

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of September 12, 2000

1. CALL TO ORDER:

The meeting was convened at 5:05 p.m. by Assembly Chair Fay Von Gemmingen in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

2. ROLL CALL:

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

3. PLEDGE OF ALLEGIANCE:

The pledge was led by Mr. Meyer.

4. MINUTES OF PREVIOUS MEETING:

A. Special Meeting - May 31, 2000

Mr. Meyer moved, to approve the minutes of the Special Meeting of
seconded by Ms. Clementson, May 31, 2000.
and it passed without
objection,

5. MAYOR'S REPORT:

Mayor Wuerch noted budget managers have been notified of their targets for the “B” budget. The “B” budget is being prepared in anticipation of approval of the 10-mill tax cap, an issue on the November 7, 2000 General Election ballot. He invited Assembly members to attend meetings with the managers as they apply the targets to various service levels. Mayor Wuerch said he has requested meetings with Anchorage School District officials to discuss mutual budget reductions. Lastly, he added, over 90 surplus Municipal vehicles would be sold this week. When the vehicles are sold, and annual maintenance costs are eliminated, the revenue would be about \$750,000.

6. ADDENDUM TO AGENDA:

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

Chair Von Gemmingen read the addendum items.

Ms. Clementson pointed out some items in the Assembly’s packet are listed on the addendum, and some are not listed. Some items that are on the addendum are also listed on the agenda. She felt the inconsistency was very confusing. Ms. Clementson also objected to the fact that Assembly members continue to receive agenda items as late as Friday, Monday and even Tuesday.

Chair Von Gemmingen noted the Mayor was sick last week and unavailable to sign documents. She clarified items listed on the addendum were not on the agenda. There may be duplicates of some items.

Question was called on the motion to amend the agenda and it passed with an objection by Ms. Clementson.

7. CONSENT AGENDA :

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

A. BID AWARDS:

1. Assembly Memorandum No. AM 855-2000, recommendation of award to Construction Machinery, Inc. for furnishing **mechanical and vacuum street sweepers** to the Municipality of Anchorage, Department of Property and Facility Management (ITB 20-B077) (\$846,055), Purchasing.
2. Assembly Memorandum No. AM 856-2000, recommendation of award to Alaska Environmental & Safety Supply, Inc. for furnishing **miscellaneous equipment for police vehicles** to the Municipality of Anchorage, Department of Property and Facility Management (ITB 20-B085) (\$154,630), Purchasing.
3. Assembly Memorandum No. AM 868-2000, recommendation of award to SeaCoast Construction Co., Inc. for the **East Ship Creek Avenue drainage improvements** for the Municipality of Anchorage, Public Works (ITB 20-C055) (\$174,611.15), Purchasing. (**addendum**)

4. Assembly Memorandum No. AM 875-2000, recommendation of award to JE General, Inc. for the **2000 miscellaneous construction services** for the Municipality of Anchorage, Department of Public Works (ITB 20-C049) (NTE \$350,000), Purchasing. **(addendum)**

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2000-138, an ordinance amending Ordinance 92-105 for Development Areas A, B, D, E, F, G, H, and I regarding dwelling styles, minimum lot widths for cluster, townhouses and row houses, minimum lot depth and area; amending Development Areas F and G regarding road standards, height, road setbacks, density and platting authority; amending Development Area H regarding size of commercial area and uses; Development Area I regarding building height and amending the zoning map and the **Southport Planned Community PC** (Planned Community District) affecting 141 acres of land lying within Sections 14 and 23, T12N, R4W, S.M., Alaska, generally located south of West 100th Avenue and west of Victor Road to Turnagain Arm (Case 2000-086) (Bayshore/Klatt Community Council), Community Planning and Development. public hearing 10-17-00.
 - a. Assembly Memorandum No. AM 847-2000.
2. Ordinance No. AO 2000-139, an ordinance of the Municipality of Anchorage **creating Street Reconstruction Special Assessment District 4SR00 - Windsor Village Subdivision Area Street Reconstruction** and determining to proceed with proposed improvements therein, Public Works Department. public hearing 10-17-00.
 - a. Assembly Memorandum No. AM 857-2000.
3. Ordinance No. AO 2000-140, an ordinance of the Anchorage Municipal Assembly authorizing the long term lease between the Municipality of Anchorage as lessor and ACE Hangars Owners Association, an Alaska non-profit corporation, as lessee of **Lot 1, Block 4, Merrill Field Replat**, located on the south side of Runway 6-24, Merrill Field Airport. public hearing 9-26-00.
 - a. Assembly Memorandum No. AM 864-2000.
4. Ordinance No. AO 2000-141, an ordinance amending Anchorage Municipal Code Section 3.20.060, **Executive and Administration Organization**, to revise the Municipality's executive/administrative branch structure and amending other provisions of the Anchorage Municipal Code and Anchorage Municipal Code of Regulations to reflect and implement said revisions, Legal Department. public hearing 9-26-00.
 - a. Assembly Memorandum No. AM 866-2000.
5. Resolution No. AR 2000-258, a resolution of the Municipality of Anchorage appropriating \$150,000 to the State Categorical Grants Fund (231) from the Alaska Department of Health and Social Services for the provision of **Perinatal Case Management/Healthy Baby Services**, Health and Human Services. public hearing 9-26-00.
 - a. Assembly Memorandum No. AM 848-2000.
6. Resolution No. AR 2000-259, a resolution of the Municipality of Anchorage appropriating \$10,664,573 from the State of Alaska Department of Education and Early Development to the State Categorical Grants Fund (231) for the **Day Care Assistance Program** in the Department of Health and Human Services. public hearing 9-26-00.
 - a. Assembly Memorandum No. AM 849-2000.
7. Resolution No. AR 2000-266, a resolution of the Municipality of Anchorage appropriating \$492,778 from the Alaska Department of Education and Early Development to the State Categorical Grants Fund (231) for the **Child Care Licensing Program** in the Department of Health and Human Services. public hearing 9-26-00. **(addendum)**
 - a. Assembly Memorandum No. AM 869-2000.
8. Ordinance No. AO 2000-142, an ordinance **creating the Jail Lease Revenue Fund** (266) and appropriating \$4,877,798.08 of Jail Revenue Bond Proceeds to the Anchorage Metropolitan Police Service Area Fund (451) and appropriating \$4,194,697.48 as a transfer from the Anchorage Metropolitan Police Service Area Fund (451) to the Jail Lease Revenue Fund (266), Office of Management and Budget. public hearing 10-17-00. **(addendum)**
 - a. Assembly Memorandum No. AM 870-2000.
9. Resolution No. AR 2000-268, a resolution of the Municipality of Anchorage appropriating \$18,074 from the Alaska State Council on the Arts, \$37,000 from the Anchorage Museum Association, \$17,967 from the Anchorage Museum Foundation, \$8,000 from Anticipated Miscellaneous Revenues, and \$19,220 as a contribution from the CY00 Museum Operating Budget, Areawide General Fund (101), to the State Categorical Grants Fund (231), Cultural and Recreational Services Department, for **operating support at the Anchorage Museum of History and Art**, Cultural and Recreational Services. public hearing 9-26-00. **(addendum)**
 - a. Assembly Memorandum No. AM 876-2000.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 2000-263, a resolution of the Anchorage Municipal Assembly **recognizing the 50th Anniversary of the League of Women Voters of Anchorage**, Assemblymembers Von Gemmingen, Hudson, Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, and Tremaine.

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

2. Resolution No. AR 2000-264, a resolution of the Anchorage Municipal Assembly **recognizing POW/MIA Recognition Week, September 11-17, 2000**, Assemblymembers Abney, Clementson, Fairclough, Hudson, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, and Von Gemmingen.

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

3. Resolution No. AR 2000-265, a resolution of the Anchorage Municipal Assembly **supporting the Chugiak Dog Mushers Association's State Recreational Trails grant application** to construct a building for the Association in Beach Lake Park, Assemblymembers Kendall and Fairclough.
4. Resolution No. AR 2000-226, a resolution of the Municipality of Anchorage **authorizing the application for matching capital grant funds** through the Municipal Capital Project Matching Grant Program - AS 37.06 - for State Fiscal Year 2002, Office of Management and Budget.
 - a. Assembly Memorandum No. AM 865-2000.

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

5. Resolution No. AR 2000-260, a resolution authorizing the disposal of a municipal interest, via relinquishment, within **Tract A, Eaglewood Subdivision** located in the vicinity of Eagle River Road and South Eagle River Loop Road, Water and Wastewater Utility.
 - a. Assembly Memorandum No. AM 850-2000.
6. Resolution No. AR 2000-261, a resolution authorizing the disposal of a municipal interest, via relinquishment, within **Tract 1, Mirawood Estates** located in the vicinity of Abbott Road and Lake Otis Parkway, Water and Wastewater Utility.
 - a. Assembly Memorandum No. AM 851-2000.
7. Resolution No. AR 2000-262, a resolution authorizing the disposal of a municipal interest (via relinquishment) within **Lot 35, Block 25, Alyeska Basin Subdivision #7**, located in the vicinity of St. Johann Loop and Vail Drive, Water and Wastewater Utility.
 - a. Assembly Memorandum No. AM 852-2000.
8. Resolution No. AR 2000-267, a resolution of the Anchorage Municipal Assembly supporting a statewide **Grant Anticipated Revenue Vehicle (GARVEE) Bond for transportation improvements**, Office of Management and Budget. **(addendum)**
 - a. Assembly Memorandum No. AM 871-2000.

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

9. Resolution No. AR 2000-269, a resolution of the Anchorage Municipal Assembly **recognizing National Assisted Living Week, September 10-16, 2000**, Assemblymembers Taylor, Abney, Clementson, Fairclough, Hudson, Kendall, Meyer, Sullivan, Tesche, Tremaine, and Von Gemmingen. **(addendum)**

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

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 837-2000, **Bear Tooth** - Transfer of Ownership for a Beverage Dispensary Liquor License and Application for a Restaurant Designation Permit (Spenard Community Council), Clerk's Office.

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

2. Assembly Memorandum No. AM 838-2000, **Hula Hands Restaurant** - Transfer of Ownership for a Restaurant/Eating Place Liquor License and Application for a Restaurant Designation Permit (Mt. View Community Council), Clerk's Office.
3. Assembly Memorandum No. AM 839-2000, **Humpy's Great Alaskan Ale House** - 2000/2001 Renewal for a Beverage Dispensary Liquor License (Downtown Community Council), Clerk's Office.

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

4. Assembly Memorandum No. AM 840-2000, **Holiday Inn/Lucy's** - Transfer of Ownership for a Beverage Dispensary Liquor License and Application for a Restaurant Designation Permit (Downtown Community Council), Clerk's Office.
5. Assembly Memorandum No. AM 841-2000, **River City Saloon** - Application for a Restaurant Designation Permit (Eagle River Community Council), Clerk's Office.
6. Assembly Memorandum No. AM 842-2000, **Sullivan's** - 2000/2001 Renewal for a Beverage Dispensary Liquor License (Downtown Community Council), Clerk's Office.
7. Assembly Memorandum No. AM 843-2000, **Tito's Gyros** - Transfer of Location for a Restaurant/Eating Place Liquor License and Application for a Restaurant Designation Permit (Downtown Community Council), Clerk's Office.

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

8. Assembly Memorandum No. AM 844-2000, **Tokyo Garden** - New Restaurant/Eating Place Liquor License and Application for a Restaurant Designation Permit (Tudor Community Council), Clerk's Office.

(Clerk's Note: Action on this item was reconsidered later in the meeting. See item 8.D.)

9. Assembly Memorandum No. AM 845-2000, **Villa Nova** - 2000/2001 Renewal for a Restaurant/Eating Place Liquor License (Tudor Community Council), Clerk's Office.

(Clerk's Note: Action on this item was reconsidered later in the meeting. See item 8.D.)

