastructure to support any of the growth scenarios." Ms. Holmes said it was time for the Administration and Assembly to set aside the bickering and provide real leadership for the community, without regard for personal political agendas. She said it was imperative to pass the Plan, with impact fees, and ensure its strong implementation. Collectively, this body must tell the public that a sales tax was necessary. Ms. Holmes said the report explained why cutting the budget would not work to support the infrastructure of growth. She noted that the Administration had been quoted as saying that it would like to run government as a business. She pointed out that no business would stay in business if it cut the very programs it was supposed to be delivering.

ANNA JONES strongly encouraged the adoption and thorough implementation of the Anchorage 2020 Comprehensive Plan. She said she was a 23-year resident of Anchorage and had returned in September after four years of schooling outside Alaska. When she began looking for a new home, she considered the proximity of various community and public services, recreational areas, and services, such as grocery stores. At that time, she had become aware of and had been appalled by the apparent lack of City and public planning, with strip malls multiplying, the stretch of urban sprawl, and the lack of cohesiveness between business centers, city centers, and suburban areas. She said was glad to see that the Comp Plan contained strong recommendations for the development of public transit. She said the Comp Plan had pointed out that Anchorage had grown without a defined idea of what sort of city structure it would strive to achieve. She said to design and encourage the development of Anchorage as outlined in the Comp Plan would be an excellent step toward Anchorage joining the ranks of other well planned metropolitan areas. Ms. Jones said adoption of the plan would present new and unique issues and challenges in terms of zoning, development, and enforcement, but she urged the Assembly to take an active role in making Anchorage the incredible and attractive community for citizens and businesses that it had the potential to be.

RUTH MOULTON said she would primarily address the issue of density, which had generated some negative response, especially from residents of the Mountain View, Fairview, northeast and eastern areas of the city. When the term "high density" is used, people immediately envision long, narrow buildings containing four living units on a single-family lot, a dumpster in the parking lot, and cars parked on the street, with no space for landscaping or other amenities. However, design standards can allow higher density in attractive and uncrowded conditions, as exemplified by Park Place, which has 98 living units on a half block. The question was not whether residents wanted high density, the appropriate question was whether they wanted design standards or whether certain types of high density would be acceptable. Ms. Moulton briefly discussed an editorial from August 8, 2000, which addressed the increasing number of retirement-aged people living in Anchorage from 5.6 percent to 17.6 percent. She said this would generate a demand for high density. Ms. Moulton felt Anchorage could choose the alternative it wanted without incurring significant additional costs. Therefore all alternatives, from a financial standpoint, were equally to be considered by the Assembly.

In response to Mr. Tesche, Ms. Moulton said she did not have any comments regarding the adequacy of the plan's language with respect to density. She said she would need to review it again to address that. Mr. Tesche said if she looked at that part of the plan again and had any specific language she felt the Assembly should include to give guidance toward better design standards in areas where density was called for, he would appreciate her comments. She added that she understood the P&Z had increased the importance of design standards in the plan, and she felt it should be given a high priority.

SCOTT HAWKINS, representing Smart Growth, explained their mission was to pursue reasonable, market-driven strategies that would meet Anchorage's housing needs and ensure safe, decent, and affordable housing for all residents. He said this would be accomplished through expanding home ownership opportunities, revitalizing the community, and building attractive, livable neighborhoods. He said key strategies that the group had adopted included anticipating and planning for growth, supporting implementation of a long-term plan, providing for adequate open space, protecting environmentally sensitive areas, and planning for adequate roads, schools, and other infrastructures in anticipation of growth rather than as a reaction to growth. Mr. Hawkins said the group is concerned about how the tax cap ballot initiative would impact Anchorage's ability to plan for growth and to implement Smart Growth principles. He said Smart Growth representatives would be attending future Assembly meetings to support the planning process and to share their expertise and insight to assist in and facilitate the planning process. He said Smart Growth looked forward to working with the Assembly and the Administration as planning and implementation work continues through the months and years ahead in codifying the plan principles in the rewrite of Title 21.

Mr. Tesche asked if Smart Growth concurred with Tischler and Associates analysis of the Plan. Mr. Hawkins responded the group was not sure it did concur with that analysis, and it was one of the things they would like to take a much closer look at in the weeks ahead. Mr. Tesche said he would appreciate the group's feedback on that study, and he would also like to know if Smart Growth would support an ordinance charging impact fees for new development as a means of balancing the costs of development and curtailing sprawl. Mr. Hawkins said the group does not have a position on that issue at this time, but there was a general concern regarding the concept and the notion of penalizing growth. He noted that the group needed to further review the aspects of that concept before declaring a position on it. Mr. Tesche said that based on the strong wording in the report and the City's current financial condition, these were issues that the Assembly would have to consider, and he would appreciate feedback from Smart Growth on these issues, particularly, specific comments on impact fees.

Ms. Fairclough asked if Smart Growth was in favor of or opposed to the 10-mill tax cap initiative on the State election ballot. Mr. Hawkins said they were against the tax cap. He said the group was deeply concerned about how it would impact Smart Growth principles for the community as a whole if it were to pass. In response to Ms. Fairclough's comments, Mr. Hawkins said he thought the Anchorage Board of Realtors had taken a position against the tax cap initiative.

In response to Mayor Wuerch, Sue Fison, Acting Director of Community Planning and Development, addressed the Assembly. She said Mr. Paul Tischler, the author of the Fiscal Impact Analysis, would be in Anchorage the week of September 11 for the purpose of holding public hearings. She said the public hearing schedule as well as all the reports, Comprehensive Plan, and revisions from Planning and Zoning were on the Municipal web site at www.muni.org, under the link "Anchorage 2020." She invited the public to visit the web site and attend the public hearings.

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

See minutes of August 23, 2000 Special Meeting for further action on AO 2000-119.

There was a suggestion to change orders of the day to consider a Special Order, and there was no objection.

Resolution No. AR 2000-244, a resolution of the Municipality of Anchorage **modifying the conditions of renewal for the beverage dispensary liquor license for Anna's Place**, Assembly Chair Von Gemmingen. **(LAID ON THE TABLE)**

Ms. Fairclough moved, to approve AR 2000-244.
seconded by Mr. Sullivan,

Mr. Sullivan reported that the Assembly had taken action a month or so ago that had put conditions on the operations of Anna's Place with the intent of limiting liquor sales after certain times of the day. He said the Assembly's action had resulted in closing the business down during the time periods they were trying to restrict liquor sales, which was not the Assembly's intent. Mr. Sullivan said this resolution would allow Anna's Place to continue to sell food until their closing time, but they would not be allowed to sell liquor during those time periods the Assembly had previously stated.

Question was called on the motion to approve AR 2000-244 and it passed:

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

NAYS: None.

