

**PROCEEDINGS OF THE MUNICIPAL COUNCIL MEETING
APRIL 6, 2010**

THE MUNICIPAL COUNCIL MET AS A COUNCIL OF THE WHOLE ON APRIL 6, 2010 AT 7:00 P.M. IN THE COUNCIL CHAMBERS, PROVO CITY CENTER, PROVO, UTAH.

UPON ROLL CALL, THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Council Member Cynthia Dayton
Council Member Midge Johnson
Council Member Rick Healey
Council Member Sterling Beck
Wayne Parker, CAO
Janene Weiss, Assistant City Recorder

Council Member Steve Turley
Council Member Sherrie Hall Everett
Council Member Laura Cabanilla
Mayor John Curtis
Neil A. Lindberg, Council Attorney

CONDUCTING: Chair Midge Johnson

OPENING CEREMONIES

INVOCATION: Sarah Bruner

PLEDGE OF ALLEGIANCE: Whitney James

APPROVAL OF MINUTES

Council Member Turley moved to adopt the March 2, 2010 and March 16, 2010, Council Meeting minutes as written, an action seconded by Chair Johnson and approved 7:0.

PUBLIC COMMENTS

Dan Garfield, Provo, addressed the neighborhood chair program. He felt the code was ambiguous concerning when and how neighborhood chair elections are held. He called for an election last year and was told they could not have one. He felt it was highly unusual that the only one that could call for an election was the elected official. He said the current Dixon Neighborhood Chair has appointed a co-chair and he thinks she will try to allow the co-chair to take her place without an election when she steps down. Mr. Garfield asked the Council to review and revise, if necessary, the City Code to ensure and guarantee regular elections for neighborhood chairs.

Chair Johnson said the Council Community Development Committee is reviewing the neighborhood program, specifically in regards to elections and terms, and will make recommendations to bring to the Council as a whole soon. In response to Ms. Hall Everett, Ms. Johnson said Council Members Johnson, Beck, and Cabanilla were serving on that committee.

Robert Oscanyan, Dixon Neighborhood, offered his support for reviewing the neighborhood chair election process and requested any changes be made sooner, rather than later.

Kurt Peterson, Provo, said he serves as an unpaid neighborhood chair, elected by his neighborhood. He said they could not hold elections without City staff present so he encouraged the Council to provide adequate City staff in order to hold elections and verify that City Code is being

followed. He encouraged the Council to match the neighborhood chair terms to that of the City Council, which is four years with no term limits, because there is much to learn and it takes time. He offered his support for the current Dixon Neighborhood Chair and acknowledged all the work she has accomplished as the neighborhood chair. He said she is one of the best neighborhood chairs the City has had.

PRESENTATIONS / AWARDS

Employee of the Month

Reta Trimble, Employee Association President, invited Jason Finlinson and Fire Chief Blair Camp forward to honor Mr. Finlinson as Employee of the Month for April 2010. Chief Camp said Jason is one of those employees that do their job without a lot of fanfare. He has been with the City for nine years and has a lot of skills in several areas. He has mastered the ability to work with ropes, knots, and rescue equipment and is a very good resource in those areas. Jason was involved in the recent Nutty Putty cave incident, and was one of the rescuers down in the cave. He is always working to improve his skills, is involved in training, and is willing to share his talents and ideas with others. Jason always has a positive attitude. He was a member of the department budget team working to solve the budget issues within the Fire Department. He is the current secretary of the local chapter of the International Association of Fire Fighters. In his spare time he is an outdoor enthusiast and has traveled all over the world to climb some of the highest peaks, including the Matterhorn, Mt. Eiger, Mt. Rainier, and Mt. Whitney. His wife Emily and children Madison, Jacob, and Emme were present and invited to come forward.

Mr. Finlinson said that anyone receiving an award has support units. He wanted to acknowledge his support units; his family, extended family, and his fellow workers

Safety Prosperity Unity Award

Chair Johnson introduced the Safety, Prosperity, and Unity Award and invited Mayor Curtis to comment. Mayor Curtis said the City has focused on safety, prosperity, and unity in the community and has designed awards around those three themes. Mayor Curtis invited Chief Geslison, Provo Police Department, to present safety awards to Sarah Jones, and Tonika Andersen Gomez.

