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PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

1:30 PM, Tuesday, June 21, 2022

Hybrid meeting: [youtube.com/provocitycouncil](https://www.youtube.com/provocitycouncil) or 351 W. Center Street, Provo, UT 84601

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

Roll Call

The following elected officials participated:

Council Chair Travis Hoban, conducting
Councilor Katrice MacKay
Councilor Shannon Ellsworth
Councilor David Shipley
Councilor Rachel Whipple
Councilor Bill Fillmore, arrived 1:49 PM
Mayor Michelle Kaufusi, arrived 1:43 PM

Excused: Council Vice-Chair George Handley

Prayer

The prayer was given by Katrice MacKay.

Business

1. A discussion on the progress of last year's Council budget priorities. (22-016) ([0:01:56](#))

John Magness, Policy Analyst, presented. This presentation was in response to a request at the May 17 Work Meeting to review the Council's priorities and results from the past year. The first priority related to personnel, including retention and recruitment, as well as restoring benefits and wages cut during the pandemic. Mr. Magness reviewed the changes made during the year to restore these, including a market rate study and related increase for police and fire wages, restoration of sick-leave-buy-back, coverage of employees' health insurance cost increase, and birthparent and adoption leave. The second priority was to improve the staffing capacity in public safety. During the last year, they increased FTEs by two and there is a phased approach in place starting in Fiscal Year 2023. The third priority was to improve zoning enforcement effectiveness, efficiency, and retention. Code Enforcement was restored to its 6 FTEs, some recommendations of the Zoning Committee were implemented, and Council staff will conduct a program review in February 2023. The fourth priority was to make significant progress in implementing the Strategic Parking Management Plan. Not as much progress was made on this priority, due to the delays in hiring a parking manager. However, the Parking Manager is in place and has implemented a new parking system at the Provo Airport. They are working on

recommendations for the Joaquin permit parking area and need community buy-in on the paid parking proposal. Councilor David Shipley asked if the airport was implementing a new parking solution and whether that could be applied in other areas in the city. Mr. Magness indicated that it was a new app and they were looking at opportunities for expansion in other areas of the City. Councilor Shannon Ellsworth asked whether the new parking solution was part of the parking master plan or done separate from it. Mr. Magness indicated that he would look into this question and follow-up. The Council's final priority was to evaluate other positions and funding lost during the pandemic, and to consider and prioritize what should be restored based on the City's and citizens' changing needs, advances in technology, and City and resident priorities. As part of this, 9.3 FTEs were restored across five departments.

During some extra time, Mayor Michelle Kaufusi shared details of the City's observation of Juneteenth. Because the holiday is connected to a specific date, the 19th of June, Provo is going to always celebrate on the 19th out of respect for the holiday. Mayor Kaufusi also felt it was important to celebrate in a way that brings people together. They had the Bonner family perform last night and it was a really amazing concert. Councilor David Shipley added that it was a great event and a great way to celebrate the Bonners, a Provo family. *Presentation only.*

2. A presentation regarding TDM Parking policies. (22-051) ([0:15:21](#))

Bill Peperone, Development Services Director, presented. This is a follow-up to a previous question about projects which had been granted Transportation Demand Management parking exemptions. Staff did an analysis of TDM projects and the intent of this presentation is to share the findings with the Council—although there is not a specific action item associated with the presentation, staff are open to the Council's feedback on this issue. Staff's data collection showed some parking spillover from TDM projects—although staff have not received specific complaints, they wanted to note this data. Mr. Peperone gave an overview on how the TDM program was developed. When the Interim Transit-Oriented Development Zone was written, it included an automatic parking reduction of 50%. This created some issues with projects that did not have adequate parking, after which staff updated the requirements. The automatic parking reduction was changed to 25%, with the possibility of additional reductions based on certain criteria or actions met by the developer. This resulted in the current TDM process. The process also preserves the discretion of the Planning Commission. It also restricts a developer from going below one space per unit. If a TDM is approved, it is actually a contract between the City and the developer, with specific remedies outlined for issues, and is enforceable in court (which provides additional enforcement abilities and protections to the City).

