

Please note: these minutes have been prepared with a timestamp linking the agenda items to the video discussion. Electronic version of minutes will allow citizens to view discussion held during council meeting.



## PROVO MUNICIPAL COUNCIL

### Work Meeting Minutes

1:30 PM, Tuesday, September 01, 2020

Electronic meeting: [youtube.com/ provocitycouncil](https://www.youtube.com/provocitycouncil)

#### Agenda ([0:00:00](#))

#### Roll Call

The following elected officials participated:

Council Chair George Handley, conducting  
Council Vice-Chair David Harding  
Councilor Shannon Ellsworth  
Councilor David Sewell  
Councilor David Shipley  
Councilor Travis Hoban  
Councilor Bill Fillmore

*Excused:* Mayor Michelle Kaufusi

#### Prayer

Council Chair George Handley offered the prayer.

#### Business

##### 1. **A discussion of possible amendments to Chapter 9.25 COVID-19 Response. (20-118)** **([0:12:12](#))**

Wayne Parker, CAO, presented on the City's mask education campaign. Councilors shared positive feedback, after which the Council discussed the proposed amendments to the ordinance. Councilor Bill Fillmore was still concerned with the individual mandate; Councilor Shannon Ellsworth noted that changing the penalty would not alleviate the concerns of residents who were angry about the ordinance. Several other Councilors agreed that the individual mandate was needed in order to render the ordinance effective. Councilor David Harding repeated some advice from Brian Jones, Council Attorney, regarding enforcement and the roles of the Council and City Administration. Mr. Harding thought it was important to have a penalty for violating the ordinance and he did not support removing the fine. He also highlighted the experience in Salt Lake County with their mask ordinance; it has not created an undue burden for the Police Department. Ms. Ellsworth hoped that more data would help the Council make better decisions as this continued to be a topic of discussion moving forward. Councilor David Sewell echoed Mr. Harding's comments, noting that removing the penalty would eviscerate the ordinance. He

felt that the Council had the prerogative to set a penalty and that doing so would permit the City Administration to exercise discretion as to how they managed enforcement.

**Motion:** Bill Fillmore moved to delete the civil fine or infraction for individuals violating the ordinance. Seconded by Travis Hoban.

Councilor George Handley echoed earlier comments that it was problematic to remove the penalty from the ordinance. He was confident that the Administration and Chief of Police would be able to determine and prioritize the best means of enforcement. Mr. Fillmore disagreed that removing the penalty would negate the rest of the ordinance.

**Vote:** Failed 2:5, with George Handley, David Harding, Shannon Ellsworth, David Sewell, and David Shipley opposed.

**Motion:** Bill Fillmore moved to amend 9.25.030(2) from 25 to 50 individuals for outdoor gatherings. Seconded by David Shipley.

Councilors discussed this change and the distinctions between indoor and outdoor settings. Brian Jones, Council Attorney, noted that the difference between indoor and outdoor settings also factored the role of social distancing in the equation. Some worried that the nature of these changes would introduce more confusion. Several Councilors noted that outdoor settings were inherently less risky because of the air circulation. Councilor David Sewell expressed worry that this type of discussion could weaken the ordinance; he preferred discussing this type of question as part of the scheduled review of the ordinance in October.

**Vote:** Failed 3:4, with David Harding, Shannon Ellsworth, David Sewell, and George Handley opposed.

Councilors discussed whether some clarifications would be helpful, in order to better articulate the intent of the ordinance and avoid ambiguities.

**Motion:** Bill Fillmore moved to direct staff and Legal to prepare amendments to circulate to the Council, to prepare for a discussion and vote at the next Council Meeting, and to continue the item for the evening meeting. Seconded by David Sewell.

