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## **PROVO MUNICIPAL COUNCIL**

### **Redevelopment Agency of Provo**

### **Regular Meeting Minutes**

5:30 PM, Tuesday, November 12, 2019  
Room 200, Municipal Council Chambers  
351 W. Center Street, Provo, UT 84601

## **Opening Ceremony**

### **Roll Call**

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Council Member David Harding	Council Member David Knecht
Council Member David Sewell	Council Member Gary Winterton
Council Member George Handley	Council Member George Stewart
Council Member Vernon K. Van Buren	Mayor Michelle Kaufusi
CAO Wayne Parker	Council Attorney Brian Jones
Council Executive Director Cliff Strachan	

Conducting: Council Chair David Harding

**Prayer** – Offered by George Stewart II

**Pledge of Allegiance** – Led by Brian Jones

**Approval of Minutes** – The council meeting minutes of May 7, 2019 and October 8, 2019 were approved by unanimous consent.

## **Presentations, Proclamations, and Awards**

### **1. 2019 Excellence in Information Governance Award. (19-128) [\(0:12:20\)](#)**

John Borget, Director of Administrative Services, announced that Amanda Ercanbrack, Provo City Recorder, was recently presented with the 2019 Excellence in Information Governance Award. This award was presented annually by the Utah Division of Archives and Records Services.

### **2. Up and Coming Digital Equity Champion. (19-129) [\(0:15:35\)](#)**

John Borget, Director of Administrative Services, presented. He noted that computers were everywhere in this day and age. While they were essential to functioning in society, owning a computer and home Internet were still luxuries that many could not afford. The gap between the number of computers in homes and their absence in many low-income homes was called the digital divide. Josh Ihrig was recently recognized as an “Up and Coming Digital Equity

Champion” at the inaugural Utah Digital Summit. The award was created to recognize leaders that promoted and created programs for accessible and affordable communications technology. As a member of the Digital Inclusion Advisory Team, Mr. Ihrig has led the effort to donate city surplus computers into the hands of those that could not afford them, through a program with the United Way. Mr. Ihrig noted that, without the efforts of the committee, he would never have received this award. Other members of the team included individuals representing businesses, communities, governments, and other local entities.

### **Public Comment** ([0:20:14](#))

Jay Goodliffe, Provo, expressed concern about the sale of the Timp Kiwanis Park. He understood that the city owned another parcel of land, close to Timpview, where the city was building another park. That land could have been sold to the school district instead of selling the established Timp-Kiwanis Park. He said it was suspicious that a former mayor encouraged the school district to purchase the Timp-Kiwanis Park and then purchased property just north of the vacant land.

Councilor Winterton expressed sadness about the insinuations regarding the park and that they had been brought up in that forum.

Andrew George, Provo, stated the vast majority of voters were completely opposed to selling Timp-Kiwanis Park. They were also against the legal fees charged the city to convert the park from an LWCF property. He felt it was a somewhat clandestine operation to push it through, knowing the public was so opposed to it. The council tried to push the idea of an easement, which would have allowed public use of the park. However, the sale was now final, and the easement was not in place. He hoped future councilors would be willing to drop an initiative when the voters were nearly all opposed to the action.

### **Action Agenda**

#### **3. Ordinance 2019-55 amending Provo City Code to comply with current state law regarding firearms disposal. (19-125) ([0:25:24](#))**

**Motion:** An implied motion to adopt Ordinance 2019-55, as currently constituted, has been made by council rule.

#### **4. Resolution 2019-58 authorizing the Provo City Police Department to apply to public interest use proceeds from the sale of certain confiscated or unclaimed firearms. (19-126) ([0:25:24](#))**

**Motion:** An implied motion to approve Resolution 2019-58, as currently constituted, has been made by council rule.

Chair Harding introduced Items No. 3 and 4, to be discussed together.

Joseph Otte, Provo City Police Lieutenant, presented. The police department took in guns through investigations, seizures, found property, et.al. If an owner was not located, they took possession of the firearms and needed to dispose of them per Utah Code. The code was recently updated. While it did not make any changes to how we currently dispose of firearms, some language and numbers needed to be amended to be in line with the code.

Our current policy was to sell surplus firearms through Salt Lake Wholesale Firearms or destroy them if not safe. Funds received from the sale of firearms were used for police training.

