



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, OCTOBER 6, 2014
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council convened at 7:00 p.m. on the above date, to conduct a Regular Meeting of the Fairbanks City Council at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor John Eberhart presiding and with the following Council Members in attendance:

Council Members Present: Renee Staley, Seat A (Telephonic)
 Bernard Gatewood, Seat C
 Jim Matherly, Seat D
 Lloyd Hilling, Seat E
 Chris Anderson, Seat F

Absent: Perry Walley, Seat B (Excused)

Also Present: Warren Cummings, Fire Chief
 Margarita Bell, Grants Administrator
 Paul Ewers, City Attorney
 Janey Hovenden, City Clerk
 Jim Williams, Chief of Staff
 Stephanie Johnson, Dispatch Center Manager
 Carmen Randle, Controller
 Ben Barrio, IT Director
 Barbara Sunday, Director HR/Risk Management/Purchasing
 Brad Johnson, Acting Police Chief

INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

FLAG SALUTATION

Mayor Eberhart led the Flag Salutation.

APPROVAL OF AGENDA AND CONSENT AGENDA

Mr. Anderson, seconded by Mr. Matherly, moved to APPROVE the Agenda and Consent Agenda.

Mr. Gatewood pulled the following items from the Consent Agenda:

- Item 10(a) – Resolution No. 4644
- Item 12(a) – Memorandum Concerning the Northern Door Clubhouse

Item 12(b) – Appointment of the Chief of Fairbanks Police Department

Mayor Eberhart stated that there are many people in the audience that he assumes would like to speak to the appointment of the new Police Chief. He suggested that the Council move Items 8 and 12(b) (Mayor's Comments and Report and Appointment to the Chief of Fairbanks Police Department, respectively) up in the order of business to be heard after Citizen's Comments so that the public would not have to wait the whole meeting for the Council's decision on the issue.

Mr. Gatewood, seconded by **Mr. Matherly**, moved to rearrange the order of business so that Items 8 and 12(b) be heard immediately after Citizen's Comments.

Mayor Eberhart called for objection and, hearing none, so ORDERED.

City Clerk Hovenden read the Consent Agenda, as Amended, into the record.

CITIZEN'S COMMENTS

Anna Richards, 1244 Viewpointe Drive, Fairbanks – Ms. Richards stated that she supports the Police Chief selection. She commended Mayor Eberhart for stepping out of his comfort zone and reaching out to the community with an invitation to participate in the selection process. She spoke to the composition and diversity of the selection committee. Ms. Richards stated that the selection process was neutral with a focus based on the candidates' qualifications. She stated that Randall Aragon was the most qualified candidate with a strong belief in community inclusion and transparency in the police force. She encouraged the Council to support the appointment of Chief Aragon.

Kevin Ginley, 1485 23rd Avenue, Fairbanks – Mr. Ginley stated that he is a strong proponent of hiring locally. He expressed appreciation for the committee's selection process. Mr. Ginley stated that he spoke with several people from La Marque, Texas where Randall Aragon is from. He stated that he would like to have a police chief who does not agree with everything he says. He commented that in five years, Randall Aragon will be gone and will not be a long-term member of the community. Mr. Ginley stated that the best choice for a new police chief is Eric Jewkes.

Mayor Eberhart asked Mr. Ginley if he attended the forum where the candidates were interviewed.

Mr. Ginley stated that he was not at the forum but added that he did follow the process.

Mr. Hilling asked Mr. Ginley if he is privy to information about why Randall Aragon moved to different places.

Mr. Ginley stated that Randall Aragon seems to be a likeable person and that it is not his intent to speak ill of him. He stated that after doing some research, it appears that Randall Aragon has had a pattern of moving from place to place.

Steve Ginnis, 288 Shannon Drive, Fairbanks – Mr. Ginnis stated that he has lived in Fairbanks since 1999 when he became the president of the Tanana Chiefs Conference (TCC). He commented that

he does not recall any other time when the public was involved in the selection of a police chief and thanked Mayor Eberhart for being transparent in the process. He urged the Council to support Mayor Eberhart's recommendation, pointing out that the decision was not made by the Mayor alone. Mr. Ginnis stated that the community's voice should be heard as well. He spoke to the trust issues that the Alaska Native people have with the Fairbanks Police Department (FPD). He stated that he would like to see someone leading FPD who is willing to reach out to the community and address the issues. He cited unresolved FPD cases such as the Johnny Wallis case and the case of the Fairbanks Four. Mr. Ginnis stated that it is unfortunate that the Native people feel they cannot call the police for fear of possibly being arrested. He stated that he supports a change in the community and the Mayor's recommendation for a new police chief.

Reverend Joe Blackburn, 3030 Peger Road, Fairbanks – Rev. Blackburn encouraged the City Council to support the Mayor's nomination. He thanked the Mayor and Council for the opportunity to speak and offer his support. He stated that without taking anything away from Lt. Jewkes who has served the Fairbanks community for more than 20 years, he believes Chief Aragon is the best choice for a new Chief of Police. Rev. Blackburn stated that Chief Aragon will bring a balance of diversity to FPD that has been missing for a number of years. He commented that it is very important that FPD reflect the diversity of the Fairbanks community. He spoke also to the imbalance of those being arrested and incarcerated and stated that for the most part, the only time he hears of a minority talking to a police officer is when they are being stopped for a violation or when they are being arrested. Rev. Blackburn stated that in about five more years, he believes Lt. Jewkes will be better equipped to serve as Chief of Police.

Mayor Eberhart asked Rev. Blackburn if the panel of five interviewers and five community leaders unanimously supported the nomination of Chief Aragon.

Rev. Blackburn replied that all ten individuals unanimously supported the recommendation of Chief Aragon for the Chief of Police position.

