



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, DECEMBER 9, 2013
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
Perry Walley, Seat B
Bernard Gatewood, Seat C
Jim Matherly, Seat D
Lloyd Hilling, Seat E
Chris Anderson, Seat F

Absent: None

Also Present: Clem Clooten, Building Official
Warren Cummings, Fire Chief
Ernie Misewicz, Assistant Fire Chief
Margarita Bell, Grants Administrator
Paul Ewers, City Attorney
Janey Hovenden, City Clerk
Stephanie Johnson, Dispatch Center Manager
Ryan Rickels, IT Director
Michael J. Schmetzer, City Engineer
Tony C. Shumate, Director Personnel/Purchasing/RM
Jim N. Soileau, Chief Financial Officer
Laren Zager, Police Chief

INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

FLAG SALUTATION

Mayor Eberhart led the Flag Salutation.

CITIZEN'S COMMENTS

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney distributed copies of the collective bargaining agreement (CBA) between the City of Ketchikan and the Public Safety Employees Association (PSEA). He referenced Article 7 of the agreement, Employee Rights, and read aloud that “The City may require employees to submit to a polygraph examination.” Mr. Turney reminded Mayor Eberhart of the statement he made during his campaign that he would support a change in the PSEA union contract to allow the use of polygraph testing at the Fairbanks Police

Department. He stated that the late Chief of Staff, Pat Cole, also supported the change. Mr. Turney spoke to Mayor Eberhart's article in the opinion section of the News Miner and commented on his emphasis of transparency. He asked why the City could not disclose the name of the officer who currently performs the polygraph testing for pre-employment. Mr. Turney inquired as to who will replace Pat Cole in union contract negotiations. He thanked Mr. Buberger for buying the Bill of Rights cake and spoke to the importance of the Amendments to the Constitution. He also thanked the Mayor and Council for including the reading of the Bill of Rights on the agenda.

Victor Buberger, PO Box 58192, Fairbanks – Mr. Buberger spoke against the City's accepting grants for the Fire and Police Departments that fund new positions for a short time. He stated that once the grant dollars run out, the taxpayers are saddled with the cost of keeping those employees on the payroll. He stated that the City can afford to pay its own way without grants. Mr. Buberger stated that since September 11, 2001, police and fire personnel have been made out to be heroes, but commented that he does not see it that way. He stated that they are simply individuals who are well-paid for doing a job and that he respects them for doing their jobs. He stated that he does not believe that they are any more heroic than a teacher, a politician, a plumber or a pilot. He stated that many of our servicemen are not smart enough to get jobs right out of high school so they are forced to join the military. He commented that quite often these individuals go on to serve as police and security officers. Mr. Buberger wished everyone a Merry Christmas and a Happy New Year.

Lee Despain, 352 Driveway Street, Unit B, Fairbanks – Mr. Despain stated that he filed a "Tell it to City Hall" complaint with the City Clerk's Office on October 13, 2013. He explained that his complaint cited two sections of City regulations that were violated during the 2013 mayoral election, FGC Section 50-461(c) and the City's policy on information systems and equipment. Mr. Despain stated that it has been twelve weeks since he filed the complaint and commented that he has not received a response from the City. He stated that about ten days after filing the complaint he also filed a public information request for all Mayor Eberhart's emails on his City email address. He stated that his request has not yet been fulfilled. Mr. Despain read aloud a portion of Mayor Eberhart's recent article in the News Miner. He spoke out against the Alaska Public Offices Commission (APOC) complaint filed against Mayor Eberhart's opponent during the mayoral race. He commented that he is interested to see who Mayor Eberhart chooses to hire as the new Chief of Staff. He indicated that in an effort to silence him days before the mayoral election, Mayor Eberhart sent his attorney, Mr. Walleri, to former Mayor Cleworth's office. He spoke against the process by which new Council Member Chris Anderson was appointed to the Council, clarifying that he has nothing against his friend Mr. Anderson. He stated that Mayor Eberhart's statement that "transparency is my benchmark for moving forward to provide citizens with avenues of access to information and communication with the City Departments" sounds a lot like President Obama. He asked Mayor Eberhart to clarify his "Benchmark Proclamation" and wished everyone a Merry Christmas and a joyous New Year.

Mr. Hilling asked Mr. Despain to speak to the reason behind his request for Mayor Eberhart's emails.

Mr. Despain replied that Mayor Eberhart began campaigning for the mayoral election long before most candidates do. He stated that he requested all Mayor Eberhart's emails from the beginning of

2013 up to the municipal election. He stated that Mayor Eberhart listed his City email address as a public method of contact for his campaign on the City's website. He commented that he is entitled to those emails as a member of the public. Mr. Despain explained that the City's IT Department took about two weeks to extract the emails and that they have since been passed on from the City Clerk's Office to the Mayor's Office. He expressed distrust in the method by which the emails are being reviewed. He begged the City Council to motivate Mayor Eberhart.

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

APPROVAL OF AGENDA AND CONSENT AGENDA

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

Mr. Gatewood pulled Resolution No. 4601 from the Consent Agenda.

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

There were no Consent Agenda items to read into the record.

READING OF THE BILL OF RIGHTS

Mayor Eberhart thanked Mr. Turney for providing a cake to celebrate the anniversary of the ratification of the Bill of Rights. He asked the Council to take turns reading each of the Ten Amendments aloud.

He and the Council Members read each Amendment aloud in turn.

MAYOR'S COMMENTS AND REPORT

Mayor Eberhart, in reference to Mr. Turney's question regarding polygraph testing, stated that he intends to discuss the issue with the union during labor contract negotiations. He stated that to his knowledge, the only polygrapher in the City of Fairbanks is the individual that works at the police department. He commented that he does not know who the officer is and whether or not the identity of the officer can be released to the public. **Mayor Eberhart** spoke to the tragic loss of Patrick Cole and stated that he, with the help of Paul Ewers and Tony Shumate, will negotiate the contracts so that there is no delay. **Mayor Eberhart** suggested that the Council solicit advice from the City Attorney regarding Mr. Despain's complaint. He stated that Mr. Despain's request for public records was filed about the same time he came into office as mayor and that it has been a very busy time with the preparation of the 2014 budget, the passing of Pat Cole, the start of labor negotiations and the local disaster caused by the ice storm. **Mayor Eberhart** stated that Mr. Despain requested all emails and is unwilling to narrow down his request. He explained that upon review by the City Attorney's Office the request for information will be fulfilled. **Mayor Eberhart** stated that since the November 25th meeting he has met with Public Works and Festival Fairbanks regarding the Chena River Walk; met with the PSEA and International Brotherhood of Electrical Workers (IBEW) to establish ground rules for labor negotiations; met with Department

Heads for a Staff Meeting; attended an Interior Alaska Natural Gas Utility (IANGU) meeting at Fairbanks Economic Development Corporation (FEDC); attended the Salvation Army's Red Kettle Kickoff event; met several times with the Downtown Association regarding the Community Service Patrol (CSP); attended the Community and Technical College's Legislative Breakfast; and hosted the City's Interior Delegates at City Hall. **Mayor Eberhart** stated that he was invited to attend the newly-elected mayor's training at Harvard University's Kennedy School of Government. He stated that it is the first time in the 40-year program that Alaska was invited and participated in the training. He stated that he represented the smallest municipality of all the attendees and that he was honored to attend. **Mayor Eberhart** spoke to the content of the courses and commented that the training was very valuable. He stated that during his campaign he set four goals to accomplish as Mayor: 1) improve Public Safety, 2) lower energy costs, 3) continue good fiscal management and responsibility, and 4) increase cultural awareness and appreciation of diversity. He stated that the proposed budget will improve Public Safety by adding three part-time Public Safety Aids who will take over some administrative tasks. He stated that he is also proposing the addition of one part-time call taker to keep the front office window at the Police Department open during regular business hours. **Mayor Eberhart** stated that the budget proposes the retention of three fire fighters whose wages have been partially-funded by about 10% through a Staffing for Adequate Fire and Emergency Response (SAFER) grant. He spoke to the newly proposed positions of operator and clerk to the Public Works Department. He stated that he is recommending a \$75,000 annual increase to CSP funding and commented that Borough Mayor Hopkins plans to propose to the Assembly a Borough contribution to the CSP. **Mayor Eberhart** thanked Ms. Staley for offering to help find ways to fund the expansion of the CSP through private money if the budget proposal passes. He stated that he hopes to retain the two school resource officers (SRO's) at the police department. **Mayor Eberhart** stated that he plans to attend the upcoming Energy for All Alaskans meeting at FEDC to discuss ways to cut energy costs for Interior Alaska. He explained that he continues to meet with City Staff and Department Heads to learn about their operations. He stated that he plans to analyze all City Departments by requiring each to submit an Executive Summary explaining where the department has been, where it is now and where it expects to be in the future. **Mayor Eberhart** spoke to his plan to establish an Employees and Citizen Suggestion Program and begin asking that each Department Head submit monthly data, metrics and performance reports to the Mayor's Office. He stated that he believes the reports will increase performance and efficiency in the City. **Mayor Eberhart** suggested the possibility of moving from a traditional budgeting system to an activity-based budget which outlines each department's costs based on its activities. He spoke to the need for the City of Fairbanks to be pro-business in order to stimulate growth and economic development and stated that he is looking for ways to work with the City of North Pole and the Fairbanks North Star Borough (FNSB) to share resources and reduce costs. He stated that since the City has limited ways to increase revenues it must look at how to become more efficient. **Mayor Eberhart** mentioned the possibility of creating a work-study program in the City for university and high school students. He spoke to the need to increase diversity in the City's workplace and stated that he will ask Department Heads to report on the composition of their staff and to provide feedback on how to improve diversity within their department. **Mayor Eberhart** stated that he will give consideration to having each City employee attend cultural awareness and diversity training and that he plans to establish a Diversity Commission to study Council-directed projects or other projects they may undertake on their own. He spoke to his plan to address with unions the issue of recognizing Martin Luther King Day as a City holiday. He suggested that instead of a normal holiday, the day could be used as a day of service to the community. **Mayor Eberhart** urged the Council to consider the 2014 budget in a long-term, positive light. He thanked

