

MINUTES OF THE SALT LAKE CITY COUNCIL FORMAL MEETING

TUESDAY, DECEMBER 8, 2020

The City Council of Salt Lake City, Utah, met in an electronic Formal Session on Tuesday, December 8, 2020 pursuant to the Chair's determination and Salt Lake City Emergency Proclamation No. 2 of 2020 (2) (b).

The following Council Members were in attendance:

Chris Wharton	James Rogers	Andrew Johnston
Daniel Dugan	Darin Mano	Amy Fowler

The following Councilmember was absent:

Analia Valdemoros

Cindy Gust-Jenson, Council Executive Director; Jennifer Bruno, Council Executive Deputy Director; Erin Mendenhall, Mayor; Mary Beth Thompson, Chief Financial Officer; Lehua Weaver, Associate Council Deputy Director; Laura Briefer, Public Utilities Director; Sam Owen, Council Public Policy Analyst; Brian Fullmer, Council Constituent Liaison/Policy Analyst; Benjamin Luedtke, Council Public Policy Analyst; Robert Nutzman, Council Administrative Assistant; Ben Kolendar, Economic Development Deputy Director; Amanda Lau, Council Public Engagement/Communications Specialist; Cindy Lou Trishman, City Recorder; and Kory Solorio, Assistant City Recorder participated electronically.

The meeting was called to order at 7:03 p.m.

A. OPENING CEREMONY

#1. Councilmember Chris Wharton conducted the formal meeting.

#2. [7:03:40 PM](#) Pledge of Allegiance.

(A moment of silence was held while the American Flag/Anthem was displayed on the screen.)

#3. [7:05:23 PM](#) Welcome and Public Meeting rules.

#4. [7:05:40 PM](#) Recognition of City Councilmember Chris Wharton for his service to Salt Lake City as 2020 Council Chair.

Councilmember Johnston expressed appreciation to Councilmember Wharton for his contributions and accomplishments as Council Chair over the past year and presented him with a gift.

B. PUBLIC HEARINGS [7:19:40 PM](#)

NONE.

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C. POTENTIAL ACTION ITEMS

#1. 7:19:56 PM Resolution: 2020 Salt Lake City Water Conservation Plan

The Council will consider adopting a resolution that would adopt the Department of Public Utilities' 2020 City Water Conservation Plan. The updated plan was developed per the State's Conservation Plan Act, in addition to other State and regional guidelines and industry best practices. Guidelines for plan development, as well as requirements in the conservation plans, include:

- *Water supply;*
- *Historical water demand;*
- *Water conservation goals;*
- *Conservation program information; and*
- *Adoption or approval by each water provider's governing body.*

The State Conservation Plan Act requires all water providers with more than 5,000 connections to submit a water conservation plan to the State every five years for review and approval. Implementation of the Water Conservation Program is included in the Public Utilities proposed budget each year. [View Attachments](#)

Councilmember Rogers moved and Councilmember Fowler seconded to **adopt Resolution 41 of 2020, adopting the 2020 Salt Lake City Water Conservation Plan**, which motion carried, all members present voted aye (roll call).

(T 20-5)

#2. 7:20:59 PM Ordinance: Street Vacation Near 800 N and Warm Springs Road

The Council will consider adopting an ordinance that would close a portion of 800 North Street adjacent to I-15 and Warm Springs Road. The applicant owns the property to the north and proposes that the vacated area will be split between the owners to the north and south. The closure will not impact traffic or access. The subject right-of-way is no longer used as a roadway and is generally unoccupied. Petition No. PLNPCM2019-00824. [View Attachments](#)

Councilmember Dugan moved and Councilmember Fowler seconded to **adopt Motion 1 (adopt with deed restriction)**.

Councilmember Rogers recused himself from the vote and clarified he did not own a billboard company.

Motion 1 (adopt with deed restriction):

The City has had a long-standing policy objective of protecting its viewshed, limiting the number of billboards within its boundaries, and

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ensuring that City-owned property was developed to achieve those policy objectives. I move that **the Council formalize a specific policy ensuring that City-owned property located in viewshed areas or adjacent to critical gateway areas of the City, will include a restriction on billboards, and that restriction will run with the land and be recorded prior to disposition of that property.**

Based on those longstanding policy objectives, and based on the Council's desire to formalize this policy prior to disposition of City-owned property; I further move that the Council **adopt Ordinance 55 of 2020, vacating the property subject to the Administration recording a deed restriction before selling the property that stipulates billboards are not allowed on the property and that the condition runs with the land,** which motion carried, all members present voted aye, except Councilmember Rogers who was recused (roll call).