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

- B. **Ordinance No. AO 2000-68**, an ordinance amending Anchorage Municipal Code Title 2 by enacting a new Chapter 2.35 to **regulate lobbying in municipal legislative and administrative actions** by providing for registration of lobbyists and reporting of lobbying activities and finances and prohibiting specified activities and actions, providing penalties for violations thereof and establishing procedures and implementing provisions, Legal Department.
1. Assembly Memorandum No. AM 350-2000.
 2. Ordinance No. AO 2000-68(S), an ordinance amending Anchorage Municipal Code Title 2 by enacting a new Chapter 2.35 to regulate lobbying in municipal legislative and administrative actions by providing for registration of lobbyists and reporting of lobbying activities and finances and prohibiting specified activities and actions, providing penalties for violations thereof and establishing procedures and implementing provisions, Assemblymember Sullivan.
 3. Assembly Memorandum No. AM 679-2000.
 4. Assembly Memorandum No. AM 680-2000, Assemblymember Sullivan.
 5. Ordinance No. AO 2000-68(S-1), an ordinance amending Anchorage Municipal Code Title 2 by enacting a new Chapter 2.35 to regulate lobbying in municipal legislative and administrative actions by providing for registration of lobbyists and reporting of lobbying activities and finances and prohibiting specified activities and actions, providing penalties for violations thereof and establishing procedures and implementing provisions, Assemblymember Sullivan. **(addendum)**
 6. Assembly Memorandum No. AM 801-2000.
(CARRIED OVER FROM 4-18-00, 4-25-00, 5-16-00, 5-23-00, 6-13-00 AND 6-20-00; CONTINUED FROM 6-27-00)

Chair Von Gemmingen opened the public hearing for all versions of the ordinance and asked if anyone wished to speak.

STEVEN CONN, Executive Director of Alaska Public Interest Research Group (AKPIRG), said the public wants to know what influences public policy beyond what is apparent. He said he found it amazing that a city the size of Anchorage does not have very clear legislation regarding lobbyists and their activities. Mr. Conn said that the (S-1) version was a travesty and essentially emasculated the original ordinance. He said the best parts of the original ordinance, those that addressed the flow of money, had been excised. He urged the Assembly to pass the original ordinance with some exceptions, namely that the Municipal Clerk and the Ethics Board should be replaced by Alaska Public Offices Commission (APOC) mechanisms. He said the public was smarter than the (S-1) version reflected and that in order to save face, the Assembly should not pass the (S-1) version.

MICHELE CZAJKOWSKI said she was a volunteer lobbyist, meaning she was there because she cared about the community and that no one paid her to appear or speak at the Assembly meetings or to correspond with the Assembly members. Ms. Czajkowski used Mr. Hawkins, a previous speaker from Smart Growth, as an example. She stated that neither she nor the Assembly knew if he was a paid lobbyist or if he was simply appearing and speaking at the meeting as a concerned citizen such as herself. She said she realized the original ordinance would take a lot of work to implement, but she urged the

Assembly to approve it. The (S-1) version was so watered-down that there would be no impact, particularly with regard to financial disclosure. She said even if the Assembly did not want to pass the original ordinance, they should reject the (S-1) version and spend more time considering this issue. Ms. Czajkowski concurred in Mr. Conn's comments about the Assembly working with APOC because their program is already in place to deal with these issues.

REX SHATTUCK from Chugiak said he had been on the State's web site earlier that day, and it provided the information that the original version of AO 2000-68 required. He said he agreed with and supported the position that the operation of responsible, representative Municipal government required the fullest opportunity be afforded to the public to petition their government and express opinions on pending legislation or government action. He said it was also his opinion that the public was entitled to, and may even demand, to know the identity, income, and expenditures of those paying, paid, or reimbursed to influence legislation or government action. He said that requirement was in place at the State level, and in fact, the original ordinance was fashioned on the State model. He was bewildered as to why the Municipality would not adopt a process that was open and would inspire the confidence of the public toward their legislators. Mr. Shattuck said he believed lobbyists were a necessary part of the process of Municipal government. He said as such, they should be required to register and disclose their activities. With proper disclosure laws in place, he believed accountability was established. Any violations should constitute a violation of ethics law. He urged the Assembly to pass an ordinance that would require lobbyists to register and disclose their activities.

STEVE AUFRECHT said he taught public administration at the University of Alaska, Anchorage, and accountability of governmental employees was an area that was very important to him. He said he had prepared notes that had helped him to clarify the intent of lobbyist disclosure legislation, set out some criteria for evaluating such legislation, and commented on specific parts of the (S) version of the ordinance. He said he would leave those notes for distribution to the Assembly members and would concentrate his public testimony on three points of particular importance. The first, he said, was that the revision he had reviewed eliminated all reports on income and who provides the income of a lobbyist. He said if that information is not required, there is no sense in having an ordinance. Second, the responsibility for monitoring had been transferred from the Ethics Board to the Clerk's Office, and he felt this would put the Clerk's Office in a very tenuous position since those personnel would be required to report violations. He pointed out that since many lobbyists deal with Assembly persons, Assembly persons' names may show up in reports of violations, and while they may have done absolutely nothing wrong in talking with a lobbyist, it may put the Clerk in an awkward position. Thirdly, Mr. Aufrecht said it would be useful to include a requirement that documentation outlining the requirements of the ordinance and explaining how to obtain more information be available to the public and provided to Assembly persons to give to lobbyists when they visit the Assembly person's office.

In response to Mr. Tremaine's question, Mr. Aufrecht suggested that various levels of disclosure for various levels of lobbyists be established. He pointed out that the greater the potential for financial gain to the lobbyist or to his/her employer, the greater the need for disclosure. Mr. Aufrecht responded to further questions by Mr. Tesche regarding what purpose would be served by divulging a lobbyist's annual income. Mr. Aufrecht stated that if all lobbyists made \$500 per campaign, then reporting lobbyist income would not be very important or useful. But if one lobbyist made \$500 for appearing before the Assembly and campaigning on a certain issue, and another lobbyist made \$100,000 for the same amount of time and effort on a campaign, it indicates there are significant differences in people's or entities' interest and willingness to pay to get certain pieces of legislation passed, and he said that was important for the public to know. As to the privacy argument, Mr. Aufrecht noted that certain professions give up some amount of privacy in the form of public disclosures -- some employees are required to be fingerprinted and have a background or security check as a condition of employment; others are required to undergo mandatory drug testing, et cetera, as a way to protect the public. So public disclosures from people who make their living from affecting and influencing public policy was not unreasonable.

ANDREEMCLEOD addressed the (S-1) version. With respect to the conflict of interest provision, she said the way it can be determined whether there is a conflict of interest is with money and following the money trail. She said with the (S-1) version, lobbyists would not be required to disclose money, and that was the only tool the public had to determine whether a lobbyist had a conflict of interest. She said this was an issue of public trust, and she did not know how the Assembly could conscientiously not vote for disclosure of money when every person who testified stressed the need for this disclosure specifically. Ms. McLeod pointed out that financial disclosure would provide the public with a tool to become better informed. It also provided a monitoring mechanism for the public to know who and what forces were effective in swaying public officials and public policy. She said that whether the Assembly members were protecting their special interests or the public's interests would be reflected in the way they voted on this ordinance. She urged the Assembly to include the financial disclosure requirement in whatever version of the ordinance was passed.

