



FAIRBANKS CITY COUNCIL
AGENDA NO. 2011-15
REGULAR MEETING August 08, 2011
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

REGULAR MEETING

I 7:00 P.M.

1. ROLL CALL

2. INVOCATION

3. FLAG SALUTATION

4. CITIZENS COMMENTS, oral communications to Council on any item not up for Public Hearing. Testimony is limited to five (5) minutes. Any person wishing to speak needs to complete the register located in the hallway. Normal standards of decorum and courtesy should be observed by all speakers. Remarks should be directed to the City Council as a body rather than to any particular Council Member or member of the staff. In consideration of others, kindly silence all cell phone, electronic and messaging devices.

5. APPROVAL OF AGENDA AND CONSENT AGENDA

(Approval of Consent Agenda passes all routine items indicated by an asterisk (*). Consent Agenda items are not considered separately unless a Council Member so requests. In the event of such a request, the item is returned to the General Agenda).

6. APPROVAL OF PREVIOUS MINUTES

7. SPECIAL ORDERS

a) The Fairbanks City Council, Sitting as a Committee of the Whole, will hear interested citizens concerned with the below-referenced **Appeal of Denied Application for new Chauffeur License**. Public Testimony will be taken and limited to five (5) minutes.

Applicant: Mark Jay Sibley, Sr.

8. MAYOR'S COMMENTS AND REPORT
9. UNFINISHED BUSINESS
 - a) Ordinance No. 5853 – An Ordinance Amending Chapter 86 Vehicles for Hire. Introduced by Mayor Cleworth and Council Member Stiver. Public Hearing was Held July 25, 2011. POSTPONED from the Regular Meeting of July 25, 2011.
10. NEW BUSINESS
 - *a) Ordinance No. 5855 – An Ordinance Amending the 2011 Budget Estimate for the Second Time. Introduced by Mayor.
 - *b) Ordinance No. 5856 – An Ordinance Authorizing Prepayment of all Outstanding Revenue Bonds for the Fairbanks Transportation Center. Introduced by Mayor Cleworth.
11. DISCUSSION ITEMS (INFORMATION AND REPORT)
 - a) Committee Reports
12. COMMUNICATIONS TO COUNCIL
 - *a) Request for a Complete/Signature Street Steering Committee.
 - *b) Reappointment to the Clay Street Cemetery Commission.
13. COUNCIL MEMBERS' COMMENTS
14. CITY ATTORNEY'S REPORT
15. CITY CLERK'S REPORT
16. ADJOURNMENT


MEMORANDUM

City of Fairbanks Clerk's Office

Janey Hovenden, CMC, City Clerk

Date: August 3, 2011

To: Mayor Jerry Cleworth
City Council Members

From: Janey Hovenden, CMC, City Clerk 

Re: Denial of Application for City of Fairbanks Chauffeur License
Mark Jay Sibley Sr.

Attached is a copy of Mr. Sibley's application for a City of Fairbanks Chauffeur License. The City Clerk has denied this request for license pursuant to FGC Section 86-77(6)(c):

All applications for issuance or renewal of a chauffeur's license shall be made upon forms provided for this purpose by the city clerk, and the applications shall be submitted to the city clerk for review. The applicant shall also submit a current criminal history report obtained from the state department of public safety if a state resident or, if not, a current record obtained from the state of residency, and a current driving record. The requirements to be fulfilled prior to issuance of a chauffeur's license shall be as follows:

- (6) Except as otherwise provided in this subsection, the applicant must not have had a felony or misdemeanor conviction within ten years of:
 - c. Any felony or misdemeanor which includes as an element the use or threat of force upon a person;;

Page two of Mr. Sibley's application for licensure indicates a positive response to "any felony or misdemeanor which includes as an element of the offense, the use or threat of force upon a person". Page four of his Alaska Criminal History indicates that on November 28, 2003, Mr. Sibley was convicted of Assault in the Fourth Degree- Cause Fear of Imminent Injury, a misdemeanor offense.

Mr. Sibley was informed of the option to appeal the decision of the City Clerk to the City Council, and requested to be placed on this agenda for your consideration.

If you have any questions, please call me at 459-6774.

Attachments

CONFIDENTIAL

Visit us on the Web at www.ci.fairbanks.ak.us



City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

(907)459-6715

Fax (907)459-6710

REQUEST FOR APPEAL FORM

DATE: 8-03-11

TO: Janey Hovenden, City Clerk

FROM: Mark J. Sibley Sr.
(Please Print)

RE: Request for Appeal Hearing (Chauffeur's License)

RECEIVED
AUG 03 2011
CITY CLERKS OFFICE

Please consider this document a request for an APPEAL HEARING before the Fairbanks City Council in regards to the denial of my Chauffeur's License Application. I can be present at the City Council Meeting scheduled for:

Monday, August 8, 2011 at 7:00 P.M.

