

1 MUNICIPALITY OF ANCHORAGE

2 ANCHORAGE ASSEMBLY

3 Minutes for Regular Meeting of July 24, 2001

4
5
6
7
8
9
10 **1. CALL TO ORDER:**

11
12 Assembly Chairman Dick Traini convened the meeting at 5:05 p.m. in the Assembly Chambers, 3600 Denali, Anchorage,
13 Alaska.

14
15 **2. ROLL CALL:**

16
17 Present: Anna Fairclough, Dan Sullivan, Fay Von Gemmingen, Melinda Taylor, Doug Van Etten, Dick
18 Traini, Dan Kendall, Allan Tesche, Janice Shamberg, Dick Tremaine.
19 Absent: Cheryl Clementson (excused).

20
21 **3. PLEDGE OF ALLEGIANCE:**

22
23 The pledge was led by Mr. Tremaine.

24
25 **4. MINUTES OF PREVIOUS MEETING:**

26
27 A. Regular Meeting - February 27, 2001

28
29 Mr. Tesche moved, to approve the minutes of the February 27, 2001 regular
30 seconded by Ms. Fairclough meeting.

31
32 Mr. Tesche said the roll call on page 1 indicated Mr. Tremaine was absent, but on page 1, line 50, he seconded a motion, and
33 he also spoke on page 3 at line 5. Mr. Tremaine verified that he had been absent and excused from that meeting.

34
35 Mr. Tesche withdrew his motion with the consent of Ms. Fairclough.

36
37 Chair Traini directed the Clerk to correct the minutes and resubmit them for approval.

38
39 (Clerk's Note: See August 14 minutes for approval of the February 27 minutes.)

40
41 **5. MAYOR'S REPORT:**

42
43 Municipal Manager Harry Kieling apologized to the residents of Campbell Glen for the attractive landscaping that was
44 mistakenly torn out recently. He said the Municipality would correct the error and take steps to ensure that this type of a
45 mistake did not happen again in the future. Mr. Kieling said that despite the record-breaking rainfall in July, the Firewise
46 campaign was still in effect, and advised residents to continue to be careful.

47
48 **6. ASSEMBLY CHAIR'S REPORT:**

49
50 Chair Traini reported that the wiring project for video, VCR, and DvD presentations was continuing, and the Assembly now
51 could offer multimedia presentations. Chair Traini advised that item 15.A, Appeal S-10677 under Board of
52 Adjustment/Assembly Appeals, would be postponed until 4:00 p.m. at the next regular meeting.

53
54 **7. COMMITTEE REPORTS:**

55
56 Mr. Tesche reported that the Elections Committee had met with the Municipal Clerk and representatives of Accu-Vote about
57 10 days ago for the Accu-Vote system demonstration. He said contractual arrangements had been made with the contractor,
58 and the Accu-Vote system would be in place for the next regular Municipal election in April 2002. He noted that Municipal
59 employees would receive training in ballot composition at the contractor's location, and Accu-Vote representatives would be
60 available in Anchorage during the first two elections to ensure the smooth operation of the elections.

61
62 Ms. Von Gemmingen reported that the Alaska Municipal League Legislative Committee met in Seward on July 12 and 13,
63 2001. She said they developed a policy statement and a list of the major items the committee felt should be sent to State and
64 federal legislators. She enumerated AML's priorities, which consisted of seven State priorities and five federal priorities.
65 She said the draft list would be submitted to Alaska Mayors next month and then to the main body in November.

66
67 Chair Traini thanked Ms. Von Gemmingen for participating in AML, representing the Assembly.

68
69 **8. ADDENDUM TO AGENDA:**

70
71 Mr. Sullivan moved, to amend the agenda to include the addendum items.
72 seconded by Ms. Fairclough,

73
74 Chair Traini read the addendum items.

Mr. Tesche asked that AR 2001-221 be added to the addendum. Chair Traini said it would be incorporated as item 9.B.8, and there were no objections.

Mr. Tremaine asked that AR 2001-222 be added to the addendum. Chair Traini said it would be incorporated as item 9.B.9, and there were no objections.

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

9. CONSENT AGENDA

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

- A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS: None.
- B. RESOLUTIONS FOR ACTION – OTHER:

1. Resolution No. AR 2001-213, a resolution of the Anchorage Municipal Assembly approving the **revised (schematic) design for the Chugiak High School Renewal, Phase 2 - Gymnasium & Cafeteria Renovation**, Anchorage School District.
 - a. Assembly Memorandum No. AM 640-2001.
2. Resolution No. AR 2001-214, a resolution of the Municipality of Anchorage providing for the appropriation of a grant totaling \$60,000 from the State of Alaska, Department of Education to the State Categorical Grants Fund (231), Cultural and Recreational Services Department for the **Library Outreach Services Program**, Cultural and Recreational Services/Library.
 - a. Assembly Memorandum No. AM 658-2001.
3. Resolution No. AR 2001-215, a resolution of the Municipality of Anchorage appropriating the sum of \$90,000 from the State of Alaska, Department of Health and Social Services, Division of Public Health to the State Categorical Grants Fund (231), Anchorage Police Department, for a **Tobacco Sales Enforcement Program**, Anchorage Police Department.
 - a. Assembly Memorandum No. AM 659-2001.

Mr. Tremaine requested this item be considered on the Regular Agenda. See item 10.B.

4. Resolution No. AR 2001-216, a resolution of the Municipality of Anchorage appropriating \$3,000 of Fund Balance from the Villages Scenic Parkway Limited Road Service Area Fund (146) to the Street Maintenance Department 2001 General Operating Budget for **summer maintenance projects**, Office of Planning, Development, and Public Works.
 - a. Assembly Memorandum No. AM 660-2001.
5. Resolution No. AR 2001-217, a resolution of the Municipality of Anchorage appropriating \$50,000 of Fund Balance from the Glen Alps Road Service Area Fund (105) to the Street Maintenance Department 2001 General Operating Budget for **summer maintenance projects**, Office of Planning, Development, and Public Works.
 - a. Assembly Memorandum No. AM 661-2001.
6. Resolution No. AR 2001-219, a resolution authorizing the Municipality to grant an electrical easement across a portion of **Tract A, Greater Anchorage Area Borough (GAAB) O'Malley School Site Subdivision**, Tax Code #015-151-43, Office of Planning, Development, and Public Works. **(addendum)**
 - a. Assembly Memorandum No. AM 669-2001.
7. Resolution No. AR 2001-220, a resolution of the Anchorage Municipal Assembly confirming official municipal policy governing further **utilization of municipal staff resources and public funds for a legal challenge to State Legislative Redistricting action**, Assemblymember Tesche. **(addendum)**

Mr. Kendall requested this item be considered on the Regular Agenda. See item 10.B.

8. Resolution No. AR 2001-221, a resolution of the Anchorage Assembly **condemning the recent racially motivated attacks in Anchorage**, calling upon the United States Commission on Civil Rights to investigate such incidents, and calling for a community action plan to eliminate discrimination and prejudice in Anchorage, Assemblymembers Tesche, Taylor, Kendall, Shamberg, Sullivan, Tremaine, Van Etten, and Traini. **(LAID ON THE TABLE)**

Mr. Tesche requested this item be considered on the Regular Agenda. See item 10.B.

9. Resolution No. AR 2001-222, a resolution of the Municipality of Anchorage **urging maintenance of the current proven management policy for ground fisheries in the North Pacific** (Alternative 1), Assemblymember Tremaine. **(LAID ON THE TABLE)**

C. BID AWARDS:

1. Assembly Memorandum No. AM 655-2001, recommendation of award to Wilder Construction Company for **Southport Drive Reconstruction – 100th Avenue to Ensign Drive** for the Municipality of Anchorage, Office of Planing, Development and Public Works (ITB 21-C036) (\$1,467,521.50), Purchasing.

Ms. Von Gemmingen requested this item be considered on the Regular Agenda. See item 10.C.

2. Assembly Memorandum No. AM 656-2001, recommendation of award to Norcon, Inc. for **distribution line extension unit price contract** for the Municipality of Anchorage, Municipal Light and Power (ITB 21-C032) (\$500,000), Purchasing.
3. Assembly Memorandum No. AM 657-2001, recommendation of award to **Summit Roads for Geneva Woods Subdivision Road Improvement District Phase 2 improvements** for the Municipality of Anchorage, Office of Planning, Development and Public Works (ITB 21-C034) (\$1,385,315.40), Purchasing.

Ms. Von Gemmingen requested this item be considered on the Regular Agenda. See item 10.C.