Chief Geslison said in the early afternoon of March 4, 2010, Sarah Jones was taking care of a 4-year-old child and saw a stranger talking to the child. The man was telling the child she needed to go with him and grabbed the child. Ms. Jones was able to take the child from the stranger and took her into the house. The man followed and threatened her. Ms. Jones called the police and the child's mother, Tonika Gomez. Ms. Gomez responded, was able to find the suspect, and kept him in the area until the police arrived to take him into custody. Because of the action of these two women a potential child abduction was averted.

Mayor Curtis said this incident is significant because if we are to have a safe community we cannot just rely on law enforcement and our fire department. We must rely on every citizen in our community.

A news clip featuring this incident was shown to the Council.

Emergency Dispatch Week

Mayor Curtis invited Provo City dispatchers Rachel Moore, Genevieve White, Kjirsten Adams, and Mary (MJ) Johnston to come forward to be recognized. He asked Lt. Brian Wolken to comment.

Lt. Wolken announced that next week is National Dispatch Week so the City would like to honor all the Provo City Police dispatchers for the work they do. He is amazed at how hard working, professional, and compassionate our dispatchers are. He said that Genevieve White was being honored by the local chapter of APCO (Association for Public Safety Communication Officers) with a Dispatch Trainer of the Year award. Genevieve was also the dispatcher that worked the attempted child abduction 911 call.

Mayor Curtis said dispatch is a part of the City that most people do not see and yet few places deal with as much intensity and do such hard work. He thanked the dispatchers for the work they do. Mayor Curtis read the proclamation declaring April 11-17, 2010 as “National Public Safety Telecommunications Week.”

Clean Up Cabinet Month

Mayor Curtis invited Mr. Kye Norfelt, with the Utah County Division of Substance Abuse, to come forward and comment. Mr. Norfelt said Utah County has some of the highest rates in the nation for prescription drug abuse. One of the causes is the availability of these drugs. Prescription drugs can be found in most medicine cabinets. About 70% of the youth that abuse prescription drugs say they get them from their friends for free. The group Mr. Norfelt represents, Smart Utah County, is working on reducing the availability of these drugs. The group encourages citizens to clean out any leftover pain pills and sedatives and have them destroyed.

Mayor Curtis announced the City has a drop-off location for prescription drugs at the Provo Police Department, in addition to eight other locations throughout Utah County. He said it is not a simple thing to destroy these drugs and encouraged people not to flush them down the toilet or throw them away because of the impact it has on the environment.

Mayor Curtis read the proclamation declaring April 2010 as “Clean Out the Cabinet Month.”

Provo Fair Housing Month April 2010

Chair Johnson invited Mayor Curtis and Dan Gonzales, HOME Program Administrator, to comment on this presentation. Mr. Gonzales said America represents equality of opportunity for all people. He said it is disturbing when new immigrants, minorities, persons with disabilities, and families with children are denied access to housing because of illegal discrimination. The primary purpose of the Fair Housing Act is to protect the dwelling seeker from discrimination while seeking housing. He said the City is joining with the United States Department of Housing and Urban Development in this proclamation.

Mayor Curtis read the proclamation declaring April 2010 as the “Provo Fair Housing Month.”

ACTION AGENDA

A. A resolution appointing Matthew Taylor as Executive Director of the Municipal Council of the City of Provo, Utah.

Chair Johnson introduced the resolution and said Matthew Taylor was given a conditional offer of employment as the Executive Director of the Municipal Council of the City of Provo three weeks ago. Mr. Taylor meets the qualifications set forth in the code and has the skills and abilities to perform the job.

Chair Johnson moved to adopt the following resolution, an action seconded by Council Member Healey and approved 5:2 with Council Members Hall Everett and Dayton opposed.