(Meetings are held in the Council Chambers located at 800 Cushman Street, 2nd Floor)

By signing below, I understand that the information and supporting documentation contained in my Chauffeur's License Application will be copied and provided to the Fairbanks City Council. I understand that there will be a public hearing, on the above date, at which time the Council will discuss my appeal. I understand that the public hearing may be reproduced electronically, digitally, and/or transmitted over the air waves. I understand that I have no right to expect privacy of the records or information contained in my application, or of any discussions that may occur during the public hearing.

Acknowledgement by Applicant

Official Use Only: Clerk's Initials: JS Date Received: 8/3/11

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CITY OF FAIRBANKS

RECEIVED
AUG 03 2011
CITY CLERKS OFFICE

CHAUFFEUR LICENSE APPLICATION

800 Cushman Street, Fairbanks, AK 99701
(907) 459-6716

TYPE OF LICENSE: NEW RENEWAL FEES DUE/COLLECTED: \$25-

Name: <u>Mark J Sibley SR.</u>	Other Name(s) Used:
Physical Address: [REDACTED]	City, State Zip: [REDACTED]
Mailing Address: [REDACTED]	City, State Zip: [REDACTED]
Home Phone: [REDACTED]	Work/Cell Phone: [REDACTED]
AK Driver's License No: [REDACTED]	E-mail Address:
Date of Birth: [REDACTED]	Place of Birth: [REDACTED]

Application Requirements

- \$25.00 Non Refundable Application Fee for New Licenses.
- \$100.00 Bi-Annual License Fee for New Applications and Renewals.
- Complete Application; Including Two Notarized Affidavits (forms attached).
- Copy of Current State of Alaska Driver's License.
- Current Criminal History Report With 10 Year History. *
- Current Driving Record With 5 Year History.

*If the applicant's Alaska criminal history report does not reflect a complete ten year history, an official background check from applicant's previous state of residency is required for a complete 10-year look back. Alaska reports must be dated the same date that the completed application is submitted to the Clerk's Office. All documents must be originals and submitted with the signed application, the Clerk's Office cannot accept incomplete applications.

Length of Residency

Length of Time in Fairbanks 15 Years 0 Months

Previous Address(es)

Previous City and State of residence, other than Fairbanks, for the past 10 years:

From: _____ To: _____

From: _____ To: _____

From: _____ To: _____

Employment

Current Employer: Disabled

Address: _____

Date Employment Began: _____ Phone: _____

Previous Chauffeur License Held (City & State): _____

Cab Company Applying for or Employed By: _____

Employment History (Past 10 Years)

Employer: McDonalds

Dates Employed: Oct 31 08-09 City/State: Fairbanks AK

Employer: Daily Miner

Dates Employed: Dec 07-08 City/State: Fairbanks

Record of Conviction(s)

PLEASE ANSWER YES OR NO TO THE FOLLOWING QUESTIONS:

<p>Within the past 24 months, have you had a conviction for any of the following:</p> <ul style="list-style-type: none"> • A moving traffic violation which resulted in the suspension or revocation of your driver's license pursuant to AS 28.15.221 - AS 28.15.261? • Reckless or negligent driving? • Driving while license is limited, suspended, or revoked? 	<p>YES or NO</p> <p style="border: 1px solid black; padding: 2px;">No</p> <p style="border: 1px solid black; padding: 2px;">No</p> <p style="border: 1px solid black; padding: 2px;">No</p>
<p>Within the past 5 years have you received a conviction for either of the following:</p> <ul style="list-style-type: none"> • Operating or driving a vehicle while intoxicated? • Refusing to submit to a chemical test as defined in AS 28.35.032? 	<p style="border: 1px solid black; padding: 2px;">No</p> <p style="border: 1px solid black; padding: 2px;">No</p>
<p>Within the past 10 years, have you had a felony or misdemeanor conviction for any of the following:</p> <ul style="list-style-type: none"> • Prostitution or promotion of prostitution? • Sale, transportation, possession or use of any controlled substance as defined in AS 11.71.140 - AS 11.71.190? • Any felony or misdemeanor which includes as an element of the offense, the use or threat of force upon a person? • Burglary, felony larceny, fraud, or embezzlement? • Any sexual offense? • Any homicide or assault involving operation of a motor vehicle? • Two separate felony convictions of any type? 	<p style="border: 1px solid black; padding: 2px;">No</p> <p style="border: 1px solid black; padding: 2px;">No</p> <p style="border: 1px solid black; padding: 2px;">yes</p> <p style="border: 1px solid black; padding: 2px;">No</p> <p style="border: 1px solid black; padding: 2px;">No</p> <p style="border: 1px solid black; padding: 2px;">No</p> <p style="border: 1px solid black; padding: 2px;">No</p>

An Answer of YES to any of the above questions regarding your criminal history and/or driving record is grounds for denial of a Chauffeur License by the City Clerk as per Fairbanks General Code, Section 86.77. Please explain on a separate sheet of paper any convictions that meet the look-back criteria as noted above; including charges, places, dates, and sentences imposed. An Applicant has the right to appeal a denial by the City Clerk after submission of a completed application and payment of the application fee. Request for an Appeal Form can be obtained at the City Clerk's Office.