10. Assembly Memorandum No. AM 846-2000, **Williams Express #5007** - 2000/2001 Renewal for a Package Store Liquor License (Northeast Community Council), Clerk's Office.

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

11. Assembly Memorandum No. AM 853-2000, amendment No. 3 to the professional services contract with VEI Consultants for the **East/Midtown Ball Fields Project** (Chuck Albrecht Softball Complex) (\$58,000), Cultural and Recreational Services.

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

12. Assembly Memorandum No. AM 854-2000, change order No. 3 to the contract with Christensen Builders, Inc. for **Fire Station No. 11** in Eagle River (\$49,873), Property and Facility Management.

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

13. Assembly Memorandum No. AM 858-2000, change order No. 2 to purchase order 83806 to exercise the second option renewal period with Nine Star Enterprises for providing **employee training** to the Municipality of Anchorage, Employee Relations Department (\$5,000), Purchasing.

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

14. Assembly Memorandum No. AM 859-2000, recommendation of award to Anchorage Downtown Partnership for **operation of the Community Service Patrol and Transfer Station services** for the Municipality of Anchorage, Department of Health and Human Services (RFP 20-P016) (\$569,210), Purchasing.

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

15. Assembly Memorandum No. AM 860-2000, proprietary purchase of **computer hardware/software maintenance and hardware equipment** from International Business Machines, Inc. (IBM) for the Municipality of Anchorage, Management Information Systems Department (MISD) (\$1,109,737), Purchasing.
16. Assembly Memorandum No. AM 861-2000, proprietary purchase of **mobile radios** from Motorola Communications, Inc. for the Municipality of Anchorage, Department of Property and Facility Management (\$67,846.26), Purchasing.
17. Assembly Memorandum No. AM 862-2000, change order No. 3 to purchase order 992598 to exercise the first option period with GS Express to provide **snow and ice removal services** to the Municipality of Anchorage, Department of Public Works (\$21,075), Purchasing.
18. Assembly Memorandum No. AM 863-2000, proprietary purchase of **replacement loader arms** from N C Machinery for the Municipality of Anchorage, Solid Waste Services (\$44,142.73), Purchasing.
19. Assembly Memorandum No. AM 867-2000, change order No. 6 to **AWWU Operations Facility Phase II contract** with Fike Brothers Building in the amount of \$97,743.16, Water and Wastewater Utility.

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

20. Assembly Memorandum No. AM 872-2000, change order No. 1 to purchase order No. 201257 with Emulsion Products of Alaska, Inc. for furnishing **asphalt emulsion** to the Municipality of Anchorage, Public Works Department, Street Maintenance Division (\$653,000), Public Works. **(addendum)**
21. Assembly Memorandum No. AM 873-2000, change order No. 3 to **Illiamna Sewer R&R** construction contract with Annette's Trucking Inc. in the amount of \$14,673.01, Water and Wastewater Utility. **(addendum)**
22. Assembly Memorandum No. AM 874-2000, **Substitution of member to Special Citizens Task Force on DUI** (Wendy Lyford), Mayor Wuerch. **(addendum)**
23. Assembly Memorandum No. AM 877-2000, **Bear Tooth** - Transfer of Ownership and Location for a Beverage Dispensary Liquor License and Application for a Restaurant Designation Permit (Spenard Community Council), Clerk's Office. **(addendum)**

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

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 95-2000, **Applebee's Neighborhood Grill** - Responses to Notice of Violations from the Alcoholic Beverage Control Board, Municipal Clerk.
2. Information Memorandum No. AIM 96-2000, waiver of formal procedures for Cook Inlet Region, Inc. (CIRI) for **construction of snow storage/soil remediation site improvements** for the Municipality of Anchorage, Public Works Department (\$337,250), Purchasing.

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

3. Information Memorandum No. AIM 98-2000, **appointment to Executive Staff** (David K. Otto, Employee Relations Director), Employee Relations. **(addendum)**

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

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

8. REGULAR AGENDA:

- A. BID AWARDS: None.
- B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION: None.
- C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 2000-263, a resolution of the Anchorage Municipal Assembly **recognizing the 50th Anniversary of the League of Women Voters of Anchorage**, Assemblymembers Von Gemmingen, Hudson, Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, and Tremaine.

Ms. Fairclough moved, to approve AR 2000-263.
seconded by Mr. Kendall,
and it passed without
objection,

Ms. Fairclough read the resolution, while Ms. Hudson presented it to Jean Stassel and Carol Dickason of the League of Women Voters.

Ms. Stassel and Ms. Dickason thanked the Assembly and said the League of Women Voters would be here another 50 years.

Ms. Hudson noted when the charter for the Anchorage League was recognized by the national organization in 1949, a community profile was done. She read excerpts from the charter that reflected demographics and financial figures for the community at that time.

2. Resolution No. AR 2000-264, a resolution of the Anchorage Municipal Assembly **recognizing POW/MIA Recognition Week, September 11-17, 2000**, Assemblymembers Abney, Clementson, Fairclough, Hudson, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, and Von Gemmingen.

Ms. Clementson moved, to approve AR 2000-264.
seconded by Mr. Kendall,
and it passed without
objection,

Mr. Tremaine read the resolution, while Ms. Clementson presented it to Joy McCue and other representatives of the Ladies Auxiliary, VFW Post 1685.

Ms. McCue accepted and thanked the Assembly. She presented each Assembly member, the Mayor, and his staff a yellow ribbon and a POW/MIA flag to fly on September 15th.

3. Resolution No. AR 2000-226, a resolution of the Municipality of Anchorage **authorizing the application for matching capital grant funds** through the Municipal Capital Project Matching Grant Program - AS 37.06 - for State Fiscal Year 2002, Office of Management and Budget.
 - a. Assembly Memorandum No. AM 865-2000.

Mr. Tesche moved, to approve AR 2000-226.
seconded by Ms. Fairclough,

Mr. Tesche moved, to postpone action on AR 2000-226 until September 26, 2000.
seconded by Mr. Tremaine,

Mr. Tesche said it was customary for Assembly members to take the opportunity to propose amendments to the list and then bring them back before the Assembly for final action. He said the memorandum from staff describing these procedures had been issued

Ms. Fairclough urged that the resolution be placed at the beginning of the September 26 agenda because this item must be submitted to the State by October 1, 2000.

Question was called on the motion to postpone action on AR 2000-226 and it passed without objection.

4. Resolution No. AR 2000-267, a resolution of the Anchorage Municipal Assembly supporting a statewide **Grant Anticipated Revenue Vehicle (GARVEE) Bond for transportation improvements**, Office of Management and Budget. **(addendum)**
 - a. Assembly Memorandum No. AM 871-2000.

Ms. Clementson moved,
seconded by Mr. Tremaine,

to approve AR 2000-267.

Ms. Clementson questioned the intent of the resolution.

Howard Holtan, Municipal Engineer, explained the bonds were being sold to advance construction of existing projects in the Transportation Improvement Program (TIP) that was developed under the AMATS process. He said the bonds will be paid back through a portion of the Federal Highway funding in future years. Mr. Holtan said the State of Alaska Department of Transportation (DOT) had provided the Municipality with a proposed project list, and then various Municipal staff had worked with the State to develop the revised list which was before the Assembly tonight. He said the projects on the list were determined based on the need for the project and the ability for the projects to be completed in a short time period.

Mayor Wuerch explained that the 92nd Avenue grade separation and connection of Old Seward Highway and Abbott Road would create a new crossing of the New Seward Highway. He said a related project was the creation of two-lane frontage roads on both sides of the New Seward Highway for the dual purpose of eliminating the bottleneck at Abbott Road in the area of the high school and providing direct access to the Old Seward Highway and the Dimond Center. He said this would result in a significant improvement in traffic flow in that highly congested area. He pointed out the explanation on the cover of the document and said this plan would result in a substantial increase, from about 25 to 40 percent, of the statewide funding for the Anchorage area. He said the Administration had insisted on some construction projects for Anchorage, as opposed to repaving projects, and they agree in principle with the revised list. Mayor Wuerch emphasized that with this list, they have the strength of a unified priority list going to the legislature for its consideration and action during the next session.

In response to Ms. Clementson's earlier question, Mr. Holtan said Abbott Road improvements, from Lake Otis east would be an existing project in the TIP. He said the GARVEE Bond program would allow them to advance the remaining projects in the TIP, which would speed up the development of the Abbott Road/Lake Otis project.

Mr. Kendall commented that it would be useful to have an explanation of how existing projects within the AMATS program would fare if this resolution were approved. He asked if the Assembly could postpone this item so they could review the issues more carefully.

Mayor Wuerch said October 1 was the target date, so a postponement was possible, but he requested to be notified if there were proposed changes, so the Administration could discuss them with DOT.

Mr. Tremaine concurred with the Mayor's comments and said the issue was on the AMATS Policy Committee's agenda for approval the next day, but the Committee could delay action until after the Assembly had had the opportunity to obtain additional information and review the matter in more depth. He said it was reasonable to postpone for this purpose, and he felt it would enable them to take a unified stand on the issue.

Ms. Clementson moved,
seconded by Mr. Tremaine,

to postpone action on AR 2000-267 until September 26, 2000.

Ms. Clementson requested the list be provided to Assembly members so they could review the projects and gain a better understanding of how the project funds would be expended.

Mayor Wuerch stated a work session could be scheduled for September 19.

Question was called on the motion to postpone AR 2000-267 until September 26, 2000, and it passed without objection.

5. Resolution No. AR 2000-269, a resolution of the Anchorage Municipal **Assembly recognizing National Assisted Living Week, September 10-16, 2000**, Assemblymembers Taylor, Abney, Clementson, Fairclough, Hudson, Kendall, Meyer, Sullivan, Tesche, Tremaine, and Von Gemmingen. . (**addendum**)

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

to approve AR 2000-269.

Mr. Kendall read the resolution, while Ms. Taylor presented it.

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 837-2000, **Bear Tooth** - Transfer of Ownership for a Beverage Dispensary Liquor License and Application for a Restaurant Designation Permit (Spenard Community Council), Clerk's Office.

Ms. Clementson moved,
seconded by Mr. Tremaine,

to approve AM 837-2000.

Ms. Clementson explained this item was a transfer of location as well as a transfer of ownership. She said item D.10. later in the agenda addressed both issues.

Ms. Clementson moved, to postpone action on AM 837-2000 indefinitely.
seconded by Mr. Tremaine,
and it passed without
objection,

2. Assembly Memorandum No. AM 839-2000, Humpy's Great Alaskan Ale House - 2000/2001 Renewal for a Beverage Dispensary Liquor License (Downtown Community Council), Clerk's Office.

Ms. Fairclough moved, to approve AM 839-2000.
seconded by Mr. Meyer,

Ms. Fairclough pointed out that although there were not many official violations for Humpy's, defendants in five DWI cases admitted to drinking at the establishment prior to being arrested.

Ms. Clementson pointed out police officers note this data for information only; it has not been verified. She said based on information she has received in the past, the data is incorrect as often as it is correct.

Question was called on the motion to approve AM 839-2000 and it passed without objection.

3. Assembly Memorandum No. AM 843-2000, Tito's Gyros - Transfer of Location for a Restaurant/Eating Place Liquor License and Application for a Restaurant Designation Permit (Downtown Community Council), Clerk's Office.

Mr. Tremaine moved, to approve AM 843-2000.
seconded by Mr. Tesche,

Mr. Tremaine noted this was a transfer of location from 4th Avenue to 6th Avenue. Chair Von Gemmingen suggested this item be moved to 12.G. and the Assembly could address both items together.

Mr. Tremaine moved, to postpone action on AM 843-2000 until action on item 12.G,
seconded by Ms. Clementson, AR 2000-245.
and it passed without
objection,

4. Assembly Memorandum No. AM 846-2000, Williams Express #5007 - 2000/2001 Renewal for a Package Store Liquor License (Northeast Community Council), Clerk's Office.