RESOLUTION 2010-28

A RESOLUTION APPOINTING MATTHEW TAYLOR AS EXECUTIVE DIRECTOR OF THE MUNICIPAL COUNCIL OF THE CITY OF PROVO, UTAH.

B. A resolution reappointing Dan Johnson and Greg Hudnall to the Metropolitan Water District Board.

Chair Johnson introduced the resolution and invited Wayne Parker, Provo City CEO, to comment. Mr. Parker said the Metropolitan Water Board is a creation of the City and appointments are made by the Council. The administration encouraged the Council to accept the appointments.

Council Member Dayton moved to adopt the following resolution; an action seconded by Council Member Healey and approved 7:0.

RESOLUTION 2010-29

A RESOLUTION REAPPOINTING DAN JOHNSON AND GREG HUDNALL TO THE METROPOLITAN WATER DISTRICT BOARD.

C. A resolution consenting to the appointment of Mayor John Curtis and the reappointment of Cynthia Dayton and Carol Thorne to the Provo City / Utah County Ice Sheet Authority.

Chair Johnson introduced the resolution and invited Mr. Parker to comment. Mr. Parker said this resolution is to appoint Mayor Curtis to the board and reappoint current members Cynthia Dayton and Carol Thorne.

Chair Johnson moved to adopt the following resolution; an action seconded by Council Member Turley and approved 7:0.

RESOLUTION 2010-30

A RESOLUTION CONSENTING TO THE APPOINTMENT OF MAYOR JOHN CURTIS AND THE REAPPOINTMENT OF CYNTHIA DAYTON AND CAROL THORNE TO THE PROVO CITY / UTAH COUNTY ICE SHEET AUTHORITY.

D. A resolution authorizing the Mayor to submit an application to the United States Department of Health and Human Services for a grant for a mentoring program at the Boulders Apartments.

Chair Johnson introduced the resolution and invited Julie Beck, Provo City Redevelopment Agency, to comment. Ms. Beck said Provo City has received a \$350,000 grant to provide a mentoring program for at-risk families at the Boulders Apartments. The application needs to be submitted by April 13 and requires a resolution, signed by Mayor Curtis, to be included with the application. Provo City will be the grantee and will subcontract with Community Action to design a program. Myla Dutton, with Community Action, will act as coordinator. The City has met with several of the social service groups and organizations that work in the Boulders area to assist in developing good, long-term benefits. Ms. Beck encouraged the Council to adopt the resolution.

Council Member Dayton moved to adopt the following resolution; an action seconded by Chair Johnson, and approved 7:0.

RESOLUTION 2010-31

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR A GRANT FOR A MENTORING PROGRAM AT THE BOULDERS APARTMENTS.

E. An ordinance enacting a temporary zoning regulation amending Chapter 14.21 to add Use No. 5820 (Drinking Places-Alcohol Beverages) as a permitted use in the Central Business District zone to enable relocation of drinking places existing within such zone to another location within the same zone.

Chair Johnson introduced the resolution and invited Paul Glauser, Provo City Redevelopment Agency Director, to comment. Mr. Glauser said in early 2009 the City agreed to purchase the Achafalaya property, located at 220 West Center, to build a convention center. The buyer was to take the proceeds and purchase property at 295 West Center to relocate his business. This resolution would allow the purchase to go forward as agreed. The business owners would be given a six-month period to complete the steps required to move their business to the new location.

Mr. Glauser requested the following amendment be made to the proposed ordinance. Lines 83-85 should read "...relocation of the tavern shall be evidenced by submittal of a complete application for any necessary building permit and for a business license for the new premises pursuant to applicable provisions of the Provo City Code."

Mr. Healey asked if there was a date certain for work to be started once the application has been submitted. Mr. Glauser said once the building permit application is submitted the applicant has six months for work to begin.

Mr. Lindberg, Council Attorney, clarified saying if no work is done for six months the permit expires, if work is being done on the project the permit would go on indefinitely.

Council Member Healey moved to adopt the following ordinance as amended; an action seconded by Chair Johnson and approved 7:0.

