



PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

12:00 PM, Tuesday, August 08, 2017

Room 310, City Conference Room

351 W Center, Provo, UT 84601

Agenda

Roll Call

The following elected officials were present:

Council Chair David Sewell

Council Vice-Chair David Knecht

Council member David Harding

Council member Gary Winterton

Council member George Stewart

Council member Kim Santiago

Council member Kay Van Buren, arrived 12:25 PM

Mayor John Curtis, arrived 1:31 PM

Prayer

The prayer was given by Stephanie Dutson, Council Intern.

Approval of Minutes

- May 24, 2017 Public Works Budget Retreat
- June 8, 2017 Budget Retreat
- June 20, 2017 Work Meeting
- July 5, 2017 Provo Towne Center Site Visit

Approved by unanimous consent.

Business

1. A discussion on an appropriation for an Impact Fee Facilities Plan and Impact Fee Analysis (17-097) ([0:02:43](#))

John Borget, Administrative Services Director, presented. Zion's Public Finance (ZPFI) has been selected as the firm assisting with the study. Estimates have been broken out by fund and are listed as such in the appropriation. The Energy Department already had funds available in their capital budget and have not been included in this appropriation. Mr. Borget indicated that representatives of ZPFI were present and could answer any additional questions.

Wayne Parker, Chief Administrative Officer, noted that the impact fee analysis process is a requirement of the State. While using a private consultant is not required, it is a prudent approach. The Impact Fee Review Committee will review the completed report in detail and make a recommendation to the Council. Mr. Parker explained that the City is required to expend every dollar of impact fees collected on an impact fee-eligible project within six years. If fees are not updated every six years, the City runs the risk of having collected funds that cannot be expended in time. The current impact fee studies are out of date, so it has become necessary to complete a new study. Going forward, impact fee reviews will happen on a staggered basis in conjunction with department and area-specific master plans. Susie Becker, ZPFI, indicated that costs for engineers and related costs are built into the impact fees and will be paid over time. ***Presentation only. This item was already scheduled for the August 8, 2017 Council Meeting.***

2. A discussion on a parameters resolution authorizing the issuance of up to \$30 million of general obligation refunding bonds; and related matters (17-098) ([0:20:20](#))

Daniel Follett, Finance Division Director, presented. Mr. Follett explained the terms of the general obligation refunding bonds. The City is five years into the 15-year repayment period, and as a lower market interest rate has become available, there is an estimated savings benefit of about 8.9%. The City would retain the same repayment term, but the full benefit would go back to the property tax-payers in Provo, as the debt service is paid through a levy to property tax. The date of the bond sale, September 19, 2017, is contingent on Council's approval at the September 19, 2017 Council meeting. The decision for the refunding of this bond does not need to be put before the voters, per the original terms that voters approved. The Finance division continually monitors all the City's bond issuances to analyze the interest rate environment and refunding opportunities. There are no obvious downsides, particularly considering that financial experts forecast rising long-term rates in the future. **Presentation only. This item was already scheduled for the August 8, 2017 Council Meeting.**

3. A discussion on road funding (17-095) ([0:35:54](#))

John Borget, Administrative Services Director, presented. Mr. Borget explained that the City's roads costs show up in several distinct places, including Utility Transportation Fund (UTF), B&T road fund (money collected on gasoline and diesel in the State of Utah), Engineering CIP (Capital Improvement Projects, which includes flow of impact fees), and Streets department (which is part of the General Fund). Mr. Borget shared a spreadsheet which combines data from each of these areas in a central document for easier presentation to the Council. Mr. Borget explained how to navigate the spreadsheet, which covers spending from 2012 to the present, and budgeted funds for 2017 and 2018. The City may receive funding during one year, then spend it on a project which is not completed until the following year (due to the cycle of the construction season); Council member Kim Santiago and Mr. Borget clarified that funds were not overspent, but projects may have utilized remaining funds from the previous year. The document also includes the 1% of enterprise funds which is transferred to fund roads.

Public Works shared maps showing a comprehensive view of UTF projects since 2012. Council members expressed that the results of the 1% transfer and UTF are evident; it is easy to see the value when driving on Provo's roads compared to other municipalities. Dave Graves, Engineering Division Director, answered questions from Council members about road-related issues:

- Kay Van Buren asked about the relative condition of roads throughout the City. Mr. Graves indicated that the City is at a stable point in the maintenance and upkeep of roads.
- Mr. Graves noted that the City's permitting process requires contractors to submit a haul route; the intent is to keep large vehicles with heavy loads and large amounts of traffic on major roads.
- Gary Winterton asked where information on road rehab projects can be found—Mr. Graves explained that details for 2018-2021 projects are available on the Engineering CIP website.
- The City usually redoes surfaces on major streets every 7-10 years and local streets 15-20 years.
- Public Works brought on a new staff member, with B&C funds, to work directly with the road rehab program and interacting with residents on needs in various areas.
- Mr. Graves anticipated that the next LTAP (Local Technical Assistance Program) study would be completed in 2019, with the process beginning in late 2018.
- If there are significant issues with a particular contractor or project, Public Works can work with the contractor on reaching a reasonable solution.

