



PROVO MUNICIPAL COUNCIL Work Meeting Minutes

3:00 PM, Tuesday, July 09, 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:

Council Vice-Chair Kay Van Buren, conducting

Councilor Gary Winterton

Councilor David Knecht

Councilor George Stewart

Councilor George Handley

Mayor Michelle Kaufusi

Council Chair David Harding participated in the meeting electronically.

Excused: Councilor David Sewell

Prayer

The prayer was offered by Councilor David Knecht.

Approval of Minutes

- April 9, 2019 Work Meeting
- April 23, 2019 Joint Meeting with Transportation and Mobility Advisory Committee
Approved by unanimous consent.

Business

1. **A discussion regarding a proposed Permit Parking Plan ordinance amendment. (19-002) ([0:05:43](#))**

Brian Jones, Council Attorney, explained the background of this issue. The Policy Governance Committee examined at length the process by which parking permit plans are adopted. Mr. Jones highlighted elements which had been updated, including several changes to the designation process and the addition of an application fee. The proposed changes affected Title 9 of Provo City Code, which would not require Planning Commission approval; however, one of the proposed changes would require that a proposed parking permit program go to the Planning Commission for a recommendation prior to coming to the Council for approval. Several Councilors wished to receive feedback and comments from the Planning Commission on their proposed involvement in the approval process.

Motion: Gary Winterton moved to bring this item to the July 23, 2019 Council Meeting, with a request that Gary McGinn relay any comments from the Planning Commission. Seconded by George Handley.

Vote: Approved 6:0, with David Sewell excused.

2. A discussion regarding a resolution of support for the recommendation from the Utah County Good Governance Board regarding the Utah County structure of government. (19-060) (0:18:31)

Cliff Strachan, Council Executive Director, presented. Mr. Strachan highlighted background information regarding the recommendations of the Good Governance Advisory Board (GGAB) for a change to the form of government for Utah County. These results were presented several weeks ago to the County. This morning, County Commissioner Bill Lee and four associates filed another petition to put the question of a five commissioner form of government on the ballot. This has been characterized as a filibuster to the process initiated by the GGAB. The Commission adjourned their meeting today without moving anything forward and are currently seeking legal advice as to the process forward.

If the Council were supportive of this resolution, they would have the opportunity to vote at the evening Council Meeting and express support for the recommendations prepared by the GGAB. Councilors discussed the proposed resolution and the impetus for supporting the change. Mayor Kaufusi also shared comments regarding her experience as a member of the GGAB. Comments and observations included:

- Councilor George Handley expressed that the actions of Commissioner Lee seemed compelling evidence for the need of a change to the form of government.
- Mayor Kaufusi indicated that the GGAB had been composed of 15 members with backgrounds in academia, media, and politics. Their task was to come up with recommendations after they had studied and deliberated on the issue and heard from the public. The Commission had voted unanimously to form the committee to prepare these recommendations and many committee members felt as though the rug had been pulled from under them this morning. Cameron Martin, Vice President for University Relations at UVU, chaired the GGAB and was concerned about the actions of this morning. Mr. Martin would be present at the Council Meeting that evening to speak to the Council and answer any questions they had. Mayor Kaufusi recommended that any questions the Council had could be addressed to Mr. Martin that evening so his response and explanation would all be part of the public record of the proceedings.
- Councilor George Stewart felt that it was critical to pass the resolution and that a change to the form of government was a critical change.
- Mr. Handley felt that Commissioner Lee was incorrect in stating that there was not enough public input; the process was very transparent and public and he wanted the public to have a correct understanding of what has occurred.
- Mr. Strachan suggested that if city councils and mayors across Utah County were to stand up and argue against the move, it may put political pressure on Commissioner Lee and his associates to withdraw his petition. County Commissioner Tanner Ainge had characterized Commissioner Lee's actions as a filibuster.
- Council Vice-Chair Kay Van Buren asked whether any changes to the resolution were

needed and Councilors discussed whether any revision was warranted or desired.

- Councilor Gary Winterton asked whether there were any material cost differences between the different forms of government recommended. Mayor Kaufusi shared that they had spent an entire meeting exploring and vetting associated costs; there was not a large variation between the different forms and State legislators had advised that the GGAB not make a recommendation or decision based on the financial impact; it was more important to make a sound decision on the other merits of the proposals.

Discussion only. This item was already scheduled for the Council Meeting on July 9, 2019.

3. A discussion regarding the proposed Urban Deer Control Plan. (19-047) (0:36:12)

Camille Williams, Assistant City Attorney, presented. Ms. Williams outlined several differences in methods, results, and risks between the urban deer program as operated in 2016-2019 versus the projected future of the program through 2022. Ms. Williams explained that in response to concerns expressed by the Council and Police Department, the program may shift to address more traffic and public safety concerns, whereas in the past has been largely complaint-driven. Ms. Williams noted that many differences between past and forthcoming operation of the program were largely speculative; during 2016-2019, 193 animals were removed (lethally and nonlethally, combined). Officials estimated that the current city deer population was about 565 animals fewer because of the program's success from 2016-2019; the number of animals taken out are not the only impact, as current population of deer impacts future populations.

Ms. Williams outlined elements of the proposed plan:

- Archery element and the trap and euthanize element (allows specialists with shorter training needs to respond to trap calls, reduces safety risk in densely populated areas)
- Humphries Archery has a \$2500 flat fee per site and a flat fee of \$75 per animal
- Some coordination is involved with the Police Department and Division of Wildlife Resources, however there are fewer demands on Provo's animal control officers
- Potential focus on roadway safety (surveying of deer movement patterns near high killed-in-traffic areas), including in commercial areas.
- The updated plan removes references to a nonlethal component, which is discontinued.