ORDINANCE 2010-04

AN ORDINANCE ENACTING A TEMPORARY ZONING REGULATION AMENDING CHAPTER 14.21 TO ADD USE NO. 5820 (DRINKING PLACES-ALCOHOL BEVERAGES) AS A PERMITTED USE IN THE CENTRAL BUSINESS DISTRICT ZONE TO ENABLE RELOCATION OF DRINKING PLACES EXISTING WITHIN SUCH ZONE TO ANOTHER LOCATION WITHIN THE SAME ZONE.

F. A public hearing to consider a resolution approving the HOME program allocation for the fiscal year ending June 30, 2011.

Chair Johnson introduced the resolution and invited Dan Gonzales, HOME Program Administrator, to comment. Mr. Gonzales said Provo City has received a grant from the United States Department of Housing and Urban Development (HUD) called the HOME Investment Partnerships Program. The grant, totaling \$1,419,708 was awarded to a consortium of Utah County cities with Provo's portion being \$694,237. In addition to Provo's share of the grant funds the City has rolled \$495,140 from FY 08-09 outstanding loan payments into the appropriation for a total of \$1,189,377

Beginning in September 2009 applications were made available to the public to apply for these funds. A committee was created to review the applications and made the following recommendations for use of the funds with \$69,424 for Administrative Fees; \$104,136 for Neighborworks (NHS); \$480,000 for Home Purchase Plus; \$259,818 for Buy in Provo; and \$276,000 for Owner Occupied Rehab Loans for a total of \$1,189,378.

Mr. Gonzales said the proposals were made based on an estimated amount of \$1,189,377. The grant came in \$3,272 less than anticipated so some, or all of the proposals, will need to be reduced to make up the difference. Chair Johnson suggested reducing each of the three programs by one-third to cover the shortage.

Mr. Turley said the proposal looked great. During the last election there was concern that some of these programs would be dropped or short-changed, but everything seems to be intact and the funds available to do the most good.

Chair Johnson invited public comment.

Robert Oscanyan, Provo, said he does not like these types of programs and felt it was government intervention. He was concerned about the amount of NHS funding and suggested keeping it down to the lowest level they would qualify for. Mr. Oscanyan feels these organizations should be more accountable to the citizens and should rely more on voluntary donations rather than government dole.

Council Member Turley moved to adopt the resolution as amended; an action seconded by Council Member Hall Everett.

Ms. Hall Everett said, as a tax payer, she sends a lot of her money to Washington and this is one of the best ways for her money to come back to help our community. She said funds for these projects are highly scrutinized by a citizen committee.

The motion to adopt the resolution as amended was approved 7:0.

Mr. Gonzales reminded the Council that these recommendations were from the committee and during the Council study process there was some discussion to delay funding the owner occupied rehab loans and redirect that funding to the down payment assistance loans.

Council Member Turley moved to reconsider the previous vote and adopt the resolution with an amendment reallocating the owner occupied rehab loan funds. The \$267,000 would be distributed evenly between the down payment assistance programs with \$138,000 going to Home Purchase Plus (total of \$618,000) and \$138,000 going to Buy in Provo (total of \$397,818). Council Member Hall Everett seconded the motion, which passed 6:1 with Council Member Beck opposed.

RESOLUTION 2010-32

A RESOLUTION APPROVING THE HOME PROGRAM ALLOCATION FOR THE FISCAL YEAR ENDING JUNE 30, 2011.

G. A public hearing to consider a resolution approving the non-social service Community Development Block Grant program for the fiscal year ending June 30, 2011.

Chair Johnson introduced the resolution and invited Paul Glauser, Provo City Redevelopment Agency Director, to comment. Mr. Glauser said the social service portion of the CDBG grant was approved a few months ago and this proposal is for the non-social service programs. The citizens' committee made

initial recommendations for the funding, however, the Council has had several discussions concerning locally targeted objectives that might affect how the funding is dispersed. Also, the original amount we anticipated receiving was increased by \$146,942 for a total of \$1,846,961.