Monique Duncan, PO Box 74469, Fairbanks – Ms. Duncan commented that she enjoys hearing the views presented by others in regard to the selection of the Police Chief. She stated however, that she does not support the selection of Chief Aragon. She spoke to the honor and integrity of FPD employees and to the intensive background checks they must pass in order to be hired. Ms. Duncan stated that police officers are often labeled as racists because people do not like cops and will say anything when they are being arrested. She suggested that the Council has been treating the City police force like criminals by consistently practicing unfair labor laws and wasting taxpayer dollars on negotiations and arbitrations. She asked the Council what the police employees are doing wrong. Ms. Duncan spoke to the accusation of nepotism at FPD and reminded the Council that the courts found that charge to be false years ago. She suggested that nepotism may have played a part in the hiring of the City's new Human Resources Director. She pointed out that the City hired the police officers that are serving and questioned whether the members of the Council could pass the same background check. She stated that she lost faith in Mayor Eberhart when he allowed a convicted criminal and known drug user to serve on the selection panel for the new Chief of Police. She urged the Council to reconsider the choice and undo the wrong. She closed by stating that the men and women of FPD have honor and integrity and that she expects the same of her City.

Nate Brown, 1430 102nd Street, Fort Wainwright – Mr. Brown stated that the selection is a delicate issue for the citizens of the community. He stated that he plays softball with many people in the area and that he has nothing derogatory to say about City police officers. He stated that he will pray for the Council to have the wisdom to know how to keep Fairbanks the way a small community should be and, at the same time, how to move forward with change. Mr. Brown commented that effective change cannot be accomplished without reaching beyond borders to have a fresh look at a situation. He stated that the City of Fairbanks is an equal opportunity employer and that each applicant should have a fair look beyond politics. He stated that if the nominee is qualified, has nothing in their past that would bar them from doing the job, and has the vote of confidence from the mayor all the rest is simply politics. Mr. Brown stated that he has never experienced racism from the Fairbanks police force. He commented that the other applicant should not be given the job based solely on his longevity with FPD. He thanked Mayor Eberhart for taking a broad look at the selection and for trying to bring balance to the City of Fairbanks. He stated that although he is military and has only lived in Fairbanks for a couple years, he enjoys the community and would hate to see it torn apart by the issue at hand. He expressed his support for the Mayor's nomination.

Daisy Stevens, 1841 Hilton Avenue, Fairbanks – Ms. Stevens stated that she has been a resident of Fairbanks, off-and-on, since 1965. She stated that she is a voting community member. She thanked Mayor Eberhart for making the right decision in his nomination for the Chief of Police. She stated that she had never known racism until she attended Lathrop High School in 1966 and went home from school crying. Ms. Stevens spoke to the problems at FPD and expressed her belief that a change in leadership will help make corrections. She stated that an individual can feel the racism at FPD as soon as they walk through the door or speak on the telephone. She stated that nepotism in any organization makes working with its employees difficult and spoke specifically to that of the Acting and Deputy Police Chiefs. Ms. Stevens stated that she came before the Council some time ago to make a complaint and explained that the former Chief of Police helped her resolve her problem. She commented that now it seems that no one at FPD has the time to care. Ms. Stevens stated that she plans to meet with the new Police Chief to welcome him and convey her problems to him. She encouraged everyone to vote in the upcoming Municipal Election.

Mr. Hilling asked Ms. Stevens what sort of problems she believes exist in the police department.

Ms. Stevens stated that she has a son who lives in the village. She explained that when he was in Fairbanks visiting he went out to the bar and was walking home in the middle of the night. She stated that two City police officers stopped him, questioned him, and told him to start running. She stated that another man picked him up and explained to him that he should not be walking alone at night because that is how Fairbanks cops are.

Charlie Leonelli, 730 Hillcrest Drive, Fairbanks – Mr. Leonelli stated that he is a local business owner and has been a member of the Fairbanks community since 1986. He stated Fairbanks is a unique community, very different from suburbs and cities in the lower 48 states. He commented that it is almost as if Fairbanks is on an island because it is so isolated. Mr. Leonelli stated that while Chief Aragon may have experience in larger communities and may know the right things to say, Lt. Jewkes knows the Fairbanks community and has given more than 20 years serving it. He pointed out that by hiring from the outside, the City will squash the opportunity for upward mobility within the police department. Mr. Leonelli spoke to the strong and quiet leadership of Lt. Jewkes and expressed his support for the selection of Lt. Jewkes as the new Chief of Police. He stated that

there is potential for 4 – 5 years of turmoil under the leadership of an outsider at FPD. He encouraged the Council to postpone the decision on the selection or oppose Mayor Eberhart's nomination.

Mayor Eberhart asked Mr. Leonelli if he attended the forum.

Mr. Leonelli replied that he was unable to attend due to work.

Mayor Eberhart asked Mr. Leonelli if he had heard that Lt. Jewkes stated that he would continue working at FPD even if Chief Aragon was selected.

Mr. Leonelli replied that he read about Lt. Jewkes' statement.

Mayor Eberhart asked Mr. Leonelli if he is aware that he recommended that Chief Aragon make Lt. Jewkes a Deputy Chief so that he can be mentored to one day take the position of Chief of Police.

Mr. Leonelli replied affirmatively.

Mr. Gatewood asked Mr. Leonelli to speak to his recommendation for postponement.

Mr. Leonelli stated that the subject is a delicate one. He stated that more time would allow for more citizen participation. He suggested that there may be some unflattering information on the web about Chief Aragon and that the Fairbanks community may have only seen a limited scope of information about him.

