

MINUTES OF THE SALT LAKE CITY COUNCIL
Tuesday, January 17, 2023

The City Council of Salt Lake City, Utah, met in Work Session on Tuesday, January 17, 2023.

The following Council Members were present:

Victoria Petro, Daniel Dugan, Amy Fowler, Chris Wharton, Alejandro Puy, Darin Mano

The following Council Members were absent:

Ana Valdemoros

Present Legislative leadership:

Cindy Gust-Jenson – Executive Director, Jennifer Bruno – Deputy Director, Lehua Weaver – Associate Deputy Director

Present Administrative leadership:

Rachel Otto – Chief of Staff, Lisa Shaffer – Chief Administrative Officer

Present City Staff:

Katherine Lewis – City Attorney, Cindy Lou Trishman – City Recorder, DeeDee Robinson – Minutes & Records Clerk, Michelle Barney – Minutes & Records Clerk, Thais Stewart – Deputy City Recorder, Taylor Hill – Constituent Liaison/Policy Analyst, Scott Corpany – Staff Assistant, Allison Rowland – Public Policy Analyst, Andrew Johnston – Director of Homelessness Policy and Outreach, Brian Fullmer – Constituent Liaison, Policy Analyst, Mary Beth Thompson – Chief Financial Officer, Nick Norris – Planning Director, Amanda Roman – Senior Planner, Kelsey Lindquist – Planning Manager, Tony Gliot – Urban Forestry Division Director, Hannah Barton – Community Liaison, Lindsey Nikola – Deputy Chief of Staff, Wayne Mills – Planning Manager, Michael McNamee – Principal Planner, John Anderson – Planning Manager, Diana Martinez – Principal Planner

The meeting was called to order at 2:00 pm.

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Work Session Items

1. Informational: Updates from the Administration ~ 2:00 p.m.
30 min.

The Council will receive information from the Administration on major items or projects in progress. Topics may relate to major events or emergencies (if needed), services and resources related to people experiencing homelessness, active public engagement efforts, and projects or staffing updates from City Departments, or other items as appropriate.

Lindsey Nikola provided information regarding:

COVID-19 Updates

- Cases were flat in the U.S. and Utah cases were down 13% over the last two weeks
- Vaccination/booster locations/information

Hannah Barton provided information regarding:

Community Engagement Highlights

- Ways to engage with the City found at www.slc.gov/feedback/
- Love Your Block hosting its first listening session today (January 17, 2023) at Glendale Public Library
- Ballpark Next design competition information
- Mayor's Community Office hours and locations for January 2023

Andrew Johnston provided information regarding:

Homelessness Update

- Homeless Resource Center bed/shelter availability/occupancy information
- Rapid Intervention Team (RIT)/Encampment Impact Mitigation (EIM) outreach information

2. Ordinance: Adopting Urban Forest Action Plan ~ 2:30 p.m.
30 min.

The Council will receive a briefing about proposed final version of the Urban Forest Action Plan. The plan is intended to provide guidance and concrete steps for Salt Lake City to align its resources and actions in the built environment with its goals for sustainability and equity. It would also inform a future zoning code amendment that supports the preservation and promotion of trees on public and private lands and within the public right-of-way.

Allison Rowland provided an introduction to the briefing and provided the associated implications, should the plan be adopted.

Amanda Roman, Kelsey Lindquist, and Tony Gliot provided information regarding:

- Project summary
- Purpose of the plan/vision
- Internal review process information
- Public engagement process information
- Plan recommendations
- Details of Urban Forest benefits
- Action plan strategies within the plan
- Staffing/cost for implementing the plan

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- Removal of language to utilize Impact Fees for the plan

Council Member Puy inquired about a Council funded initiative to provide education to the public regarding caring for new/existing trees; if the program was working, if funding was being spent for the initiative, and what were the details of the plan – noting the program’s importance to preserve the City’s urban trees. Tony Gliot said a tree watering/education campaign coordinated in conjunction with Salt Lake City Public Lands/Communications Team would be launched Spring 2023 and would include community outreach to inform residents of the initiative.

