

MINUTES OF THE SALT LAKE CITY COUNCIL WORK SESSION MEETING

TUESDAY, MAY 12, 2020

The City Council met in Work Session on Tuesday, May 12, 2020, in an Electronic Meeting, pursuant to Salt Lake City Emergency Proclamation No. 2 of 2020(2) (b).

Virtual Attendance: Council Members Chris Wharton, Analia Valdemoros, Daniel Dugan, Andrew Johnston, Amy Fowler, James Rogers, and Darin Mano.

Staff in Attendance: Cindy Gust-Jenson, Council Executive Director; Erin Mendenhall, Mayor; Jennifer Bruno, Council Executive Deputy Director; Brian Fullmer, Council Policy Analyst; Curtis Preece, Justice Courts Director; Nick Tarbet, Council Senior Policy Analyst; Lisa McCarver, Finance Director of Revenue & Collections; Russell Weeks, Council Senior Advisor; Mary Beth Thompson, Chief Financial Officer; Lisa Shaffer, Mayor's Deputy Chief of Staff; John Vuyk, City Budget Director; Tamra Turpin, Risk Manager; David Salazar, Human Resource Program Manager; Jaysen Oldroyd, Senior City Attorney; Jodi Langford, Human Resources Director; John Vuyk, City Budget Director; Jonathan Pappasideris, Senior City Attorney; Mark Kittrell, Deputy City Attorney; Libby Stockstill, Council Policy Analyst; Katherine Lewis, City Attorney; Clemens Landau, Justice Court Judge; Valeta Hitchcock, Justice Court Financial Analyst; Sam Owen, Council Policy Analyst; Laura Briefer, Public Utilities Director; Lehua Weaver, Council Associate Deputy Director; Cindy Lou Trishman, Council Administrative Assistant; Rachel Otto, Mayor's Chief of Staff; and Scott Crandall, Deputy City Recorder participated electronically.

Guests by Virtual Attendance: Sim Gill, Salt Lake County District Attorney (Item #11).

Councilmember Wharton presided at and conducted the meeting.

The meeting was called to order at 2:09 p.m. [2:09:01 PM](#)

AGENDA ITEMS

#1. [2:10:40 PM](#) UPDATE FROM THE ADMINISTRATION REGARDING THE MAYOR'S EMERGENCY DECLARATIONS RELATING TO COVID-19 (CORONAVIRUS) AND THE MARCH 18TH EARTHQUAKE IN THE SALT LAKE VALLEY. *As part of the update, the Council may discuss public health and other public safety, policy and budget issues stemming from the emergency*

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declarations. The Council may also receive information or updates from organizations or experts related to the emergency responses and coordination, including but not limited to earthquake damage to the City, the functioning of the Emergency Operations Center (EOC), City response and aid, and the status of City buildings.
[View Attachments](#)

Mayor Mendenhall briefed the Council on two of the items of specific interest.

1. Regarding federal funding distribution through the State and County and the expected timeline, there had been meetings with congressional leadership and expected further discussion on fiscal impact/revenue loss projections for Salt Lake City. Additionally, discussions had occurred with State and County leaders to address federal funds already received. (A timeline was currently undefined.)
2. Addressing the disproportionate impact of the virus on specific areas of the City, Mayor Mendenhall responded with two points:
 - Community and Outreach
 - Public service announcements in many languages were being completed, with the City continuing to relay timely and important information through the Spanish speaking communities; Language Access Plan was under development in the Mayor's office
 - Digital Equity had been a barrier and there was now an internal working group to work on communication through non-internet means.
 - Work with vulnerable populations
 - Testing events occurring in the areas where vulnerable populations lived (without requirements of symptoms)
 - Continued work with Salt Lake County assisting people experiencing homelessness and the impact of COVID-19 on this population
 - Partnership efforts with the State and the County to reach out to underserved communities for testing opportunities, vital support services, and access to information to stay safe

Rachel Otto briefed the Council on the status regarding acquiring local data from Salt Lake County and the State of Utah Health Departments. She said an update on trend line data was received and geo-coded to report accurately on the population within Salt Lake City borders and was provided to the Council. She

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added that additional layers of data have been requested on behalf of Salt Lake City, and the State has agreed to consider how to build and provide the information weekly.