Darlene Herbert, 906 Woodlawn Road, Fairbanks – Ms. Herbert stated that she took a photo the other day of a sign that read, "Showgirls, Showgirls, Showgirls...fully nude." She asked if the Council approved of such a business and stated that it is a shame that it is in an area where so many kids pass by. Ms. Herbert stated that those kinds of places should be located outside of City limits. She expressed disappointment in the way people talk about Mayor Eberhart on Facebook. She spoke briefly to the selection of the new Chief of Police and also to the division between the Native people and the police. Ms. Herbert expressed her support for the nomination of Chief Aragon, stating that the police department needs change.

State Representative Scott Kawasaki, 2008 Carr Avenue, Fairbanks – Rep. Kawasaki stated that in going door-to-door, an issue was brought up in the Executive Estates Subdivision regarding a club that opened up in the old Klondike Lounge. He pointed out that the business is near a school bus stop, very close to a daycare center and near a family neighborhood. Rep. Kawasaki expressed his opinion that the residents of the area should have had an opportunity to comment and veto the new business coming to their neighborhood. He stated that other businesses like daycares and dog parks must go through a process before they can open for business. Rep. Kawasaki encouraged the Council to adopt an ordinance regarding adult entertainment establishments similar to the one he introduced when he served on the City Council. He spoke highly of Lt. Jewkes, stating that he is a hard-working individual of high moral fiber and impeccable ethics who may just be a victim of bad timing.

Mr. Matherly asked Rep. Kawasaki what he meant by “bad timing.”

Rep. Kawasaki stated that there is a certain momentum in the community that may stop local people from rising up the ranks at FPD. He stated that he does not know much about Chief Aragon, but that he sees the community’s outcry for change as bad timing for Lt. Jewkes.

Ruth L’Hommedieu, 3282 Adams Drive, Fairbanks – Ms. L’Hommedieu spoke against the establishment of the Sinrock Club in her neighborhood. She stated that there seems to have been some confusion at the City Building Department as to whether the structure was being torn down or not. She asked how the Planning Commission dropped the ball on the issue and stated that it is a shame that the adult establishment is in such close proximity to a residential neighborhood. Ms. L’Hommedieu commented that sometimes those types of businesses attract unfavorable people, drugs and crime. She expressed appreciation to Rep. Kawasaki for the steps he has taken to look into the issue. She stated that they have installed a fence behind the Washington Plaza, but have not placed a fence along Rewak Drive.

Mr. Matherly asked Ms. L’Hommedieu if she knew that the new fence belongs to the owners of the Washington Plaza Mall.

Ms. L’Hommedieu replied that she was not aware. She stated that as a resident of the neighborhood there was no opportunity to give public comment on the issue. She asked why the community was not involved in the process.

Mayor Eberhart stated that the Council may only ask questions to the public during Citizen’s Comments. He stated that the Council would have to move to Suspend the Rules if they wished to provide an explanation to Ms. L’Hommedieu.

Mr. Hilling, seconded by **Mr. Matherly**, moved to SUSPEND THE RULES to allow open discussion with Ms. Ruth L’Hommedieu regarding the Sinrock Club.

Mayor Eberhart called for objection and, hearing none, so ORDERED.

Mr. Matherly explained that he works in the Washington Plaza Mall facing the Safeway store. He stated that he did not know what business was being built in the old Klondike Lounge even after attempting to catch someone on-site to ask several times. He stated that as soon as the mall owner found out that the business was an adult establishment, he immediately put up a fence. **Mr. Matherly** stated that he does not know what rights nearby property owners had in the process. He added that the mall owner plans to put up another fence on the other side towards Midas. He stated that the business opened on Thursday.

Mayor Eberhart explained that the City of Fairbanks does not have planning and zoning powers. He stated that those are functions of the Fairbanks North Star Borough (FNSB). He stated that the Fairbanks Building Department learned of the construction and contacted the owner, explaining that the building could not be open for business until a Certificate of Occupancy was issued. **Mayor Eberhart** stated that the City only inspects to ensure the safety and compliance of the structure itself and cannot look at planning or zoning regulations.

Mr. Matherly pointed out that the club does not serve alcohol. He stated that he will be keeping an eye on the property. He shared that he has had many constituents contact him asking about the new establishment.

Ms. L'Hommedieu stated that it seems like the business snuck in through the back door. She stated that she felt uncomfortable asking questions to workers at the location.

Mayor Eberhart expressed hope that the Borough would take up the issue. He stated that Rep. Kawasaki has written a letter to them and that the Borough is the entity who holds the zoning power.

Shirley Lee, 457 Cindy Drive, Fairbanks – Ms. Lee stated that she is speaking as the Chair of the Justice Task Force at Tanana Chiefs Conference (TCC) and on behalf of TCC President Victor Joseph. She stated that TCC is a non-profit organization that works toward meeting the health and social service challenges for 15,000 Alaska Native people in the region. Ms. Lee thanked Mayor Eberhart for allowing her to participate in the second round of Police Chief interviews. She commended both candidates on their dedication to law enforcement. Ms. Lee stated that the selection of Chief Aragon was an insightful choice and spoke to the fracture in the relationship between FPD and the Native community. She indicated that Chief Aragon would be the most effective agent for change at the police department. Ms. Lee stated that crime against minorities is ongoing and routine in Fairbanks. She stated that she works with homeless people and chronic inebriates in the community and that she hears of numerous assaults, rapes and robberies against those populations every month. She commented that most of those incidents go unreported to the police because of the lack of trust with the FPD. Ms. Lee stated that Chief Aragon has demonstrated a superior ability to bring a community together to enhance policing, a systematic change to police departments resulting in national certification, and a record of keeping communities informed and involved in police work. She commended Mayor Eberhart for his open approach to the hiring process and asked the Council how they could object when everyone was given an opportunity to provide input. Ms. Lee stated that she and TCC support the selection of Chief Aragon.