Citizenship Status

Are you a natural born or fully naturalized citizen of the United States? yes

If not, where did you obtain a permit or visa? _____

Date of entry into the United States: _____ Alien Registration No. _____

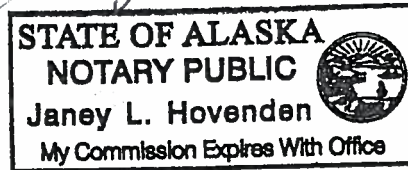
Applicant's Statement for Chauffeur License

I, Michelle Kelly, being first duly sworn, depose and state that I am the individual making application for license and that the answers to the foregoing questions and other statements contained herein are true and complete to the best of my knowledge and belief. I understand that any materially false statement on this application may be subject to revocation or denial of a license.

I certify that I am at least 21 years of age or older, that I can read, write, and speak the English language, that I am not addicted to the use of intoxicants or narcotics, that I am of good moral character and repute, that I have been a resident within the Fairbanks area for a minimum of 30 days immediately prior to this application, that I have read and understand Fairbanks General Code 86.76-94, and that I understand the requirements for licensure.

Michelle Kelly
Signature of Applicant

Sworn to before me this 3rd day of August, 2011.
Janey L. Hovenden
Notary Public for the State of Alaska
My Commission Expires: with office



The Fairbanks General Code is attached to this application for your convenience; it is provided as a courtesy, but is the distinct responsibility of the Applicant to understand the requirements and to be compliant. The Applicant, through signing of the above Oath, acknowledges having read the Code and certifies that he/she understands it. If the Applicant has any questions regarding those responsibilities, the questions should be asked prior to issuance of a license.

Please make all necessary copies for your records before submission of your application to the Clerk's Office. There will be a per page charge for any copying requested in accordance with FGC 2-775, with the exception of a request to copy criminal history reports, as State law prohibits copying of such documents.
Thank you in advance for your cooperation.

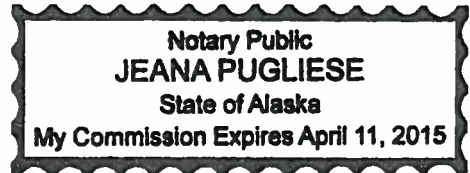
The City Clerk's Office requires 24 hours to process all applications. Hours of operation are Monday through Friday, 8:00 am to 5:00 pm. The City of Fairbanks observes national and state holidays.

Affidavit

I, Carey C. Noble, so swear and affirm that I personally know Mark Sibley (Applicant) to be of sound mind and body, of good moral character, and considered by me to be a respectable, upstanding citizen to the best of my knowledge and belief.

Charles M. Charles Noble
Signature
1435 E. Nelson St.
Mailing Address
Fairbanks, AK 99701
City, State, Zip

Sworn to before me this 3 day of August, 2011.
Jeana Pugliese
Notary Public for the State of Alaska
My Commission Expires: 4/11/15

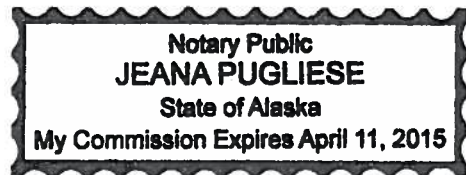


Affidavit

I, Larry Shuster, so swear and affirm that I personally know MARK SIDLEY (Applicant) to be of sound mind and body, of good moral character, and considered by me to be a respectable, upstanding citizen to the best of my knowledge and belief.

Larry Shuster
Signature
P.O. Box 84322
Mailing Address
FAIRBANKS AK 99708
City, State, Zip

Sworn to before me this 3rd day of August, 2011.
Jeana Pugliese
Notary Public for the State of Alaska
My Commission Expires: 4/11/15



Administrative Use Only

Approved By:	Date:
Denied By: <u>Jana Jaujelle Swick</u>	Date: <u>8/3/11</u>
Reason for Denial: <u>Assault & conviction 11/28/2003</u>	

For additional information and/or forms, please visit the City of Fairbanks web site at:
www.ci.fairbanks.ak.us

ORDINANCE NO. 5853

AN ORDINANCE AMENDING CHAPTER 86 VEHICLES FOR HIRE

WHEREAS, numerous appeals are made to the Council as a result of the restrictions and requirements placed upon an applicant for a chauffeur's license; and

WHEREAS, the current code provisions do not provide guidance for the Council in considering such appeals; and

WHEREAS, certain restrictions and requirements are needed for protection of the public; and

WHEREAS, the changes proposed in this ordinance will provide guidance and certainty for applicants, for the administration and for the Council; and

WHEREAS, other section of this Chapter needed to be updated and clarified,

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

Section 1. Fairbanks General Code Chapter 86 Vehicles for Hire is amended as follows (new text in **underlined bold** font, deleted text in ~~strikeout~~ font):

Sec. 86-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial passenger transport vehicle (**CPTV**) means any of the following types of vehicles ~~operation~~(s):