(P 20-24)

#3. 7:23:16 PM Ordinance: Dockless Shared Mobility

The Council will consider adopting an ordinance that would regulate the use of electric scooters and other dockless, shared mobility devices in the City. The Council would also consider amending the Consolidated Fee Schedule as part of the dockless shared mobility device ordinance. Currently, dockless scooter companies operate under temporary operating agreements until an ordinance is passed. The latest version of a draft ordinance was sent to the Council in March 2020. The updated ordinance incorporates some feedback and concerns including additional requirements for safety features, insurance requirement changes, and language to better differentiate between scooters and devices - motorized or otherwise - used by individuals with reduced or specialized mobility, among other changes. [View Attachments](#)

Councilmember Mano moved and Councilmember Dugan seconded to **adopt Ordinance 56 of 2020**, which motion carried, all members present voted aye (roll call).

(O 20-12)

#4. 7:24:17 PM Ordinances: Creating an Appeal Hearing Officer System by Repealing Civil Service Commission and Employee Appeals Board

The Council will consider adopting two ordinances:

- 1. One would repeal City Code Chapter 2.16 (the Civil Service Commission ordinance), amend the entirety of City Code 2.24 (the Employee Appeals Board ordinance) and replace both the Civil Service Commission and the Employee Appeals Board with an appeal hearing officer system.*
- 2. One would enact Chapter 2.98 Competitive Merit-based Recruitment and Promotion Processes in the Fire Department and the Police Department.*

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The numbering of City Code 2.24 would remain the same, however the entire text would be replaced with the new hearing officer system for all eligible employee appeals. [View Attachments](#)

Councilmember Johnston moved and Councilmember Fowler seconded to **adopt Ordinance 57 of 2020 repealing City Code 2.16 and amending the entirety of City Code 2.24, and Ordinance 58 of 2020 enacting Chapter 2.98 Competitive Merit-based Recruitment and Promotion Processes in the Fire Department and the Police Department**, which motion carried, all members present voted aye (roll call).

Staff note: The numbering of City Code 2.24 would remain the same; however, the entire text would be replaced with the new hearing officer system for all eligible employee appeals.
(O 20-18)

#5. [7:25:26 PM](#) Ordinance: Budget Amendment No. 5 for Fiscal Year 2020-21

The Council will consider adopting an ordinance that would amend the final budget of Salt Lake City, including the employment staffing document, for Fiscal Year 2020-21. Budget amendments happen several times each year to reflect adjustments to the City's budgets, including proposed project additions and modifications. The proposal includes:

- accepting \$7.1 million in U.S. Housing and Urban Development (HUD)
- CARES Act grants which will be awarded to specific community organizations through a separate, open, and competitive process;
- adding temporary lighting near homeless resource centers;
- repairs to City sidewalks damaged during the September 8 windstorm;
- demolition of the Glendale water park;
- \$20.5 million from the next issuance of the \$87 million voter-approved Streets Reconstruction Bond;
- and other items. [View Attachments](#)

Cindy Gust-Jenson stated the Administration had some budget amendment items needing to be processed in a timely manner. She said the best way to handle this was to set briefing and public hearing dates for January 5, 2021 and January 12, 2021, in order to begin advertising for the public hearings. She said the Council would receive the transmittal in the next several days.

Councilmember Fowler moved and Councilmember Johnston seconded to adopt an ordinance, amending the Fiscal Year 2020-2021 final budget of Salt Lake City including the employment staffing document as requested by the Administration. She further moved that the Council schedule a budget opening to set public hearing dates on January 5, 2021 and January

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12, 2021 for time sensitive budget items the Administration would provide to the Council and Recorder's Office no later than December 17, 2020.

Robert Nutzman stated the January 12, 2021 meeting date would need to be corrected to January 19, 2021, because there was not a formal meeting scheduled for January 12, 2021.

The original motion was amended. Councilmember Fowler moved and Councilmember Johnston seconded to adopt an ordinance, amending the Fiscal Year 2020-2021 final budget of Salt Lake City including the employment staffing document as requested by the Administration. She further moved that the Council schedule a budget opening to set public hearing dates on January 5, 2021 and January 19, 2021 for time sensitive budget items the Administration would provide to the Council and Recorder's Office no later than December 17, 2020, which motion carried, all members present voted aye (roll call).

[7:56:01 PM](#) Jennifer Bruno explained the Attorney's office communicated with Staff and the motion sheet approved earlier for Budget Amendment No. 5 did not reflect the Council's straw polls supporting positions in the Attorney's office. She said the motion sheet was being corrected to reflect the straw polls with the correct amounts.