the Council for their hard work in preparing the budget and thanked City Staff for their hard work throughout the year. He expressed his condolences once again for the loss of Patrick Cole and stated that he has asked City Attorney Paul Ewers to prepare a resolution naming the City Hall building in the late Chief of Staff's honor. He announced that there will be a memorial service at City Hall in January for Patrick Cole. **Mayor Eberhart** thanked the City Clerk's Office for the gifts and gave best holiday wishes to all.

UNFINISHED BUSINESS

- a) Ordinance No. 5935 – An Ordinance Adopting the 2014 Operating and Capital Budgets. Introduced by Mayor Eberhart. SECOND READING AND PUBLIC HEARING.

Mr. Anderson, seconded by **Mr. Gatewood**, moved to ADOPT Ordinance No. 5935.

Mayor Eberhart called for Public Testimony.

Robert Warren, 541 Baranof Avenue – Mr. Warren emphasized the importance of maintaining the current staffing levels at the Fairbanks Fire Department. He stated that if the Council were to lay off three firefighters the consequences could be dire and that there is barely enough staffing right now to man the current apparatus. He commented that keeping the personnel on staff is the right thing to do for the community.

Mr. Hilling asked that if the Council voted to layoff three firefighters if they would all be laid off from Station 3.

Mr. Warren replied that he is unsure of where the layoffs would take place but indicated that whenever there is a staffing shortage, Station 3 takes the hit. He stated that each of the three shifts would lose one firefighter.

Frank Turney – Mr. Turney stated that in the 1980's the City did an experiment with volunteer firefighters from the University of Alaska. He suggested that the City look into the possibility of using volunteers to save money.

Victor Buberger – Mr. Buberger echoed Mr. Turney's comments. He stated that many of the fire departments within the Borough are staffed by volunteers and asked why the City does not use volunteers.

Lee Despain – Mr. Despain stated that he agrees that the three firefighters should be kept on staff but only until attrition takes place.

Mr. Hilling stated that there are 44 firefighters currently on staff with the City of Fairbanks and that in April 2014 the City will no longer be obligated to fund the three SAFER grant positions. He asked if Mr. Despain is suggesting that the Council let attrition bring the number back down to 41 as a compromise to laying the positions off.

Mr. Despain replied that he is suggesting that the City not lay off anyone, but allow the positions to move up within the department whenever someone resigns or retires.

David van den Berg, Executive Director of the Downtown Association (DTA) of Fairbanks, 410 Cushman Street, Fairbanks – Mr. van den Berg distributed some “budgets of scale” documentation. He addressed the budget proposal for increased CSP funding to assist with the incapacitated persons (incaps) problem in the City of Fairbanks. He stated that currently the City contributes \$50,000 annually to the CSP and that the Downtown Association raises funds for the other 75% of the CSP budget. In reference to the handouts, Mr. van den Berg stated that the numbers were derived from the four solutions to the incap problem Police Chief Zager produced in a white paper but clarified that the handout was not endorsed by Chief Zager. He explained that he refers to the four solutions as “Zager 1, Zager 2, Zager 3 and Zager 4” in his handout. Mr. van den Berg spoke to the varying possibilities for funding the CSP.

Mr. Walley asked why there was such a large increase to the projected corporate funding needed for the CSP from 2014 to 2015.

Mr. van den Berg explained that the hypothetical hike in corporate funding in 2015 would be a direct result of the City withdrawing funding from the CSP.

Mr. Gatewood asked Mr. van den Berg to speak to the concept of a local improvement district (LID).

Mr. van den Berg stated that if the Council agrees with Chief Zager that it is the ultimate responsibility of the City to fund the CSP, then it would be unrealistic to decrease CSP funding in future years. He stated that if the City does not sustain a significant amount of funding in future years, the CSP would have to be supported by other sources. Mr. van den Berg indicated that a LID may be a viable funding source. He explained that a LID could be formed to include properties within an area of the City that has a high-intensity call volume pertaining to incaps. He stated that those specific property owners within the LID would contribute to the CSP through taxation. Mr. van den Berg stated that he has outlined other possible funding sources in the handout including: increasing the City alcohol tax, amending the City’s millage rate, or looking into grants from the State of Alaska.

Mr. Gatewood asked Mr. van den Berg where the \$11,693 LID line item came from since there was no establishment of a LID in 2013.

Mr. van den Berg replied the Downtown Association has sought the creation of a LID for about two years. He stated that in 2013 the downtown property owners had an opportunity to form a LID but that the proposal failed. He explained that the \$11,693 shown in the LID line item for 2013 was what property owners within the proposed LID area voluntarily contributed to the CSP for that year. Mr. van den Berg indicated that in 2013 contributions to the CSP from downtown property owners was the lowest it has been in three years.

Mr. Gatewood expressed his struggle with the handout since two of the possible funding sources listed by Mr. van den Berg do not currently exist.

Mr. Matherly pointed out that the handout does not show any projected increases to the expenditures of the CSP for future years. He asked Mr. van den Berg to discuss future expenses.

Mr. van den Berg replied that he intentionally left future expenses static on the handout in order to make it simpler to understand. He acknowledged that it is likely for CSP expenditures to increase in future years.

Mr. Hilling asked Mr. van den Berg if it would be feasible for him to provide the Council with more frequent reporting on CSP activities.

Mr. van den Berg replied affirmatively. He indicated that he would prefer to report quarterly to the City Council.

Mr. Hilling stated that in his recollection the City set a high bar in order for the LID to pass. He asked Mr. van den Berg to speak to his feelings on how a vote would turn out if it were proposed again right now.

Mr. van den Berg indicated that there are two very large property owners in the downtown area who did not vote in favor of the LID. He stated that if only those two owners had voted to create the LID it would have passed by a landslide. He indicated that one of the owners contributes significantly to the CSP and that he believes they did not vote for the LID because they may have been unclear on the issue.

Jerry Cleworth, 907 Park Drive, Fairbanks – Mr. Cleworth thanked the Mayor for freezing the Mayor's salary and thanked the Council for not taking an increase in their stipend. He reminisced about working with Pat Cole throughout the years and stated that it was a privilege to nominate Mr. Cole as the last City Manager. He commented that although Pat Cole has passed, there is still some great institutional knowledge on staff at the City of Fairbanks, such as Paul Ewers and Tony Shumate. Mr. Cleworth spoke to the increase to the fund balance line item on page two of Ordinance No. 5935. He stated that of the \$1,413,673 increase, a lump-sum bond reimbursement of \$869,000 needs to be deducted as well as a possible deduction of nearly \$200,000 in union contract funding. He commented that after those items are taken into account the Council will only have a fund balance increase of roughly \$350,000 to work with. He expressed concern with the balance and spoke briefly to the severe debt of the Public Employees' Retirement System (PERS) and to the affect it may have on municipalities. He spoke to his concern that the City of Fairbanks may also lose revenue sharing with the State of Alaska. Mr. Cleworth stated that he would like to address five specific items in the proposed budget ordinance: He stated that the first item of concern is the \$100,000 cut in the Public Works construction materials account. He explained that City Department Heads have done a great job at staying under budget and operating their respective departments. Mr. Cleworth indicated that the City Council has taken the surplus from operating budgets in prior years and split it between the Permanent Fund and the Capital Fund. He stated that the reason why the City has gotten away with a smaller construction materials budget in past years is because of the grant funds that were covering those costs. He recommended that the Council keep the \$100,000 in Public Works funding as a place holder for future years.

