

MUNICIPALITY OF ANCHORAGE

ANCHORAGE ASSEMBLY

Minutes for Regular Meeting of April 18, 2000

1. CALL TO ORDER:

The meeting was convened at 5:09 p.m. by Assembly Chairman Kevin Meyer in the Assembly Chambers, 3600 Denali, Anchorage, Alaska.

2. ROLL CALL:

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

3. PLEDGE OF ALLEGIANCE:

The pledge was led by Mr. Kendall.

4. MINUTES OF PREVIOUS MEETING: None.

5. MAYOR'S REPORT:

Mayor Mystrom noted AO 2000-68, regarding lobbying, would be reviewed by the Ethics Board on April 20. He suggested action on the ordinance be postponed pending the recommendation of the Board.

6. ADDENDUM TO AGENDA:

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

Chairman Meyer read the addendum items.

Ms. Taylor moved, to amend the motion to add AO 2000-81, item B.11, to
seconded by Mr. Wuerch, the addendum.
and it passed without
objection,

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

7. CONSENT AGENDA:

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

Chairman Meyer noted item 12.F, AR 2000-72 regarding the Police and Fire Retirement System, did not require a public hearing and would be moved to the consent agenda, item 7.C.19.

Mayor Mystrom suggested all items regarding the Police and Fire Retirement contribution be postponed until next week, so all can be considered together. He added a note accompanying AR 2000-72 indicating it would be postponed indefinitely was incorrect.

Ms. Clementson pointed out item 12.F was introduced and set for public hearing, and advertised with a note saying the item would be postponed indefinitely. She felt moving the item to the Consent Agenda for action would let down the public, who had no reasonable expectation that action would be taken on the item.

Mayor Mystrom said he did not object to a public hearing on AR 2000-72, as long as all the items are ultimately considered together.

A. BID AWARDS:

1. Assembly Memorandum No. AM 375-2000, recommendation of award to JE General, Inc. for **the Public Works building demolition** for the Municipality of Anchorage, Property and Facility Management (ITB 20-C003), Purchasing.

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

2. Assembly Memorandum No. AM 376-2000, recommendation of award to CEF, Inc. dba Sonshine Enterprises for the **storm water quality improvements-Campbell Creek at "C" Street** for the Municipality of Anchorage, Department of Public Works (ITB 20-C005), Purchasing.

3. Assembly Memorandum No. AM 403-2000, recommendation of award to Consolidated Enterprises, Inc. for **Ship Creek Water Treatment Facility roof upgrade** for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (ITB 20-C011), Purchasing.
4. Assembly Memorandum No. AM 404-2000, recommendation of award to Potelcom Supply for furnishing **single and three phase radio frequency kilowatt-hour meters** to the Municipality of Anchorage, Municipal Light and Power (ITB 20-B030), Purchasing.
5. Assembly Memorandum No. AM 405-2000, recommendation of award to Aurora Power Resources, Inc. for furnishing **natural gas** to the Municipality of Anchorage, Department of Property and Facility Management (ITB 20-B031), Purchasing.
6. Assembly Memorandum No. AM 406-2000, recommendation of award to Construction Machinery Inc. for furnishing a **six wheel drive dump truck** to the Municipality of Anchorage, Solid Waste Services (ITB 20-B010), Purchasing.

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

7. Assembly Memorandum No. AM 415-2000, recommendation of award to Alaska Truck Center, Cal Worthington Ford, and Tony Chevrolet of Anchorage for furnishing **miscellaneous medium duty vehicles** to the Municipality of Anchorage, Department of Property and Facility Management (ITB 20-B014), Purchasing.

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

B. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2000-72, an ordinance amending Anchorage Municipal Code Chapter 2.30 to **provide procedures for Assembly recommendation of conditions for State imposition on the issuance, renewal, transfer, relocation and continued operation of alcoholic beverage licenses**, and designation of the Anchorage Police Department as the agency responsible for monitoring licensees for compliance with such conditions, Assemblymember Meyer. public hearing 5-16-00.
 - a. Assembly Memorandum No. AM 356-2000.
2. Ordinance No. AO 2000-74, an ordinance of the Anchorage Municipal Assembly authorizing **renewal of the lease between the Municipality of Anchorage as lessor and Airparts, Inc. as lessee of Lots 13 and 14, Block 2, Merrill Field Replat**, located between Runway 6-24 and East 5th Avenue, Merrill Field Airport. public hearing 5-16-00.
 - a. Assembly Memorandum No. AM 377-2000.
3. Ordinance No. AO 2000-75, an ordinance of the Municipality of Anchorage, Alaska, authorizing and providing for the issuance of not to exceed \$35,000,000 in aggregate principal amount of General Obligation School Bonds of the Municipality for the purpose of raising funds to **pay the costs of educational capital improvement projects** in the Municipality; fixing certain details of said bonds; providing for the form and manner of sale of said bonds; pledging the full faith and credit of the Municipality to the payment thereof; authorizing the Chief Fiscal Officer to negotiate and execute a contract for the purchase and sale of said bonds; rescinding Ordinance No. AO 99-17; and related matters, Finance. public hearing 5-16-00.
 - a. Assembly Memorandum No. AM 394-2000.
4. Resolution No. AR 2000-90, a resolution of the Municipality of Anchorage appropriating \$298,704 of contributed revenue within the State Categorical Grants Fund (231) to the Public Works Department for **National Pollutant Discharge Elimination System (NPDES) permit services** provided in 2000, Public Works Department. public hearing 4-25-00.
 - a. Assembly Memorandum No. AM 378-2000.
5. Resolution No. AR 2000-95, a resolution of the Municipality of Anchorage appropriating \$932,000 of revenues from within the Areawide General Capital Improvement Fund (401), \$208,500 from within the Anchorage Parks and Recreation Capital Improvement Fund (461) and \$63,000 from within the Chugiak-Eagle River Parks and Recreation Service Area Capital Improvement Fund (462) for **facility improvements at the Alaska Center for the Performing Arts, William A. Egan Civic and Convention Center, George M. Sullivan Arena, Anchorage Golf Course, Ben Boeke/Dempsey Anderson Ice Arenas, and the Harry J. McDonald Memorial Center**, and appropriating \$163,274 from the Ice Bond Revenue Fund (265) as a contribution to the Anchorage Parks and Recreation Capital Improvement Fund (461) for 2000 improvements to the Ben Boeke and Dempsey Anderson Ice Arenas, Property and Facility Management. public hearing 4-25-00.
 - a. Assembly Memorandum No. AM 407-2000.
6. Resolution No. AR 2000-99, a resolution of the Municipality of Anchorage providing for a **revision of the Anchorage School District Budget for FY 2000-2001**, Anchorage School District. public hearing 4-25-00. (**addendum**)
 - a. Assembly Memorandum No. AM 420-2000.
7. Ordinance No. AO 2000-80, an ordinance of the Anchorage Assembly amending the zoning map and providing for the **rezoning from I-2 (Heavy Industrial) to (I-2) (Heavy Industrial) with Special Limitations and from MC (Marine Commercial) to MC (Marine Commercial) with Special Limitations of certain real property generally located northwest and east of Government Hill** (Government Hill Community Council), Assemblymembers Tesche, Taylor, Tremaine, and Abney. ~~PUBLIC HEARING DATE TO BE DETERMINED.~~ (**addendum**)

Later in the meeting, the Assembly referred this item to the Planning and Zoning Commission, to return for a public hearing before the Assembly on August 29, 2000.

8. Resolution No. AR 2000-105, a resolution of the Anchorage Municipal Assembly **accepting the sum of \$40,000,000 from the Police and Fire Retirement System** as a contribution to the MOA

- Trust Fund (730), Assemblymembers Clementson, Abney, Fairclough, Taylor, Tesche, Tremaine, and Von Gemmingen. public hearing 4-25-00. (**addendum**)
9. Resolution No. AR 2000-106, a resolution of the Anchorage Municipal Assembly **accepting the sum of \$40,000,000 from the Police and Fire Retirement System** as a contribution of \$20,000,000 to the MOA Trust Fund (730) and \$20,000,000 to the MOA Trust Fund Reserve (731), Assemblymembers Clementson, Fairclough, Taylor, Tesche, Tremaine, and Von Gemmingen. public hearing 4-25-00. (**addendum**)
 10. Resolution No. AR 2000-107, a resolution of the Anchorage Municipal Assembly **accepting the sum of \$40,000,000 from the Police and Fire Retirement System** as a contribution to the MOA Trust Fund Reserve (731), Assemblymembers Clementson and Taylor. public hearing 4-25-00. (**addendum**)
 11. Ordinance No. AO 2000-81, an ordinance of the Anchorage Assembly amending Anchorage Municipal Code Section 4.60.100, regarding **membership of the Public Transit Advisory Board** Assemblymembers Taylor, Abney, Tesche, and Tremaine. public hearing 5-16-00. (**LAI D ON THE TABLE**)
 - a. Assembly Memorandum No. AM 457-2000.

C. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 2000-85, a resolution of the Anchorage Municipal Assembly **supporting SB No. 291 and HB No. 434(TRA), "An Act naming the Ted Stevens Anchorage International Airport and providing for an effective date."**, Assemblymembers Taylor, Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Tesche, Tremaine, Von Gemmingen, and Wuerch.
2. Resolution No. AR 2000-89, a resolution of the Anchorage Municipal Assembly **recognizing the honors received by the Chugiak High School Choirs** at the International Gateway Florence Music Festival, Assemblymembers Kendall, Fairclough, Abney, Clementson, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

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

3. Resolution No. AR 2000-86, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Lieutenant Marilyn Bailey for her 30 years of service** with the Anchorage Police Department, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

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

4. Resolution No. AR 2000-87, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Sergeant Wilbur E. Hooks for his 15 years of service** with the Anchorage Police Department, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

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

5. Resolution No. AR 2000-88, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Sergeant Jimmie L. Boyd for his 14 years of service** with the Anchorage Police Department, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

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

6. Resolution No. AR 2000-94, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Senior Patrol Officer John Zylstra for his 21 years of service** with the Anchorage Police Department, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

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

7. Resolution No. AR 2000-81, a resolution of the Municipality of Anchorage reappropriating \$25,443 from the Alaska Department of Labor and Workforce Development for **PY98 Title IIC Youth Program** Carry-In Funds within the State Categorical Grants Fund (231) from Health and Human Services Department to Community Planning and Development Department.
 - a. Assembly Memorandum No. AM 359-2000.
8. Resolution No. AR 2000-82, a resolution of the Municipality of Anchorage appropriating \$64,549 to the State Categorical Grants Fund (231) from the Alaska Department of Labor and Workforce Development for the **PY99 JTPA Title II Incentive Program**, Community Planning and Development.
 - a. Assembly Memorandum No. AM 360-2000.
9. Resolution No. AR 2000-83, a resolution authorizing the Municipality to **grant an electrical easement across a portion of Tract A-1, Baxter Heights Subdivision**, for the Baxter Elementary School site located at East 31st Avenue and Baxter Road, Tax Code #007-171-25, Public Works.
 - a. Assembly Memorandum No. AM 361-2000.

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

10. Resolution No. AR 2000-84, a resolution **confirming and levying assessments for the sewer special improvements within Levy-Upon-Connection Roll 2000-S-2**, setting date of payment and providing penalties and interest in the event of delinquency, Water and Wastewater Utility.
 - a. Assembly Memorandum No. AM 362-2000.
11. Resolution No. AR 2000-91, a resolution of the Municipality of Anchorage providing for the appropriation of a donation totaling \$5,000 from the Matanuska Electric Association to the Eagle River/Chugiak Recreational Facility Capital Improvement Fund (462) for the **improvements to Eagle River Commons**, Cultural and Recreational Services/Eagle River Parks and Recreation.
 - a. Assembly Memorandum No. AM 379-2000.

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

12. Resolution No. AR 2000-92, a resolution of the Municipality of Anchorage appropriating the sum of \$60,000; money is from the State of Alaska, Department of Public Safety, Highway Safety Planning Agency and \$25,990 as a contribution from the 2000 Anchorage Metropolitan Police Service Area Operating Budget (151) to the State Categorical Grants Fund (231) for this **Traffic Enforcement Program**, Anchorage Police Department.
 - a. Assembly Memorandum No. AM 380-2000.
13. Resolution No. AR 2000-93, a resolution of the Municipality of Anchorage appropriating \$10,000 to the Miscellaneous Operational Grants Fund (261) from AT&T Alascom for the **"Good News, Great Kids" program**, Mayor's Office.
 - a. Assembly Memorandum No. AM 381-2000.
14. Resolution No. AR 2000-96, a resolution of the Municipality of Anchorage appropriating \$25,300 from the Fire Service Area (131) Fund Balance to the Anchorage Fire Department; \$24,750 from the Anchorage Metropolitan Police Service Area (151) Fund Balance to the Anchorage Police Department; and \$4,950 from the Areawide General (101) Fund Balance to the Anchorage Fire Department to obtain **additional contract legal services to assist in the litigation of Jack Gallion et al. v. MOA (Gallion I), Case No. 3AN-94-8592, Louis Mower et al. v. MOA, Case No. 3AN-97-7364, and Jack Gallion et al. v. Anchorage P&FRS (Gallion II), Case No. 3AN-98-4563**, Legal Department.
 - a. Assembly Memorandum No. AM 416-2000.
15. Resolution No. AR 2000-97, a resolution of the Municipality of Anchorage appropriating \$10,000 from the Areawide General Fund (101) Balance to the Assembly to be used for a sole source contract for the legal consulting services of the Law Offices of Peter C. Ginder P.C. to **assist the Board of Equalization with the consolidated low income housing property tax appeal regarding 1998 and 1999 assessments**, Assembly Chair Meyer.
 - a. Assembly Memorandum No. AM 417-2000.
16. Resolution No. AR 2000-98, a resolution of the Municipality of Anchorage **accepting the sum of \$40,000,000 from the Police and Fire Retirement System** as a contribution of \$20,000,000 to the MOA Trust Fund (730) and \$20,000,000 to the Areawide General Fund (101), Finance.
 - a. Assembly Memorandum No. AM 418-2000.