Esther Cunningham, 1417 22nd Avenue, Fairbanks – Ms. Cunningham stated that she has lived in the Fairbanks community for over 30 years and has been involved in a great deal of volunteer work. She stated that one of the best programs she was involved with was Volunteers in Policing (VIP). She expressed her belief that Chief Aragon is a good candidate for Police Chief because of his 25 years of experience in law enforcement, his ability to talk to people and his enthusiasm. Ms. Cunningham mentioned the question asked to candidates during interviews that stood out to her: “Have you ever been broken and what was your experience?” She stated that Lt. Jewkes took a full minute to answer the question and was nowhere near the mark. Ms. Cunningham stated that her own experiences with FPD have been positive, but explained that as a secretary and board member of the National Association for the Advancement of Colored People (NAACP) she hears complaints of racial profiling by FPD quite frequently. She stated that her son was falsely accused and ambushed when he was arrested by FPD and was not told of the reason for his arrest until after he was put in the back of the police vehicle. Ms. Cunningham stated that the City of Fairbanks needs a fresh set of eyes and a Chief of Police who will have an open door policy with credibility in resolving matters in a fair and respectful way.

Glenn Carlo, 2365 King Road, Fairbanks – Mr. Carlo stated that he works with Denakkanaaga and Native Alaskan Elders. He stated that he attended the Police Chief interviews and expressed support for Mayor Eberhart's nomination. He apologized for an earlier testimony from a young lady who did not show respect for Mayor Eberhart. He stated that comments threatening mutiny if Chief Aragon is hired are proof that a change needs to take place at FPD.

Nancy Shafer, 1613 Madison Drive, Fairbanks – Ms. Shafer stated that she was concerned with Lt. Jewkes' transparency during the interviews. She stated that he did not answer some of the questions to her satisfaction. She commented that some people's resistance to change may be the reason that some do not support the nomination of Chief Aragon. Ms. Shafer spoke briefly to Chief Aragon's background. She expressed her belief that there is a lack of trust between FPD and all cultures and races in the Fairbanks area. She stated that her concern with Chief Aragon is that he seems to have a pattern of changing jobs but added that it could be because he enjoys a challenge. Ms. Shafer stated that she was a dispatcher with the Alaska State Troopers (AST) for eight years and with the Airport Police and Fire Department for four years. She stated that even police officers are not above the law and can sometimes make mistakes after they become police officers. She stated that she does not know Lt. Jewkes but indicated that he may not see a need for change since he has been working at FPD for so many years.

Mr. Hilling asked Ms. Shafer if there were any other instances in which she felt Lt. Jewkes did not fully answer an interview question.

Ms. Shafer replied that Lt. Jewkes' response to the question about being broken was lacking.

Eric Hoffman, 2107 Hilton Avenue, Fairbanks – Mr. Hoffman stated that he is a City constituent and a police officer for the City of Fairbanks. He commented that he has rarely felt as broken as he has throughout the evening while listening to all the negative comments about FPD. He stated that he grew up wanting to help people and that he feels he tries to do that every day in his job. Mr. Hoffman shared that he has been in contact with officers and staff at the Conway, Arkansas Police Department who had nothing positive to say about Chief Aragon. He added that he remains open-minded.

Mr. Hilling asked Mr. Hoffman to elucidate what he had heard about Chief Aragon.

Mr. Hoffman stated that it has been 12 years since Chief Aragon worked at the Conway, Arkansas Police Department. He stated that he spoke to a training officer who told him that Randall Aragon had barely qualified as a police officer in that state at that time, after having supposedly been doing police work since the 1970's. Mr. Hoffman stated that the same officer claimed that Chief Aragon was the worst chief he had ever worked for. He stated that he also claimed that other departments within the municipality began tracking his progress and made it a point to warn potential employers about Chief Aragon.

Mr. Gatewood asked Mr. Hoffman if he has had contact with other police departments where Randall Aragon has been employed.

Mr. Hoffman replied that he has not made contact with any other department. He commented that he is very open to change and has hopes that Chief Aragon has good ideas to bring to FPD. He

encouraged the Council to do some of their own research about Randall Aragon. He stated that five years is a long time for a community to have a police chief that does not understand the issues.

Mayor Eberhart asked Mr. Hoffman if the training officer explained that the Conway Police Department had been trying to unionize the department before Chief Aragon arrived.

Mr. Hoffman replied that the unionization was not a part of his discussion with the training officer.

Mayor Eberhart asked Mr. Hoffman if it is feasible to believe that Conway Police Department employees may have been dissatisfied because of the failed attempt to unionize.

Mr. Hoffman replied that it is a possibility.

Mayor Eberhart cautioned an audience member who spoke out of order. He stated that comments from the audience that are not a part of Public Testimony will not be tolerated.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger stated that he supports Mayor Eberhart's selection. He stated when he attended the Police Chief interviews he saw only two of the Council Members present. Mr. Buberger stated that he has nothing against Lt. Jewkes, but indicated that he believes Chief Aragon is the best choice. He spoke to the differences between the previous hiring process and the recent hiring process for the new Chief and spoke highly of former Chief Zager. Mr. Buberger spoke to his own experiences with racism and police and commented that there are some liars on the Fairbanks police force. He stated that he believes it was good that Mr. Turney was selected to serve on the interview panel.