Ms. Clementson moved, to approve AM 846-2000.
seconded by Ms. Fairclough,

Ms. Clementson pointed out the wrong community council had been notified of this license renewal. She said there would be time to take it up at the next Assembly meeting after notifying the correct community council.

Ms. Clementson moved, to postpone action on AM 846-2000 indefinitely.
seconded by Ms. Fairclough,

In response to Mr. Kendall, Ms. Clementson clarified that the affected council would meet the second Wednesday of the month. She requested the renewal be postponed until the next Assembly meeting and that it be properly noticed in the newspaper with the correct community council and a letter be sent to the President of the council..

Question was called on the motion to postpone AM 846-2000 indefinitely and it passed without objection.

Chair Von Gemmingen noted that item D.8, Tokyo Garden, contained the same error as the previous item.

Mr. Sullivan added the same problem with noticing the incorrect council on item D.9, AM 845-2000.

5. Assembly Memorandum No. AM 844-2000, Tokyo Garden - New Restaurant/Eating Place Liquor License and Application for a Restaurant Designation Permit (Tudor Community Council), Clerk's Office.

Ms. Fairclough moved, to reconsider action on item 7.D.8, AM 844-2000.
seconded by Ms. Clementson,
and it passed without
objection,

Mr. Sullivan moved, to postpone action on AM 844-2000 indefinitely.
seconded by Ms. Fairclough,
and it passed without
objection,

Mr. Tremaine asked the Clerk to provide a new version of the license approval with the correct community council.

6. Assembly Memorandum No. AM 845-2000, Villa Nova - 2000/2001 Renewal for a Restaurant/Eating Place Liquor License (Tudor Community Council), Clerk's Office.

Ms. Fairclough moved, to reconsider action on item 7.D.9, AM 845-2000.
seconded by Mr. Sullivan,
and it passed without
objection,

Ms. Fairclough moved, to postpone action on AM 845-2000 indefinitely.
seconded by Mr. Sullivan,
and it passed without
objection,

7. Assembly Memorandum No. AM 853-2000, amendment No. 3 to the professional services contract with VEI Consultants for the **East/Midtown Ball Fields Project** (Chuck Albrecht Softball Complex) (\$58,000), Cultural and Recreational Services.

Mr. Meyer moved, to approve AM 853-2000.
seconded by Ms. Clementson,

Mr. Meyer said he had no objection to the amendment for the adult league ball fields in the East/Midtown area, but he wanted to ask the status of the Samoan Little League ball fields. He noted they were trying to find a new location for the Samoan League, and he has received questions about it because it impacts many families in the Midtown and South Anchorage areas.

Jim Posey, Director of Cultural and Recreational Services, said three or four fields have been identified as possibilities for relocation of the Samoan League fields. This subject will be addressed at the Parks and Recreation Advisory Commission meeting on Thursday of this week.

Question was called on the motion to approve AM 853-2000 and it passed without objection.

8. Assembly Memorandum No. AM 854-2000, change order No. 3 to the contract with Christensen Builders, Inc. for **Fire Station No. 11** in Eagle River (\$49,873), Property and Facility Management.

Mr. Tremaine moved, to approve AM 854-2000.
seconded by Ms. Fairclough,

Mr. Tremaine expressed concern that the Assembly had authorized this contract on May 23, 2000. This change order proposed an additional \$50,000 for landscaping work required by the Department of Transportation (DOT) and the Urban Design Commission as a result of rezoning and platting. He questioned whether the decision to do this work had been approved at the time the Assembly authorized the award of the contract.

Office of Planning, Development and Public Works Director Craig Campbell stated he had the same question; however, Property & Facility Management staff was not available this evening to answer the question. He did not object to a postponement of action on this item pending an answer.

Ms. Clementson explained when the project began at the old Enstar building, Code standards for landscaping did not apply due to the depth of the lot. After the lots were replatted into one large lot, the parcel became deep enough to trigger the Code standards, and the landscaping was required by the Urban Design Commission.

Fire Chief John Fullenwider said there was no technical or procedural difficulty with postponing this item, but they would run into weather difficulties if they postponed for two weeks.

Mr. Campbell reiterated that they would accept a two-week postponement. He said although the landscaping project would be delayed, they felt it was appropriate to postpone in order to have the questions answered. In response to Ms. Fairclough, Mr. Campbell said he did not know if costs would be increased due to the delay.

Question was called on the motion to approve AM 854-2000 and it passed without objection.

9. Assembly Memorandum No. AM 858-2000, change order No. 2 to purchase order 83806 to exercise the second option renewal period with Nine Star Enterprises for providing **employee training** to the Municipality of Anchorage, Employee Relations Department (\$5,000), Purchasing.

Ms. Clementson moved, to approve AM 858-2000.
seconded by Mr. Tremaine,

Ms. Clementson said she had the same concern regarding both this item and the next, which were contracts that would extend through June and August of 2001. She said while this was only a \$5,000 expenditure, she questioned if this service would be needed if \$20 million is cut from the budget. She asked what effect the A and B budgets would have on this contract.

Mayor Wuerch said while training and travel expenditures were being significantly reduced, a minimal level of training and travel would be required in a down-sizing scenario for local government employees. He said the Municipality has several of these training contracts in place. If the training is needed, the contracts are in place to pay the vendors. If they do not need the training, they do not utilize the services under the contract and no expenditure is required.

Question was called on the motion to approve AM 858-2000 and it passed without objection.

10. Assembly Memorandum No. AM 859-2000, recommendation of award to Anchorage Downtown Partnership for **operation of the Community Service Patrol and Transfer Station services** for

the Municipality of Anchorage, Department of Health and Human Services (RFP 20-P016) (\$569,210), Purchasing.

Ms. Clementson moved, to approve AM 859-2000.
seconded by Ms. Fairclough,

In response to Ms. Clementson, Bart Mauldin, Acting Purchasing Director, said over the next few months, many of the Municipality's multi-year contracts would be before the Assembly for consideration. He said all contracts contain "termination for convenience of the Municipality" clauses, giving the Municipality the right to terminate contracts on a 15-day or 30-day notice to the vendor. He said the Municipality had the ability to terminate any contracts in the event funding was not available.

In response to Mr. Tesche, Mr. Mauldin said he had received a protest letter from Allvest's attorneys just this evening and he was unable to address the specifics of the protest. He noted the timing of the protest was unfortunate because it would be difficult for the Assembly to postpone the item so the questions could be answered and/or have it go before the Bidding Review Board prior to the expiration of Allvest's current contract on September 31, 2000. He said he would have to review the protest in more detail in relation to the Code requirements to determine whether this would be an appropriate item to be considered by the Bidding Review Board.

In response to Ms. Fairclough, Municipal Attorney Bill Greene stated he also had not had time to review Allvest's protest and would rely on Mr. Mauldin's comments.

Mr. Mauldin explained that Allvest's contract had been extended for 90 days, which was why the initial period under the new contract would be nine months instead of twelve months. He said if the Assembly entertained the protest, they would be giving the protester benefit by continuing his current contract as is.

Ms. Clementson moved, to postpone action on AM 859-2000 until the end of the
seconded by Mr. Sullivan, agenda.

Ms. Clementson said the postponement would give the Legal Department time to review the matter, in conjunction with Mr. Mauldin and Health and Human Services Director Jewel Jones.

Question was called on the motion to postpone AM 859-2000 until the end of the agenda and it passed:

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

See after item 11 for further action on this item.

11. Assembly Memorandum No. AM 867-2000, change order No. 6 to **AWWU Operations Facility Phase II contract** with Fike Brothers Building in the amount of \$97,743.16, Water and Wastewater Utility.

Mr. Tremaine moved, to approve AM 867-2000.
seconded by Mr. Tesche,

Mr. Tremaine said the Notice to Proceed for this contract was dated July 12, 1999, work was then suspended through the winter, and now claims have been made for site remediation and mobilization/demobilization costs. He said he wanted to ensure change order No. 6 would be the last one. He noted the contract completion date had been extended to September 17, and construction was only about 65 percent complete. He asked how much of the \$97,743 had already been spent.

Kurt Voss, Engineering Manager for AWWU, responded that change order No. 6 constituted a contractor claim which had been reviewed by AWWU, and only the costs AWWU had determined to be meritorious were included.

Question was called on the motion to approve AM 867-2000 and it passed without objection.

12. Assembly Memorandum No. AM 877-2000, **Bear Tooth** - Transfer of Ownership and Location for a Beverage Dispensary Liquor License and Application for a Restaurant Designation Permit (Spenard Community Council), Clerk's Office. (**addendum**)

Ms. Clementson moved, to approve AM 877-2000.
seconded by Mr. Sullivan,

Ms. Clementson moved, to postpone action on AM 877-2000 until September 26, 2000.
seconded by Mr. Tremaine,

Ms. Clementson said she wanted to postpone this item because it was not advertised as a transfer of ownership and location, only as a transfer of location. She said Mr. Greene had advised this item should be postponed and advertised correctly.

Question was called on the motion to postpone action on AM 877-2000 and it passed without objection.

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 96-2000, waiver of formal procedures for Cook Inlet Region, Inc. (CIRI) for **construction of snow storage/soil remediation site improvements** for the Municipality of Anchorage, Public Works Department (\$337,250), Purchasing.

In response to Mr. Tremaine, Acting Purchasing Officer Bart Mauldin explained the circumstances surrounding the reporting of the waiver in this case.

Mr. Municipal Manager Harry Keiling added the source of funds was the capital improvement budget.

Mr. Kendall moved, to accept AIM 96-2000.
seconded by Ms. Clementson,
and it passed with Mr. Tremaine
objecting,

Ms. Abney moved, to change the orders of the day to consider item 14, Special
seconded by Mr. Kendall, Orders.
and it passed without
objection,

Assembly Memorandum No. AM 687-2000, certification of the August 22, 2000, Special Municipal Election, Clerk's Office.

- a. Information Memorandum No. AIM 97-2000, Response to Assembly Inquiry of September 6, 2000, Municipal Election Commission, (**addendum**)

At Chair Von Gemmingen's request, Municipal Attorney Bill Greene summarized his opinion regarding the Special Municipal election. He explained that tests could be applied to the question of whether or not election errors may change the outcome of the election, and detailed explanations of the testing methods were contained in Appendices C and D of his memorandum. He said based on information provided by the Municipal Clerk, the Election Commission, and the Legal Department's investigation, the election errors may change the outcome of the election, namely, 91 votes cast from voters who reside outside the election district. He said the Assembly's options were: (1) to order a recount of the election results prior to certification and delay a runoff, (2) refuse to certify the election and order a new election, or (3) exclude from the vote tally the votes of the three precincts where the errors occurred, after which it could certify the adjusted tally and certify the election. Mr. Greene stated if the Assembly took the latter action, there would be sufficient grounds for a runoff election.

In response to Ms. Clementson, Mr. Greene and Jane Ferguson, Municipal Clerk, confirmed that the Election Commission's report consisted of a three-page document.

At Chair Von Gemmingen's request, Ms. Walcutt, Acting Chair of the Election Commission, introduced the Election Commission members and read the report.

Mr. Kendall moved, to approve AM 687-2000, and to amend it by adding a new
seconded by Ms. Fairclough, Appendix A, including Chart No. 3 from page 12 of Mr.
Greene's report, and additional language to exclude the vote
count from the three precincts with errors, i.e., Precincts 309,
365 ,and 385, so the total vote count minus those three
precincts would be reflected as the new Appendix A.

In response to Mr. Tremaine, Mr. Greene said in this context, he felt Mr. Meyer, who received seven votes, did not have a conflict of interest since it did not appear he would have a chance of winning the election. He said several attorneys had reviewed the issue, and it was the Legal Department's opinion the issue would constitute voting in split precincts, which is a situation that is uniquely susceptible to human error. He said it was his understanding that the errors had been brought to the Clerk's attention by persons outside the election process, i.e., by non-election officials.

