

**Please Note – These minutes have been prepared with a time-stamp linking the agenda items to the video discussion. Electronic version of minutes will allow citizens to view discussion held during council meeting.**



## **PROVO MUNICIPAL COUNCIL**

### **Redevelopment Agency of Provo**

#### **Regular Meeting Minutes**

5:30 PM, Tuesday, June 05, 2018

Room 200, Municipal Council Chambers

351 West Center, Provo, Utah

### **Opening Ceremony**

#### **Roll Call**

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Council Member David Knecht

Council Member George Stewart

Council Member Gary Winterton

Council Attorney Gary Millward

Mayor Michelle Kaufusi

Council Member David Harding

Council Member David Sewell

Council Member Kay Van Buren

Council Executive Director Clifford Strachan

Chief Administrative Officer Wayne Parker

Council Member George Handley was excused.

Conducting: Chair Winterton

**Prayer** – Dustin Grabau

**Pledge of Allegiance** – Joshua Yost

#### **Approval of Minutes**

- **April 10, 2018 Council Meeting Minutes**

The April 10, 2018 Meeting Minutes were approved unanimously.

#### **Public Comment (0:17:50)**

Before Chair Winterton opened public comment, Karen Tapahe, Neighborhood Coordinator, presented a large wooden pig that had been painted by Neighborhood Art Center. Ms. Tapahe explained that each year Utah County selected an animal that is cut from wood and given to each city in the county to decorate and display at various locations throughout the city to promote the Utah County Fair. Provo's pig had recently attended the Lakeview North Neighborhood meeting and the Covey Center. Ms. Tapahe encouraged anyone who sees the pig around town to take photos post them on social media with #ProvoPig or #FairFever. The 2018 Utah County Fair would be held August 15-18 at Spanish Fork Fair Grounds.

Chair Winterton opened public comment.

Vance Law lived in the Grandview Neighborhood. Mr. Law said many of his neighbors were opposed to the road improvement project on Bulldog Boulevard. He said they did not understand how reducing the street by a lane would improve traffic conditions. Mr. Law did not believe there had been adequate time for public input. He felt the project was being forced on the community with too little information. Mr. Law said the bike lanes were not practicable when only a small portion of the population said they would use them. He was opposed to spending public funds on the project.

Pam Jones, Edgemont Neighborhood Vice-Chair, stated that she agreed with Mr. Law.

James Paxman lived in the Grandview neighborhood and echoed the previous comments. Mr. Paxman thought the road was already adequately safe and had only ever witnessed one accident. He thought some of the accidents may have been due to the students attending Provo High School who were novice drivers. This would no longer be an issue since the school had relocated. He worried that restricting the lanes would cause those traveling west onto state street to get backed up.

Valerie Paxman, Grandview Neighborhood, was also opposed to the construction project. She thought the designers had missed the mark in multiple locations. Specifically, she disliked the bike lanes on either side of the street where traffic would have to cross into the bike lane to turn into businesses. She thought bicyclists would end up using the sidewalk anyway. Ms. Paxman said the city needed a good East-West corridor in Provo and she feared this project would make Bulldog Boulevard unusable.

Aaron Skabelund, encouraged the city to define the Parking Coordinator job well. He worked at BYU and said he frequently biked along Bulldog Blvd and noted congestion was not a problem on this road, except for certain times of the day. He recalled the street became wider because parking was removed from either side, which he believed was the only reason it turned into a seven-lane road in the first place. He said the engineers had proven the additional lanes were unnecessary. He asked the council to consider the data presented by public works and the consultants.

There were no other comments from the public.

### **Action Agenda**

*Please note: Items were presented in a different order than listed on the agenda to accommodate the presenters and those in attendance. The number next to the item indicates where the item originally appeared on the published agenda.*

- 3 Ordinance 2018-17 amending the zone map classification of approximately 43 acres of real property, generally located from 920 S to East Bay Blvd and from University Ave to 190 E, from Planning Industrial Commercial (PIC) to Regional Shopping Center (SC3). East Bay Neighborhood. (PLRZ20180100) (0:29:37)**

**Motion:** An implied motion to approve Ordinance 2018-17, as currently constituted, has been made by council rule.

Joshua Yost, Community Development Planner, said this was an effort to encourage the redevelopment and retenanting of East Bay Shopping Center. It had been zoned as Planning Industrial Commercial (PIC) in 1994. The PIC zone had been amended to be more applicable to manufacturing or industrial uses. Mr. Yost explained that in order to facilitate redevelopment of the shopping center and to permit additional

considerations to increase viability for retailers, Economic Development requested this amendment and received unanimous recommendation from the Planning Commission and staff.

Mr. Harding asked for an image of the shopping center to be displayed. Mr. Yost described the land from Taco Bell (900 South) to Arby's (approximately 1400 South) would be included, this was 13 parcels of land, totaling 43 acres.

Chair Winterton opened public comment, there was no response. He called for a vote on the implied motion.

**Roll Call Vote:** The motion to approve Ordinance 2018-17 passed 6:0 with Council Members Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor. Council Member Handley excused.