Lisa Shaffer briefed the Council on the current condition of the City & County building addressing both COVID-19 and the damage from the earthquake. She said use of the building will be determined by a ramp-up/ramp-down plan based upon risk built on health data, and an upcoming budget amendment to address costs associated with the building.

Councilmember Wharton asked the Administration for an update on the languages the weekly public service announcements (PSAs) were being produced. Mayor Mendenhall shared that the languages were selected both by availability and the use of languages in Salt Lake City.

#2. [2:32:21 PM](#) FOLLOW-UP BRIEFING REGARDING AN ORDINANCE THAT WOULD MEMORIALIZE A LIST OF REPORTING REQUIREMENTS INCLUDING UPDATES OR REPORTS THE COUNCIL HAS REQUESTED FROM THE ADMINISTRATION, ITEMS THE COUNCIL IS ENTITLED TO RECEIVE BASED ON STATE OR CITY CODE, OR INFORMATION ITEMS THAT ARE ROUTINELY SHARED, RELATING TO THE COMMUNITY DEVELOPMENT DEPARTMENT. *The goal of gathering all the reporting information into one easy-to-reference location is to enhance transparency and add clarity to the process of sharing information needed by the Council to fulfill its role.*
[View Attachments](#)

Nick Tarbet indicated this was a follow-up briefing regarding previously requested information from the Administration for a timeframe of reporting requirement after adoption of the temporary zoning ordinance. Mr. Tarbet stated the proposed timeline of 14 days was agreeable to the Planning staff, and indicated there was additional content helpful to include when outlining items for reporting.

Jennifer Bruno noted it was the next step in a series of ordinance proposals the Council requested previously to clearly identify expectations.

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#3. 2:35:08 PM FOLLOW-UP BRIEFING REGARDING AN ORDINANCE THAT WOULD AMEND THE ZONING OF PROPERTY LOCATED AT 504 SOUTH 900 EAST STREET AND AMEND THE CENTRAL COMMUNITY MASTER PLAN FUTURE LAND USE MAP. *The proposal would rezone the property from Moderate Density Multi-Family Residential District (RMF-35) to Residential/Mixed Use (R-MU-35) and a Master Plan Amendment from Medium Density Residential to Medium Residential/Mixed Use. The intent of the proposal is to build a mixed-use development. No site plan has been submitted at this time.* [View Attachments](#)

Brian Fullmer briefed the Council with attachments and provided an overview of determined requirements associated with the requested amendment. Mr. Fullmer outlined the purpose of the discussion, as the Planning Director was not included in an email regarding the development agreement prior to Council adopting the agreement and ordinance. Additionally, issues were identified with charging additional rent for parking and planting of the trees. He noted the Salt Lake City Attorney's Office and Planning Division were recommending a development agreement with only the requirement for the ground floor commercial space (not to exceed 1,000 square feet), and indicated a public hearing was scheduled for next week.

Councilmember Mano requested clarification on the restrictions that were initially placed. Mr. Fullmer confirmed the restrictions were originally agreed to by the community and developer: restoration of large trees in the area (later discovered to be problematic), charging extra rent for parking was (also found to be problematic), and considering an overflow of parking on the street.

#4. *PULLED* BRIEFING REGARDING A PROPOSAL FOR A NEW PERMIT PROGRAM THAT WOULD ALLOW QUALIFYING RESIDENTS TO REDUCE VEGETATION ON A STRIP OF CITY-OWNED OPEN LANDS ADJACENT TO THEIR PROPERTIES, SUCH AS THE FOOTHILLS NATURAL AREA OR THE JORDAN RIVER PARKWAY, TO REDUCE POTENTIAL WILDFIRE FUEL SOURCES. *The proposal seeks to strike a balance between the City's limited budget for public lands management and the concerns of some residents about the risk of wildfires spreading to their properties.* [View Attachments](#)

Item pulled from agenda.

