



PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

12:00 PM, Tuesday, March 06, 2018
Room 310, City Conference Room
351 W. Center Street, Provo, UT 84601

Agenda (0:00:00)

Roll Call

The following elected officials were present:

Council Chair Gary Winterton, conducting
Council Vice-chair David Harding
Council member David Sewell
Council member David Knecht

Council member George Handley
Council member George Stewart, arrived 12:29 PM
Mayor Michelle Kaufusi, arrived 12:13 PM
Excused: Council member Kay Van Buren

Prayer

The prayer was given by Fire Chief Jim Miguel.

Approval of Minutes

January 16, 2018 Council Retreat
January 23, 2018 Work Meeting
February 20, 2018 Work Meeting
March 1, 2018 Joint Meeting with Orem Council
Approved by unanimous consent.

Business

1. An update on the Victim Services Grant (18-028) *Continued to a future Work Meeting.*
2. A discussion on a proposal on reestablishing a youth council program (18-030) (0:03:50)

Council Executive Director Cliff Strachan and Helen Patterson presented on a proposal to reestablish a youth council program in Provo City. Mr. Strachan outlined how the budget impact and how the youth council would operate. Ms. Patterson shared her experiences with other youth council programs and their benefits. Ms. Patterson would work in local Provo schools to recruit students. Council members shared comments and their support of reintroducing this program in Provo and expressed their appreciation for Ms. Patterson's dedication in spearheading this program. Ms. Patterson is a supporter of Provo Promise and shared how Council members could become more involved with that organization if they wished.

Motion: David Harding moved to proceed with implementation of the youth council program. Seconded by George Handley.

Roll call vote: Approved 5:0, with Kay Van Buren and George Stewart excused.

3. A presentation on the Police Department and potential budget requests (18-005) ([0:48:32](#))

Police Chief Rich Ferguson presented on the Police Department operations and budget requests. Chief Ferguson shared the department's community-based policing culture and strategy and highlighted data and key considerations from the Police Executive Research Forum (PERF) report produced in 2012. Chief Ferguson highlighted several areas where attention and resources are needed:

- Staff dedicated to enforcing traffic violations, issuing citations, and educating local drivers
 - Dedicated traffic patrols help to reduce accidents and traffic incidents.
- Officers dedicated to working gang investigations
- Continued involvement with the local FBI chapter's cyber-crime task force
- Equipment needs: Chief Ferguson shared a video from an officer's body-worn camera demonstrating a recent use-of-force incident and the deficiencies of current equipment
- Hiring of additional officers to achieve the FBI-recommended level of staffing
 - BYU police officers serve on campus and are reluctant to assist elsewhere in the City.
 - Lieutenant Brandon Post shared figures from the FBI Uniform Crime Reporting (UCR) database which illustrated Provo's staffing levels.
 - To achieve the FBI-recommended staffing level with current population figures, Provo would need to add 6.6 officers per year; this does not take population growth into account.

Chief Ferguson explained several factors in the current budget which could mitigate the impacts of these department needs. The Police Department has put forth a staffing plan proposal to hire eight new officers: one in cyber-crime, five for the traffic team, and two dedicated to gang enforcement. Wayne Parker, CAO, indicated that the Administration could obtain more information regarding population projections for 2030.

Chief Ferguson highlighted inadequacies of the current Police facilities, including:

- factors regarding safety and security of staff, citizens, and guests
- seismic upgrades needed
- lack of space and having to rent space; off-campus divisions and security concerns
- no contingency plan for an emergency (e.g., for the public safety facility operations)
- in-custody arrests and outside security
- location of interview rooms
- evidence storage area (pipes have burst, humidity, mold, limited space for future storage, etc.)
- fleet storage areas and related safety concerns

Lieutenant Brian Wolken introduced several supplemental requests:

- online reporting system which would reduce calls to which officers would need to respond
- scheduling software for patrol
- less lethal systems for patrol officers
 - A pepperball system is more effective and requires less costly long-term investment than Tasers [which need to be replaced frequently and require an annual training for users]. The department would initially replace half of the Tasers in circulation.
- Additional 10 body-worn cameras to meet needs of department
 - This program has been very successful and the use of body-worn cameras has introduced savings in court time and overtime.