3. Ordinance: Zoning Map Amendment at Approximately 704 East 900 South ~ 3:00 p.m.
20 min.

The Council will receive a briefing about a proposal that would amend the zoning map for the property at approximately 704 East 900 South from R-2 (Single- and Two-Family Residential) to SNB (Small Neighborhood Business). The subject property is 0.24 acres. Although a specific development is not being proposed at this time, the rezone is in anticipation of bringing illegally added dwelling units up to code. Petitioner: Ale Gicqueau.

The Planning Commission forwarded a negative recommendation, therefore an ordinance has not been drafted. If the Council decides to approve the zone amendment, an ordinance would be drafted and considered for approval.

Brian Fullmer provided an introduction to the briefing.

John Anderson and **Diana Martinez** provided information regarding:

- Location of the subject property
- Details of the request
- Size of the subject property
- Intent of the proposal
- Planning Staff having recommended approval of the rezone based on the compatibility of the Central Community Master Plan and compatibility of zoning with other corner properties of the intersection
- Planning Commission recommended denial of the proposed zoning map amendment due to incompatibility to Plan Salt Lake and would not decrease congestion on the road
- Property currently under enforcement for use of short-term rentals in three illegal units

Ale Gicqueau (Applicant) provided information regarding:

- History of ownership/use of the property
- Current status of the property including enforcement issues
- Being amenable to preserving the existing property

Council Member Petro inquired if a development agreement could be put in place alongside the rezone to ensure the property would not be demolished – ensuring the home would be preserved in perpetuity. John Anderson said it was recently done with another property’s rezone request and could be recorded with the property, should the applicant choose to enter the development agreement.

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Council Member Puy inquired if the applicant's fees for non-compliance could be paused/halted pending the Council's decision regarding the rezone. **Katie Lewis** said typically the imposition of fees was a separate process from the Council's purview but would gather more information from the Administration regarding the status of the process/enforcement and return to the Council with an answer.

4. **Ordinance: Rocky Mountain Power Rezone** ~ 3:20 p.m.
20 min.

The Council will receive a briefing about a proposal that would amend the zoning of the property at 1223 West North Temple and portions of properties located at 1219 West, 1275 West, and 1407 West North Temple Street from M-1 Light Manufacturing and TSA-SP-C Transit Station Area-Special Purpose-Core to TSA-Urban Center-Core. The purpose of the amendment is to accommodate new office headquarters for Rocky Mountain Power. Consideration may be given to rezoning the property to another zoning district with similar characteristics. Petitioner: Rocky Mountain Power.

Brian Fullmer provided an introduction to the briefing.

Wayne Mills provided information regarding:

- Project request details
- Project area details (map)
- Existing/proposed zoning details and comparison of each
- Riparian corridor protection details
- Master Plan/City goal considerations
- Planning Commission unanimously recommended approval of the zoning amendment

Chris Parker (Give Communities, Lead Consultant), **Mike Jensen** (Rocky Mountain Power) and **Susan Petheram** (FFKR Architects) provided information regarding:

- Location details of the project including placement of structures on the property
- Groundbreaking planned for Spring/Summer 2023
- Proposed Phase I development details
- Timeline for headquarter redevelopment and full-site Master Plan process
- Community engagement process/details

5. **Ordinance: Accessory Dwelling Unit (ADU) Text Amendment** ~ 3:40 p.m.
40 min.

The Council will receive a briefing about a proposal that would amend various sections of Title 21A of the *Salt Lake City Code* pertaining to Accessory Dwelling Unit (ADU) regulations. The proposed code revisions would eliminate the conditional use requirement for detached ADUs in single-family residential zones. They would also aim to lower zoning barriers to the construction of ADUs in general. The proposed changes would seek to strike a better balance between encouraging the construction of ADUs and mitigating impacts to neighboring properties.