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney stated that he has never been convicted of any drug offenses but admitted to having smoked herb on occasion. He read aloud the Law Enforcement Code of Ethics for the Fairbanks Police Department. He stated that of the two candidates for police chief, he believes Chief Aragon is the right choice to solve the problems with diversity in the Fairbanks community. Mr. Turney explained that under their union contract, City police officers may refuse to submit to a polygraph examination when being investigated for misconduct. He stated that Jewkes was opposed to these examinations while Aragon was in support of them. He thanked Mayor Eberhart for allowing him the opportunity to serve on the nomination committee. Mr. Turney commented that he has been aware of the nepotism at FPD for years and that he would see an issue with a Chief whose wife was employed by the same department. He spoke to the six threatening calls to FPD from an unknown caller and stated that the District Attorney's Office has not received anything from the City of Fairbanks regarding a warrant. He expressed hope that Mayor Eberhart would follow through on the issue and commented that he believes the calls were a ruse. Mr. Turney stated that upon hire at FPD, police officers are required to take a polygraph exam but that the exam is administered by a Fairbanks police officer. He expressed hope that the City would hire an independent professional to perform the examinations. He stated that in the many years he has lived in Fairbanks he has never witnessed this type of nomination process and thanked Mayor Eberhart.

David Duncan, PO Box 74469, Fairbanks – Mr. Duncan stated that he has been a police officer for the City of Fairbanks since October of 2005. He voiced his disgust over the recent actions of the Council in regard to the PSEA contract. He stated that the City's negotiating team bargained

according to the direction given by the Council. He clarified that it was the City—not PSEA—who proposed the 36-hour work week. Mr. Duncan stated that both teams spent months working out the details of the agreement with both sides making concessions. He stated that the Council adopted the contract by a 4-3 vote, which was later reconsidered by Council Member Matherly. He stated that the Finance Department provided a fiscal note to the Council on the PSEA contract. He suggested that the Council felt it necessary to have an outside source check the work of the Finance Department. Mr. Duncan stated that although Council Member Matherly's reconsideration was ruled untimely by the City Attorney, the Council voted to suspend the rules and allow for the reconsideration. He questioned the legality of the Council's actions. He stated that he would like to propose a reconsideration of Mr. Matherly's election to the City Council, commenting that he has learned new information since that time and did not understand Mr. Matherly's views when he voted in the election. Mr. Duncan stated that the Council then voted to postpone the PSEA contract until the November 3 meeting to give new Council Members a chance to review and understand the proposal. He expressed his belief that the real reason behind the postponement was in anticipation that Jerry Cleworth would be back on the Council. He stated that some believe that Mr. Cleworth is the only one with the political and financial knowledge to run the City of Fairbanks. Mr. Duncan quoted Mr. Cleworth in a recent interview as stating that he "wants to work with the unions to form a partnership with them." He expressed doubt as to the sincerity of the statement, commenting that he has sat at the negotiating table with Mr. Cleworth. He spoke to the unique situations that police officers encounter on the job and asked the Council to consider that not all unions are the same and that they cannot all be treated the same. Mr. Duncan stated that Mr. Hilling made a recent comment that the City should not strive to have the best police department but the cheapest. He spoke against the notion that one year union contracts are the way to go. He reproved Mr. Gatewood for voting against the Firefighters' arbitration award because he did not like the tone of the arbitrator or the way the award was written. Mr. Duncan spoke to the Council's goal to be fiscally responsible and questioned how it is prudent to pay over \$7,000 to fight a \$37.50 fine. He expressed his feeling that the Council is immoral and unethical. He stated that he will no longer put his life on the line for a Council or a City that does not support its employees and stated that he has submitted his resignation.

Hearing no more requests for public comment, **Mayor Eberhart** declared Public Testimony closed.

Since there was no objection at the Approval of the Agenda and Consent Agenda to move Items 8 and 12(b) (Mayor's Comments and Report and Appointment to the Chief of Fairbanks Police Department, respectively) to be read after Citizen's Comments, the items were moved and the order of business was as recorded below.

MAYOR'S COMMENTS AND REPORT

Mayor Eberhart spoke to the threatening calls Mr. Turney mentioned earlier. He reported that a warrant has been served on Google in California to find out what computer was used to place the calls. He stated that police in Pennsylvania have identified the caller as a 14-year old boy with mental health problems. **Mayor Eberhart** referenced the handout detailing the September statistics for the Community Service Patrol (CSP) and pointed out that the calls for transport and service are at a historic high. He listed the numerous meetings and events that the Mayor's Office had

participated in since the last Regular Meeting of the Council. **Mayor Eberhart** introduced and welcomed new IT Director Ben Barrio.

Mr. Barrio expressed his excitement to be a part of the City of Fairbanks and the community. He stated that he is from New Mexico but fell in love with Alaska when the military brought him here and decided to stay.

Mayor Eberhart spoke to his nomination of the Chief of Police. He stated that most Fairbanks residents are from other parts of the United States and commented that the community needs to remain welcoming to outsiders. He spoke to the process to fill the position from the time former Chief Zager resigned in July. **Mayor Eberhart** stated that of the five applicants for Police Chief, one did not meet the minimum qualifications, two were from FPD and two were from Texas. He explained that the interview and hiring process did not have to be public, but that he wanted to involve the public and be as transparent as possible. He stated that the first interview panel unanimously narrowed the applicants from four to two, Chief Aragon and Lt. Jewkes. **Mayor Eberhart** explained that an extensive background check was done on Chief Aragon because the City of Fairbanks had limited knowledge of him. He read aloud the summary of positive comments prepared by individual who performed the background investigation on Chief Aragon. **Mayor Eberhart** read aloud comments about Chief Aragon from the mayor of Conway, Arkansas. He read aloud a newspaper article from Conway, Arkansas which talked about Chief Aragon's effectiveness and leadership during his six-year tenure as Chief of Police. He pointed out the positive recommendations sent via email from individuals that have worked with Chief Aragon. He listed the names of the individuals that served on the selection panel and stated that the nomination was unanimous. **Mayor Eberhart** asked Chief of Staff Jim Williams to comment on the nomination.