Council members asked questions about the requests and concerns of the Police Department. Mr. Parker indicated that the Administration is still in budget development and would welcome any direction or indication from the Council. As a member of the Budget Committee, Council member George Stewart stated that he would be very supportive of a new public safety building and adding the requested police officers. Council Executive Director Cliff Strachan indicated that they have asked the Administration to be very clear about changes or adjustments to the budget, as it is helpful for Council members to understand

how the budget is changing and why. Council member George Handley asked if there was a reason Chief Ferguson was requesting eight additional officers and not more. He suggested that if there were strong reasons for the Police Department to have more officers, that the Council would like to hear them. Chief Ferguson indicated that his initial request was eight officers, in recognition of the fact that many other departments have funding needs. He stated that if the department does not have means to hire eight officers initially, he is not sure how to get Provo on a trajectory to meeting the City's police staffing goal by 2030. Several Council members expressed that they also saw the public safety facility needs as critical.

Chief Ferguson was appreciative of Provo's strong police department—both the civilian staff and sworn personnel have demonstrated their dedication to community, family, and preservation of life. Having worked with many agencies, he recognizes that Provo has a wonderful culture in the Police Department.

Motion: George Stewart moved that public safety is the Council's top budget priority. Seconded by David Sewell.

Several Council members expressed support for addressing the public safety needs of the City, but some wished to hear the entirety of department budget presentations as well as the recommendations and priorities put forth by the Administration following the conclusion of the departments' presentations. Several Council members also expressed that the sewer planning needs weighed heavily as a priority. Council member discussed these considerations and the proposed motion.

Amended motion: George Stewart amended the motion to clarify that public safety is the Council's top budget priority for the General Fund out of the budget presentations made to the Council thus far. Seconded by David Sewell.

Council members discussed the amended motion.

Roll call vote: Approved 6:0, with Kay Van Buren excused.

4. A presentation on the Fire Department and potential budget requests (18-005) ([0:18:00](#))

Fire Chief Jim Miguel presented on the Fire Department budget for fiscal year 2019. Chief Miguel shared the department's priorities and recent successes made possible through budget allocations. Chief Miguel outlined elements of Vision 2030 and the department's goals regarding response times, response force and staffing. As development occurs on the west side, the Fire Department will need to address corresponding fire station needs for that area of the City. There is also significant need to reconstruct Fire Station 2, which is an aging and inadequate facility.

Chief Miguel and Police Chief Rich Ferguson have proposed that 911 services have an autonomous budget. As 911 operations relate to both the Police and Fire Departments, this would simplify the operations of the 911 services and dispatch, allowing necessary needs to be addressed directly. Several supplemental requests for the upcoming budget included console stations to improve the dispatch work environment, dispatch software to render 911 operations more effective and efficient, and replacement radio equipment in order to comply with statewide changes for emergency radio systems. Chief Miguel outlined what current equipment and elements of the system would be compliant with the new standards from the Utah Communications Authority and he highlighted the elements which will need to be replaced during fiscal year 2019.

Chief Miguel highlighted future equipment needs, noting rising costs and equipment will eventually need replacement. He and his staff have recommended a capital fund to designate funds each year for future public safety equipment replacement. Chief Miguel outlined projections of when the Fire Department will need to purchase replacement equipment. In order to have the funds available when they need them in

future years, the proposed annual CIP contribution would be \$105,000. Council members shared comments on the needs of the department. **Presentation only.**

5. A discussion on an appropriation for the Fire Department (18-031) ([1:57:35](#))

Fire Chief Jim Miguel gave background information on the department's wildland responses, which in recent months have included responding to calls in California, Montana, Idaho, southern Utah, and Oregon. The expenses are often covered by the federal government or the state in which the department responds. Because the reimbursement rates are calculated over a wide area/number of states, the amounts received to reimburse Provo firefighters' time often exceed the City's costs. The Fire Department intends to continue working with this program and responding to these calls throughout the western United States—it builds rapport with other communities and provides a great training opportunity. It also builds trust with other communities, who would be engaged in any efforts to respond to similar wildland fires in the Provo area. With the excess funds from these reimbursements, the Fire Department has requested an appropriation to purchase a wildland vehicle better-suited for long-distance travel as well as the demands of a wildfire response. This equipment purchase will also ensure that Provo has adequate equipment available, even when a team is engaged in a wildland response.