Mr. Cleworth's time limit for Public Testimony expired, including the extra minute granted to him at the request of Mr. Matherly.

Mr. Hilling asked City Clerk Hovenden if there was any protocol for the Council to allow Public Testimony beyond six minutes.

Clerk Hovenden replied that she is unaware of any such provision and stated that the Council may make a decision to allow Mr. Cleworth extra time.

Mr. Hilling, seconded by **Ms. Staley**, moved to ALLOW Mr. Cleworth five more minutes to testify to the Council.

Mayor Eberhart called for objection.

Mr. Gatewood objected, stating that he is unwilling to allow Mr. Cleworth five more minutes. He stated that he would be willing to grant Mr. Cleworth one or two minutes.

Mayor Eberhart stated that he would defer to the City Attorney on how to proceed. He stated that the proper thing to do may be to suspend the rules which would require a two-thirds vote.

Mr. Hilling, seconded by **Mr. Matherly**, moved to SUSPEND the rules to allow Mr. Cleworth five more minutes of testimony.

Mr. Matherly asked Mr. Cleworth how much more time he would need to complete his testimony.

Mr. Cleworth replied that the Council could choose to not allow him more time and simply ask him questions.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO SUSPEND THE RULES TO ALLOW MR. CLEWORTH FIVE MORE MINUTES OF TESTIMONY AS FOLLOWS:

YEAS: Matherly, Hilling, Walley, Staley, Anderson

NAYS: Gatewood

Mayor Eberhart declared the MOTION CARRIED.

Mr. Cleworth stated that the second item of concern to him is the low dollar amount of the transfer to the Permanent Fund. He explained that since the 2014 proposed budget projects a windfall of \$869,000, he would recommend an increase in the transfer to the Permanent Fund by at least \$300,000 to bring the total transfer to \$500,000. Mr. Cleworth spoke to his third and most focused area of concern, the seven proposed new positions City-wide. He stated that it is the largest growth budget he has ever seen. Mr. Cleworth acknowledged that the one-and-a-half position increase to the Police Department is a one-year experiment and expressed appreciation for Chief Zager's willingness to try new things. He stated that he is unsure of where the half position for the Police Department came from. He commented that he is somewhat concerned with the additional staff proposed for the Public Works Department but stated that he understands the rationale of reducing temporary hire to accommodate the addition. Mr. Cleworth stated that his primary concern is with the three proposed added positions in the Fire Department. He spoke to the history of the SAFER grant that originally funded the three positions and to the intent of the Council at the time to let the positions go when the grant funding was exhausted. He stated that the SAFER grant is unique in that, by accepting the grant, the City could not perform any layoffs for the life of the grant. He clarified that the City has not placed any grant-funded positions on the payroll at the Police Department, but has let attrition take care of them. He recommended that the same method be used for the Fire Department. Mr. Cleworth stated that in 1990 there were 26 positions in the Fire

Department, the lowest the City has ever had. He pointed out that the department currently employs 39 positions, not including the three funded by the SAFER grant. He compared the Public Works Department's current staffing level of 37.5 positions, including the newly proposed addition. He expressed his belief that there are other departments within the City that are more worthy of staffing increases.

Mr. Cleworth's time for testimony expired. **Mayor Eberhart** gave Mr. Cleworth permission to continue.

Mr. Cleworth stated that five years ago the City determined that the Fire Department had not only enough staffing to handle the workload at the time, but to also cover the additional workload brought on by a proposed annexation. He stated that 69% of all firefighters in the U.S. are volunteers and pointed out that the City does not use any volunteers. He commented that mutual aid helps cover the department in cases when calls are stacked. Mr. Cleworth stated that the Fire Department's Insurance Services Office (ISO) rating is 2, which is an incredibly good rating. He explained that of the 47,242 fire departments in the U.S., only 653 have a rating of 2 or higher. Mr. Cleworth indicated that the argument that less staff equates to more overtime is untrue. He stated that the overtime costs at the Fire Department seem to always fall between \$300,000 and \$400,000. He made two recommendations: either layoff the SAFER grant positions after the grant expires in April of 2014 or keep the three individuals until attrition takes place. He spoke in opposition to the City accepting SAFER grants in the future. Mr. Cleworth stated that his fourth concern with the proposed budget is the \$75,000 transfer from the General Fund to the Emergency Services Patrol (ESP). He spoke to the history of the CSP and stated that the program was never intended to be a part of the City of Fairbanks. He stated that Alaska Mental Health provided a lot of seed money for the CSP in its beginning but does not provide much funding for ongoing projects. He urged the Council to be cautious in providing more funding for the CSP and stated that providing services to incaps has always been a City function and should continue to be a City function. Mr. Cleworth stated that his fifth and final issue to address is in regard to the allocation of funding for the Fairbanks Metropolitan Area Transportation System (FMATS) Office. He spoke to the City's role in housing and providing internal support for the FMATS Coordinator's Office in City Hall and acknowledged that some of the costs to the City are a part of the responsibility in being a member of FMATS. He stated that the FMATS Office gets \$232,000 annually from the Federal Highway Fund and indicated that the majority of those funds should go towards the cost of operating the office. He explained that currently 57% of the federal funds go to the Borough to fund a Planner position, 21% helps fund a position at the Department of Transportation (DOT), and only 22% is allocated for the operational costs of the FMATS Coordinator's Office in City Hall. He stated that the City has to use road improvement funds to cover the remaining costs to run the office and indicated that the issue was a point of contention for not only himself, but also former Mayor Strle, former Council Member Roberts and Council Member Walley. He suggested that the Council look carefully at the issue in the future and possibly introduce a resolution addressing the problem. Mr. Cleworth thanked the Mayor and Council for allowing him time to give his full testimony.

Mr. Matherly asked Mr. Cleworth to explain what the ISO is for the listening audience.

Mr. Cleworth stated that the ISO is the insurance industry that issues ratings and sets rates for commercial and residential establishments. He explained that a low rating is good for an

organization because it also translates to lower insurance rates. He stated that the rating covers not only the City's Fire Department, but also Dispatch and some equipment and manning.

Mr. Matherly asked Mr. Cleworth if he has an issue with people believing that the Fire Department would suffer without the three positions.

Mr. Cleworth replied affirmatively. He stated that the City has placed a lot of emphasis on the Fire Department throughout the years and indicated that other departments within the City may have been overlooked. He cautioned that keeping the three positions may not be sustainable and reiterated his belief that the Fire Department is operating comparably to other fire departments.

Mr. Matherly asked Mr. Cleworth if there have ever been volunteer firefighters working at the City of Fairbanks. He also asked how using volunteers may affect union contracts.

Mr. Cleworth stated that since the late 1980's the City has had no volunteer firefighters. He added that the City once used students but clarified that it was not a true volunteer program because the students were paid. He spoke in favor of using volunteers and stated that the department would not have to displace anyone but rather use the volunteers for supplemental staffing. Mr. Cleworth indicated that the union has always fought the use of volunteers.

Mr. Hilling asked Mr. Cleworth if the ISO takes Alaska's harsh climate into consideration when issuing a rating.

Mr. Cleworth replied that he is unsure if the ISO considers weather conditions. He explained that the Office uses a template for their rating which looks at equipment, manning, dispatch services and a variety of other things. He stated that Fire Chief Cummings has been very good over the years in looking at areas where the City needs to improve.

Mr. Hilling asked for clarification on Mr. Cleworth's recommendations regarding the construction materials account and the transfer to the Permanent Fund.

Mr. Cleworth replied that he would like to see the construction materials account be the same as in prior years by adding back in the \$100,000. He clarified that he would also like to see the transfer to the Permanent Fund increase by \$300,000. He emphasized the importance of putting unsustainable revenues toward capital items instead of using those funds to hire additional personnel.

Chris Miller, 410 2nd Avenue, Fairbanks – Mr. Miller stated that he is the Board President of the DTA. He spoke in support of the City-wide expansion of the CSP on behalf of the DTA Board.

Mr. Matherly asked Mr. Miller to speak to those who support the expansion.