- (1) *Taxicab*— **defined as** means any motor vehicle used for the purpose of transporting passengers, upon request, for a fee, over the streets of the city, the routes of which are neither fixed, defined nor regulated by law or municipal directive.
- (2) *Motorbus or van*— **defined as** means any motor vehicle having a seating capacity of five ~~persons~~ or more **passengers**, according to the manufacturer's rating, operating over established and fixed routes, under private charter **or passenger for a fee** agreement, ~~or any other passenger for a fee, whether paid at the time of transport or otherwise, including transportation provided by a hotel or restaurant.~~ School buses, church buses, any transportation service provided at no charge by a nonprofit corporation, **transportation provided at no charge by an employee of a hotel, restaurant, or other business to or from their locations of operation**, and motorbuses owned or operated by the state or a political subdivision of the state shall not be governed by this article.

- (3) *Limousine*— **defined as** ~~means~~ any vehicle used for the purpose of transporting passengers, upon request, for a fee, over the streets of the city, the routes of which are neither fixed, defined nor regulated by law or municipal directive.

Operate shall mean picking up passengers in, delivering passengers to, or transporting passengers through the city.

Sec. 86-51. Required

(a) No person shall operate or cause to be operated upon the streets of the city any commercial passenger transport vehicle business unless the applicant shall first obtain, through application to the city, and thereafter hold, a commercial passenger transport vehicle **permit** license—authorizing the operation of such business upon the streets of the city. No permit shall be issued for a period greater than two years, and an individual vehicle permit shall be required for each vehicle operated under this section. Applications for permit submitted to the city clerk must be accompanied by a current copy of the applicant's State of Alaska and city business license.

(b) After being given notice by the city, any person operating a vehicle or causing a vehicle to be so operated in violation of subsection (a) of this section shall be deemed guilty of a misdemeanor and upon conviction of such offense by a court shall be liable to punishment as prescribed in **FGC S**section 1-15.

(c) License, **permit**, and application fees are set forth in the city's schedule of fees and charges for services.

Sec. 86-52. Proof of insurance.

There shall be submitted with an application for a commercial passenger transport vehicle permit copies of policies of liability or indemnity insurance providing coverage and protection against loss through personal injury or property damage arising from negligence covering all vehicles to be operated by virtue of the permit, such insurance to afford coverage in an amount determined to be satisfactory to the city attorney but not less than \$300,000.00 for all personal injuries sustained in any one accident, coverage in the amount of \$25,000.00 for property damage arising out of any one accident, and \$50,000.00 for all persons injured or who died in any one accident caused by an uninsured motorist. Each policy shall further contain a clause, addendum or endorsement providing that the insurer or his local agent will give written notice of the cancellation, revocation, termination or expiration of that policy, such notice to be submitted to the city clerk not later than five days prior to such eventuality. Any change in the city attorney's determination of what constitutes adequate insurance shall be provided in writing to each commercial passenger transport vehicle business with at least six months advance notice.

Sec. 86-53. Dispatch location; color scheme; written records.

(a) The application for a **CPTV** permit required in this division shall provide:

- (1) The identity of the location of the terminal or dispatch office from which the vehicles are to operate or whether they will be dispatched by cellular phone ~~upon the granting of the permit;~~

- (2) A statement by the applicant that the applicant will establish and maintain a central radio dispatch office or will operate dispatch by cellular phone, **and will** keeping a daily log of all cellular calls and providing cellular phone numbers to the owner company and the city clerk's office;
- (3) The distinctive single color scheme of the company which ~~will the applicant shall apply and which shall~~ be applied to the exterior of each vehicle to be operated under the permit, including the color scheme of any lettering or numbers to appear on the exterior;
- (4) A statement by the applicant that he agrees to maintain a written record of all dispatches of vehicles operated under the permit; a listing, maintained current, of all ~~chauffeurs or~~ drivers of vehicles operated under the foregoing permit, reflecting termination dates of ~~chauffeurs or~~ drivers who withdraw from such positions; and a record of the daily hours of utilization for each vehicle operated under such permit; and
- (5) Such other data as may be from time to time required by the Police Chief ~~director of public safety~~ or City Clerk.

(b) The information required in subsection (a) of this section shall be submitted to the Police Chief ~~director of public safety~~ within five days after the end of the month, except insofar as expressly waived by the Police Chief ~~director of public safety~~. All records of such information shall be preserved by the applicant for not less than two years ~~and to be~~ made available to the Police Chief ~~director of public safety~~ upon request of the latter.

Sec. 86-54. Revocation; suspension.

(a) A permit required in this division may be temporarily suspended or permanently revoked by action of the city clerk for any of the following occurrences:

- (1) Breach of any condition, limitation or modification imposed under this article in approving the application for permit.
- (2) Breach by the holder of the permit of any covenant or agreement undertaken by the holder in making application for such permit.
- (3) Delinquency on the part of the holder of a permit or on the part of the individual ~~chauffeurs or~~ drivers in payment to the city of any taxes or fees imposed on fares collected for the transportation of passengers in vehicles operated under the permit.