4. Assembly Memorandum No. AM 673-2001, recommendation of award to SeaCoast Construction Co., Inc. for **Russell Oberg and KFQD Parks Improvement Package** for the Municipality of Anchorage, Office of Planning, Development, and Public Works (ITB 21-C043) (\$263,356.40), Purchasing. **(addendum)**

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 643-2001, **appointment to the Executive Staff** (George J. Cannelos - Heritage Land Bank Director), Employee Relations.
2. Assembly Memorandum No. AM 644-2001, **401(k) Retirement Committee appointment** (Walter Monegan), Mayor's Office.
3. Assembly Memorandum No. AM 645-2001, **Mt. Park Estates/Robin Hill Limited Road Service Area Board of Supervisors appointment** (James Hay), Mayor's Office.
- a. Assembly Memorandum No. AM 645-2001(A), Mt. Park Estates/Robin Hill Limited Road Service Area Board of Supervisors appointment (James Hay), Mayor's Office. **(addendum)**

Ms. Von Gemmingen requested this item be considered on the Regular Agenda. See item 10.D.

4. Assembly Memorandum No. AM 666-2001, **Bear Tooth Grill – New Beverage Dispensary Liquor License and Application for a Restaurant Designation Permit** (Spenard Community Council), Clerk's Office.

Ms. Von Gemmingen requested this item be considered on the Regular Agenda. See item 10.C.

5. Assembly Memorandum No. AM 646-2001, cooperative purchase for a **front end loader** from Yukon Equipment, Inc. for the Municipality of Anchorage, Fleet Services Division (\$165,526), Purchasing.
6. Assembly Memorandum No. AM 650-2001, proprietary award to G.H. Harlow Company to provide a **decoder system** for the Municipality of Anchorage, Fire Department (\$34,525), Purchasing.
7. Assembly Memorandum No. AM 651-2001, proprietary award to BMC Software Distribution, Inc. to provide **computer software maintenance** for the Municipality of Anchorage, Information Technology Department (\$51,895.20), Purchasing.
8. Assembly Memorandum No. AM 652-2001, proprietary purchase to Door Specialties of Alaska, Inc. to **repair/refurbish existing modernfold acoustical partitions at the Egan Convention Center** for the Municipality of Anchorage, Property and Facility Management (\$78,800), Purchasing.
9. Assembly Memorandum No. AM 653-2001, change order No. 2 to purchase order 200878 with Broshum Janitorial for providing **custodial services** for the Municipality of Anchorage, Office of Planning, Development and Public Works (\$39,380), Purchasing.
10. Assembly Memorandum No. AM 654-2001, proprietary purchase with Mr. Don Alspach to perform **professional services** for the Municipality of Anchorage, Office of Planning, Development and Public Works (\$40,000), Purchasing.

Mr. Van Etten requested this item be considered on the Regular Agenda. See item 10.D.

11. Assembly Memorandum No. AM 662-2001, proprietary purchase to Sympro, Inc. to provide **software, training and annual maintenance and support** for an investment management and reporting system for the Municipality of Anchorage, Finance Department (\$67,000), Purchasing.
12. Assembly Memorandum No. AM 663-2001, proprietary purchase of **computer software maintenance** from Environmental Systems Research Institute, Inc. (ESRI) for the Municipality of Anchorage, Information Technology Department (\$59,197.62), Purchasing.
13. Assembly Memorandum No. AM 664-2001, change order No. 1 to vendor contract 20MLP433 with Pre Cast Concrete Co., Inc. to furnish **concrete products** on an "as needed" basis for the Municipality of Anchorage, Municipal Light and Power (\$150,000), Purchasing.
14. Assembly Memorandum No. AM 667-2001, proprietary purchase with Mark Briggs & Associates to perform **professional services related to Empowerment Zone** Application for the Municipality of Anchorage, Office of Planning, Development, and Public Works (\$40,000), Purchasing.
15. Assembly Memorandum No. AM 668-2001, proprietary purchase with Chugach Electric Association for the **installation of a 3-phase underground primary line extension for the Abbott Loop valve vault** for the Municipality of Anchorage, Anchorage Water and Wastewater Utility (\$38,273.61), Purchasing.
16. Assembly Memorandum No. AM 671-2001, **increased operating costs at Chugiak Senior Center** (\$250,000), Health and Human Services. **(addendum)**

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 71-2001, Internal Audit Report 2001-3 - **Anchorage Horse Council Management Agreement, Cultural and Recreational Services/Internal Audit.**

Chair Traini requested this item be considered on the Regular Agenda. See item 10.E.

2. Information Memorandum No. AIM 72-2001, waiver of formal procedures for **dasher board replacement at the Sullivan Arena** for the Municipality of Anchorage, Cultural and Recreational Services (ITB 21-B062) (\$135,900), Purchasing.
3. Information Memorandum No. AIM 73-2001, **contracts awarded between \$30,000 and \$100,000 through formal competitive processes** for the month of June 2001, Purchasing.
4. Information Memorandum No. AIM 74-2001, **Sole Source Procurement Report** for the month of June 2001, Purchasing.

Mr. Tesche requested this item be considered on the Regular Agenda. See item 10.E.

5. Information Memorandum No. AIM 75-2001, waiver of formal procedures for **36th Avenue, Providence Drive and LaTouche Street Pavement Resurfacing** for the Municipality of Anchorage, Office of Planning, Development, and Public Works (ITB 21-C039) (\$825,451), Purchasing.
6. Information Memorandum No. AIM 76-2001, **2000 Comprehensive Annual Financial Report**, Finance.

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION:

1. Ordinance No. AO 2001-141, an ordinance **amending the Hillside Wastewater Management Plan**, Anchorage Municipal Code 21.05.030.D.4., to add the area recommended for public sewerage the 7 1/2 acre Tract A of Bluebell Subdivision and the 7 1/2 acre Tract A of Ashland Subdivision, generally located east of Goldenview Drive in the South Hillside area, Planning Department. *public hearing 9-25-01.*
- a. Assembly Memorandum No. AM 647-2001.
2. Ordinance No. AO 2001-142, an ordinance amending the zoning map and providing for the rezoning of approximately 7.46 acres from R-3SL (Multiple-Family Residential District with Special Limitations) and R-6 (Suburban Residential-Large Lot District) to R-7 (Intermediate Rural Residential District) for **Tract A, Bluebell Subdivision**, generally located on the east side of Goldenview Drive and north of East 172nd Avenue extended (Rabbit Creek Community Council) (Planning and Zoning Commission Case 2000-208), Planning Department. *public hearing 9-25-01.*
- a. Assembly Memorandum No. AM 648-2001.
3. Ordinance No. AO 2001-143, an ordinance of the Municipality of Anchorage approving the **disposal of a remnant of Lot 252, Section 33, T12N, R3W, Seward Meridian** near the intersection of Rabbit Creek Road and the Old Seward Highway to the Rabbit Creek Lions Club, Heritage Land Bank/Real Estate Services. *public hearing 8-14-01.*
- a. Assembly Memorandum No. AM 649-2001.
4. Resolution No. AR 2001-218, a resolution adopting Amendment #2 to the 1999 Action Plan of the Municipality of Anchorage and awarding the grant of \$168,000 Community Development Block Grant funds to Catholic Social Services for the **Mobile Home Dislocation Assistance Program**, Planning Department. *public hearing 8-14-01.*
- a. Assembly Memorandum No. AM 665-2001.
5. Ordinance No. AO 2001-144, an ordinance of the Anchorage Municipal Assembly amending AO 2001-91(S), As Amended, which provided for the **control and elimination of smoking in work places and enclosed public places** to delete the requirement for inclusion of an overall economic impact in the implementation status report, Assembly Chair Traini. *public hearing 8-14-01.*
- (addendum)
- a. Assembly Memorandum No. AM 670-2001.

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

AYES: Sullivan, Von Gemmingen, Taylor, Van Etten, Traini, Fairclough, Kendall, Tesche, Shamberg, Tremaine.
NAYS: None.

10. REGULAR AGENDA:

A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS:

At Chair Traini's request, Municipal Manager Harry Kieling introduced George Cannelos, the new Heritage Land Bank Director.

Mr. Cannelos said the Heritage Land Bank was the crown jewel of the Municipality. He said he was delighted to be here, and he had a lot to learn. He noted that the Heritage Land Bank would be 18 years old next Wednesday, and the Assembly was invited to an open house.

Ms. Fairclough recognized Police Chief Monegan, who had recently been appointed to the 401(k) Retirement Committee, and James Hay, who had volunteered to serve on Mountain Park Estates and Robin Hill Limited Road Service Area Board of Supervisors.

B. RESOLUTIONS FOR ACTION – OTHER:

1. Resolution No. AR 2001-215, a resolution of the Municipality of Anchorage appropriating the sum of \$90,000 from the State of Alaska, Department of Health and Social Services, Division of Public Health to the State Categorical Grants Fund (231), Anchorage Police Department, for a **Tobacco Sales Enforcement Program**, Anchorage Police Department.
- a. Assembly Memorandum No. AM 659-2001.

Mr. Tremaine moved, to approve AR 2001-215.
seconded by Ms. Fairclough,

Mr. Tremaine moved, to amend AR 2001-215 at lines 11 to delete the period and add
seconded by Ms. Fairclough, "\$90,000)" after the word "grant," and at line 13 to delete the
and it passed without period.
objection,

This item was postponed until later in the meeting so the Administration could respond to Ms. Fairclough's question regarding whether the Municipality had met its timing deadline.