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 2000-68(S-1).
seconded by Ms. Fairclough,

Mr. Sullivan pointed out that eight or nine people had testified on this ordinance. He said prior to his beginning work on the ordinance with Mr. Moyer last year and the previous Administration's introduction of a bill, there really had been no impetus whatsoever for the public for a Municipal lobbying bill. He explained he started the process because he used to be a lobbyist and felt there should at least be disclosure at the Municipal level of who is lobbying, who they represent, and what issue. He said as reflected in a paper submitted to the Assembly by a public speaker this evening, such an ordinance should be developed as simply as possible and in a way that minimizes Administrative time and efforts. He strove for these very things in developing the ordinance. Mr. Sullivan said the (S-1) version contained 99 percent of the original ordinance that was introduced by the previous Administration. He said the only thing that differs is the amount a lobbyist was paid, and no one had yet explained to him what social, political, or legal advancement would be provided by knowing how much someone is paid. He acknowledged the axiom that the public has a right to know, but, on the other hand, he pointed out that private citizens also have a right to privacy. He added that in his substitute version, there was a requirement that lobbyists paid with public dollars must disclose this information because he felt the public does have a right to know how public funds are spent. He summarized the key points of the substitute ordinance, including extensive prohibitions and restrictions on lobbyists, and he pointed out that it would provide a good public policy where none previously existed. He said he felt this was a landmark

piece of legislation that severely limited the actions of lobbyists and required disclosure of their identity, who they worked for, what issue they were working on, and was a very positive step for the Assembly to take.

Mr. Meyer applauded Mr. Sullivan for his efforts in developing the ordinance, and agreed that in the seven years he had been on the Assembly, a lobbying ordinance had not been a burning issue with the public. He felt that the time had come to enact such an ordinance, but he was not sure which of the three versions would be most appropriate at the local level. He said he did think that financial disclosure was important, but he did not think the Assembly was unduly influenced by lobbyists because Assembly members really only had one special interest group -- their constituents. Obviously, he said that if Assembly members were influenced by lobbyists to vote on an issue contrary to what their constituents called for on the issue, they would not be in office very long.

Ms. Hudson echoed Mr. Sullivan's comments that how much a lobbyist was paid was irrelevant because it did not affect what the lobbyist would say nor how the Assembly would react to his/her comments. She pointed out that it would not be very effective to take the State lobbying law and apply it on the local level simply because there could be no comparison in costs vis-a-vis lobbyists at the State level and lobbyists at the local level. She said having been the Executive Director for the APOC, she was well aware of the reporting requirements for lobbyists, and there was no reason to implement those types of stringent requirements at the local level. In addition, she said many of the people who appear before the Assembly and provide public testimony are known personally or generally by the members. She said the (S-1) version was a good start and covered all the important aspects of a lobbying bill for the local level, of which the financial aspect was the least important element.

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

to amend AO 2000-68(S-1) to correct line 37 on page 7 to read, "This subsection D.1..." (instead of C.1.).

Ms. Fairclough moved,
seconded by Mr. Meyer,

to amend AO 2000-68(S-1) on page 8 to reinstate lines 38 through 49, renumber the first paragraph to "3" and the second paragraph to "4", and on page 9 to reinstate lines 1 through 18 and renumber the paragraphs to 5, 6, and 7.

Ms. Fairclough explained her motion would reinstate the requirement that lobbyists must report their sources of income in the same manner as the State required but to do it on an annual instead of a monthly basis.

Ms. Hudson said it would be highly inappropriate to include food and beverages, living accommodations, and travel on the local level. She pointed out that if this requirement was left in, it would mean someone would have to report how much they pay on their mortgage, how much their dinner was before they came to the Assembly meeting that evening, and approximately how much gas they used to get from their home to the Assembly meeting. She reiterated that this ordinance was copied directly from the State law, and it was common for people to have to travel from somewhere else to get to Juneau and they would have travel expenses. She said those items would not apply on the local level, and she recommended that they be omitted from the ordinance.

Mr. Sullivan added that line 5, Item 3 of page 9 of the current (S-1) version prohibited gifts of that nature, so he recommended reporting gifts that you cannot give also be omitted.

Ms. Fairclough stated that she would accept Ms. Hudson's and Mr. Sullivan's recommendations as friendly amendments, with the ordinance to be renumbered as appropriate in those sections. She clarified her amendments, as amended, would make the following changes: page 8, reinstate lines 38 through 42 as paragraph 3; page 9, reinstate lines 8 through 18 as paragraphs 4 and 5.

Mr. Tremaine said lines 34, 35, and 36 would need to be reinstated as well. Ms. Fairclough clarified that she wanted annual registration as opposed to a monthly statement.

Ms. Hudson commented this issue may take some time to sort out, and the audience was waiting for the Assembly to take up other issues on the agenda.

Ms. Hudson moved,
seconded by Mr. Kendall,

to postpone action on AO 2000-68(S-1) until after the close of all public hearings.

Ms. Fairclough noted the Ethics Board had asked for a ranging or a sliding scale, which she said she would be happy to review if there was interest from the Assembly members. She said if there was support for passage of the (S-1) version of the ordinance, she would be willing to postpone this issue to next week so they could incorporate the changes and look at the sliding scale issue requested by the Ethics Board.

Mr. Sullivan said he would oppose postponing to next week based on the fact that this issue had been before the Assembly since April. They had had time to consider all the ramifications and were close to making a decision. He reminded the Assembly that the ordinance had a one-year mandatory review provision, and they would have the opportunity to revisit the issue then.

Question was called on the motion to postpone action on AO 2000-68(S-1) until after the close of all public hearings and it failed:

AYES: Tremaine, Taylor, Meyer, Hudson.

NAYS: Sullivan, Abney, Kendall, Tesche, Von Gemmingen.

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

Ms. Hudson moved, the previous question.
seconded by Mr. Sullivan,
and it passed without
objection,

Question was called on Ms. Fairclough's motion, as friendly amended, to amend AO 2000-68(S-1) and it failed:

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

Chair Von Gemmingen noted her concern regarding the 10-day requirement for changes in or termination of employment on lines 28 and 31 of page 8. She said it seemed restrictive given the fact that in some situations, people do not even know they have been terminated for some time after the termination action has been taken.

Mr. Sullivan advised that they had addressed that issue in the penalty section by inserting the word "knowingly."

Question was called on the motion to adopt AO 2000-68(S-1) as amended and it passed:

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

- C. Ordinance No. AO 2000-92, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 15.80, Vehicle Inspection and Maintenance Program, to **change the requirement for a windshield sticker to a front-plate sticker**, Assemblymember Kendall.
1. Assembly Memorandum No. AM 541-2000.
(CARRIED OVER FROM 6-13-00 AND 6-20-00; CONTINUED FROM 6-27-00 AND 7-25-00)

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

MIKE KNOWLAND said he disliked the idea of having to put a sticker on his windshield. He noted that we now only receive one month and year sticker when our tags are renewed, and these go on the back license plate, so there would be plenty of room on the front plate to put the I/M sticker.

Mr. Kendall explained that the I/M program was a joint effort between the State Department of Environmental Conservation (DEC) and the Municipal Health Department to ensure that Anchorage has clean air. He said the Assembly had approved an ordinance, and it became effective in January 2000, that allowed the sticker on the windshield. He said after much public input, he had decided the front license plate may be a better location for the sticker.

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

Mr. Kendall moved, to adopt AO 2000-92.
seconded by Ms. Hudson,

Mr. Kendall paraphrased former Mayor George Sullivan's remarks at Mayor George Wuerch's inauguration: It's okay to try something new with Municipal government, but if you find out it doesn't work, it's okay to try something else. Mr. Kendall said this was an example of something that they needed to try a different way. He said at the least, it was annoying to some motorists, and at the worst, it was downright obnoxious. He said he felt the I/M program was necessary to ensure clean air in Anchorage. Mr. Kendall said there were no other tags on the front plate, so it would be noticeable, and it would be appropriate to place it there.