(b) Before suspending or revoking any ~~vehicle~~ permit, the city clerk shall set the time and place for a hearing and conduct the hearing.

Sec. 86-55. Transfer; assignment.

No permit or license required in this division shall be transferred or assigned by the holder without the approval of the city clerk. All approved transfers or assignments shall require payment of a fee, set forth in the city's schedule of fees and charges for services except that the city clerk may waive such fee where the real party in interest remains substantially unchanged.

Sec. 86-76. Chauffeur's license required.

(a) No person shall operate a commercial passenger transport vehicle upon the streets of the city until the person has been issued and thereafter holds in effect a chauffeur's license granted by the city.

(b) Any person operating or driving a vehicle in violation of subsection (a) of this section shall be deemed guilty of a misdemeanor **and upon conviction of such offense by a court shall be subject to punishment as prescribed in FGC Section 1-15.**

Sec. 86-77. Application for chauffeur's licenses.

All applications for issuance or renewal of a chauffeur's license shall be made upon forms provided for this purpose by the city clerk, and the applications shall be submitted to the city clerk for review. The applicant shall also submit a current criminal history report obtained from the state department of public safety if a state resident or, if not, a current record obtained from the state of residency, and a current driving record. The requirements to be fulfilled prior to issuance of a chauffeur's license shall be as follows:

- (1) The applicant must be 21 years of age or older, and furnish proof if requested.
- (2) The applicant must be able to read, write and speak the English language.
- (3) The applicant must be in possession of a current Alaska State Driver's License.
- (4) The applicant must not have had a conviction within 24 months of:
 - a. A moving traffic violation which results in suspension or revocation of the applicant's driver's license pursuant to AS 28.15.221 through 28.15.261;
 - b. Reckless or negligent driving;
 - c. Driving while license is limited, suspended or revoked;
- (5) The applicant must not have had his driver's license suspended or revoked within two years prior to the application date.
- (6) Except as otherwise provided in this subsection, the applicant must not have had a felony or misdemeanor conviction within **eighteen** years of:
 - a. Prostitution or promotion of prostitution;
 - b. Sale, transportation, possession or use of any controlled substance as defined in AS 11.71.140 through 11.71.190;
 - c. Any felony or misdemeanor which includes as an element the use **or** threat of force upon a person;
 - d. Burglary, felony larceny, fraud or embezzlement;

- e. Any sexual offense;
 - f. Any homicide or assault involving operation of a motor vehicle;
 - g. Two separate felony convictions of any type;
 - h. Operation or driving a vehicle while intoxicated (five years);
 - i. Refusal to submit to a chemical test as defined in AS 28.35.032 (five years).
- (7) The applicant must not be addicted to the use of intoxicants or narcotics.
- (8) The applicant must be of good moral character and repute, to be evidenced by two affidavits of respectable citizens who personally know the applicant.
- (9) The applicant must not be a sex offender or child kidnapper subject to the registration requirements of Title 12, Chapter 63, of the Alaska Statutes.**

~~Sec. 86-78. Fingerprinting required.~~

~~An applicant for a chauffeur's license shall consent to fingerprinting. The set of fingerprints will thereupon be forwarded to the Federal Bureau of Investigation, Identification Division, for search and comparison purposes.~~

~~Sec. 86-79. Residency.~~

~~An applicant for a chauffeur's license must have resided within the Fairbanks North Star Borough area for a minimum of 30 days immediately prior to application. This residence requirement may be waived by the city clerk if the applicant has had a Fairbanks chauffeur's license within the last five years.~~

~~Sec. 86-80. Fee.~~

~~—An applicant for a chauffeur's license must pay a license fee of \$25.00 at the time of application which shall not be refundable, and shall submit the fee for the chauffeur's license.~~

~~Sec. 86-81. Chauffeur's training required.~~

~~—Within 12 months of issuance of a city chauffeur's license, each driver shall:~~

- (1) ~~Attend a defensive driving school and furnish a copy of the certificate of completion to the city clerk.~~
- (2) ~~If the city clerk does not receive the certificate described in subsection (1) by the end of the 12-month period, the license shall not be renewed.~~

Sec. 86-82. Issuance of a chauffeur's license; nontransferable; temporary license; fees; refund; expiration.

(a) Upon an applicant's compliance with the requirements of this article, the city clerk shall issue a chauffeur's license to the applicant; said license shall be carried upon that person at all times when operating a vehicle as a licensed chauffeur. No chauffeur's license shall be transferable or assignable. A temporary chauffeur's license valid for 30 days only may be issued to the applicant pending final action on the application. ~~Each chauffeur's license shall expire on the expiration date of his driver's license as issued by the state. The license fee for issuance of an initial chauffeur's license shall be submitted with the application.~~

(b) Chauffeur's license and application fees are set forth in the city's schedule of fees and charges for services. A licensed chauffeur is not required to obtain a city business license under section 14-601~~2~~ if working exclusively (as an employee or on contract) for a licensed commercial passenger transport operator who possesses a valid city business license.

Sec. 86-83. Suspensions or revocations.