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

17. Resolution No. AR 2000-100, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Bill Elander for his years of service and accomplishments as President and Chief Executive Officer of the Anchorage Convention and Visitors Bureau**, Assemblymembers Von Gemmingen, Kendall, Abney, Meyer, Clementson, Fairclough, Sullivan, Taylor, Tesche, Tremaine and Wuerch. (**addendum**)

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

18. Resolution No. AR 2000-108, a resolution of the Anchorage Municipal Assembly **supporting Senate Bill No. 304, "Relating to State Aid for Municipalities in the Form of Municipal Dividends for Placement in a Public Safety Foundation Account"**, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch. (**addendum**)

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

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 397-2000, **Bidding Review Board appointment** (William Hamm), Mayor's Office.

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

2. Assembly Memorandum No. AM 398-2000, **Emergency Medical Service Board appointments** (Dr. John Everett, Dr. Susan Dietz, Janice Ihrig), Mayor's Office.
3. Assembly Memorandum No. AM 399-2000, **Board of Ethics appointments** (Rick Benjamin, Tricia Lillibridge), Mayor's Office.
4. Assembly Memorandum No. AM 400-2000, **Transportation Commission appointment** (Bruce Webb), Mayor's Office.
5. Assembly Memorandum No. AM 401-2000, **Women's Commission appointment** (Kathryn Maieli), Mayor's Office.

6. Assembly Memorandum No. AM 393-2000, Ole's Pub - Transfer of Ownership and Transfer of Location for a Beverage Dispensary Liquor License (NO PREMISE), Clerk's Office.

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

7. Assembly Memorandum No. AM 395-2000, Eagle River Liquors - Transfer of Ownership for a Package Store Liquor License (Eagle River Community Council), Clerk's Office.
8. Assembly Memorandum No. AM 396-2000, The Raven - Transfer of Ownership and Transfer of Location for a Beverage Dispensary Liquor License (Fairview Community Council), Clerk's Office.

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

9. Assembly Memorandum No. AM 363-2000, Findings and Conclusions – Appeal S-10485 Wild Iris Subdivision, Community Planning and Development.
10. Assembly Memorandum No. AM 364-2000, change order No. 3 to purchase order 71829 with Health South Primary Care Associate, Inc. for providing **physical examinations on an "as required" basis** for the Municipality of Anchorage, Employee Relations Department.
11. Assembly Memorandum No. AM 365-2000, contract amendment No. 2 to **King Street/100th Avenue Street Improvements Project** with USKH, Inc., DPW No. 96-14, Public Works.

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

12. Assembly Memorandum No. AM 366-2000, Raspberry Road Upgrade, Sand Lake Road to Kincaid Park Entrance, DPW Project No. 97-14, Utility Relocation Agreement with Chugach Electric Association, Inc., Public Works.
13. Assembly Memorandum No. AM 367-2000, contract amendment No. 2 to the contract with ECI/Hyer, Inc. for **special inspection of the Anchorage Jail**, Property and Facility Management.
14. Assembly Memorandum No. AM 368-2000, change order No. 2 to vendor contract 99MIS327 for **printing of envelopes** with Royal Printing for the Municipality of Anchorage, Management Information Systems Department/Purchasing.
15. Assembly Memorandum No. AM 369-2000, proprietary purchase of **computer software maintenance and modification** from Southeastern Data Cooperative for the Municipality of Anchorage, Municipal Light and Power/Purchasing.
16. Assembly Memorandum No. AM 370-2000, recommendation of award to The Boutet Company for providing **professional project management services** for the Municipality of Anchorage, Public Works Department (RFP 20-P003), Purchasing.

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

17. Assembly Memorandum No. AM 371-2000, change order No. 1 to purchase order 996093 to exercise the first option period with Thyssen Elevator Corporation for providing **maintenance of hydraulic elevators** to the Municipality of Anchorage, Anchorage Water and Wastewater Utility/Purchasing.
18. Assembly Memorandum No. AM 372-2000, change order No. 2 to purchase order 996374 with Currier's Asphalt Maintenance for providing **snow removal services** to the Municipality of Anchorage, Anchorage Water and Wastewater Utility/Purchasing.
19. Assembly Memorandum No. AM 382-2000, proprietary purchase for **supervision and inspection services** with Jon-Hill Associates for the Municipality of Anchorage, Municipal Light and Power/Purchasing.
20. Assembly Memorandum No. AM 383-2000, change order No. 1 to purchase order 990892 to exercise the option period with A and G Enterprises LTD for providing **parking lot and sidewalk sweeping services** for the Municipality of Anchorage, Department of Property and Facility Management/Purchasing.
21. Assembly Memorandum No. AM 384-2000, change order No. 1 to purchase order 993242 with DJ's Alaska Rentals Inc. for providing **vibratory rollers on a rental basis** to the Municipality of Anchorage, Public Works Department/Purchasing.
22. Assembly Memorandum No. AM 385-2000, recommendation of award to GeoNorth LLC for providing **water resource database development and computer services** in support of Anchorage's 2000 Watershed Management Program for the Municipality of Anchorage, Public Works Department (RFP 99-P049), Purchasing.
23. Assembly Memorandum No. AM 386-2000, change order No. 1 to purchase order 990858 to extend the option period with Pacific North Equipment Company for providing a **crawler tractor and an excavator on a rental basis** to the Municipality of Anchorage, Public Works Department/Purchasing.
24. Assembly Memorandum No. AM 387-2000, change order No. 1 to purchase order 991097 with Pacific North Equipment Company for providing a **vibratory rollers on a rental basis** to the Municipality of Anchorage, Public Works Department/Purchasing.
25. Assembly Memorandum No. AM 388-2000, change order No. 2 to purchase order 80307 with Tam Construction, Inc. for the **1998 Merrill Field runway lighting project** for the Municipality of Anchorage, Merrill Field Airport.
26. Assembly Memorandum No. AM 389-2000, contract amendment No. 2 to Wilder Construction Company, Inc. for the **construction of the 3rd Avenue Surface Rehabilitation Project**, Project No. 97-19, Public Works Department.
27. Assembly Memorandum No. AM 390-2000, amendment No. 1 to **professional mechanical/electrical engineering services agreement** with Coffman Engineers, Inc. for 1998 AWWU term contract, Water and Wastewater Utility.

28. Assembly Memorandum No. AM 391-2000, amendment No. 2 to **professional engineering services agreement** with Stephl Engineers for AWWU 1998 Miscellaneous Capital Projects contract, Water and Wastewater Utility.
29. Assembly Memorandum No. AM 392-2000, change order No. 3 to the contract with the Anchorage Permit and Development Center, LLC for the **design, construction and lease of a municipal permit center**, Property and Facility Management.

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

30. Assembly Memorandum No. AM 402-2000, amendment No. 3 to professional services agreement with Reynolds Consulting Inc. for the **maintenance of AWWU's Customer Billing System**, Water and Wastewater Utility.
31. Assembly Memorandum No. AM 408-2000, recommendation of award through Willis Corroon Corporation of Alaska to Nation Union Fire Insurance Company for providing **fiduciary liability insurance** for the Municipality of Anchorage, Police and Fire Retirement System/Purchasing.
32. Assembly Memorandum No. AM 409-2000, recommendation of award to Paratransit Services, Inc. for providing **management services to operate a vanpool in the Anchorage Municipal Commute Area** for the Municipality of Anchorage, Public Transportation Department (RFP 99-P052), Purchasing.

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

33. Assembly Memorandum No. AM 410-2000, change order No. 1 to purchase order 990905 with A & G Enterprises, Ltd. to extend the option period for providing **street sweeping services** to the Municipality of Anchorage, Public Works Department/Purchasing.
34. Assembly Memorandum No. AM 411-2000, sole source contract with CH2M Hill, Inc. for providing **engineering services for permit renewal assistance** for the Municipality of Anchorage, Solid Waste Services (SWS), Purchasing.
35. Assembly Memorandum No. AM 412-2000, change order No. 2 to purchase order 82239 with the Anchorage Parking Authority for providing **administrative processing of parking citations** for the Municipality of Anchorage, Anchorage Police Department.
36. Assembly Memorandum No. AM 413-2000, **Kincaid Park Access Road upgrade, Phase I**, DPW No. 94-29, Utility Relocation Agreement with Chugach Electric Association, Inc., Public Works Department.
37. Assembly Memorandum No. AM 414-2000, change order No. 2 to Aurora Refrigeration for **freon removal services** at Solid Waste disposal facilities, Solid Waste Services.
38. Assembly Memorandum No. AM 419-2000, change order #1 with Owens & Turner professional services contract for **legal services in labor relations activities** for the Municipality of Anchorage, Employee Relations Department.

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

E. INFORMATION AND REPORTS:

1. Appeal S-10433, Shan Gri La Subdivision has been scheduled for hearing before the Board of Adjustment on May 23, 2000, Clerk's Office.
2. Information Memorandum No. AIM 30-2000, Internal Audit Report 2000-1 - **1999 Parts and Fuel Inventory, Municipal Light and Power/Internal Audit**.
3. Information Memorandum No. AIM 33-2000, report of **Public Works' construction contract amendments**, Public Works.
4. Information Memorandum No. AIM 34-2000, Internal Audit Report 2000-4 - **1999 Parts and Fuel Inventory, Anchorage Water and Wastewater Utility/ Internal Audit**.
5. Information Memorandum No. AIM 35-2000, Internal Audit Report 2000-5 - **Non-Standard Payroll Procedures**, Internal Audit.
6. Information Memorandum No. AIM 36-2000, **Sole Source Procurement Report** for the months of February and March 2000, Purchasing.
7. Information Memorandum No. AIM 37-2000, **contracts awarded between \$30,000 and \$100,000 through formal competitive processes** for the month of March 2000, Purchasing.
8. Information Memorandum No. AIM 40-2000, **Bar Violations/Quarterly Reports** (1st Quarter 2000: Alaska Club (E. Tudor Rd. Location); Alyeska Sitzmark Bar and Grill; Anna's Place; Hooters Restaurant; Jen's Restaurant, Bodega, and Gallery; Long Branch Saloon; Oaken Keg Spirit Shop #54 (Huffman Store); Office Lounge; Spenard Paradise Inn and Lounge; Spirits of Alaska #2 (International Airport Rd.); Spirits of Alaska #3 (Old Seward Hwy.); Tesoro Northstore Company (2 Go Mart #007); Value Liquor #3 (Jewel Lake Store)), Anchorage Police Department.

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

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

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

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

8. REGULAR AGENDA:

A. TIME CRITICAL ITEMS: None.

B. BID AWARDS:

1. Assembly Memorandum No. AM 375-2000, recommendation of award to JE General, Inc. for **the Public Works building demolition** for the Municipality of Anchorage, Property and Facility Management (ITB 20-C003), Purchasing.

Mr. Tremaine moved, to approve AM 375-2000.
seconded by Mr. Tesche,

Mr. Tremaine noted the winning award was for a company whose bid was much lower than the engineers estimate. He was pleased but also concerned the bid was so low.

In response, Don Simmons of Property and Facility Management explained the engineers estimate was for demolition work only. However, the low bidder intends to salvage the building.

Mr. Tremaine felt the administration should encourage more of this type of activity.

Question was called on the motion to approve AM 375-2000 and it passed without objection.

2. Assembly Memorandum No. AM 406-2000, recommendation of award to Construction Machinery Inc. for furnishing a **six wheel drive dump truck** to the Municipality of Anchorage, Solid Waste Services (ITB 20-B010), Purchasing.
3. Assembly Memorandum No. AM 415-2000, recommendation of award to Alaska Truck Center, Cal Worthington Ford, and Tony Chevrolet of Anchorage for furnishing **miscellaneous medium duty vehicles** to the Municipality of Anchorage, Department of Property and Facility Management (ITB 20-B014), Purchasing.

Mr. Kendall moved, to approve AM 406-2000.
seconded by Mr. Tremaine,

Mr. Kendall moved, to approve AM 415-2000.
seconded by Ms. Fairclough,

Mr. Kendall questioned whether these proposed purchases would be affected by the 10-mill tax cap, if it is approved by the voters in November.

In response, Solid Waste Services Director Joel Grunwaldt said the proposed dump truck purchase would not be impacted by the tax cap. The funds to purchase the dump truck were from revenues of the utility.

Property and Facility Management Director Joe Beauchamp addressed the award for furnishing miscellaneous vehicles. He felt the tax cap, if approved, would lower the department's budget for operation and management of vehicles. He noted older vehicles cost a lot to maintain.

Question was called on the motions to approve AM 406-2000 and AM 415-2000 and they passed without objection.

C. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION: None.