Discussion was heard regarding the State/Municipal requirements for the I/M program and how those people that already had the sticker on their windshield could have it removed and placed on the front license plate.

Mayor Wuerch said there were significant concerns regarding the legality of implementing this ordinance if passed, and he called on the Municipal Attorney to address these concerns with the Assembly.

Municipal Attorney Bill Greene advised that State law required the sticker to be placed on the front windshield, so this ordinance would be contrary to State regulations that had been adopted by DEC. Assembly decisions would not override State law.

Chair Von Gemmingen asked Mr. Greene if they could accomplish the same objective if the ordinance was in the form of a resolution.

Mr. Greene replied he did not know how effective a resolution would be with respect to DEC, but it would certainly express the Assembly's perspective on the issue. He advised that the ordinance could not be implemented because it was contrary to State law.

Mr. Kendall noted that the efforts by the State and the Municipality to enact the sticker law had been fairly simultaneous, and he was not sure which government had implemented the law first, but he was aware that Senator Randy Phillips was trying to change the placement of the sticker on the windshield at the State level. He said if the Assembly was unable to change the placement location of the sticker, then it would appear it was a State mandate rather than a cooperative program between State and Municipal governments. He pointed out that it was the Municipality's responsibility to enforce the program. It would be his request that the State change their regulations to match the Assembly's ordinance.

Mr. Tesche asked which State policy was associated with having this proof of compliance in the form of a windshield sticker as opposed to some other means of proof of compliance approved by a home-rule government.

Mr. Greene provided the background of the issue as well as a letter from the State dated June 8, 2000, addressed to the Chair and copied to a number of other people, which outlined the State's position as of that date.

Ms. Hudson clarified with Mr. Greene that this was a State regulation and not a statute. Ms. Hudson urged the Assembly to pass the ordinance, challenging the State on the issue, because she said when an issue such as this was incorporated into a State regulation, it, in essence, became State law. She said if the State disagreed with the Assembly's position, the Assembly could change it at that time.

Mr. Greene advised that State statute did allow the Municipality to implement a different plan provided it was approved by DEC.

Mr. Tremaine moved,
and it died for
lack of a second,

to amend AO 2000-92 to revise page 5, Section 10, line 22,
to read, "This ordinance shall become effective immediately
upon DEC approval."

Mr. Tesche moved,
seconded by Mr. Kendall,

to amend AO 2000-92 on page 5, Section 10, to add a
sentence to read: "That this ordinance shall become effective
immediately upon approval by the Department of
Environmental Conservation of an amendment to the
Municipal I/M plan."

Ms. Fairclough reiterated that this was essentially a State law, and she felt it would be prudent for the Assembly to include this issue in its legislative packet to be considered by the legislature when they resume in session. Further discussion was heard.

Mr. Tremaine moved,
and it was accepted as a friendly
amendment,

to amend the amendment to read: "...of this amendment to the
Municipal I/M plan."

Question was called on Mr. Tesche's motion to amend as amended and it passed:

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

NAYS: None.

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

Question was called on the motion to adopt AO 2000-92 as amended and it passed:

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

NAYS: Fairclough, Taylor.

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

- D. **Ordinance No. AO 2000-69**, an ordinance amending Title 21 of the Anchorage Municipal Code of Ordinances **amending the B-3 General Business District by adding mini-storage and vehicle storage facilities as conditional uses**, providing for conditional use standards for vehicle storage facilities, and defining vehicle storage facility (Planning and Zoning Commission Case 00-095), Assemblymember Kendall.

1. Assembly Memorandum No. AM 351-2000.

(CONTINUED FROM 7-25-00)

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

Mr. Kendall advised that he intended to continue the public hearing, as there were a few items that needed to be worked out on a possible substitute version.

DENNIS HARMS, owner of a mini storage in the Eagle River/Chugiak area, said he had spoken with Code Enforcement staff regarding RV, boat, and vehicle storage at his business. He had also discussed whether they could employ a security person to live on site 24 hours a day, and it appeared there was a problem with that. Mr. Harms explained that Eagle River subdivision covenants require residents to have RVs and boats off the streets from September 15 to October 15, and owners needed a place to store them. Mr. Harms also addressed the financial aspects and the ability to keep costs low enough so that vehicle owners could afford to pay to have their vehicles stored in the lot. He agreed that the access road to the storage area should be paved, but paving should not be required within the storage area; otherwise, the cost to owners to store their vehicles would become exorbitant. In addition, he agreed that the area should be fenced to provide security for the vehicles, but additional fencing, landscaping, and the like could run up the costs to where owners would not be able to afford to store their vehicles. He said he hoped the details could be worked out so this ordinance could be implemented before winter arrived.

GARY SPRENG, an architect, said Title 21 provided that "If a land use is designated as a conditional use in one or more use zones, in all other use zones, it is prohibited." Mr. Spreng said the effect of this ordinance, if passed, would be to make all existing mini storages nonconforming uses, and all owners would have to bear the burden of a conditional use case. He added that the same thing would happen with vehicle storage. If it was designated as a conditional use in B-3, it would become a prohibited use everywhere else. Mr. Spreng said he did not see what useful purpose this ordinance would serve.

He thought the problem was that zoning enforcement interpreted the vehicle storage yard land use as defined in Title 21 to mean that vehicle storage could not be established in any other zone because it was mentioned in the I-1 use zone. He maintained it was not mentioned in the I-1 use zone, but it was a subpart of the warehousing permitted use. He said the problem could be resolved by tweaking the definition of "yard storage" and ensuring that it was not mentioned as a named use anywhere, and then the land use would have to conform to whatever landscaping was required for whatever land use category the property was in.

Mr. Kendall said he probably would amend the ordinance to address Mr. Spreng's concerns. Since this matter would be continued to the Assembly's next meeting, he would like to meet with Messrs. Spreng and Harms to discuss this matter further.

MAT BOBITCH said he was in the mini storage and vehicle storage business, and he disagreed with the statement in the ordinance that there would be no economic impact on the storage industry. He pointed out the proposed level of one parking space for each 20-vehicle storage spaces would average approximately 1.5 parking customers per hour. He said he had recently been in San Diego where land is scarce, and he had visited a mini storage that had been built under a freeway, and they had 750 storage units with 5 parking spaces. In addition, Mr. Bobitch said that B-3 zoning currently allowed for a visual landscaping enhancement. He said if buffer landscaping was required, it would result in the loss of 20 revenue-producing spaces, and on an annual basis, that equated to approximately \$8,400. Mr. Bobitch said if the \$8,400 was capitalized at a 10-percent rate, it would equate to approximately \$84,000 of value that the property had lost based on an income approach. He also pointed out that if a person developed two one-acre lots for a storage area, they would not want to be required to put a buffer between the lots, but would want to use it as one large single lot.

Mr. Kendall requested Mr. Bobitch to join Messrs. Spreng and Harms when they met to discuss this ordinance.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one. She said the public hearing would be continued to the meeting of August 29, 2000.

12. NEW PUBLIC HEARINGS:

- A. 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.
1. Assembly Memorandum No. AM 688-2000.