Chair Harding invited public comment. There was no response to the request.

Chair Harding noted that the state controlled who could buy surplus police firearms. Provo City used Salt Lake Wholesale Firearms because they met all the state's requirements.

Chair Harding called for a vote on the implied motion for Item No. 3.

**Vote:** The motion was approved 7:0 with Councilors Handley, Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor.

Chair Harding called for a vote on the implied motion for Item No. 4.

**Vote:** The motion was approved 7:0 with Councilors Handley, Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor.

**5. Ordinance 2019-56 applying the Supplemental Residential (S) overlay to the One-Family Res. (R1.8) zone for real property generally located between 2320 N and approx. 2100 N, and between 350 E and approx. 250 E. Pleasant View Neighborhood. (PLRZ20190094) (0:29:53)**

**Motion:** An implied motion to adopt Ordinance 2019-56, as currently constituted, has been made by council rule.

Dustin Wright, Provo City Planner, presented. The proposed ordinance would rezone an area consisting of 32 homes adjacent to an R.1S zone. This item was first heard in May 2019 and was continued due to an amendment underway for A and S overlay zones. During that time, there was concern expressed about parking. Mr. Wright explained that the parking on 2320 North was removed and bike lanes put in so that issue was addressed. He also said parking would be improved because the S overlay required owner occupancy.

Chair Harding invited the applicant, Kyle Wright, to comment. They were an ordinance allowing the use of the Supplementary Residential Overlay to the existing R1.8 zone. The majority of homes in the Pleasant View neighborhood already had the S overlay. They stated this would encourage owners to move into the homes and rent out an accessory apartment. The ordinance would require the residents to obtain rental permits from the city. They felt this

would be a good thing for the neighborhood and provide a way for people to afford their homes.

Chair Harding invited Paul Evans, Pleasant View Neighborhood Chair, to comment. Mr. Evans stated they held neighborhood meetings concerning this issue and stated that about 80 percent of the property owners were in favor of the amendment. It was consistent with the rest of the neighborhood.

Chair Harding invited public comment.

Sherry Hendricks, a resident in the Pleasant View Neighborhood, expressed support for the zone change.

Ben Jensen, Provo, worked with Mr. Wright on the petition. He purchased his home with the intent of renting the basement and found they could not. Other neighbors had the same problem. This zone change would be a great help to them. It allowed them to be close to their jobs and parks.

Marcel Bowman, 2100 North, was in favor of the S overlay. He and his wife lived in a townhome in Provo before moving to Spanish Fork. He taught school at Timpview and wanted to move back to Provo but found it was challenging because of the home prices. This would allow them to live in Provo and be close to aging parents. They could rent the home until their children needed it.

Julie Grant, Provo, were sharing a home with the Wrights. They were not ready to buy yet, and this was an ideal location for their kids and family. They would like to rent for the next few years.

There were no more public comments.

Councilors thanked the applicant and were glad to see so many residents speak in favor of this. It helped to have them explain how it would help them and how it would help provide affordable housing in Provo.

Chair Harding called for a vote on the implied motion.

**Vote:** The motion was approved 7:0 with Councilors Handley, Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor.

- 6. Ordinance 2019-57 amending Provo City Code regarding Planning Commission approval of reductions in required parking, including for multi-family residential uses. Citywide application. (PLOTA20190289) ([0:42:43](#))**

**Motion:** An implied motion to adopt Ordinance 2019-57, as currently constituted, has been made by council rule.

Robert Mills, Provo City Planner, presented. This was a proposal from the housing committee. It would be used as a tool to provide different housing opportunities in Provo. Provisions were already in place to allow parking reductions for commercial, industrial, or public facility uses. This proposal would allow multi-family residential the opportunity to apply for parking reductions. The process required a transportation demand management (TDM) plan and validation by a professional parking study. Staff would review the reports and proposals, to ensure consistency. The planning commission felt this was a good tool. This was not an automatic entitlement, it must be justified. It would be up to the planning commission to determine the actual parking requirements and grant them through a conditional use permit. The new process made it more difficult to obtain a parking reduction.

In response to questions from Mr. Stewart, Mr. Mills stated that the council would not see the application unless they were requesting a zone change in addition to the parking reduction. These are currently handled administratively through an administrative hearing. The process made it part of the project plan approval process.