D. RESOLUTIONS FOR ACTION:

1. Resolution No. AR 2000-89, a resolution of the Anchorage Municipal Assembly **recognizing the honors received by the Chugiak High School Choirs** at the International Gateway Florence Music Festival, Assemblymembers Kendall, Fairclough, Abney, Clementson, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

Mr. Kendall moved, to approve AR 2000-89.
seconded by Ms. Fairclough,
and it passed without
objection,

Ms. Fairclough read the resolution, while Mr. Kendall presented it to Mr. Lang of Chugiak High.

Mr. Lang thanked the Assembly.

2. Resolution No. AR 2000-86, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Lieutenant Marilyn Bailey for her 30 years of service** with the Anchorage Police Department, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

Mr. Tesche moved, to approve AR 2000-86.
seconded by Ms. Taylor,
and it passed without
objection,

Mr. Tesche read the resolution, while Mr. Sullivan presented it to Lieutenant Baily.

Lt. Baily thanked the Assembly and the Administration. She felt her career with the Municipality was wonderful; she enjoyed it tremendously. She was proud of the Police Department and the Municipality.

3. Resolution No. AR 2000-87, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Sergeant Wilbur E. Hooks for his 15 years of service** with the Anchorage Police Department, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

Mr. Tesche moved, to approve AR 2000-87.
seconded by Ms. Taylor,
and it passed without
objection,

Mr. Tesche read the resolution, while Mr. Sullivan presented it to Sergeant Hooks.

Sergeant Hooks said the Anchorage Police Department was one of the finest departments in the nation. He enjoyed working at APD and serving the citizens of this community. He thanked the Assembly.

4. Resolution No. AR 2000-88, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Sergeant Jimmie L. Boyd for his 14 years of service** with the Anchorage Police Department, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

Mr. Tesche moved, to approve AR 2000-88.
seconded by Ms. Taylor,
and it passed without
objection,

Mr. Tesche read the resolution, while Mr. Sullivan presented it to Sergeant Boyd.

Sergeant Boyd said he was retiring from Anchorage Police Department because of physical limitations. However, he would choose to work at the department indefinitely. He thanked the Assembly.

5. Resolution No. AR 2000-94, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Senior Patrol Officer John Zylstra for his 21 years of service** with the Anchorage Police Department, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch.

Mr. Sullivan moved, to approve AR 2000-94.
seconded by Ms. Tremaine,
and it passed without
objection,

Mr. Tesche read the resolution, while Mr. Sullivan presented it to Office Zylstra.

Office Zylstra thanked the Assembly. He said it was an honor and privilege to serve with the men and women of the Anchorage Police Department.

Mr. Tesche asked item 7.B.7, AO 2000-80, be referred to the Planning and Zoning Commission, to return for public hearing before the Assembly on the second meeting in August. There was no objection.

6. Resolution No. AR 2000-83, a resolution authorizing the Municipality to **grant an electrical easement across a portion of Tract A-1, Baxter Heights Subdivision**, for the Baxter Elementary School site located at East 31st Avenue and Baxter Road, Tax Code #007-171-25, Public Works.
 - a. Assembly Memorandum No. AM 361-2000.

Mr. Tremaine moved, to approve AR 2000-83.
seconded by Ms. Taylor,

In response to Mr. Tremaine, Public Works Director Jim Fero explained Chugach Electric would not be charged for the review work associated with this project.

Mr. Tremaine noted some of his constituents, when obtaining easements, had no problems with Enstar and the phone company. However, they were charged \$250 by Chugach Electric. He felt some sort of reciprocity agreement would be beneficial.

Question was called on the motion to approve AR 2000-83 and it passed without objection.

7. Resolution No. AR 2000-91, a resolution of the Municipality of Anchorage providing for the appropriation of a donation totaling \$5,000 from the Matanuska Electric Association to the Eagle River/Chugiak Recreational Facility Capital Improvement Fund (462) for the **improvements to Eagle River Commons**, Cultural and Recreational Services/Eagle River Parks and Recreation.
 - a. Assembly Memorandum No. AM 379-2000.

Mr. Kendall moved, to approve AR 2000-91.
seconded by Ms. Von Gemmingen,

Mr. Kendall thanked Matanuska Electric Association for its contribution to the new Eagle River Commons Park.

Question was called on the motion to approve AR 2000-91 and it passed without objection.

8. Resolution No. AR 2000-98, a resolution of the Municipality of Anchorage **accepting the sum of \$40,000,000 from the Police and Fire Retirement System** as a contribution of \$20,000,000 to the MOA Trust Fund (730) and \$20,000,000 to the Areawide General Fund (101), Finance.
a. Assembly Memorandum No. AM 418-2000.

Ms. Clementson moved, to schedule a public hearing for AR 2000-98 on April 25,
seconded by Mr. Tremaine, 2000.
and it passed without
objection,

9. Resolution No. AR 2000-100, a resolution of the Anchorage Municipal Assembly **recognizing and honoring Bill Elander for his years of service and accomplishments as President and Chief Executive Officer of the Anchorage Convention and Visitors Bureau**, Assemblymembers Von Gemmingen, Kendall, Abney, Meyer, Clementson, Fairclough, Sullivan, Taylor, Tesche, Tremaine and Wuerch. (**addendum**)

Ms. Von Gemmingen moved, to approve AR 2000-100.
seconded by Ms. Clementson,
and it passed without
objection,

Mr. Kendall read the resolution while Ms. Von Gemmingen and Ms. Abney presented it to Mr. Elander.

Mr. Elander thanked the current and previous Assemblies and Administrations for helping the Anchorage Convention and Visitor's Bureau make Anchorage a popular tourist destination.

10. Resolution No. AR 2000-108, a resolution of the Anchorage Municipal **Assembly supporting Senate Bill No. 304, "Relating to State Aid for Municipalities in the Form of Municipal Dividends for Placement in a Public Safety Foundation Account"**, Assemblymembers Abney, Clementson, Fairclough, Kendall, Meyer, Sullivan, Taylor, Tesche, Tremaine, Von Gemmingen, and Wuerch. (**addendum**)

Ms. Abney spoke in support of the resolution.

Ms. Abney moved, to approve AR 2000-108.
seconded by Mr. Wuerch,
and it passed without
objection,

E. NEW BUSINESS:

1. Assembly Memorandum No. AM 397-2000, **Bidding Review Board appointment** (William Hamm), Mayor's Office.

Ms. Fairclough moved, to approve AM 397-2000.
seconded by Ms. Clementson,

In response to Ms. Fairclough, Employee Relations Director Tom Tierney said normally, a resume was included in board and commission appointment memorandums. He explained Mr. Hamm's name was submitted by the Water and Wastewater Commission.

Ms. Fairclough moved, to postpone action on AM 397-2000 until April 25, 2000
seconded by Mr. Tesche, pending receipt of a resume for Mr. Hamm.
and it was withdrawn,

Anchorage Water and Wastewater Utility General Manager Mark Premo explained Mr. Hamm was currently a member of the Water and Wastewater Advisory Commission, and the vice-president of Dowl Engineers. He has worked with the Utility many times in a professional capacity. Mr. Premo explained members of various commissions have a representative on the Bidding Review Board; Mr. Hamm was voted to be the Water and Wastewater Commission representative by his peers on the Commission. Mr. Premo concurred with their selection.

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

Question was called on the motion to approve AM 397-2000 and it passed without objection.

2. Assembly Memorandum No. AM 393-2000, **Ole's Pub** - Transfer of Ownership and Transfer of Location for a Beverage Dispensary Liquor License (NO PREMISE), Clerk's Office.

Ms. Clementson moved, to approve AM 393-2000.
seconded by Mr. Tesche,

Ms. Clementson noted the applicant for this license, Mr. Keiser, is also the owner of The Raven bar. She said after the Assembly reviewed the third quarter bar violation report in 1997, the Assembly wrote to Mr. Keiser asking him to appear before the Assembly in January, 1998. She explained the Assembly missed the window of opportunity to protest the license, which is in January. Another letter was sent to Mr. Keiser asking him to appear to discuss Assembly member concerns, but there was no response. She was concerned about a State Alcoholic Beverage Control Board (ABC) Notice of Violation for an incident when Mr. Keiser and bartender Randy Harmon were tested for blood alcohol level by the police. Mr. Keiser had a blood alcohol count of .239 and Mr. Harmon had a count of .20. Mr. Harmon was observed by a police officer to clean toilets with a bar rag, and then wipe the bar with the same rag. Mr. Harmon admitted to having six to eight drinks during his work shift. Ms. Clementson noted public health was an issue, as well as the fact the owner and bartender were legally intoxicated. She opposed the license transfer.

In response to Mr. Kendall, Dan Coffey spoke on behalf of Mr. Keiser. He said other than the 1997 incident mentioned by Ms. Clementson, there have been no other incidents or bar violations. Mr. Coffey added Mr. Keiser has been in operation for about eighteen years. He said Mr. Keiser answered the ABC Notice of Violation, and met several times with Assemblymember Carlson. The ABC Board took no further action on the Notice of Violation, and there was no citation issued by Anchorage Police.

In response to Ms. Clementson, Mr. Coffey explained after he and his client waited seven hours at an Assembly meeting, where there was not time to consider Mr. Keiser's license, there was no further action possible by the Assembly. Therefore, Mr. Keiser declined a further meeting with the Assembly. Since there were no problems before or in the three years since, Mr. Coffey felt there was not sufficient justification for the Assembly to deny the license currently in question.

In response to Mr. Tesche, Mr. Coffey said the applicant visited the Downtown Community Council, and the Council approved both license transfers. He knew of no community council that has recommended against the transfers.

Mr. Tesche moved, to postpone action on AM 393-2000 until April 25, 2000
seconded by Ms. Fairclough, and invite Mr. Keiser to attend the Assembly meeting on that date.

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

3. Assembly Memorandum No. AM 396-2000, The Raven - Transfer of Ownership and Transfer of Location for a Beverage Dispensary Liquor License (Fairview Community Council), Clerk's Office.

Ms. Clementson moved, to approve AM 396-2000.
seconded by Ms. Fairclough,

Ms. Clementson moved, to postpone action on AM 396-2000 until April 25, 2000.
seconded by Mr. Tesche,
and it passed without objection,

4. Assembly Memorandum No. AM 365-2000, contract amendment No. 2 to King Street/100th Avenue Street Improvements Project with USKH, Inc., DPW No. 96-14, Public Works.

Mr. Tremaine moved, to approve AM 365-2000.
seconded by Mr. Tesche,

In response to Mr. Tremaine, Public Works Director Jim Fero said there should not be any further costs for engineering work on the project. However, if hidden underground items are discovered, construction costs may be altered.

Question was called on the motion to approve AM 365-2000 and it passed without objection.

5. Assembly Memorandum No. AM 370-2000, recommendation of award to The Boutet Company for providing professional project management services for the Municipality of Anchorage, Public Works Department (RFP 20-P003), Purchasing.

Ms. Clementson moved, to approve AM 370-2000.
seconded by Ms. Taylor,

Ms. Clementson moved, to postpone action on AM 370-2000 until April 25, 2000
seconded by Ms. Taylor, pending receipt of more information on the subject,
and it passed without objection,

6. Assembly Memorandum No. AM 392-2000, change order No. 3 to the contract with the Anchorage Permit and Development Center, LLC for the design, construction and lease of a municipal permit center, Property and Facility Management.

Mr. Tremaine moved, to approve AM 392-2000.
seconded by Ms. Taylor,

Mr. Tremaine made note of the amount of this change order, the fact there have been other change orders, and there was no justification for this change.

In response, Don Simmons of Property and Facility Management explained the permit center was a lease deal, so there was no construction contract. The original contract was for \$2,000,000 and the first change order was a result of a change in site conditions. Mr. Simmons explained the \$63,000 change order was for all tenant improvement changes during the entire project, for items such as electrical outlet and door location changes.

Question was called on the motion to approve AM 392-2000 and it passed without objection.

7. Assembly Memorandum No. AM 409-2000, recommendation of award to Paratransit Services, Inc. for providing **management services to operate a vanpool in the Anchorage Municipal Commute Area** for the Municipality of Anchorage, Public Transportation Department (RFP 99-P052), Purchasing.

Ms. Abney moved, to approve AM 409-2000.
seconded by Ms. Taylor,

In response to Ms. Abney, Public Transportation Department Director Bob Kniefel explained the van pool program. The contractor provides training, vehicle maintenance and overall management of the program. Vanpool customers pay for all but \$57,000 of the program. Federal funds in the amount of \$20,000 are available for major maintenance expenditures, in case an engine or transmission needs replacement.

In response to Mr. Tremaine, Mr. Kniefel said Anchorage workers, some of whom live in Eagle River, Girdwood and the Matanuska-Susitna Valley, are clients of the vanpool program. He said the Administration is trying to find ways to utilize the vans when they are not being used during normal commute times.

Question was called on the motion to approve AM 409-2000 and it passed without objection.

8. Assembly Memorandum No. AM 419-2000, change order #1 with Owens & Turner professional services contract for **legal services in labor relations activities** for the Municipality of Anchorage, Employee Relations Department.

Mr. Tremaine moved, to approve AM 419-2000.
seconded by Mr. Tesche,

In response to Mr. Tremaine, Employee Relations Director Tom Tierney explained the proposed change order. He said in the case of a grievance, attorney's fees are borne by each side.

Question was called on the motion to approve AM 419-2000 and it passed without objection.

F. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 40-2000, Bar Violations/Quarterly Reports (1st Quarter 2000: Alaska Club (E. Tudor Rd. Location); Alyeska Sitzmark Bar and Grill; Anna's Place; Hooters Restaurant; Jen's Restaurant, Bodega, and Gallery; Long Branch Saloon; Oaken Keg Spirit Shop #54 (Huffman Store); Office Lounge; Spenard Paradise Inn and Lounge; Spirits of Alaska #2 (International Airport Rd.); Spirits of Alaska #3 (Old Seward Hwy.); Tesoro Northstore Company (2 Go Mart #007); Value Liquor #3 (Jewel Lake Store)), Anchorage Police Department.

Ms. Clementson moved, to accept AIM 40-2000.
seconded by Mr. Tesche,

Ms. Clementson moved, to postpone action on AIM 40-2000 until April 25, 2000
seconded by Mr. Tesche, pending receipt of information from the State Alcoholic
and it passed without Beverage Control Board about the various Notices of
objection, Violation.

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

- A. Ordinance No. AO 99-148, an ordinance **repealing Ordinance 84-101 concerning Tracts C11 and C15 Eagle Crossing Subdivision, Tract A, Ptarmigan Subdivision and the SW 1/4 of the SE 1/4 of the NW 1/4 of Section 17 along the S 1/2 of Section 17** excepting therefrom Tract A, Eagle River Greenbelt, located within Sections 17 and 18, T14N, R1W and amending the zoning map and providing for the rezoning from R-3/SL (Multiple-Family Residential with Special Limitations) to R-3/SL (Multiple-Family Residential with Special Limitations) for the Tracts C11 and C15, Eagle Crossing Subdivision, Tract A, Ptarmigan Subdivision and the SW 1/4 of the SE 1/4 of the NW 1/4 of Section 17 along the S 1/2 of Section 17 along the S 1/2 of Section 17 excepting therefrom Tract A, Eagle River Greenbelt, located within Sections 17 & 18, T14N, R1W, SM, AK, containing approximately 225 acres and generally located south of Ptarmigan Boulevard and north of the Eagle River Greenbelt and along both sides of Eagle River Lane (Eagle River Valley Community Council) (Planning and Zoning Commission Case 99-109), Community Planning and Development.
 1. Assembly Memorandum No. AM 1140-99.
 2. Information Memorandum No. AIM 41-2000, Community Planning and Development.
 (CONTINUED FROM 2-1-00, 2-8-00, & 2-22-00; POSTPONED FROM 2-22-00 & 3-7-00; REMANDED TO THE PLANNING AND ZONING COMMISSION AND ACTION POSTPONED FROM 3-21-00)

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

- B. Ordinance No. AO 2000-9, an ordinance **providing for the sale of Lots 1 through 5, Block 7, Galatea Estates; Lots 4 through 6, Block 4, Abbott Loop Manor; Lot 25A, Block 6, Lakehurst; and Lot 75, Section 18, T15N, R1W, S.M.**, Heritage Land Bank/ Real Estate Services.
1. Assembly Memorandum No. AM 8-2000.
 2. Information Memorandum No. AIM 9-2000, Heritage Land Bank/Real Estate Services.
(APPROVED ALL EXCEPT LOTS 4-6, BLOCK 4, ABBOTT LOOP MANOR AND POSTPONED FROM 1-25-00; CARRIED OVER FROM 3-7-00 AND 3-21-00)

Item 9.B. was considered later in the meeting. See item 16, Unfinished Agenda.

- C. Resolution No. AR 2000-46(S), a resolution of the Anchorage Municipal Assembly regarding **disposal of the former Russian Jack Elementary School buildings and land**, Assemblymembers Wuerch, Abney, Kendall, Meyer, Sullivan, Taylor, Tesche and Tremaine.
1. Information Memorandum No. AIM 25-2000, Community Planning and Development.
(POSTPONED FROM 2-15-00; CARRIED OVER FROM 3-7-00 AND 3-21-00)

Action on this item was considered postponed indefinitely later in the meeting. See after action on item 12.H, AO 2000-70.

- D. Information Memorandum No. AIM 13-2000, Bar Violations/Quarterly Report (**Cusack's Brewpub**), Anchorage Police Department.
(POSTPONED FROM 1-25-00 AND 2-1-00; CARRIED OVER FROM 3-7-00 AND 3-21-00)
- E. Ordinance No. AO 99-114, an ordinance of the Anchorage Assembly **formally adopting the goals and objectives of the Anchorage Bowl Comprehensive Plan**, Assemblymembers Taylor, Tesche, Tremaine, and Abney.
1. Assembly Memorandum No. AM 724-99.
(CONTINUED FROM 10-19-99, 2-15-99, AND 2-22-00; POSTPONED FROM 3-7-00)
- F. Ordinance No. AO 2000-13, an ordinance amending Anchorage Municipal Code Sections 14.60.030 and 15.70.060 to **increase the range of fines possible for noise disturbances** and to allow the Anchorage Police Department to give citations for violations of the Anchorage Noise Control Ordinance, Assemblymembers Meyer and Wuerch.
1. Assembly Memorandum No. AM 22-2000.
(POSTPONED FROM 1-25-00; CARRIED OVER FROM 3-21-00)

Items 9.D. through 9.F. were considered later in the meeting. See item 16, Unfinished Agenda.

10. APPEARANCE REQUESTS:

- A. **Wisteria Johnson**, to discuss civility/conduct during Assembly meetings and encourage Assembly members to stay on task(s).

Ms. Johnson said she has lived and worked in Anchorage for 30 years. She was an involved citizen who attended or viewed Assembly meetings. She was disappointed about the lack of manners exhibited by Assembly members. She felt everyone, including elected officials, was accountable for their conduct and actions. Ms. Johnson felt a level of basic manners should be maintained. She encouraged each Assembly member to set an example for youth and all citizens in the community by demonstrating good manners while making decisions for public benefit.

Mr. Tesche and Ms. Taylor thanked Ms. Johnson for her comments.

Mr. Tesche asked Ms. Johnson to return with follow-up feedback in the next six to twelve months.

- B. **Jessica Bury**, to request community support for the American Heart Association-Anchorage Daily News Heart Run.

Alice Samuelson and Jessica Bury appeared representing the American Heart Association. They invited the community to join the 22nd Annual Anchorage Daily News Heart Run on April 29 at 10:00 a.m. on the University of Alaska, Anchorage campus. Ms. Samuelson noted the proceeds from the race entry fee would benefit the American Heart Association. She distributed registration forms.

- C. **Alaskans for Drug-Free Youth**, regarding the Youth Station.

Maria Elena Walsh, president of Alaskans for Drug-Free Youth, addressed the Assembly. Ms. Walsh noted on March 1, 1998, the group signed a contract with the Anchorage Parking Authority to lease space in the downtown Transit Center for the Youth Station. The Station is a joint effort of her group and the AFN Sobriety Movement. The Alaska Youth and Parent Foundation, the Alaska Poetry League, the Anchorage Youth Empowerment Project, Bean's Café and the University of Alaska, Anchorage have also been or are partners. The mission of the Youth Station is drug and alcohol prevention. The Station volunteers advocate a drug-free lifestyle. Youth are invited to visit the Station, where they can get free refreshments, games and intervention services. Also, access to medical and counseling services is available. Ms. Walsh noted the Station received an eviction notice in March, 2000. She said the youth clients of the Station appealed to the Parking Authority Board, and the Station received a two-month extension. She asked the Assembly to help find a place to house the Station in a new location in the downtown area.

David Barney of the Alaska Youth and Parent Foundation and Kara Lina with the Youth Empowerment Project spoke in support of the Station and offered to answer questions.

Mr. Tesche noted after preliminary discussions with the Heritage Land Bank staff, space was discovered which may meet the needs of the Station. The location is a small house at 727 L Street. The house may be available, although interested parties would have to go through the normal process and work with Heritage Land Bank staff.

In response to Mr. Wuerch, Ms. Walsh said the Station hours of operation vary, because it is staffed by volunteers. Anyone interested in volunteering should contact her.

There was a suggestion to change the orders of the day to consider item 14, Special Orders. There was no objection.

Assembly Memorandum No. AM 246-2000, certification of the April 4, 2000, Regular Municipal Election, Clerk's Office.

Mr. Tesche moved, to approve AM 246-2000.
seconded by Ms. Taylor,

Election Commission member Zane Jones discussed the results of the Commission's report of the election. Ms. Jones introduced the other members of the Commission in attendance.

Mr. Wuerch questioned whether he should abstain from voting because he was a candidate for Mayor on the ballot.

Chairman Meyer ruled Mr. Wuerch could vote on the issue of certification. He recalled in the past, various members of the Assembly who were candidates have voted on election certifications.

Question was called on the motion to approve AM 246-2000 and it passed:

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

11. CONTINUED PUBLIC HEARINGS:

- A. **Ordinance No. AO 2000-57**, an ordinance amending Title 23, Chapter 15, Section 23.15.11 of the Anchorage Municipal Code and **providing for a change in the requirement for accessibility to comply with the Americans with Disabilities Act and Fair Housing**, Public Works.
1. Assembly Memorandum No. AM 254-2000.
(CARRIED OVER FROM 3-21-00)

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

JESSICA SEDERBURG, an architect with USKH, said she does a lot of work with accessibility audits. She is participating in writing the proposed ordinance, and references it often in her work. She found it very useful in terms of finding all applicable information in one area.

DAVE COLE, an architect with Cole & Thompson Architects, said as a member of the Building Board, he was a member of the group that helped draft the ordinance. The members included two architects, representatives from the disabled community, the State and other government bodies. It took about six or eight months of weekly meeting to draft the ordinance. Mr. Cole felt the legislation would be helpful for the entire design community. He recommended adoption.

DEANNA ST. LOUIS spoke in support of the ordinance. She was a member of the building code revisions committee, and noted a lot of time was taken to review every part of the ordinance.

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

Ms. Taylor moved, to adopt AO 2000-57.
seconded by Mr. Sullivan,

Mr. Tremaine noted the ordinance seemed to be very thorough, and many experienced people cooperated to prepare the legislation. He supported adoption.

In response to Mr. Tesche, Ron Watts of Public Works said there was additional public notice and comment about this ordinance. He noted in December 1998, the Assembly approved local amendments to the building code, which inserted current accessibility requirements into the Anchorage Municipal Code. At that time, there were concerns raised by an architect, and the Assembly asked staff review the areas of concerns. The requirements were reviewed by a committee, including the architect who raised the concerns, and their recommended changes are reflected in the proposed ordinance. Public notices were issued and public hearings were held before the Building Board. He strongly supported adoption. He knew of no opposition to the proposed legislation.

Mr. Wuerch noted he spoke with the architect, Don Dwiggins, who expressed satisfaction with the proposed ordinance.

Question was called on the motion to adopt AO 2000-57 and it passed:

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

The Assembly then changed the orders of the day and considered item 9.A, AO 99-148.

Ordinance No. AO 99-148, an ordinance **repealing Ordinance 84-101 concerning Tracts C11 and C15 Eagle Crossing Subdivision, Tract A, Ptarmigan Subdivision and the SW 1/4 of the SE 1/4 of the NW 1/4 of Section 17 along the S 1/2 of Section 17** excepting therefrom Tract A, Eagle River Greenbelt, located within Sections 17 and 18, T14N, R1W and amending the zoning map and providing for the rezoning from R-3/SL (Multiple-Family Residential with Special Limitations) to R-3/SL (Multiple-Family Residential with Special Limitations) for the Tracts C11 and C15, Eagle Crossing Subdivision, Tract A, Ptarmigan Subdivision and the SW 1/4 of the SE 1/4 of the NW 1/4 of Section 17 along the S 1/2 of Section 17 excepting therefrom Tract A, Eagle River Greenbelt, located within Sections 17 & 18, T14N, R1W, SM, AK, containing approximately 225 acres and generally located south of Ptarmigan Boulevard and north of the Eagle River Greenbelt and along both sides of Eagle River Lane (Eagle River Valley Community Council) (Planning and Zoning Commission Case 99-109), Community Planning and Development.

1. Assembly Memorandum No. AM 1140-99.
 2. Information Memorandum No. AIM 41-2000, Community Planning and Development.
- (CONTINUED FROM 2-1-00, 2-8-00, AND 2-22-00; POSTPONED FROM 2-22-00 AND 3-7-00; REMANDED TO THE PLANNING AND ZONING COMMISSION AND ACTION POSTPONED FROM 3-21-00)

Chairman Meyer gave the history of the ordinance and noted a motion to adopt was on the floor. He added comments from the Planning and Zoning Commission were contained in AIM 41-2000.

Ms. Fairclough gave a history of the subject property and reviewed the action to date on the proposed ordinance. She invited Al Miners to address the Assembly and discuss the current situation at Eagle Crossing regarding the drainage system.

AL MINERS, Chugach State Park Superintendent, pointed out the State did not have a position on cluster development on slopes. However, the State has a significant concern about storm water runoff and water pollution in the Eagle River. He noted Eagle River greenbelt is the largest and most pristine greenbelt in Anchorage. The upper reaches of the River has some of the cleanest water in the area. Further downstream in the River, near residential subdivisions developed in the 1970's and 1980's, storm runoff is piped directly into Eagle River. That method was also used in the Anchorage bowl area, a main reason for poor water quality in bowl creeks and streams. Mr. Miners credited the developer of Eagle Crossing, for installing a retention basin during the early phases of the development. The basin is designed to reduce high water volumes during times of flooding, which is a positive goal. However, the basin does very little to protect water quality. He said the basin design has some problems, and the system malfunctioned last summer which caused a large amount of erosion resulting in turbidity in Eagle River in early spring. The effect on the River's fishery was unknown, but Mr. Miners felt there would be some negative effect. In the more recent phases of the development, an infiltration gallery is being used. Mr. Miners said the gallery may be useful to mitigate high volume runoff, as well as water quality issues. However, the gallery is perched on a slope, and they are very concerned it would fill with silt or be overloaded with water. If that happens, water will rise over the swale, begin eroding State park and greenbelt lands, and cause erosion and sedimentation problems in the Eagle River. Mr. Miners said he visited the site, and noted water came within about an inch of overflowing the trench during a period of high water runoff last week. He added the developer planned to correct the erosion problems caused by failure of the retention basin system last summer. However, that work has not been done, and he felt the current spring breakup runoff would exacerbate the erosion problems of last year.