(Clerk's Note: This item was deferred until later in the meeting. See after item 14.I.)

2. Resolution No. AR 2001-220, a resolution of the Anchorage Municipal Assembly confirming official municipal policy governing further **utilization of municipal staff resources and public funds for a legal challenge to State Legislative Redistricting action**, Assemblymember Tesche. **(addendum)**

Mr. Kendall moved, to approve AR 2001-220.
seconded by Mr. Van Etten,

Mr. Tesche recapped his attendance at the Mayor's press conference on July 18 when it was first announced that a lawsuit had been filed at the Mayor's direction. He gave a brief summary of the status of the case and the Administration's position regarding it.

Ms. Von Gemmingen moved, to postpone action on AR 2001-220 until August 14, 2001 and
seconded by Ms. Fairclough, to request an Assembly Memorandum from the Mayor on this
item.

Mr. Tesche stated his opposition to postponement. He noted that the resolution itself was neutral on its face and simply recorded the Mayor's statement that further Municipal resources, including staff, would not be used on this litigation and that the matter had been turned over to outside counsel. He urged a no vote.

Mr. Kendall said he had charter concerns with the resolution of this matter, and he strongly felt it should be postponed. He urged a yet vote.

Municipal Manager Harry Kielsing said the Planning staff was not preoccupied with dealing with this issue, and he encouraged postponement.

Ms. Taylor and Ms. Shamberg spoke against postponement.

Mr. Sullivan supported postponement and stated that they should allow the Mayor the opportunity to be present to address the issue.

Question was called on the motion to postpone action on AR 2001-220 and it failed:

AYES: Sullivan, Von Gemmingen, Fairclough, Kendall.
NAYS: Taylor, Van Etten, Traini, Tesche, Shamberg, Tremaine.

Question was called on the motion to approve AR 2001-220 and it passed:

AYES: Sullivan, Taylor, Van Etten, Traini, Tesche, Shamberg, Tremaine.
NAYS: Von Gemmingen, Fairclough, Kendall.

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

AYES: Sullivan, Von Gemmingen, Fairclough, Kendall.
NAYS: Taylor, Van Etten, Traini, Tesche, Shamberg, Tremaine.

3. Resolution No. AR 2001-221, a resolution of the Anchorage Assembly **condemning the recent racially motivated attacks in Anchorage**, calling upon the United States Commission on Civil Rights to investigate such incidents, and calling for a community action plan to eliminate discrimination and prejudice in Anchorage, Assemblymembers Tesche, Taylor, Kendall, Shamberg, Sullivan, Tremaine, Van Etten, and Traini. **(LAID ON THE TABLE)**

Mr. Tesche moved, to approve AR 2001-221.
seconded by Ms. Taylor,
and it passed without
objection,

C. BID AWARDS:

1. Assembly Memorandum No. AM 655-2001, recommendation of award to Wilder Construction Company for **Southport Drive Reconstruction – 100th Avenue to Ensign Drive** for the Municipality of Anchorage, Office of Planing, Development and Public Works (ITB 21-C036) (\$1,467,521.50), Purchasing.

Ms. Von Gemmingen moved, to approve AM 655-2001.
seconded by Ms. Fairclough,

In response to Ms. Von Gemmingen, Purchasing Officer Bart Mauldin explained why the memorandum contained different dates. He said he asked the Public Works Engineer that the departments remain consistent in the application and to show the total project time in both memos. Ms. Von Gemmingen said in the alternative, they could simply clarify that some of the work would be completed in 2001 and some would be completed in 2002.

Question was called on the motion to approve AM 655-2001 and it passed without objection:

2. Assembly Memorandum No. AM 657-2001, recommendation of award to **Summit Roads for Geneva Woods Subdivision Road Improvement District Phase 2 improvements** for the Municipality of Anchorage, Office of Planning., Development and Public Works (ITB 21-C034) (\$1,385,315.40), Purchasing.

Ms. Von Gemmingen moved, to approve AM 657-2001.
seconded by Ms. Shamberg,

Ms. Von Gemmingen said this item had the same problem as the previous one, and she asked that it be corrected in the same manner as the previous item was corrected.

In response to Ms. Fairclough, Municipal Engineer Howard Holtan stated that this was a road improvement district (RID), and nearby property owners would pay 10 percent of the total cost of the project. Mr. Holtan responded to additional questions from Ms. Fairclough.

Question was called on the motion to approve AM 657-2001 and it passed without objection:

D. NEW BUSINESS:

1. Assembly Memorandum No. AM 645-2001, **Mt. Park Estates/Robin Hill Limited Road Service Area Board of Supervisors appointment** (James Hay), Mayor's Office.
a. Assembly Memorandum No. AM 645-2001(A), Mt. Park Estates/Robin Hill Limited Road Service Area Board of Supervisors appointment (James Hay), Mayor's Office.
(addendum)

Ms. Von Gemmingen moved, to approve AM 645-2001(A).
seconded by Ms. Shamberg,
and it passed without
objection,

2. Assembly Memorandum No. AM 666-2001, **Bear Tooth Grill** – New Beverage Dispensary Liquor License and Application for a Restaurant Designation Permit (Spenard Community Council), Clerk's Office.

Ms. Von Gemmingen moved, to approve AM 666-2001.
seconded by Ms. Fairclough,

In response to Ms. Von Gemmingen, Matt Jones, Bear Tooth representative, said the landscaping and other lot improvements would be completed by June 2002. He said they had spoken with Tom McGrath at the Spenard Community Council meeting two weeks ago, and the council members agreed.

Tom McGrath, Chair of the Spenard Community Council, verified that the council had voted 45 to 3 to accept the Bear Tooth owners' representation that they would have the landscaping work done by June 2002.

Question was called on the motion to approve AM 666-2001 and it passed without objection.

3. Assembly Memorandum No. AM 654-2001, proprietary purchase with Mr. Don Alspach to perform **professional services** for the Municipality of Anchorage, Office of Planning, Development and Public Works (\$40,000), Purchasing.

Mr. Van Etten moved, to approve AM 654-2001.
seconded by Mr. Tesche,

Purchasing Officer Bart Mauldin responded to Mr. Van Etten's questions regarding the terminology contained in the memorandum.

Question was called on the motion to approve AM 654-2001 and it passed without objection.

E. INFORMATION AND REPORTS:

1. Information Memorandum No. AIM 71-2001, Internal Audit Report 2001-3 - **Anchorage Horse Council Management Agreement, Cultural and Recreational Services/Internal Audit.**

Ms. Fairclough moved, to accept AIM 71-2001.
seconded by Mr. Tremaine,

Municipal Manager Harry Kieling and Cultural and Recreational Services Director Posey responded to Chair Traini's and Mr. Tremaine's questions regarding the internal audit report with respect to contract administration and policies and procedures that were currently in place.

At Chair Traini's request, Mr. Posey said he would submit a memorandum at the next Assembly meeting detailing the corrections that had been made.

Mr. Tremaine offered his assistance to Mr. Posey in working with the Council in developing a new contract.

Question was called on the motion to accept AIM 71-2001 and it passed without objection.

2. Information Memorandum No. AIM 74-2001, **Sole Source Procurement Report** for the month of June 2001, Purchasing.

Mr. Tesche moved, to accept AIM 74-2001.
seconded by Ms. Taylor,

Municipal Attorney Bill Greene and Purchasing Officer Bart Mauldin responded to Mr. Tesche's questions regarding the contract with attorney Doug Bailey for professional services. Mr. Tesche asked why Mr. Jacobus was awarded a sole source contract instead of Mr. Bailey for the current reapportionment litigation.

Chair Traini advised that Mr. Jacobus's sole source contract was not covered under this item. Mr. Tesche said he had several other questions regarding Mr. Bailey's contract as it related to the reapportionment action. Chair Traini directed Mr. Tesche to submit questions, at a later time, to the Chair for the Administration. Chair Traini said the Administration's response would be distributed to all Assembly members.

Community Planning and Development Director Sue Fison responded to Ms. Taylor's questions regarding Mr. Bailey's contract and the Pacific Rim contract for its work on the Anchorage 2020 Plan.

Question was called on the motion to accept AIM 74-2001 and it passed without objection.

F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION: None.

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

- A. Assembly Memorandum No. AM 581-2001, **Urban Design Commission appointment** (James Dougherty), Mayor's Office.
(POSTPONED FROM 7-10-01)

Chair Traini gave the history of the memorandum and noted there was no motion on the floor.

Ms. Von Gemmingen moved, to approve AM 581-2001.
seconded by Mr. Kendall,

Mr. Kendall asked for a report from staff as to how many comments had been received during the two-week comment period. Municipal Clerk Jane Ferguson said she would expect the comments to be submitted to the Administration or the Assembly as opposed to the Clerk's Office, so she was unaware if any comments had been received.

Ms. Fairclough advised that several comments and phone calls had been received.