The Council Members were given a breakdown of CDBG funding recommendations and discussed the funding options.

Chair Johnson invited public comment

Sarah Bruner, Spring Creek Neighborhood, requested an allocation of some of the surplus funds for a park in her neighborhood. She said the population density in her neighborhood is 1,800 people per square mile with 40% being children under the age of five. She said the demographics will not change; there will always be families with young children in that neighborhood. She indicated the residents would be willing to provide labor on the park and hoped that by providing surplus monies the park could be a reality.

Whitney James, Spring Creek Neighborhood, also petitioned the Council for a park in the area. She said a park would be good for small children and adults alike. They have been working with Roger Thomas, Provo Parks and Recreation Director, to discuss options and asked the Council to consider allocating some of the excess funds for the park.

Doug Carlson, Provo Housing Authority Director, said he appreciated the work of the CDBG committee however they must have felt his project of restoring the George Taylor home was a little expensive. Mr. Carlson said cost estimates to adequately preserve the home came in around \$235,000, which would be funded by various sources, including the \$100,000 he requested from the CDBG grant. He said the funding from the City would not be a grant but would be a low interest loan that would be paid back to the city with rental revenue from the property. He said if the Council allocated him just \$35,000 they would not have enough funds to complete the project.

Mr. Lindsay Wiblin, Carterville Neighborhood Chair, suggested the Council take time to determine the best way to spend the money. He said there are a number of valuable projects that could be considered and they did not have to make that decision in the next ten minutes.

Chair Johnson closed the public hearing and opened the discussion up to the Council Members.

Mr. Beck recommended reallocating the \$200,000 from sidewalks and the \$35,000 from the Taylor House Preservation to fund a park in the Spring Creek area. He also proposed using the \$146,962 excess funds for Pioneer Park Development.

Mr. Healey responded to Mr. Wiblin's comments saying the allocation of the CDBG funds have been discussed for weeks. With the addition of the extra funds the possibility of a Spring Creek park has been elevated.

Ms. Dayton was in favor of the Parks funding allocations. She suggested funding the Taylor House Preservation and, as the money is returned to the City, using those funds for the Spring Creek park. In response to Chair Johnson, Mr. Carlson said the original intent was to treat the loan as a mortgage and amortize it over a 30-year period so there would not be a rapid turnaround time.

In response to Ms. Hall Everett, Roger Thomas, Parks and Recreation Director, responded to a request for a time-line for bringing a park to the Spring Creek area. Mr. Thomas said any funding they receive through the CDBG grant for a Spring Creek park would go toward purchasing some options on property. As additional funds are allocated, the design process could start which would identify the cost of building a park. If funded, the design phase could be completed by the end of 2010. The construction

phase, which could begin in 2011, would be based on the size, amenities and final cost estimate for the park. Ms. Hall Everett said that CDBG money could be a potential funding source for the park in 2011.

Mr. Thomas said the Pioneer Park development design work could be completed with construction starting later this summer or fall. He said they currently have CDBG funding and with this new allocation they will have enough funds to finish Pioneer Park and any remaining funds would be allocated to a Spring Creek Park. They anticipate finishing the project by the end of this year.

Chair Johnson confirmed with Mr. Thomas that the Pioneer Park development could be completed with the addition of the \$235,000 from sidewalks and the Taylor home. Any surplus funds, along with the excess grant money of \$146,962 would then be applied to development of a park in the Spring Creek area.

Mr. Hall Everett asked what would happen to the Taylor home if the property has an historic designation and yet is never rehabilitated. Mr. Taylor said the worst case scenario would be that no funding is provided for restoration and the home cannot be approved for demolition so it just sits. Ms. Hall Everett asked if it qualifies for an historic renovation tax credit. Mr. Taylor said it would likely qualify for both a residential and commercial renovation tax credit.