**4 Ordinance 2018-18 amending Provo City Code to make the definitions of "baching singles" and "family" consistent with state law. Citywide impact. (PLOTA20180054) (0:33:12)**

**Motion:** An implied motion to approve Ordinance 2018-18, as currently constituted, has been made by council rule.

Joshua Yost, Community Development Planner, presented. The purpose of the amendment was to bring the definition of "baching singles" and "family" to be consistent with state laws. The request was brought forward to Mr. Sewell by a constituent. Planning staff and the Planning Commission recommended approval.

Chair Winterton opened public comment, there was no response.

Mr. Harding said appreciated how quickly this item had been brought before council, but regretted that it had not been discussed in work session. Mr. Harding asked for additional clarification about what the ordinance would do. Mr. Yost said the amendment would remove any reference to areas of the city where it previously permitted only two unrelated individuals to occupy a dwelling and removed and related references to the provision from the definition of family and the related definition of baching singles.

Mr. Harding said state code referenced the term "single family" as the designation for certain housing types and defines the number of unrelated individuals that could occupy a unit. Whereas, in Provo's code, the term "family" was defined. Mr. Harding was not comfortable with government defining what family meant. He preferred the state's approach, that defined occupancy, rather than family.

There was discussion between Mr. Harding and Mr. Knecht about how the state defined family. Mr. Harding withdrew his comments since it was not directly related to this item. Mr. Knecht ask if Mr. Millward had the state's language available. Mr. Millward did not, but he recalled from his time providing legal counsel for Code Enforcement, there had been an advisory opinion written on this topic, he offered to locate it and provide it to the councilors for future discussion.

Mr. Strachan called attention to Exhibit A which detailed the language that had been removed to make the code consistent with state law.

Chair Winterton called for a vote on the implied motion.

**Roll Call Vote:** The motion to approve Ordinance 2018-18 passed 6:0 with Council Members Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor. Council Member Handley excused.

**1 Resolution 2018-21 approving the Program Year 2018 Annual Action Plan, Fourth Year Update to the 2015 Five-Year Consolidated Plan, including CDBG and HOME Funding recommendations (18-056) (41:29)**

**Motion:** An implied motion to approve Resolution 2018-21, as currently constituted, had been made by council rule.

Daniel Gonzalez, CDBG & HOME Administrator, presented. He reminded council this item was first discussed one month earlier when the public comment period began. He said every year there was an allocation of CDBG and HOME funding, and to receive this funding an action plan must be submitted detailing how the funding would be used. Since the previous meeting, the funding from HUD had been received and the documents had been updated to reflect the actual amount received.

Mr. Gonzalez shared a presentation that explained how the CDBG funds had been used from 2000-2017 (0:43:19). Chair Winterton asked what was included in the Public Services category and Mr. Gonzalez explained it represented services like Community Action, Center for Women and Children, and Food and Care Coalition.

Mr. Gonzalez said Provo was part of a HOME Consortium with Lehi, Orem, and Utah County. He noted that not every entity within Utah County was part of the consortium. The funding was pooled depending on projects to be funded. In the previous council meeting one of the councilors asked how much funding Provo would receive without consortium participation, he said Provo would only receive 43 percent of what we had been receiving.

In the last 17 years, over 379 individuals had received down payment assistance in Provo. The Redevelopment agency also administered a down payment assistance program for the consortium, this had served 732 individuals. The loan amount maximums were based upon income and home cost.

Mr. Gonzalez reviewed the updated funding allocations. He explained because there was more HOME funding received than requested, so the funds were distributed based upon the ranking established by the committee. Had the funding been less than anticipated, the same methodology would have been used to decrease allocations.

Because extra funding was received, Mr. Harding asked if all of the funds needed to be allocated or if it was possible to hold until the money and allocate it in the following year. Mr. Gonzalez said in the past there had been more flexibility on how to allocate the program income, but now it was more specific. He did not think this was an option.

Chair Winterton opened public comment, there was no response.

Mr. Harding said allocating 42 percent more funding than anticipated made him uncomfortable. Mr. Harding thought it could be problematic to give more than had been requested. Mr. Gonzalez explained

that even if a requestor receives more money than requested, it still is not funding the entire project, it only bridges the gap in funding. He shared several examples and emphasized it would not overfund the project, just bridge the gap.

Mr. Knecht said in some circumstances, if the requestors could not use the money that was allocated, then the money is retained, not lost. Mr. Gonzales agreed and said in 2009 or 2010 the RDA had requested over \$2 million for down payment assistance in a two-year period. Because of changes in the housing market, the RDA was not able to use all the funding and it was returned. He said there were usually contracts that stipulated how long they had to use the funding.

Mr. Harding felt more comfortable knowing the funding was used to bridge gaps. He thought it was important for the requestors to look for opportunities in the community for additional funding.

Mr. Knecht had served on the CDBG committee for several years. He recalled making hard choices and said if there is extra money, then you give it to the group that could make the best use of it. He pointed out the allocation recommendations had been made by committee members.