Wayne Parker, Chief Administrative Officer, indicated that the City works on a continuing basis with non-tax-paying entities, such as the County, Provo School District, and others, so they can contribute to the road infrastructure that benefits and impacts their customers, students, patients, etc. **Presentation only.**

4. An update on Victim Services grants (17-100) ([0:59:57](#))

Kortney Hughes, Victim Services Program Coordinator, provided a biannual update on grant funding for the program. Ms. Hughes and the Victim Services team work with crisis intervention, critical services referrals (domestic violence, sexual assault, sudden unexpected deaths), and community events and outreach. Much of the division's case load involves crises and critical needs, so their staff do not have as much bandwidth as they would like for outreach and education initiatives. Victim Services staff includes several full-time city-funded advocates and primarily part-time staff members whose positions are grant-funded. Some staff members are obligated to find other work as the funding for their position is ending.

Ms. Hughes explained that their process generally begins with a call to the police. Many cases involve physical assault, which may include secondary victims such as children, as well as unexpected events such as family member suicide, child's death, or other accidents. Ms. Hughes cited statistics on the number of individuals served through the program. Several sources of grant funding through the State have been fairly steady from year-to-year, but positions are harder to fill because Victim Services staff do not receive the same kinds of annual pay increases as a typical full-time employee.

Ms. Hughes addressed several questions from Council members about their funding from the State, education and outreach opportunities (which is one aspect of the program where Ms. Hughes and her associates feel needs more time and staff bandwidth), and the types of services that they can help families with in different scenarios. The division recently secured the VOCA (Victims of Crime Act) grant, which secures their jobs for a couple years. Their staff has dedicated a lot of time and effort to securing this grant and are continually seeking other opportunities for funding. Ms. Hughes noted important changes in the county and surrounding community that Provo can be proud of, due to the City's involvement in promoting these changes. Council Chair David Sewell expressed appreciation for the work of the Victim Services team and their important role in the community. *Presentation only.*

5. A discussion with the Economic Development Department on retail incentives and retaining business (17-087) ([1:17:54](#))

Dixon Holmes, Economic Development Chief Deputy, presented on retail incentives and job retention. Mr. Holmes explained the impetus for having incentives such as land or retail deals (and referenced specific scenarios of commercial projects in Provo where there was potential for incentives which would benefit the business as well as the surrounding community). Mr. Holmes indicated that there are certain implications for public policy, over which the Council has influence.

Council members shared observations on the trends of incentives in local municipalities and at a state level. Council member David Harding expressed that he is concerned when businesses essentially pit local municipalities against one another to maximize their profits. Mr. Holmes explained that the State is very proactive in working with businesses to keep them in Utah.

Mr. Holmes explained that Provo City rarely uses sales tax incentives, but has used other strategies at times when appropriate to the situation, such as covering impact fee costs, providing infrastructure, and other arrangements to facilitate businesses remaining or relocating to Provo. Incentives may not result in a quantifiable return on investment, but might result in an increased quality of life, or bringing a blighted or defunct property back into productive use. Mr. Holmes shared several factors for business site selection: workforce housing, education levels, quality of life, proximity to resources/workforce, target markets and demographics, costs of labor/wages/salaries, competition, infrastructure, and incentives. Mr. Holmes cited several examples of businesses which have had to relocate for the aforementioned reasons, as well as others that have been able to remain in or relocate to Provo because of Provo's distinct advantages and

specific incentives, such as aid of CDBG funding for installing infrastructure in Mountain Vista. Mr. Holmes noted that there are different challenges and tools for new big box retailers, versus those used to help retain existing businesses of various types. Mr. Holmes thought it is generally bad policy to pay people or businesses to stay in Provo; rather, he encouraged seeking concrete things the City can do to help make it work better for a particular business to stay, and to explore these options. **Presentation only.**