Mr. Kendall responded that it was important that all public comments be shared with all Assembly members; otherwise, it was not a public process.

Question was called on the motion to approve AM 581-2001 and it passed without objection.

- B. Assembly Memorandum No. AM 635-2001, **appointment to Board of Equalization** (James J. Brooks), Municipal Clerk.
(POSTPONED FROM 7-10-01)

Chair Traini gave the history of the memorandum and noted a motion to approve was on the floor.

Ms. Fairclough stated the Assembly had previously received inaccurate information regarding this individual, and the matter had been resolved. She urged a yes vote.

Question was called on the motion to approve AM 635-2001 and it passed without objection:

- C. Information Memorandum No. AIM 69-2001, **Sole Source Procurement Report** for the month of May 2001, Purchasing.
(POSTPONED FROM 7-10-01)

Chair Traini gave the history of the memorandum and noted a motion to accept was on the floor.

Municipal Manager Harry Kieling asked Mike Scott, General Manager of Municipal Light & Power to respond to Mr. Tesche's question regarding the professional services contract with Markley & Company for lobbying services. Mr. Scott said Mr. Markley worked for the Municipality for approximately six years. He said Mr. Markley submitted an invoice in April 2001. It was subsequently discovered that the signed contract had been misplaced. He said this information memorandum was simply for a renewal of Mr. Markley's contract.

Question was called on the motion to accept the information memorandum and it passed without objection:

- Ms. Fairclough moved, to change the orders of the day to consider item 15.A, Appeal S-10677.
seconded by Mr. Tremaine,
and it passed without objection,

Appeal S-10677, Glenn View Estates.

- Ms. Fairclough moved, to postpone action on Appeal S-10677 until August 14, 2001.
seconded by Mr. Tesche, at 4:00 p.m.
and it passed without objection,

There was a suggestion to change the orders of the day to consider item 12, Appearance Requests, and there were no objections.

- D. Ordinance No. AO 2001-122, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Title 7, **Purchasing and Contracts and Professional Services**, pertaining to sections 7.10, General Provisions, 7.15, General Contracting Procedures, Section 7.20, Methods of Source Selection and 7.70, Contracts with Nonprofit Service Organizations, Municipal Attorney.
 - 1. Assembly Memorandum No. AM 529-2001.
 - 2. Ordinance No. AO 2001-122(S), an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Title 7, Purchasing and Contracts and Professional Services, pertaining to sections 7.10, General Provisions, 7.15, General Contracting Procedures, Section 7.20, Methods of Source Selection and 7.70, Contracts with Nonprofit Service Organizations, Assemblymembers Traini and Tesche.
 - 3. Assembly Memorandum No. AM 639-2001.
 - 4. Ordinance No. AO 2001-122(S-1), an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Title 7, Purchasing and Contracts and Professional Services, pertaining to sections 7.10, General Provisions, 7.15, General Contracting Procedures, Section 7.20, Methods of Source Selection and 7.70, Contracts with Nonprofit Service Organizations, Purchasing Department. **(addendum)**
(POSTPONED FROM 7-10-01)

This item was considered later in the meeting. See after item 14.E, AR 2001-211.

12. APPEARANCE REQUESTS:

- A. **Theresa Nangle Obermeyer**, regarding indemnification of elected officials.

Ms. Obermeyer commended the Assembly for its diligence in addressing the issues that come before it in a responsible manner. She briefly addressed the issue of indemnification of public officials. She then discussed what she perceived to be persecution of her husband, her marriage, and her children by certain factions of the community.

The meeting recessed at 6:25 p.m. and reconvened at 6:55 p.m.

Chair Traini noted that item 13.A, AR 2001-178, was to be considered at 8:00 p.m. There was a suggestion to change the orders of the day to consider item 13.B, AO 2001-102, and there were no objections.

13. CONTINUED PUBLIC HEARINGS:

- A. Resolution No. AR 2001-178, a resolution **protesting the renewal of the beverage dispensary-tourism liquor license for Spenard Paradise Inn** (License No. 1139); transmitting notification of violation of conditions to the State Alcoholic Beverage Control Board; and finding the continued operation of the licensed premise to be a public nuisance, Assemblymembers Von Gemmingen, Sullivan, Traini, Shamberg, Taylor and Van Etten.
(CONTINUED FORM 6-19-01)

This item was considered later in the meeting. See after AO 2001-128 under item 14.A, New Public Hearings.

- 1 B. Ordinance No. AO 2001-102, an ordinance of the Anchorage Municipal Assembly creating the **Northwood**
2 **Transportation Study Area** and imposing a moratorium on building permits for new development and on
3 redevelopment which creates identified impacts. The moratorium also applies to zoning, site plan,
4 conditional use and platting approvals. The moratorium applies to the area bounded by Spenard Road,
5 International Airport Road, and Minnesota Drive and shall be in effect until November 5, 2001 or until the
6 Municipality adopts a study area report, whichever occurs first, Assemblymembers Sullivan and
7 Von Gemmingen.
8 1. Assembly Memorandum No. AM 441-2001.
9 (CONTINUED FROM 6-19-01)

10
11 Chair Traini opened the public hearing and asked if anyone wished to speak.

12
13 ROBERT SHIPLEY, representing Anchorage Waterways Council, outlined additional items the Council felt should be
14 included in the Northwood Transportation Study, including adding Fish Creek to the area boundary map as they relate to the
15 Anchorage 2020 Comprehensive Plan. It was also the Council's suggestion that the study area be expanded to the north and
16 northwest since that was part of the Fish Creek watershed, and that other study areas be established so that a comprehensive
17 approach could be taken for our city.

18
19 MARGARET AUTH testified regarding changes that have taken place in this area over the years and how they have
20 impacted the neighborhoods. She cited serious discrepancies in zoning in the area that allowed residential homes to abut
21 commercial properties, a street that ends in the middle of nowhere, and a trucking operation directly adjacent to a school, a
22 ball field, and a recreation center. She urged the Assembly to halt further commercial development until the community
23 could develop a plan for existing residential and commercial properties to co-exist safely and efficiently.

24
25 JOE MURDY stated his support for the ordinance; however, he cautioned the Assembly to carefully review the legal aspects
26 of the ordinance with respect to the Municipality's liability.

27
28 WILLIAM EVANS said he supported the ordinance and would like to see the moratorium expanded. He said the reason the
29 public opposed it was because of the process. He noted that the Army Corps of Engineers had issued a permit containing
30 conditional uses to the previous owners, and Dimond Parking Lot management had bypassed the process of having the permit
31 transferred over to them.

32
33 JIM VERHAGEY said he was a 50-year resident of this area, and his property was adjacent to the proposed construction site
34 on Willow Place. He opposed construction of an apartment complex in this area, primarily because he felt it would cause his
35 property to be flooded with water even more than it had been in recent years.

36
37 ROBIN LEVINE stated her support for the ordinance. She said she was primarily concerned with the property at the corner
38 of 34th and Willow Place. She said the manmade pond there was on private property, but the connecting creek had recently
39 been determined to be part of a natural watershed, i.e., a tributary of Fish Creek. She said it was the developers' intent to fill
40 in the pond in order to build the four-plex. She urged that the regulation preventing construction within 20 feet of a naturally
41 occurring waterway was enforced in this case.

42
43 GERALDINE WALTER said she owned the property on 34th across from the proposed four-plex construction site. She
44 stated that she had not been notified of the proposed construction. Ms. Walter said three other people had natural wells from
45 the water at that site. She expressed concern that if the pond was filled in, the natural wells on those homeowners properties
46 would cease to exist and the water would be pushed over to her side of the street and flood her property.

47
48 Ms. Fairclough pointed out that the ordinance before the Assembly was for a moratorium on building permits in the
49 Northwood Transportation Study area and for the development of a study area report. She noted that the four-plex people
50 were testifying about something not in the proposed study area. Chair Traini clarified that those people who were testifying
51 about the four-plex wanted the Northwood Transportation Study area expanded to include the area surrounding the site of the
52 proposed four-plex construction. Ms. Walter confirmed Chair Traini's understanding.

53
54 KEVIN TRITT stated his support for an expanded study area. He echoed Ms. Levine's comments about including review of
55 the waterways in that area into the study. Mr. Tritt said he would also like a study of the area to determine the impacts of
56 pollutants that may be leaching from the ground and flowing into the creek that had been determined to be a Fish Creek
57 tributary.

58
59 DAVE MANNING advocated expanding the moratorium area. He felt further development would be a degradation to the
60 neighborhood. He said he had personally observed moose, waterfowl, and a pair of muskrats at the pond that Ms. Levine and
61 Mr. Tritt had commented on earlier. He also reiterated Mr. Verhagey's and Ms. Walter's comments regarding flooding in that
62 area.

63
64 VICTORIA WENDELL said she felt this was one of the most desirable areas to live within the community and she did not
65 want the character of the neighborhood to change. She said she had personally observed wildlife in the area of the creek, and
66 there was seasonal flooding in the area.