Councilors discussed the text of the resolution and the future of the program. Councilor George Handley expressed concern about the characterization of the program as described in the resolution; he felt that the program was operated to address public safety concerns, rather than the inconveniences of finding deer scat in a mountainside backyard. Mr. Handley suggested that the language in Exhibit A was better suited to describe the scope and impetus of the program.

Motion: George Handley moved to modify the resolution to include the language in [the second paragraph of] Exhibit A in lieu of the language which began on line 9 of the resolution. Seconded by Gary Winterton.

Council Vice-Chair Kay Van Buren invited Council discussion on the motion. Councilor David Harding shared comments electronically reflecting his desire to distinguish between urban deer and mountain deer. There was some discussion on this point and Brian Jones, Council Attorney, suggested that if Mr. Harding felt strongly about the distinction, that a substitute motion would

be needed. Ultimately Mr. Harding was fine with the wording as constituted and suggested in Mr. Handley's original motion. Several additional minor adjustments were made for clarity.

Vote: Approved 6:0, with David Sewell excused.

Motion: David Knecht moved to change the language in the resolution to read "up to \$15,000" for the appropriation. Seconded by George Stewart.

Vote: Approved 6:0, with David Sewell excused.

4. A discussion regarding proposed amendments to Personnel Policies in Title 4. (19-082) ([1:04:14](#))

Wayne Parker, CAO, introduced the discussion and outlined the background and context for the discussion. The Administration has been reviewing personnel policies in conjunction with several elements of the recently approved budget, and in doing so, realized that some clarity and updates were needed to better align the city code and administrative policies in parameter and practice. Mr. Parker emphasized the need to balance the Council's role in practicing oversight with the needs of the Administration to be flexible in their organization and to set policies by administrative order. The Administration has explored the possibility of achieving transparency by addressing City policies publicly on the internet, versus on the internal intranet, however, they did not want to take items away which were important to have in the code. Mr. Parker noted that elements such as the pay grades, steps, and pay tables should be in the city code.

Today the Administration hoped to have a more philosophical discussion regarding the spectrum covered in the code versus as administrative policy. Daniel Softley, Human Resources Division Director, reviewed a number of specific changes that the Administration and HR wished to pursue to address inconsistencies, but he echoed the desire to have a broader conversation about what the Council saw as the most effective place to draw the lines. Mr. Softley highlighted specific sections of the code and questions raised during the review, outlining several of the proposed approaches to updating the code language in various sections. Throughout, Councilors shared comments and feedback on the broader discussion and some specifics. Comments included:

- Councilor George Stewart felt that anything with significant fiscal impact should be contained in the City code. Mr. Stewart felt that the Mayor should not be able to win popularity with city employees when there was an impact to the budget.
- Councilor Kay Van Buren noted that even if something were administrative policy, it still needed to come out of a budget; it would likely just impact a budget category.
- Mr. Parker noted that the new leave policies were very presented as part of the budget review process and the Mayor's budget, which were part of a very public process. Mr. Parker also noted that the budgets must be balanced, so any proposed changes would need to be sustainable and part of the larger budget plan.
- Councilor David Knecht asked whether there was any model of a standard setup from the State. Mr. Parker indicated that they could examine the personnel policies and code in other cities with Provo's form of government.
- Mr. Stewart expressed confidence that Mr. Softley and the Administration could review the pertinent sections of code and bring draft language back to the Council.
- Council Executive Director Cliff Strachan suggested that the end result would be more

general language in City code that outlined the purposes and parameters in authorizing the Administration to set their personnel policies. Policies would be lengthier to cover multiple different scenarios, rather than have repetitive content in the city code.

Presentation only. This item will return to the Council at a future date following preparation of draft language by the Administration.

Policy Items Referred from the Planning Commission

5. A discussion regarding a proposed amendment to Provo City Code 14.50(30) to amend the title, purpose, and objectives to the 50 East Project Redevelopment Option Zone. Spring Creek Neighborhood. (PLOT20190170) ([1:35:20](#))

Robert Mills, Planner, presented. Mr. Mills explained that PRO zones were typically site- and project-specific zones. The parameters of an existing PRO zone applied well to this project and the applicant has proposed making several adjustments to the title, purpose, and objectives to better align and communicate the intent of the project zoning. The proposed changes could be very easily applicable to future projects of a similar nature, which would allow other projects to utilize this zone as well. Councilors shared comments on the approach and discussed several policy considerations. Mr. Mills indicated that the development agreement process could be used as a tool to further define a site-specific criteria. Mr. Mills felt that PRO zones offered different advantages and disadvantages; overall, this proposal presented an opportunity to make the City's zoning code easier for the public to understand and easier to administer.

Council Attorney Brian Jones explained that at the last meeting, the Council had approved a rezone for a property using this zone, which had not yet been adopted. Mr. Jones outlined the potential movement forward in the process and Mr. Van Buren invited any indication from Councilors about whether or not they were prepared to pass the ordinance text amendment that evening. Most felt comfortable approving it at the meeting that evening. ***Presentation only. This item was already scheduled for the Council Meeting on July 9, 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 the closed session. The items requested for discussion related to the potential sale of property and the character and competency of recommended appointments to city boards and commissions.

Motion: George Stewart moved to close the meeting. Seconded by George Handley.
Vote: Approved 5:0.

Adjournment

Adjourned by unanimous consent.