Ms. Fairclough confirmed there is additional erosion as a result of the failed system that has not yet been repaired. She was concerned the developer made assurances in the past about repairing the system, yet it has not yet been done.

In response to Mr. Kendall, Mr. Miners said he issued a permit in mid winter to the developer for the corrective action on the failed drainage system. However, the first retention basin did not require or receive a permit. The design of that system envisioned that drainage would not enter State lands; when the system failed, runoff did significantly erode the surrounding land. He did not think a Fish and Game permit was required for work outside of the River bed.

In response to Mr. Tremaine, Mr. Miners explained soils and geology in areas such as the Eagle River Valley, which are glacial deposits impacted by rivers, are very complex. He felt there are pockets of problem soils in other areas of the Valley. He said design of future drainage systems would be handled by the Public Works Department. He has spoken with Public Works staff, and told them the State would be willing to be flexible about locating basins in the greenbelt, in order to protect the greenbelt. He pointed out protection of the watershed in the 700-square mile State Park was the top priority and one of the five reasons the Park was established. Mr. Miners confirmed Eagle River was a salmon-spawning stream, and that runoff into the creek from the development contained contamination from streets and gutters.

Ms. Fairclough pointed out the subject parcel of land was designated as "marginal" in the Eagle River Comprehensive Plan, and the intent was that development should be limited to 3.5 dwelling units per acre. She asked the developer's engineer, Bruce Brown, what the density impact would be if the R-3 zone standard was applied without the special limitations.

BRUCE BROWN, with Professional Technical Services, said he did not have a complete answer regarding density. He explained the first design was compiled over about 18 months in conjunction with various agencies and Municipal staff. It would be too large of a project to give a complete answer at this time.

Ms. Fairclough addressed the issue of a secondary access road for the development. She noted the Boutet study stated a second access point is not necessary at this point, although the developer is concerned access will be required in the future. She felt it would take an action of the Assembly to declare the access was not required at this point. Ms. Fairclough also noted roads and lots in the development do not provide enough room for snow plowing and storage, which is creating drainage problems and traffic hazards. She added arguments that the development is necessary to provide affordable housing were flawed, because the homes in the development were priced above the level most first-time homebuyers could afford. The only reason the homes are affordable at the moment is a temporary low in interest rates. Ms. Fairclough noted the development has had a great impact on local schools, and that impact will continue to be a factor. She discussed other areas of the Anchorage and Eagle River Comprehensive Plans with regard to development and open spaces. She added the Eagle

River Valley Community Council had offered a compromise to the zoning rules, but the developer was unwilling to compromise on any issue. She felt compromise was only possible if all parties were involved and willing. She stressed the goal was not to stop the development, but to ensure it progresses without any further negative impact to the land.

In response to Ms. Fairclough, Chris Hodel, a member of P&Z, addressed the Assembly. Mr. Hodel clarified P&Z's intent when deciding this issue. He said Commission members recognized the need to protect the slope-affected land, and recognized the 25 percent slope was an issue. He pointed out the proposed special limitations did not affect the entire parcel, but only specific lots on the plat. In an attempt to be reasonable, the members designed an accommodation which would allow development in certain areas, such as on a lot that might have a small portion which was greater than a 30 percent slope. He felt the members tried, and succeeded, in making a recommendation which would allow development while also providing protection for the slope-affected land. He noted Commission members recommended the Assembly set a higher than normal standard for any changes to the Commission's decision.

Ms. Fairclough recalled only seven people testified in support of the proposal at the public hearing, and all seven had a financial interest in the project. She urged her colleagues to consider good public policy and the wishes of their constituents.

Mr. Sullivan moved,
seconded by Mr. Kendall,

to amend AO 99-148 on **page 2**, line 3 to delete "25" and replace with "30"; on **page 2**, line 4 through 9, to delete "for a... b..." and replace with "in the areas shown on the attached Exhibit "B" and except for specific limited clearing of vegetation for utility placements in a preliminary approved subdivision plat."; on **page 3**, line 20 to delete "25" and replace with "30"; on **page 3**, line 21 through 26, to delete "for a... b..." and replace with "in the areas shown on the attached Exhibit "B" and except for specific limited clearing of vegetation for utility placements in a preliminary approved subdivision plat."; and on **page 4**, line 35 to read: "...the area described in Sections 2 and 4 above. The Director..."

Mr. Sullivan noted most of the time, P&Z and the Assembly rely on Community Planning and Development (CPD) staff, who are experts in their fields, for recommendations. He pointed out CPD staff initially concluded the rezoning request should be approved. He noted staff felt the rezone request complies with the Eagle River Comprehensive Plan. Mr. Sullivan pointed out the Platting Board would be involved in ensuring the lots are developed carefully. At the Platting Board level, there will be requirements added that will hopefully satisfy the concerns of the Community Council.

Mr. Tremaine noted P&Z made a unanimous decision, which he interpreted to be a strong recommendation. He said he had not heard a reason compelling enough to justify overruling P&Z's decision. He did not support the amendment.

Ms. Clementson opposed the motion. She felt Mr. Miner's testimony was amazing, and pointed out P&Z voted unanimously to uphold their original decision, after reviewing the issue a second time at the request of the Assembly. The lots in the subdivision are quite small; she felt this might not be the appropriate area for lots this size.

Mr. Tesche agreed the issue was very difficult. After review of the 1993 Eagle River Comprehensive Plan and consideration of comments by interested parties, he felt the proposed development conformed to the Plan. He supported the amendment. Mr. Tesche noted the opposition to the project by area residents may indicate the 1993 Plan no longer reflects the wishes of the community.

Question was called on Mr. Sullivan's motion to amend and it passed:

AYES: Kendall, Sullivan, Tesche, Taylor, Meyer, Wuerch.

NAYS: Tremaine, Fairclough, Abney, Von Gemmingen, Clementson.

Mr. Tesche moved,
seconded by Mr. Sullivan,

to amend AO 99-148 to add a new Section 7 to read: "The provisions of Section 3, 2(a) notwithstanding, while Exhibit B shows secondary access for the proposed development at Eagle River Lane, secondary access at that location is neither a requirement nor a statement of intent of this ordinance. The requirement, the timing, and the location of secondary access to the proposed development is reserved to the Platting Board in its discretion as part of the subdivision plat review process." and to renumber the following section accordingly.

Ms. Clementson pointed out the map in Exhibit B exists to establish the location of the road. She questioned whether it might better serve the intent to delete the Exhibit.

Mr. Tesche said his intent was to retain and approve Exhibit B, yet provide that Eagle River Lane is not mandated as the secondary access. He said there may be other reasons to retain Exhibit B other than establishing the access route.

Ms. Fairclough felt most area residents do not support access at Eagle River Lane. She would prefer an amendment that excluded Eagle River Lane as a possible access point.

Ms. Clementson felt the amendment would create confusion, as the purpose of Exhibit B is to show the road alignment. She pointed out other roads were on the map, and some connected to Eagle River Lane.

Mr. Sullivan felt the Platting Board could address the issue, and may choose to create a cul-de-sac or dead end if appropriate.

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

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

Ms. Clementson commended the developer for being responsive and patient through the process. However, she could not support the ordinance.

Ms. Von Gemmingen reiterated her challenge to the developer to create snow storage lots separate from lots designated for playgrounds and picnic activities.

Ms. Fairclough echoed Ms. Clementson's comments. She also opposed the ordinance, which she felt would allow poor development. She added the developer would not be harmed financially by adhering to the current zoning.

Mr. Sullivan supported the ordinance. However, he concurred with Ms. Von Gemmingen and encouraged the developer to proceed according to the intent of the Assembly and produce a planned development with good amenities. He urged the Platting Board to review the development thoroughly, and to require actions that will prevent the problems that are anticipated and that have already occurred.

Ms. Taylor concurred with Ms. Von Gemmingen and Mr. Sullivan. She expected the developer to keep his promise to address the issues of snow removal and parks.

Question was called on the motion to adopt AO 99-148 as amended and it passed:

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

(Clerk's Note: This action was reconsidered after the recess.)

The meeting recessed at 8:00 p.m. and reconvened at 8:25 p.m.

Mr. Sullivan moved, to reconsider action on AO 99-148 as amended.
 seconded by Mr. Wuerch,

Ms. Clementson felt reconsideration immediately was wrong, since this was a controversial issue and there was a split in the vote. There may be information brought to light in the next 24 hours, and the Assembly should preserve that opportunity to revisit the issue.

Ms. Fairclough noted there was the potential of a legal challenge to an amendment to the ordinance. She supported reconsideration.

Question was called on the motion to reconsider and it passed:

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

Ms. Fairclough moved, to postpone action on AO 99-148 until April 25, 2000.
 seconded by Mr. Tremaine,

Mr. Wuerch acknowledged this issue had been painful, and he was sorry there were still strong disagreements after so much testimony and work. However, he felt the Assembly needed to make a decision without further delay. There have already been multiple delays. He felt the Assembly should not act based on the threat of litigation.

Mr. Tesche agreed the Assembly should not be swayed by the possibility of litigation. He encouraged all parties to continue negotiations and pursue a resolution if action on the ordinance is delayed further.

Question was called on Ms. Fairclough's motion to postpone and it failed:

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

Ms. Clementson moved, to postpone action on AO 99-148 until 10:30 p.m.
 seconded by Ms. Fairclough,

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

Question was called on the motion to adopt AO 99-148 as amended and it passed:

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

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

to change the orders of the day to consider item 12.E,
AO 2000-65.

Ordinance No. AO 2000-65 an ordinance of the Municipality of Anchorage terminating the existing **Anchorage Police and Fire Retirement System**; transferring assets of the terminated system to a new Anchorage Police and Fire Retirement System; providing for distribution of certain surplus assets of the terminated system; repealing Chapter 3.85, Anchorage Municipal Code in its entirety; enacting a new Chapter 3.85; Anchorage Municipal Code; providing for a transition of authority for management of the new retirement system, providing for severability and an effective date, Police and Fire Retirement System.

1. Assembly Memorandum No. AM 319-2000.

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

Ms. Clementson moved,
seconded by Mr. Tesche,

to adopt AO 2000-65.

Mayor Mystrom recalled the worksession earlier in the day on this topic, where the details of the settlement were discussed. He noted the system was overfunded due to over-contribution, which required negotiation between the Municipality and the System members in order to apply the funds. The settlement will benefit System members, taxpayers of Anchorage, and resolve outstanding litigation. He was proud to recommend the settlement, which came about after over a year of hard work by all parties.

Mr. Tesche moved,
seconded by Ms. Clementson,

to amend AO 2000-65 with a series of amendments.

(Clerk's Note: These amendments are attached as Exhibit A.)

In response to Mr. Tesche, ROBERT KLAUSNER, representing the Police and Fire Retirement Board, addressed the Assembly. He said the proposed amendments were reviewed and have the unanimous recommendation by the Board of Trustees for the Retirement System.

In response to Ms. Fairclough, Mr. Klausner said the amendments were technical in nature and made no substantive changes. The settlement agreement made provisions for such technical amendments.

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

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

Ms. Clementson noted during her tenure on the Assembly, the Police and Fire Retirement issue was the most difficult, stressful and most important to the Municipality. She expressed her appreciation to the Board members, Mr. Klausner and all those who worked to resolve this issue.

Mr. Tremaine reviewed the benefits that would come from the settlement. He supported adoption of the ordinance.

Chairman Meyer expressed appreciation to the Mayor and Employee Relations Director Tom Tierney for their effort on this issue. He said it was a significant success, because at the beginning the sides were very far apart.

Mayor Mystrom thanked members of the Board Everett Robbins, John Gentile, Gary Powell, Jim Bauman, Paul Burns, Tom Tierney and Tim Rogers. He also thanked Executive Manager Elaine Christian and Public Transportation Department Director Bob Kniefel. He thanked former Judge Doug Serdahely who provided excellent service as a facilitator. Lastly, Mayor Mystrom thanked Robert Klausner, Bruce Gagnon and Mark Johnson.

Question was called on the motion to adopt AO 2000-65 as amended and it passed:

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

Mr. Wuerch moved,
seconded by Mr. Tesche,

immediate reconsideration.

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

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

to change the orders of the day to consider item 12.M,
AO 2000-67.

Ordinance No. AO 2000-67, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Subsection 16.60.050 M., regarding the **criteria for waiving permit fees for charitable operations and organizations operating a food establishment**, Assemblymember Kendall.

1. Assembly Memorandum No. AM 348-2000.

2. Information Memorandum No. AIM 42-2000, Health and Human Services.
3. Ordinance No. AO 2000-67(S), an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Subsection 16.60.050 M., regarding the criteria for waiving permit fees for charitable operations and organizations operating a food establishment, Assemblymembers Kendall and Fairclough. (**addendum**)
4. Assembly Memorandum No. AM 451-2000.