The city clerk or his designee may temporarily suspend or permanently revoke a chauffeur's license for any of the following causes:

- (1) False or erroneous material statements contained in the licensee's application ~~and which were conducive to the issuance of the license.~~
- (2) **Conviction for a violation of any section of this chapter** ~~Failure of the licensee to carry the current chauffeur's license upon their person at all times when operating a vehicle as a licensed chauffeur.~~
- ~~(3) Operation within the city of a commercial passenger transport vehicle for which a vehicle permit, as provided in section 86-51, had not been issued, or has been suspended or revoked.~~
- ~~(34)~~ Subsequent conviction of a traffic offense which has resulted in the suspension or revocation of the licensee's state driver's license; or conviction of a traffic offense which places restrictions upon the individual's State of Alaska driver's license.
- ~~(45)~~ Conviction of a felony, or conviction of a misdemeanor involving moral turpitude, or **any conviction relating to prostitution.** ~~trafficking in women or children for immoral purposes.~~
- ~~(6) Soliciting passengers for hire; or cruising the streets of the city for the purpose of obtaining or inviting business; or attracting the attention of members of the public by word of mouth, signal, nod or other demonstration while in motion or parked.~~
- ~~(7) Parking a commercial passenger transport vehicle upon the streets of the city except for purposes of immediately loading or unloading passengers.~~

- (8) ~~Refusing to convey any orderly person upon request and tender of the proper fee unless previously engaged or unable or forbidden to do so by the provisions of this article or the laws of the state.~~
- (9) ~~Operating or remaining in physical control for purposes of operating a commercial passenger transport vehicle for a period in excess of 12 consecutive hours without six hours between shifts.~~
- (10) ~~Transporting or offering to transport in a taxicab additional passengers for a separate fare while the vehicle is occupied by a passenger and without the express permission of the latter.~~

Sec. 86-84. Regional and interstate bus drivers exempt.

Operators of motor buses are exempted from the provisions of this division provided such operators are licensed by the Interstate Commerce Commission.

Sec. 86.85. Posting of chauffeur's license.

No owner of a CPTV business may allow any driver ~~to~~ may operate a commercial passenger transport vehicle unless evidence, including his full name, that the operator is a licensed chauffeur is posted in the interior of the vehicle in a manner specified by the chief of police. ~~Failure to do so will result in a citation and a fine of \$25.00.~~

Sec. 86-86. Maximum number of hours per day.

No licensed chauffeur driver may operate nor may the owner of a CPTV allow a driver to operate a commercial passenger transport vehicle in excess of 12 consecutive hours nor perform any combination of chauffeuring and other gainful occupation, ~~whether chauffeuring or otherwise~~, for more than 12 hours in any 24-hour period.

Sec. 86-87. Duty to serve public.

No driver of a commercial passenger transport vehicle may refuse or neglect to convey any orderly person upon request if the proper fee is tendered by such person, unless the driver is then engaged or would violate this chapter by conveying such person.

Sec. 86-88. Alcoholic beverages and controlled substances.

No driver of a commercial passenger transport vehicle may drink alcoholic beverages or be under the influence of a depressant, hallucinogenic, stimulant or narcotic drug, or any controlled substance as defined by AS 28.335.190~~30~~ while on duty or for five hours prior to operating a taxicab.

Sec. 86-89. Most direct route.

Every driver of a commercial passenger transport vehicle shall follow the most direct route to the passenger's destination unless otherwise directed by the passenger.

Sec. 86-90. Exclusive use of taxicab.

A driver of a taxicab shall allow no more than one passenger or one group of passengers, except driver trainees, at any one time without the express consent of that passenger or group of passengers.

Sec. 86-91. Fares and receipts.

On request of any passenger paying a fare, a driver of a commercial passenger transport vehicle or other for-hire vehicle shall provide a receipt indicating the fare received, the date, permit number, dispatch company, and driver's legibly printed name.

Sec. 86-92. Records.

(a) At all times, a driver shall carry in the commercial passenger transport vehicle those documents commonly known as trip sheets. For each fare charged, a driver shall record on a trip sheet the following information:

- (1) Driver's full name, vehicle number, taximeter number and date of report.
- (2) Times between which the driver operates the taxicab on the day the trip sheet is prepared.
- (3) For each request for service, the time and place of passenger pickup and delivery, the number of passengers and the amount of the fare received.

Sec. 86-93. Posting of insurance, fares and complaint procedure.

The ~~Police Chief~~ ~~director of public safety~~ shall designate a place in the interior of all commercial passenger transport vehicles for the posting of a notice stating the name of the insurance carrier, applicability, fares charged for service and procedures for making complaints to the ~~police~~ department of public safety. No person may provide service with a vehicle unless such notice is visible to passengers.

Sec. 86-94. Transporting alcohol without passengers.

It shall be unlawful for any driver of a commercial passenger transport vehicle to purchase, transport or deliver alcohol at the request of any individual. Any transportation of alcohol in a commercial passenger transport vehicle must be by a passenger who is actually riding in the vehicle.