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#5. [2:42:28 PM](#) REVENUE UPDATE AND AN OVERVIEW FROM THE ADMINISTRATION OF THE MAYOR'S RECOMMENDED BUDGET FOR SALT LAKE CITY FOR FISCAL YEAR (FY) 2020-2021. [View Attachments](#)

Mary Beth Thompson briefed the Council with an overview of the Mayor's recommended budget, including the process and the entire budget were reconsidered in March of 2020. Ms. Thompson included the proposed budget was completed with a downward trend in the first two quarters and a flat budget for the last two quarters, with other revenues being modeled based on the crisis during FY 2009. She added that expenditures were considered with a flat budget with no lay-offs or salary reductions, while maintaining a 15% fund balance.

Lisa McCarver briefed the Council with a high-level overview of the Budget for FY20-21: [View Presentation](#)

- General Fund: \$323 million total budget
- \$8.4 million decrease projected
- Use of \$4.1 million cash reserves
- Property tax increase by \$5 million
 - \$1.7 million from newgrowth
 - \$3+ million increase from Redevelopment Agency
- Sales & Use tax projected to decrease by \$9.9 million
- Decrease of \$1.7 million from Funding our Future Sales Tax
- Projected loss of \$735,000 from Franchise tax
- Licenses and permit revenue projected to be down
- Expected decline of licensing revenue of \$2.2 million
- Intergovernmental revenue projected to be down \$612,000
- Expected decline in Class-C road funds due to lower gas tax
- Decrease of \$1.1 million in criminal fines and moving violations
- Interest income down by \$2 million
- Funding our Future Sales tax & County option taxes were separate taxes authorized by the State legislature
- Municipal Energy Sales tax from utility providers
- Franchise taxes included taxes from water franchise, telecommunications leases, cable franchise taxes and also small-cell wireless fees
- Licenses & permits tax included building permits & licensing and parking tax
- Civil fines were issued and collected through the Justice

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Court and include animal control violations, moving violations, and parking meter collections

- Miscellaneous revenue included utility reimbursements, vehicle reimbursements from City employees, public/private donations, and accounts receivable including Airport and administrative fees

John Vuyk briefed the Council regarding the total expense overview for FY20-21. He said funds in the Salt Lake City budget were separated into the following categories: Enterprise, General, internal service funds, and the E911 fund, and total City expenses projected for FY21 was \$1.2 billion (decrease of \$700 million). Additional points included:

- Homeless services
- Emergency management (need for new software and other services)
- Incentivized Rent Assistance (proposal to use \$1 million from Capital Improvement Program (CIP) to provide rent and mortgage assistance)
- Salary and Insurance increases
- Transit key route overview of funding

Councilmember Dugan requested clarification regarding license revenue changes this year from the Salt Lake City International Airport construction and for clarification regarding the tax of online sales.

Councilmember Johnston noted an interest from departments regarding service levels, past year service levels, and vacancies being held open in the coming fiscal year when budgets were presented.

Councilmember Rogers requested clarification in the transit key route reduction and requested a follow up at next week's meeting.

#6. [3:50:41 PM](#) OVERVIEW FROM COUNCIL STAFF OF THE MAYOR'S RECOMMENDED BUDGET FOR SALT LAKE CITY FOR FISCAL YEAR 2020-2021.
[View Attachments](#)

Jennifer Bruno briefed the Council with attachments. Discussion was held regarding policy choices within the budget as

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proposed and the different impacts of the determinations. Discussion included:

- Using one-time money to balance ongoing needs
- Keeping employees status quo may present challenges from the local market competition
- Proposed budget used previously unused funds to balance the budget and shift resources to reflect housing as a policy priority
- ERP (Enterprise Resource Planning) initiative was included in the Information Management Services (IMS) budget overview and was a significant investment of the City in anticipation of building enterprise-wide solutions
- Fleet Fund (internal service fund) had been impacted by the General Fund budget determination of a contribution of \$5 million, with continuing maintenance on older vehicles rather than investing in new vehicles.

Councilmember Johnston said there was a need for planning the Fund Balance at multiple years, with a 2 to 3-year cycle (not keeping Fund Balance at 15% for the next three years), and an analysis of the City's emergency needs.