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

PAT BAILY, the career resource advisory advisor at Mirror Lake Middle School, said she and some students opened an Italian Soda café at the school. The purpose of the café was to teach students about starting and operating a business, and provide practical experience. The money made from sales will return to the school for student projects such as field trips, buses, student scholarships and equipment. Ms. Baily said in the course of researching the project, she found they had to pay \$200 for a plan review and \$150 for an annual fee, which was difficult to pay as there is no budget for the project. The principal of the school agreed to pay the fees. Ms. Baily expressed concern that other schools may want to begin a similar project, but not have such a generous source of funds. She asked the Assembly to consider the proposed waiver, which would maintain the inspection process.

NINA JOHNSON, a student at Mirror Lake Middle School, was one of the four who started the Sleepy Coyote Café. Ms. Johnson reiterated the concerns of the group when faced with the high fees to begin operation of the Café. She felt fortunate their principal was willing to pay the fees; she noted some schools may not have the funds to do a similar project. She said the proposed fee waiver would help students learn the valuable lessons about the business world.

NICOLE ZAMATI, a student at Mirror Lake Middle School and another of the students involved in starting the Café, asked the Assembly to adopt the proposed ordinance. She explained the difficulties they faced starting the project because of the high fees. She hoped the ordinance provisions would help other students to begin teaching businesses.

MACKENZIE CROSSEN, a student at Mirror Lake Middle School and employee of the Café, urged adoption of the ordinance. Working at the Café has taught her many life and work skills. She felt the experience would be valuable for other students, yet the fees might hinder some from starting a business. She asked the Assembly to approve the ordinance.

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

Mr. Kendall moved, to adopt AO 2000-67(S).
seconded by Ms. Fairclough,

Mr. Kendall emphasized fees will continue for non-profit groups as is the current practice according to the Municipal Code. The waivers would be only for schools and school activities.

In response to Mr. Kendall, a Health and Human Services representative concurred with adoption of the substitute version of the ordinance.

Ms. Fairclough spoke in support of the ordinance, and noted proceeds from school businesses would be reinvested for school programs.

Ms. Clementson commended the students for their testimony, and for their efforts with the Café business.

In response to Mr. Tremaine, Mr. Kendall said his intent was that proceeds from the business would return to the individual school rather than the Anchorage School District.

Question was called on the motion to adopt AO 2000-67(S) and it passed:

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

Ms. Clementson moved, to change the orders of the day to consider item 12.H,
seconded by Ms. Taylor, AO 2000-70.
and it passed without
objection,

Ordinance No. AO 2000-70, an ordinance approving the Municipal School District's disposal by demolition of the former Muldoon Elementary School and the former Russian Jack Elementary School buildings, Assemblymembers Clementson, Taylor, Fairclough.

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

MARY JONES, custodial grandparents of four Russian Jack Elementary students, said she served on a site selection committee after fire damaged the school. The committee was able to preserve critical greenbelt corridors, landscape buffers and meet environmental concerns for the Russian Jack moose corridor. Ms. Jones said decisions on the new site location were based on the belief the old building would be demolished, which would provide space for playgrounds and an activity field. Playground specialists say that schools the size of Russian Jack should have a playground area of at least 15 acres. The location of the school makes it impossible to expand because of the proximity of a park and East High School. The current playground is 7.5 acres; if the old building is demolished, the area would increase to 10 acres. The playground expansion is desperately needed to provide a safe outdoor environment for students. Therefore, area residents were shocked at the Assembly's proposal to use the building for commercial use. Ms. Jones pointed out necessary renovation of the building would be at taxpayer expense, and a commercial building would increase traffic on East 20th Avenue. Traffic on

that road is already very heavy, as the road serves East High, Russian Jack Elementary, ARCO, and many townhomes and condominiums. She pointed out there are existing buildings available for the Municipality's commercial use purposes. Also, there was no public hearing on the decision, and a notice regarding the pending action was published in the Alaska Journal of Commerce, which is not widely read by the public. She requested the Assembly respond to the needs of Russian Jack students and the wishes of their constituents.

CAROL ORTIZ, a teacher at Russian Jack Elementary, said at first, she could not believe the Assembly would consider leaving the old building standing and delete soccer field construction. She noted the smell of the burned school is often in the air, acting as a reminder of the tragedy. She felt it was inappropriate to locate a commercial building so close to an elementary school. She pointed out additional traffic on East 20th Avenue, already in poor repair from heavy traffic, would exacerbate the problem and increase hazards for pedestrian students. Ms. Ortiz explained Russian Jack students could not use adjacent East High fields, because they were separated by fences and grades in elevation. It might not be safe for elementary students to meet high school students who gather in the woods to smoke. She questioned why Russian Jack was being treated differently than other elementary schools. Ms. Ortiz added many Russian Jack students are from damaged families, and have a high risk. She asked the Assembly to help teachers and staff who try to instill a sense of pride and self-worth in students and to inspire them that hard work can result in good things.

SHEILA HARRIS, parent of a Russian Jack Student, read a statement by PTA president Mr. Smith. Mr. Smith noted the Russian Jack community was very happy to hear of plans to install fields where the old building stands. People felt the Anchorage School District was finally listening to their needs and concerns. Mr. Smith felt the location at the end of the East 20th cul-de-sac, would be inappropriate for a warehouse facility. He felt it was unfair that the decision would be made without public input. Ms. Harris presented a petition in support of demolishing the old school, signed by parents in the area.

KATHLEEN PLUNKETT, president of the Russian Jack Community Council, said the Council discussed Russian Jack Elementary several times at their meetings. Many people were in attendance who had various reasons for concern. It was a unanimous consensus that the old school should be demolished. The Council passed a motion in support of the proposed resolution approving demolition. There were many issues discussed, including retention of trails, drainage issues, traffic and pedestrian safety. Equity was also a big issue. Considering the site is essentially new, she felt the Assembly and School District should consider creating adequate fields for the use of the students.

DIANE KING, a parent of a Russian Jack student, spoke on behalf of all the students. She lives on East 20th facing the school, and attested to the heavy traffic on the road. She felt students should have a proper field and playground to reduce the number of children playing in the street. She felt the burned school should be removed, to help everyone move on.

ROBERT HAYES said he has been a whistleblower regarding the Anchorage School District's fire alarm system and improper maintenance. He felt if the fire alarm and repression system had been working correctly, the school would not have sustained such damage. Mr. Hayes felt other District students were in danger from fire, because there was apparently nothing being done about the problems he disclosed.

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

Ms. Clementson moved, to adopt AO 2000-70.
seconded by Ms. Taylor,

Ms. Clementson noted demolition of any school was important and should be authorized by ordinance. She felt it was in the best interest of the community to demolish the old Muldoon Elementary and Russian Jack Elementary schools. She pointed out the standard for an elementary school site is 15 acres. There is only one elementary school site in east Anchorage that meets that standard. Ms. Clementson said even with the room from demolishing the old Russian Jack building, it would make the site only 10 acres. She felt the opportunity to provide some equity was important. She pointed out on a map the proximity of the old school to the new school, and the location and condition of the adjacent East High fields. The adjacent fields are on a separate elevation, so would not be suitable for use by Russian Jack students. Locating an office building next to the new school would be inappropriate. The old building cannot be used as a warehouse because the land is not zoned for such a use. She implored her colleagues to vote in support of the ordinance.

Mr. Tremaine supported the ordinance. He felt rumors about using the old school as a warehouse might have originated with the same people who felt the School District had authority to demolish the building. He said the introduction of AR 2000-46(S) was to remind the District of the Municipality's authority.

Mr. Wuerch added the original resolution, AR 2000-46(S) was a reminder to certain people that building disposal authority is vested with the Assembly. He felt it was unfortunate that rumors that Assemblymembers were opposed to demolishing the building were started. He supported the ordinance.

Ms. Von Gemmingen commended Ms. Clementson for her work on this issue. She noted there seems to be a problem with the road and walkway to the school, and asked the representatives from the area to investigate further. She would like to ensure school children can travel to and from the school safely.

Question was called on the motion to adopt AO 2000-70 and it passed:

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

Ms. Clementson moved, immediate reconsideration.
seconded by Mr. Sullivan,

AYES: Kendall, Clementson.

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

Mr. Wuerch moved, to postpone action on item 9.C, AR 2000-46(S),
seconded by Ms. Taylor, indefinitely.
and it passed without
objection,

Ms. Taylor moved, to change the orders of the day to consider item 12.I,
seconded by Mr. Tesche, AO 2000-60.
and it passed without
objection,

Ordinance No. AO 2000-60, an ordinance providing for the **public purpose retention and the donation of Lots 6 and 7, Block 3, McWilliams Subdivision**, Parcel Nos. 005-013-18 and 005-013-19, two vacant lots on Lane Street, Anchorage, Alaska (Exhibit A), to Habitat for Humanity, Inc., a nonprofit corporation for their program to develop affordable housing for the private sector, Real Estate Services/Heritage Land Bank.

1. Assembly Memorandum No. AM 304-2000.
2. Ordinance No. AO 2000-60(S), an ordinance providing for the public purpose retention and the donation of Lots 6 and 7, Block 3, McWilliams Subdivision, Parcel Nos. 005-013-18 and 005-013-19, two vacant lots on Lane Street, Anchorage, Alaska (Exhibit A), to Habitat for Humanity, Inc., a nonprofit corporation for their program to develop affordable housing for the private sector, Real Estate Services/Heritage Land Bank.
3. Assembly Memorandum No. AM 374-2000.

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

RICH VITALE, Director of Habitat for Humanity, asked the Assembly to adopt the substitute version of the ordinance. He thanked the Assembly for its support and offered to answer questions.

In response to Mr. Tesche, Mr. Vitale said the Habitat for Humanity organization has enabled construction of sixteen houses in Anchorage; four houses are scheduled to be built this year. The homes are now owned by private citizens and are part of the Municipal tax roll.

In response to Mr. Wuerch, Mr. Vitale explained why the substitute version does not have a \$29,000 construction lien. He said in order for Habitat for Humanity to fulfill its mission of providing homes for low-income people, a low budget is important. The \$29,000 lien is more than the value of most lots they build on. His understanding was the lien was paid by Federal government grant funds transferred to the Municipality.

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

Mr. Tesche moved, to adopt AO 2000-60(S).
seconded by Ms. Taylor,

Mr. Tesche spoke in support of the ordinance.

Question was called on the motion to adopt AO 2000-60(S) and it passed:

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

NAYS: None.

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

Mr. Tesche moved, to change the orders of the day to consider item 12.K,
seconded by Ms. Taylor, AO 2000-66.

AYES: Taylor, Wuerch, Fairclough, Abney.

NAYS: Kendall, Sullivan, Tremaine, Meyer, Von Gemmingen.

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

The Assembly then returned to the regular order, with item 11.B.

B. Ordinance No. AO 2000-30, an ordinance amending Anchorage Municipal Code Section 26.80.055 to **eliminate or amend the automatic termination (sunset) of reduced solid waste fees for certain recycling operations**, Municipal Clerk.

1. Assembly Memorandum No. AM 85-2000.
 2. Assembly Memorandum No. AM 340-2000, Solid Waste Services.
- (CARRIED OVER FROM 3-21-00)

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

Mr. Wuerch moved, to adopt AO 2000-30.
seconded by Ms. Taylor,

Mr. Wuerch spoke in support of the ordinance. He noted the ordinance came about to reduce the bulk that is placed in the landfill, and gives a rebate to recycling operations.

Chairman Meyer noted the Administration requested the Assembly place another 3-year sunset clause on the provision.

Question was called on the motion to adopt AO 2000-30 and it passed:

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

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

- C. Ordinance No. AO 2000-53, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 2.30.040, **Appearance Request**, to change the deadline requirement for placement before Assembly after acceptance from 14 days to seven days, Assemblymember Taylor.
1. Assembly Memorandum No. AM 248-2000.
- (CONTINUED FROM 3-7-00)

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

Ms. Taylor moved, to continue the public hearing for AO 2000-53 until April 25,
seconded by Mr. Sullivan, 2000.
and it passed without
objection,

- D. Ordinance No. AO 2000-54, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 2.30.080, **Conduct of Debate and Discussion**, to change the time limit on remarks from individuals from three minutes to five minutes, Assemblymembers Taylor, Tesche, and Tremaine.
1. Assembly Memorandum No. AM 249-2000.
- (CARRIED OVER FROM 3-21-00)

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

Ms. Taylor moved, to continue the public hearing for AO 2000-53 until April 25,
seconded by Mr. Sullivan, 2000.
and it passed without
objection,

12. NEW PUBLIC HEARINGS:

- A. Ordinance No. AO 2000-35, an ordinance of the Anchorage Municipal Assembly **continuing or reestablishing the Housing and Neighborhood Development Commission** pursuant to Anchorage Municipal Code Section 4.05.150, Municipal Clerk.
1. Assembly Memorandum No. AM 114-2000.
 2. Information Memorandum No. AIM 38-2000, Mayor's Office.

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

PAT FULTON, a member of the Housing and Neighborhood Development Commission, discussed some things that were not included in the evaluation form. He said some projects the Commission has recommended include safety upgrades of twelve playgrounds in the Municipality, mostly in Renaissance Zone neighborhoods, a grant for a warehouse for Habitat for Humanity and the Anchor Program which won a nationwide Best Practices award from the U.S. Department of Housing and Urban Development. Mr. Fulton noted the Anchor Program awarded grants to eligible participants to help them become homeowners. He added all citizens benefit from the Commission's recommendations, because stabilizing neighborhoods increases the quality of life and reduces costs of crime fighting. He urged the Assembly to continue the Commission's existence.