Sec. 86-95. Appeals.

(a) The city council may consider appeals of an applicant whose application for a chauffeur's license has been denied by the city clerk. The city council will not consider an appeal if the reason for the denial is a conviction for a sexual offense, for a drug offense, for driving while intoxicated, or for refusal.

(b) In considering whether to grant an appeal, the council may consider whether the applicant:

- (1) Has made significant efforts at rehabilitation, including successful completion of any court-ordered treatment program;**

(2) Has successfully completed any period of probation;

(3) Has made positive contributions to society in general.

Sec. 86-96. Penalties.

(a) Violation of the following sections of this chapter are misdemeanors subject to the penalties set out in FGC Sec. 1-15: Sec. 86-51, 86-55, 86-76, 86-82, 86-88, and 86-94.

(b) Violation of the following sections of this chapter are infraction subject to a maximum fine of \$300.00 and a mandatory minimum fine of \$100.00: Sec. 86-85, 86-86, 86-87, 86-89, 86-90, 86-91, 86-92, and 86-93.

SECTION 2. That the effective date of this Ordinance shall be the ___ day of August 2011.

Jerry Cleworth, City Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, City Clerk

Paul J. Ewers, City Attorney

Introduced By: Mayor Cleworth
 Finance Committee: Aug 2, 2011
 Introduced: Aug 8, 2011

ORDINANCE NO. 5855

**AN ORDINANCE AMENDING THE 2011 BUDGET ESTIMATE
 FOR THE SECOND TIME**

WHEREAS, this ordinance incorporates the changes outlined on the attached summary to amend the 2011 operating budget.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

SECTION 1. There is hereby appropriated to the 2011 budget from the following sources of revenue for the City of Fairbanks in the amount indicated to the departments named for the purpose of conducting the business of said departments of the City of Fairbanks, Alaska, for the fiscal year commencing January 1, 2011 and ending December 31, 2011

	Approved Budget	As	Amended
Taxes, (all sources)	\$ 19,087,916	\$	19,372,237
Charges for Services	3,960,860		3,960,860
Intergovernmental Revenues	3,279,208		3,761,208
Licenses & Permits	1,454,570		1,454,570
Fines, Forfeitures & Penalties	906,587		906,587
Interest & Penalties	135,000		135,000
Rental & Lease Income	224,663		224,663
Other Revenues	216,500		216,500
Other Financing Sources	3,013,493		2,688,794
	<hr/>		<hr/>
Total Appropriation	\$ 32,278,797	\$	32,720,419
	<hr/>		<hr/>

SECTION 2. There is hereby appropriated to the 2011 budget expenditures for the City of Fairbanks in the amount indicated:

<u>DEPT</u>	<u>DESCRIPTION</u>	<u>Approved Budget</u>	<u>As Amended</u>
10	Mayor and Council	\$ 472,130	\$ 472,130
11	Office of the City Attorney	163,423	163,423
12	Office of the City Clerk	288,335	288,335
13	Finance Department	877,069	877,069
14	Information Technology	1,292,445	1,292,445
15	General Account	5,370,868	5,517,868
16	Risk Management	1,583,636	1,681,606
17	Property Management	58,959	58,959
20	Police Department	6,017,287	6,360,614
21	Dispatch	1,840,347	1,937,529
30	Fire Department	5,883,931	5,959,531
50	Department of Public Works	6,590,261	6,765,761
51	Engineering Division	519,816	519,816
60	Building Department	652,624	652,624
	Total General Fund Appropriation	\$ 31,611,131	\$ 32,547,710
	12/31/10 (Estimated) General Fund Balance	\$ 12,763,194	\$ 12,763,194
	Increase/(Decrease) to Fund Balance	667,666	172,709
	Reserve for 2011 Encumbrances	(174,436)	(174,436)
	Designated for 21st Street Project		
	Designated for Snow Removal	(250,000)	(250,000)
	Designated for Abatements	(5,940)	(5,940)
	Estimate Self Insurance Reserve	(577,896)	(577,896)
	12/31/11 Projected Unreserved Balance	\$ 12,422,588	\$ 11,927,631
	12/31/10 (Estimated) Unreserved Fund Balance	\$ 11,754,922	\$ 11,754,922
	Designations from 2010 Revenue and OFS	-	-
	Increase to Unreserved Fund Balance	667,666	172,709
	2011 Projected Undesignated Fund Balance	\$ 12,422,588	\$ 11,927,631

SECTION 3. All appropriations made by this ordinance lapse at the end of the fiscal year to the extent they have not been expended or contractually committed to the departments named for the purpose of conducting the business of said departments of the City of Fairbanks, Alaska, for the fiscal year commencing January 1, 2011 and ending December 31, 2011.

SECTION 4. The effective date of this ordinance shall be the 22nd day of August 2011.