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. Tremaine moved, to adopt AO 2000-120.
seconded by Ms. Fairclough,

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

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

- B. Ordinance No. AO 2000-123, an ordinance of the Anchorage Municipal Assembly **authorizing modification of the lease between the Municipality of Anchorage as lessor and University of Alaska as lessee of Lots 6 & 7, Block 4, Merrill Field Replat**, located between Runway 6-24 and Merrill Field Drive, Merrill Field Airport.
1. Assembly Memorandum No. AM 736-2000.

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

Vice Chair Meyer took the Chair .

JAN GEHLER, speaking as Dean of the Community and Technical College of the University of Alaska, Anchorage, supported the ordinance. She said UAA's Goals 2005 directs that they "meet the highest demands in our region for professional education and work force training," and the college mission directs that they be responsive in their efforts to provide the community with a well educated and well trained work force. Ms. Gehler said among the 26 academic programs within the Community and Technical College, the Aviation Technology Division responded directly to the State's aviation safety needs and provided education and training for over 300 students. In addition, Ms. Gehler said UAA had approved a new baccalaureate degree called the Bachelor of Science in Aviation Technology this past year to help meet the state's need for comprehensive aviation education. Ms. Gehler said while this was not a simple issue, the request before the Assembly was simply to approve an amendment which would alter a 20-year lease condition that, due to changes in FAA operating procedures, would preclude the University from being able to deliver a comprehensive program of studies for Alaskans seeking an aviation career. She said the concern that this action would place the University in competition with local flight operations was unfounded. The target market for and the participants in the University's program were people seeking a post-secondary degree, a part of which was a professional piloting certificate. She said other testimony on this issue would describe how the University's business and private flight operation entities were different but, together, would be beneficial to one another. Ms. Gehler said the aviation students spend over \$30,000 per year buying supplies and materials from Merrill Field vendors, and several hundred thousand dollars per year are expended throughout the larger business community in support of students' aviation studies. She pointed out that UAA did want to be competitive with aviation programs in the other 49 states. She said it was the University's objective to stop students and Alaska dollars migrating to the lower 48 by providing what they want here. She concluded by saying that the University's program was good for Alaskan students, local business, and the economy of the state. To quote the Chancellor, she said they hoped to make their program a "best buy" for Alaskans.

RICHARD SCHMIDT said his son was a student in the Professional Piloting program at the University. He said his purpose in attending tonight was to voice his support for the students, the University, and the aviation program. Mr. Schmidt felt the decision on this ordinance had been delayed far too long. As a result, they had reached a point where the school was actually in violation of F.A.R. 140-1, which mandates that aviation programs be managed in a manner that puts operational control of the program in the hands of the operator. Mr. Schmidt said he had considerable experience in the field of aviation, and all aviation programs, because they were safety related, were very serious programs. He said the students deserve the education they have been promised, and there are good jobs in this industry. He concurred with Dean Gehler's comments about providing a quality comprehensive aviation program for students here in Alaska so they did not feel they had to go outside to get it. He said it was important that the City support the program, and he noted that the state charter supports the use of airports for educational purposes. Mr. Schmidt also pointed out that the federal government funds the airport to a large extent, and Appendix A to the lease, as worded, was essentially in violation. The Assembly should be aware that they were in danger of losing federal funding for the airports should this become the issue of an enforcement action. He urged the Assembly to approve this ordinance, and he urged them to vote soon. He said if they did not pass this ordinance, the program would be terminated.

GEORGE ANGUS, UAA student in the Professional Piloting program, said he had decided to change careers after having been a paramedic for 20 years in Alaska. He said in deciding where to receive training and education, he had visited two of the best aviation training academies in the country, in Florida. He said while either of those two academies would have looked great on his resume and he would no doubt be able to get an excellent job with those credentials, a more important factor to him was that he be able to receive his training in Alaska, which was his home. He said if this ordinance was defeated, the program would disappear and so would the students. He said he was aware that other students in the Alaska program also did not want to have to leave Alaska for training. Mr. Angus said another factor that influenced his decision to stay in Anchorage for training was the great potential for the aviation program at the University to become one of the premier aviation programs in the country. He said they had a campus right at the airport, the staff did an excellent job, and he wanted to see that continue.

RON HANEY, Director of the UAA Aviation Technology Division, requested the Assembly's support for the ordinance. He stated that the UAA Professional Piloting degree program was one of over 200 aviation degree programs offered by colleges and universities throughout the United States. He said it was certified by the FAA under Part 141 of the F.A.R., and it was the only such degree program in the state of Alaska. Mr. Haney briefly described the training requirements and various pilot certificates and ratings which make up a number of the four courses that support the degree. He stated that the recent revision of the regulations now requires that a certificate holder either own or lease a facility. He said one of the options being explored by UAA to come into regulatory compliance was to offer onsite training at the Aviation Technology Center at Merrill Field. He said this would be an effective and economic means of meeting new restrictions while providing the necessary oversight to respond to the operational control concerns of the FAA. He said the change in the lease language would allow the University to explore this option as a means of continuing to offer a highly regarded post-secondary degree opportunity to Alaska residents. He said as new and additional regulations and requirements are implemented, technical training within the aviation industry was critical and would continue to increase. He said various factors were responsible for a severe shortage of qualified pilots, and Alaska had been especially impacted by this shortage due to the importance of air transportation in the state. In conclusion, Mr. Haney said UAA requested that the Assembly support the lease modification.

Chair Von Gemmingen returned to the Chair.

PAUL SELCHEN said he was a newly enrolled student at the Av Tech facility, and he had also explored the options for obtaining his aviation education and training in other states. He said like other students, he had chosen to stay in Alaska to receive this training and education due to his love of and loyalty to the state, even though it may be viewed as a second-rate education when compared to arguably better programs of longer standing outside. He stated that because Alaska did not have a public transportation infrastructure which included rail, road, and other modes of public transportation, and was highly reliant on air travel, this ordinance may have far-reaching ramifications. He said as aviation continued to expand, the University's aviation program provided an opportunity to supply regional cargo carriers with a pool of locally trained individuals who would make Alaska their homes. He said this would also accomplish the University's mission as stated by Ms. Gehler.

Ms. Fairclough moved, to extend the public hearing until 11:00 p.m.
seconded by Mr. Tremaine,
and it passed without
objection,

JOHN DICKENSEN, Assistant Vice President of Finance with the Systemwide Administration in Fairbanks, thanked the Assembly for their time in attending the work session on this issue earlier in the day and said he wanted to reiterate for the record some of the points that had been made in previous testimony. He emphasized that it was not the University's intent to compete with or to cannibalize an existing market segment; it was the University's intent to grow a new market segment that only the University could compete in within Alaska. He said the University's program was geared toward those students who felt their opportunities would be most advanced by getting a degree, not those students who were interested in a 40-hour pilot training course to get a private pilot's license. He said the University wanted to be able to grow a quality program within regulatory constraints. However, the FAA had final say, and the University was asking for the Assembly's support the University's efforts to grow this market within Alaska.

TONY SESNICK, member of the Merrill Field Advisory Commission, said they had tried to please everyone since this issue began in April, and it cannot be done. He said in addition to the Commission's regular meetings, they had held numerous public hearings, done what they could and were getting tired of the issue. He said the operators at Merrill Field did not get everything they wanted, the University did not get everything it wanted, but the Municipality of Anchorage would get what was needed for the Municipality. He stated that the University had not lived up to its obligations early on, but that had changed. The Commission felt the program had to succeed, and if it did, it would be good for Merrill Field.