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

Ms. Abney moved, to adopt AO 2000-35.
seconded by Ms. Taylor,

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

- B. Ordinance No. AO 2000-36, an ordinance of the Anchorage Municipal Assembly **continuing or reestablishing the Municipal Health and Human Services Commission** pursuant to Anchorage Municipal Code 4.05.150, Municipal Clerk.
1. Assembly Memorandum No. AM 115-2000.
 2. Information Memorandum No. AIM 39-2000, Mayor's Office.

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

WES WEIR spoke representing the Health and Human Services Commission. He asked the Assembly to continue the Commission for another three years.

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

Mr. Sullivan moved, to adopt AO 2000-36.
seconded by Ms. Fairclough,

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

- C. Resolution No. AR 2000-67, a resolution of the Municipality of Anchorage appropriating the sum of \$110,000 from the U.S. Environmental Protection Agency and \$323,000 as a cash match from the 2000 Department of Health and Human Services Operating Budget to the Federal Categorical Grants Fund (241) for the **operation of the Anchorage Air Pollution Control Agency**, Health and Human Services.
1. Assembly Memorandum No. AM 307-2000.

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

Ms. Clementson moved, to approve AR 2000-67.
seconded by Ms. Fairclough,

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

- D. Resolution No. AR 2000-73, a resolution of the Municipality of Anchorage appropriating \$398,800 of anticipated ambulance service fees and \$27,180 of anticipated collection recoveries to the Areawide (101) Fund for **payment of associated outside contract collection costs**, Anchorage Fire Department/Finance.
1. Assembly Memorandum No. AM 339-2000.

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

Ms. Clementson moved, to approve AR 2000-73.
seconded by Ms. Von Gemmingen,

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

- E. Ordinance No. AO 2000-65 an ordinance of the Municipality of Anchorage terminating the existing **Anchorage Police and Fire Retirement System**; transferring assets of the terminated system to a new Anchorage Police and Fire Retirement System; providing for distribution of certain surplus assets of the terminated system; repealing Chapter 3.85, Anchorage Municipal Code in its entirety; enacting a new Chapter 3.85; Anchorage Municipal Code; providing for a transition of authority for management of the new retirement system, providing for severability and an effective date, Police and Fire Retirement System.
1. Assembly Memorandum No. AM 319-2000.

This item was considered earlier in the meeting. See after action on item 9.A, AO 99-148.

- F. Resolution No. AR 2000-72, a resolution of the Municipality of Anchorage **accepting the sum of \$40,000,000 from the Police and Fire Retirement System** as a contribution to the MOA Trust Fund (730), Finance.
1. Assembly Memorandum No. AM 337-2000.

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

Ms. Clementson moved, to postpone action on AR 2000-72 indefinitely.
seconded by Ms. Taylor,

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

- G. Resolution No. AR 2000-77, a resolution **authorizing eminent domain proceedings and acceptance of the Decisional Document, Part III, for the construction of the 15th Avenue Safety Improvements, Ingra Street to Sitka Street, Part 2**, Public Works.
1. Assembly Memorandum No. AM 353-2000.

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

Assistant Municipal Attorney Dennis Wheeler explained this resolution was a contingency plan. Municipal officials were waiting for the Court to render a decision on authority of the subject two parcels. Because there was a lengthy delay on the decision, this document was drafted to have in case the Court ruling was against the Municipality. However, the Court finally ruled in favor of the Municipality and denied reconsideration, so the proposed document is no longer necessary. He requested the Assembly postpone action indefinitely.

Mr. Tesche moved, to postpone action on AR 2000-77 indefinitely.
seconded by Mr. Tremaine,

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

- H. Ordinance No. AO 2000-70, an ordinance **approving the Municipal School District's disposal by demolition of the former Muldoon Elementary School and the former Russian Jack Elementary School buildings**, Assemblymembers Clementson, Taylor, Fairclough.

This item was considered earlier in the meeting. See after action on item 12.M, AO 2000-67.

- I. Ordinance No. AO 2000-60, an ordinance providing for the **public purpose retention and the donation of Lots 6 and 7, Block 3, McWilliams Subdivision**, Parcel Nos. 005-013-18 and 005-013-19, two vacant lots on Lane Street, Anchorage, Alaska (Exhibit A), to Habitat for Humanity, Inc., a nonprofit corporation for their program to develop affordable housing for the private sector, Real Estate Services/Heritage Land Bank.
1. Assembly Memorandum No. AM 304-2000.
 2. Ordinance No. AO 2000-60(S), an ordinance providing for the public purpose retention and the donation of Lots 6 and 7, Block 3, McWilliams Subdivision, Parcel Nos. 005-013-18 and 005-013-19, two vacant lots on Lane Street, Anchorage, Alaska (Exhibit A), to Habitat for Humanity, Inc., a nonprofit corporation for their program to develop affordable housing for the private sector, Real Estate Services/Heritage Land Bank.
 3. Assembly Memorandum No. AM 374-2000.

This item was considered earlier in the meeting. See after action on item 12.H, AO 2000-70.

- J. Ordinance No. AO 2000-64, an ordinance amending the Anchorage Municipal Code Sections 14.60.030, 24.30.020 and 24.30.100 to **allow the Administrative Hearing Officer to assess fines for using or working in a public place without the appropriate permit or in violation of the permit**, and to clarify the interpretation of Anchorage Municipal Code Section 24.30.100, Public Works.
1. Assembly Memorandum No. AM 318-2000.

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

Mr. Wuerch moved, to adopt AO 2000-64.
seconded by Mr. Sullivan,

In response to Mr. Kendall, Public Works Director Jim Fero explained the purpose of the ordinance would tie Anchorage Municipal Code Title 24 to Title 14. Currently, there is no mechanism to allow the Administrative Hearing Officer to participate in the permit fine assessment process.

Assistant Municipal Attorney Dennis Wheeler added the ordinance was a housekeeping measure, and would not change the current process for encroachment permits. It would merely allow the Administrative Hearing Officer jurisdiction to review permit violations.

In response to Mr. Kendall, Mr. Fero recalled when Title 24 was adopted, the tie to the Administrative Hearing Officer was inadvertently omitted.

In response to Ms. Clementson, Mr. Wheeler explained encroachment permits are issued by Public Works staff. Nothing in the fee structure would change. The larger fines are aimed mainly at contractors and utilities, to ensure they obtain and comply with the necessary permits. The typical homeowner would not face any changes in the type of permit or fines for violations of the Code.

In response to Ms. Clementson, Mr. Fero added the only change would be to allow a notice of violation to go before the Administrative Hearing Officer. That provision was in Title 24 for some time, but was inadvertently left out of the Title 24 revision done last year.

Question was called on the motion to adopt AO 2000-64 and it passed:

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

- K. Ordinance No. AO 2000-66, an ordinance repealing Anchorage Municipal Code 16.70, **Child Care and Educational Center Food Regulations**, and amending Chapter 16.60 of the Anchorage Municipal Code, Anchorage Food Code, to incorporate regulations for food service at licensed childcare and educational facilities, Health and Human Services.
1. Assembly Memorandum No. AM 338-2000.

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

BETTY ROBARDS, president of the Anchorage Child Care Directors Association, spoke in support of the ordinance. She asked the Assembly to revise the definition of the term "snack." She explained the concern with the proposed changes in the ordinance were cost-related. Accepting the change to the definition of "snack" will enable child care centers to adequately serve children. Child care workers are not food scientists, but they care about children. Ms. Robards pointed out the

proposed regulations are not new. She felt the guidelines must be part of the Health and Human Services Department policy, so changes in personnel will not affect continuity and consistency.

BARB DUBOVITCH, chair of the Alaska School-Age Child Care Alliance, noted the majority of providers care for children before and after school and during school vacation days. The majority of programs operate in out-of-school facilities and utilize shared space. She spoke in support of the ordinance, with an amendment to the term “snack” as recommended by the previous speaker. Ms. Dubovitch said the ordinance would be necessary for some programs to limit their food service to the “exempt” category, so it is critical that the term “snack” is amended. The amendment would allow milk and 100 percent juice to be served in that category. Milk is an item that must be served in order for centers to qualify for State food subsidy programs.

TERRY ROBERTSON, a child care provider, said her three centers serve 9,000 meals per month. It is very important they be able to maintain bulk products such as juice and milk. The single-serving containers of these items as proposed in the ordinance costs \$.39, which equals about \$6.40 per gallon. Currently, her cost for a gallon of milk is \$2.65. The container requirement will triple her costs. Her food program is very important, as her centers serve many low-income families in east Anchorage. She felt some of the children in her program are not getting enough food at their homes, and her food program is an important source for them.

In response to Mr. Wuerch, Ms. Robertson said she supported the amendment proposed by the previous speakers. The amendment would help her stay in business, because it would represent about \$24,000 per year.

MARGARET BAUGHER, with the Anchorage Association for the Education of Young Children, said she was concerned about infection control. She felt opening multiple pint containers would not be safe from an infection standpoint.

CYNTHIA HALL, executive director of Child Care Connection and a new member of the Health and Human Services Commission, thanked the Assembly and staff of the Health Department for working on this issue.

MARGARET WOLF commended the Health Department staff and the Health and Human Services Commission for working with providers and bringing a controversial subject to almost complete consensus. She spoke in support of the proposed amendment regarding “snack” and explained it represented the difference between opening a gallon container of juice or milk and pouring it into cups and using single-serving containers. Using single-service containers would result in most programs having to remove milk and juice service from their menus.

SYLVIA HOLLOWAY, administrator of the Anchorage Montessori School, spoke in support of the proposed “snack” amendment.

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

Ms. Clementson moved, to adopt AO 2000-66.
seconded by Ms. Von Gemmingen,

Ms. Clementson commended all parties for reaching this point. She felt it was miraculous that the issue had been resolved to everyone’s satisfaction.

In response to Ms. Clementson, Assistant Municipal Attorney Dennis Wheeler felt the Assembly could amend the ordinance as suggested tonight without violating notice requirements. However, he noted the term “snack” would also apply to educational facilities.

Ms. Clementson moved, to amend AO 2000-66 on page 11, line 3 to add language to read: “110. “Snack” means food served consisting of: a) prepackaged nonpotentially hazardous food from an approved source that requires minimal handling; b) fruits and vegetables that require only washing, peeling or single-service utensils for service; c) commercially packaged individual containers of milk; d) commercially packaged, previously unopened and adequately stored bulk containers of milk and 100% fruit juice dispensed during a single meal service into single-service containers.”

In response to Ms. Clementson, an unidentified Health and Human Services Department staff member said there were no objections to the proposed amendment. However, she clarified the snack definition is in the context of exempt facilities only.

Mr. Tesche expressed concern about the level of staff that would be necessary to enforce the proposed ordinance. He requested the Department staff review, and report back to the Assembly, a plan for enforcement with an emphasis on education. He hoped the law would not be enforced inadequately or by complaint or disaster only.

In response to Mr. Sullivan, an unidentified Health and Human Services Department staff member said she spoke with State officials, who said their concern was potential for contamination of a container that is removed from a refrigerator, used and returned to the refrigerator. The proposed law would allow use of a bulk container of milk or juice for one meal; the beverage would be dispensed into single-service cups, and all the remaining beverage in the bulk container and single-service cups would be discarded. Therefore, the avenue for contamination would be removed. This particular amendment has not been reviewed by the State, but when she spoke with officials, they did not object.

Ms. Abney moved, to call the previous question.
seconded by Ms. Taylor,
and it passed without
objection,

Question was called on Ms. Clementson's motion to amend and it passed:

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

Ms. Von Gemmingen moved, to amend AO 2000-66 on page 11, line 9, to read: "...not
seconded by Ms. Abney, later than October 1, 2000."

Ms. Von Gemmingen explained she wanted to allow providers enough time to comply with the new regulations.

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

Question was called on the motion to adopt AO 2000-66 as amended and it passed:

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

- L. Ordinance No. AO 2000-59, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Sections 9.18.030 regarding **stop or yield signs** at through streets, and Section 9.18.040 regarding stop or yield signs at other intersections to allow for placement of signs at the request of community councils in residential zoning districts, Assemblymembers Taylor, Abney, Tesche, and Tremaine.
1. Assembly Memorandum No. AM 358-2000, Assemblymember Taylor.
 2. Assembly Memorandum No. AM 421-2000, Public Works. (**addendum**)

This item was continued until April 25, 2000.

- M. Ordinance No. AO 2000-67, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Subsection 16.60.050 M., regarding the **criteria for waiving permit fees for charitable operations and organizations operating a food establishment**, Assemblymember Kendall.
1. Assembly Memorandum No. AM 348-2000.
 2. Information Memorandum No. AIM 42-2000, Health and Human Services.
 3. Ordinance No. AO 2000-67(S), an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Subsection 16.60.050 M., regarding the criteria for waiving permit fees for charitable operations and organizations operating a food establishment, Assemblymembers Kendall and Fairclough. (**addendum**)
 4. Assembly Memorandum No. AM 451-2000.

This item was considered earlier in the meeting. See after action on item 12.E, AO 2000-65.

- N. Ordinance No. AO 2000-68, an ordinance amending Anchorage Municipal Code Title 2 by enacting a new Chapter 2.35 to **regulate lobbying in municipal legislative and administrative actions** by providing for registration of lobbyists and reporting of lobbying activities and finances and prohibiting specified activities and actions, providing penalties for violations thereof and establishing procedures and implementing provisions, Legal Department.
1. Assembly Memorandum No. AM 350-2000.