Brian Fullmer provided an introduction to the briefing.

Michael McNamee and **Nick Norris** provided information regarding:

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- Process and timeline of the proposal
- Summary of amendment/proposed changes
- Reasoning for removing conditional use process for Accessory Dwelling Units (ADUs)
- Information regarding where ADUs (detached or internal) were permitted/not permitted including where a conditional use would be required in the City (map)
- Expanding where ADUs could be built (comparison between current and proposed ordinance)
- Information on where ADUs would be permitted, should the proposal be approved
- Size, bulk, and yard requirements being a barrier to ADU construction
- Current/proposed maximum size requirements for internal/detached ADUs
- Current/proposed maximum height requirements and yard requirements for detached ADUs
- Alley activation requirements for ADUs within 15-feet of a public alley
- Parking requirements for ADUs
- Owner occupancy requirements remaining in place under proposed changes
- Change to proposed definition of ADU

Council Members and the Administration discussed the following topics:

- Council Member Dugan expressed concern regarding the impacts of ADUs added to properties without driveways/garages and said he would be in favor of adding a requirement for one off-street parking stall for new ADUs in single family zones.
- Council Member Mano suggested removing the owner occupancy requirement due to it being a barrier to creating housing in the City.
- Council Member Dugan indicated he was in favor of keeping the required four-foot setback for ADUs rather than the newly proposed three-foot requirement.
- Council Member Wharton expressed concern removing the conditional use requirement entirely as it allowed the City more control over ADUs and the process was originally seen as a comfort to residents to allowing ADUs into their neighborhoods. Nick Norris said the Planning Commission found that over the past three years, when processing conditional use applications for ADUs, there was rarely additional conditions placed on them because the requirements were so extensive that most potential impacts were already addressed through the standards in the code. Nick Norris further stated that the Planning Department had not been able to demonstrate that ADUs created a detrimental impact based on experience over the past three years of processing ADU applications.
- Council Member Puy inquired if there were ways contemplated to monetarily incentivize ADUs. Nick Norris said there was an internal group considering ways to further incentivize ADUs, including the Salt Lake City Redevelopment Agency (RDA) and other City departments.

6. Tentative Break ~ 4:20 p.m.
20 min.

7. City's Annual Financial Audit Report ~ 4:40 p.m.
30 min.

The Council will be briefed about the City's Comprehensive Annual Financial Report for

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the previous fiscal year, and the Management Auditor's letters regarding internal controls and compliance.

Paul Skeen (EideBailly Consultant) and **Michael Michelsen** (EideBailly Consultant) provided information regarding the Financial Report and Federal/State Compliance Report portions of the audit, including:

- Responsibility as auditors – design, plan and execute an audit that would allow for issuance of opinion(s) on financial statements
- Key areas of review – management's ability to override internal controls, the way in which revenue was accounted for, and capital assets maintained by the City
- Audit firm was independent of the City/City Management
- Mention of two findings:
 - Arts Council Fund had expenditures in excess of the budget at the end of the year – which was cited as an immaterial instance of non-compliance (according to State statute)
 - The Water Infrastructure Finance and Innovations Act (WIFIA) loan (about \$13 M) was inadvertently omitted from the schedule of expenditures of Federal awards, however; it was deemed necessary and was provided to the auditors and added to the schedule

Mary Beth Thompson explained that the overage (about \$21,000) occurred within the Arts Council Foundation, not the Economic Development Department, and found through discussions with the Administration (Felicia Baca) there was a raise given that was placed in the budget initially in July 2022 – which would now be updated as a budget amendment in January 2023 with a followup in May 2023 to assure the Arts Council Foundation budget matched the City's budget. Mary Beth Thompson assured the Council this issue would not occur again.

Mary Beth Thompson and Michael Michelsen provided details of the WIFIA loan and how it would be accounted for in the future.

