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## **PROVO MUNICIPAL COUNCIL**

### **Redevelopment Agency of Provo**

### **Regular Meeting Minutes**

5:30 PM, Tuesday, September 10, 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**

Melissa Porter

### **Pledge of Allegiance**

Stephanie West

### **Public Comment** [\(0:06:26\)](#)

Pam Jones, Provo, would like to see Provo's development slow down. She felt the nature and culture of Provo was changing too much – let others build as much and as high as they could. She specifically mentioned the Silverado Development, north of the LaVell Edwards Stadium. The area should remain a single-family home neighborhood with a few apartment complexes, no more than three stories high.

There were no more public comments.

## **Action Agenda**

1. **Resolution 2019-47 authorizing an Interfund Loan from the Energy Department to the Wastewater Fund for sewer improvements related to the new Airport terminal. (19-088) ([0:10:12](#))**

**Motion:** An implied motion to approve Resolution 2019-47, as currently constituted, has been made by council rule.

2. **Resolution 2019-48 appropriating \$4 million in the Wastewater Fund for sewer improvements on the west side of Provo City, including at the airport, applying to the fiscal year ending June 30, 2020. (19-096) ([0:10:12](#))**

**Motion:** An implied motion to approve Resolution 2019-48, as currently constituted, has been made by council rule.

Chair Harding introduced items No. 1 and 2, to be discussed at the same time.

Jimmy McKnight, Public Works Management Analyst, presented. The purpose of the \$4 million interfund loan (with the Energy Department) would be for upcoming wastewater improvements at the airport. They wanted to take advantage of current conditions and felt this was better timing for the overall project. State code allowed for this type of loan, with certain contingencies.

- Conditions of the loan were required to be specified in writing;
- A public hearing must be held; and
- The loan must be authorized by resolution in a public meeting.

The intent was to have the loan amortized over the course of the project. Interest would accrue and be paid in July 2020 (in the new fiscal year). The FY 2020 budget would include \$4 million to repay the loan as well as \$78,000 in interest. In order to make this happen, they needed an appropriation of \$4 million in the current year budget (FY 2019).

Chair Harding opened the public hearing for items No. 1 and 2.

Sam Oman, Provo, was concerned about the transparency of this process. It sounded straight forward, but this was a new area for development. The City was opening this up for developers who rarely lived in Provo. In addition, he said many of the Provo City employees did not live in Provo so the city did not have representation when the plans were being developed. Provo City gives developers too many tax breaks, according to Mr. Oman. For instance, he alleged the mall has not paid taxes for 25 years because of tax increment financing. When developers begin developing the west part of town, are they going to be held accountable for the money being put into the sewer system? The city should prepare a report of all current and past developments that had been given tax increment financing.

Chair Harding closed the public hearing for items No. 1 and 2.

Mr. Winterton stated the development of sewer lines would make a big difference for the airport and community as a whole.

Mr. Knecht noted that the sewer improvements were for the airport and did not facilitate any growth or development on the west side. Until a plan was in place, with future sewer improvements, development on the west side was at a bottleneck.

Mr. Parker agreed, saying that some side benefits may exist, but the primary reason for this action was to facilitate construction of the airport terminal.

Chair Harding pointed out that this project was originally slated for FY 2020. They were taking advantage of the opportunity to complete the project now, six months earlier than anticipated.

Chair Harding called for a vote on the implied motion authorizing the interfund loan.

**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 to approve the appropriation request.

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

**3. Ordinance 2019-39 amending the zone map classification of the real property generally located at 800 North University Avenue and known as Amanda Knight Hall from Public Facilities (PF) to Campus Mixed Use (CMU). Joaquin Neighborhood. (PLRZ20190244) [\(0:21:26\)](#)**

**Motion:** An implied motion to adopt Ordinance 2019-39, as currently constituted, has been made by council rule.

Dustin Wright, Provo City Planner, presented. This item was initially heard a few weeks ago. He noted that the original structure of the building would remain and would be converted back to its historic use, which was women's housing. The applicant had sent an email to councilors earlier that day with a list of ways to address the parking concerns.

In response to a question from Mr. Jones, Mr. Wright stated a permanent project plan had not been submitted for this development because it was an existing structure. They were just requesting a rezone and, at some point, the developer would need to apply for a building permit.