This item was continued until April 25, 2000.

13. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS: None.

14. SPECIAL ORDERS:

- A. Assembly Memorandum No. AM 246-2000, certification of the April 4, 2000, Regular Municipal Election, Clerk's Office.

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

15. ASSEMBLY COMMENTS: See item 16, Unfinished Agenda.

16. UNFINISHED AGENDA:

- A. Ordinance No. AO 2000-9, an ordinance **providing for the sale of Lots 1 through 5, Block 7, Galatea Estates; Lots 4 through 6, Block 4, Abbott Loop Manor; Lot 25A, Block 6, Lakehurst; and Lot 75, Section 18, T15N, R1W, S.M.**, Heritage Land Bank/Real Estate Services.
1. Assembly Memorandum No. AM 8-2000.
 2. Information Memorandum No. AIM 9-2000, Heritage Land Bank/Real Estate Services.
- (APPROVED ALL EXCEPT LOTS 4-6, BLOCK 4, ABBOTT LOOP MANOR AND POSTPONED FROM 1-25-00; CARRIED OVER FROM 3-7-00 AND 3-21-00)

Chairman Meyer gave the history of the ordinance and noted a motion to adopt was on the floor. He added all lots except 4, 5 and 6 of Abbott Loop Manor had been approved on January 25, 2000.

Mr. Wuerch recommended lots 4, 5 and 6 be used for a neighborhood park. He asked Gladys Wilson of the Real Estate Services Division to address the Assembly.

Ms. Wilson explained the properties had been foreclosed for taxes. She said Cultural and Recreational Services staff studied the issue, and concluded the area does not meet the criteria for a park. She said it would not be a problem if the Assembly did not approve the sale of these lots. Ms. Wilson added the properties have been on a public sale list numerous times. Each public sale requires an agency review process and review by community councils. There has never been a response on these parcels.

Chairman Meyer said he discussed the issue with the Community Council. Because the parcels are near a densely populated area, the Council supported the idea. He agreed with Mr. Wuerch that the Assembly should vote against this item, and then obtain a letter from Ms. Wilson explaining why the parcels are not suitable for a park. He suggested the Council be approached again to discuss possible use for the parcels.

Question was called on the motion to approve the sale of lots 4, 5 and 6 listed in AO 2000-9 and it failed:

AYES: None.

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

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

- B. Information Memorandum No. AIM 13-2000, Bar Violations/Quarterly Report (**Cusack's Brewpub**), Anchorage Police Department.
(POSTPONED FROM 1-25-00 AND 2-1-00; CARRIED OVER FROM 3-7-00 AND 3-21-00)

Chairman Meyer gave the history of the memorandum and noted a motion to accept was on the floor.

Employee Relations Director Tom Tierney informed the Assembly the taxes for Cusack's Brewpub have not been paid.

Mr. Wuerch said he spoke with Doug Griffin of the State Alcoholic Beverage Control (ABC) Board. Mr. Griffin told him action was pending before ABC to suspend the license for 90 days. The license was surrendered to ABC, and then a protest was filed. Mr. Griffin explained the license will not be returned until the suspension period is up and the outstanding taxes are paid. Mr. Wuerch felt the State system was working well, and it seemed there was not much for the Assembly to do at this point.

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

to direct the Municipal Clerk to send a letter to the license holder of Cusack's Brewpub informing him of the Assembly's concern with police reports about alcohol sales to minors, and to request the license holder provide the Assembly with his plans to ensure service to minors will not occur again, and plans to prevent fights among guests on the premises, with a copy of the letter directed to the ABC Board.

Question was called on the motion to accept AIM 13-2000 and it passed without objection.

- C. Ordinance No. AO 99-114, an ordinance of the Anchorage Assembly **formally adopting the goals and objectives of the Anchorage Bowl Comprehensive Plan**, Assemblymembers Taylor, Tesche, Tremaine, and Abney.
1. Assembly Memorandum No. AM 724-99.
(CONTINUED FROM 10-19-99, 2-15-99, AND 2-22-00; POSTPONED FROM 3-7-00)

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

Mr. Tesche moved,
seconded by Ms. Taylor,

to refer AO 99-114 to the Planning and Zoning Commission with request for their recommendation which would return to the Assembly in conjunction with the Comprehensive Plan.

Mr. Tesche explained the ordinance was introduced last summer as a way to remind everyone of the work done on the Plan Goals and Objectives by 300 citizens, and to keep those issues alive during drafting of the Plan. He felt the best thing for the Assembly to do was to refer the ordinance to P&Z for their final recommendation as to whether the goals and objectives have been adequately included in the Plan. He asked for clarification from P&Z about their action in January, 1999 to adopt the goals and objectives and forward them to the Assembly as an informational item.

Ms. Von Gemmingen expressed concern this item has been before the Assembly since August 10. She felt the ordinance should be postponed indefinitely. She noted P&Z has held public hearings on the subject and is formulating their report. She did not want to introduce another item into that process.

Ms. Taylor echoed Mr. Tesche's comments. She felt the goals were an integral part of the Plan and it would be beneficial to allow P&Z to comment further on the issue.

Mr. Tesche felt the process called for referring the matter back to P&Z for a final recommendation. He felt it would be inappropriate to kill the ordinance simply because it has been pending for a long time, and it would be a poor salute to all the citizens who participated in hundreds of hours of review and work.

Ms. Clementson acknowledged Mr. Tesche's goal. However, she felt direction to P&Z would have been more appropriate prior to their public hearings. She supported the idea of postponing indefinitely.

Ms. Abney said she recently attended a community meeting on this subject, and there was broad support for the goals and objectives document. She supported referring it to P&Z.

Mr. Tremaine agreed the goals and objectives should be referred to P&Z.

Mr. Wuerch pointed out P&Z has already adopted the goals and objectives, and the goals have been used as a guideline for development of the Comprehensive Plan. He noted AO 99-114 poses the question of whether the Assembly adopts the goals and objectives, and said it seemed redundant to ask P&Z for advise on whether to adopt. He felt there was a risk of introducing delay and confusion if the ordinance is referred to P&Z.

Ms. Von Gemmingen moved, to substitute a motion to postpone action on AO 99-114
seconded by Ms. Fairclough, indefinitely.

AYES: Kendall, Sullivan, Meyer, Wuerch, Fairclough, Von Gemmingen, Clementson.

NAYS: Tremaine, Tesche, Taylor, Abney.

Question was called on the motion to postpone action on AO 99-114 indefinitely and it passed:

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

NAYS: Tremaine, Tesche, Taylor.

Ms. Taylor moved, to enter reconsideration on the minutes.
seconded by Ms. Abney,

(Clerk's Note: See minutes of April 25, 2000 for further action on this item.)

D. Ordinance No. AO 2000-13, an ordinance amending Anchorage Municipal Code Sections 14.60.030 and 15.70.060 to **increase the range of fines possible for noise disturbances** and to allow the Anchorage Police Department to give citations for violations of the Anchorage Noise Control Ordinance, Assemblymembers Meyer and Wuerch.

1. Assembly Memorandum No. AM 22-2000.

(POSTPONED FROM 1-25-00; CARRIED OVER FROM 3-21-00)

Chairman Meyer gave the history of the ordinance and noted a motion to adopt was on the floor.

Mr. Wuerch moved, to postpone action on AO 2000-13 indefinitely.
seconded by Ms. Clementson,

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

NAYS: None.

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

Ms. Abney moved, to extend the meeting to consider Assembly Comments
seconded by Ms. Fairclough, and Audience Participation.

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

NAYS: Kendall, Taylor, Wuerch, Von Gemmingen, Clementson.

(Clerk's Note: This motion failed for lack of nine affirmative votes required to extend the meeting past 11:00 p.m.)

E. Assembly Comments.

1. Mr. Sullivan noted he was working on an ordinance to address the topic in item 12.N. on tonight's agenda, regarding regulation of lobbyists. He intended to introduce that ordinance in the next few weeks.

2. Mr. Tesche suggested requesting a joint committee from the Planning and Zoning Commission and the Health and Human Services Commission be formed. The committee would give the Assembly a recommendation for a standard for alcoholic beverage license decisions that could be placed in the Comprehensive Plan. He felt the current Plan does not adequately address that issue.

Mr. Tesche moved, to make the above request for formation of a committee.
seconded by Ms. Taylor,

Mr. Wuerch supported the concept, except for the provision to insert the standards into the Comprehensive Plan at the last minute. He opposed anything that would risk delaying the Plan.

Mr. Wuerch moved, to amend the motion to delete the reference to place the
seconded by Ms. Clementson, standards in the Comprehensive Plan.

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

to postpone action on the motion and amendment until
April 25, 2000.

In response to Chairman Meyer, Mr. Tesche said the issue could return as an Assembly Memorandum next week.

(Clerk’s Note: No memorandum was submitted nor was further action taken on these motions on April 25, 2000.)

- 3. Ms. Taylor noted the Anchorage Youth Court was holding its first annual gala, on Friday, April 28. She would like to gather as many Assembly members as are available to attend.
- 4. Ms. Fairclough noted ALPAR was hosting a “Wear Your School Colors” dinner on April 21. She added Mayor Mystrom would attend the groundbreaking ceremony for the new jail on April 22. Also, she announced she was working with Clerk’s Office staff and secondhand merchants to discuss the Secondhand Merchant issue.

Mr. Tesche moved,
seconded by Ms. Fairclough,
and it failed with Mr. Kendall and
Ms. Clementson objecting,

to extend the meeting to complete Assembly Comments.

- 5. Ms. Abney said she was concerned when the Assembly chooses not to allow public participation.

17. AUDIENCE PARTICIPATION: None.

18. EXECUTIVE SESSIONS: None.

19. ADJOURNMENT:

The meeting adjourned at 11:00 p.m.

Chair

ATTEST:

Municipal Clerk

Date Minutes Approved: June 27, 2000

LF/db

FLOOR AMENDMENTS

by

ASSEMBLY MEMBER TESCHE TO AO 2000-65 and ATTACHMENTS**ANCHORAGE ORDINANCE NO. 2000-65**

1. Page 2, line 7, Section 3.: First sentence is amended to read as follows:

Anchorage Municipal Code Chapter 3.85 and Anchorage Municipal Code of Regulations chapter 3.85 are ~~is~~ hereby repealed in ~~their~~ ~~is~~ entirety. A new Anchorage Municipal Code Chapter 3.85 attached hereto and incorporated herein as Attachment C. (Exhibit A. to the Settlement Agreement) is hereby adopted.

2. Page 2, line 13, Section 4. Add a new sentence to the end of the paragraph to read as follows:

Notwithstanding anything to the contrary contained in the new Anchorage Municipal Code chapter 3.85, the Board of Trustees of the terminated Retirement System is hereby continued and empowered to administer the new retirement system until a new Board of Trustees can be appointed in accordance with the new Chapter 3.85. The elected trustees of the terminated system shall automatically continue as trustees of the new system until the expiration of their current terms. **The provisions governing membership, composition, and duties of the retirement board, as well as those governing the processing of disability retirement claims which are set forth in Attachment C. shall govern all disability and retirement claims, regardless of the date of injury or illness or when filed.**

ATTACHMENT C. – NEW ANCHORAGE MUNICIPAL CODE CHAPTER 3.85

1. Page 8, ¶PP, line 8. After the phrase “is caused by an injury” insert the words “**or illness**”.
2. Page 8, ¶PP, line 11. After the words “injuries received” insert the words “**or illness incurred**”.
3. Page 14, ¶H., line 1. After the words “is contacted by an attorney” insert the phrase “**who is acting as an advocate on behalf of another for benefits or in litigation relating to the System.**”
4. Page 18, ¶R., line 1. Insert a new phrase at the beginning of the sentence to read: “**The provisions of chapter 7.20 notwithstanding, procure**” and strike the following word “Procure”.
5. Page 19, ¶A., line 1. Insert a new phrase at the beginning of the sentence to read: “**The provisions of section 7.20.060 notwithstanding, the**” and strike the following word “The”.
6. Page 20, ¶E., line 1. Insert at the beginning of the sentence: “**The contrary provisions of Title 7 notwithstanding, the**” and strike the following word “The”.
7. Page 33, ¶A.1. line 8. Add a sentence at the end of the paragraph to read: “**Nothing in this section shall preclude the filing of a claim for occupational disability based upon knowledge of the job related nature of the disability which is first acquired more than 365 days after the injury or illness, provided that a claim for such occupational disability is filed within 365 days of the date knowledge of the job related nature of the claim is first acquired.**”
8. Page 33, ¶A.2., line 10. Delete the sentence beginning: “The request for an extension . . .” and substitute: “**The burden of proof supporting an extension shall be upon the member making the application and shall be supported by such credible evidence, including physicians’ statements, as the member may provide.**”
9. Page 35, ¶B.1., line 12. Delete the phrase “all pertinent documentation.” and substitute the phrase “**all non-privileged documents maintained by staff.**”
10. Page 35, ¶B.2., line 17. Delete the phrase “all pertinent documentation.” and substitute the phrase “**all non-privileged documents maintained by staff.**”
11. Page 50, section 3.85.140(A), line 2. After the phrase “result of an accident” insert the words “**or illness**”.
12. Page 50, section 3.85.140(A), line 14. Strike the phrase “expedited a substantial factor in the death of the member.” and substitute the phrase “**was a substantial factor in bringing about the death of the member.**”

April 18, 2000; 12:47 PM

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