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PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

1:00 PM, Tuesday, October 20, 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 Bill Fillmore
Councilor David Shipley
Councilor David Sewell
Councilor Travis Hoban
Councilor Shannon Ellsworth
Mayor Michelle Kaufusi

Prayer

Councilor Travis Hoban offered the prayer.

Business

1. A presentation regarding the 2020 4th Quarter Financial Report. (20-137) ([0:11:34](#))

John Borget, Administrative Services Director, presented. He noted that this particular report was not audited, as the audit was currently underway for the past fiscal year. Mr. Borget shared revenue updates from the final quarter of Fiscal Year 2020. He highlighted the challenges posed by the coronavirus pandemic and how this has impacted revenues over the last several months. Sales tax revenue has been strong as the recovery has been felt in the local economy, coming in above the previous year's sales tax revenue, as well as higher than the budget projections. Fiscal year 2022 will be the third year with the Recreation, Arts, and Parks tax in place. Mr. Borget reviewed other revenue categories, noting that property tax and vehicle fees came in strong. Mr. Borget reviewed the total appropriations, which he felt reflected good management on the part of the Council and Mayor. Mr. Borget reviewed the library and golf course revenues, noting the impacts of the pandemic to these facilities' operations. Mr. Borget also reviewed the utility revenues in detail. Several funds' revenues were up due to the related utility rate increases associated with capital projects for those functions at the city. Council Chair George Handley thanked Mr. Borget for the presentation. *Presentation only.*

2. An update from Fire Chief Miguel regarding protective equipment purchased with CARES Act funding, plans for Fire Station 21, and needs for the Airport. (20-136) (0:26:18)

Fire Chief Jim Miguel presented. Chief Miguel shared updates on the Provo Fire Department's involvement in the recent fire in Provo Canyon. He addressed the Range Fire specifically and also answered several questions from Councilors regarding the origins of various wildfires.

Chief Miguel shared an update on how the COVID-19 pandemic has affected their operations. The Fire Department purchased CPR equipment with CARES Act funds, which was beneficial to the department's COVID-19 response, as well as providing an ongoing benefit to the community. Chief Miguel expressed their hope to invest in further protective clothing and equipment for firefighters, which could offer additional protection against carcinogens and viral infections. The Fire Department continued work with their master plan consultant; Chief Miguel hoped to bring a more substantive update to the Council in the fall. *Presentation only.*

3. A discussion regarding proposed amendments from the Sign Committee to Provo City Code regarding electronic sign hold times and permitted locations. (20-101) (0:55:24)

Hannah Salzl, Policy Analyst, and Javin Weaver, Planner, presented. Ms. Salzl reviewed the logic and rationale behind the proposals. She reviewed the policy considerations with different-length hold times, to which areas of the city they would apply, and responded to questions and feedback from Councilors. Ms. Salzl first outlined the competing interests and goals of the committee with regard to these hold time standards; primary purposes included promoting safety and preserving community aesthetics, as well as facilitating business-friendly conditions. The current code uses the phrase "churn" but hold time was more the industry standard, so these changes would align Provo's code with this more widely used term. Ms. Salzl outlined the proposed changes to hold times, noting that multi-tenant signs in the SC3 zone representing 20 or more tenants would have a slightly shorter hold time than the proposed standard, to facilitate wayfinding and ease of identifying a business in a large complex. Electronic signs were prohibited in residential and agricultural zones and the downtown area had its own standalone sign ordinance and regulations. Otherwise, long hold times were permitted anywhere except agricultural and residential areas, and short hold times were designated in certain areas only.

In response to a question from Councilor Shannon Ellsworth about how the standards would apply in a corridor containing both residential and commercial properties, Ms. Salzl explained that signs would be allowed for the commercial properties, and not for residential properties. This raised a point of discussion which the Council discussed in more detail, specifically as regarded sections of north University Avenue and south State Street. Councilor David Sewell, who served on the committee, elaborated on the intent of the ordinance to regulate external characteristics. He noted that the committee was wary of banning digital signs completely (besides in the downtown area due to historic design standards), lest such a ban not prove legally defensible. Ms. Ellsworth asked about the distinctions between residential zones versus areas; Mr. Sewell noted that the current intent was to leave the code as it was, in specifying a listed set of agricultural and residential zones in which electronic signs were not permitted.

Other Councilors shared comments and feedback, including:

- Further clarification was needed regarding whether LDR, MDR, and HDR zones were included in the residential zone prohibition. Additionally, the impacts to the design corridors in the city was unclear. The committee would examine these issues in more detail.
- Councilor David Harding noted that there were many people who may not experience signs as a driver, but rather as a pedestrian or cyclist. He also expressed concerns about the rationale for the hold times of multiple-tenant properties.
- Councilor Travis Hoban, one of the Sign Committee members, suggested that the Council table discussions of specific streets or roads and focus on the broad strokes for which the committee had hoped to receive input—notably, the hold time lengths, broad policies for downtown, and other big-picture questions.
- Ms. Ellsworth thought the one-minute hold time was still too short. She also requested further clarification or distinctions between residential zones vs. areas. Mr. Sewell noted that the committee intended to leave the code as it was, listing a specific set of residential zones in which digital signs were banned. He noted the committee would revisit the questions regarding the LDR, MDR, etc. zones.
- Councilor George Handley said he could support the hold times as presented.
- Councilor Bill Fillmore supported the recommendations and thanked them for their work.

Presentation only. This item will return to the Sign Committee for further refinement.