8. Resolution: Local Emergency Declaration Extension - Shelter Bed Caps ~ 5:10 p.m.
10 min.

The Council will be briefed about a proposed resolution that would extend the Mayor's December 20, 2022 proclamation declaring a local emergency relating to Shelter Bed Caps.

Katie Lewis reviewed the history of the declaration of local emergency by the Mayor and the resolution to extend the caps on shelter beds. Katie Lewis added that the Council adopted a temporary land use regulation increasing the capacity at the Volunteers of America Utah (VOA) Youth Resource Center and that it would expire on April 15, 2023.

Andrew Johnston said April 15 was traditionally the end of the winter session, however; State Legislation identified the ideal date to extend the shelter caps to was April 30, 2023, and noted the shelter providers were in agreement with this date. Andrew Johnston added that the April 30 date did not apply to the St. Vincent dePaul overflow due to their current existing conditional use restricting their extension to April 15, 2023.

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Straw Poll: Unanimous support to extend the Mayor’s emergency declaration for increased capacity to April 30, 2023. Council Member Valdemoros was absent for the vote.

9. Ordinance: Amending the Zoning Text Pertaining to the use of Landscape Materials ~ 5:20 p.m.
10 min.

The Council will receive a briefing about a proposal that would amend the zoning code, including placing limits on the amount of turf grass that can be planted based on use, size of landscaped area, and slope and makes other similar changes. The proposed modifications are being requested in order for the City to be listed as an “eligible city” by entities that provide rebates for property owners who replace turf with more water-wise landscaping. The Council may amend other related chapters and sections of Title 21A Zoning as part of this proposal. The proposal would modify Section 21A.48.050 and definitions in Title 21A associated with the *Salt Lake City Code* pertaining to the use of landscape materials.

Nick Norris provided information regarding:

- Reasoning for the changes – rebate programs were changing, requiring specific landscape provisions limiting turf and conserving water with a majority of the rebates issued to Salt Lake City property owners
- Details of the rebate programs and their requirements
- When the changes would be applicable:
 - All new development
 - Changes that required a landscape plan (land use applications, site improvements)
 - Outdoor recreation areas and uses were exempt
- Limitations on Turf –
 - Single/two-family: No more than 35% of landscaped area, allowed up to at least 250 square feet, regardless of yard size
 - Multi-family: 20% of landscaped areas, includes common areas
 - All other uses: no more than 20% of landscaped area
 - Active recreation areas were exempt
 - Prohibited in areas less than 8 feet in any dimension
 - Prohibited on slopes over 25%
- Trees, mulch, irrigation requirements
 - Ensure that trees have access to water
 - Requires mulch in areas not covered by other material
 - Requires watersense controller (rain delay sensor)

Council Members and Nick Norris discussed future landscape requirements that would be forthcoming to the Council.

10. Board Appointment: Accessibility and Disability Commission - Kristy Chambers ~ 5:30 p.m.

The Council will interview Kristy Chambers prior to considering their appointment to the Accessibility and Disability Commission for a term ending December 28, 2026.

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Interview held. Council Member Mano said Kristy Chambers' name was on the Consent Agenda for formal consideration.

11. Board Appointment - Accessibility and Disability Commission - Ivana Powell ~ 5:30 p.m.

The Council will interview Ivana Powell prior to considering their appointment to the Accessibility and Disability Commission for a term ending December 28, 2026.

Interview held. Council Member Mano said Ivana Powell's name was on the Consent Agenda for formal consideration.

12. Board Appointment - Accessibility and Disability Commission - Damon Talbot ~ 5:30 p.m.

The Council will interview Damon Talbot prior to considering their appointment to the Accessibility and Disability Commission for a term ending December 28, 2026.

Interview held. Council Member Mano said Damon Talbot's name was on the Consent Agenda for formal consideration.

13. Board Appointment: Racial Equity in Policing Commission - Uliva Guadarrama ~ 5:35 p.m.

The Council will interview Uliva Guadarrama prior to considering their appointment to the Racial Equity in Policing Commission for a term ending December 30, 2024.