Mr. Jones clarified that this ordinance would increase the planning commission's discretion to deny the request. It also allowed the reduction to be allowed for multi-family development uses, which was not previously permitted.

Mr. Knecht stated that there was already a provision allowing non-profit organizations, supported by government funding, to apply for parking reductions. In the new language, it said the development would be monitored yearly, but did not give the criteria they would use to determine applicability.

Mr. Mills stated those details would be included in the TDM plan. The provision allowed a certain amount of discretion in site specific circumstances.

Chair Harding invited public comment.

Sharon Memmott, Provo, appreciated the proposed changes and also the comments about revisiting the site. She asked if there was a way to add something about reviewing the reduction if the staff received a certain number of complaints. There should also be a requirement to show where additional parking would be provided, if needed in the future.

Jordan Spriggs, Provo, did not understand what was being proposed. He asked how he could know what was going on if things were not described plainly.

Martha Winsor, Provo, stated this proposal needed some checks and balances. We did not need another 575 South Freedom Blvd., which was a detriment to the whole neighborhood.

Chair Harding closed public comment and invited council discussion.

Mr. Knecht stated that there was a long-standing rule in Provo that every property in Provo needed to provide off street parking for every car owned. That still held true. So, if someone built a large complex and promised not to have too many cars, it did not always work out and resulted in parking permit programs. Off-street parking was important, but expensive. Startup Crossing was not required to have sufficient parking because of its proximity to the UTA hub. However, the assumptions that the residents would use public transportation or bicycles did not hold true. If a developer could not show how they would deal with reduced parking requirements, they should meet the regular standard.

Chair Harding addressed Mr. Spriggs' concerns about not understanding the issues. He stated we tried to be as transparent as possible. Council agendas were published the Thursday before each meeting, along with about 300 pages of documents that went along with the agenda items. Each item was heard in work session and many times were heard twice in regular council meetings. Ms. Tapahe, in the council office, published updates and articles on all social media platforms.

In addressing Ms. Winsor's concerns, Chair Harding stated that this ordinance allowed the city to correct the parking in a development if it was not providing adequate spaces. In the past, the was not allowed. Also, the model did not grant reduced parking across the board. If granted, the developer was required to have fallback positions. The felt there were checks and balances built into the legislation.

Mr. Handley said these items could be confusing to the councilor's as well. There was a financial incentive for a developer to save on parking, but the City did not want to give these exceptions away. It was a waste of recourse to over-pave and over-park. The city wanted to encourage using fewer cars.

Mr. Van Buren said he struggled to support this. They rarely had problems with too much parking; it was usually not enough parking. If they approve this ordinance, the council would be giving up control over parking in a development. They would not hear the item, the planning commission would. He hoped approving parking reductions would be the exception rather than the rule because parking was a continual problem.

Mr. Knecht noted there was a project on South State Street that sold condo's for \$180,000. This was unheard of in this market. The project was six spaces short of the required parking. Rather than have two spaces assigned per unit, there was one space assigned and one floating. Some people had two cars and others only one and it all balanced out. The developer was required to create a PRO zone in order to make their model work. This process would provide the same opportunity to meet their needs in a different way, not as hard as the PRO zone.

Chair Harding stated this was not just giving a reduction, it was in exchange for something. They had to show how they qualified for those reductions. In many areas, the public benefit of additional facilities outweighed one or two parking stalls.

Chair Harding called for a vote on the implied motion.

**Vote:** The motion was approved 6:1 with Councilors Handley, Harding, Knecht, Sewell, Van Buren, and Winterton in favor and with Councilor Stewart opposed.

7. **Ordinance 2019-58 amending Provo City Code Section 14.50 to establish the 500 West Medium-Density Mixed-Use Project Redevelopment Option Zone (PRO Zone). Dixon Neighborhood. (PLOT20180292) ([1:08:26](#))**

**Motion:** An implied motion to adopt Ordinance 2019-58, as currently constituted, has been made by council rule.

8. **Ordinance 2019-59 amending the zone map classification of approximately one acre of property, generally located at the 385 N 500 W, from Residential Conservation (RC) to a Project Redevelopment Option Zone (PRO Zone). Dixon Neighborhood. (PLR20180293) ([1:08:26](#))**

**Motion:** An implied motion to adopt Ordinance 2019-58, as currently constituted, has been made by council rule.

Chair Harding read in items No. 7 and 8 to be discussed together.