Chair Johnson made a motion recommending the \$200,000 from sidewalks, \$35,000 from the Taylor Home, and the excess funds of \$146,962 be added to the Parks Development fund, along with the \$239,225 already allocated for a total of \$621,187. With \$400,000 of these funds to be used to complete the Pioneer Park development and any remaining funds being used for land acquisition and design for a park in the Spring Creek area. The motion was seconded by Council Member Healey.

Council Member Hall Everett made a substitute motion recommending the \$200,000 from Sidewalks be added to the Parks Development Fund, increase the allocation for the George Taylor House to \$100,000, and any excess funds be allocated to a Parks land acquisition fund for a Spring Creek Park. The motion was seconded by Council Member Dayton. The motion failed 3:3 with Council Members Hall Everett, Dayton, and Cabanilla in favor; Council Members Johnson, Healey, and Beck opposed with Council Member Turley abstaining.

Council Member Dayton made a substitute motion to continue this item to the April 20, 2010 work session and then to the April 20, 2010 Council Action Agenda; an action seconded by Council Member Hall Everett.

Council Member Beck made a substitute motion recommending both the \$200,000 from sidewalks and \$35,000 from George Taylor house be reallocated to a Parks land acquisition fund and the excess funds of \$146,962 be allocated to the Pioneer Park Development fund. There was no second to the motion so the motion failed.

Chair Johnson called for a vote on the motion to continue this item until April 20, 2010. The motion failed 2:4 with Council Members Dayton, and Hall Everett in favor; Council Members Johnson, Healey, Cabanilla, and Beck opposed, and Council Member Turley abstaining.

Chair Johnson called for a vote on the original motion to apply the \$621,187 to the Parks Department for Pioneer Park development and land acquisition for the Spring Creek Park. The motion passed 4:2 with Council Members Johnson, Healey, Cabanilla, and Beck in favor, Council Members Dayton and Hall Everett opposed, and Council Member Turley abstaining.

Mr. Turley said he has abstained from voting because the possible development in the Spring Creek area is in his neighborhood and he owns property that is on the list as a possible site for the park.

RESOLUTION 2010-33

A PUBLIC HEARING TO CONSIDER A RESOLUTION APPROVING THE NON-SOCIAL SERVICE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2011.

H. Land Use Legislation

1. A public hearing to consider an ordinance enacting Chapter 14.50(30) (The Isles Project Redevelopment Option) and amending Section 14.50.100 (PRO Zones Adopted of the Provo City code. 09-0007 PRO.

2. A public hearing to consider an ordinance changing the zone classification of approximately 0.94 acre of property located generally at 253 East 700 North from RC (Residential Conservation) to PRO-R-30 (The Isles Project Redevelopment Option). Joaquin Neighborhood. 09-0007PRO.

Chair Johnson introduced the ordinance and invited Brent Wilde, Assistant Director of Community Development, to comment. Mr. Wilde said the Isles project consists of 74 condo units with four beds per unit for a total of 296 tenants. The building is four stories for a total of 55 feet in height. There are two levels of underground parking with 191 total parking stalls, 166 devoted to tenants at a parking ratio of .645 parking stalls per tenant. There are 19 visitor parking stalls and nine stalls for the disabled.

Mr. Wilde said, after seeing a presentation about the proposed project, the Neighborhood Council recommended denying the proposal. They felt the design was good but the parking was inadequate for the area. The Community Development staff recommended approval of both the project and the zone classification change. They felt it was consistent with the SCAMP principles of higher density and less parking in the North Joaquin neighborhood. The Planning Commission recommended the Council deny the request because they find that approving parking standards on a case by case basis is "inefficient and unpredictable." The Planning Commission felt this project should be delayed until parking standards can be incorporated and applied to all projects.

David Hatton, representing the applicant Gary Maxwell, was invited to comment. He gave the Council a slide show presentation describing the project and highlighting some of the major points of the project. He said the Isles is a sister project to Alpine Village, built by BYU alumni to meet BYU housing standards. Mr. Hatton said the proximity of the Isles to the majority of classrooms would attract a higher amount of walking students.