Mr. Jones noted that he had already incorporated the proposed changes to the Purposes section in order to make the ordinance more general. He suggested several other possible clarifications:

- Change the term public spaces to “publicly accessible areas”
- Add language referring to the exemptions section
- Clarify medical and athletic exemptions
- Clarify the signage requirement for businesses

Mr. Jones also sought direction regarding the questions of mayoral discretion regarding school activities and speakers at organized gatherings. He indicated that he could seek more feedback from the Council on those points offline.

**Vote:** Approved 7:0.

## **Administration**

### **2. A presentation regarding the Fiscal 2020 3rd Quarter Financial Report. (20-220) [\(1:28:35\)](#)**

John Borget, Administrative Services Director, presented. Mr. Borget reviewed the various revenue categories and how these had shifted during the onset of the pandemic. The Mayor, in collaboration with city departments, identified several areas of the budget which could be reallocated or adjusted in order to mitigate the revenue shortfalls resulting from the COVID-19 pandemic. In other areas, operational savings have helped close the gap between budgeted and actual figures. Councilor David Shipley expressed his admiration at the City's ability to quickly respond to these major budget upsets. He asked about the extent to which internet sales tax helped with these shortfalls; Mr. Borget explained that the recent introduction of internet sales tax to the City's revenue has had a significant impact (as one of the top-five sources of sales tax revenue), particularly as much economic activity has transitioned online during the pandemic.

Mr. Borget also clarified some general details about the internet sales tax retailers in response to a question from Councilor David Harding. Mr. Harding also asked about the impacts to the fiscal year 2020 fund balance. Mr. Borget noted that the fund balance was in a healthy place and would not be decreased by the pandemic, though they remained vigilant in preparing conservative estimates for budget carryovers. Councilor Shannon Ellsworth asked whether Finance had done any analysis regarding the potential impact of BYU classes moving online. Mr. Borget suggested it would likely have a negative impact but would be difficult to predict as circumstances could change very quickly. *Presentation only.*

### **3. A presentation regarding an update on the Provo City Center Project and Redevelopment. (20-013) [\(1:44:20\)](#)**

Scott Henderson, Project Manager, welcomed Brian McBeth of Layton Construction and Brent Tippetts of VCBO Architecture. Mr. Henderson shared an update on the project status, beginning with Fire Station 2. He also shared an update on the city center construction, which was met with some unexpected surprises in the form of seven different structures' footings and foundations and underground tanks. He outlined the process for the environmental impact mitigation. Mr. McBeth shared more details of the project construction. Mr. Tippetts shared renderings of the building interior and exterior features, as well as various areas of the building, noting their uses and significant features. Councilors shared feedback and comments. Councilor Shannon Ellsworth noted that the staircase configuration might not offer a discreet experience for certain attire, such as high heels or dresses/skirts. Mr. Tippetts spoke to this question and indicated he could visit more with Councilor Ellsworth to ensure those concerns were appropriately considered. Councilor David Harding suggested this may be a good time to retire the term "Provo City Center" which seemed to invite confusion in the past. He also noted that this could provide a great opportunity to shift Center Street to a pedestrian area with more vehicular traffic diverted to 100 North. In response to a question regarding the reduction in square footage for the Customer Service Department, Mr. Henderson shared the number of workstations which have

been configured in the space. He noted that the design is more linear rather than going around the corner as in the current building and configuration. He noted that the Customer Service Department collaborated on the design of their area in the new facility.

David Walter, Redevelopment Agency Division Director, shared an update on the redevelopment of the balance of the blocks. He highlighted the results from an RFP, which has been narrowed from 8 proposals to 4 finalists who will further develop proposals. Mr. Walter hoped to bring more information to the Council for review in October. *Presentation only.*

**4. A resolution approving the Municipal Wastewater Planning Program Report for 2019 in accordance with the Utah Pollutant Discharge Elimination System Report. (20-119) ([2:25:48](#))**

Gary Calder, Water Resources Division Director, shared their annual report as required by State code. He noted that this self-assessment was conducted on an annual basis. Mr. Calder reviewed the state of the wastewater collection systems in the City. He also highlighted areas of concern in the report, many of which they were in the process of addressing with capital projects and improvements. He hoped that sharing this report with the Council would help to educate them about the current efforts of the division.