The TDM can also be applied for by projects outside the core downtown area. Mr. Peperone noted that this broad application throughout the City has been more challenging to evaluate for the Planning Commission; more suburban areas of the City do not have the same access to transit and amenities or businesses as the downtown area. Mr. Peperone also noted that the Planning Commission has been struggling with the question of whether the TDM criteria are actually reducing car ownership versus reducing the number of car trips per day. Reducing car trips certainly contributes to better air quality, but this does not help with the question of number of parking spaces onsite. Mr. Peperone displayed a spreadsheet illustrating various projects which used TDM. Some spillover may also be due to the costs that complexes are charging for parking

passes. Mr. Peperone noted some of the policy decisions inherent in spillover parking—some Councilors may be supportive of using rec center or library parking during off-hours to supplement complex or street parking at times when existing parking is not being used.

Councilor Shannon Ellsworth asked about the provided washing machines for Blue Sky Development as an incentive for using transit. Mr. Peperone explained some complexes rent the washer and dryer to the tenant; in this case, the complex was waiving that rental fee in order to allow tenants to free up those funds to buy a transit pass. Ms. Ellsworth suggested the City only allow things that had a direct connection to parking. Councilor Rachel Whipple asked if carpooling and ridesharing were defined and if they were project-specific. Mr. Peperone said they were defined but he didn't know of any complexes using these. Ms. Whipple had some questions about the data from specific complexes. Mr. Peperone responded to these questions; in most cases, those things were negotiated in the tenant contracts. Ms. Whipple also asked about the discrepancy in the numbers for the 400 Element project. Sandy Bussio, Parking Enforcement Supervisor, indicated that those figures did not include the fluctuation that occurs with events. They typically count between 3AM-6AM to gauge resident parking.

Ms. Whipple shared some comments she had heard from business owners concerned with spillover into on-street parking. Mr. Peperone said they can use the data they have and meet with property owners to revisit whether a TDM is still appropriate. Mr. Peperone also asked Councilors to refer complaints of this nature to Development Services.

Councilor Katrice MacKay commented on the Startup Crossing complex. Mr. Peperone noted this project did not have a TDM plan. Ms. MacKay asked if the City can require that a complex not charge for parking. Mr. Peperone said they have typically seen that if complexes cannot charge for their parking passes, they will typically just raise the rent to compensate. Keith Morey, Development Services Assistant Director, also said it helps complexes to have a dedicated revenue stream related to parking as they can utilize those funds for maintenance of the parking area or structure. Ms. MacKay liked the idea of utilizing the nighttime rec center parking. Ms. MacKay asked how many of the projects done with TDMs did not ask for anything extra above the 25% parking reduction. Mr. Peperone named a few projects that did not ask for reductions beyond 25%, but he noted it was more of an anomaly. *Presentation only.*

3. An ordinance amending the zone map classification of approximately 6.3 acres of real property, generally located at 1265 South 500 West, from One-Family Residential (R1.8) to Public Facilities (PF) and OSPR. Lakewood Neighborhood. (PLRZ20220121) (0:40:03)

Javin Weaver, Planner, presented. This park is adjacent to I-15 near 500 W and 1300 South. This property is currently a city park and is owned by Pacific Power. Councilor David Shipley asked why there were two different zones. Mr. Weaver clarified that you cannot have privately owned zones in the OSPR zone. Councilor Rachel Whipple asked whether the parcels would be consolidated into one parcel. Mr. Weaver did not think it was likely as there was no tax incentive to doing so. Councilor Shannon Ellsworth asked why two Planning Commissioners voted against recommending approval. Mr. Weaver noted there was a previous discussion about rezoning one of the parcels in question for a pocket neighborhood, but the neighborhood was not supportive of

that past proposal. Two planning commissioners voted against this because of that discussion. Councilor Katrice MacKay noted that rezoning this city-owned area will allow them to build restrooms for the park. Ms. Ellsworth asked why they wouldn't just build higher quality housing here. Mr. Weaver explained this is the only park in the area; the next closest is Footprinters Park. Ms. MacKay also related a conversation she had with Travis Ball, Provo Power Director, who said there are some transformers on the bottom corner of the property. Keeping it as a park would allow them to more easily expand this power infrastructure in the future if needed. ***Presentation only. This item was already scheduled for the Council Meeting on June 21, 2022.***