Mr. Tremaine noted that 57 percent of the votes cast in Precinct 385 were miscast votes. He said clearly that precinct must be omitted from the count. In the other two districts, 309 and 365, there were only about 3 percent total miscast votes for both districts combined, and he strongly felt 444 votes should not be eliminated at the expense of 15 miscast votes.

Mr. Tremaine moved, to amend the motion to substitute Chart 2 for
seconded by Mr. Tesche, Chart 3.
and it was withdrawn,

Ms. Fairclough spoke against the motion. She said they had been advised by legal counsel the action being considered would not be legally supportable or sustainable in court. She said all three precincts should be excluded from the count, and the Assembly should certify the election and proceed with the runoff to fill the vacant seat.

Ms. Hudson said while 57 percent was an accurate figure, there were only 116 total votes in Precinct 385, so it was a very small vote. Ms. Hudson urged a no vote.

Mr. Sullivan concurred with Ms. Fairclough's and Ms. Hudson's comments.

Ms. Clementson concurred with Ms. Fairclough, Ms. Hudson, and Mr. Sullivan. She said the substitution would be declaring the winner and there would be no chance for the Precinct 385 votes to be corrected and the voters voices' to be heard.

Mr. Kendall felt if they removed one precinct because of miscast votes, all precincts with miscast votes must be removed.

Mr. Meyer concurred with the five previous speakers. He stated his opposition to the substitution and said he would support the original motion.

Mr. Tremaine said his intent was to have a result that represented the way the majority of the people voted. He felt it would be necessary to have another election, the question was whether it would be a runoff or a totally new election. He said his problem with accepting Chart 3 was that it would disenfranchise 502 legitimate voters and gives a result that, while correct, was a distortion of the way people voted. Mr. Tremaine withdraw his motion. Mr. Tesche concurred.

Mr. Tremaine requested a note be placed on Chart 3 that stated the results by candidate were so distorted as to not be reliable.

Mr. Tesche outlined arguments for both sides of the issue and pointed out there were legal issues as well as political perceptions that could not be ignored by the Assembly. He said after wrestling with the issues for days and discussing the matter with legal counsel for hours, he had to conclude that the election was so fatally flawed that the Assembly must refuse to certify the election and order a new election. For that reason, he said he would vote against the motion to certify using Chart 3.

Mr. Kendall said it was clear there was no winner of the election as no one had received a majority of the votes. He felt since all the calculations before the Assembly did not provide a winner, they would need to have a runoff election.

Ms. Hudson corrected the record by stating that only 448 voters would be disenfranchised, not 539 as was mentioned earlier.

Ms. Clementson said disenfranchising voters was an issue all Assembly members take extremely seriously. However, concern about the overall process and putting the person elected to represent the people into office as soon as possible had to be weighed very carefully against the prospect of having a general election and a special election in November, as well as a runoff election in late November to early December at taxpayer expense and voter inconvenience. She felt it would be best to approve Mr. Kendall's motion and move on with an election that would be held at a time people were anticipating.

Question was called on the motion to approve AM 687-2000 as amended and it passed:

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

NAYS: Tremaine, Tesche.

Mr. Kendall moved, immediate reconsideration.
seconded by Ms. Fairclough,

AYES: None.

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

In response to Mr. Tremaine, Mr. Greene explained that both the charts in Appendices C and D and legal counsel's calculations demonstrated that unless all three precincts were excluded, alternatives to that, depending on the alternative selected, could still change the outcome of the election.

In response to Ms. Abney, Ms. Ferguson explained the process for absentee voting in a runoff election.

The meeting recessed at 7:15 p.m. and reconvened at 7:55 p.m.

It was suggested to change the orders of the day to consider item 11.A., AO 2000-132, and there was no objection.

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

- A. Resolution No. AR 2000-131, a resolution **confirming and levying special assessments for Special Assessment District No. 4SR96**, which reconstructed North Point Drive, North Point Circle, and Mere Circle, and setting the date of assessment, installment, payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency, Public Works Department.
1. Assembly Memorandum No. AM 509-2000.
 2. Information Memorandum No. AIM 60-2000.
 3. Information Memorandum No. AIM 76-2000.
 4. Information Memorandum No. AIM 86-2000.
- (CARRIED OVER FROM 6-13-00; AMENDED 6-20-00; POSTPONED FROM 6-20-00, 7-18-00, AND 8-29-00)

Item 9.A. was considered later in the meeting. See item 15, Unfinished Agenda.

10. APPEARANCE REQUESTS: None.

11. CONTINUED PUBLIC HEARINGS:

- A. 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.
1. Assembly Memorandum No. AM 797-2000.
 2. Ordinance No. AO 2000-132(S), 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. **(LAID ON THE TABLE)**

3. Assembly Memorandum No. AM 878-2000.
(CONTINUED FROM 8-29-00)

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

JACK MILLER said he was unaware the Assembly could commit funds to a 25-year lease. By his estimate, the Assembly had committed approximately \$60 million over a 25-year period for this lease and he understood there were provisions for additional funds to be passed through. He said this was a 40-year-old building, that had gone through the earthquake and needed repairs. He did not see what the big rush was to lease/purchase it over the next 25 years. He said he would like to see the community own its own City Hall at some point, but he did not see that this building was much of a bargain.

Mr. Tesche clarified the substitute version made it clear that funding was subject to appropriation. Mr. Tesche also noted that a review of valuation prepared by Frank King for the Heritage Land Bank was included in the overall valuation of the property.

MARK PFEFFER said he was the managing partner of the limited liability company that had proposed the lease now before the Assembly. He said the building owner, Weyerhaeuser Company of California, intended to sell the building. His offer to purchase it from Weyerhaeuser and lease it back to the Municipality meant he would acquire the property at today's cost of approximately \$13 million, and the financing he had arranged would translate the same value back to the Municipality. He said Municipal Administrators could not accomplish this themselves within the time frame required, and he had provided the Municipality the option to purchase the facility at fair market value in the future. He felt this was a good opportunity for the Municipality to lock in the facility for its use at today's very low market rates, and the rate he had proposed was a reduced rate from what the Municipality was currently paying.

At Mr. Tesche's request, Mr. Pfeffer highlighted the amendments in the substitute version and explained how they had originated and been negotiated.

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

See further action on this item after item 11.E.

Chair Von Gemmingen noted it was 8:00 p.m. and time to begin the public hearing on the Comprehensive Plan. There was a suggestion to change the orders of the day to consider item 11.E., AO 2000-119. There was no objection.

- B. Ordinance No. AO 2000-101, an ordinance amending Anchorage Municipal Code Section 3.30.172 to **classify executive positions**, Legal Department.
 - 1. Assembly Memorandum No. AM 757-2000.
(CONTINUED FROM 8-29-00)
- C. 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.
 - 1. Assembly Memorandum No. AM 791-2000.
(CONTINUED FROM 8-29-00)
- D. 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.
 - 1. Assembly Memorandum No. AM 798-2000.
(CONTINUED FROM 8-29-00)

Items 11.B. through 11.D. were considered later in the meeting. See at the end of item 11.

- E. 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, Supplemental Information.
(CONTINUED FROM 7-25-00, 8-15-00, 8-23-00, AND 8-29-00)

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

CAROL FRIES, President of the Rabbit Creek Community Council, said the Council was pleased to see the current Plan supports preservation of the natural features of rural residential areas and that public services such as water and sewer would only be provided in the urban service areas. She said they supported the commitment to mixed use zoning for high-density areas as well as the commitment to a vital downtown and more localized town centers. Ms. Fries said the council supported adoption of the Plan but would urge the Assembly to make modifications which would correct perceived policy conflicts within the Plan. She said instead of the underlying premise of the Plan that 31,000 new dwelling units must be accommodated in the next 20 years, the council suggested that the Anchorage 2020 reflect a commitment to accommodate growth resulting in a city that people want to live in, not a city with a fixed number of dwelling units prescribed by today's demographers. With respect to the "gray" line, Ms. Fries said while the Plan recognizes there are differences in services between urban and rural areas, it failed to recognize that other attributes and amenities of a neighborhood may give it a rural or urban feel. Therefore, the Council felt a line, no matter how vaguely depicted, was inappropriate. Ms. Fries said she would submit the Council's proposed revisions regarding the latter issue. With respect to the potential sites for the neighborhood commercial centers, she said the Council requested that the red stars on the map on page 50 be removed. She said the Council felt this type of activity was inappropriate and those areas needed to be developed in the future with the area's consent. Ms. Fries noted that this document was not the end of the process, and they would like to see the strategies listed in the document proceed, and particularly the Hillside Land Use Plan in the next three years. Ms. Fries said the

Council urged the Assembly to adopt the Plan with its proposed revisions and to ask the Planning Department to move forward with development of the other supporting strategies.

JESS GREENBLATT read the statement on page 13 of the recommended revisions that urban single-family homes occupy 44 percent of the residential land in Anchorage, but only 28 percent of the vacant land was zoned for this type of dwelling, and 54 percent of the vacant land was zoned for rural single-family dwellings, which was a housing type that represented only 4 percent of the total housing stock. The paragraph further equated the 44 percent to a market preference for urban single-family homes. Mr. Greenblatt said this was misleading and should be eliminated. He said smaller urban lots obviously increases the number of units per acre, but it does not necessarily represent market preference. He said a more reasonable conclusion would be that rural single-family dwellings are under-represented as only 4 percent of the total housing stock. With respect to policy No. 1 in the revision he noted that the Generalized Land Use Map and the Generalized Residential Intensity Map were identified as strategies that would replace the policy map when they are completed in approximately three years. As a side note, Mr. Greenblatt asked if anyone had noticed that the acronyms for those two maps were GLUM and GRIM. He pointed out that policy 1 and the Land Use Policy Map were in conflict, and the potential or conceptual elements should not be portrayed on the map. Instead, the principals that the features embody should be identified along with the processes for their implementation. Mr. Greenblatt suggested that policy No. 18 be reworded to read: "Rezoning and variances should be minimized and where required in residential neighborhoods shall be compatible in scale and density with adjacent uses." Regarding the statement in the Tischler report that open spaces were expensive, he felt the main point was that alternate streams of funding may need to be identified and perhaps they could consider Municipal land trades or the Municipal Open Space Trails Fund could encourage contributions to finance it. Mr. Greenblatt said he supported the concept of impact fees, particularly since, in many cases, they may ensure a higher quality of development by identifying inadequacies that would be expected to be passed to the Municipality and may also discourage piecemeal development. He expressed his hope that the Hillside District Land Use Plan would move forward and be completed as soon as possible. He said the Hillside Wastewater Management Plan must be revised and updated and replaced by the land use plan, and he expressed hope that provision of septic services would be decoupled from density requirements in the management plan. Mr. Greenblatt said south Anchorage was slated for intense development and they looked forward to the other supporting strategies as well as the Anchorage 2020 plan.

BARBARA WEINIG, Rabbit Creek Community Council Board member, said her primary interest was transportation. She said she worked on the original transportation group and she wanted to emphasize some of the points that came out of that group and which were not included in the Plan or were not emphasized in the Plan the way the group had hoped they would be. Ms. Weinig said almost every form of transport was addressed in the plan, except school buses, which were omitted entirely. She said the difference between urban and rural was the ability of school buses to access the residents of the area. She said areas in the Rabbit Creek community were designated as urban, yet in some areas there either was no school bus service or parents must take their children to a bus stop a mile or two away, at which point, the parents usually drive them all the way to the school, which results in more traffic congestion. Referencing the items by topic, page number, revision, and line number, Ms. Weinig said another concern of the group's was freight mobility. The lane widths are currently inadequate to safely allow trucks and large vehicles to make turns at critical intersections easily. She said the group would like to see better connectivity between neighborhoods when subdivisions and roads are designed, and they would like them built so as to discourage high speeds through these residential areas.