67
68 JEANIE SUMMERS, U.S. Fish and Wildlife Service, stated her support for the ordinance. She said many wetlands have
69 been filled and creeks have been diverted due to improper flow of water through some of these types of areas, and these
70 problems have been and continue to be addressed. She asked the Assembly to vote in favor of the ordinance so these issues
71 could be addressed before more development caused other flooding problems in this particular area.

72
73 Ms. Fairclough reiterated that while the water, drainage, and development issues were being discussed eloquently by those
74 providing public comment, the ordinance before the Assembly, the Northwood Transportation Study, did not address any of
75 those things. She urged the public to focus their testimony on the issue currently before the Assembly.

Mr. Sullivan agreed with Ms. Fairclough, but he felt it was appropriate that public comment request an expansion of the study area.

JULIUS ROCKWELL said this was an important issue because the plan to study the proposed area could result in a model for the implementation of the comprehensive plan. He said roads, trails, and railroads were important for transportation within the area, but the creeks contribute to the quality of life in the area. Therefore, he felt it would be prudent to consider creeks and streams early in the planning process.

PAMELA DOOLEY said the creek runs right behind her property and she was not in favor of any development near the pond or in her neighborhood.

RICHARD BRANDENBURGH urged the Assembly to expand the study to include the waterways in the area.

TOM QUINN echoed his support for expanding the moratorium and the study area.

DEE HI, pond owner's representative, said this area had been carefully studied for over a year, they had gone through the public process and the Corps of Engineers process, and a hydrology study had been conducted on the intermittent stream others had testified about. He said flooding had been an issue in the past, and the owner had carefully addressed that issue. He said the owner had obtained the appropriate permits from the Corps of Engineers to fill the pond and was in the process of obtaining the permit to install the storm drains, which would resolve all the issues. He felt it was unfair to circumvent all the owner's hard work and compliance because of the last-minute public comment when it came before the Assembly for approval. He said it would be more equitable to let this ordinance stand on its own merits and incorporate a new expanded study and moratorium area under another type of study process.

Ms. Fairclough noted that she had gotten an opinion from Legal that the study and moratorium area could not be expanded at this time because it had not been advertised and it would not be in the public's best interest.

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

Mr. Sullivan moved, to postpone action on AO 2001-102 until August 14, 2001.
seconded by Mr. Tesche,

Mr. Sullivan briefly reported on the recent negotiations between private developers, the Municipality, and the Dimond Parking Lot personnel to resolve the transportation issues in this area without implementing a moratorium or developing a study.

Ms. Von Gemmingen noted that Anchorage School Board member Harriet Drummond asked that this item be postponed as well. She said since it directly affected Northwood School; the School District wanted the opportunity to provide comment.

Mr. Tremaine said the issues that were outside the scope of this ordinance would be reviewed for further Assembly consideration.

Question was called on the motion to postpone action on AO 2001-102 and it passed:

AYES: Sullivan, Von Gemmingen, Taylor, Van Etten, Traini, Fairclough, Kendall, Tesche, Shamberg, Tremaine.
NAYS: None.

- C. Ordinance No. AO 2001-81, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 21.45.070 regarding **bay windows**, Assemblymember Tesche.
1. Assembly Memorandum No. AM 321-2001.
(CONTINUED FROM 7-10-01)

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

Mr. Tesche moved, to continue AO 2001-81 until August 28, 2001.
seconded by Ms. Fairclough,
and it passed without
objection,

14. NEW PUBLIC HEARINGS:

- A. Resolution No. AR 2001-199, a resolution of the Municipality of Anchorage appropriating the sum of \$110,000 as a grant from the U.S. Environmental Protection Agency and \$323,000 as a cash match from the 2001 Department of Health and Human Services Operating Budget to the Federal Categorical Grants Fund 9241) for the **operation of the Anchorage Air Pollution Control Agency** in the Department of Health and Human Services.
1. Assembly Memorandum No. AM 616-2001.

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

Ms. Von Gemmingen moved, to approve AR 2001-199.
seconded by Ms. Taylor,

AYES: Von Gemmingen, Taylor, Van Etten, Traini, Fairclough, Tesche, Shamberg, Tremaine.

NAYS: None.

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

Mr. Tremaine moved, to change the orders of the day to consider item , 14.O.,
seconded by Ms. Taylor, AO 2001-128.
and it passed without
objection,

Ordinance No. AO 2001-128, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code to **allow elected members of the Girdwood service area boards to represent community views and recommendations before the Assembly, Mayor, School Board and other municipal boards, commissions, and agencies**, Assemblymembers Tremaine and Shamberg.

1. Assembly Memorandum No. AM 672-2001, AO 2001-128; Girdwood Service Areas Boards, Assemblymember Tremaine. **(addendum)**

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

BROOKS CHANDLER, former Girdwood Service Area Board member, testified in support of the ordinance. He said it was good public policy and should be adopted by the Municipality.

JULIE JONAS stated her support for this ordinance. Ms. Jonas said after the long debate and process of the railroad spur issue in Girdwood, residents had, over a three-year period, developed a system for how they would, as a community, develop their position on issues and relay it to the Anchorage Assembly. She said after a series of very well attended town meetings, a Federation of Community Councils survey, and placing advisory questions on the ballot, the Girdwood community arrived at a compromise to combine the functions of a limited road service area board and the community council. She said their new system comprised the ability to broaden citizen participation and, at the same time, allowed their elected representatives to speak on behalf of their community with one unified voice. She urged approval of AO 2001-128.

DAVE SEARS clarified that the Girdwood Board of Supervisors (GBOS) had been designated by the Girdwood Community Council to act on behalf of the council. He noted the designation could be retracted should the council change its bylaws, and the council's bylaws set out a method through the Land Use Committee to override any GBOS' vote that runs counter to the Land Use Committee's recommendations and, thus, the community's wishes. He said the private community voice and control aspects of the community council had been combined with the representative aspects of an elected body. He said the Assembly's approval of this ordinance would allow Girdwood to have the type of community council representation they desired, and it could be accomplished with the addition of one sentence to the Anchorage Municipal Code.

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

Mr. Tremaine moved, to adopt AO 2001-128.
seconded by Ms. Taylor,

AYES: Sullivan, Von Gemmingen, Taylor, Van Etten, Traini, Fairclough, Kendall, Tesche, Shamberg, Tremaine.

NAYS: None.

It being 8:00 p.m., the Assembly then returned to consideration of 13.A, AR 2001-178.

Resolution No. AR 2001-178, a resolution **protesting the renewal of the beverage dispensary-tourism liquor license for Spenard Paradise Inn** (License No. 1139); transmitting notification of violation of conditions to the State Alcoholic Beverage Control Board; and finding the continued operation of the licensed premise to be a public nuisance, Assemblymembers Von Gemmingen, Sullivan, Traini, Shamberg, Taylor and Van Etten.
(CONTINUED FORM 6-19-01)

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

TOM McGRATH, Chairman, Spenard Community Council, gave the history of the liquor license at the Spenard Paradise Inn, citing numerous incidents and State Alcoholic Beverage Control (ABC) Board violations. He said when concerned citizens had met with then Lt. Monegan in July 2000 to discuss the problems in the area, Lt. Monegan had displayed a map depicting approximately 1,000 police calls on West 30th between Arctic and Spenard, about a two and a half block area. Mr. McGrath felt the only way there could be that many problems was if the businesses in the area were collaborating to support prostitution and drug trafficking. He said it was incumbent upon the Assembly to withdraw the Paradise Inn's beverage dispensary license and/or to abate the property so these businesses could no longer collaborate and cooperate with, and/or condone, those were committing illegal activities in the area. He said this was infringing on residents' constitutional right of pursuit of happiness to live in a drug-free and crime-free area.

MARGARET AUTH reiterated that this area had a history of problems. She said when she worked for a nonprofit organization six years ago, they did neighborhood organizing, where they asked certain neighborhoods to assess their problems and how they could resolve them. She said West 30th was a problem at that time in 1995, and the reason she brought this up was that it showed that no one had been able to resolve the problems associated with that street in that amount of time. She said the residents of the area were terrified of the people who owned these businesses, the people who frequented these businesses, and the people that traversed West 30th Avenue. She concurred with Mr. McGrath's assertion that the Assembly was responsible for addressing the problems. She said a liquor license was a privilege extended to business owners who were expected to be responsible and be good community members. She felt the Spenard Paradise Inn did not measure up as a good community member.

MICHAEL GASKWITZ said he had lived across the street from the back parking lot of the Paradise Inn for two years. He testified regarding the constant activity by prostitutes and drug dealers between the Easy Inn and the Paradise Inn as well as in the parking lots. He said prostitutes and drug dealers moved freely between the two establishments, and he had observed people inside the establishments open the back doors to let prostitutes and drug dealers inside. He said it was intimidating to residents. He estimated that the activity on West 30th would decrease by at least 60 percent if the Paradise Inn and the Easy Inn were no longer in business. He said residents of the area had talked to the owner of the bar, to no avail. Mr. Gaskwitz said the Assembly had the ability to get the owner's attention, and he asked that they do so.