The proposed parking area is fully lit, has 21 cameras, is well designed, and has sprinkler systems. Mr. Hatton said they would have strict parking regulations that would be tightly enforced. Increasing the number of parking stalls by going down another level would not work because of the high water table. He said they could not build the project if they had to cut down the number of units or if the City forced the developer to supply a parking stall for each tenant.

Mr. Hatton said one of the most important tools for ensuring parking is enforced is compliance by the tenants with the complex parking requirements and with Provo City and BYU regulations. He said most housing complexes are afraid to enforce parking because they don't want to offend the tenants.

Mr. Beck asked how the owners would enforce parking if tenants' sign a contract saying they do not have a car, and then bring a car and park on the city streets. Mr. Patton said if a student does not tell the truth about their form of transportation they would not be allowed to live there. Mr. Beck asked how they would enforce that if they are parking on streets far away from the Isles project. Mr. Hatton said the City

and residents of the neighborhood would have to be partners in enforcement. He said the City could start issuing and enforcing parking permits in the area. Mr. Beck stated he did not agree with a parking permit program and would work toward changing those ordinances.

Chair Johnson invited Kurt Peterson, Joaquin Neighborhood Chair, to comment. Mr. Peterson said in a recent neighborhood meeting a diverse group of citizens heard the proposal and voted against the project. They felt the location and design of the project were great but felt there was inadequate parking for the project. During the meeting a slim majority voted to approve the proposal if there was a .85 parking ratio. He said Alpine Village is a beautiful project and has a great parking ratio compared to the Isles. Also, Alpine Village is located on arterial roads and tenants can't park on those streets. If the Isles and other projects like it are built in the Joaquin neighborhood, the parking problems will spill out onto the city streets and some type of parking permit program would be needed. He said that is not what the residents of South Joaquin want. He said it is not the City's responsibility to facilitate development, it is the developer's job to propose developments that meet Provo's needs.

Chair Johnson invited Public Comment

Melanie McCoard, Provo, said the parking concern problems have been heard many times and the developer's argument that enforcement is the solution has been heard many times. She said everyone has to share equally in solving the problem, developers, students, and the City has to make concessions. The previous Council tried to bring many of the participants to the table to work out some solutions. She said she did not want the project to be approved without some adequate parking solutions.

Lindsay Wiblin, Carterville Neighborhood Chair, said Alpine Village is part of his neighborhood. He said it is located in an area where residents cannot park on the street. He said that project started out with a group of developers that made commitments and did not adhere to those commitments. He felt that those who would live in the Isles development would choose to park in the street, even if they have underground parking. In his neighborhood small projects have been turned down because there was not sufficient parking.

Dede Rose, representing a family trust with property at 637 N. 300 E., complimented the developers for looking at options for the area. She felt the number of parking spaces for the size of the development was a problem because parking would spill onto 300 East. She said it is not just a matter of students walking to classes; they would need vehicles to shop, visit friends, or go home on weekends. She does not want a parking permit program for the North Joaquin area and encouraged the Council to look at reconsidering the PRO zone in this area.

Brian Cassidy, Joaquin Neighborhood, said this project would increase the parking problem in the area. He said even if they were able to limit the number of cars to 56% of the tenants it does not decrease the number of cars in the neighborhood. He said tenants that have cars would move to other complexes and it would create problems in other areas.

Leo Lines, Joaquin Neighborhood, said the math is simple, one stall per student. He said it would just take longer for the developers to pay for the complex. He bought his home on 500 North 600 East in 1981 and back then students parked on 800 North. He said they are now parking on 400 North and walking to campus. He wanted to eliminate the PRO zone. He is a developer and he would not want to spend thousands of dollars in engineering fees and without knowing if the City would approve his project. He would like to have zoning requirements defined and enforced so developers know what to expect when building in Provo.

Chair Johnson invited Mr. Smith, a property manager, to comment. Mr. Smith said this is an excellent project close to campus. He said you can control, to a degree, how many students bring cars and they are sticklers for the rules. He felt they could make a success of the project.