4. An ordinance amending the Permitted Uses in the West Gateway (WG) Zone. (PLOTA20220117) ([0:46:55](#))

Sione Manoa, Planner, presented. The owner has a business at this property but the current zone does not allow for the owner's desired use. The West Gateway zone is intended to improve the area. The owner would like to add these: new and used car sales, motor vehicle/automobiles retail or trade, automobile repair, and service stations.

Council Chair Travis Hoban asked the Council's thoughts about this type of use being incorporated into a city gateway. Councilor Bill Fillmore expressed his desire to enhance gateway areas cosmetically and functionally, so he was not sure what type of reception this would receive from the Council. Councilor Rachel Whipple thought it was interesting that the owner is asking to change the whole zone, rather than doing something just for his parcel. Mr. Fillmore suggested a more holistic approach to the west Center Street gateway. Keith Morey, Development Services Assistant Director, indicated that staff agrees with the Council's assessment of the proposal and have recommended denial of this application. The Planning Commission has also voted to deny (with 8 commissioners in favor of denial and 1 in favor of the proposal). Mr. Morey indicated that the applicant shared many ideas about the proposed use of his property, but staff were concerned about making these changes to the entirety of that zone where it did not feel appropriate or consistent with the vision for that area of the City. Mr. Fillmore asked if there was any idea of the timeline on the City's gateway plan and Mr. Morey indicated they hoped to have a more concrete plan in about a year. ***Presentation only. This item was already scheduled for the Council Meeting on June 21, 2022.***

5. A Joint Resolution for a Memorandum of Understanding with Smith's and the Parties' intent to consider incentives for a future development. (22-050) ([0:55:40](#))

Keith Morey, Development Services Assistant Director, presented. The State legislature passed HB151 earlier this year, which limited the ability of cities to incentivize big box retail development. Mr. Morey indicated they felt this approach was challenging but they have been trying to work with retailers to facilitate the incentive process before the state law precluding that possibility went into effect. There are two retailers which the City has worked with and there are related items before the Council at the Council Meeting that evening to formalize these proposals. The City Council adopted Resolution 2021-15 on March 16, 2021, setting aside \$900,000 in the Economic Development Capital Improvements Fund for the express purpose of attracting a grocery retailer on the west side Provo City. Provo has been meeting with representatives for a big box retailer interested in establishing a store in Provo. For Provo to be

able to preserve its ability to offer incentives for this type of development, it is necessary for the Council to adopt a Resolution of intent. Mr. Morey and staff recommends that the City Council and the Redevelopment Agency Board approve the attached resolution. The agreement would preserve the retailer's rights for one year for the site at Geneva Road and Center Street.

Councilor Travis Hoban asked how long this right would be preserved. Mr. Morey said although the State legislature does not require a sunset clause, the City wanted to move this along and this has a sunset date of one year. The property is currently zoned as residential; Mr. Morey said staff would facilitate a rezone application, but they would suggest that if the Council approved a rezone that it also have a sunset clause. This approach is intended to move things forward and ensure that progress is being made on the project. Councilor Shannon Ellsworth commented on when the funding had initially been designated as an incentive and noted this property may still be locked in place with a stagnant proposal for another year.

Councilor Bill Fillmore appreciated this approach and thought it was very prudent. Mr. Fillmore asked for some clarification on the one-year provision, which Mr. Morey clarified. The state legislature did not require that the City include a sunset date, but Mr. Morey indicated staff's intent was to demonstrate good intentions to the State legislature and that the City understands the law. Mr. Fillmore asked about the site plan for the project. Mr. Morey indicated there was a preliminary site plan, but as the design was not finalized and subject to change, a more basic layout of the types of uses and square footage was included in the packet. He gave some details about what was intended by the developer with regard to square footage for a store.