#7. DINNER BREAK

#8. [5:17:46 PM](#) BRIEFING REGARDING THE PROPOSED GOVERNMENTAL IMMUNITY BUDGET FOR FISCAL YEAR 2020-2021, WHICH IS THE CITY'S SELF-INSURANCE FUND FOR LIABILITY CLAIMS. [View Attachments](#)

Russel Weeks introduced the proposed Governmental Immunity Budget for FY20-21, noting the fund was a "flat" fund with no increase.

Tamra Turpin addressed the following points:

- City was self-insured for liability and sets money aside in the Governmental Immunity Fund
- Cost of settling a claim was paid from this budget
 - Summary of liability claims was included in the attachments

Katherine Lewis provided additional context and said the immunity fund was important for negotiating claims against the City, and since the immunity budget had been increased, the City

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had never exceeded the budget due to the conservative nature of settling cases.

#9. 5:25:50 PM BRIEFING REGARDING THE PROPOSED JUSTICE COURT DEPARTMENT BUDGET FOR FISCAL YEAR 2020-2021. *The Justice Court handles misdemeanor criminal citations, small claims, traffic citations and traffic school for moving violations.* [View Attachments](#)

Libby Stockstill provided an overview regarding the proposed Justice Court Department budget for FY2021. Key points included:

- Budget remaining flat with identified savings due to COVID-19
 - Pause in operations
 - Elimination of two FTE positions
 - Holding two FTE positions vacant

Curtis Preece and **Judge Landau** briefed the Council. Discussion points included:

- Anticipated re-opening by June 1, 2020
- Violators were making donations in lieu of paying fines as well as COVID-19 related community service, although this will impact revenue
- Online court was sufficient for remote bench trials and some remote jury trials
- Specialty calendar development to ensure violators were immediately connected to their needs
- 1,200 jury questioners have been created to have a snapshot to collect all demographic data to ensure the right ratio of diversity.

Valeta Hitchcock briefed the Council on revenue from debt collection interceding tax dollars, and various payments from individuals. She also included that revenue had decreased although money was saved by the reduction of required personnel.

Councilmember Fowler spoke regarding fines and fees being down within the Justice Court system, due to COVID-19, requesting clarification on Senator King's bill stating that violators could do community service in lieu of paying fines, and looking to repurpose personnel for more resources within the court system.

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Councilmember Valdemoros asked for more diversity within the jury duty pool and to continue this effort into next year, with an overview of staff and responsibility within the Justice Court.

#10. [5:53:16 PM](#) BRIEFING REGARDING A PROPOSAL THAT WOULD UPDATE THE CITY'S STORM SEWER SYSTEM ORDINANCE. *The storm sewer carries rainwater and melted snow through gutters and drains to an underground system that flows to nearby rivers, canals, or creeks. Sometimes pollutants in runoff may enter the storm sewer system and may impact downstream rivers and lakes. While the City has adopted ordinances to protect water quality, the proposed amendments more effectively meet changing federal and State regulations to ensure stormwater quality standards. The amendments also deal with the City's enforcement of the standards. [View Attachments](#)*

Sam Owen briefed the Council with attachments. Discussion was held regarding ordinance for storm sewer amendments noting the following points in the ordinance:

- Amendments based on a 2016 State and federal storm sewer audit to clarify City access to private properties for enforcement
- Preservation of the previously delegated Administrative power to determine fines for violations up to \$10,000 or no more severe than the penalty of a Class B misdemeanor
- Clarification on authority to pursue escalating fines for persistent violations
- Allowance of enhanced post construction control through ordinance rather than through incentive rebate programs

Laura Briefer provided the Council additional detail regarding: run off could contain pollutants when passing through gutters and drains, the City was regulated under the Clean Water Act and the Utah Water Quality Act to monitor and regulate those discharges, regulating illicit discharge to the sewer system and included a permit process. She added in August of 2016 an audit reviewed all elements of the program and reported with one of the alleged deficiencies being regulatory authority to enter private property and escalate enforcement, and the proposed ordinance changes would provide clarity to the regulatory authority.