Mr. Handley was encouraged that the developer was working with Spin Scooters and looking at a potential bike share station. The city was in the process of passing legislation to increase bike parking in the city. He hoped the developer would provide adequate bike parking since bicycles

would likely be the resident's main transportation. He asked if the pending legislation would apply to this project.

Mr. Wright said the pending legislation requirements would be triggered when the applicant applied for a permit. Mr. Jones clarified that the bike parking legislation was pending so the building permit issued to the developer would be subject to the design requirements of the pending legislation, if passed. A multi-family dwelling (without a private garage for each unit) would require long-term bicycle parking of 0.5 spaces for each bedroom and a minimum of two per project. It also required short-term bicycle parking of 0.05 spaces per bedroom and a minimum of two per project. Long-term parking would require a bicycle room, a bicycle locker, or a secured parking area.

Mr. Handley stated that, as far as bike safety was concerned, people would prefer covered bicycle parking or secured parking inside the building or some structure.

Chair Harding invited the applicant, Brandon Smith, to address the council. Mr. Smith sent the councilors a list of concerns that were being addressed. They included (but were not limited to) the following:

- Vehicle parking would be prohibited as part of the standard lease agreement with the residents. An additional disclaimer would be provided stating the residents were aware that vehicle parking was prohibited.
- The developer would allot 19 parking stalls to be specifically leased, separate from the standard lease agreement.
- The developer would provide help with public transportation, mitigating the need for vehicle parking.
- Secure space in the basement, which could not be used for amenities, would be used for bike storage and a repair station.
- Additional scooter/moped stalls would be installed on the east side of the property.

Sandy Otting, Joaquin Neighborhood Vice-Chair, was invited to comment. The neighborhood was excited to have the building restored. Their biggest concern was parking but felt it was being addressed, better than other developments in the neighborhood. One of the proposals was to provide parking at the Old Academy, which would be great if it happened. This development was close to mass transit, close to BYU campus, and concerns were being addressed from the start so they felt there was no reason to have parking requirements more than 0.5 per bedroom.

Chair Harding invited public comment.

Valerie Paxman, Provo, asked how this would be policed because parking in that area was terrible. How would they control residents bringing a car and parking on the street?

Chair Harding closed public comment and invited council discussion.

Mr. Sewell recalled hearing from members of the public that were concerned about what would happen to the building and wanted to see it preserved. He thanked Mr. Smith for presenting a plan that would preserve the historic building.

Chair Harding reopened public comment to allow Celeste Kennard, Joaquin Neighborhood Chair, to comment. Ms. Kennard stated that parking was a big deal in her neighborhood but so was historic preservation. If the property was able to have 24 parking spots for 64 beds, it was a lot lower than other developments. She said the 0.5 parking requirement at Joaquin Village was beyond the breaking point. The proposed development was closer to campus so it would make a difference. The contract needed to be extremely clear about not bringing a car, and they were happy about the way the addendum was written. However, she was not sure how they would enforce the parking concerns without a parking permit program. She stated that Mr. Smith had been very good to work with the neighborhood and they were thankful his company purchased the building.

Diane Christensen, Landmarks Commission Chair, said this would not be a hard sell. The Landmarks Commission was thrilled that this had a positive outcome because there was a long history associated with this building and it had been a rocky road getting to this point. She complimented Brigham Young University (BYU) and President Worthen for what had been accomplished. At one point, BYU was going to demolish the building and construct another building that would be similar in style. That was not acceptable to the Landmarks Commission. President Worthen took time out of his busy schedule to meet with three members of the Landmark's Commission. He listened to their concerns with an open mind, trying to understand their point of view. Eventually, he agreed to take the issue to the Board of Directors. The commission was happy with the outcome of that meeting and they were excited to see what would happen to the building in the future. There was so much that was architecturally unique and wonderful about the building, and was one of the first buildings on campus named for a woman instead of a man. She complimented the city, university, residents, and everyone else that made it possible to restore this building so students could use it.

Susan Kruger-Barber, Provo, stated she did not know of anyone in the neighborhood that was opposed to campus mixed use for this building.

Chair Harding closed the second public hearing.

Chair Harding said this was a success story with a positive outcome. He appreciated Mr. Smith's willingness to work with them to take on such a project. He appreciated the comments about balancing parking concerns with historic preservation. He was not very comfortable with parking and felt it might be a problem, despite their best efforts, but he would be supporting this proposal.

In response to a question from Mr. Winterton, Mr. Jones stated he had not seen a development agreement that included the items discussed.