In response to a question from Councilor David Harding regarding a section of the report in which the responses had indicated that the department was not in compliance in certain areas, Mr. Calder clarified that these areas related to the loan that the City had requested and was likely to receive from the State. Those answers were an accurate reflection of the current status, which necessitated seeking a loan from the state, but which items would be addressed by the subsequent funding received. Mr. Harding also noted that a customer assistance program (as referenced in one question in the report) may be something the Council might wish to consider as a way to relieve the financial pressures on lower-income residents of the City. Mr. Calder noted that while no formal program exists at this time, that Public Works has been very flexible in helping customers who have raised concerns. *Presentation only.*

**5. A presentation from the Utah Transit Authority regarding the impact COVID-19 has had on their services. (20-221) ([2:38:00](#))**

Kent Millington, UTA Board Trustee, shared an update on the Utah Transit Authority's response to the COVID-19 pandemic and its impacts to their services. Ridership generally experienced a decrease at the onset of the pandemic, but as the local universities have reopened, ridership has also begun to increase again. Masks are now required on UTA transit and cleaning procedures have been expanded to ensure the continued safety of employees and riders. Mr. Millington noted that while UTA's fare box revenue has dropped somewhat along with decreased ridership, their sales tax increment revenue has remained fairly steady. Councilors shared comments and asked for clarification on several points of Mr. Millington's presentation. Councilor David Shipley asked about the net effect of the revenue impacts. Mr. Millington said the operational savings from decreased ridership have almost made up the shortfall. UTA has also been allocated \$187.5 million through the CARES Act, which would further mitigate the lost revenue. Councilor Shannon Ellsworth asked about a new UVX stop on 900 East. Mr. Millington shared

factors in the process and Councilor George Handley suggested that UTA continue to involve the community in the discussions of an additional stop. *Presentation only.*

- 6. A resolution to place a 0.207 acre parcel of vacant land at 1320 South and East of 1080 East on the Surplus Property List and to approve a Real Estate Purchase Contract for the sale of city property for a residential development. (20-221) (2:55:40)**

Tara Riddle, Property Manager, shared an overview of the project, which would include some twin homes and eight single-family homes. Councilor David Shipley asked about the timeline for the purchase contract. Ms. Riddle indicated that the timing would depend on when the units were sold, but she anticipated that they would sell quickly. In response to a question from Councilor Bill Fillmore, Ms. Riddle explained that housing was doing very well in this area and she thought the offering of a new housing type would attract other types of homebuyers. *Presentation only. This item was already scheduled for the Council Meeting on September 1, 2020.*

### **Policy Items Referred from the Planning Commission**

- 7. An ordinance amending the Zone Map classification of approximately 3.75 acres of real property, generally located at 1487 W 990 S, from Agricultural (A1) to One-Family (R1.10). Sunset Neighborhood. (PLRZ20200209) (3:03:05)**

Aaron Ardmore, Planner, presented. Mr. Ardmore shared details of the Kelshaw Lane development. He noted that the proposed rezone was for the whole property, but they planned to only subdivide one buildable lot at this time. *Presentation only. This item was already scheduled for the Council Meeting on September 1, 2020.*

- 8. \*\*\* CONTINUED\*\*\* An ordinance amending the Provo City General Plan map designation from commercial to residential for real property located at 1555 N Canyon Road. Carterville Neighborhood. (PLGPA20200062)**
- 9. \*\*\*CONTINUED\*\*\* An ordinance amending the Zone Map classification of approx. 1.91 acres of real property, located at 1555 N. Canyon Rd, from General Commercial (CG) to Campus Mixed Use (CMU). Carterville Neighborhood. (PLRZ20200085)**

### **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. *None requested.*

### **Adjournment**

*Adjourned by unanimous consent.*