SAM O'CONNOR, President, Westside Community Patrol, said they spent nearly 500 hours per month in the area of West 30th. He felt Paradise Inn contributed significantly to the illegal activities that take place in the neighborhood. Mr. O'Connor reported that the Paradise Inn's security personnel were known felons, and the community patrol had videotaped those individuals dealing drugs in the area. He reiterated Mr. Gaskwitz's comments that the owner, Mr. Song, runs the prostitutes out when Mr. O'Connor cruises the area in a marked patrol vehicle or calls Mr. Song on the phone, but if Mr. O'Connor was in the area in an unmarked vehicle, or Mr. Song was not aware Mr. O'Connor was in the area, it was obvious that no efforts were taken to rid the area of the prostitutes. Mr. O'Connor said there were rumors of after-hours activity as well, and he had videotaped footage of illegal activities in this area. He said no one walks the perimeter of the hotel as the owner had stated in a letter.

ALICIA KNIGHT, Westside Community Patrol member, testified regarding her observations and experiences with prostitution, drug dealing, and trafficking in stolen goods in and around the Spenard Paradise Inn. She reiterated Mr. O'Connor's comments that the owner was quick to take action when this activity was pointed out to him, but it was obvious he did nothing when he was unaware that patrol members or police officers were in the area. She said the security guard that attended the meeting with then Lt. Monegan in 2000 was a known felon, and she had observed him on numerous occasions in the parking lot between the Easy Inn and the Paradise Inn. She had also seen him let prostitutes into the establishment where he was working them out of the back door. Ms. Knight responded to Assembly member questions regarding photos she had submitted.

DIANE OLSON, Westside Community Patrol member and dispatcher, said that on an average weekend, 75 percent of the calls were regarding West 30th Avenue. She echoed Mr. O'Connor's and Ms. Knight's comments regarding the owner's apparent disregard for ridding his establishment of the criminal activity that prevailed there unless he was being observed or talked to by the authorities.

JULIE AUGUSTINE concurred with others' comments regarding the security personnel at the Paradise Inn being criminals, and she stated these felons were now approaching the kids at the bus stops. She said it was time to stop observing and do something about eradicating the problem from the neighborhood.

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

Anchorage Police Chief Walt Monegan said that when he was a Lieutenant in charge of the West District, he met with concerned citizens at Pancho's Villa to discuss the problems, and he described his efforts during that time to resolve the issues. He said he had told the owner that if they were unable to reduce crime and illegal activities in this area that were attributable to the Paradise Inn, they would try to civilly abate it. He said they had worked with Mr. Wheeler on abatement at that time. During that time period, the owner had lost his security personnel, and they had witnessed a reduction in police calls to the area. He said Officers Steve Oyler and Luis Soto routinely patrol this area now, and they were available for Assembly member questions at this time. Chief Monegan responded to Assembly member questions.

Mr. Sullivan moved, to approve AR 2001-178.
seconded by Mr. Tesche,

Mr. Song, the owner of Spenard Paradise Inn, Mr. Song's attorney, John Buckholtz, and Mr. Song's interpreter, Mr. Noe were requested to come before the Assembly to respond to questions.

Mr. Tremaine asked that Mr. Song produce the 15 surveillance tapes from the Paradise Inn. Mr. Buckholtz stated there were no tape recordings; they had a video monitoring system. Mr. Tremaine asked Mr. Song to confirm that there were no videotapes of the exterior entrance or the interior of the bar. Through his interpreter, Mr. Song advised that he was videotaping the interior at the current time, but he was not videotaping the exterior.

Mr. Song, through his interpreter, responded to Assembly member questions regarding the conditions contained in his beverage dispensary liquor license and to public comments raised earlier.

Mr. Sullivan moved, to postpone action on AR 2001-178 until August 14, 2001..
seconded by Ms. Von Gemmingen,

Mr. Tesche addressed the egregious nature of the violation of the liquor license conditions as well as the inadequate efforts of the owner to comply with the conditions and to clean up his establishment.

Mr. Tremaine said he was not in favor of postponing this item. However, he said if the motion passed, he hoped the Chief and the Administration would provide the Assembly with a summary of the status of the liquor license conditions, and he said that included viewing the last 15 days of videotapes from the Paradise Inn.

Ms. Von Gemmingen said there were some legal issues to address, and she urged a yes vote on the motion to postpone.

Municipal Attorney Bill Greene responded to Assembly member questions and advised them on various legal issues.

Question was called on the motion to postpone action on AR 2001-178 and it passed:

AYES: Sullivan, Von Gemmingen, Traini, Fairclough, Kendall, Tesche.

NAYS: Taylor, Van Etten, Shamberg, Tremaine.

The meeting recessed at 9:45 p.m. and reconvened at 10:00 p.m.

- B. Resolution No. AR 2001-200, a resolution of the Municipality of Anchorage appropriating \$190,000 from the Areawide General Fund (101) Balance to the Department of Health and Human Services' 2001 Operating Budget to increase funding of **Public Inebriate Community Service Patrol and Transfer Station services and related activities**, Health and Human Services.
1. Assembly Memorandum No. AM 617-2001.

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

Mr. Sullivan moved, to approve AR 2001-200.
seconded by Ms. Taylor,
and it passed without
objection,

- C. Resolution No. AR 2001-203, a revision of the 2001 General Government Operating Budget appropriating \$100,000 from Anticipated Unearned Revenue to the Development Services Department to fund Change Order No. 3 to professional services contract for **plan review services**, PO 202240, to Degenkolb Engineers, Development Services Department.
1. Assembly Memorandum No. AM 620-2001.

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

Ms. Fairclough moved, to approve AR 2001-203.
seconded by Mr. Sullivan,
and it passed without
objection,

- D. Resolution No. AR 2001-207, a revision to the 2001 General Government Operating Budget appropriating \$100,000 from the Building Safety Fund (181) Balance for **building inspectors**, Development Services Department.
1. Assembly Memorandum No. AM 636-2001.

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

Mr. Tesche moved, to approve AR 2001-207.
seconded by Ms. Fairclough,
and it passed without
objection,

Ms. Fairclough moved, to change the orders of the day to consider items 14.F,
seconded by Mr. Tesche, AR 2001-201, and 14.G, AR 2001-202.
and it passed without
objection,

- E. Resolution No. AR 2001-211, a resolution adopting the 2001 Action Plan of the Municipality of Anchorage, which constitutes the application to the U.S. Department of Housing and Urban Development for the **Community Development Block Grant, the HOME Investment Partnership Grant and the Emergency Shelter Grant**, Planning Department.
1. Assembly Memorandum No. AM 642-2001.

This item was considered later in the meeting. See after item 14.I.

- F. Resolution No. AR 2001-201, a resolution of the Municipality of Anchorage authorizing the acceptance of a Federal Transit Administration Section 5307 grant and appropriating \$1,988,800 from the Federal Transit Administration to the Public Transportation Capital Improvement Fund (485) for the purchase of capital items and \$172,000 from the Federal Transit Administration along with \$43,000 for local matching funds from the Public Transportation Department's 2001 Operating Budget as a contribution to the Federal Categorical Grants Fund (241) for the **Americans with Disabilities Act (ADA) paratransit assistance**, Public Transportation Department.
1. Assembly Memorandum No. AM 618-2001.

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

Ms. Fairclough moved, to approve AR 2001-201.
seconded by Mr. Tesche,
and it passed without
objection,

- G. Resolution No. AR 2001-202, a resolution of the Anchorage Assembly appropriating \$274,000 as a loan from the Areawide General Cash Pool (101) to the Self Insurance Fund (602) to pay **property insurance premiums for the period January - June 2002**, Finance.
1. Assembly Memorandum No. AM 619-2001.

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

Ms. Fairclough moved, to approve AR 2001-202.
seconded by Ms. Taylor,
and it passed without
objection,

Ms. Fairclough moved, to change the orders of the day to consider items 14.H,
seconded by Mr. Tremaine, AR 2001-204, and 14.I, AR 2001-205.
and it passed without
objection,

- H. Resolution No. AR 2001-204, a resolution of the Municipality of Anchorage accepting and appropriating **State of Alaska Legislative grants per Senate Bill 29**, Office of Management and Budget.
1. Assembly Memorandum No. AM 621-2001.

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

Mr. Tremaine moved, to approve AR 2001-204
seconded by Ms. Taylor,

Mr. Sullivan moved, to amend AR 2001-204 at page 2, to insert a new line after
seconded by Mr. Tremaine, line 6, to read in the first column, "2000," in the second
and it passed without column, "Health & Human Services," and in the third column,
objection, "\$200,000," and to amend the amount on line 10 to
"\$8,336,000," and includes the revised Attachment A.

Question was called on the motion to approve AR 2001-204 as amended and it passed without objection.

