



PROVO MUNICIPAL COUNCIL Work Meeting Minutes

2:00 PM, Tuesday, June 04, 2019
Room 310, Provo City Conference Room
351 W. Center Street, Provo, UT 84601

Agenda ([0:00:00](#))

Roll Call

The following elected officials were present at the meeting:

Council Chair David Harding, conducting
Council Vice-chair Kay Van Buren
Councilor Gary Winterton
Councilor David Sewell
Councilor David Knecht
Councilor George Stewart
Councilor George Handley
Mayor Michelle Kaufusi, arrived 2:15 PM

Prayer

The prayer was given by David Walter, Redevelopment Director.

Redevelopment Agency

- 1. A discussion regarding a resolution authorizing the Chief Executive Officer to enter into a lease agreement with Blue Sky Development to allow them to utilize parking spaces for a pending mixed-use project at 105 East Center Street. (19-070) ([0:00:52](#))**

David Walter, Redevelopment Agency (RDA) Director, presented. Mr. Walter highlighted elements of the project. Previously, the RDA has worked with 63 East Center to provide some resident parking in the Wells Fargo parking structure. The RDA has been working with McKay Christensen, the developer of Blue Sky Development, and Mr. Christensen is interested in partnering with the RDA to secure some dedicated parking spaces in the Wells Fargo parking structure. Mr. Walter indicated that there have been several revisions since the initial renderings.

The RDA received these 204 spaces when the Wells Fargo went through a bankruptcy hearing. The RDA has been trying to reach out to the attorneys who were involved in that hearing; the resolution asks the Council to approve the concept of assigning a lease agreement and giving the CEO of the RDA authority to make some minor adjustments. The City's ownership of the spaces expires in 2044, after which ownership reverts to the Wells Fargo building ownership.

Councilor George Stewart asked about the policies driving assigning out city parking spaces. Councilor Kay Van Buren asked for clarification on the number of spaces requested. Mr. Walter indicated that Blue Sky Development was interested in 55, although 36 was what would be

required in addition to the onsite parking. Blue Sky has dedicated 54,000 square feet of parking in the project, which was about 132 spaces for 126 residential units, plus commercial space.

Councilors shared comments and questions on the proposal, including:

- Councilor David Sewell noted that Austin Taylor, Parking Coordinator, recommended giving the required 36 spaces given the interest and demand for the spaces. Mr. Walter outlined several scenarios of how the Redevelopment Agency's 204 spaces in the structure could be allocated between several interested and adjacent projects or properties.
- Councilor David Harding asked about the allocation of the 55 stalls rented by 63 East Center; he wondered whether there were any signage or marking designating these spots for those residents. Mr. Walter explained that the spaces would not be dedicated/signed, as the RDA was not receiving parking space rents to maintain or manage the spaces that way. Councilor Harding wondered whether if there were value to moving to more of a managed solution in order to maximize the value of these stalls. He was hesitant to sign an agreement for the next 25 years if the RDA wanted to explore different management options for those spaces. Mr. Walter indicated that the agreement was not yet finalized; the RDA could certainly incorporate a provision for a future situation in which parking could be released back to the RDA before the 25-year period is up (with approval of both parties).
- Councilor Gary Winterton asked whether signing this agreement before the project was complete would tie up the spaces; Mr. Walter indicated that the granting of use of the spaces would likely be made contingent on the completion of a specific project milestone, such as receipt of the Certificate of Occupancy.
- Councilor George Handley felt that this development was a positive change for downtown. He was comfortable with doing the 36 spaces as a compromise. He wondered whether the parking space revenue could be dedicated toward downtown improvements. Several other Councilors expressed support of adjusting the proposal from 55 spaces to 36 spaces.

Mr. Walter summarized the direction he had gathered from the Councilors' comments—namely the desire to adjust the number of spaces from 55 to 36; and to include a provision that if at a future time, the City Council moved to a managed parking system in downtown, or changed parking minimum requirements for development in the downtown, then the Redevelopment Agency would have ability to renegotiate the parking arrangement with Blue Sky Development. This item was already scheduled for the Council Meeting on June 4, 2019; Mr. Walter indicated that he could contact McKay Christensen prior to the Council Meeting, but it was suggested that the item be continued in advance as the agreement would likely require additional fine-tuning.

Motion: George Stewart moved to continue the item. Seconded by Kay Van Buren.

Vote: Approved 7:0.

Business

2. A discussion regarding an update to Provo City Code Title 10 making amendment to the Sewer and Water Chapters of the Title. (19-072) (0:37:23)

Gary Calder, Water Division Director, presented. Mr. Calder outlined the changes to the water resources sections of the City Code Sections 10.02, 10.03, and 10.04, and he introduced other

staff members involved in preparing the changes. The intent has been to simplify the City Code and consolidate information in the development standards, in order to make elements clearer for staff and developers. Mr. Calder explained that Public Works was trying to improve the overall standards presented to the public. Brian Jones, Council Attorney, clarified that by default, any item in the Provo City Code that was unlawful could be prosecuted as a Class-B misdemeanor.