Councilor Katrice MacKay asked about the park improvements referenced in item 5 in the memorandum. Mr. Morey explained that to meet the size needs of the store, there may be some impacts to the neighboring park. This was included as an attempt to facilitate some collaboration between the Parks and Recreation Department and the developer to include some parking improvements for the park that could offset the negative impacts to the park.

Councilor Rachel Whipple was excited about this project and liked the one-year provision. She asked about the third point in the memorandum. Mr. Morey responded; the third item was intended to tie incentive payments to a specific aspect of the project, rather than writing a developer a blank check. He explained some potential scenarios and how this provision provided the necessary flexibility. Mr. Hoban thanked staff for the work they are doing to locate a grocery store in this area. Mr. Morey apologized that this proposal was coming to the last Council Meeting of the fiscal year; they like to work with more lead time and he asked for the Council's patience. Mr. Hoban said his only concern was whether this memorandum would scare off other potential retailers who may be looking at properties on the west side. ***Presentation only. This item was already scheduled for the Council Meeting on June 21, 2022.***

6. A joint resolution of Provo City Corporation and the Redevelopment Agency of Provo City announcing their intention to prepare a Joint Development Agreement for the development of commercial development in Southwest Provo. (22-050) ([1:17:47](#))

Keith Morey, Development Services Assistant Director, presented. The background of this item was similar to the previous item, following passage of HB151 by the State legislature. This

applies the same principles to another property at the intersection of Lakeview Parkway and 500 West which was recently rezoned commercial. The retailer's name was not included in the application as it is a bit premature, but they are working with a prospective developer. They have not identified a specific incentive, so this resolution would allow them to have some discretion in the negotiations and to preserve the right to an incentive opportunity. This does not commit the Council to doing anything, but preserves the City's ability to provide an incentive.

Councilor Shannon Ellsworth asked if there was a resolution for this item; she was not able to locate it. Staff clarified that this was a resolution that authorized a possible memorandum of understanding. Councilor Rachel Whipple asked how the incentives would work with these two different properties. Mr. Morey provided some clarification on how this would work; the idea is that the incentive would be available to whichever project was ready first, but there could also be components provided to each of the projects. Councilor Bill Fillmore commented on this approach. Councilor Travis Hoban asked what the intent of the State legislature was in passing HB151. John Magness, Policy Analyst, said it was because the State wanted cities to stop poaching retailers from each other and to encourage developers to pivot to building housing.

Ms. Ellsworth noted this was never discussed in a Redevelopment Agency meeting. Mr. Hoban asked if that was simply a function of how quickly things had been developing and Mr. Morey confirmed that was the case. ***Presentation only. This item was already scheduled for the Council Meeting on June 21, 2022.***

7. A presentation from the parking division. (22-052) ([1:28:52](#))

Tom Thorpe, Parking Program Manager, presented. Mr. Thorpe highlighted parking operations on Center Street and the downtown area. They currently have a dedicated patrol officer, but signage is confusing and continues to present challenges. Councilor Rachel Whipple asked Mr. Thorpe's thoughts on TMAC's recommendations for Center Street. He indicated that back-in 45-degree parking has been shown to improve safety. Councilor Shannon Ellsworth asked for clarification about having an officer on foot for event days and whether that meant adding a full staff member or simply adding a shift. Mr. Thorpe indicated that entailed adding a shift. They currently have two full-time parking officers and five part-time officers, with one opening.

Councilor Travis Hoban asked if another officer would be self-funded by the amount of citations being issued. Mr. Thorpe indicated they were close to being self-funded but he felt the benefit to downtown was worth the cost. Ms. Whipple said she liked the large "P" signs outside the downtown parking structures; they make it much more obvious that the structures are available for public use. Mr. Thorpe suggested running a trial of paid parking along 800 North at the south end of BYU campus. It is a commuter location next to a residential permit area, so it should show a major impact. Councilor David Shipley asked about whether the City already had a program for paid parking; Mr. Thorpe was planning to coordinate with the Provo Airport to try and utilize the same system. Ms. Whipple clarified that Joaquin has not been set up as an official parking permit area. She suggested getting any system in place before August so it was implemented before students returned, rather than mid-semester. Testing paid parking would just require placing signage. He has spoken with the company Flowbird about an app solution. Ms. Ellsworth thanked Mr. Thorpe for working on the issue.