Mr. Miller replied that nearly everyone who deals with the incap problem on a regular basis likes the idea of having trained individuals respond to the calls. He stated that CSP employees are not police or firefighters, but are ambassadors who are familiar with those who frequent the streets of downtown Fairbanks. He stated that the Fairbanks Memorial Hospital has been a long-time

supporter of the CSP program. Mr. Miller stated that the incap problem is not going to go away and added that everyone needs to recognize the need to address the issue.

Mr. Gatewood asked Mr. Miller to speak to his thoughts on using LID's as a funding source for the CSP.

Mr. Miller stated that he supported the proposed downtown LID in 2013. He expressed his opinion that all downtown property owners should contribute to taking care of the area. He stated that he prefers a foot patrol in the small downtown area, but indicated that a van patrol may better suit a more widespread coverage of the City of Fairbanks.

Dominic Lozano, 2980 North Point Ct, Fairbanks – Mr. Lozano stated that he is the President of the Fairbanks Firefighter's Union, Local 1324. He spoke to the importance of funding the CSP stating that providing public safety to citizens is a core function of government. He stated that there have been many recent discussions within the City on how to handle incap calls. He stated that from those meetings he has gleaned that the CSP is the most viable option. Mr. Lozano compared the potential of the CSP to the success of the Housing First Project. He commented that staffing and call volume are both issues of concern with the City's Fire and Police Departments. Mr. Lozano stated that although Fairbanks's population is approximately 30,000, the call volume is similar to that of a city with 90,000 people. He stated that if the Fire Department loses the three positions, Station 3 will suffer those losses and be at minimum staffing levels 80% of the time. Mr. Lozano explained that SAFER grants have changed dramatically in that they now offer two-year grants and have loosened some of the stipulations. He questioned Mr. Cleworth's motivation in urging the Council to layoff the positions. He commented that the department's excellent ISO rating is predominately due to the superb water hydrant system and Dispatch operation in the City. He indicated that the department's manning keeps the ISO rating from being higher and that mutual aid agreements help in the manning section of the rating. Mr. Lozano stated that he is disappointed in Mr. Cleworth's recommendation to layoff the three positions at the Fire Department.

Mr. Matherly asked Mr. Lozano to speak to his personal stance and to the union's position on the use of volunteers at the Fire Department.

Mr. Lozano replied that he does not believe that the use of volunteers would work at the Fairbanks Fire Department and stated that there are many reasons why it cannot be done. He acknowledged the importance of volunteer firefighters throughout the Borough. He commented that it would take four volunteers to cover the position of one paid firefighter and indicated that the City could not afford the initial and ongoing training. He stated that it would also require an incredible amount of coordination and scheduling from the Fire Department staff.

Mr. Matherly asked Mr. Lozano if he would agree that the use of volunteers would be good public relations for the City Fire Department. He spoke briefly to the wages that firefighters earn indicating that their compensation is fairly generous.

Mr. Lozano stated that the union is not absolutely against the use of volunteer firefighters in the City. He explained that the current Fairbanks Firefighters Union (FFU) contract addresses the use of UAF student firefighters at the department. He stated that there would simply be a lot of

complications in allowing volunteer firefighters to work at the Fairbanks Fire Department. Mr. Lozano commented that Mr. Warren who spoke earlier to Ordinance No. 5935 is one of the firefighters who would be let go if the Council chose to layoff the three SAFER grant positions.

Mr. Matherly asked if it was made clear to the individuals hired under the SAFER grant that their positions would only be funded until 2014.

Mr. Lozano replied that he is unsure if Mr. Warren was informed of the temporary status when he was hired. He clarified that when the City applied for and received the SAFER grant five years ago Mr. Warren was not an employee of the department. Mr. Lozano spoke in support of applying for SAFER grants in the future.

Mr. Matherly expressed his belief that if an individual is hired under a SAFER grant that position should be considered temporary. He asked Mr. Lozano if it is fair to call the elimination of the positions layoffs since they were temporary from the start.

Mr. Lozano replied that the three individuals would consider the elimination of their positions as layoffs. He stated that the City can afford to keep the positions and that they are essential to the functionality and operation of the Fairbanks Fire Department. He spoke briefly to the discussion at the Council Meeting five years ago when the SAFER grant was approved stating that former Council Member Cleworth opposed the grant. He recalled that Mr. Cleworth predicted that the Fire Department would return to the Council upon the expiration of the grant and ask for the positions to be kept on staff. He stated that he agreed with Mr. Cleworth that the department would want to permanently keep the SAFER grant positions.

Mr. Matherly asked Mr. Lozano what his ideal number of personnel at the Fairbanks Fire Department would be.

Mr. Lozano replied that he believes that 60 total employees would be ideal for the department. He stated that the number and severity of calls increase every year.

Mr. Matherly encouraged Mr. Lozano to keep an open mind in regard to the use of local volunteers.

Mr. Gatewood asked Mr. Lozano to clarify exactly how many firefighters are currently on staff at the Fairbanks Fire Department.

Mr. Lozano replied that the entire department has 44 employees but only 42 of those employees belong to the FFU. He stated that both the Chief and Assistant Chief do not belong to the FFU.

Mr. Gatewood asked Mr. Lozano if he testified at the Council Meeting five years ago that Mr. Cleworth was correct in stating that the Fire Department would return at the end of the grant period and claim that the City could afford to keep the positions on staff.

Mr. Lozano clarified that he does not recall openly stating such during his testimony at the time. He stated that there have been discussions since that time where he and the union have openly admitted that they would object to the elimination of the positions in the future.

Mr. Gatewood stated that he does not recall hearing FFU representatives admit such in the past.

Mr. Lozano clarified that he does not recall if it was said during a Council Meeting or just at the negotiating table. He stated his belief that the department has proven that the positions are essential.

Mr. Gatewood asked Mr. Lozano to confirm where the daily staffing levels are at.

Mr. Lozano replied that if every scheduled employee is at work each shift is staffed at 13. He stated that the numbers fall if someone is sick, injured or on leave. He stated that 9 firefighters is bare minimum staffing per shift and indicated that when that happens, there are only two individuals to staff Station No. 3.

Mr. Gatewood asked what percentage of time the staffing levels at Station No. 3 falls to two firefighters.

Mr. Lozano stated that the staffing levels at Station 3 fall to the minimum only 20% of the time. He reminded the Council that if the three positions were eliminated the percentages would reverse and that the Station 3 staffing levels would be at minimum 80% of the time.

Mr. Hilling asked Mr. Lozano if he had heard directly from Chief Cummings that the staffing would be decreased at Station 3 if the positions were eliminated.

Mr. Lozano replied that the allocation of positions is laid out in the union contract and that it states that the position would be taken from Station 3 if the layoffs take place.

Mr. Hilling asked Mr. Lozano if he believes the contract was written that way because of the close proximity of the station to the university and the ability to take advantage of mutual aid.

Mr. Lozano stated that he does not think the contract was written as such based on the availability of mutual aid. He stated that historically Station No. 3 has not received as many calls as the downtown area.

Mr. Hilling stated that he has heard that the three individuals hired under the SAFER grant have been promoted over the past five years as attrition has taken place. He asked Mr. Lozano to confirm.

Mr. Lozano confirmed that the same individuals hired under the grant would not necessarily be the same individuals subject to layoffs. He clarified that the potential layoffs would affect the three lowest-seniority positions at the department.

Frank Turney – Mr. Turney requested that the Council give Mr. Cleworth another five minutes for rebuttal to Mr. Lozano's testimony.

Warren Cummings, 3292 Jefferson Drive, Fairbanks; City of Fairbanks Fire Chief – Mr. Cummings distributed a Fire Department Staffing Comparison to the Mayor and Council. He stated that the handout addresses some of the questions from the City Council last week in reference to the budget and the SAFER grant positions. He clarified that when the department

refers to staffing they are talking about the individuals that are assigned to shiftwork, which is currently at 39 people. He stated that the three other union positions are the City's Fire Marshall and two Administrative Assistants. He spoke to how the City compares with the national staffing averages listed on the comparison. Chief Cummings referenced the section of the handout that was taken from the City budget book. He pointed out that over the past five years the City's total budget has gone up 10.6% and provided the following breakdown of budget increases per department over the five-year period: Public Works by 23.8%, Police Department by 22.5%, Dispatch by 19.9%, General Government by 13.64%, Fire Department by 11.6%, Building Department by 5.8%. He stated that the Engineering Department shows a budget decrease of 18.3%, and the City's debt has decreased by 100%. Chief Cummings stated that if the SAFER grant positions are eliminated, it would take the Fire Department's five-year budget increase down to 7.7%. He stated that the Fire Department's 2014 proposed budget actually shows an overall decrease of .6% while maintaining the current staffing levels. Chief Cummings commended Margarita Bell, the City's Grants Administrator, for her outstanding work in grant writing. He referenced a handout created by Ms. Bell that shows all the grants the City's Fire Department has been involved in over the past four years totaling over \$7 million in mostly federal funding. He briefly discussed the next page of the handout which pertained to fire loss statistics and callouts from 1957 through 2012. He pointed out that prior to the 1960's the City of Fairbanks responded to nearly all fire within the boundaries of what now is the Fairbanks North Star Borough. He added that the same was true for ambulance response until about 1977 and that the high statistic years between 1973 and 1977 were partly due to the Alaska Pipeline era. Chief Cummings stated that the SAFER grant paid 31% of the salary of the three positions over the five-year period. He reminded the Council that due to the increase in ambulance calls it is important to maintain the current staffing levels. He stated that the department was fortunate not to have another ambulance call at the same time as the recent fire at the Northward Building and commented that the department was able to respond to that call with adequate personnel.