[7:58:27 PM](#) Councilmember Fowler moved and Councilmember Dugan seconded to **reconsider agenda item C-5 for Budget Amendment No. 5**, which motion carried, all members present voted aye (roll call).

[8:00:37 PM](#) Councilmember Fowler moved and Councilmember Dugan seconded to **renew her motion regarding Budget Amendment No. 5. and the Council adopt Ordinance 59 of 2020, amending the Fiscal Year 2020-2021 final budget of Salt Lake City including the employment staffing document as requested by the Administration. She further moved that the Council schedule a budget opening to set the public hearing dates on January 5, 2021 and January 19, 2021 for time sensitive budget items the Administration would provide to the Council and Recorder's Office no later than December 17, 2020**, which motion carried, all members present voted aye (roll call).

***Staff note:** Council Members did not need to read the individual items being approved below; they were listed for reference. Also, the Budget Amendment No. 6 public hearings referenced in the optional motion would be held on January 5, 2021 and January 19, 2021.*

A-1: Animal Services Contract - (\$44,192 - General Fund)
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A-2: Sustainability Department Pickup Truck - (\$55,000 - Refuse Fund)

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- A-3: Sustainability Department Refuse Packers - (\$2,642,500 - Refuse Fund)
- A-4: Funding for Vice-Presidential Debate - (\$315,944 - General Fund)
- A-5: CARES Act Funding for HUD - (\$7,138,203 - CARES HUD CV Funds)
- A-6: Consumer Protection Analyst - Finance Department - (\$-0-)
- A-7: Economic Development Director Funding - (\$34,878 - General Fund)
- A-10: Temporary Lighting near the Homeless Resource Centers - (\$33,000 - General Fund)
- A-11: DAQ Lawnmower Exchange - (\$250,000 - General Fund)
- A-12: Attorney's Office New Positions - (\$426,482 - General Fund)
- A-14: 50% Renewable Energy for Municipal Operations Project - (\$45,000 - Refuse Fund)
- A-15: Restore HR Deputy Director Position - (\$81,317 - General Fund and \$14,350 - Risk Fund)
- A-16: Restore Contract Specialist Funding - (\$20,892 - General Fund)
- A-17: Right-of-Way Repairs from Windstorm - (\$662,500 - General Fund)
- A-18: Water Park Demolition/Fencing/Security - (\$855,000 - General Fund)
- C-1: U.S. Department of Justice, FY 2020 COPS Hiring Grant - (\$1,250,000 - Grant Funds)
- D-1: Camera Activation for Fleet (\$93,000 - Fleet Fund)
- D-2: Reduction of Budget for General Obligation Series 2010A & 2020A (\$1,987,955 - Debt Service and \$1,871,000 - Debt Service)
- D-3: General Obligation 2020A Streets Reconstruction Bond (\$20.5 million from Bond Issuance of which: \$2.7 million for 300 West, \$15.57 million for local streets and \$2.23 million cost of issuance and contingency)
- D-5: FY 2021 CIP Landfill Construction and Planning Projects (\$15,000,000 - CIP Fund)
- D-6: HUD Grant Recaptures (\$37,535 from Misc. Grants and \$1,250,212 from CDBG)
- E-1: National Recreation & Parks Association, Parks as Nutritional Hubs (\$80,000 - CIP)

Section G: Council Consent Agenda - Grant Awards

Note: These items previously appeared on the Council's formal meeting Consent Agenda.

(B 20-12)

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D. COMMENTS

#1. [7:28:22 PM](#) Questions to the Mayor from the City Council.

Councilmember Fowler took a moment of personal privilege and acknowledged the great job Mayor Mendenhall did this year and thanked her for her leadership.

#2. [7:32:22 PM](#) Comments to the City Council.

Note: Councilmember Wharton reiterated standards/rules of decorum for public comment.

Pamela Starley commented that her and many of her neighbors had discussed some development projects and expressed disillusion and frustration concerning developers in transitional zones. She asked the Council to make modifications to zoning allowances such as parking, roof heights, and other things that impact areas in transitional zones.

Shane Curtis spoke about the Fleet Block. He said this was a chance to make an artistic statement and suggested commissioning art representing equality.

Cindy Cromer spoke about equity, the Council addressing equality in housing, and her role as a landlord and the opportunities for equitable transactions with her tenants. She suggested the Council construct the safety net for housing first, before addressed equality in housing.

Anne Charles reiterated her comments from a prior Council meeting about the Raise Up Salt Lake City Fund and not being able to find an application online. She talked about accessibility of online platforms suggesting minor adjustments could make it easier for people to get involved.