NANCY PEASE, offered recommendations as to how the transportation policy planning could be better integrated into the Plan. She said she would like the Plan to round out the goals for transportation planning. She said there was an almost adequate statement in Chapter 4 on page 20, which lists five objectives, but what was missing was a policy objective of locating and designing land uses so that traffic does not exceed planned road and transit capacity or disrupt established land uses. She said the transportation policy should be considered when deciding growth allocations, and she would like to see road capacity and vehicle trip generation as criteria in the urban and rural service boundary concept on page 12 of Chapter 4. She said when looking at growth allocation, they also need to ensure that trip generation and vehicle miles were minimized in encouraging higher-density use. Ms. Pease said she would like to see the statement on page 2, "The transportation system is linked to land use patterns and densities" strengthened to read, "The transportation system is determined by land use planning and density," particularly the land use densities identified in this plan as well as district and neighborhood plans. With respect to the urban/rural services boundary, Ms. Pease said she would like the "gray" line omitted from the Land Use Map until a district plan has been completed. She said if it was retained, they should be very careful to ensure it is clear it is a conceptual line only. She recommended that the sentence on page 12 of Chapter 4 which states, "A more precise location of the urban/rural services boundary will be determined by the Hillside District Land Use Plan" be revised to read, "...the location will be determined by the Hillside District Land Use Plan" and omit the "gray" line entirely. Ms. Pease generally supported open space and said if they wanted a livable space, they could not afford not to reserve open space.

MARY FAIRBANKS, of Anchorage Chamber of Commerce, said she was pleased there had been so many opportunities to comment on the Comprehensive Plan, and she commended the Department of Community Planning and Development staff for all the revisions that had been made to improve the plan. However, Ms. Fairbanks said despite having been told by the Department of Planning there would be no references to Living With Wildlife in Anchorage: A Cooperative Planning Effort in the Comp Plan, there were still two such references in the Plan, the first one in No. 25 under Implementations on page 33 of Chapter 5 and the second under Design for Wildlife under Strategies on page 5 of Chapter 5. She said on behalf of the Chamber of Commerce, she would repeat their request to have the references to Living With Wildlife in Anchorage: A Cooperative Planning Effort deleted.

Mr. Tesche said he had discussed this issue the previous day with the Planning Department and a member of the Planning Commission, and it was his understanding there were a number of references to the Living With Wildlife in Anchorage: A Cooperative Planning Effort study. He said the Planning Department would be submitting additional amendments to clarify the intent of the plan and any reference to the study, and he understood the revisions would comply with the Chamber's request.

ANGELENE FOWLER said she worked for the Anchorage Chamber of Commerce but was testifying as a resident of the community. She commended the Department of Community Planning for their hard work on the plan. It represents a community-accepted vision but, according to Mr. Tischler's report, the community does not have the means to pay for it

under the current Municipality taxing structure. In fact, she said, Mr. Tischler had stated earlier that under the current structure, the community's quality of life would continue to decrease unless there was a change in revenue perspective. Ms. Fowler said once the Plan was accepted, it would be the Assembly's job to draw upon normal business practices and disciplines to evaluate the Municipality's finances and taxing structure and review all the options available to pay for the Plan. She urged the Assembly to work with the current Administration to involve the community and obtain feedback on what residents wanted to achieve and how it should be accomplished. She encouraged the Assembly to keep the momentum going on the project and to keep the community involved. Once the plan was adopted, Ms. Fowler asked that the Assembly make the revisions that would enable the Planning Department to do their job and move forward and to make the commitment to transfer the concepts to Title 21 to make the Comp Plan a truly living document.

WAYNE CRAYTON, Huffman O'Malley Community Council Steering Committee member, said the Plan's preferred alternative, urban transition, would best guide Anchorage to the year 2020. He said Planning Issue No. 5, Infill for Redevelopment, makes sense, especially when the infrastructure already exists to support it -- maximize what we already have before moving on to other areas. Mixed use zoning also makes sense, especially in downtown and midtown. Mr. Crayton said the council had specific objections pertaining to the Land Use Policy Map designating potential neighborhood commercial centers. He said the center was a concept that, if abused, could ruin existing neighborhoods, and the plan failed to incorporate criteria to control the limits of commercial center boundaries at potential sites. Specifically, the council objected to designating the intersection of O'Malley and Birch Road as a potential neighborhood commercial center. He said that intersection was currently occupied by single-family residences on all four corners and park land in the surrounding area. There is no water or sewer to the area, and none is proposed in the plan. He said allowing commercial development at this intersection and in other already established residential neighborhoods jeopardized the setting and quality of life families had moved to the area to enjoy. Mr. Crayton said the council had obtained the opinions of approximately 30 households in the vicinity of the intersection before developing a council position on the issue. He said of those households, despite the Municipality's newspaper and mail notices, not one person was aware the Comprehensive Plan was being revised. All but one person objected to commercial development at the intersection -- the one person who supported development wanted a McDonald's to be built there, but his wife objected to development. All feared commercial developers would pressure them to sell their homes, and one person thought no commercial development was allowed in the Hillside area. Mr. Crayton said adequate commercial facilities and services currently exist at intersections in the area, commercially zoned land continues to be available in proximity to the area for future expansion. He said it did not make sense to recommend future land use changes from prime residential land to commercial use, especially when single-family residential lots are becoming limited within Anchorage. Mr. Crayton said the Huffman O'Malley Community Council believed: (1) The two proposed neighborhood commercial center locations should be removed from the Land Use Plan. (2) The proposed neighborhood project team should work in concert with affected councils to evaluate the neighborhood's commercial needs and desires, if any. (3) Potential locations for commercial centers should be identified by community if the need exists. (4) The findings and recommendations of neighborhoods should be presented to the Community Planning and Development Office and Assembly for possible action. He said the council and majority of area residents hoped the Assembly would be willing to amend the Land Use Policy Map and remove the X from the intersection at Birch and O'Malley.

BETTY EVANS, Vice Chair of Huffman O'Malley Community Council, emphasized the historic importance to residents of the feeling of space and natural beauty within the state of Alaska. She said the drafters of the Alaska Constitution were proud of their efforts to not make the same mistakes as the other states, and in Section 18, Eminent Domain, it states private property shall not be taken or damaged for public use without just compensation. She said this was not the case when the State widened the road where she lived and paid her neighbor more for the 15 feet than they paid her because the neighbor did not have to have trees removed, which was costly to the project. Ms. Evans said as developers have been allowed to continue their relentless pursuit of the almighty dollar, when oil was king, and when carpetbaggers all rushed north to get their share of the big bucks, she fled to the Hillside. Unfortunately, Municipal Planning staff appeared to favor development and increasing density views that the developers favored. She said she could not understand why anyone would want to move from crowded, often smog-impacted towns outside where houses were jammed together like sardines in a can to the same type of living conditions in Anchorage. Ms. Evans asked the Assembly not to accept the proposed road grid, especially the extension of Elmore Road South and to reject the neighborhood commercial center shown at O'Malley and Birch Roads.

JOHN BERGGREN directed the Assembly to the study conducted by the National Association of Home Builders out of Washington, D.C., which he had submitted. He said the local chapter of approximately 400 members had requested the study, which analyzes the fundamental underlying concepts and methods that were used in the Plan to identify what improvements could be made to the Plan so that it would actually fulfill its goal of being a tool which the community can use to build a better Anchorage. He asked the Assembly to review the study at their convenience. Mr. Berggren said many issues have been addressed, and many of the difficulties seem to be in the implementation stages of the Plan. He urged the Assembly to take the input they have received and ask Community Planning to rewrite the Plan, reopen the public hearing process, and ensure the Plan is the tool the community needs it to be.

ELAYNE JANIAK, Chairperson of Transit Works for Anchorage, said several years ago when Anchorage residents were asked to provide their version of Anchorage of the future, many indicated they would like to see meaningful transportation alternatives for Anchorage. She said public transportation was an important, meaningful alternative in transportation, and even today with our barely adequate and ever declining Municipality bus service, 12,000 people a day use public transit. The majority of these people do not have any alternatives; they need public transit to get to their jobs, school, shopping, doctor visits, etc. Ms. Janiak said the transit portion of the Comprehensive Plan was a great promise, but a few things that were lacking that would make it a functional and practical document included: (1) More transit corridors, especially east/west corridors; (2) Accessibility to bus stops through the use of sidewalks and crosswalks; (3) Transit should engender growth, not the other way around; and (4) It was absolutely imperative that a funding mechanism other than property taxes be developed to support transit in a balanced and sustainable manner so that it could be carried forward into the future.

DIANE HOLMES, spoke on behalf of Carol Fries, President of the Anchorage Citizens Coalition. She said the Anchorage Citizens Coalition wished to share six comments: (1) She said many hours of testimony and public participation committed to the Plan had led to a product that Anchorage was proud of and willing to stand behind. Infill and redevelopment of existing areas would require less new infrastructure, discourage dependence on autos, and encourage mixed-use zoning in higher-density areas. This was a concept businesses, environmentalists and developers could all support. (2) The Coalition

recommended acceptance of the Planning and Zoning (P&Z) Commission's changes to the Plan. She said they commend the Commission members for their commitment and asked that the Assembly accept their amendments. (3) The concern of community councils overall was with respect to the quality of life and that what Anchorage is well known and loved for may be compromised. She said growth and quality of life can co-exist as long as they acknowledged and protected what made Anchorage a special place to live. That includes protecting open, natural space and the integrity of neighborhoods, which would keep property values high. (4) Ms. Holmes said the Assembly had just received the ultimate wake-up call from Mr. Tischler regarding the economic impact of the Comp Plan, or even for no Comp Plan, business as usual. The importance of growth in Anchorage was that it must pay for itself, and this could not be understated. She said it was the Coalition's solid recommendation to support the Plan with impact fees. (5) The premise of allowing sewage to drive density was an archaic solution for determining development patterns. The Coalition recommended, as many others have, that the urban/rural boundary on the map be removed for a number of reasons -- it is conceptual, totally arbitrary, not based in fact at this time, and it does not even follow the current wastewater boundary line. She said this was the most critical issue for southeast Anchorage and needs further consideration before being established. (6) The Coalition encouraged the timely adoption of the Plan, especially the functional components. She urged that they continue working with other cities that have established a healthy growth Plan and found the funds necessary to build a livable, healthy, desirable city.

Ms. Fairclough asked Ms. Evans to verify with Ms. Fries that the Coalition concurred with the removal of all references to Living With Wildlife in Anchorage: A Cooperative Planning Effort from every section and chapter of the Plan, which she said was the P&Z's recommended amendment.

In response to Ms. Fairclough, Tom Nelson, Community Planning and Development, said they had become aware in May during a work session with the Assembly of legitimate concerns regarding the reference to the State study, Living With Wildlife in Anchorage: A Cooperative Planning Effort. He said a sentence contained in that study indicated the Assembly would be incorporating the study and its recommendations by reference, and they felt that language was inappropriate. He said the idea of incorporating another study by reference that had not gone through a review and public process was inappropriate. He said it was the staff's intention to clarify the fact that the study was done, it contained useful information, but in no way did they intend to have any portion of it -- the results, the conclusions, or the recommendations -- incorporated by reference into the Comprehensive Plan. However, staff felt it was appropriate to acknowledge the study does exist and it may be useful in further implementing protection of critical habitat areas. He noted that many people have spoken of the high value placed upon the presence of wildlife in Anchorage, and if they were to be able to retain that value, they would need to consider methods of protecting wildlife habitat areas and ways to minimize conflicts between wildlife and humans. So staff felt it was appropriate to mention the study but did not in any way imply they adopted the recommendations of the study in Anchorage 2020. He said the Planning Department had discussed this issue with P&Z, and P&Z concurred with the Department's position.