Mr. Hilling asked Chief Cummings to clarify when the City stopped providing ambulance and fire service outside the City limits.

Chief Cummings stated that the City stopped responding to fires outside the City limits in 1968 or 1969 and to ambulance calls in 1977.

Mr. Hilling asked Chief Cummings if he took inflation into account on the fire loss statistics.

Chief Cummings replied that he did not. He stated that the numbers are the best estimate he could come up with. He indicated that the most important figure to look at on the sheet is the ten-year average.

Mr. Hilling commented that the fire loss figure in 2011 was remarkably high at \$2 million. He asked Chief Cummings why the number was so high that year.

Chief Cummings could not immediately recall the reason for the large loss in 2011. He stated that he would be willing to do some research to find the reason.

Mr. Walley asked if there was a reason why the number of structural fires in 2011 and 2012 was so low.

Chief Cummings replied that there just were not as many fires in those years. He clarified that all structural fires are included in that number no matter how minor they are.

Mr. Walley asked Chief Cummings to speak to the specific time period of the SAFER grant.

Chief Cummings replied that the grant period is April of 2009 through April of 2014.

Mr. Walley asked if it would be fair to say that all the fire and ambulance calls in 2008 were responded to without the three positions.

Chief Cummings replied affirmatively.

Mr. Walley asked for the source of the nationally-recommended staffing level figure.

Chief Cummings stated that the number comes from the National Fire Protection Association (NFPA). He stated that ISO recommends an even higher staffing level than the NFPA.

Mr. Matherly asked Chief Cummings to speak to his position on using volunteers at the City Fire Department.

Chief Cummings stated that volunteers are not free. He explained that they are required to go through the same training as paid employees in order to avoid liability issues. He stated that he does not believe there is anything wrong with using volunteers but indicated that recruitment of volunteers is growing more difficult nationwide. Chief Cummings explained that the training requirements for firefighters are becoming more stringent making it less attractive to volunteers. He added that the new millennial generation is also less willing to participate in volunteer work.

Mr. Matherly referenced Mr. Cleworth's earlier comment that about 69% of all firefighters nationwide are volunteers. He asked Chief Cummings if that is an accurate number.

Chief Cummings used Pennsylvania as an example of the decline in volunteers stating that the state used to have over 600,000 volunteer firefighters and are now down to around 200,000 to 300,000.

Mr. Matherly asked if it would even be possible to use volunteers right now in the City.

Chief Cummings replied that it would not be feasible right now due to the restrictions in the union contract.

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

Mayor Eberhart called for a ten minute recess.

Mayor Eberhart called the meeting back to order. He informed the Council of the Amended version of Ordinance No. 5935 in the agenda packet.

Mr. Gatewood, seconded by **Ms. Staley**, moved to SUBSTITUTE Ordinance No. 5935, as Amended, for Ordinance No. 5935.

Mr. Gatewood stated that the second amendment to Ordinance No. 5935 pertains primarily to the ESP. He asked if any amendments to the budget ordinance itself should be made presently or after the vote second amendment is introduced.

City Clerk Hovenden stated that each amendment should be treated separately.

Mayor Eberhart stated that in the spirit of simplicity, he recommends that the Council first take a vote on the substitution before dealing with the second amendment or any additional proposed amendments.

Mr. Hilling asked if the substitution on the floor is for the as Amended version of Ordinance No. 5935 dated December 9. He asked if there will be another specific amendment to the as Amended version proposed after the vote on the substitution.

Mayor Eberhart stated that there will be an amendment to the as Amended version of Ordinance No. 5935.

City Clerk Hovenden explained that the motion on the floor is to substitute Ordinance No. 5935, as Amended for Ordinance No. 5935. She stated that there can be a motion to amend the as Amended version prior to the vote to substitute.

City Attorney Ewers stated that a vote must first be taken on the motion to SUBSTITUTE before another amendment can be made.

City Clerk Hovenden explained that there may be up to two amendments made on a main motion.

Ms. Staley, seconded by **Mr. Anderson**, moved to amend Ordinance No. 5935, as Amended, by replacing the word "funding" on page two, last paragraph, fifth line, with the phrase "matching funds up to \$75,000."

City Attorney Ewers explained that the proposed change to the language came from a suggestion by the Borough.

Mr. Gatewood asked if the motion on the floor was to change language or a dollar line item amount.

Ms. Staley replied that the proposed amendment would only change the language.

Mr. Walley questioned whether or not the other government agencies that were discussed in previous Finance Committee Meetings would make a match in contributions if the City increased its support to the CSP by \$75,000 making the City's total annual contribution \$125,000.

Mayor Eberhart replied that he has since been informed that the other agencies would not match the \$125,000 City contribution. He stated that it does not mean that the agencies would not

contribute at all. **Mayor Eberhart** briefly discussed the history of the City's contribution to the CSP and explained that about three years ago the City agreed to make a \$50,000 annual contribution to the CSP until 2014.

City Attorney Ewers, on behalf of Chief Financial Officer Jim Soileau, stated that in order to make the appropriation work in the City's software, the General Account number referenced in the as Amended version would have to be changed from 7203 to 7215.

Mr. Gatewood asked if a motion needed to be made in order to accommodate the change to the account number.

Mayor Eberhart called for objection to changing the General Account number from 7203 to 7215 and, hearing none, so ORDERED.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5935, AS AMENDED, BY REPLACING THE WORD "FUNDING" ON PAGE TWO, LAST PARAGRAPH, FIFTH LINE, WITH THE PHRASE "MATCHING FUNDS UP TO \$75,000" AS FOLLOWS:

YEAS: Staley, Matherly, Gatewood, Hilling, Anderson, Walley
NAYS: None

Mayor Eberhart declared the MOTION CARRIED.

Mr. Hilling, seconded by **Mr. Matherly**, moved to AMEND Ordinance No. 5935, as Amended, by striking the funding for the three lowest-seniority positions at the Fire Department upon the expiration of the SAFER grant obligation in April of 2014.

Mr. Hilling commented that it may appear that by making the motion to strike funding he has no compassion for the employees. He stated that he does have compassion but that he believes it is his job to find the optimal amount of expenditures for public safety. He spoke to the various components that are taken into consideration for the issuance of a rating by the ISO. He suggested that the ISO rating is objective and stated that the City of Fairbanks would still be in the top 5% of ISO ratings in the nation if the three positions were eliminated. **Mr. Hilling** agreed that there would be benefits to the public in keeping the positions on staff but indicated that letting the positions go would be best for the City. He spoke his past service on the City Council and to how he has lobbied for the use of volunteers and commented that City firefighters are well-compensated for the jobs that they do. **Mr. Hilling** stated that the Council must always consider the value of human lives when making decisions regarding public safety but suggested that the City's Fire Department can continue to function well without the SAFER grant positions. He asked for clarification on how many years the grant paid for the wages of the three positions. **Mr. Soileau** stated that the grant provided declining funding over a five-year period. He stated that in 2013 the grant paid \$9,760 out of the \$273,000 total cost of the positions.

Mr. Hilling stated that he respects the job that firefighters do and that he appreciates the risks that they take in performing their work. He indicated, however, that those risks are a part of their burden in choosing that line of work. He expressed his belief that the City would hire and pay for

three positions without grant funding if the Council felt that those positions were essential. He spoke against continuing to apply for and accept grants just because it is "free" money.

Mayor Eberhart clarified that there are fundamental differences between how the Police and Fire Departments respond to calls in that police usually respond alone or in pairs while firefighters must work as a team. He stated that there are other factors that affect staffing demands such as how much time it takes to respond to, manage and clean up after ambulance or fire calls.