6. A discussion on parking (17-096) ([2:45:56](#))

Matt Taylor, Parking Administrator, presented. Mr. Taylor reviewed in brief the strategic parking plan which was developed for Provo City and which identifies characteristics of effective parking management programs. Mr. Taylor noted three areas of parking-related issues: real parking issues, perception issues, and knowledge gap issues. Mr. Taylor indicated that education (wayfinding and more), increased facilities management, consistent enforcement, and engaging market forces (including behavioral economics principles to examine how residents interact with parking) can all contribute in significant ways to the City's parking challenges. Parking experts in Boulder and Fort Collins, Colorado have suggested Provo treat parking as a capital facility which is integral to the City's transportation infrastructure. Mr. Taylor emphasized that parking is a means to an end, but not the end itself; different types of programming will result in different end results for the needs of different populations, which may vary by neighborhood and by resident (commuter needs vs. neighbor quality of life).

Mr. Taylor shared some of the projects currently in progress:

- The City is nearing the end of the downtown wayfinding project.
- Airport surface parking and new payment system utilizing license-plate-reader (LPR) technology
- Use of LPR or pay-by-phone for managing parking in structures
- Event management – requiring a parking management plan as part of event permit process
- Regular meetings with Downtown Provo, Inc.
- Outreach online and on Facebook through “Park Provo”

Mr. Taylor responded to several questions from Council members. He will give a follow-up presentation to the Council once the strategic plan has been distilled to a more concise format. **Presentation only.**

Policy Items Referred from the Planning Commission

7. Provo City Community Development Department requests an Ordinance Amendment to Section 14.02.010 to make city noticing requirements consistent with state law. Citywide impact. (17-0014OA) ([3:21:15](#))

Brian Maxfield, Planning Administrator, presented. This amendment was developed by the Council's Development Approval Process Review (DAPR) Committee in order to bring the City's noticing requirements into compliance with state code. Brian Jones, Council Attorney, observed that in his view as legal counsel is that it is not making a substantive change in what the law says, but rather clarifies the existing intent of the state statute and related city ordinance. **Presentation only. This item will be heard at the August 29, 2017 Council Meeting.**

8. A discussion on the Development Approval Process Review Committee's recommendation on noticing land use items (17-052) ([3:24:34](#))

Council Chair David Sewell presented the DAPR Committee's recommendations regarding land use noticing. The Committee explored noticing Council Meeting dates in conjunction with noticing for the Planning Commission, effectively reducing the number of weeks elapsing in the process and reducing duplication of staff efforts. It would also provide the public further advance notice—and an opportunity to

participate earlier with regards to public feedback on land use items before the Council has made a decision—of the Council meeting hearing dates than is currently noticed. Noticing of items for the Planning Commission is more thorough, and often includes postcards sent to individual residences within a certain radius of affected properties, and would help with public perception issues that the Council has already decided how to proceed before public comment has been fully considered. Mr. Sewell outlined the process for routine versus more complex items. The proposal received unanimous recommendation from the three Council members on DAPR committee, Community Development, and the Administration.

Council members shared comments and concerns about the proposal. The general sense was that this was advantageous for neighborhoods, allowing them more time earlier in the process, even as it shortens the process for developers. Council member Kim Santiago was concerned about the reduced time frame and the reactive (rather than proactive with setting agendas) position in which the process would place the Council Chair. There were additional concerns, of departing from usual Council procedure in allowing one Council member to choose to continue an item to a future meeting. Council member David Knecht noted that in the past, the Council has continued items to permit an additional neighborhood meeting, when requested.

Brian Jones, Council Attorney, clarified that there were discrepancies between the Council handbook and the City code, complicating the noticing process and timeline for staff. This proposal creates a default which addresses problems from a staff perspective, and has the additional advantages that the Committee examined. Mr. Jones noted that the process allowed for flexibility in changing the procedure at the discretion of the Council; five Council members could vote to suspend the rules in a unique situation.

The proposal as originally outlined is below:

	Week 0	Week 1	Week 2	Week 3	Week 4	Week 5	Saves
Current	Planning Commission			Work Meeting		Council Meeting	
Proposed: Non-routine items	Planning Commission	Work Meeting and 1st Council Meeting		2 nd Council Meeting			2 weeks
Proposed: Routine Items	Planning Commission	Work Meeting and 1 st Council Meeting					4 weeks

Motion: George Stewart moved to amend the proposal such that the second row, “Proposed: Non-routine items” was the proposed timeline for all items. Seconded by David Knecht.

Mr. Jones clarified that the text in the handbook resulting from the edit would read “If heard in Council Meeting for the first time on the same day it is heard in Work Meeting, the item will automatically be continued to the next Council Meeting.” with the subsequent draft portion removed.