JOHN MILLER, owner of Take Flight Alaska, the largest flight school in Alaska, said his program trains professional pilots, and has agreements with air carriers who hire the program's graduates at the commercial level. He said he did not oppose the UAA program or the expansion of the program or four-year degrees. What he did oppose was the way in which UAA had handled the current lease agreement. He said Take Flight Alaska supports the best interests of the students. Referring to the materials he had distributed at the work session earlier in the day, he said he had been trying to get UAA to come into compliance with its provisions for the past two and a half years. He said their response for that period of time was that it was not a priority; he noted that it was a priority for them now. Mr. Miller said the current crisis was a UAA management-created crisis. He said an on-site vendor can supply services with minimal impact on local businesses, and the proposed lease was a good document, but it did not go quite far enough to protect local businesses from unfair competition from a public-subsidized institution. Mr. Miller gave a brief history of UAA's RFP of September 1999. He said that RFP was essentially the same as the current lease, with one major piece missing -- the part that required UAA to use vendor instructors. Mr. Miller urged the Assembly to either reject the current lease agreement as it stands or support an amendment that required UAA to hire vendor instructors. With that amendment, he said, he could support the ordinance because it would eliminate the direct competition between a publicly subsidized institution and local businesses.

LEONARD KIRK, Capstone Project Manager with the UAA Aviation Technology Division, said he had been in that position for the last year with UAA, but he had been involved in Alaska aviation for the past 27 years as a pilot and as a manager. He said that knowing how difficult it was to attract and hire qualified pilots in this state was an extremely important factor to be considered. He hoped the Assembly would support the motion to give the University the operating space it needed to continue to train professional pilots who would be able to meet the future needs of Alaskan aviation. He said as an aviation manager, he had been responsible for hiring over 400 pilots for various air carriers, and of those, less than 40 had been trained in the state of Alaska. He said with the growing demand in the Alaskan aviation market, and because aviation positions pay well, it would behoove the community to have the type of quality program that UAA proposed in order to train those people to meet those needs and to provide continuing support through good jobs for the Alaskan economy.

MARK SKOLNICK, a student in the Aviation Technology program, said he had moved to Alaska from Maryland and had changed his degree from accounting to aviation, with his long-term goal being to become a professional pilot. He reiterated earlier comments that the program being offered by UAA could not be considered as competition to local businesses. He said he had learned that the decision made by the Assembly on this issue could help UAA get what it wanted, but the ultimate decision would be made by the FAA. He asked the Assembly to make it possible to at least get it to that level. He said many of his friends had already lost faith and had left the state for other aviation training programs. He said he did not want to be a threat or competition and that he supported other aviation businesses.

MARK MADDEN, UAA Professor of Aviation, urged the Assembly to vote in support of the proposed lease changes that UAA had presented tonight for the following reasons: The changes in the governing FAA regulations prevent UAA from continuing to provide pilot training using the current methodology. The present lease restrictions prevent UAA from teaching its own students. He said UAA had been faithful to the original lease agreement for the past 20 years, and with this in mind, there was no reason for anyone to believe they would not continue to abide by the lease agreements in the future. Any desired changes to UAA's operations in the future would require the same approval process that is currently in place. Mr. Madden said if the restrictions were not changed, UAA would be unable to provide the quality of education of which it was capable. He said the aviation industry, now more than ever before, demands and has a right to expect the highest quality of training from a university program. He said the lives of hundreds of thousands of people were affected by the quality of pilot training. Mr. Madden said the University had professional, ethical, and moral responsibilities and obligations to provide university level training for its pilot students. He said since UAA provides training to degree-seeking students only, it was not in direct competition with any of the local flight schools. He pointed out that degree-seeking students had access to additional sources of financial aid due to UAA being an accredited university. He stated that a university supports local industry by virtue of the fact that it provides an educated and skilled work force, but it should not be viewed as a source of additional income for local private businesses. Mr. Madden urged the Assembly to vote in favor of the change to Appendix A requested by the University. He said it would be a vote for the future of our students and for the state of Alaska.

EARL KORINTA, business-at-large member of the Municipal Aviation Advisory Commission, said he was in agreement with the testimony that the UAA degree program would not be in direct competition with local flight schools. He noted that many of the students in the aviation programs at UAA were here for the four-year degree program, and they would not be here without the degree program. Mr. Korinta said that as a graduate and alumni of the University of North Dakota, he could assure everyone that the aviation program there had been a successful program for the university, for the community, and for the state. He encouraged and wished the best for the University of Alaska in their endeavor to emulate that successful program in North Dakota.

RICHARD SCHMIDT responded to the comment that outside vendors could supply instructors for the program. He said that flew in the face of the concept of direct operational control. He said a contract may be written in such a way legally so this would slide past the FAA initially; however, that had been attempted twice in private industry, and those carriers had been shut down.

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

Ms. Abney moved,
seconded by Mr. Meyer,

to adopt AO 2000-123.

In response to Mr. Kendall, Mr. Miller asked the ordinance be amended to require the vendor to supply all of the flight services, such as instructors, as the University had requested through its RFP in September 1999. He disputed Mr. Haney's testimony about the FAA, and said as long as the University had control over the instructors, it would be in compliance with F.A.R., Part 141. He said there was nothing in the U.S. Department of Transportation letter that stated UAA could not have a vendor on-site; it said they could not have off-site vendors. He said the current agreement would allow UAA to have on-site services, but the lease should require UAA to put out an RFP for those services to eliminate the aspect of direct competition between UAA and local businesses. Mr. Miller added that he had never had a contract with UAA, so he was not supporting

this because he would lose a contract. He said what he would lose was flight instructors, which would cause him to lose students, which would result in a loss of revenue and which could result in the loss of his school.

In response to Mr. Kendall, Mr. Haney said the purpose of the lease amendment was to give the University the authority to investigate options. He said that during the process of working with the FAA on the University's compliance issue, the FAA had defined the term "operational control" from their perspective. Mr. Haney said the University needed to investigate this issue further, but in the FAA's communication with UAA, the operational control issue was only covered if the air agency certificate holder was actually hiring the instructors directly. He said it may turn out that in working with the FAA, the University may be allowed to do as Mr. Miller suggested. On the other hand, if the FAA did not allow this and it was incorporated as an amendment to the present lease, then they would have to return to the Assembly and go through this process again. Mr. Haney also refuted Mr. Miller's comment that the University's aviation program was a subsidized program. He said this was not the case, and that even after they had received approval to have operations on site, they still had to develop a business plan to convince the University of Alaska that the program could be operated on a self-supporting basis.

Mayor Wuerch said the Administration strongly supported the lease, and it fit their joint strategy for growing support for UAA. He said it was good for economic development in a number of ways, namely that it was a companion to the logistic subconcept, and it would encourage Alaskans to stay in Alaska. Mayor Wuerch also pointed out that a few weeks ago, the U.S. Air Force Commission and ROTC unit was at UAA in that building. He said this would be an excellent contributor to the local economy, not only because of the full-time active-duty Air Force staff that would now be available to the University's program, but because of the number of students that would be able to participate in scholarship programs and receive their commissions as second lieutenants. Mayor Wuerch said the lease terms the Assembly was being asked to approve tonight were the result of good-faith bargaining, they were fair and balanced, and they gave the University the opportunity to be in full compliance with federal regulations. He said they do not compete with the private sector in that sense because they were using private sector through a bid and award process as described in his memo. He said since they would be using private sector assets, they would not suffer a loss on their tax base as the airplanes would remain taxable as long as they were in private hands under contract to the University. Mayor Wuerch said he felt this was a great step forward and he urged approval.