Interview held. Council Member Mano said Uliva Guadarrama's name was on the Consent Agenda for formal consideration.

14. Board Appointment: Racial Equity in Policing Commission - Olivia Joylani Kavapalu ~ 5:35 p.m.

The Council will interview Olivia Joylani Kavapalu prior to considering their appointment to the Racial Equity in Policing Commission for a term ending December 30, 2024.

Interview held. Council Member Mano said Olivia Joylani Kavapalu's name was on the Consent Agenda for formal consideration.

Standing Items

15. Report of the Chair and Vice Chair

Report of Chair and Vice Chair.

Minutes:

Item not held.

16. Report and Announcements from the Executive Director

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.

Minutes:

Item not held.

17. Tentative Closed Session

The Council will consider a motion to enter into Closed Session. A closed meeting described under Section 52-4-205 may be held for specific purposes including, but not limited to:

- a. discussion of the character, professional competence, or physical or mental health of an individual;
- b. strategy sessions to discuss collective bargaining;
- c. strategy sessions to discuss pending or reasonably imminent litigation;
- d. strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares, if public discussion of the transaction would:
 - (i) disclose the appraisal or estimated value of the property under consideration; or
 - (ii) prevent the public body from completing the transaction on the best possible terms;
- e. strategy sessions to discuss the sale of real property, including any form of a water right or water shares, if:
 - (i) public discussion of the transaction would:
 - (A) disclose the appraisal or estimated value of the property under consideration; or
 - (B) prevent the public body from completing the transaction on the best possible terms;
 - (ii) the public body previously gave public notice that the property would be offered for sale; and
 - (iii) the terms of the sale are publicly disclosed before the public body approves the sale;
- f. discussion regarding deployment of security personnel, devices, or systems; and
- g. investigative proceedings regarding allegations of criminal misconduct.

A closed meeting may also be held for 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.

Minutes:

Closed Session Started at 5:51 pm

Held via Webex and in the Work Session Room (location)

Council Members in Attendance: Council Members Dugan, Fowler, Petro, Puy, Mano, Wharton.

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City Staff in Attendance: Katherine Lewis, Rachel Otto, Cindy Gust-Jenson, Jennifer Bruno, Rachel Otto, Mike Lee, Boyd Ferguson, Tracey Fletcher, Ben Luedtke, Allison Rowland, Sam Owen, Allison Parks, Mark Kittrell, Sara Montoya, Jaysen Oldroyd, Lehua Weaver, Scott Corpany, Taylor Hill, and Cindy Lou Trishman

Closed Session ended at 7:05 pm

Motion:

Moved by Council Member Fowler, seconded by Council Member Dugan to enter into Closed Session for the purposes of attorney-client matters.

AYE: Victoria Petro, Daniel Dugan, Amy Fowler, Chris Wharton, Alejandro Puy, Darin Mano

ABSENT: Ana Valdemoros

Final Result: 6 – 0 Pass

Motion:

Moved by Council Member Fowler, seconded by Council Member Dugan to exit the Closed Session.

AYE: Victoria Petro, Daniel Dugan, Amy Fowler, Chris Wharton, Alejandro Puy, Darin Mano

ABSENT: Ana Valdemoros

Final Result: 6 – 0 Pass

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Meeting adjourned at 7:05 pm.

Minutes Approved: April 4, 2023.

City Council Chair – Darin Mano

City Recorder – Cindy Trishman

Please refer to Meeting Materials (available at www.data.slc.gov by selecting Public Body Minutes) for supportive content including electronic recordings and comments submitted prior to or during the meeting. Websites listed within the body of the Minutes may not remain active indefinitely.

This document along with the digital recording constitutes the official minutes of the City Council Work Session meeting held Tuesday, January 17, 2023 and is not intended to serve as a full transcript. Please refer to the electronic recording for entire content pursuant to Utah Code §52-4-203.