Mr. Gonzales asked the council not to leave any funding out, it risked the plan not being approved. He encouraged the council to follow the committee's recommendation.

**Roll Call Vote:** The motion to approve Resolution 2018-21 passed 6:0 with Council Members Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor. Council Member Handley excused.

**2 Resolution 2018-22 appropriating \$160,000 in the General Fund, Parks and Recreation Department to fund needs in the Recreation Center applying to the fiscal year ending June 30, 2018. (18-064) (1:11:25)**

**Motion:** An implied motion to approve Resolution 2018-22, as currently constituted, has been made by council rule.

Scott Henderson, Parks and Recreation Director, presented. He said this request was an example of success impact. One of the reasons the recreation center needed the appropriation was to cover an increase in credit card merchant fees. Credit card merchant fees are the transaction fees charged for processing credit card payments. Credit card transactions at the recreation center had increased, causing the merchant fees to also increase by approximately \$40,000. He reminded the council this was an appropriation from the increase in revenue at the recreation center, and the revenues were more than the requested appropriation. Mr. Henderson invite the Recreation Center Manager to provide more detail about the request.

Bryce Merrill, Recreation Center Manager, said there had been a consistent 8-12 percent increase in revenue since the new recreation center opened. There had been some increase in available expense money, but it had been outpaced by increased revenue. The appropriation would be used to maintain the quality and quantity of the programs offered.

Mr. Merrill said when the recreation center was compared nationally, Provo's operating costs were well below the national average. There was a cost recovery rate of 117 percent, which made Provo a national leader. When compared nationally, there were five times the number of daily users.

The majority of the requested money would cover personnel costs to adequately staff fitness classes, child watch, custodial, and provide proportionate staffing throughout. He did not want to artificially cap the services being offered. Operating costs had also increased due to increased patronage. Some of the consumables had increased due to increase patronage. There were 1000 more resident members this year than last. The triple play program, which included access to the East Bay Golf Course, Peaks Ice Arena, and Recreation Center, had just been introduced and had already increased membership.

Mr. Merrill reminded the Council that his department had not had to come to them for an additional appropriation for the last three years.

Mr. Stewart asked what percentage of increased revenue was being requested. Mr. Merrill said in 2017 there was a revenue increase of \$225,000, they were asking for about 60 percent of the increase.

Chair Winterton opened public comment, there was no response. He called for a vote on the implied motion.

**Roll Call Vote:** The motion to approve Resolution 2018-22 passed 6:0 with Council Members Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor. Council Member Handley excused.

**5 CONTINUED TO JUNE 19 COUNCIL MEETING: A resolution to adopt the amendments to the General Plan text for the General Plan update. (PLGPA20180142)**

Although the item had been continued, Chair Winterton opened public comment. There were no comments.

**6 A public hearing on an ordinance adopting a budget for Provo City Corporation for the fiscal year beginning July 1, 2018 and ending June 30, 2019, in the amount of \$211,626,977, and amending the Consolidated Fee Schedule and Provo City Code Section 4.04.060. (17-067) (1:27:03)**

Dustin Grabau, Budget Officer, presented. He explained several changes had been reviewed in the work session. He said these were minor changes, including events funding in Parks and Recreation. There were also changes in the sanitation division and vehicle maintenance category.

Chair Winterton opened public comment.

Pam Jones, Edgemont Neighborhood Vice-Chair, said she enjoyed the budget retreat and thought it was informative. Ms. Jones went through part of the budget online and wanted to know where taxes had been cut. Chair Winterton explained it was not typical for the council to respond during public comment, he offered to discuss this with her in the future.

Mr. Knecht thanked Ms. Jones for attending. He acknowledged how important this item was, considering the size of the budget. Mr. Stewart also commended Ms. Jones for her attendance.

Recess as the Municipal Council and convene as the Redevelopment Agency by unanimous consent.

## **Redevelopment Agency of Provo**

- 7 A public hearing on a resolution adopting a budget for the Redevelopment Agency of Provo City Corporation for the fiscal year beginning July 1, 2018 and ending June 30, 2019, in the amount of \$7,377,462 . (18-062) ([1:32:09](#))**

Dustin Grabau, Budget Officer, presented. He said there had been no changes since the tentative budget had been presented to council.

Redevelopment Agency Chair Knecht opened public comment, there was no response.

Recess as the Redevelopment Agency and convene as the Board of the Stormwater Service District by unanimous consent.

---

## **Stormwater Service District**

- 8 A public hearing on a resolution adopting a budget for the Provo City Stormwater Service District in the amount of \$4,713,241 for the fiscal year beginning July 1, 2018 and ending June 30, 2019. (18-063) ([1:34:23](#))**

Dustin Grabau, Budget Officer, presented. He said there had been no changes since the tentative budget had been presented to council. He noted there had been some inconsistency in the name of the entity, this would be corrected before the next meeting.

Chair Winterton opened public comment, there was no response.

## **Adjournment**

---

The meeting was adjourned by unanimous consent at approximately 7:06 p.m.