In addition to this wildland vehicle, the Fire Department has also requested to use some of these reimbursement revenue funds to complete a geotechnical study and boundary and topography survey for the reconstruction of Fire Station 2. The total allocation of these requests is \$178,620, which leaves the remaining revenue to the City at \$28,943. The Fire Department will present a resolution for the appropriation at the March 27, 2018 Council Meeting. **Presentation only.**

6. A presentation on the Innovation Program (18-029) ([2:07:03](#))

Wayne Parker, CAO, gave background information on the innovation program and the allocation of funds to projects. Bre Brush, Management Analyst, presented on the application and selection process. Projects which did not advance did not demonstrate clear cost savings or improvement of inefficiencies, or otherwise did not meet the performance criteria. Winning projects often made use of cutting edge technology, solved an inefficiency, and pertained to resident-facing operations. Projects included:

- Dispatch Academy for Police and Fire Dispatch
- Security Card Access System for Airport
- Small Business Self-Inspection
- Civil Division software for civil litigation tracking
- Flock receiver devices at the Rec Center for use with child watch and camp programs
- Drone program (Channel 17, IS, and GIS)
- GIS Emergency Operations Center mobile unit

They awarded about \$88,000 in requests, leaving some funds as a contingency. Mr. Parker and Ms. Brush were thrilled with this first round and will continue to encourage departments to evaluate cost-savings while making their operations more efficient. This round of submissions did not allow submissions from operations funded by enterprise funds, but this is an area to explore for the future. Council members shared feedback and suggested sharing the idea with Orem the School District. **Presentation only.**

7. A discussion on an amendment to the Provo City Code regarding recodification of the City Code. (18-033) ([2:27:28](#))

Brian Jones, Council Attorney, presented the amendment, which would remove a historical anachronism from the City Code. In the past, printed editions of the codebook referenced a formal recodification approved by the Council. Now that the code is primarily used online, and is updated regularly with each

individual ordinance amendment, the date reference in this section of the code is no longer necessary. The amendment removes the reference to the year in the title and simply calls it the City Code.

Motion: David Sewell moved to place this item on the consent agenda for the next Council Meeting. Seconded by George Handley.

Roll call vote: Approved 6:0, with Kay Van Buren excused.

8. A discussion on the General Plan update (18-032) ([2:30:07](#))

Cliff Strachan, Council Executive Director, gave a chapter-by-chapter update on the review of the General Plan. Mr. Strachan made note of comments and updates which have been made thus far. Several comments pertained to legislation which was under consideration by the State Legislature, and Council members discussed these concerns in more detail with the Administration. Also of note, the title to chapter 6 was clarified to mean “Historic Preservation, Redevelopment, and Residential Conservation,” in order to better reflect a desire to retain the historic charm of pioneer neighborhoods and the unique character of the downtown areas. Several sections incorporated goals which were updated in Vision 2050.

Following cleanup of this draft, Council recommended beginning the public outreach process, which would utilize coverage by the Daily Herald, Open City Hall, email lists, Mayor’s Office publicity, and the neighborhood program, among other means. Council member George Handley suggested that City boards and commissions perform an in-depth review of chapters relevant to their objectives.

Motion: Gary Winterton moved to send this out to the general public and begin the public comment process. Seconded by David Harding.

Mr. Strachan elaborated on the procedure for receiving comments—after the three-week comment period, the draft will be sent to the Planning Commission and the Council, allowing further public input/comment. Mr. Strachan explained the review process for comments received and Council members shared comments.

Roll call vote: Approved 6:0, with Kay Van Buren excused.

Policy Items Referred from the Planning Commission

9. A discussion on a General Plan Map Amendment from Commercial to Residential for 1.52 acres of land located at 490 South State Street. Maeser Neighborhood (17-0002GPA)

10. A discussion on a Zone Change from General Commercial (CG) to High Density Residential (HDR) for 1.92 acres of land located at 422-490 South State Street. Maeser Neighborhood. (17-0010R)
Items 9 and 10 were continued to the March 27, 2018 Work Meeting.

11. A discussion on a proposed Zoning Ordinance amendment to Section 14.41 Major Home Occupations to extend daytime business hours from 5:00 pm to 7:00 pm. Citywide impact. (17-0025OA) ([3:10:23](#))

Robert Mills, Planner, presented. The applicants submitted an amended application to allow the additional employee for a major home occupation to be present until 7 PM. At the subsequent hearing, several Planning Commissioners felt 9 PM was more appropriate and made this recommendation. Mr. Mills explained that minor and major home occupations allow a home business that is an innocuous secondary use. A minor home occupation could be a consultant, CPA, etc. A major home occupation could be a daycare with more than six children, or the proposal of this applicant—a performing arts school in their basement with six participants attending a class per hour. This is considered a major home occupation due

to the potential of because there could be additional impacts and a conditional use permit (CUP) must be obtained in order to operate the business. Generally CUPs go through an administrative hearing process, though a more controversial application may go to the Planning Commission.