Mr. Williams stated that one of Mayor Eberhart's goals has been to draw more public participation at City Council meetings. He stated that the audience at the meeting proves that goal to be coming to pass. Mr. Williams spoke to change management and accountability, stating that the reaction of individuals is normal given the uncertainty of FPD's future. He advised that when an organization fails, the senior executive is usually responsible.

Mayor Eberhart stated that he met one-on-one with both candidates before the second round of interviews. He spoke highly of Lt. Jewkes but commented that both on paper and in interviews, Chief Aragon was clearly the stronger candidate. **Mayor Eberhart** stated that significant changes need to take place at FPD. He stated that Chief Aragon has indicated that he may make Lt. Jewkes a part of his management team and that he has asked Chief Aragon to make Lt. Jewkes a Deputy Chief of Police. **Mayor Eberhart** expressed that the City of Fairbanks would be fortunate to have Randall Aragon serve as the Chief of Police. He urged the Council to respect the selection panel and process and trust his nomination. **Mayor Eberhart** announced that the school resource officers (SRO's) are getting close to coming to an agreement with the Borough School District so that officers may soon return to West Valley and Lathrop High Schools. He stated that the City recently signed a memorandum of agreement (MOA) with the School District formalizing the high school work/study program. He shared that the City now has six work/study students working or soon-to-be working in the following departments: Engineering, Clerk's Office, Information Technology, Dispatch, Fire Prevention Office and Mayor's Office. He added that this is the first agreement of its kind in Alaska between a municipality and a school district. **Mayor Eberhart** reminded everyone to vote on Election Day and emphasized the importance of citizen participation.

COMMUNICATIONS TO COUNCIL

b) Appointment of the Chief of Fairbanks Police Department

Mr. Anderson, seconded by **Mr. Hilling**, moved to APPROVE the Appointment of the Chief of Fairbanks Police Department.

Ms. Staley expressed appreciation for the open interview process and commented on the great amount of public involvement. She stated that she is unsure of how the interviews were advertised or how many people attended the interviews.

Mayor Eberhart explained that three large ads were placed in the News Miner and that the interview information was also posted to the City's website. He stated that about 75 members of the public were in attendance.

Mr. Anderson spoke to Lt. Jewkes' intention to stay with FPD even if he is not selected as the next Chief of Police. He spoke to Chief Aragon's pattern of taking on challenging positions and leaving police departments better than he found them. **Mr. Anderson** stated that he believes Chief Aragon will not leave the City of Fairbanks until he knows his job is done. He stated that the idea of certification is new to him.

Mr. Gatewood stated that he received a great deal of feedback on the issue of the new Police Chief. He commented that he heard support for both candidates and that he tries to keep an open mind on all considerations that come before the City Council. **Mr. Gatewood** stated that he believes Chief Aragon interviewed the better of the two candidates, both in the first round and the second round. He stated that just because the selection was unanimous by the panel, it does not mean that the selection was automatic from the first vote. **Mr. Gatewood** stated that Mayor Eberhart should be commended for the selection process and for putting a diverse interview panel together. He stated that he supports the Mayor's nomination.

Mr. Matherly echoed Ms. Staley's comments. He stated that he also received a lot of public feedback on the issue. He stated that he has tried to put himself in the shoes of both candidates. He expressed that the "cop-bashing" that occurred earlier in the meeting was inappropriate. **Mr. Matherly** listed good qualities about each candidate and the different skills and experiences that each would bring to the table. He expressed his struggle with the idea of bringing someone new to the department who has no intention to stay long-term. **Mr. Matherly** asked if there is a reason why FPD was not represented on the interview and selection panel.

Mayor Eberhart stated that he has known Lt. Jewkes for a very long time and that he felt that he did not need any more information from that sector to make a selection.

Mr. Matherly commented that he is still struggling with the vote.

Mr. Hilling stated that he was unable to attend the interviews due to a recent knee surgery and that he feels unprepared on the selection of the new Chief of Police. He expressed that the biggest considerations for him are whether to hire local and whether to hire from another state knowing that

the individual may only stay short-term. **Mr. Hilling** spoke to the pros and cons of the situations that each candidate represents. He asked Mayor Eberhart if he is aware of why Chief Aragon has a pattern of moving from department to department.

Mayor Eberhart replied that Chief Aragon was asked that question on more than one occasion and indicated that he had consistent responses. He explained that Chief Aragon enjoys challenges and takes pride in addressing the problems within a municipality or community.

Mr. Williams stated that Chief Aragon was labeled as a “change agent” during the background investigation because he goes into communities, makes changes and moves on.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE APPOINTMENT OF THE CHIEF OF FAIRBANKS POLICE DEPARTMENT AS FOLLOWS:

YEAS: Gatewood, Anderson, Hilling
NAYS: Staley, Matherly
ABSENT: Walley
Mayor Eberhart declared the MOTION CARRIED.

Mayor Eberhart called for a five minute recess.

SPECIAL ORDERS

a) The Fairbanks City Council, sitting as a Committee of the Whole, heard interested citizens concerned with the following Application for a New Liquor License:

Type: Distillery
DBA: Fairbanks Distillery Company, License #5353
Licensee/Applicant: Patrick Levy
Location: 410 Cushman Street, Fairbanks, AK

Mayor Eberhart called for Public Testimony.

Bill Rogers, 408 Cushman Street, Fairbanks – Mr. Rogers stated that he is the owner of McCafferty’s Coffee House, directly adjacent to the distillery. He thanked the Council for their hard work and service. He stated that when the Borough’s zoning code was proposed to include distilleries in the central business district, he spoke against it. Mr. Rogers stated that he supports the approval of the liquor license due to the decline in activity on that block. He mentioned nearby businesses that have closed their doors or plan to shut down in the near future. He expressed faith in Mr. Levy’s ability to be a responsible business owner.