Mr. Gatewood expressed appreciation for Mr. Hilling's comments. He stated that the Council may not have examined the grant closely enough before approving it in 2009 and added that the City spent a lot more money on the three positions over the five year period than he thought. **Mr. Gatewood** also acknowledged Mayor Eberhart's point that firefighters respond differently than police and must work as a team. He mentioned some recent, high-profile incidents in Fairbanks that have spoken to the value of the City's Fire Department. He expressed that when employees of the Fire Department present themselves as if they are the only department at the City of Fairbanks it is distasteful and stated that all departments are important and each serve a purpose. **Mr. Gatewood** indicated that he has not been fully convinced to reduce the Fire Department by three positions. He concluded by stating that neither grants nor volunteers are free.

Mr. Walley questioned how the Fire Department was able to keep up in 2007 and 2008 when the number of calls was greater than it was in 2012 and the department was operating with three less positions. He stated that ultimately he feels safer with the three positions.

Mr. Anderson recalled that in the mid to late 1980's the City's ISO rating dropped to a three or four. He stated that he worked for an independent insurance agency at the time and received many calls from property and casualty homeowners asking why their premiums rose by 100% or more. He stated that as a taxpayer, he would rather see the three firefighters remain on staff than see his insurance premiums skyrocket.

Mr. Matherly asked how long the City has had the ISO rating of two.

Chief Cummings replied that the City has maintained that rating for about two years. He explained that in the early 1980's the City had an ISO rating of two, then it fell to a four and has gradually risen since that time.

Mr. Matherly spoke to the many factors that are taken into consideration for an ISO rating. He stated that he is unsure whether the ISO rating would drop significantly enough to raise insurance premiums if the positions were laid off. He expressed concern that even if the City keeps the positions the union will make increasing demands. He stated that he appreciates all the various positions and points made on the issue and indicated that he is leaning towards voting in favor of the layoffs. **Mr. Matherly** commented that he would like to see the Fire Department embrace more duties. He expressed frustration with some of the high wages being paid to employees.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5935, AS AMENDED, BY STRIKING THE FUNDING FOR THE THREE LOWEST-SENIORITY POSITIONS AT THE FIRE DEPARTMENT UPON THE EXPIRATION OF THE SAFER GRANT OBLIGATION IN APRIL OF 2014 AS FOLLOWS:

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

Mr. Hilling, seconded by **Mr. Gatewood**, moved to AMEND Ordinance No. 5935, as Amended, by directing that the three lowest-seniority positions at the Fire Department be eliminated through attrition.

Mr. Anderson asked Mayor Eberhart if the motion on the floor was germane to the main motion. He called for POINT OF ORDER.

Mayor Eberhart asked Mr. Hilling to clarify his motion.

Mr. Hilling stated that the intent of his motion is to eliminate the three positions through attrition, phasing out the SAFER grant without laying off the three employees.

Mr. Matherly asked if the attrition would apply to all vacated firefighting positions regardless of the reason for termination of employment.

Mr. Hilling replied affirmatively.

Mr. Gatewood expressed his confusion with the motion on the floor. He asked for clarification on Mr. Hilling's motion.

Mr. Hilling clarified that on the last vote, the Council voted not to lay off the three positions upon the expiration of the grant. He stated that the current motion is to allow the positions to be eliminated through attrition.

Mr. Matherly suggested that the need for the positions be evaluated each year during the budget season. He stated that he does not feel comfortable eliminating positions without knowing what the year's budget looks like.

Mayor Eberhart, after hearing the Council's discussion and in view of Mr. Anderson's call for POINT OF ORDER, ruled Mr. Hilling's motion OUT OF ORDER. He explained that the motion deals with contingencies and may tie the hands of future Mayors and City Councils.

Mr. Hilling asked City Attorney Ewers to explain what made the motion OUT OF ORDER.

Mr. Ewers explained that the motion would tie a budget action to some future event that has no certainty or specific timeline.

Mr. Hilling argued that his motion would not have changed the proposed budget amount for 2014. He stated that his motion was to simply allow the positions to be eliminated gradually as individuals quit or retire. He indicated that he does not see Mr. Ewers' point.

Mr. Ewers explained that Mr. Hilling's motion may have an effect on not only the 2014 budget cycle but on future budget cycles, making it inappropriate.

Mr. Hilling commented that his motion may save the City money in future budget cycles and argued that the motion should not be inappropriate. He stated that he could understand a motion to negatively affect future budget cycles being ruled out of order.

Mr. Ewers stated that a motion may be allowed if it effects a time or event in the 2014 calendar year.

Mr. Hilling stated that he would like to see the rule in writing that caused his motion to be ruled out of order.

Mr. Gatewood asked how the approval of multi-year contracts is any different from the motion that Mr. Hilling made.

Mr. Ewers stated that a multi-year contract is subject to funding each budget year, even if it is a three-year collective bargaining agreement (CBA). He explained that Mr. Hilling's motion was different in that it was dependent upon events that may happen in future budget years.

Mr. Hilling, seconded by **Mr. Gatewood**, moved to AMEND Ordinance No. 5935, as Amended, by directing that the three lowest-seniority positions at the Fire Department be eliminated through attrition after the lapse of the SAFER grant on April 30, 2014, if such attrition takes place within the calendar year 2014.

Mr. Hilling explained that his motion would allow for the elimination of up to three of the lowest-seniority positions at the Fire Department in 2014 if anyone within the department permanently left for any reason.

Mr. Matherly asked if it is always the lowest-seniority position that is eliminated in these types of situations.

Chief Cummings stated that it would always be the lowest-seniority position unless the individual that left the department was not part of the FFU.

Mr. Matherly asked Chief Cummings if he foresees anyone retiring in the department in 2014.

Chief Cummings replied that he cannot anticipate retirements in 2014.

Mr. Matherly stated that although he voted on the motion to eliminate the positions upon the expiration on the SAFER grant, he does not want paranoia to overcome the employees of the Fire Department. He asked Chief Cummings if the possibility of the positions being eliminated would create nervousness within the department.

Chief Cummings replied that the issue has already raised some concern and created a stir within his department.

Mr. Hilling asked why employees would be threatened by his motion to eliminate positions through attrition. He clarified that no one would be laid off but would move up in seniority as attrition takes place.

Chief Cummings indicated that the nervousness stems from employees not knowing what the Council may do with the positions. He stated that when the Council talks about eliminating positions, it causes concern within the department regarding future job security. Chief Cummings expressed his fear that newer employees may not view their positions as secure and may look elsewhere for employment.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5935, AS AMENDED, BY DIRECTING THAT THE THREE LOWEST-SENIORITY POSITIONS AT THE FIRE DEPARTMENT BE ELIMINATED THROUGH ATTRITION AFTER THE LAPSE OF THE SAFER GRANT ON APRIL 30, 2014, IF SUCH ATTRITION TAKES PLACE WITHIN THE CALENDAR YEAR 2014 AS FOLLOWS:

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

Mr. Hilling spoke to Mr. Cleworth's testimony that urged the Council to increase the contribution to the Capital Fund by at least \$300,000 due to the windfall in 2013. He spoke to the financial stability of the City of Fairbanks and stated that he does not see any harm in making the change.

Mr. Hilling, seconded by **Mr. Gatewood**, moved to AMEND Ordinance No. 5935, as Amended, Section 3, by increasing the transfer from the General Fund by \$300,000 for a total of \$500,000.

Mr. Soileau indicated that in order for the change to be made, the ordinance would need to be amended both in Section 3 and Section 1. He explained that \$300,000 would need to be added to the General Fund transfer in Section 3 and be deducted from Other Financing Sources in Section 1.

Mr. Hilling, with the concurrence of the second, moved to AMEND the motion to amend Ordinance No. 5935, as Amended, by increasing the transfer from the General Fund by \$300,000 in Section 3 and by decreasing Other Financing Sources by \$300,000 in Section 1, thereby appropriating a \$300,000 increase to the Capital Fund.

Mr. Soileau clarified that the transfer would have a net zero effect on the 2014 budget.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND THE MOTION TO AMEND ORDINANCE NO. 5935, AS AMENDED, BY INCREASING THE TRANSFER FROM THE GENERAL FUND BY \$300,000 IN SECTION 3 AND BY DECREASING OTHER FINANCIAL SOURCES BY \$300,000 IN SECTION 1, THEREBY APPROPRIATING A \$300,000 INCREASE TO THE CAPITAL FUND AS FOLLOWS:

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

Mr. Hilling commented that he agrees with Mr. Cleworth's recommendation to not cut \$100,000 from Public Works' construction materials account.