#11. [6:02:34 PM](#) WRITTEN BRIEFING REGARDING THE PROPOSED BUDGET FOR THE OFFICE OF THE SALT LAKE CITY ATTORNEYS OFFICE FOR FISCAL

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YEAR 2020-2021. [View Attachments](#)

Lehua Weaver briefed the Council regarding the proposed budget for the Salt Lake City Attorney's Office for FY2021. She noted the proposed salary adjustments, savings findings due to vacancy savings, and the District Attorney's (DA) Office request for four new positions of support.

Katherine Lewis briefed the Council on the Attorney's Office association with the District Attorney's Office for prosecutor services as well as an overview of the Divisions within the office of the City Attorney - Civil Division, Risk Division and Recorder's Office. Additional points made regarding the proposed budget include:

- Flat budget with vacancy savings
- Due to COVID-19, request for two new full-time employee (FTE) positions requested in the Attorney's office was not listed but was still needed due to time-intensive litigation
- Interlocal agreement with the DA since September 2015 and amended in July 2018 ongoing through June 30, 2028.
 - Provides all City prosecutorial services
 - DA authorized to oversee prosecution of City cases under State law and City ordinance in all courts
 - DA was designated as the Deputy Public Prosecutor, and permits the assignment of staff needed for case load processing
 - City pays the County to operate the prosecutor's office including management, lease and operations fees
 - Budget for entry level prosecutor was \$83,000, mid-level prosecutor \$93,000, and top-level \$99,000. Budget for a litigator was \$197,000, and legal secretary was \$68,000.

Sim Gill briefed the Council with additional information including: Victim Advocate position serving 1,493 victims - with focus on domestic violence cases, case load metrics, the impact of the partnership with the City, in-house positions, and potential use of field diversion.

Councilmember Fowler requested review for the potential funding option of the two FTE positions in the Attorney's Office.

Councilmember Wharton inquired on reasoning for requesting the Victim Advocate for the DA's office (rather than an additional

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prosecutor). Mr. Gill said the work/impact of the Victim Advocate was valuable/critical, it was a need going un-met, and that specific service could not be substituted.

Councilmember Wharton asked Staff to make a note for the Council to receive a briefing later in the year regarding diversion programs.

STANDING ITEMS

#12. [6:45:47 PM](#) REPORT OF THE CHAIR AND VICE CHAIR.

Item not held.

#13. [6:46:05 PM](#) REPORT OF THE EXECUTIVE DIRECTOR, INCLUDING A REVIEW OF COUNCIL INFORMATION ITEMS AND ANNOUNCEMENTS. *The Council may give feedback or staff direction on any item related to City Council business, including but not limited to scheduling items.*

Item not held.

#14. [6:46:12 PM](#) CONSIDER A MOTION TO ENTER INTO CLOSED SESSION, IN KEEPING WITH UTAH CODE §52-4-205 FOR ANY ALLOWED PURPOSE.

Councilmember Fowler moved and Councilmember Johnston seconded to enter into Closed Session to discuss Collective Bargaining (labor negotiations) pursuant to Utah Code §52-4-205(1)(b); and Attorney-Client matters that are privileged pursuant to Utah Code §78B-1-137, and for other lawful purposes that satisfy the pertinent requirements of the Utah Open and Public Meetings Act. A roll call vote was taken. Council Members Johnston, Wharton, Valdemoros, Rogers, Fowler, Mano, and Dugan voted aye. See File M 20-1 for Sworn Statement.

Virtual Attendance: Council Members Johnston, Wharton, Valdemoros, Rogers, Fowler, Mano, and Dugan.

Others in Virtually Attendance: Cindy Gust-Jenson, Benjamin Luedtke, Katherine Lewis, Jennifer Bruno, Lisa Shaffer, Rachel Otto, Cindy Lou Trishman, David Salazar, Jaysen Oldroyd, Jodi Langford, John Vuyk, Jonathan Pappasideris, Mark Kittrell, Mary Beth Thompson, and Scott Crandall.

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The Work Session and Closed Session meetings adjourned at 7:57 p.m.

Minutes Approved: Tuesday, March 16, 2021

COUNCIL CHAIR

CITY RECORDER

This document is not intended to serve as a full transcript as other items may have been discussed; 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 City Council Work Session meeting held May 12, 2020.

kt/dr/clt