- I. Resolution No. AR 2001-205, a resolution of the Anchorage Municipal Assembly appropriating the sum of \$250,000 from **seized and forfeited monies awarded from criminal narcotics cases** by the U.S. Drug Enforcement Agency, to the Police Investigation Fund (257) for use by the Anchorage Police Department.
1. Assembly Memorandum No. AM 634-2001.

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

Ms. Von Gemmingen moved, to approve AR 2001-205.
seconded by Ms. Fairclough,
and it passed without
objection,

Ms. Fairclough moved, to change the orders of the day to consider item 10.B.1, AR
seconded by Mr. Tremaine, 01-125, formerly 9.B.3.
and it passed without
objection,

- Resolution No. AR 2001-215, a resolution of the Municipality of Anchorage appropriating the sum of \$90,000 from the State of Alaska, Department of Health and Social Services, Division of Public Health to the State Categorical Grants Fund (231), Anchorage Police Department, for a **Tobacco Sales Enforcement Program**, Anchorage Police Department.
a. Assembly Memorandum No. AM 659-2001.

Question was called on the motion to approve AR 2001-215 as amended and it passed without objection.

(Clerk's Note: See motion to approve on page 5 above.)

The Assembly then returned to item 14.E, AR 2001-211.

- E. Resolution No. AR 2001-211, a resolution adopting the 2001 Action Plan of the Municipality of Anchorage, which constitutes the application to the U.S. Department of Housing and Urban Development for the **Community Development Block Grant, the HOME Investment Partnership Grant and the Emergency Shelter Grant**, Planning Department.
1. Assembly Memorandum No. AM 642-2001.

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

POLLY SMITH, Executive Director, Anchorage Literacy Project (ALP), applied for funding under the block grants, one of the few sources of capital funding available to nonprofit service agencies in Anchorage. Ms. Smith said after months of preparation and expense, ALP was one of two agencies that received funding, out of six that had applied, from the Housing and Neighborhood Development (HAND) Commission. At least three of the four proposals were rejected for the same reason, the omission of the new Form 10029, which was new to the application process and was extremely confusing to complete. She asked the Municipality to allow those agencies to remedy the omission of the form. She requested that the Assembly review the process and consider allowing the HAND Commission to review all submitted proposals and that the funding be separated by year instead of having a two-year funding block.

SALLY VENADA, Educator and Coordinator with Impact Family Literacy Program, associated with the Anchorage Literacy Project, said she was one of three people who had collaborated on writing the grant proposal for the Community Development Block Grant. She said she was experienced in writing federal and state grants, and while most were consistent in format, information, and required forms, this particular application was quite different. She said the budget forms were the most confusing and difficult she had ever encountered. She added that the new minority and women-owned business form did not seem to apply to their proposal. She said her group would have been much less disappointed in not receiving funding from the grant had the decision been based on the merits of their proposal, the content and their plan, rather than their misinterpreting a confusing new form. She urged the Assembly to review the format, the forms, and the process in an effort to make it more straightforward and fairer to future applicants.

JIM BARNETT, attorney for the Anchorage Literacy Project (ALP) and Anchorage Neighborhood Health Center, both applicants who were denied funding due to omission of the new Form 10029, spoke. He said both of these applicants had outstanding proposals that deserved the opportunity to be reviewed. Mr. Barnett said they appealed and been denied, and they also requested assistance from the Mayor. He said Office of Planning, Development and Public Works Director Craig Campbell called him a couple of weeks ago and advised that their request for assistance would also be denied. He said he advised his clients that the Anchorage Assembly was their last option for seeking assistance in this matter. Mr. Barnett asked that the Assembly consider other options for allowing the denied applicants another chance to have their proposals reviewed by the HAND Commission.

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

to continue the public hearing until 11:00 p.m. to finish
AR 2001-211.

JAN McCLARENCE, Executive Director of AWAIC, said AWAIC was one of the successful bidders for this grant funding. She said she has had many years of grant writing experience, and this was one of the more extensive and difficult grant processes she had participated in. She pointed out that there was a certain threshold that had to be met, and two agencies met it and four did not. She noted that this was a competitive process, and these agencies frequently compete for the limited grant funds that occasionally become available. She said the process was over, and two agencies had met the criteria and been awarded grants, and she felt that it would be unfair to change the rules at this time to allow the other agencies another opportunity. She asked that the Assembly follow through with the guidelines that had been set out for this process.

DAVID TAYLOR, Board President for AWAIC, said AWAIC wanted to address the need for transitional housing for some time, and this grant would provide them the opportunity to do so. He said the funding they had been awarded through the grant would allow them to build a 10-apartment facility adjacent to their secure facility on West 13th Avenue, and also provide administrative space in the AWAIC facility to assist with counseling and other services provided by their organization. He said this grant helped them accomplish their mission, and he urged the Assembly to approve the resolution.

BILL BOBRICK said he was the President of the Board of Standing Together Against Rape (STAR), but he was testifying personally at this time. He said it was unfortunate that deserving nonprofit organizations had to compete for the limited funds that were available, and that was why the bidding process was necessary. He said the AWAIC project was a very necessary project as it presented a life safety issue, and he urged the Assembly to approve the resolution.

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

BEVERLY JONES addressed the public comments regarding the process and the new form, as well as the method by which proposal was judged. She noted that the grant proposal contained a statement that made it clear that if there were any questions, applicants should call the Purchasing Department. Ms. Jones also briefly explained the action plan program, which represents the Municipality's application to HUD for its annual \$3.5+ million entitlement.

Mr. Sullivan moved,
seconded by Mr. Van Etten,

to approve AR 2001-211.

Mr. Tremaine and Mr. Tesche expressed distaste that the Assembly was unable at this time to help the deserving nonprofit agencies that would have to forego the grant funding until 2003 due to confusion over a new form in the process. They felt they had little choice but to proceed with approval of the resolution before them and award of the grant funds to the successful agencies.

Ms. Von Gemmingen expressed her concern about the process and urged the Purchasing Department to review the form in question for possible revision to make it applicable to nonprofit agencies and not for-profit businesses, so that this situation would not occur again in the future.

Chair Traini advised the Administration that, next time, they were to provide this item to the Assembly 30 days in advance so the Assembly did not find itself in this situation again. He said it was unacceptable that this item was submitted to the

Assembly at the last minute without time for adequate review and consideration and without the opportunity to delay the process if something went awry, as it did.

Question was called on the motion to approve AR 2001-211 and it passed:

AYES: Sullivan, Von Gemmingen, Taylor, Van Etten, Traini, Fairclough, Kendall, Tesche, Shamberg, Tremaine.
NAYS: None.

Ms. Fairclough moved, for immediate reconsideration of AR 2001-211.
seconded by Mr. Sullivan,

AYES: Von Gemmingen, Tremaine.
NAYS: Sullivan, Taylor, Van Etten, Traini, Fairclough, Kendall, Tesche, Shamberg.

Mr. Tesche moved, to extend the meeting to consider item 11.D., AO 01-122.
seconded by Mr. Kendall,
and it passed without
objection,

Ms. Von Gemmingen moved, to amend the motion to include items 14.K, 14.L, and 14.M.
accepted by Mr. Tesche and AO 01-131, AO 01-132, and AO 01-133 respectively.
Mr. Kendall as a friendly
amendment,

- Ordinance No. AO 2001-122, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Title 7, **Purchasing and Contracts and Professional Services**, pertaining to sections 7.10, General Provisions, 7.15, General Contracting Procedures, Section 7.20, Methods of Source Selection and 7.70, Contracts with Nonprofit Service Organizations, Municipal Attorney.
1. Assembly Memorandum No. AM 529-2001.
 2. Ordinance No. AO 2001-122(S), an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Title 7, Purchasing and Contracts and Professional Services, pertaining to sections 7.10, General Provisions, 7.15, General Contracting Procedures, Section 7.20, Methods of Source Selection and 7.70, Contracts with Nonprofit Service Organizations, Assemblymembers Traini and Tesche.
 3. Assembly Memorandum No. AM 639-2001.
 4. Ordinance No. AO 2001-122(S-1), an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Title 7, Purchasing and Contracts and Professional Services, pertaining to sections 7.10, General Provisions, 7.15, General Contracting Procedures, Section 7.20, Methods of Source Selection and 7.70, Contracts with Nonprofit Service Organizations, Purchasing Department. **(addendum)**
- (POSTPONED FROM 7-10-01)

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

Mr. Tesche moved, to substitute AO 2001-122(S-1).
seconded by Ms. Von Gemmingen,
and it passed without
objection,

Mr. Tesche moved, to amend AO 2001-122(S-1) as follows: first, insert the word
seconded by Mr. Tremaine, "first" between "has" and "approved" at line 32 on page 1;
second, add a new subsection E to 7.15.040 on page 2 to read:
"E. Regardless of the amount involved, all contracts for professional lobbying services must be approved in advance by the Assembly." and third, replace the last sentence on page 5 at line 42, within 7.20.060(J) with the following: "The Assembly shall approve in advance the participation by the municipality in any litigation as plaintiff or intervener where outside counsel is retained to represent the municipality if the cost, including attorneys' fees and litigation expenses of that representation, is likely to exceed \$30,000."