Mr. Hilling, seconded by **Ms. Staley**, moved to AMEND Ordinance No. 5935, as Amended, to increase the Public Works construction materials account by \$100,000.

Mr. Soileau clarified that the \$100,000 would be an increase to the total budget for Public Works.

Mr. Gatewood acknowledged the rationale behind Mr. Cleworth's recommendation. He recalled, however, that the Public Works Director did not object when the Council talked about eliminating the \$100,000 during the budget meetings. He stated that for that reason he is hesitant to vote in favor of the motion.

Mr. Walley stated that in his recollection, the Public Works Department was under budget for the last two years and that is why the reduction was discussed.

Ms. Staley requested that Public Works Director Mike Schmetzer speak to the issue.

Mr. Schmetzer stated that during the budget meetings, Mayor Eberhart asked if the Public Works Department could make it without the \$100,000 in 2014. He stated that the department could do without the construction materials funding but indicated that it would not be comfortable to do so. Mr. Schmetzer commented that his department has the largest operating budget of all the City departments and stated that it is ever-changing due to unforeseen weather conditions and road maintenance. He compared the Public Works budget to that of a construction project budget and stated that it is ideal with any construction project to have about 20-25% extra in contingency funds. Mr. Schmetzer stated that the \$100,000 being discussed could be used elsewhere in the Public Works budget if needed.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO AMEND ORDINANCE NO. 5935, AS AMENDED, TO INCREASE THE PUBLIC WORKS CONSTRUCTION MATERIALS ACCOUNT BY \$100,000 AS FOLLOWS:

YEAS: Hilling, Anderson, Walley, Staley, Matherly

NAYS: Gatewood

Mayor Eberhart declared the MOTION CARRIED.

Mr. Hilling spoke to former Mayor Cleworth's policy that the Fire Department would deal with incaps on a regular basis. He asked Mayor Eberhart if he had changed the policy back to the way it was before.

Mayor Eberhart replied that the policy was largely returned to how it had been. He stated that the significant difference between the old policy and the new is that it now states that the Fire Department will respond to non-ambulatory calls or calls involving an incap that is flat on the ground. He stated that the other changes made by former Mayor Cleworth were reversed. **Mayor Eberhart** stated that part of the reason for changing the policy back was because of a grievance that was filed against the City. He indicated that even former Mayor Cleworth agreed that the best

solution to the incap problem was to expand the CSP but stated that the problem was finding the funding to do so.

Mr. Hilling stated that he will not make a motion pertaining to the CSP funding, partly because he does not want it to seem as if he is all negative towards Mayor Eberhart's proposed budget and partly because he believes the motion would fail. He agreed with Mr. Cleworth's belief that the mental health community should match the City's contribution to the CSP. He expressed appreciation for all the work Mayor Eberhart is doing.

Mayor Eberhart summarized changes in the proposed budget. He clarified that the next motion to be voted on is the substitution of Ordinance No. 5935, as Amended, for Ordinance No. 5935.

The motion to SUBSTITUTE Ordinance No. 5935, as Amended, for Ordinance No. 5935 was approved (since no members of the Council objected to the substitution).

Mr. Gatewood asked for clarification on the proposed addition of \$75,000 in CSP funding.

Mayor Eberhart stated that the \$75,000 increase to CSP funding will allow Mr. van den Berg to seek funding matches from other entities.

Mr. van den Berg clarified that the \$75,000 would allow for a City-wide expansion of the CSP. He commented that ultimately the CSP saves the City money and indicated that while the DTA is willing to help, they do not want the fundraising for a City-wide CSP to fall solely onto the DTA's shoulders.

Mr. Gatewood thanked the DTA for stepping up and taking on the CSP. He agreed that the City has some responsibility in regard to the incap problem but expressed confusion about the proposed funding amounts and CSP expansion. He expressed uncertainty that the additional \$75,000 would be enough to cover the full expansion. **Mr. Gatewood** stated that he spoke with Mike Powers, Chief Executive Officer for the Fairbanks Memorial Hospital (FMH), who indicated that transportation and temporary accommodation are the biggest problems with incaps. He stated that he is not convinced that the full expansion would work simply by doubling the CSP funding and that he does not have enough confidence in the presented material to contribute another \$75,000 to the CSP.

Mayor Eberhart pointed out that the substituted language includes a statement that "Funding is also subject to terms and conditions of service to be negotiated by the Mayor." He stated that the reason for that language is because it is yet unknown how much the Borough Assembly and FMH are willing to contribute to the CSP. He commented that there are other business owners and retailers who have not been asked to contribute. **Mayor Eberhart** stated that he and Mr. van den Berg went to Tanana Chiefs Conference (TCC) and asked if they would be willing to contribute. He indicated that the scope of expansion would be dependent on funding and that the details of expansion would have to be negotiated at a later time. He commented that without the \$75,000 seed money, the project would likely not get off the ground.

Ms. Staley commented that the funding for the CSP only covers the first six months. She agreed with Mr. Gatewood that the information presented is very complex and difficult to understand.

She stated that if the City agreed to contribute the additional \$75,000 it would go towards the immediate expansion of incap call-outs. **Ms. Staley** referenced some information she received from Mr. van den Berg regarding the program that the Anchorage Safety Patrol uses to deal with incaps. She thanked the DTA for taking an interest in helping the City with the problem in the downtown area. She expressed her excitement in the potential of the CSP. She suggested that Police Chief Zager come forward to discuss the expansion.

Mr. Matherly stated that he viewed the incap issue as the City's responsibility since the majority of the problems are focused in the core downtown area. He spoke to the discussions with the Police and Fire Departments and stated that he respects that they do not want to deal with most incap calls. **Mr. Matherly** compared the proposal of CSP funding to the decision made by the Council to turn over utility powers to the Borough. He stated that if the City commits to the project through an additional contribution, it will appear to other entities that it is a worthy project to contribute to. He stated that he believes it would cost a lot more than \$75,000 for the City's Fire and Police Departments to respond to those calls and commented that it would be money well-spent.

Chief Zager acknowledged Mr. Gatewood's concerns and stated that he shares many of the same concerns. He asked the Council if there were any questions regarding his whitepaper. He stated that he has a four-minute presentation that may help put into perspective the future of the incap issue. Chief Zager stated that he does not see the proposed additional City funding to the CSP as a long-term commitment. He expressed his belief that it would be unfair to expect another entity to take such a significant City obligation and administer it on the City's behalf. He distributed a handout to the Mayor and Council and gave a brief presentation on various options to remedy the incap problem and possible long-term solutions. He stated that Title 47 matters were obligated to the Fire Department in October of 2013 and pointed out the 63% increase in the number of calls since that time. Chief Zager spoke to how the increased demand on the Fire Department has lessened the number of calls to the Police Department by 16%. He stated that 90 calls per officer, per month is the maximum sustainable amount for his department and that in October of 2012, each officer was expected to handle 95.6 calls per month. He pointed out that after the shift of calls to the Fire Department occurred, the average calls per officer decreased to 80 in the month of October, 2013. He stated that the goal is for the monthly average per officer to remain at 90 or fewer calls every month throughout the year. He indicated that the goal can be achieved with continued and sufficient help from the Fire Department. Chief Zager outlined the increased workload within his department and the decrease in staffing and resources and stated that he has been exploring options to alleviate some of the workload demands. He stated that if there was a way to share the incap responsibilities equally between the Fire and Police Departments, the City could handle all incap calls without additional funding. He noted however, that sharing the responsibilities is not a feasible plan for various reasons and indicated that the only other viable options would be to either contract the service out or use the current CSP resources. He acknowledged that there are many unknowns, given that much of the CSP's funding comes from community donations, and agreed that the expansion of the program would be a challenge. Chief Zager suggested that the Council support the CSP funding if for no other reason than to alleviate the workload at the Police Department.

Mr. Gatewood asked Chief Zager if the terms "minimum staffing" and "average staffing" were synonymous in the handout.

Chief Zager replied that he did away with minimum staffing at the Police Department to mitigate overtime costs. He stated that his patrol staff averages four to five officers on duty at a time, with a total patrol staff of 33.

Mr. Gatewood asked Chief Cummings to confirm that the Fire Department maintains a minimum staffing of nine.

Chief Cummings confirmed.

Mr. Gatewood asked if it would be possible to compile an average of the departments' staffing levels over the period of a month.

Chief Zager replied affirmatively.