Jerry Cleworth, Mayor

AYES:
NAYS:
ABSTAIN:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM

Janey Hovenden, CMC, City Clerk

Paul J. Ewers, City Attorney

**SUMMARY OF ORDINANCE 5855
AS SUBSTITUTED
AMENDING 2011 GENERAL FUND BUDGET**

ESTIMATED REVENUES
\$441,622 INCREASE

1. Taxes – \$284,321 due to increased property valuations
2. Interest & Penalties – No Change
3. Licenses & Permits – No Change
4. Fines, Forfeitures, & Penalties – No Change
5. Other Intergovernmental Revenues – \$482,000 net increase due to an additional \$552,057 special revenue sharing distributions and a \$70,057 decrease in estimate annual revenue sharing
6. Charges for Services – No Change
7. Rental & Lease Income – No Change
8. Other Revenues – No Change
9. Other Financing Sources & Uses – \$324,699 decrease due to transferring \$282,000 and \$100,000 of additional State Revenue Sharing funds to the capital and permanent funds respectively, and an increase of \$57,301 in estimated annual operating funds available from the permanent fund.

ESTIMATED EXPENDITURES

\$936,579 INCREASE

1. Mayor & Council – No Change
2. City Attorney’s Office – No Change
3. City Clerk’s Office – No Change
4. Finance Department – No Change
5. General Account – \$147,000 Increase
 - a. \$100,000 increase for Abatements
 - b. \$ 12,000 increase for Steam
 - c. \$ 35,000 increase for Street Lights
6. Risk Management – \$97,970 Increase
 - a. \$ 75,397 increase to 2010 actual expenditures
 - b. \$ 22,573 increase to auto claims
7. Police Department - \$343,327 Increase
 - a. \$181,371 increase to salaries – PSEA CBA
 - b. \$ 4,817 increase to holidays – PSEA CBA
 - c. \$124,139 increase to benefits – PSEA CBA
 - d. \$ 33,000 increase to fuel oil and grease
8. Dispatch - \$97,182 Increase
 - a. \$ 54,278 increase to salaries – PSEA CBA
 - b. \$ 1,001 increase to holidays – PSEA CBA
 - c. \$ 41,903 increase to benefits – PSEA CBA
9. Fire Department – \$75,600 Increase
 - a. \$ 75,600 increase to benefits – “Me too” PSEA CBA
10. Public Works – \$175,500 Increase
 - a. \$150,600 increase to temp wages
 - b. \$160,000 increase to fuel, oil, and grease
 - c. \$ 15,500 increase to garbage for tipping fees
 - d. \$ 60,600 decrease to construction materials
 - e. \$ 50,000 decrease to outside contracts

- f. \$ 20,000 decrease to rentals
- g. \$ 5,000 decrease to training
- h. \$ 15,000 decrease to outside repairs

11. Engineering – No Change

12. Building Department – No Change

Introduced By: Mayor Cleworth
Finance Committee Review: August 2, 2011
Introduced: August 8, 2011

ORDINANCE NO. 5856

**AN ORDINANCE AUTHORIZING PREPAYMENT OF ALL
OUTSTANDING REVENUE BONDS FOR THE FAIRBANKS
TRANSPORTATION CENTER**

WHEREAS, as of the end of 2011, a balance of \$1,870,000 will remain outstanding in bond debt for the Fairbanks Transportation Center; annual interest rates are scheduled to vary between 4.75 -- 5.3% over the remaining life of the bonds until full payment in 2026; and

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

SECTION 1. The Mayor is hereby authorized to take all actions required to prepay all amounts due for the Fairbanks Transportation Center revenue bonds on the next date open for pre-payment.

SECTION 2. The effective date of this ordinance shall be the ____ day of _____, 2011.

Jerry Cleworth, Mayor

AYES:
NAYS:
ABSTAIN:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM

Janey Hovenden, CMC, City Clerk

Paul J. Ewers, City Attorney

City of Fairbanks



MEMORANDUM

To: Council Members
From: Mayor Cleworth *gc*
Re: Complete/Signature Street Steering Committee
Date: August 2, 2011

Michael Schmetzer, Public Works Director and Head Engineer, has requested that a steering committee assist with the formulation of the Cushman-Barnette Complete/Signature Street project. The group would look at the consultant's report, listen to public input, and work with Public Works to develop an overall plan.

To that end, I have appointed an ad-hoc committee comprised of the following members:

- Eric Stoner, Goldpanner Chevron Service
- June Rogers, Owner, McCafferty's, A Coffee House
- Donna Gardino, FMATS MPO Coordinator
- Mary Nordale, Attorney
- Scott Allison, Owner, S Salon
- Tim Cerny, Owner, Fountainhead Development Inc.

I will keep you up to date as this project moves forward.

Thank you.


ABC/

cc: Michael Schmetzer, PE

City Of Fairbanks



MEMORANDUM

To: City Council Members
From: Jerry Cleworth, City Mayor 
Subj: Clay Street Cemetery Commission
Date: August 3, 2011

Mr. David Erickson's appointment to the Clay Street Cemetery Commission expires this month.

I request your concurrence to the re-appointment of Mr. Erickson for a three-year term:

Mr. David Erickson – reappointment only. Term to expire: August 31, 2014

Thank you.

ABC/