Substitute motion: David Harding made a substitute motion to pass the proposal as written. Seconded by Kay Van Buren.

After additional discussion of the relative merits of keeping the proposal as written, versus adopting the simplified version, a vote on the substitute motion was taken.

Roll Call Vote: Approved 4:3, with Council members George Stewart, David Knecht, and Kim Santiago opposed.

9. Scott Bowles requests an Ordinance Amendment to Section 14.20.160 to increase the size of signs permitted in the Regional Shopping Center (SC3) Zone. Citywide impact. (17-0015OA) ([4:24:19](#))

Aaron Ardmore, Planner, presented. Provo Towne Center Mall has proposed this amendment in order to update signage located in the center median of entrances to the mall off of University Avenue. Under the current standard, only a 20-foot tall pole sign was permitted; the current signs utilize the mall's old logo and surrounding gas stations and businesses have much larger signage, which dwarfs the mall's outdated existing signs. This proposal would allow increased height and size, allowing the mall to replace the outdated signs. Staff and the Planning Commission have recommended approval.

Dixon Holmes noted the mall's challenges with direct access and visibility, as it does not have a strong presence on University Avenue. In 1997, the sign ordinance did not allow signs of this nature in the public right of way; this ordinance was written specifically to permit the placement of this sign. Community Development staff indicated that the size of signs permitted is regulated by the frontage of a particular property. Gary McGinn, Community Development Director, explained that the precedent is that we should treat any other regional malls that we have in Provo the same way. **Presentation only. This item was scheduled for the August 29, 2017 Council Meeting.**

10. McKay Christensen requests an Amendment to Section 14.21A.110 to eliminate the facade setback for buildings in the General Downtown (DT1) Zone. Downtown Neighborhood. (17-0011OA) ([4:34:20](#))

Dustin Wright, Planner, presented. This ordinance amendment proposes eliminating the façade setback requirement (floors above the third story must be stepped back 20 feet from the rest of the façade) for the block between 100 and 200 East on Center Street, as this block is actually outside of the historic downtown area (which ends at 100 East). A revised recommendation leaves the setback at one foot, rather than eliminating it entirely; this would preserve the architectural expression of the stepped-back third story, which is consistent with other architecture in the historic district. There have been slight adjustments to the original ordinance requiring a setback as the built environment has helped to shape the policy for creating architecturally pleasing developments. Staff indicated that specific properties which would be of specific concern are already protected by Landmarks provisions and related city ordinance; by eliminating this requirement, this would allow more options for infill development and environments. Mr. Parker indicated that when the downtown zone was developed, the intent was to avoid a canyon effect of having tall buildings completely lining Center Street. East of University Avenue, the buildings south of Center Street are set back from the road, so the canyon effect is much less significant.

Several Council members expressed a desire to maintain the historic characteristics and feel of Center Street and to exercise caution in reducing this requirement elsewhere; different sections of Center Street have different historic ambience and Council members did not want to approach these decisions lightly, while wanting to strike a balance with encouraging infill and new development. **Presentation only. This item will be scheduled for the August 29, 2017 Council Meeting.**

11. McKay Christensen requests an Ordinance Amendment to Section 14.21A.090 to reduce the average apartment square footage from 800 feet to 600 feet in the General Downtown (DT1) Zone. Downtown Neighborhood. (17-0013OA) ([4:49:45](#))

Dustin Wright, Planner, presented. This proposal to reduce the average apartment square footage to a 600-square foot average, but no less than 500-square feet, received a recommendation of 4:2 from the Planning Commission. The applicant has proposed a 130-unit mixed-use development, of which 126 units would be one-bedroom and 4 units would be two-bedroom. Bill Peperone, Community Development Assistant Director, explained that this proposal is project-specific, applying in only the DT1 and DT2

zones. Mr. Peperone noted that ITOD was left out of this proposal in order to alleviate concerns with more low-income high-density housing in the Franklin and South Franklin areas. ***Presentation only. This item will be scheduled for the August 29, 2017 Council Meeting.***

Closed Meeting

12. The Municipal Council or the Governing Board of the Redevelopment Agency will consider a motion to close the meeting for the purposes of holding a strategy session to discuss pending or reasonably imminent litigation, and/or to discuss the purchase, sale, exchange, or lease of real property, and/or the character, professional competence, or physical or mental health of an individual in conformance with § 52-4-204 and 52-4-205 et. seq., Utah Code.

Motion: George Stewart moved to close the meeting. Seconded by David Harding.

Roll call vote: Approved 7:0.

Adjournment

Adjourned by unanimous consent.