Brian Maxfield, Planning Supervisor, presented. This PRO zone would allow shared parking between residential and business uses. This would also permit six new units. The overlap was for a use that took place at night for residential versus day for business.

Chair Harding invited Gordon McClean, the applicant, to comment. The businesses and residential units have been in place for more than 20 years. With a 47 car parking lot they have not had any problems. The proposal would include building an additional building on the property, facing 500 West. The results of a parking study, requested by Chair Harding, showed the highest use at any given time was twenty cars. The property contiguous to the development was professional to the south, Dixon townhomes to the southwest, and an R1 zone directly to the west. The concept met the general plan and shared parking made a lot of sense.

Chair Harding invited public comment. There was no response.

Chair Harding had posted the plans on the Dixon Neighborhood Facebook page. There were one or two concerns about the density increase, but most comments were supportive. He

thanked the applicant for being a good neighbor and managing his property well for the past 20 years.

Chair Harding called for a vote on the implied motion for Item No. 7.

**Vote:** The motion was approved 7:0 with Councilors Handley, Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor.

Chair Harding called for a vote on the implied motion for Item No. 8.

**Vote:** The motion was approved 7:0 with Councilors Handley, Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor.

**9. Ordinance 2019-60 amending Provo City Code to update Public Works Standards from 2019 standards to 2020. Citywide application. (PLOTA20190366) ([1:16:19](#))**

**Motion:** An implied motion to adopt Ordinance 2019-60, as currently constituted, has been made by council rule.

David Day, Development and Engineering Coordinator, presented. Each year the Public Works standard specifications were reviewed and updated from 2019 standards to 2020 standards. The changes were simple and provided clarity.

Chair Harding stepped away from the dais from a moment. Vice-Chair Van Buren invited public comment. There was no response to the request.

Chair Harding called for a vote on the implied motion.

**Vote:** The motion was approved 7:0 with Councilors Handley, Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor.

## **Redevelopment Agency of Provo**

Chair Harding recessed as the Municipal Council and Reconvened as the Redevelopment Agency.

**10. Resolution 2091-RDA-11-12-1 approving the Assignment and Assumption of Parking License Agreement between the RDA and 63 East Investors to Base Camp 63, LLC. (19-123) ([1:22:04](#))**

**Motion:** An implied motion to approve Resolution 2019-RDA-11-12-1, as currently constituted, has been made by council rule.



David Walter, Redevelopment Agency Director, presented. Provo City RDA owned and leased a number of spaces in the Wells Fargo parking structure. Over time, those leases were sold and needed to be assigned to the new owners through joint development agreement. The attached resolution allowed the new owner, Base Camp 63, LLC, to assume the parking lease from 63 East, the previous owner. The spaces would continue to be used as parking for residents of 63 East.

Chair Knecht invited public comment. There was no response to the request.

In response to a question from Mr. Winterton, Mr. Walter said the action was only a name change only, the rest of the agreement would remain the same. It would give the new owners and partners the assurances they had the number of spaces needed.

Mr. Harding said the city had put public money to help with the creation of the project. He hoped as the entities changed ownership, that the city continued to get value out of the project.

Chair Knecht called for a vote on the implied motion.

**Vote:** The motion was approved 7:0 with Councilors Handley, Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor.

## **Action Agenda**

- 11. \*\*\*CONTINUED\*\*\* The Community Development Department requests approval of the 2019 Moderate Income Housing Plan, which is an update to the existing plan. City-wide. PLGPA20190194**
- 12. \*\*\*CONTINUED\*\*\* An ordinance amending the General Plan regarding a designation change from Residential (R) to Commercial (C) for approximately 1.2 acres of real property, generally located at 1009 W 2000 N. Carterville Neighborhood. (PLGPA20190191)**
- 13. \*\*\*CONTINUED\*\*\* An ordinance amending the Zone Map Classification of approximately 1.2 acres, generally located at 1009 West 2000 North, from Residential Conservation (RC) to General Commercial (CG). Carterville Neighborhood. (PLRZ20190192)**

## **Adjournment**

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The meeting was adjourned by unanimous consent at approximately 6:55 p.m.