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PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo

Regular Meeting Minutes

5:30 PM, Tuesday, July 07, 2020

Electronic meeting: <https://www.youtube.com/user/provocitycouncil>

Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Councilor Shannon Ellsworth

Councilor Bill Fillmore

Councilor George Handley

Councilor David Harding

Councilor Travis Hoban

Councilor David Sewell

Councilor David Shipley

Mayor Michelle Kaufusi

Council Executive Director Cliff Strachan

Chief Administrative Officer Wayne Parker

Council Attorney Brian Jones

Conducting: Council Chair George Handley

Prayer

Councilor Bill Fillmore

Pledge of Allegiance

Council Chair George Handley

Presentations, Proclamations, and Awards

1. **A presentation regarding the Arbor Day Foundation naming Provo a 2019 Tree City USA. (20-100) ([0:14:01](#))**

Chaz Addis, City Forrester, presented. He spoke about the requirements that had to be met to achieve this award. Provo has been named a 2019 Tree City USA by the Arbor Day Foundation to honor Provo's commitment to effective urban forest management.

Cities must meet four requirements to receive this honor:

1. Have a tree board or department;
2. Have a tree care ordinance;
3. Have an annual community forestry budget of at least \$2 per capita; and
4. Have an Arbor day observance and proclamation.

To learn more about Provo's urban forest, including a tree tour, please refer to the Tree Selection Guide & Tour at this link: <https://www.provo.org/home/showdocument?id=1482>

The excellent work being done by this division was helping to reduce the number of power outages caused by trees and helped to improve the environment.

Councilor Harding and Chair Handley commended Mr. Addis and his team's work on this accomplishment.

Consent Agenda

Approval of Minutes

The following minutes were approved by unanimous consent:

- **March 31, 2020 Council Meeting Minutes**
- **June 16, 2020 Council Meeting Minutes**

Public Comment

Chair Handley opened public comment, there was no response.

Action Agenda

2. Resolution 2020-21 appointing individuals to various boards and commissions. (20-003) **(0:23:26)**

Motion: An implied motion to adopt Resolution 2020-21, as currently constituted, has been made by council rule.

Mayor Michelle Kaufusi presented. The following individuals were being recommended to serve on various boards and commissions:

- Provo City Housing Authority Board
 - Beth Alligood
 - Doug Gale
- Library Board
 - Allyson Condie
 - Jennifer Bruton
- Arts Council
 - Margaret Weber
 - Emilie Campbell

The Mayor and Council were appreciative of those who were willing to serve.

Vote: The motion was approved 7:0 with Councilors Ellsworth, Fillmore, Handley, Harding, Hoban, Sewell, and Shipley in favor.

3. Ordinance 2020-25 amending Provo City Code Section 14.33a.100 regarding terracing requirements (Critical Hillside Zone Only). (20-099) (0:29:46)

Motion: An implied motion to adopt Ordinance 2020-25, as currently constituted, has been made by council rule.

Brandon Larsen, Planner, explained the Planning Commission had recommended shifting authority to grant permission to increase the number or height of terrace walls from the Planning Commission to the

Development Services Director or their designee. This change was not included in the zone text (Provo City Code 14.33A) that the Council adopted on June 16, 2020.

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

Vote: The motion was approved 7:0 with Councilors Ellsworth, Fillmore, Handley, Harding, Hoban, Sewell, and Shipley in favor.

4. Ordinance 2020-26 Provo City Code to amend the list of Permitted Uses in the Community Shopping Center (SC2) Zone. Citywide application. (PLOT20200137) (0:33:57)

Motion: An implied motion to adopt Ordinance 2020-26, as currently constituted, has been made by council rule.

Dustin Wright, City Planner, explained that earlier this year, the applicant applied for a business license to operate a business event center from a property located at 1440 N Moon River Drive in the SC2 zone. The business license was not granted because the use was not listed as a permitted or conditional use in the zone. The applicant has now requested an ordinance text amendment to add SLU #7230 to the list of permitted uses in the SC2 zone in Provo City Code 14.19.020.