In response to Ms. Fairclough, Office of Planning, Development and Public Works Director Craig Campbell clarified the Planning Department's final recommendations were not before the Assembly at this time. He said that was the purpose of the public hearings, and the comments on this issue would be taken into consideration in developing the Department's final recommendations. He said what was before the Assembly was a P&Z recommendation to partially remove the references, and the staff was still reviewing the remainder of the references to determine whether they should be deleted or revised.

TIMOTHY STEVENS said he generally liked the Plan as written. He said the Municipality had come a long way in developing a planning process since the last time a Plan was approved. With respect to the neighborhood commercial centers on the Hillside, he said he was glad to see on the latest version of the Land Use Policy Map that the location, or even the existence, of the commercial centers was now being placed in local hands through the development of the Hillside District Plan, and he commended the Assembly for this. Regarding the urban/rural service boundaries, he said one of the distinctions that separate the two was the ability to have public water and sewer on the urban side of the boundary. He said the majority of Hillside residents have, on numerous occasions, voiced their opposition to expansion of public sewer and water in the Hillside community. Most Hillside residents have functioning onsite water and sewer systems, and they have expended a lot of money to install and maintain these systems. He said it would be unfair to have the residents pay a second time for services they already have and have paid for. Mr. Stevens said on page 46, regarding how Anchorage 2020 addresses the Hillside, he said the plan called for strategic and limited revision to zoning and public water and sewer extensions to permit additional small-lot subdivisions on the lower Hillside. He said he lives in that area, and he strongly objected to this part of the Plan. He said the current cost to bring public water and sewer to these residents would place undue financial hardships on property owners. He said expansion of these services into the lower Hillside should be only done if the Municipality can revise the assessment mechanism so that the costs of the services are on a per-hookup basis and not on the amount of road frontage of a lot.

DAVID MALTMAN, Municipality Health and Social Services Commission member, introduced other members of the Commission. Mr. Maltman recommended an amendment to the Comp Plan that would provide for standards and criteria for the retail sale of alcohol. The Commission felt this was a necessary improvement to the Plan so neighborhoods know where they stand as the alcohol industry meets the needs of a growing population and so the industry would have a better understanding of the permitting process. He added these criteria and standards would help the Assembly in its decision-making process as well.

LEE CARRIGAN, Municipality Health and Human Services Commission member, said in order to accomplish the goals of the Plan, to provide families a healthy environment that provides for emotional, physical, economic, and spiritual well-being, action needs to be taken to define issues that relate to alcohol sales and conditional use permits. She said the recent public hearing on the application for a liquor store license in the Sand Lake area had educated the community regarding the process, rules, and tools that could be used to enable the community to come before the Assembly and logically and effectively present its strategies and reasons why the community did not want another alcohol establishment in their neighborhood. Ms. Carrigan encouraged the Assembly to incorporate the amendment recommended by Mr. Maltman.

CATHY GLEASON, 18-year Turnagain resident, commended the Planning Department and the Planning and Zoning (P&Z) Commission for their hard work, as well as all of the members of the public who contributed their time and energy to make this the best Plan possible. Ms. Gleason said she had submitted a detailed letter to the P&Z, and she would be submitting

specific written comments to the Assembly. She said she highly supported the Plan but would recommend revisions to the following areas: (1) The title of the Airport District Land Use Plan to Airport/Community Environs Plan, (2) The second sentence of the Anchorage Wetlands Management Plan to incorporate the definition and policies of A, B, and C wetlands, and (3) Modify the language and boundaries of the Natural Open Space Map per her specific recommendations. Ms. Gleason reiterated her overall support of the Plan and encouraged the Assembly to continue to listen to public comment.

STEVE MITCHELL, Anchorage resident since 1967, said he was a member of the McKinley Mountainmen Muzzle-Loading Rifle Association. He expressed his disappointment that the Assembly had not addressed the dangers and safety issues related to moose road kills in the Plan. He said construction companies were putting ash and alder in the medians when new roads are built -- prime moose feed. In addition, he said bears were beginning to frequent populated areas due to the urban moose population. He noted the numerous instances of human/wildlife encounters, including moose road kills where humans sustained injuries, and run-ins with bears within the city in recent years. Mr. Mitchell asked that the Assembly to address this issue more vigorously because he did not want to lose another friend.

MICHAEL T. MITCHELL spoke in favor of adoption of the Comprehensive Plan, and he asked that the adoption not be sidetracked or derailed because of the current fiscal problems and financial uncertainties. He said a well-thought-out plan was as necessary, if not more necessary, in times of financial difficulties as it was in times of financial plenty. He said the current Plan reflects many years of public input, wide community participation, and a vision of where the residents would like the community to be after many years. Mr. Mitchell spoke in favor of the infilling goal of the Plan. He said it was a laudable goal of the Plan, and if implemented, many more members of the public would see the benefits of living close in to town and being close to services and facilities. He added that infilling would reduce the need for widespread municipal services and would enable those who wish to live in the outlying areas of the city to be able to do so. Mr. Mitchell said in order for the infilling component to be successful, the transit component must be planned, developed, and maintained.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one. She noted the next hearing on the Comprehensive Plan would be September 13. In response to Ms. Clementson, she said she did not expect that the Assembly would act on the Comprehensive Plan on September 26 as they would need to complete the public hearing process, get the rest of the recommendations, and have time to consider the public testimony and other data prior to taking action on the issue.

The Assembly then returned to item 11.A, AO 2000-132.

- 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.
1. Assembly Memorandum No. AM 797-2000.
 2. Ordinance No. AO 2000-132(S), 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. **(LAID ON THE TABLE)**
 3. Assembly Memorandum No. AM 878-2000.
- (CONTINUED FROM 8-29-00)

Mr. Tesche moved, to adopt AO 2000-132(S).
seconded by Mr. Sullivan,

Mr. Tesche spoke to the reasons the substitute version should be adopted. He noted that a number of largely technical as well as some substantive changes to the proposed lease arrangement had been recommended through the public testimony. He gave a brief summary of the history of Mr. Pfeffer's proposal, the appraisal which reflected cost savings to the Municipality that had been done through the Heritage Land Bank, and the issue of why it would not be better for the Municipality to buy the property outright. Mr. Tesche said the amendment he was about to make had been discussed and approved by the Mayor and the developer's representatives earlier in the evening.

Heritage Land Bank Directory Larry Houle confirmed Mr. Tesche's intended amendment was proper, and it would give the Municipality a little more negotiating flexibility. He pointed out that the figures in the substitute version still yield a rent savings to the Municipality of up to \$17.2 million over the 25-year term of the lease. He said this would allow the Administration to negotiate with Mr. Pfeffer to adjust some of the rent figures. In response to Mr. Tesche, Mr. Houle stated this amendment was acceptable to the developer.

Mr. Tesche moved, to amend AO 2000-132(S) to revise line 5 of paragraph (c) on
seconded by Ms. Hudson, page 2 of the ordinance to replace the language "be as
and it passed without follows" with "shall not exceed the following," and on line 13
objection, to replace the word "Additionally, in the event...." with
"However, in the event...."

Mr. Tremaine stated he would like Mr. Tesche to also substitute the title of the original ordinance for that of the substitute version as the substitute contained misspellings and was different than the title that was advertised.

In response to Mr. Tesche, Municipal Attorney Bill Greene said the title on the (S) version should be identical to the title on the original version.

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

to amend AO 2000-132(S) to substitute the title from the
original version.

Ms. Taylor moved,
seconded by Mr. Tremaine,

to amend AO 2000-132(S) at line 26 on page 2 to replace
"October 1, 2010" with "October 1, ~~2005~~ 2007."

Ms. Taylor explained this amendment would give the Municipality the option to purchase the property sooner if it had the opportunity.

Mr. Tesche felt this was a substantive change, and he asked that Mr. Pfeffer and the Administration be allowed to comment.

Mr. Pfeffer said there would be financing implications involved with this change. He said he knew according to the terms of the financing, it could not be less than late 2004, and he felt 2005 would be cutting it close. He said additional reason for setting it at 2010 had to do with amortizing the cost of putting the financing together. He said he could agree to 2007, which would correspond to a date equivalent to the amount of time remaining on the existing lease.

Ms. Taylor said she would change the date to 2007 with the consent of her second. Mr. Tremaine concurred.

Question was called on Ms. Taylor's motion to amend AO 2000-132(S) and it passed:

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

NAYS: None.

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

Mr. Tremaine explained the Assembly had committed to continuation of the lease arrangement for City Hall. He noted the Assembly had been advised there is not enough tax revenue to pay for ongoing operations regardless of whatever happens in the future, and also, they would have to start setting aside money for depreciated capital assets in about two years. In light of these considerations, Mr. Tremaine said leasing makes sense for the present. He said they would have several years to work toward building the capital to finance the purchase of City Hall if they decide it appropriate in the future.

At Mr. Tesche's request, Mayor Wuerch said the ordinance that was before the Assembly provided the negotiating rules as it set the not-to-exceed figures. He said he believed that owning was not necessarily the best answer. He said cities should be in the business of delivering services, not building buildings and owning properties. He said if this opportunity works for the benefit of the residents of Anchorage, they should take advantage of it. Mayor Wuerch encouraged adoption of the ordinance and said they would see if they could close the deal, if the figures were acceptable.

Mr. Tesche pointed out that the extension of the lease would allow City Hall to remain in the downtown area, which was completely appropriate and desirable. In addition, it would maintain a valuable piece of property on the tax rolls. Most importantly, it would save taxpayers money and provide at least the same level of service in the form of the availability of City Hall for public activities at a cost which the Administration's own appraisers indicate may provide a savings of about \$13 to \$17 million over the term of the lease. Mr. Tesche felt the figures were acceptable, the public policy was sound, and the Assembly should approve the lease.

Question was called on the motion to adopt AO 2000-132(S) as amended and it passed:

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

NAYS: None.

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

Mr. Tesche moved,
seconded by Ms. Fairclough,

immediate reconsideration of action on AO 2000-132(S).

AYES: Von Gemmingen.

NAYS: Sullivan, Tremaine, Abney, Tesche, Meyer, Fairclough, Taylor, Hudson.

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

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

to change the orders of the day to return to consideration of
item 8.D.8, AM 859-2000.

Assembly Memorandum No. AM 859-2000, recommendation of award to Anchorage Downtown Partnership for **operation of the Community Service Patrol and Transfer Station services** for the Municipality of Anchorage, Department of Health and Human Services (RFP 20-P016) (\$569,210), Purchasing.

Acting Purchasing Director Bart Mauldin said he had reviewed the specific language in the proposal that the Allvest representative had commented on earlier in the meeting. He said the proposal required that policies and procedures be submitted from potential proposers and that there was a factoring on the cost that occurred because the competing proposer submitted a one-year plan instead of a nine-month plan under the revision they had requested. Mr. Mauldin said the Downtown Partnership did provide policies and procedures, although they were not as thorough as Allvest's. He said this

was largely attributable to the fact Allvest was the incumbent and was operating under all of the policies and procedures that are required for both the community service patrol and the transfer facility, so they already had them in place and operating where the new bidder did not have that advantage. Mr. Mauldin said both proposals, in his judgment, were reasonably responsive, and that was a call that must be made by the Purchasing Officer. He said the winning bidder was selected based on points assigned to evaluation criteria as well as upon oral presentations. He said had the protest been made in the normal course, directly to his office instead of before the Assembly, they would have conducted a review and asked the evaluation Chairperson to respond, and the protester would have been offered the opportunity to go through a debriefing session. He said although it was very late in the process, that could still be done, but it may not satisfy the protester. He said, however, if this issue was referred to the Bidding Review Board, based on the language passed in September, the limitations imposed in that section of the Code only allow the Bidding Review Board to review the procedural aspects of an RFP. It would not substitute the actual ranking or evaluation of the proposals. Mr. Mauldin said he believed the Assembly had before it the correct award as presented.