Mr. Gatewood stated that he is trying to get a feel for how many total incap calls there are per hour and how much time there is between those calls.

Chief Cummings stated that his average staffing level in 2012 was 9.8 and is at 10.3 so far in 2013.

Chief Zager compared Fairbanks to Juneau and stated that their average number of calls per month per officer is between 80 and 85. He explained that Juneau has a community patrol program and that they hire additional officers during the tourist season.

Chief Cummings stated that one of the main reasons the Fire Department got involved with the incap issue was due to the call-stacking and long response time of the Police Department to incap calls. He clarified that it is not the Fire Department's job to trespass individuals from private property or address cases such as urinating in public.

Chief Zager thanked Mayor Eberhart for his strong effort to relieve the Police Department's workload. He stated that to the best of his knowledge, the Fire Department is currently responding to only the "horizontal" calls, meaning the types of calls where the individual is lying flat and is unresponsive. He stated that it may be fair to say that the Fire Department has disengaged from all Title 47 matters.

Chief Cummings explained that the point he was trying to make is the Fire Department's response to incaps is much less than 55 minutes.

Mr. Hilling asked if the Police Department is called once the Fire Department gets an incap to their feet.

Chief Cummings replied that the police take over the call if the individual is only inebriated.

Mr. Hilling asked why the Fire Department does not finish the call if they are already on site.

Chief Cummings stated that Fire Department employees are trained medical personnel and that they cannot force an individual to go anywhere.

Chief Zager reminded everyone that the discussion should be about the value of the CSP and asked the Council for support on the Mayor's proposed budget. He stated that there are other components that can be discussed in the future and encouraged the Council to contemplate other creative solutions.

Mayor Eberhart stated that he will continue to discuss alternatives, and pointed out that the \$75,000 is only for 2014. He commented that both the Fire and Police Departments need relief.

Mayor Eberhart stated that according to Title 47 of the state law, municipalities are responsible for dealing with incapacitated persons.

Mr. Gatewood added that FMH needs relief as well. He commented on the significance of the CSP funding amount.

Mr. Anderson indicated that every city in America likely deals with the same problem. He stated that \$75,000 does not seem like too much money to improve such a substantial problem. He spoke in favor of allocating the funding to the CSP.

Ms. Staley encouraged fellow Council Members to examine the whitepaper from Chief Zager and stated her intent to vote in favor of the CSP funding.

Mr. Matherly expressed appreciation to both chiefs for their discussion. He asked Chief Zager if he is trying to say that the incap issue will ultimately be the City's responsibility.

Chief Zager stated that the City is underfunded \$300,000 - \$400,000 because that is what it would take to fully fund an ESP, whether the program be outsourced or implemented in-house. He stated that even if the CSP is able to expand the operation under the DTA, the program will not be sustainable. Chief Zager stated that people treat the chronic inebriates in the community like trash and reminded everyone that they are human beings. He stated that something needs to be done and that departments need to quit bickering about whose responsibility it is to deal with them.

Mr. Hilling commented that the combined annual wages of the three SAFER grant firefighters is \$380,000.

Mr. Gatewood asked Mayor Eberhart where the funding for the two SRO's is coming from.

Mayor Eberhart explained that he received a call from FNSB School District Superintendent Lewis requesting that the City contact the district in regard to the expiration of the grant funds for the SRO's. He asked City Grants Administrator Margarita Bell when the SRO grant will expire.

Ms. Bell replied that the grant will expire on June 30, 2014.

Mayor Eberhart stated that the grant paid for the first three years of funding and the Borough is paying for the final year. He commented that both parties will be looking into grant opportunities to continue funding the SRO's.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5935, AS AMENDED, AS FOLLOWS:

YEAS: Anderson, Gatewood, Staley, Hilling, Matherly, Walley

NAYS: None

Mayor Eberhart declared the MOTION CARRIED and Ordinance No. 5935, as Amended, ADOPTED.

NEW BUSINESS

- a) Resolution No. 4601 – A Resolution to Accept the Sole Source Bid of Motorola Solutions, Inc. for Replacement of Dispatch Radio Consoles in the Amount of \$1,214,130. Introduced by Mayor Eberhart.

Mr. Gatewood, seconded by **Mr. Matherly**, moved to APPROVE Resolution No. 4601.

Mr. Gatewood requested a staff report. He stated that he needs more clarification on the fiscal note attached to the resolution.

Ms. Bell explained that the \$11,373 in “additional support or maintenance costs” is the difference between what the City is paying now and what the City would be paying if the contract is accepted. She stated that she understands that the City can remove items from the maintenance agreement in order to reduce costs.

Mr. Gatewood asked if the City would be liable for up to \$11,373 annually for the life of the contract.

Ms. Bell replied affirmatively. She pointed out that \$11,373 is the maximum amount the costs could reach.

Mr. Gatewood asked what type of equipment the contract would provide.

Dispatch Center Manager Stephanie Johnson replied that the contract would provide eight radio consoles to the City’s Dispatch Department and two to the Borough’s Emergency Operations Center. She clarified that the maintenance plan listed is a premium plan with 24/7 support, but indicated that the City has some leeway in choosing a maintenance plan and may not wish to use the premium plan for the two consoles at the Borough. She explained that when the new system is installed in 2014, Motorola will reimburse the City for the difference in maintenance costs for the new system. She further explained that the new system maintenance is covered under warranty for one year which will cover part of 2015 and that the City would not have to pay for full maintenance and support costs until 2016.

Mr. Gatewood stated that he assumes another company will come along with a better product at some point. He asked Ms. Johnson how many years she believes the City will get out of the new Motorola consoles.

Ms. Johnson stated that the City has used some old radio systems for up to 30 years. She stated that she cannot guarantee the Council that the new system will be around for 25 years since it is computer-based. She indicated that it would likely be used for 10 – 15 years minimum.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO APPROVE RESOLUTION NO. 4601 AS FOLLOWS:

YEAS: Anderson, Gatewood, Staley, Hilling, Matherly, Walley
NAYS: None
Mayor Eberhart declared the MOTION CARRIED and Resolution No. 4601 APPROVED.

DISCUSSION ITEMS

Committee Reports

Hotel/Motel Discretionary Fund Committee – **Mr. Matherly** stated that the Committee met and set the ground rules for the 2013 bed tax presentations and distribution. He announced that the Presentation Meeting would take place on Wednesday, December 11 and the Presentation Meeting would take place on Friday, December 13. He stated that he is looking forward to the presentations by various organizations in the community.

COUNCIL MEMBERS' COMMENTS

Mr. Anderson stated that he had no comments.

Mr. Hilling requested that Mayor Eberhart look into the possibility of using an independent agency or contractor for polygraph testing at the Police Department. He spoke to the conflict of interest that may occur when the testing is done in-house. **Mr. Hilling** repeated the First Amendment to the Constitution and spoke briefly to the freedom of speech.

Mr. Matherly commented on the length of the meeting but stated that he enjoyed the discussion and that he looks forward to City Council Meetings. He stated that it is an honor to serve the City of Fairbanks and expressed his gratefulness to live in the Fairbanks community. He wished everyone a Merry Christmas.

Mr. Gatewood commented on the productivity of the meeting. He stated that he enjoyed everyone's input and discussion and wished everyone Happy Holidays.

Mr. Walley wished everyone a Merry Christmas. He stated that he will be out of town for the January 6, 2014 Regular Meeting and requested permission from the Council to be absent. He mentioned that he will also miss one Finance Committee Meeting during that time.

Mayor Eberhart called for objection regarding Mr. Walley's request to be excused on January 6, 2014 and, hearing none, so ORDERED.

Ms. Staley stated that she will also be out of town for the January 6 Regular Meeting and the Finance Committee Meeting but indicated that she would be able to attend both meetings telephonically. She agreed with Mr. Matherly's comments in regard to serving on the City Council and expressed appreciation for her fellow Council Members. She wished everyone Happy Holidays.

Mr. Gatewood suggested changing the second Regular Meeting date in December of 2014 from the 15th to the 8th. He stated that since the budget must be adopted no later than December 15 of each year, he fears that holding the meeting on the 15th may be cutting it too close.

Mayor Eberhart called for objection to making the change to the 2014 Council Meeting Schedule and, hearing none, declared the schedule AMENDED.

ADJOURNMENT

Mr. Hilling, seconded by **Mr. Walley**, moved to ADJOURN the meeting.

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

Mayor Eberhart declared the Meeting adjourned at 12:00 A.M.



JOHN EBERHART, MAYOR

ATTEST:

JAMEY HOYENDEN, MMC, CITY CLERK

Transcribed by: DS