Councilor Ellsworth asked if there was a sound ordinance to prohibit loud music after certain hours, as this was adjacent to a residential area. Mr. Wright explained the City's existing sound ordinance would apply and he thought this was enough.

Councilor Harding recalled that one of the Planning Commissioners said there were more intense uses that were conditional, and they asked if this should also be a conditional use, rather than permitted. Mr. Wright explained this was more for corporate and private events that would be held indoors, so it seemed to make sense in this zone.

The applicant, Mr. Herman, offered to answer any questions, there were none.

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

Vote: The motion was approved 7:0 with Councilors Ellsworth, Fillmore, Handley, Harding, Hoban, Sewell, and Shipley in favor.

5. Ordinance 2020-27 amending Provo City Code to add Bicycle Parking Ratios to Residential Developments that seek off-street parking reductions. Citywide Application. (PLOT20200142) (0:42:23)

Motion: An implied motion to adopt Ordinance 2020-27, as currently constituted, has been made by council rule.

Austin Taylor, Parking and Sustainability Coordinator, explained bike parking ratios for projects seeking a parking reduction were added in September 2019. At that time, car parking reductions for residential projects were not allowed, thus the Council asked that residential bike parking ratios be taken out until car parking reductions for residential properties were adopted. In November 2019, provisions to allow

for off-street automobile parking reductions for residential properties were adopted. This amendment would replace the ratios that were taken out in September 2019. Planning Staff recommended approval.

Chair Handley opened public comment. There was no response. He called for a vote on the implied motion.

Vote: The motion was approved 7:0 with Councilors Ellsworth, Fillmore, Handley, Harding, Hoban, Sewell, and Shipley in favor.

6. Ordinance 2020-28 amending Provo City Code regarding landscape buffers. Citywide application. (PLOTA20200143) (0:46:19)

Motion: An implied motion to adopt Ordinance 2020-28, as currently constituted, has been made by council rule.

Austin Taylor, Parking and Sustainability Coordinator, explained that Provo City Community and Neighborhood Services was requesting amendments to Provo City Code Section 15.20.110(3)(d) to legalize mulch and stone in landscaped buffers. This would allow developers to use less water in their landscaping.

Chair Handley opened public comment, there was no response.

Councilor Hoban asked if there had been any feedback from developers or businesses who would be impacted. Mr. Taylor said there had been no pushback, but in fact, this had been requested by some developers.

There were no other questions from the Council. Chair Handley called for a vote on the implied motion.

Vote: The motion was approved 7:0 with Councilors Ellsworth, Fillmore, Handley, Harding, Hoban, Sewell, and Shipley in favor.

7. Ordinance 2020-29 amending the Zone Map Classification of approximately 137.45 acres of real property across Provo from R2.5, R3, and R4 to Low Density Residential, Medium Density Residential, and High Density Residential, respectively. (PLRZ20190427) (0:54:24)

Motion: An implied motion to adopt Ordinance 2020-29 as currently constituted, has been made by council rule.

Items 7 and 8 were both read into the record by Chair Handley and presented by Javin Weaver, Planner. Mr. Weaver explained when the LDR, MDR, HDR and CMU zones were adopted by the Municipal Council in 2013 it was the Planning Department's intention to transition existing properties zoned R2.5-R4 to the zones. The proposed rezone would serve three objectives:

- It would allow for allow for the Low Multiple Residential Zone (R2.5), Medium Multiple Residential Zone (R3), (High Multiple Residential Zone (R4), Very High Multiple Residential Zone (R5) and Campus High Density Residential Zone (CHDR) zones to be removed from Provo City Ordinance;

- The LDR, MDR, and HDR zones require that the Residential Design Guidelines Standards (Provo City Code 14.34.285) are followed so therefore as properties are redeveloped the end product is more desirable;
- When the LDR, MDR, HDR, and Campus Mixed Use (CMU) zones were adopted it was the intent of planning staff that the R2.5, R3, R4, R5 and CHDR zones would be removed from the Provo City code. R5 and CHDR zones have not been used and no property is designated either zone. The CMU zone has accomplished the purpose and intent of the CHDR zone.