Chair Johnson said this project has been represented as a joint effort with the developers and BYU. She invited Julie Franklin, Director of Resident Life at BYU, to comment. Ms. Franklin said the developers of the Isles have not contacted BYU about the project so they have no comment.

Mayor Curtis felt this was a little frustrating for everyone. He said we have heard how hard it is to develop in Provo. When this developer started the process the Council was approving similar parking ratios in similar developments. He said we have heard some compelling arguments about parking and have experienced the concerns as we've driven the streets. He felt this was so close to the type of development we want in that area that he, personally, was not ready to give up. Mayor Curtis said the City should help solve the problem, not just the developer. He has met with Mr. Peterson and Mr. Hatton discussing way to make this development happen. Mayor Curtis recommended to continue meeting with the developer, to think outside the box, and to try to find some answers.

Mr. Hatton said that Boston has 30 colleges and a lot higher density of students and a development like this, with this amount of parking, would be built there because students are told to leave their cars home and the City enforces the parking. He said the lot needs to be developed but if the City is not interested in going forward with this development then they aren't either.

Chair Johnson closed the public hearing and invited Council discussion.

Ms. Cabanilla thanked the developer for coming up with this plan. It is close to campus and the planned rapid transit routes and would focus on less reliance on individual cars. Ms. Cabanilla and her husband were the developers of the Lanai Condominiums. She said they were required to have a parking ratio of one to one and all of the parking is used. She said the newer developments in Provo tend to attract students that have cars and want to bring them. She said they are trying to encourage students to have less reliance on their own car but we are not there yet. She said if we approve this development with this parking ratio it will affect the neighborhoods because the students will park on the street. It would force the City to have a parking permit program. They have a permit program in Cambridge but Provo is just not there yet.

Chair Johnson said they have wrestled with the parking problems and do not have the right solution yet. She understands that developers and others are in the middle of this dilemma but there would not be an answer tonight. She said we need to do some studies to help the City engineer the proper parking ratios. She also recommended continuing this discussion with the developer to find a solution.

Mr. Lindberg suggested setting a date certain or a set number of months to resolve these issues. Ms. Johnson said the council needs to work on this policy and get some answers. Ms. Johnson suggested a deadline of six months to try to develop a parking policy that would be in effect for all proposed developments.

Chair Johnson moved to continue both land use items for six months, unless resolved sooner; an action seconded by Council Member Turley.

Mr. Turley said a delay would not be critical because the developer would not be ready for the summer building season. He said he wants the students close to campus but wants to alleviate the pain of student spillover in the neighborhoods. We need to fix the development process. Provo City's parking ratios compared to national standards are out of line, with some ratios off by 200%. He said the PRO

process does not represent a problem. It is the parking ratio and when we sort out the parking issues it would help development in Provo.

Mr. Wilde told the Council there are two other projects before the Planning Commission that are awaiting application pending the outcome of decision.

Ms. Dayton wanted to clarify a few comments for the record. She said it sounds like the City does not have any other process by which the developer can develop and that is untrue. She said developers can choose PRO zones or other options so there are other ways to develop in Provo. She said we have seen a proliferation of PRO zones, to the disadvantage of many developers, with some of them being so similar they have been grouped together rather than making another PRO zone with different requirements.

Ms. Dayton also asked that the Council consider visiting the PRO zone process, consolidate what we have, review what has been done, and develop design standards that are easily understood and worked with by developers.

Mr. Healey, Chair of the Planning and Land Use Committee, said the project is beautiful and in the right area, however, there are issues that need to be addressed. The committee is working on the issues with the PRO zones and the processes with the Administration. All the pieces need to be addressed with parking being part of the discussion. He is opposed to a parking permit program in the Joaquin and Wasatch areas.

Mr. Beck asked City staff to inform developers as proposals are being submitted that a decision has not been made on a parking permit program and what parking ratios would be required.

Chair Johnson called for a vote on the motion to continue the land use items until parking guidelines could be developed. The motion passed 7:0.

ADJOURN

Council Member Dayton moved to adjourn the Council Meeting, an action seconded by Council Member Turley and approved 7:0.