Councilmember Wharton requested Staff obtain Ms. Charles' contact information and provide her with the requested information. He also stated that after her comments last week, Staff was working on making updates to the website to make it more user friendly.

Georgie Corkery said she worked at a high school directly downwind from where the Inland Port was being constructed and expressed frustration about the construction not being done in a sustainable fashion (despite claims from the Utah Inland Port Authority that this would be the world's first green port).

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Emily Alworth commented about how well the WebEx platform was working and the opportunities it provided for accessibility/flexibility. She said it was a great way for people to get involved and hoped it would be possible to continue to incorporate WebEx post-COVID, to continue community outreach/engagement and to lessen vehicle emissions (due to climate change).

Shane Brooks spoke about the Fleet Block and not rezoning the murals of victims from police brutality. He also commented about the opening/pop-up of an emergency shelter for the homeless last winter. He asked why that was not happening this year, instead of the unsheltered being pushed around by Police Officers and having their items taken away.

George Chapman commented about the Fleet Block, suggesting the consideration of making it into a park, and asked why the City was not asking companies in Utah to contribute. He spoke about Utah Transit Authority (UTA) providing more services (specifically on the west side) as promised with the increase of taxes. He also talked about UTA and property owners paying for a Trax station at 650 South.

Gina Thayne commented about the Fleet Block saying she stood firm about keeping the murals there as a constant reminder. She said it brought the community together, was a healing process, continued the legacy, and reminded the City of the things needed to move forward.

E. NEW BUSINESS

#1. 8:02:11 PM Motion: Meeting Remotely Without an Anchor Location

The Council will consider a motion to ratify the determination that the Council will continue to meet remotely and without an anchor location under HB5002. [View Attachments](#)

Councilmember Fowler moved and Councilmember Johnston seconded to **ratify the motion**, which motion carried, all members present voted aye (roll call).

(G 20-9)

#2. 8:06:32 PM Resolution: Local Emergency Declaration Extension - COVID-19

The Council will consider adopting a resolution that would extend the Mayor's March 10 proclamation declaring a local emergency relating to COVID-19 (coronavirus). The Council's most recent extension of the local emergency relating to COVID-19 terminates December 9, 2020. [View Attachments](#)

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Councilmember Rogers moved and Councilmember Fowler seconded to adopt **Resolution 42 of 2020**, extending a proclamation declaring a local emergency relating to the COVID-19 (Coronavirus) pandemic, until February 3, 2021, which motion carried, all members present voted aye (roll call).

(R 20-5)

#3. 8:03:01 PM Resolution: Local Emergency Declaration Extension - Windstorm

The Council will consider adopting a resolution that would extend the Mayor's September 8, 2020 proclamation declaring a local emergency relating to the windstorm. The Council's most recent extension of the local emergency relating to the windstorm terminates December 9, 2020. [View Attachments](#)

Councilmember Johnston moved and Councilmember Mano seconded to adopt **Resolution 43 of 2020**, extending a proclamation declaring a local emergency relating to the Windstorm until February 3, 2021, which motion carried, all members present voted aye (roll call).

(R 20-13)

#4. 8:05:12 PM Resolution: Local Emergency Declaration Extension - Magnitude 5.7 Earthquake

The Council will consider adopting a resolution that would extend the Mayor's March 18 proclamation declaring a local emergency relating to a magnitude 5.7 earthquake. The Council's most recent extension of the local emergency relating to the earthquake terminates December 9, 2020. [View Attachments](#)

Councilmember Rogers moved and Councilmember Mano seconded to adopt **Resolution 44 of 2020**, extending a proclamation declaring a local emergency relating to a magnitude 5.7 earthquake, until February 3, 2021, which motion carried, all members present voted aye (roll call).

(R 20-6)

F. UNFINISHED BUSINESS

#1. 8:07:55 PM Joint City Council-Mayor Resolution: Establishing Electrified Transportation Goals

The Council will consider adopting a joint resolution with Mayor Mendenhall that would establish goals to improve air quality and reduce greenhouse gas emissions. The focus of the resolution is electrification of transportation modes that otherwise heavily rely on gasoline, diesel or natural gas (rather than the broader scope of "travelwise" strategies such as walking, biking or teleworking). If approved, the resolution would memorialize Administration and Council commitment, and provide

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direction for City departments and divisions to collaborate on transportation strategies that will improve air quality and reduce carbon emissions. [View Attachments](#)

Councilmember Fowler moved and Councilmember Dugan seconded to adopt **Resolution 45 of 2020, establishing electrified transportation goals**, which motion carried, all members present voted aye (roll call). (R 20-16)