Ms. Fairclough pointed out the Municipal Airport Aviation Advisory Commission had voted unanimously to support the ordinance.

Question was called on the motion to adopt AO 2000-123 and it passed:

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

NAYS: Kendall.

Ms. Taylor moved, to change the orders of the day to consider items 12.D and
seconded by Mr. Tremaine, 12.E.
and it passed without
objection,

Ms. Abney moved, to extend the meeting until the Assembly had completed its
seconded by Mr. Tremaine, business.
and it passed without
objection,

C. 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.

1. Assembly Memorandum No. AM 714-2000.

This item was considered later in the meeting. See after item 12.

D. Ordinance No. AO 2000-127, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 11.70, **Public Transit System**, to add provisions defining and prohibiting certain acts and include the prohibited acts within the jurisdiction of the Administrative Hearing Officer under Title 14, Assemblymembers Taylor and Abney.

1. Assembly Memorandum No. AM 752-2000.

2. Ordinance No. AO 2000-127(S), an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 11.70, Public Transit System, to add provisions defining and prohibiting certain acts and include the prohibited acts within the jurisdiction of the Administrative Hearing Officer under Title 14, Assemblymembers Taylor, Abney, and Tesche.

3. Assembly Memorandum No. AM 755-2000.

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

REES JACKSON, People Mover driver for nine and a half years, said he spoke on behalf of his fellow drivers to urge the Assembly to pass this ordinance. He referred the Assembly to the letter he had submitted signed by the People Mover drivers. In response to Chair Von Gemmingen's question, Mr. Jackson said the drivers were urging passage of this ordinance because when people use foul language, smoke, drink, bring food and drinks onto the buses, et cetera, the drivers must attend to them, which delays the buses and angers other riders. He said in a time when the Municipality was trying to increase ridership, this ordinance would help. He said he had ridden buses in other cities where these types of behaviors were not allowed on the buses, and they have clean buses with drivers who can stay on time on their routes. In response to a question, he said that while the police are normally called in a disruptive or other out-of-hand situation, there was no avenue or

mechanism to take legal action. He said this ordinance would provide the means to take legal action in extreme cases where it was warranted. Mr. Tremaine clarified, and Mr. Jackson confirmed, that the problem was not so much eating and drinking on the bus as it was the food and drink litter left behind on the bus.

THERESA NANGLE OBERMEYER questioned the need for questions on such an ordinance. She said the root of the problem was human behavior, and this ordinance was self-explanatory. She noted that she had returned to the Assembly meeting to speak during Audience Participation. She said she would like to participate under Audience Participation if there was time.

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

Ms. Taylor moved, to adopt AO 2000-127(S).
seconded by Mr. Tesche,

Ms. Taylor thanked Mr. Jackson for testifying and Mr. Bob Kniefel, Public Transportation Director, for his support of this ordinance.

Ms. Taylor moved, to amend AO 2000-127(S) to revise Item A.13. to read, "Use
seconded by Ms. Abney, abusive language, insulting threats, or any other type of
and it passed without obscenity or physical abuse upon a passenger vehicle operator
objection, or another passenger in a manner which jeopardizes the safe
operation of the vehicle."

Ms. Taylor moved, to amend AO 2000-127(S) to revise Item A.14 to read,
seconded by Ms. Abney, "Refuse to leave a passenger vehicle at the request of a
and it passed without passenger vehicle operator after violating this section."
objection,

Ms. Taylor said this ordinance had come about at the suggestion of Mr. Jackson, and it had the support of a vast majority of People Mover operators. She noted in conjunction with consideration of the Comprehensive Plan, there were efforts to encourage the public to use public transit. The safety and welfare of People Mover riders had an direct impact on the public's decision to ride the bus. She said this type of ordinance was a step forward toward the goal of increasing ridership.

Ms. Fairclough reminded the Assembly that approximately a year ago, they received complaints from riders regarding foul language and other inappropriate behavior on the buses that drivers were not equipped to deal with at that time. She said she would vote in favor of the ordinance, although she had some concern with the item relating to food consumption on the bus.

Mr. Kendall moved, to amend AO 2000-127(S) to delete Item A.2 on page 1 at
seconded by Mr. Tremaine, line 36, "Consume food or drink."

In response to Mr. Kendall, Mr. Kniefel addressed the need for Item No. 2 in the ordinance. He explained since they do not have a Transit police force, this ordinance would allow the Anchorage Police Department to be called in and, if necessary, the incident could be addressed in a legal manner when appropriate.

Mr. Tesche said that after hearing the discussion, he would support deleting Item No. 2 at line 36 provided the words ", food, or drinks" were added to Item No. 4 at line 40.

Mr. Tesche moved, to amend the amendment to add the words "food, or drinks"
seconded by Mr. Sullivan, in Item No. 4 at line 40 of page 1.
and it passed without
objection,

Mr. Tremaine moved, to amend the amendment to delete the fine on page 3
seconded by Ms. Fairclough, in the table under Violations, 11.70.030A.2, Consume food or
and it passed without drink, \$10, and also to strike the associated fine provision in
objection, the fine schedule at the bottom of the page.

Question was called on Mr. Kendall's motion to amend as amended and it passed without objection.

Mr. Tremaine moved, to amend AO 2000-127(S) to revise Item No. 6.b. on page 2
seconded by Ms. Hudson, to read, "...and accompanied by a passenger with a disability
and it passed without or a trainer."
objection,

Discussion was heard regarding whether a prohibition should be included regarding the consumption of alcohol on Municipal buses. Ms. Hudson said she thought this issue was covered under State law. The Assembly concurred.

Question was called on the motion to adopt AO 2000-127(S) as amended and it passed:

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

- E. **Ordinance No. AO 2000-128**, an ordinance amending the effective date of Assembly Ordinance AO 99-53 (As Amended) which amended the zoning map and provided for the rezoning from R-1A, (One Family Residential District) to I-1, Light Industrial District with Special Limitations of the **North 213 feet of Lot 1, Block 2, Evenson Subdivision**, generally located on the north side of Katahdin Drive and west of Sand Lake Road (Sand Lake Community Council) (Planning and Zoning Commission Case 98-152), Assemblymember Clementson.

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. Sullivan briefly reviewed the history of this ordinance, and discussion was heard regarding the form of written consent the applicants must use and future notices and communications with the Isabels.

Mr. Sullivan moved, to adopt AO 2000-128.
seconded by Mr. Tremaine,

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

Mr. Sullivan asked the Isabels to provide their name, address, and phone number to the Planning Department staff so they could contact them to advise what they needed to do to comply with the new ordinance within 120 days.

- F. Ordinance No. AO 2000-97, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Subsection 21.15.005 B. regarding **public hearing notices for Title 21 provisions** (Planning and Zoning Commission Case 2000-121), Assemblymember Sullivan.
1. Assembly Memorandum No. AM 573-2000.