Mr. Calder clarified the content of several documents distributed, which illustrated the full extent of the changes, and other versions which showed the side-by-side markups. Mr. Calder explained that Section 10.04 was essentially replaced by a template from the State and EPA. The template was modified consistent with Provo's requirements in 10.04 and after receiving approval from the State, this template was to replace Section 10.04. This template outlines the water pre-treatment program, or the regulations put on businesses and what they can put into the City's collection system. Mr. Jones suggested that it may be simpler to repeal the current Section 10.04 in its entirety, then to enact a new Section 10.04, since the changes were so extensive.

Presentation only. This item will return to a future Council Meeting.

3. A discussion regarding the repeal of Provo City Code Section 2.60.040 (19-071) (0:50:04)

Brian Jones, Council Attorney, explained that this proposal would remove an outdated section of code, consistent with the use of an electronic/online workflow that simplified this process.

Presentation only. This item was already scheduled for the Council Meeting on June 4, 2019.

4. A discussion regarding an appropriation for a temporary apparatus facility during the relocation of Fire Station #2 (19-073) (0:51:32)

Fire Chief Jim Miguel presented on this request related to the rebuild of Fire Station #2. Apparatus storage is very expensive and initially the Fire Department had intended to rent a temporary apparatus facility. As they have obtained quotes for a temporary structure, they have also evaluated the cost difference for purchasing an apparatus storage facility, which could be repurposed after the rebuild for apparatus storage at the City's fleet facility and would provide several tangible benefits. Chief Miguel outlined several cost options for renting versus purchasing an apparatus storage facility. While more expensive, purchasing the facility would ultimately be the more cost-effective option over the long-term.

In discussions and plans for the City's General Obligation bond, it had not been envisioned that the apparatus storage would be purchased for the City to continue to use. With that in mind, the city facilities bond committee felt it was appropriate to handle this separately and bring an appropriation request to the Council, rather than pay for the purchase from bond funds. Chief Miguel clarified that bond funds would pay for onsite work for the temporary living quarters and related utility improvements. Chief Miguel clarified other elements of the request in response to several questions from Councilors. The Administration has examined many solutions, and they were comfortable with this request, feeling that it was the most responsible and effective way to proceed, which would result in an asset for the City at the end of the process. *Presentation only. This item will be scheduled for the Council Meeting on June 18, 2019.*

Budget Committee

5. A discussion regarding Fire Department budget requests. (19-004) ([1:07:30](#))

Chief Jim Miguel presented on the two supplemental requests submitted by the Fire Department in the budget process: implementation of a capital improvement program and creating a civilian position for an emergency communications manager. Chief Miguel outlined background information on the budget process during the previous fiscal year. To implement a CIP fund, the department has proposed allocating certain budget savings each year to the CIP account (which would otherwise return to the General Fund). The Fire and Police Departments have collaborated on the second supplemental request for an emergency communications manager. This position has historically been staffed by a police lieutenant, but they have proposed hiring an experienced 911 dispatch manager, which would allow the lieutenant to return to patrol duty. Chief Miguel outlined additional elements of the dispatch center staffing and the expected outcome or results of making this organizational change, which is believed to result in a more positive culture in the dispatch center. This would be a cost-neutral change that can be accounted for within the existing personnel funds. *Presentation only.*

6. A discussion regarding the Provo City Citizens' Budget. (19-004) ([1:16:07](#))

Hannah Salzl, Policy Analyst, presented. Ms. Salzl reviewed elements of the Citizens' Budget and highlighted elements of the document. As Councilors raised questions or asked for clarification on elements of the document, Ms. Salzl shared additional information or invited input from John Borget, Administrative Services Director. Mr. Borget offered clarification on the revenue summary, explained more details of how sales tax is allocated to municipalities. Councilor George Handley commented on the flat property tax revenue, which he felt meant that the City was losing money every year, as the rate stayed steady despite increased development.

Ms. Salzl outlined expense summaries for each department, as well as highlights of capital projects in 2020. There will be some budget impacts of the department reorganization, which Ms. Salzl also touched on. Regarding bonded debt, the City has a very healthy debt margin. Ms. Salzl also highlighted recent rate increases and the schedule of additional rate changes going forward. Several Councilors offered feedback and commented on the documents' contents. Mr. Borget indicated that Finance could review the document to ensure consistency with the updated budget. Councilor George Stewart felt that one statement regarding algal bloom was speculative and potentially controversial. Councilor Gary Winterton wished to highlight the critical nature of the utility transfer, which helps to keep Provo's property tax rates low. *Presentation only.*

Policy Items Referred from the Planning Commission

7. A discussion on a code amendment request to Section 14.38.085(7) to clarify limitations on signage within the North University Riverbottoms Design Corridor. City-wide application. (PLOTA20190026) ([1:33:26](#))

Aaron Ardmore, Planner, presented. Mr. Ardmore highlighted the changes and invited comments or questions from Councilors. Councilor Gary Winterton felt that this was important clarifying

language. Brian Jones, Council Attorney, indicated that this provision was present in the code for every other design corridor in Provo; it was intended to be included in this section and this code amendment was meant to clean up and clarify by placing it where it was intended to be.

Presentation only. This item was already scheduled for the Council Meeting on June 4, 2019.

Closed Meeting

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.

Brian Jones, Council Attorney, outlined the statutory basis for a closed meeting discussion.

Motion: Kay Van Buren moved to close the meeting. Seconded by David Knecht.

Vote: Approved 7:0.

Adjournment

Adjourned by unanimous consent.