#2. [8:08:48 PM](#) Ordinance: Proposed Changes to the Police Civilian Review Board

The Council will consider adopting ordinance changes to the Police Civilian Review Board (known as the PCRB or the CRB). The ordinance outlines independent civilian oversight of police conduct in specific cases through complaint review processes, and also recommends changes to Police Department policy and procedures. Changes could include expanding the size of the Board, reducing barriers to serving on the Board, and mandating an annual briefing to the Council, among other changes. [View Attachments](#)

Councilmember Johnston moved and Councilmember Fowler seconded to adopt **Ordinance 60 of 2020, with the changes and legislative intents listed in Attachment 1**, which motion carried, all members present voted aye (roll call).

Attachment 1 - Amendments to the Council's Police Civilian Review Board, and Related Legislative Intents:

Ordinance changes

1. Amend City ordinance to extend the period for which to file a complaint with CRB to 60 business days after filing with the Police Department.
2. Amend City ordinance to allow appointment to the CRB of people with criminal records in their past, provided they have completed their sentences and can pass a State background check at the level necessary to meet their training requirements.
3. Amend City ordinance to ensure that all panels include at least five Board Members, rather than the minimum of three currently permitted.
4. Amend City ordinance to expand CRB membership to 21 members, with three members representing each district.
5. Amend City ordinance to require a majority of sitting CRB members to participate in any complaint regarding Officer Involved Critical Incidents (OICIs).
6. Amend City ordinance to require an annual Council briefing about recommendations formulated by the CRB during the preceding 12 months.

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Legislative Intent

1. The Council intends that the Administration provide an adequate workspace for panel discussions, equipped for social distancing and to allow confidential police body-worn camera footage be shown to the group.
2. The Council intends that the Administration expand efforts to raise the public stature of the CRB by providing communications staff, or the opportunity to contract with a private firm for this purpose.
3. The Council intends that the Administration design a succession plan for the Administrator/Investigator position.
4. The Council intends that the Administration explore additional mechanisms to increase transparency and accountability related to independent, on-going auditing of Police Department body-worn camera footage, and that future modifications may be made to the ordinance to codify these mechanisms.
5. The Council intends that the Administration explore the question of providing honoraria to members of some or all members of City Boards and Commissions. This change would be made to the general section of the Boards and Commissions ordinance, and no stipend would be provided to members before discussion of this proposed ordinance is complete.

(O 20-20)

G. CONSENT [8:09:46 PM](#)

Councilmember Rogers moved and Councilmember Johnston seconded to **approve the Consent Agenda**, which motion carried, all members present voted aye (roll call).

#1. Ordinance: Amendment to Require Notice for Permits to Work in the Public Way

The Council will set the date of Tuesday, January 19, 2021 to accept public comment and consider adopting an ordinance amendment that would require notice to adjacent property owners for permits for above-ground work in the public way.

(O 20-21)

#2. Board Reappointment: Parks, Natural Lands, Urban Forestry, and Trails (PNUT) Advisory Board – Brianna Binnebose

The Council will consider approving the reappointment of Brianna Binnebose to the PNUT Advisory Board for a term ending May 7, 2022. Brianna was originally appointed to serve an At-Large seat. The Administration would like to reappoint her to serve the remainder of her first term as the D5 representative. [View Attachments](#)

(I 20-23)

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#3. Board Appointment: Housing Advisory and Appeals Board - Katie Sims (formerly Fredrickson)

The Council will consider approving the appointment of Katie Sims (formerly Fredrickson) to the Housing Advisory and Appeals Board for a term ending December 31, 2024. [View Attachments](#)
(I 20-33)

#4. Board Appointment: Housing Advisory and Appeals Board - Carrie Eschler

The Council will consider approving the appointment of Carrie Eschler to the Housing Advisory and Appeals Board for a term ending December 31, 2024. [View Attachments](#)
(I 20-33)

#5. Board Appointment: Housing Advisory and Appeals Board - Sara Hart

The Council will consider approving the appointment of Sara Hart to the Housing Advisory and Appeals Board for a term ending December 31, 2024. [View Attachments](#)
(I 20-33)

The meeting adjourned at 8:11 p.m.

Minutes were approved on Tuesday, January 19, 2021

Council Chair

City Recorder

This document is not intended to serve as a full transcript as additional discussion may have been held; please refer to the audio or video for entire content pursuant to Utah Code §52-4-203(2) (b).

This document along with the digital recording constitute the official minutes of the Salt Lake City Formal Session held December 8, 2020.

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