Chair Handley opened public comment, there was no response.

Councilor Ellsworth noted one of the reports said higher density was appropriate downtown; she asked how that integrates into this proposal. Mr. Weaver said the downtown area was the only place where these taller types of buildings are permitted. It was also noted that the R2.5, R3, R4, R5 and CHDR zones did not have design standards, whereas LDR, MDR, HDR, and Campus Mixed Use zones do.

With no other comments from the Council, Chair Handley called for a vote on the implied motion.

Vote: The motion was approved 7:0 with Councilors Ellsworth, Fillmore, Handley, Harding, Hoban, Sewell, and Shipley in favor.

8. Ordinance 2020-30 amending Provo City Code to remove the Low Multiple Residential Medium Multiple Residential (Res), Medium Multiple Res, High Multiple Res, Very High Multiple Res, and Campus High Density Res Zones. Citywide application. (PLOTA20190428) (0:54:24)

Motion: An implied motion to adopt Ordinance 2020-30 as currently constituted, has been made by council rule.

Refer to item 7 above.

Chair Handley called for a vote on the implied motion to adopt Ordinance 2020-31.

Vote: The motion was approved 7:0 with Councilors Ellsworth, Fillmore, Handley, Harding, Hoban, Sewell, and Shipley in favor.

There was some discussion about the text that was adopted with Ordinance 2020-28 regarding landscape buffers. (1:04:38) It was determined this could be addressed in a future meeting; no motion was made.

9. *CONTINUED*** A Zone Change request from R1.10 to Low Density Residential for 1.07 acres for a townhome development, located at 50 E 3900 N. Riverbottoms Neighborhood. PLRZ20190265**

10. *CONTINUED*** Ord. Text Amendment to Code Sections 14.06.020 & 14.34.060 to add definition for "utility trailer" & provide clarification on the location of boats, boat trailers, & travel trailers in res. zones. Citywide application. PLOTA20200136**

11. *****CONTINUED*** An Ordinance Text Amendment to add the Open Space (OS) zone to the Provo City Code (PCC) as Ch. 14.33 and to amend PCC Sec.15.20.080(2)(c) relating to supplemental landscape requirements. Citywide application. (PLOT20200140)**

The Provo City Municipal Council recessed and reconvened as the Redevelopment Agency of Provo. Redevelopment Agency Chair Sewell presided.

Redevelopment Agency of Provo

12. **Resolution 2020-RDA-07-07-1 of The Redevelopment Agency of Provo City authorizing the Chief Executive Officer to sign a Letter of Intent for the lease of office space in Downtown Provo. (20-097) ([1:11:45](#))**

Motion: An implied motion to adopt Resolution 2020-RDA-07-07-1 as currently constituted, has been made by council rule.

Keith Morey, Economic Development Director, presented. In May 2020, PEG came to the council to ask for help in reaching their prebuild lease of 60 percent, in order to get their funding released so they could start construction on the Freedom Commons Building. At that time, the Council assigned a subcommittee to discuss with PEG what they needed from the city and how to hold the city harmless. After two meetings the subcommittee returned to the Work Meeting on June 16, 2020, to present the details of the lease and why PEG needed the RDA to sign the lease. The Council voted to move forward with the letter of intent to lease space in the Freedom Commons Building from PEG.

Chair Sewell opened public comment, there was no response.

Councilor Fillmore had been part of several meetings regarding this matter and said the primary concern was to negotiate the letter of intent to reduce liability to the City. He felt confident Mr. Morey and Mr. Walter had done everything possible to accomplish this. Mr. Morey responded they had followed the recommendations of the City and Council.

Chair Sewell called for a vote on the implied motion.

Vote: The motion was approved 7:0 with Councilors Ellsworth, Fillmore, Handley, Harding, Hoban, Sewell, and Shipley in favor.

Adjournment

The meeting was adjourned by unanimous consent at approximately 6:40 p.m.