Mr. Tesche addressed his three amendments and urged adoption of the three proposed amendments.

Ms. Fairclough moved, to divide the question on the amendment of AO 2001-122(S-1)
seconded by Ms. Taylor, and consider each amendment separately.

Question was called on the motion to divide the question and it failed:

AYES: Sullivan, Von Gemmingen, Taylor, Fairclough, Kendall.
NAYS: Van Etten, Traini, Tesche, Shamberg, Tremaine.

At Municipal Manager Harry Kielsing's request, Municipal Attorney Bill Greene addressed the legal aspects of the proposed amendments.

Mr. Sullivan moved, to amend the amendment of AO 2001-122(S-1) to delete
seconded by Mr. Kendall, section two of Mr. Tesche's three amendments.

AYES: Sullivan, Kendall.

NAYS: Von Gemmingen, Taylor, Van Etten, Traini, Fairclough, Tesche, Shamberg, Tremaine.

Question was called on the motion to amend AO 2001-122(S-1) and it passed:

AYES: Von Gemmingen, Taylor, Van Etten, Traini, Tesche, Shamberg, Tremaine.

NAYS: Sullivan, Fairclough, Kendall.

Question was called on the motion to adopt AO 2001-122(S-1) as amended and it passed:

AYES: Von Gemmingen, Taylor, Van Etten, Traini, Fairclough, Tesche, Shamberg, Tremaine.

NAYS: Sullivan, Kendall.

Mr. Tesche moved, for immediate reconsideration on AO 2001-122(S-1).
seconded by Ms. Taylor,

AYES: Sullivan, Von Gemmingen, Fairclough, Kendall.

NAYS: Taylor, Van Etten, Traini, Tesche, Shamberg, Tremaine.

- J. Ordinance No. AO 2001-129, an ordinance amending Anchorage Municipal Code to enact a new Section 6.50.070 **establishing a trust fund for property tax relief**, Office of Management and Budget.
1. Assembly Memorandum No. AM 586-2001.

Action on item 14.J was carried over to August 14, 2001.

- K. Ordinance No. AO 2001-131, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Subsection 3.88.030C. to designate the Administrator of the Police and Fire Retiree Medical Trust as the **Program Administrator of the Prefunding Investment Board**, Employee Relations.
1. Assembly Memorandum No. AM 623-2001.

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

Ms. Von Gemmingen to adopt AO 2001-131.
seconded by Mr. Tremaine,
and it passed without
objection,

- L. Ordinance No. AO 2001-132, an ordinance amending Anchorage Municipal Code Subsection 3.30.172 F to **classify executive positions** (Deputy Police Chief), Employee Relations.
1. Assembly Memorandum No. AM 624-2001.

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

Ms. Von Gemmingen moved, to adopt AO 2001-132.
seconded by Mr. Van Etten,

Mr. Sullivan moved, to postpone action on AO 2001-132 until August 14, 2001, in
seconded by Ms. Fairclough, order for the Assembly to obtain additional information on the
justification for classifying this to an appointed position.

Ms. Fairclough moved, to schedule a work session on this item on August 14, 2001.
and it was accepted as a
friendly amendment by
Mr. Sullivan,

Question was called on the motion to postpone action on AO 2001-132 and it passed without objection:

- M. Ordinance No. AO 2001-133, an ordinance authorizing the **lease of an area in the southern portion of the Transit Shed Warehouse at the Port of Anchorage**, totaling approximately 6,909 square feet, to Totem Ocean Trailer Express, Inc., Port of Anchorage.
1. Assembly Memorandum No. AM 625-2001.

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

Mr. Tesche moved, to adopt AO 2001-133.
seconded by Mr. Sullivan,
and it passed without
objection,

N. Ordinance No. AO 2001-138, an ordinance of the Municipality of Anchorage authorizing the **purchase of Crossroads Business Park, Tracts 5A and 5B**, Anchorage, Assemblymembers Sullivan and Von Gemmingen.

Action on item 14.N was carried over to August 14, 2001.

O. Ordinance No. AO 2001-128, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code to **allow elected members of the Girdwood service area boards to represent community views and recommendations before the Assembly, Mayor, School Board and other municipal boards, commissions, and agencies**, Assemblymembers Tremaine and Shamberg.
1. Assembly Memorandum No. AM 672-2001, AO 2001-128; Girdwood Service Areas Boards, Assemblymember Tremaine. **(addendum)**

This item was considered earlier in the meeting. See after 14.A.

P. Ordinance No. AO 2001-139, an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code Chapter 9.28 to **require liability insurance or other security to operate a motor vehicle** within the Municipality, to establish minimum insurance levels and exemptions, to establish penalties or the failure to have insurance, including impound and forfeiture of a vehicle used in the offense, and to amend other code sections related thereto, Assemblymember Traini.
1. Assembly Memorandum No. AM 637-2001.

Action on item 14.P was carried over to August 14, 2001.

Q. Ordinance No. AO 2001-140, an ordinance of the Anchorage Municipal Assembly **amending Anchorage Municipal Ordinance AO 2000-91(S)**, as Amended and Approved on June 20, 2000, by changing the time period to complete the 'Ordinance Review' required in Section 3 of the Ordinance, Assemblymember Tesche.

Action on item 14.O was carried over to August 14, 2001.

15. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS:

A. Appeal S-10677, Glenn View Estates.

This item was considered earlier in the meeting. See after item 11.C.

16. SPECIAL ORDERS:

A. An Assembly worksession was called for August 14, 2001, in Room 830, City Hall, to consider AO 2001-132, **classification of an executive position** (Deputy Police Chief) (TIME TO BE DETERMINED).

17. UNFINISHED AGENDA: None.

18. AUDIENCE PARTICIPATION: None.

19. ASSEMBLY COMMENTS: None.

20. EXECUTIVE SESSIONS: None.

21. ADJOURNMENT:

The meeting adjourned at 11:30 p.m.

Chairman Dick Traini

ATTEST:

Municipal Clerk

Date Minutes Approved: _____, 2001

LF/csc:vmc

INDEX

2001 Action Plan 13, 14

A

Abbott Loop valve vault 3

Americans with Disabilities Act (ADA) paratransit assistance 13

Anchorage Air Pollution Control Agency 10

Anchorage Horse Council Management Agreement 4, 7

APPEALS

S-10677, Glenn View Estates 8, 18

APPEARANCE REQUESTS

Theresa Nangle Obermeyer, regarding indemnification of elected officials 8

Appropriations 2, 5, 10, 13, 14

B

bay windows 10

Board or Commission Appointments 7

building inspectors 13

C

Chugiak High School 2

Chugiak Senior Center 3

Code Changes 4, 8, 10, 11, 16, 17, 18

Committee Appointments 3

Community Development Block Grant 13, 14

Community Service Patrol and Transfer Station services 13

Computer Purchases, Maintenance Or Licensing 3

concrete products 3

Contracts Awarded Between \$30,000 And \$100,000 4

Custodial Services 3

D

decoder system 3

discrimination and prejudice in Anchorage 2, 5

distribution line extension unit price contract 3

E

Egan, William A. Civic And Convention Center 3

Emergency Shelter Grant 13, 14

Empowerment Zone Application 3

executive positions classification 17

Executive Staff Appointments 3

F

Financial Report 4

Fire Department 3

front end loader 3

G

General Government Operating Budget 13

Girdwood service area boards 11, 18

H

Heritage Land Bank 3, 4

Hillside Wastewater Management Plan 4

HOME Investment Partnership Grant 13, 14

I

insurance or other security to operate a motor vehicle 18

insurance premiums 14

Internal Audit Report 4, 7

L

Land Sale, Purchase, Lease, Conveyance or Donation 18

Land Sale, Purchase, Lease, Conveyance Or Donation 4, 17

Legislative grants 14

Library Outreach Services Program 2

Limited Road Service Areas 2, 3, 6

Liquor Licenses 3, 6, 8, 11

M

Mobile Home Dislocation Assistance Program 4

N

North Pacific Ground Fisheries2
Northwood Transportation Study9

O

O’Malley School Site Subdivision.....2

P

Parks Improvement Package3
plan review services13
Planning And Zoning Commission.....4
Police and Fire Retiree Medical Trust17
Police Department2, 5, 14
Prefunding Investment Board17
professional planning services3, 6
Purchasing and Contracts.....8, 16

R

Rezoning4
Road Improvement Districts3, 6
Road Improvement Projects.....2, 4, 6

S

Seized And Forfeited Monies Awarded From Criminal Narcotics Cases.....14
Senate Bill 2914
Smoking in Public Places4, 18
Sole Source Procurement Report.....4, 7, 8
State Legislative Redistricting2, 5
Sullivan, George M. Arena4
Summer Maintenance Projects2

T

tax relief17
Tobacco Sales Enforcement Program2, 5, 14

U

Utility Easements2