Mr. Thorpe then covered the topic of parking garages, noting that there are six parking garages which were owned in total or in part by the City and which were built using economic development funds or other city funds. These should be seen as a valuable city asset and could serve as overflow for ITOD areas or as a place that BYU residents can store cars instead of on city streets. They are evaluating how a municipal parking authority could help manage the parking asset in downtown Provo; the 2015 parking study recommended forming a parking authority or commission. In response to a question from Councilor Katrice MacKay, Keith Morey, Development Services Assistant Director, clarified that generally the City doesn't own the parking structure itself, but rather usually the City owns the property it is built on. Councilors pointed out some other underutilized parking assets—Zions Bank does not allow overnight parking and Splash Summit's parking lot is used only several months of the year. Ms. Whipple asked about how a parking authority would interact with unhoused people camping out in parking structures. Mr. Thorpe indicated that was a challenging issue and would require coordination with the police.

Mr. Thorpe shared some recommendations on Slate Canyon Drive and North Joaquin regarding permit parking. During his time at the City, he has not received requests from either neighborhood. He thought some areas could be improved or clarified by better signage and curb painting. Councilor Katrice MacKay said several residents have contacted her asking for no parking on Slate Canyon Drive and better enforcement of occupancy at these residences. She asked why the City does not paint curbs; Ms. Whipple also commented on curb painting. Mr. Thorpe elaborated on this issue and shared his thoughts on the low-cost solution. They generally follow the recommendation of the City engineers. Ms. Ellsworth commented on some of the issues on Slate Canyon Drive, which partly resulted from the narrow lots and residents using garage space for storage rather than parking.

Wayne Parker, CAO, offered additional context about painting red curbs versus utilizing signage to direct parking. In the past, curbs were very frequently covered with snow. At the Justice Court, the judge dismissed some charges due to a lack of signage that was visible throughout the year/seasons. The City's standard is to place well-marked signs. Mr. Thorpe also noted that Provo educates new drivers to the area by writing off first parking citation as a warning.

Mr. Thorpe also addressed ITOD zones, which have reduced parking requirements in transit-adjacent areas. These are effective in areas with more robust transit, which continues to improve in Utah. The scooter and bike-shares also make a difference. Ms. Whipple asked about commercial parking. Mr. Thorpe explained that in some cities, there is a maximum parking stall requirement and how this shifts responsibility to the developer to demonstrate what parking is being used. This would require a code change. Ms. Whipple wondered if this would be an appropriate solution in East Bay to redevelop properties in some of the areas with underutilized parking. Mr. Thorpe indicated this was a very complex issue. *Presentation only.*

8. A discussion on Council assignments to boards and commissions (22-005) (0:08:23)

Melia Dayley, Policy Analyst, explained that staff realized a Councilor was a liaison on two different boards that met at the same time. This proposed adjustment would allow separate

Councilors to liaise with the Parks and Recreation Board and Transportation & Mobility Advisory Committee so that they could each attend the separate meetings.

Motion: Travis Hoban moved that Bill Fillmore be removed as liaison to Parks and Recreation and Katrice MacKay be appointed as liaison to the Parks and Recreation board. Seconded by Shannon Ellsworth.

Councilor David Shipley asked whether it was an official appointment or just a liaison. Wayne Parker, CAO, clarified that it was for a Council liaison.

Vote: Approved 5:0, with George Handley and Bill Fillmore excused.

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.

Motion: Travis Hoban moved to close the meeting. Seconded by Shannon Ellsworth.

Vote: Approved 6:0, with George Handley excused.

Adjournment

Adjourned by unanimous consent.