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. Sullivan moved, to postpone action on AO 2000-97 until
seconded by Mr. Tesche, August 29, 2000, at the request of the Administration.
and it passed without
objection,

- G. Ordinance No. AO 2000-122, an ordinance adopting amendments to the Official Streets and Highways Plan (OS&HP) as an element of the Anchorage Bowl Comprehensive Plan (AMC 21.05.030K) to **reinstate Timberland Drive [Thomasson/Huffman Road to North Klatt Road] as a Class IC Neighborhood Collector and Arlene Street [Dimond Blvd. To Opal St.] as a Class IC Neighborhood Collector**, Community Planning and Development.
1. Assembly Memorandum No. AM 731-2000.

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 adopt AO 2000-122.
seconded by Mr. Sullivan

Ms. Abney expressed her appreciation to the Mayor for proposing this ordinance at her request.

Question was called on the motion to adopt AO 2000-122 and it passed:

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

The Assembly then returned to consideration of item 12.C, AO 2000-121.

- 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.
1. Assembly Memorandum No. AM 714-2000.

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. Meyer moved, to adopt AO 2000-121.
seconded by Mr. Sullivan,

Mr. Sullivan explained this ordinance would change the order of the Assembly's business, so Audience Participation would come before Assembly Comments.

Question was called on the motion to adopt AO 2000-121 and it passed:

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

13. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS: None.

14. SPECIAL ORDERS:

Two other special orders were considered earlier in the meeting. See after items 9.D and 11.A.

- A. The Assembly moved to release the **Board of Ethics report** concerning Assembly Member Tesche.

Mr. Tesche advised that the Board of Ethics had provided the Assembly members a report regarding a complaint that had been filed against him. He said that under Municipal law, the report, once delivered to the Assembly, was to remain confidential and was not to be released to anyone unless the Assembly decided to disclose the document. He said he did not think it would be appropriate for him to make a motion on this issue, but, as the respondent in the proceeding, he requested that members of the Assembly consider releasing the report to the public without any further delay. Mr. Tesche said the Assembly would not meet again for two or three weeks, and, as the respondent, he felt the public had a right to know the contents of the report.

Mr. Kendall moved, to accept the Board of Ethics report and release it
seconded by Mr. Meyer, immediately.

Mr. Tesche said he would abstain from the vote.

Mr. Meyer said he felt the Ethics Board had done an excellent job of thoroughly analyzing the case and the circumstances surrounding the charge that had been levied against Mr. Tesche. He noted that Board members had made some valuable recommendations regarding the inconsistency with which the Assembly deals with the conflict of interest issue. As the Assembly representative who was working with the Ethics Board on rewriting this code, he was aware they were taking this issue very seriously, and he thought the Assembly would be very impressed with the recommendations the Board was preparing to submit. He estimated the recommendations might be submitted by December 1, 2000..

Mr. Tremaine suggested that the Board of Ethics' conclusions be stated for the record.

Question was called on the motion to accept the Board of Ethics report regarding Mr. Tesche and to release it immediately and it passed:

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

Mr. Tremaine read the Board of Ethics' conclusions:

"In the Matter of the May 3, 2000 Complaint Against Allan Tesche as heard before the Board of Ethics, based on its construction of the language of the code and the evidence presented to it, for the reasons discussed above, the Board concludes unanimously that: (a) The manner in which Mr. Tesche made his disclosure in this instance was consistent with the common practices the Anchorage Assembly has evolved in addressing its members' disclosures of potential conflicts of interest.; (b) The practices the Assembly has evolved are not consistent with the intent of the Ethics Code, and (c) Mr. Tesche's conduct in this particular situation did not constitute a violation of §1.15.150(a) of the code."

15. UNFINISHED AGENDA:

- A. 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, 6-20-00, AND 7-18-00; POSTPONED FROM 7-25-00)

Ms. Fairclough moved, to postpone action on AO 2000-76 until August 29, 2000.
seconded by Mr. Tesche,
and it passed without
objection,

- B. Chair Von Gemmingen advised that a regular meeting of the Assembly was scheduled for August 29, 2000, and they had arranged for 20 people to provide public testimony regarding the Comprehensive Plan that evening. Another meeting on the Comprehensive Plan was scheduled for September 12, 2000, and 20 people would be permitted to provide public testimony on that evening. Two special meetings were scheduled, one for Wednesday, September 13, 2000, at Chugiak High School and the other for Thursday, September 14, 2000, to be held in Girdwood at the Westin Alyeska Prince Hotel. Chair Von Gemmingen said the final public hearing on the Comprehensive Plan was scheduled for September 26, 2000 during the regular meeting of the Assembly.

16. AUDIENCE PARTICIPATION:

THERESA NANGLE OBERMEYER directed the Assembly members to the copies of materials she had submitted relating to the issues she and her husband had been discussing in the Anchorage community for over two decades. Ms. Obermeyer said the reason she had returned this evening especially to mention her fourteenth fabricated court charge. She implored the Assembly to help her save the republic, the United States of America. Ms. Obermeyer said that as a result of her non-jury federal criminal trial on September 26-28, 1994, that had been fabricated against her, both Judge James Singleton and Judge Dana Fabe were elevated in their positions, Judge Singleton to Chief District Court Judge for the District of Alaska and Judge Dana Fabe to Chief Justice of the Alaska Supreme Court. She reminded the Assembly members that they had paid for that, that was their tax dollars at work, so she really hoped the Assembly members would review the transcript of that proceeding.

She said she had sent the transcript to the lower 48, and she could not believe that they never get any help, no matter how many years it continues, no help. Ms. Obermeyer said her husband's lead case in the Summary of American Law had been published for fourteen years, but all she gets are blank stares.

MIKE KNOWLAND said he sat through the meeting because he thought the Assembly would be taking testimony this evening on AO 2000-133, the Firearm Registration Review Board. He questioned when the public hearing on this ordinance was scheduled.

Chair Von Gemmingen explained that ordinance had been introduced this evening, and now it had to be noticed to the public by publication. The public hearing would be held at the next regular Assembly meeting on August 29, 2000.

Mr. Knowland asked to comment on the ordinance at this time. Chair Von Gemmingen advised that Mr. Knowland had three minutes to provide testimony.

Mr. Knowland said he was in complete agreement with the ordinance, and he felt it would bring organization and an appearance of fairness to a process that had been disorganized, and could be perceived as cronyism if some applications were approved and others were not. He said page 2 of the ordinance contained a number of conditions that must be met before a person is considered to be qualified to be granted one of these types of permits. He said his specific comment related to Item No. 5 under paragraph E., and he felt the standard six-year time limit should be included in this condition.

17. ASSEMBLY COMMENTS:

Mr. Meyer thanked Mr. Sullivan for the gift of macadamia nuts from Hawaii.

Ms. Hudson suggested the Assembly cancel the meeting of November 7th, as that was election day.

Mr. Sullivan advised that he would not be able to attend the special meeting of August 23 as he would be out of town.

Chair Von Gemmingen stated that Mr. Sullivan, Ms. Clementson, and Ms. Abney would all be absent from that meeting.

18. EXECUTIVE SESSIONS: None.

19. ADJOURNMENT:

The meeting adjourned at 11:50 p.m.

Chair

ATTEST:

Municipal Clerk

Date Minutes Approved: November 21, 2000

LF/ccarl

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