Policy Items Referred from the Planning Commission

4. *****CONTINUED*** An ordinance amending the zone map classification of approximately 5.33 ac of property, generally located at 1724 S State St, from Agricultural (A1.5) & Residential (R1.6) to Community Shopping Center (SC2). Spring Creek Neighborhood. (PLRZ20190426)**

Business

5. **A discussion regarding a Council policy intent statement for Center Street. (20-138) ([1:43:00](#))**

Councilor David Harding introduced this item and offered background details on this proposal. Center Street in downtown Provo was already designated as a pedestrian mall. He hoped to introduce a policy intent statement to help guide future policy towards that end; the policy intent statement was brief and at a high level to offer the most flexibility in how it was applied.

Councilors shared comments and feedback on the statement, including:

- Councilor George Handley was very supportive of these policies and hoped they could be more widely promoted downtown.
- Councilor David Shipley serves as the Council liaison with the City's Transportation and Mobility Advisory Committee. TMAC supported the policy but they had encountered pushback from the City engineers when pursuing practical application of the policies.

- Councilor Shannon Ellsworth hoped TMAC and the Planning Commission could share their best solutions and recommendations as regarded the policy intent statement and she hoped that the Public Works department could also help facilitate solutions.
- Mr. Harding hoped that Public Works was doing the best they could with the direction they have been given by the City Administration.
- Councilor David Sewell noted his one hesitation was that he wanted to better understand the financial and practical costs of rerouting vehicular traffic to 100 North.
- Councilor Travis Hoban asked if the Administration had given feedback on the statement. Wayne Parker, CAO, indicated that the City Administration did not object in principle and that they have been looking for more comprehensive policy guidance.

Motion: David Harding moved to adopt the Center Street policy intent statement as presented. Seconded by George Handley.

Vote: Approved 7:0.

6. A presentation regarding the Central Corridor Transit Study's findings. (20-133) (2:02:55)

Mary DeLaMare-Schaefer, UTA Regional General Manager, and Claire Woodman, senior planner at Parametrix, presented. Ms. Woodman shared an update on the Central Corridor Transit Study (CCTS), which examined the 850 bus on State Street through Utah County from Provo to Lehi. A driving tenet of this project was to evaluate high-capacity transit improvements from Lehi to Provo, preferred alternative for transit (alignment and mode), and to have a transparent and collaborative process with the cities involved. The study resulted in a desired route and it would utilize a bus rapid transit system with a similar technology as UVX.

Ms. DeLaMare-Schaefer responded to a concern from Councilor George Handley about large population areas and access to transit and shared some of UTA's philosophies on the subject. Ms. Woodman noted that the CCTS was not intended to solve every transit problem in the County, but that UTA would continue to explore more options for service. She noted some of the land use planning resources available for cities to consider so that they can support transit infrastructure as a cohesive part of their land use and transportation planning. *Presentation only.*

7. A discussion regarding the renewal of certain requirements related to the COVID-19 pandemic responses, including face coverings and public gatherings. (20-118) (2:21:10)

Cliff Strachan, Council Executive Director, highlighted the State's new transmission index (in which Provo and Utah County are listed as high transmission). Brian Jones, Council Attorney, outlined some possible policy approaches and actions the Council could take based on recent events and the timeline enacted in the previous ordinance passed by the Council. Councilors shared comments and discussed the various policy approaches. Their comments included:

- Councilor George Handley noted the recent state action was helpful and hoped that a new governor in January would continue to take a proactive approach.
- Councilor David Shipley was interested in reducing confusion that could arise from having different mandates in effect from the state and the city. He suggested that the Council examine in the coming weeks whether there was any confusing guidance.

- Mr. Jones highlighted some issues that could perhaps arise. Councilors discussed different options for moving forward, such as a repeal, letting the ordinance expire, as well as a possible referendum advanced by members of the public. Several Councilors thought a repeal would allow the City to exclusively promote the state's requirements.
- Councilors Bill Fillmore and David Harding both favored a repeal and turning educational efforts toward promotion of the state's mandate.
- Some Councilors were concerned that repealing the City ordinance would send a conflicting message, whereas letting the ordinance expire as planned would hopefully move things to a more natural conclusion with the state mandate as the primary guidance.
- Councilor David Sewell felt there was value and clarity to be had in combining educational efforts toward one set of standards but shared the conflicting feelings about whether to repeal the ordinance or let it expire.
- Mr. Shipley was concerned that the messaging may be confusing with a repeal of the mandate. He wondered why the City Administration could not just simply communicate the state rules and their support of the State's approach, even with Provo's ordinance in place for several more weeks. He much preferred that approach rather than introduce more confusion through the potential for erroneous messaging about a repeal.
- Councilor Travis Hoban was fine with either a repeal or expiration.
- Mayor Michelle Kaufusi and Isaac Paxman, Deputy Mayor, supported moving toward clarity by promoting the state's message.
- Ms. Ellsworth noted that she was elected to protect Provo citizens; she felt the state was being reactive in its approach and preferred taking a proactive approach for the Provo community. She wanted to demonstrate through the Council's action that the Council still takes seriously all the precautions that they felt were serious before.
- Mr. Handley echoed the concern about a repeal potentially sending the wrong messages. He thinks the State and County have failed by not acting sooner; the Council took a proactive approach to their decisions in consultation with medical experts and advice.

Motion: David Harding moved to make an ordinance repealing the mask ordinance the exhibit for the implied motion. Seconded by Bill Fillmore.

Mr. Handley clarified some of his earlier remarks, noting that the City had tried to make decisions understanding that the context in which those decisions would take effect would change dramatically with the return of university students at the end of the summer.

Vote: Approved 6:1, with Shannon Ellsworth opposed.

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.