In response to Mr. Tesche, Mr. Mauldin said Allvest was correct regarding the proration of the fee. He said they went through a three-step process: a written evaluation, an oral presentation, and, when both proposals were still over the Municipality's expected projections, they put out an addendum deleting approximately half of the services from the RFP, and new proposals were submitted on the revised RFP. Mr. Mauldin said the Downtown Partnership provided a 12-month costing, but they did confirm it would be a straight proration across the board for nine months. Mr. Mauldin said having reviewed the file and documentation, he was confident the procedural aspects of Title 7 and the RFP requirements were followed.

Mayor Wuerch suggested the Assembly hear from Jewel Jones, Health and Human Services Director, regarding the challenges of late notification to the winning bidder, and he requested Mr. Pfeiger of Anchorage Downtown Partnership, the winning bidder, be given an opportunity to speak if the Assembly was going to consider postponing this item.

Ms. Jones advised the current extended contract with Allvest would end September 30, and if it was considered by the Assembly on September 26 it would be an impossible time frame to complete the award process and make the transition to the winning bidder. She said it was important and necessary to have the award approved by the Assembly tonight if possible in order to avoid a break in service for a vulnerable population and the clientele of these services.

Ms. Clementson cautioned the Assembly against opening testimony to individual bidders unless it was opened to all.

Mr. Tesche concurred. He said he would be reluctant to extend Allvest's contract to accommodate postponing action on this item tonight because he did not know what elements may need to be renegotiated for the short term. He echoed Mr. Meyer's support for conducting a debriefing with the outgoing incumbent, but he did not feel it necessary to postpone action on this item tonight in order to provide the opportunity for a debriefing.

Question was called on the motion to approve AM 859-2000 and it passed:

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

Mr. Tesche moved, immediate reconsideration of action on AM 859-2000.
seconded by Ms. Fairclough,

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

The Assembly then returned to items 11.B through 11.D.

Ordinance No. AO 2000-101, an ordinance amending Anchorage Municipal Code Section 3.30.172 to **classify executive positions**, Legal Department.

1. Assembly Memorandum No. AM 757-2000.
(CONTINUED FROM 8-29-00)

Chair Von Gemmingen opened the public hearing and asked if anyone wished to speak. There was no one. She announced the public hearing would be continued to September 26, 2000, so it could be heard in conjunction with a related item.

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.

1. Assembly Memorandum No. AM 791-2000.
(CONTINUED FROM 8-29-00)

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

JACK MILLER said he was glad to see the Assembly incorporating the requirement in (b)(1)(C) for School Board Members to take an oath of office. He said this shows a commitment on the members' part to the office to which they have been elected or appointed.

Messrs. Meyer, Tremaine, and Tesche thanked Mr. Miller for his continuing interest and input over the years to both the Assembly and Anchorage School Board processes.

Ms. Fairclough expressed her appreciation to Mr. Miller for waiting so long to testify on this issue so he could provide positive comments.

ROBERT HAYES said he hoped this new requirement would provide a new perspective to the School Board members, namely that it would enable them to conduct their business more in line with the way the Assembly conducted its business. He said in the past two years he has been observing the School Board, he has observed that School Board members do not abide by their oaths but act in a self-serving manner. He said the Assembly members follow the rules, listen to the public, and take public comments into consideration when deciding on issues. He felt the School Board members, as public servants, should conduct their business in a similar manner.

Mr. Sullivan thanked Mr. Hayes for his testimony and commended him for his years of maintaining the flowers at Margaret Egan Sullivan Park across from West High School.

Mr. Hayes responded he had discovered today the sign was missing from the park.

Mr. Sullivan said he would check into the matter.

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

Ms. Clementson moved, to adopt AO 2000-131.
seconded by Mr. Meyer,

In response to Chair Von Gemmingen, Municipal Attorney Bill Greene said the Municipal Clerk was authorized to administer oaths of office.

Question was called on the motion to adopt AO 2000-131 and it passed:

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

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.
1. Assembly Memorandum No. AM 798-2000.
(CONTINUED FROM 8-29-00)

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

ROBERT HAYES said he agreed with a letter in the newspaper that had suggested double fines be enacted for speeding in school zones as well as construction zones. He said it was important to protect children, and he encouraged adoption of such an ordinance by the Assembly.

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

Ms. Clementson moved, to adopt AO 2000-130.
seconded by Mr. Kendall,

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

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

12. NEW PUBLIC HEARINGS:

A 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.
1. Assembly Memorandum No. AM 746-2000.

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

DENNIS MACMILLAN, United Way executive director, urged the Assembly to adopt the proposed ordinance. He noted the bond was similar to one approved in 1993 affecting the building operated by United Way on Fireweed Lane. Seven non-profit organizations enjoy below-market rental rates in that facility, as well as joint ownership. A similar project is located near the intersection of Mt. View Drive and Commercial Drive. Mr. MacMillan said approval of this bond would help provide quality, below-market rate, space for non-profit organizations such as Kid Corps, Headstart, Child Care Connection, YMCA, an intermission nursery for Anchorage Center for Families and Southcentral Foundation.

In response to Mr. Tesche, Mr. MacMillan elaborated on the activities of the various organizations that would be located in the building. He said over the past five years, the building has been mostly vacant. There have been a few businesses that rented space, but they were short-lived.

In response to Ms. Clementson, Mr. MacMillan confirmed that Southcentral Foundation was in the process of installing a Head Start program at the Northway Mall. Existing facilities for Head Start cannot accommodate the number of children on

waiting lists for the program. He said the 24,000 square-foot building in question was purchased by United Way; he hoped renovations would commence within the next three weeks.

ROBERT HAYES thanked the United Way for funding establishment and maintenance of a flower bed.

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

Ms. Clementson moved, to adopt AO 2000-126.
seconded by Mr. Tremaine,

Ms. Clementson noted the project and several other points are not defined in the ordinance. She discovered the Municipal Attorney's staff had not reviewed the ordinance.

Ms. Clementson moved, to amend AO 2000-126 to include the memorandum from
seconded by Mr. Kendall, Chief Fiscal Officer Kate Giard dated October 11, 2000.

(Clerk's Note: This memorandum is attached as Exhibit A.)

Ms. Clementson noted the memorandum explains the project, the definition of "non recourse revenue bond", the terms, payments and explains that the Municipality is held harmless. She felt this information was important for the record.

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

Ms. Clementson continued that she felt the project was worthwhile. Her concern was not with the project but with the method of financing. She said conduit financing has been relatively rare, but in recent years has been discussed as a possibility more often. She felt more non-profit organizations would be requesting this type of financing. If these loans default, the Municipality's bond rating may be in jeopardy. Ms. Clementson recalled when revenue bonds were sold to pay off the parking garages' debt, Assembly members were told it would not affect the Municipality's bond rating. However, that was not the case. She felt there must be standards and procedures for determining when conduit financing would be allowed. Those guidelines are not in place. She agreed the project was a wonderful idea; every project that applies for this financing will likely be as wonderful. However, she strongly cautioned her colleagues that this precedent could be detrimental to Municipal finances.

Ms. Clementson moved, to continue the public hearing portion of the meeting until
seconded by Mr. Tremaine, 11:30 p.m.
and it passed without
objection,

Mr. Tesche thanked the United Way and people involved in this project. He felt the idea made good sense for the Mountain View community. Many of the organizations involved can provide needed services. He noted Ms. Clementson's warning sounded ominous, and he would like to speak with her on the subject further. However, Anchorage is likely facing lean financial times, and conduit financing may be a way to help private organizations provide needed services. He agreed with Ms. Clementson that requests for this type of financing will probably increase, so it would be prudent to address the issue.

In response to Mr. Tremaine, Municipal Attorney Bill Greene explained with bond matters, he relies on the Municipal Bond Counsel for review. He usually does not review Bond Counsel's work.

Question was called on the motion to adopt AO 2000-126 as amended and it passed:

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

- B. Resolution No. AR 2000-248, a resolution of the Municipality of Anchorage appropriating the sum of \$175,000 from the State of Alaska, Department of Public Safety, Highway Safety Planning Agency and \$4,090 as a contribution from the 2000 Anchorage Metropolitan Police Service Area Operating Budget (Fund 151), to the State Categorical Grants Fund (231), Anchorage Police Department for the **Traffic Enforcement Program**, Anchorage Police Department.
1. Assembly Memorandum No. AM 810-2000.

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

Ms. Abney moved, to approve AR 2000-248.
seconded by Ms. Taylor,

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

- C. Resolution No. AR 2000-252, a resolution of the Municipality of Anchorage appropriating \$586,698 from the U.S. Department of Housing and Urban Development to the Federal Categorical Grants Fund (241) and \$195,565 from Alaska Housing Finance Corporation to State Categorical Grants Fund (231) for the purpose of providing a one year renewal grant to **fund an innovative homeless prevention project**, Health and Human Services.
1. Assembly Memorandum No. AM 817-2000.

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. Hudson moved, to approve AR 2000-252.
seconded by Ms. Fairclough,

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

- D. Resolution No. AR 2000-255, a resolution of the Anchorage Municipal Assembly appropriating \$584,319 from the U.S. Department of Justice, Office of Justice Programs, Local Law Enforcement Block Grant and \$64,924 as a contribution from the Anchorage Metropolitan Police Service Area Fund (151), Anchorage Police Department 2000 Operating Budget, to the Federal Categorical Grants Fund (241), Anchorage Police Department, for the purpose of **underwriting projects to reduce crime and improve public safety**, Anchorage Police Department.
1. Assembly Memorandum No. AM 835-2000.

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

ROBERT HAYES said he hoped this grant money was not used to fund the "Garage Sale Gestapo." He said it was ridiculous that highly trained protective service employees were required to harass people about taking down their garage sale signs. He said garage sales were good for neighborhoods and enabled people to get out and meet their neighbors and contribute to the community. It was a waste of public funds to send policemen out to tell people to take down their signs when those police officers could be out solving violent crimes.

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

Ms. Fairclough moved, to approve AR 2000-255.
seconded by Ms. Taylor,

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

- E. Resolution No. AR 2000-256, a resolution of the Municipality of Anchorage appropriating \$436,906 from Alaska Housing Finance Corporation (AHFC) to the State Categorical Grants Fund (231) for the **Weatherization Assistance Program** in the Department of Health and Human Services.
1. Assembly Memorandum No. AM 836-2000.

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

Ms. Fairclough moved, to approve AR 2000-256.
seconded by Mr. Tremaine,

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

- F. 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.
1. Assembly Memorandum No. AM 759-2000.

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

VERN ARCHIBALD, said he owned item 34 on Roll 2000-W-1. He said the assessment was too high, and he was not provided notice of the project. He said he only had two hours' notice of the water cutoff and had not been involved in the planning. Mr. Archibald said he was not given enough time to arrange for his water to be connected to the project. He said the contractor had only laid 75 feet of pipe, yet he was being charged for 140 feet. He said a private contractor had given him an estimate of \$80 per lineal foot, and AWWU's figures reflected he was to pay \$122 per lineal foot. He said his charges were almost twice as high as most of the other properties on the list. He requested that his property be removed from the list and give him adequate time to negotiate with AWWU regarding his assessment.

Chair Von Gemmingen asked if anyone else wished to speak. There was no one, and she closed the public hearing. Chair Von Gemmingen advised she had a note from the Administration requesting that item 16, Laurel Park, Lot 1, K&D Investment Group Limited Property, be deleted from the roll.