Chair Harding stated they were not making the rezone contingent upon the developer's plan to address the parking concerns.

Chair Harding called for a vote on the implied motion to approve the zone change.

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

4. **\*\*\*CONTINUED\*\*\* An ordinance to amend Provo City Code regarding Downtown Development Design Standards to clarify architectural requirements in the Downtown zones. (16-0005OA)**
5. **Ordinance 2019-40 to amend Provo City Code to further clarify Grading Permits. Citywide Impact. (PLOT20190275) (0:45:06)**

**Motion:** An implied motion to adopt Ordinance 2019-40, as currently constituted, has been made by council rule.

Dustin Wright, Provo City Planner, presented. The ordinance proposed text amendments to Provo City Code Section 15, which related to grading. Any development requesting more than 50 cubic yards of grading would be required to apply for a grading permit. The permit currently went through engineering. The amendment added requirements for cutting on slopes that would be more than 50 cubic yards. An exception was added to exclude detached single-family dwellings from the requirement. All others would be required to submit a project plan and a revegetation mitigation plan. A bond was required for the improvements to be made or the land would be returned to a natural state. The Planning Commission heard the item and recommended approval.

In response to a request from Chair Harding, Mr. Jones stated that two changes were made during work session earlier in the day. The first change was to add, at line 5, the word cubic to clarify a possible ambiguity at line 6, which included that word. The second change was to lines 19 and 20 where a few words were added to clarify what the exemption was. The ordinance now stated that, other than a permit related to the development of a single detached one family dwelling, there were no other exemptions. For instance, a developer building three single-family dwellings at the same time would not qualify for the exemption.

Chair Harding invited public comment. There was no response.

Chair Harding noted that, since this was the first hearing for this item, it could be continued at the request of any councilor. There was no request to continue so he called for a vote on the implied motion to adopt the ordinance amendment.

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

**6. An ordinance to amend Provo City Code to establish minimum bicycle parking standards. Citywide impact. (PLOT20190217) (0:50:11)**

**Motion:** An implied motion to adopt the ordinance, as currently constituted, has been made by council rule.

Austin Taylor, Parking and Sustainability Coordinator, presented. He said that many housing and business developments said they would have less car parking demands and good bike parking because they were located next to mass transit. Many of those claims have not panned out and they lack bike parking in a safe or covered area. The proposed ordinance would implement a few things proposed in the bike master plan. One proposal was a requirement for a certain quantity of bicycle parking in new developments. The second was to provide a quality design for both short-term and long-term bike parking. This would allow developers to adopt a higher standard of bike parking in order to get standard car parking reductions.

Mr. Jones displayed an exhibit showing a table with the number of bicycle parking spaces required (14.37.050 ((4))). The planning commission could grant a permit to reduce requirements for off street parking if an applicant demonstrated compliance with the new bicycle parking space requirements in the table. That paragraph was tweaked to clarify exactly what the table meant. They also deleted the first few lines of the table because they applied to residential uses. During work session, a proposal about reducing residential parking was heard. The deleted portions of the table would be added back when the proposal was sent to the planning commission for review.

If the councilors made a motion to substitute the amended exhibit, the ordinance would be legally ready to go forward. Because this was the first hearing, this item could be continued at the request of any councilor.

In response to a question from Mr. Knecht, Mr. Taylor responded that a bicycle storage area in multi-family developments, if not on the ground level, would need to be accessible with an elevator or ramp.

In response to a question from Mr. Winterton, Mr. Taylor stated that any development with private garages were not required to provide additional bike parking because the garage was considered bike parking. That included single-family attached homes (such as duplexes or townhomes).

Chair Harding invited public comment.

Stephanie West, Provost Neighborhood, had lived in the Netherlands and said they were the gold standard for bicycle standards. She was appreciative of those people that were pioneering bike infrastructure; it was nice to see the changes. She suggested that the ordinance language should define a minimum level of bike parking for all developments because some were not adequate.

There were no more public comments.

Mr. Knecht requested that the item be continued for two weeks.

Councilors were generally in support of the direction the city was moving as alternate forms of transportation were being considered. The proposed amendment would have impacts and cost ramifications in the future for new developments. Continuing the item would give the community more time to review what was being proposed.

Mr. Jones said he would work with Mr. Taylor and community development to address the councilors concerns about ambiguity issues with definitions, such as the use of the word “permit” in the ordinance.

## **Adjourn**

The meeting was adjourned by unanimous consent at 6:36 p.m.