Council members asked about the citywide ordinance change in the context of CUPs. Mr. Mills and Gary McGinn, Community Development Director, explained that the outer limit of what can be permitted is set by the City Code; a CUP can be reduced to additional conditions or criteria, but it cannot supersede City ordinance. It was for this reason the Planning Commission recommended changing the outer limit to 9 PM; any exceptional situations will go through the CUP process and staff or the Planning Commission will have the ability to narrow the hours per specific conditions. The CUP process assesses the impacts to the neighborhood, which are given conditions or may not be approved. Another revision of this ordinance could designate criteria for operating hours. Mr. McGinn outlined the typical process for a CUP—most do not receive a flat-out denial, but generally have conditions associated with the permit being granted.

Council member David Sewell shared a chart comparing Provo's ordinance to nearby cities. Mr. Sewell hoped to continue the discussion at a future meeting—he had suggestions related to hours of operations and customer visit limits. Other Council members shared comments and asked questions clarifying elements of the proposal outlined by Mr. Mills and Mr. McGinn. Mr. Mills clarified that with a home occupation, the primary use of the structure is a dwelling; the business use must be secondary and ancillary to the use as a residence. For CUPs, the default position is no conditions—then based on evidence of impacts (determined through assessment of the specific property and use), conditions can be assigned.

Mr. Mills explained additional context for this request—for performance-based classes involving elementary through high school students, there are generally burdens placed on the students' time which extend into later hours, including impacts of parental work hours. Council members requested a list of major home occupations throughout the City. ***Presentation only. This item was already scheduled for the March 6, 2018 Council Meeting, but it was anticipated that it would be continued.***

12. A discussion on a proposal to adopt by resolution a Complete Streets Policy and incorporate said policy as an appendix to the General Plan. Citywide impact. (PLGPA20180028) ([3:34:03](#))

Austin Corry, Planner, presented. Throughout the city, there are many groups and stakeholders interested in the transportation network and how it affects them. Many guiding documents for the City, including the general plan, a number of master plans, and several neighborhood master plans, discuss complete streets principles or adoption of a complete streets policy. This proposal for a Complete Streets policy has been developed by the Transportation & Mobility Advisory Committee, with assistance and input from the Bicycle Committee, the Planning Commission, and Public Works.

Complete Streets focuses on all users and all nodes. A recent study showed that on average in American cities, that 30-45% of developed land in the city is taken up by the street network. A movement in the 1990s coined the term Complete Streets, positing that the transportation system is the lifeblood of the city and serves more than just a utilitarian function. Mr. Corry emphasized several things that Complete Streets is ***not***: it is not one special street project, and it is not a design prescription or one standard street cross section (meaning that it varies based on the needs for a particular street and its uses). Rather, Complete Streets is a high-level policy direction which changes the culture of planning for transportation needs to consider the long-term vision, results, and how these benefit or consider all users of a particular transportation network.

Mr. Corry outlined how a complete streets perspective works with transportation planning at a policy-making level. Throughout the United States and Puerto Rico, 1300 agencies have adopted Complete Streets policies, including Salt Lake City, Wasatch Front Regional Council, Utah Division of Transportation, and Salt Lake County. Mr. Corry outlined several tools through which cities have adopted these policies.

In response to a question from Council member George Handley, Mr. Corry explained that Complete Streets policies acknowledge the complexity and autonomy of different neighborhoods; this operates at a policy level rather than a prescriptive low-level implementation. For example, rather than dictating that a sidewalk is a pedestrian facility, Complete Streets would encompass conducting an analysis to explore how pedestrians will be accommodated. Context sensitivity is important in Complete Streets. The drafted policy proposal encourages looking at design solutions rather than applying a uniform standard for every situation, however the policy refers to several national standards as reference sources which may include ideas for a particular solution. Mr. Corry requested that Council share any feedback and he can work with TMAC to address any feedback. *Presentation only.*

Closed Meeting

13. 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 Knecht.

Roll call vote: Approved 6:0, with Kay Van Buren excused.

Adjournment

Adjourned by unanimous consent.