Mr. Kendall moved, to approve AR 2000-229.
seconded by Ms. Clementson,

Don Keefer, Anchorage Water and Wastewater Utility Planning Supervisor, advised property #34 had a longstanding history with AWWU back to 1986. Mr. Keefer briefly summarized the history. He also explained that the tariff gave the property owner the benefit of two calculations for determining the cost of the assessment for the property. The first calculation consisted of the actual project cost and how it was prorated to this lot per the tariff, and the second was the default levy-upon-connection rate established for the year the main line was constructed. He said the property, by tariff, was assessed at the lower of those two rates. He said Mr. Archibald's property was assessed based on the default levy-upon connection rate, which was based upon water improvement districts' costs from the previous year. He added that the line that fronts the

property actually cost more than the assessment on the roll for item 34. Mr. Keefer stated Mr. Archibald had been given ample notification, and they still had the original contract agreement from 1986 with the previous property owner.

In response to Mr. Archibald's comments, Anchorage Water and Wastewater Utility General Manager Mark Premo said he was not aware of the issues Mr. Archibald raised regarding the problem with the soil cover for his water and sewer. He said he could research the comments related to inadequate notice and return to the Assembly to address those issues.

Ms. Hudson moved, to amend AR 2000-229 to delete item 16 from the assessment
seconded by Ms. Fairclough, roll.

Chair Von Gemmingen stated the item would be deleted from the roll and any subsequent levy action for water improvements against this property would be the result of further research and fact-finding. She noted AWWU staff intends to re-evaluate its methods for levying assessments against large parcels of land at the end of a main line run.

In response to Ms. Abney, regarding who would pick up the costs that would result from deleting item 16 from the roll, Mr. Premo said AWWU's intent would be to take item 16 off the roll, address and resolve the issues on it and similar properties and then put them on a subsequent LUC roll. In other words, the costs for those particular properties would simply be carried until such time as they were again brought before the Assembly for approval.

In response to Ms. Abney, Mr. Keefer explained that due to the nature of a LUC roll where properties from Girdwood to Eagle River were selected, the only map submitted was with the AM and the AR. Mr. Keefer pointed out item 16 on the map. Ms. Abney commented that the map provided no demographics. Ms. Clementson explained that a LUC roll was totally different from an assessment district. She said a LUC were lines that had already been built, and people were assessed at the time they connect. She said all the properties in a LUC roll were totally unrelated to the other properties in the roll, and so if one property was deleted from the roll, it would not impact the cost to the other properties remaining in the roll. Mr. Keefer responded to additional Assembly member questions.

Question was called on the motion to amend AR 2000-229 to delete item 16 and it passed without objection.

Question was called on the motion to approve AR 2000-229 as amended and it passed:

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

- G. Resolution No. AR 2000-245, a resolution of the Anchorage Municipal Assembly approving a conditional use for sales of alcoholic beverages (Restaurant/Eating Place Liquor License) for Original Townsite Subdivision, Block 110, Lot 4A, located at 120 East 6th Avenue and generally located on the south side of East 6th Avenue and east of "A" Street (Hector Romo d.b.a. **Tito's Gyros**) (Case 00-165), Community Planning and Development.
1. Assembly Memorandum No. AM 806-2000.

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

Mr. Kendall moved, to approve AR 2000-245.
seconded by Ms. Fairclough,

Ms. Clementson noted her concern regarding the Assembly's past practices, due to time constraints placed upon it by the State Alcoholic Beverage Control Board, that conditional uses for liquor licenses were not properly being introduced on the Consent Agenda and set for public hearing, but were being directly placed onto the Public Hearing Agenda. Ms. Clementson said she would contact the Director of Planning and let her know that since the Assembly is no longer under those time constraints as they had been in the past, the liquor license conditional uses should be introduced prior to public hearing.

Question was called on the motion to approve AR 2000-245 and it passed:

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

The Assembly then returned to item 8.D.3, AM 843-2000.

Assembly Memorandum No. AM 843-2000, Tito's Gyros - Transfer of Location for a Restaurant/Eating Place Liquor License and Application for a Restaurant Designation Permit (Downtown Community Council), Clerk's Office.

Chair Von Gemmingen noted there was a motion on the floor.

Question was called on the motion to approve AM 843-2000 and it passed without objection.

13. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS: None.

14. SPECIAL ORDERS:

- A. Assembly Memorandum No. AM 687-2000, certification of the August 22, 2000, Special Municipal Election, Clerk's Office.
1. Information Memorandum No. AIM 97-2000, Response to Assembly Inquiry of September 6, 2000, Municipal Election Commission, (**addendum**)

This item was considered earlier in the meeting. See after item 8.E.

B. **Motion to cancel the November 7, 2000 Regular Assembly Meeting.**
(POSTPONED FROM 8-29-00)

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

15. UNFINISHED AGENDA:

- A. Resolution No. AR 2000-131, a resolution **confirming and levying special assessments for Special Assessment District No. 4SR96**, which reconstructed North Point Drive, North Point Circle, and Mere Circle, and setting the date of assessment, installment, payments, interest on unpaid assessments, and providing for penalties and interest in the event of delinquency, Public Works Department.
1. Assembly Memorandum No. AM 509-2000.
 2. Information Memorandum No. AIM 60-2000.
 3. Information Memorandum No. AIM 76-2000.
 4. Information Memorandum No. AIM 86-2000.
- (CARRIED OVER FROM 6-13-00; AMENDED 6-20-00; POSTPONED FROM 6-20-00, 7-18-00, AND 8-29-00)

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

In response to Chair Von Gemmingen, Assistant Municipal Attorney Dennis Wheeler stated Mr. McGee had provided him a copy of a letter that was faxed to his office earlier today. He said he had read the letter and made some notes, but he had not had an opportunity to confer with Mr. McGee's counsel or the Municipal Attorney.

BRANT MCGEE, son of property owners in the subject District, stated he was ready to proceed. He said his letter had been faxed to Mr. Wheeler's office at 1:00 p.m. today, and Mr. Wheeler had had six hours since the Assembly meeting started to review the letter. Mr. McGee proposed that the Assembly decide the issue on the merits this evening and condition its decision on his parents reaching an agreement with Mr. Wheeler and the Department of Law. He said there should be no problem in reaching an agreement because there was no dispute between the parties. Mr. McGee said his parents had approached the Assembly seeking redress in what they believed was an unfair assessment amount. Mr. McGee briefly provided the history of his parents' ownership of the property and the current issue. Mr. McGee said the 34 other residents on the assessment roll for the reconstructed road have access to North Point Drive, and they paid an average assessment of \$2,840.46. His parents have no access to North Point Drive, and their assessment was \$16,600. He said his parents understood that the mathematical formula used in arriving at the assessments was based on the amount of road frontage; however, they had no access to the road and therefore derived no benefit from the reconstruction or improvements to North Point Drive, North Point Circle, or Mere Circle. He said his parents were willing to sign an agreement barring themselves, heirs, and/or assigns from building an access to North Point Drive absent the concurrence of the Municipality of Anchorage. Mr. McGee said their attorney had drafted an agreement to this effect, and he understood from an earlier meeting with Mr. Wheeler there was no dispute to such an agreement. He said they had proposed a minimum assessment amount of \$1,735 or, at the most, the average amount of \$2,840.46, but they felt the \$16,600 assessment was outrageous in light of the circumstances. Mr. McGee urged the Assembly to act on this item tonight.

At Mr. Sullivan's request, Howard Holtan, Municipal Engineer, explained that Title 19 required that any assessment that was waived be paid by the Municipality and not spread amongst the other properties on the roll.

Mr. Sullivan moved,	to amend AR 2000-131 to change the amount of the
seconded by Mr. Tesche,	assessment for item 1, Tract No. 32, to \$2,840.46 and that the
and it was withdrawn,	agreement Mr. McGee proposed, with the condition that there
	will never, at any point in the future, be access constructed to
	North Point Drive, be incorporated as part of the assessment.

In response to Chair Von Gemmingen, Mr. Wheeler said he had not been able to confer with the Municipal Attorney on this issue to see if Mr. McGee's proposed agreement was acceptable.

Mr. Sullivan withdrew his motion with the consent of Mr. Tesche.

Mr. Sullivan moved,	to postpone action on AR 2000-131 until September 26, 2000,
seconded by Mr. Tesche,	at 9:00 p.m.
and it passed without	
objection,	

Ms. Clementson said with all due respect to Mr. McGee, she felt it important for the Assembly's actions to comply with Municipal policies, and she wanted to make it clear that the Assembly may or may not be in agreement on this issue, but they were undecided as to how to proceed on this matter at this point.

Ms. Fairclough concurred with Ms. Clementson's comments.

Mr. Wheeler assured Mr. Sullivan and Chair Von Gemmingen the Assembly members would be provided Legal's response as soon as possible.

B. **Motion to cancel the November 7, 2000 Regular Assembly Meeting.**
(POSTPONED FROM 8-29-00)

Chair Von Gemmingen noted there was a motion on the floor to cancel the Assembly meeting of November 7, 2000.

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

There was a consensus of the Assembly to find out what dates the Assembly Chambers would be available the week of November 6, 2000, and to reschedule the November 7th meeting at the September 26th meeting. Chair Von Gemmingen asked the Clerk to check Chambers availability for Wednesday, November 8th, and Thursday, November 9th.

(Clerk’s Note: The November 7 meeting was convened and continued to November 8, 2000.)

16. AUDIENCE PARTICIPATION:

BARBARA WEINIG said one of the problems she has observed in the past with using money that suddenly becomes available through programs and grants such as the GARVEE bond was that there were not many projects that had been through the design phase. She urged that they get more projects through the design phase so they could at least be put on the shelf and revised if necessary when unexpected funding becomes available. Ms. Weinig also commented that she was happy to hear the 92nd Avenue extension project over the Seward Highway was finally commencing. She and a group of her neighbors from southeast Anchorage, during the Official Streets and Highways Plan revision in 1993, had proposed this project because they felt it would be of great benefit and ease some of the traffic congestion in that area.

ROBERT HAYES commended Mayor Wuerch for staying so late at this evening's meeting. He also noted that the Mayor had attended the School Board meeting a few nights ago; that was the first time Mr. Hayes had seen a Mayor at a School Board meeting. He said he would like to see Assembly members attend School Board meetings as well, or at least watch the public comment portion on Channel 43. Mr. Hayes also expressed his views on the unfortunate choices made by Superintendent Bob Christal that had resulted in his termination. Mr. Hayes said because he was fed up with the self-serving School Board, he had initiated a recall petition for the School Board. He stated most of the public supported the School Board recall for personal reasons. He said he hoped the Municipal Department of Law acted professionally and swiftly on its review and approved the recall petition for the sake of our students, parents, and teachers. He again urged the Assembly members to watch Channel 43 for the first hour of the School Board meeting so they could hear the many valid complaints from parents and teachers that are ignored by the School Board.

17. ASSEMBLY COMMENTS:

Mr. Meyer reported he had been attending Ethics Commission meetings at which the Commission was aggressively pursuing a rewrite of the Ethics Code at the Assembly's request. He said the Commission had recruited some professors from the University of Alaska, and Assembly staff member Greg Moyer had provided assistance in obtaining information from other cities. Mr. Meyer said in addition to keeping him abreast of their progress, the Commission would be sending e-mails to all the Assembly members. He urged everyone to review the e-mails received from Mr. Al Bramstedt of the Ethics Commission. He said the Assembly members should provide him their feedback so he could pass it on to the Commission.

Chair Von Gemmingen said with respect to the School District and the recall effort that she would hope the community would begin to heal and end the divisiveness. She urged the public to come together and focus their efforts on working on what is important to the community, i.e., moving forward, resolving budget issues, and taking care of the kids.

18. EXECUTIVE SESSIONS: None.

19. ADJOURNMENT:

Mr. Sullivan moved, to adjourn.
seconded by Mr. Tremaine,

The meeting adjourned at 11:30 p.m.

Chair

ATTEST:

Municipal Clerk

Date Minutes Approved: December 19, 2000

LF/ccarl

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