Hearing no more requests for public comment, **Mayor Eberhart** declared Public Testimony closed.

Mr. Matherly stated that he recently spoke to Mr. Levy. He encouraged the Council to approve the application for a new liquor license with the contingency that Mr. Levy must first obtain a Certificate of Occupancy from the City.

Mayor Eberhart pointed out that there has not been a motion regarding the liquor license.

Mr. Matherly, seconded by **Mr. Hilling**, moved to PROTEST the Application for a New Liquor License contingent upon the issuance of a Certificate of Occupancy and that the protest may be lifted administratively when a Certificate of Occupancy has been issued.

Mayor Eberhart spoke in favor of the liquor license, stating that it will help revitalize downtown Fairbanks.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO PROTEST THE APPLICATION FOR A NEW LIQUOR LICENSE CONTINGENT UPON THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY AND THAT THE PROTEST MAY BE LIFTED ADMINISTRATIVELY WHEN A CERTIFICATE OF OCCUPANCY HAS BEEN ISSUED AS FOLLOWS:

YEAS: Hilling, Anderson, Staley, Matherly, Gatewood

NAYS: None

ABSENT: Walley

Mayor Eberhart declared the MOTION CARRIED.

- b) The Fairbanks City Council, sitting as a Committee of the Whole, heard interested citizens concerned with the following Liquor License Application for Transfer of Ownership (Stock Transfer):

Type: Package Store, License #0995
To: Oaken Keg #2754 / Safeway, Inc.
3627 Airport Way, Fairbanks

From: Safeway, Inc. #2754 / Safeway, Inc.
Same Location

Mayor Eberhart called for Public Testimony.

Eureka McCrae, 643 Wainwright Road, Fairbanks – Ms. McCrae stated that she is the store manager for the University Safeway located at 3627 Airport Way. She explained that Safeway, Inc. holds the license for the Oaken Keg stores at the University Avenue and College Road locations. Ms. McCrae stated that Safeway, Inc. is currently a publically-traded company, but clarified that there is a pending transaction that would change the ownership of Safeway, Inc. to Albertson's Holdings, LLC, which will affect 1,000 stores nationwide. She stated that the new entity has not indicated that there will be any changes to the look of the Safeway stores or to the current management of the stores. Ms. McCrae explained that the transfer of ownership is somewhat of a formality in order to comply with the regulations of the Alaska Alcohol Beverage Control (ABC) Board. On behalf of Safeway, Inc. Ms. McCrae asked the Council to support the transfer.

Hearing no more requests for public comment, **Mayor Eberhart** declared Public Testimony closed.

Mr. Gatewood, seconded by **Mr. Matherly**, moved to WAIVE PROTEST on the Liquor License Application for Transfer of Ownership (Stock Transfer).

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE LIQUOR LICENSE APPLICATION FOR TRANSFER OF OWNERSHIP (STOCK TRANSFER) AS FOLLOWS:

YEAS: Anderson, Gatewood, Staley, Hilling, Matherly
NAYS: None
ABSENT: Walley
Mayor Eberhart declared the MOTION CARRIED.

- c) The Fairbanks City Council, sitting as a Committee of the Whole, heard interested citizens concerned with the following Liquor License Application for Transfer of Ownership (Stock Transfer):

Type: Package Store, License #0999
To: Oaken Keg #3410 / Safeway, Inc.
30 College Road, Fairbanks

From: Oaken Keg, #3410 / Safeway, Inc.
Same Location

Mayor Eberhart called for Public Testimony and, hearing none, declared Public Testimony closed.

Mr. Anderson, seconded by **Mr. Matherly**, moved to WAIVE PROTEST on the Liquor License Application for Transfer of Ownership (Stock Transfer).

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE LIQUOR LICENSE APPLICATION FOR TRANSFER OF OWNERSHIP (STOCK TRANSFER) AS FOLLOWS:

YEAS: Gatewood, Anderson, Matherly, Staley, Hilling
NAYS: None
ABSENT: Walley
Mayor Eberhart declared the MOTION CARRIED.

NEW BUSINESS

- a) Resolution No. 4644 – A Resolution Authorizing the City of Fairbanks to Accept Funds from the Alaska Division of Homeland Security for the FFY2014 Homeland Security Grant Program. Introduced by Mayor Eberhart.

Mr. Anderson, seconded by **Mr. Matherly**, moved to APPROVE Resolution No. 4644.

Mr. Gatewood requested a staff report. He pointed out that the fourth whereas of the resolution speaks to a security upgrade at the Police Department, but indicated that under “Financial Detail” it speaks to a City-wide system upgrade. He asked a staff member to clarify the discrepancy.

Fire Chief Warren Cummings explained that under the grant program, the City applied for \$1.8 million in projects. He added that only three of the projects were fully or partially funded. He stated that the door security system upgrade is City-wide because the City would like to have one system to control all the buildings. Chief Cummings explained that the Police Department security will be addressed first since it is the highest priority. He stated that additional grant funding for the security upgrade at City Hall, Public Works and the Fire Stations may be requested at a later date.

Mr. Gatewood suggested that whenever a grant impacts multiple departments it be clarified in the fiscal note. He explained that it would allow the Council to have a much better grasp on the total cost of a given project.

Mr. Hilling objected to the approval of Resolution No. 4644, stating that he does not wish to saddle future generations with more debt. He spoke on the principle that Fairbanks is a City of means and should not be taking borrowed money for something it can afford. He commented that he does not want to leave a legacy of government-dependency for his children. **Mr. Hilling** also spoke against allowing the federal government to have too much control.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4644 AS FOLLOWS:

YEAS: Matherly, Staley, Gatewood, Anderson

NAYS: Hilling

ABSENT: Walley

Mayor Eberhart declared the MOTION CARRIED and Resolution No. 4644 APPROVED.

- b) Ordinance No. 5958 – An Ordinance Amending the 2014 Operating and Capital Budgets for the Sixth Time. Introduced by Mayor Eberhart.

ADVANCED on the CONSENT AGENDA.

DISCUSSION ITEMS

Committee Reports

Explore Fairbanks Board of Directors – **Mr. Matherly** stated that the Board recently met and discussed the concern that Frontier Airlines will not be flying to Fairbanks, the lease of the City's log cabin downtown, and the winter tourist season. He stated that the Board also welcomed a new employee.

COMMUNICATIONS TO COUNCIL

- a) Memorandum Concerning the Northern Door Clubhouse

Mr. Gatewood expressed confusion with the purpose of the memo. He stated that when the Council approved a grant for \$58,000, he thought that the fiscal agent was Access Alaska. He asked for clarification.

Grants Administrator Margarita Bell explained that while Ordinance No. 5941 referenced Access Alaska, the fiscal agent was Fairbanks Community Mental Health Services. She stated that the two entities were working together in order to provide funds for the program. Ms. Bell explained that the Northern Door Clubhouse is now working with JP Jones to lease an area for their program and is requesting approval from the Council to change their fiscal agent.

Mr. Gatewood asked if the Northern Door Clubhouse is currently functioning.

Ms. Bell replied that the program is not currently active and that none of the grant funds have been expended. She stated that the City has been waiting for Fairbanks Community Mental Health Services to provide the necessary documentation in order to release the funds and indicated that they have not done so.

Mr. Gatewood asked what it will mean if the grant funds are carried into 2015.

Ms. Bell replied that once the Council approves Crossroads to be the new fiscal agent, the City may encumber the funds and roll over any unexpended funds to the following year.

Mr. Anderson, seconded by **Mr. Hilling**, moved to APPROVE the Memorandum Concerning the Northern Door Clubhouse.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE THE MEMORANDUM CONCERNING THE NORTHERN DOOR CLUBHOUSE AS FOLLOWS:

YEAS: Matherly, Gatewood, Anderson, Hilling, Staley

NAYS: None

ABSENT: Walley

Mayor Eberhart declared the MOTION CARRIED.

COUNCIL MEMBERS' COMMENTS

Ms. Staley stated that she will be home in a couple of days. She requested to be excused for the Regular City Council Meeting of October 20, 2014, due to travel.

Mayor Eberhart called for objection to Ms. Staley's request to be excused on October 20, 2014, and hearing none, so ORDERED.

Ms. Staley stated that the Golden Heart Parking Services (GHPS) Board is still looking to fill a vacancy.

Mr. Matherly reminded everyone to vote in the upcoming Municipal Election. He cautioned drivers to slow down and drive safely. He thanked all who attended the meeting and gave testimony. **Mr. Matherly** stated that while some of the discussion at Council Meetings can be tense, everyone is still a part of the same community. He commented that he will continue to work as hard as he can for Fairbanks citizens and that he will support the new Chief of Police. He expressed hope that trust issues and relationships could be restored in regard to the Fairbanks Police

Department. **Mr. Matherly** stated that he plans to talk with Rep. Kawasaki about what may be done about the Sinrock Club.

Mr. Hilling suggested that the Sinrock Club be sued for calling themselves a “gentleman’s club” on the basis of discrimination. He stated that this meeting marks his last full meeting as a City Council Member. He spoke in support of Chief Aragon and commended Mayor Eberhart for the transparent selection process.

Mr. Anderson expressed excitement to bring the new Chief of Police on board. He reminded everyone to vote in the Municipal Election.

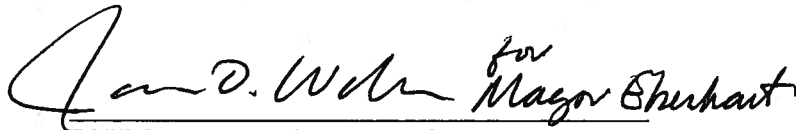
Mr. Gatewood echoed Mr. Matherly’s comments regarding the mood of the meeting. He stated that he has concerns with the hiring of the new Chief of Police. He expressed hope that the Council does not believe that the new Chief will come in like the Lone Ranger and fix everything. He stated that there are much bigger issues in the community that the City needs to address, whether those issues are real or perceived. **Mr. Gatewood** stated that there is racism throughout the Fairbanks community in all different types of jobs and walks of life. He stated that the Council cannot leave it up to one man to fix the problems in Fairbanks. He suggested that the community come together to live Mayor Eberhart’s motto of being “Stronger Together.”

ADJOURNMENT

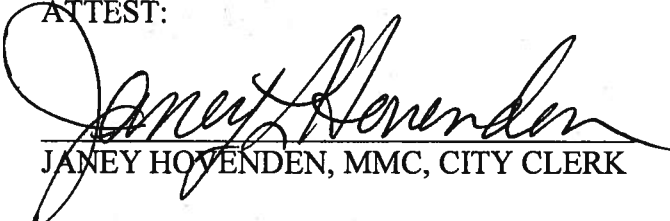
Mr. Anderson, seconded by **Mr. Matherly**, moved to ADJOURN the meeting.

Mayor Eberhart called for objection and, hearing none, so ORDERED.

Mayor Eberhart declared the Meeting adjourned at 10:15 P.M.


JOHN EBERHART, MAYOR

ATTEST:


JANEY HOYENDEN, MMC, CITY CLERK

Transcribed by: DS