

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, NOVEMBER 1, 2005

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, November 1, 2005, at 7:15 p.m. in Room 315, City Council Chambers, City County Building, 451 South State.

The following Council Members were present:

Carlton Christensen	Van Turner	Dave Buhler
Nancy Saxton	Jill Remington	Love
Dale Lambert		

The following Councilmember was absent: Eric Jergensen

Cindy Gust-Jenson, Executive Council Director; Rocky Fluhart, Deputy Mayor; Ed Rutan, City Attorney; and Chris Meeker, Deputy City Recorder were present.

Councilmember Lambert presided at and Councilmember Turner conducted the meeting.

#1. The Council led the Pledge of Allegiance.

#2. Councilmember Saxton moved and Councilmember Love seconded to approve the **minutes** of the Salt Lake City Council meetings **held October 17 and October 18, 2005**, which motion carried, all members present voted aye.

(M 05-1)

PUBLIC HEARING

#1. **RE:** Accept public comment and consider adopting an ordinance amending the *Salt Lake City Code*, regarding **regulation for parking lots in the Downtown (D1) Zoning District**. Pursuant to Petition No. 400-03-30

Councilmember Christensen moved and Councilmember Buhler seconded to **close the public hearing**, which motion carried, all members present voted aye.

Councilmember Buhler moved and Councilmember Lambert seconded to adopt **Ordinance 65 of 2005**, which motion carried, all members present voted aye.

(O 05-21)

#2. **RE:** (a)Accept public comment and consider adopting an ordinance to **amend Section 21A.30.050** Table of Permitted and Conditional Uses for the Downtown Districts to allow different types of department stores as permitted uses in various commercial and downtown zoning districts and amend the Zoning Map designation for Block 76,

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, NOVEMBER 1, 2005

Plat D, Salt Lake City survey from Community Shopping (CS) to Community Business (CB) and amending the Salt Lake City Zoning Map rezoning properties generally located at 402 East 6th Avenue and 415 East 5th Avenue.

(b) Accept public comment and consider adopting an ordinance **amending Table 21A.26.080, of the Salt Lake City Code**, pertaining to permitted and conditional uses for Commercial Districts. Pursuant to Petition No. 400-04-29 (Public hearing for item b was continued from October 11, 2005)

Jean Lambourne submitted a card with questions but did not wish to speak.

Councilmember Christensen moved and Councilmember Lambert seconded to **close the public hearing**, which motion carried, all members present voted aye.

Councilmember Christensen moved and Councilmember Buhler seconded to adopt **Ordinances 66, 67 and 68 of 2005**, which motion carried, all members present voted aye.

(P 05-18)

#3. RE: Accept public comment and consider adopting an ordinance **rezoning property located at approximately 1532 and 1560 West 200 South from Single Family Residential (R-1/5000) to Neighborhood Commercial (CN)**. Pursuant to Petition No 400-03-10 (Shaw Homes. Inc)

James Shaw, representing Shaw Homes Inc., the petitioner spoke in favor of the rezone.

Councilmember Lambert moved and Councilmember Christensen seconded to **close the public hearing**, which motion carried, all members present voted aye.

Councilmember Christensen moved and Councilmember Love seconded to adopt **Ordinance 69 of 2005**, which motion carried, all members voted aye.

Councilmember Christensen said the parcel had unique challenges. He said there were no other options for the parcel.

Councilmember Turner said many options had been explored and the conclusion was the rezone.

(P 04-24)

#4. RE: Accept public comment and consider adopting an ordinance to adopt the **Central Community Master Plan**. (Petition No. 400-01-36)

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, NOVEMBER 1, 2005

The following citizen spoke regarding the Master Plan. **Cindy Cromer and Dennis Guy-Sell.**

Councilmember Saxton moved and Councilmember Lambert seconded to **close the public hearing**, which motion carried, all members present voted aye.

Councilmember Saxton moved and Councilmember Love seconded to adopt **Ordinance 70 of 2005**, enacting an update for the Central City Master Plan with changes proposed by the Council subcommittee that include revisions of policy, and future planning documents to divide the plan into two separate areas in order to provide a more timely approach to addressing future land use issues and including the removal of references to commuter rail and future light rail stations in the North Temple area, which motion carried, all members present voted aye.

Councilmember Saxton said the request for the master plan had come from the Community Council and the neighborhood. She said they wanted the master plan to be transparent.

(T 03-3)

#5. RE: Accept public comment and consider adopting an ordinance amending Section **21A.32.105, Salt Lake City Code, creating a Natural Open Space Zoning District.** Pursuant to Petition No. 400-05-20

The following people spoke in approval of the issue. **Cindy Cromer, Dennis Guy-Sell, Bonnie Mangold, Jim Webster and Christian Fannesbeck.**

The following were in favor but did not wish to speak: **Martin McGregor and Charles Bohn.**

Councilmember Saxton moved and Councilmember Christensen seconded to **close the public hearing**, which motion carried, all members present voted aye.

Councilmember Love moved and Councilmember Lambert seconded to adopt **Ordinances 71 and 72 of 2005**, which motion carried, all members present voted aye except Councilmember Turner who voted nay.

Councilmember Christensen said an Open Space Advisory Board had been set up to make recommendations to the Planning Commission for lands to be included in open space. He said there were numerous locations within the City.

(O 05-22)

COMMENTS TO THE CITY COUNCIL

Douglas Cotant spoke regarding damage done to planters on Main

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, NOVEMBER 1, 2005

Street by skateboarders. **Don Barron, Dennis Flynn and Dave Jackson** asked the Council to pass a \$1 rate increase to cover gas prices. They submitted a petition. Mr. Flynn asked that the current ordinance be changed to reflect a review of rates in emergency situations.

George Stutsenberger spoke regarding abandoned or boarded houses. He asked that the ordinance be changed.

(M 05-1)

UNFINISHED BUSINESS

#1. RE: Adopting an ordinance amending **Section 5.72.457 Salt Lake City Code**, relating to annual review of maximum taxicab rates and an amendment to Page 2, Paragraph E, second sentence of the draft ordinance to read "circumstances warrant one or more additional hearings during a calendar year".

Councilmember Buhler moved and Councilmember Christensen seconded to **adopt Ordinance 64 of 2005**, which motion carried, all members present voted aye.

Councilmember Buhler said a rate increase was not on the agenda. He said the new ordinance allowed a temporary rate increase through the hearing process. He said the Mayor or the City Council could convene a hearing by a hearing officer to hear evidence and make recommendations.
(O 05-2)

#2. RE: Adopting an ordinance **amending Section 12.56.170, Salt Lake City Code, relating to parking meter rates - to waive fees at parking meters from November 24, 2005 through January 2, 2006 and allow two-hour free parking.**

Councilmember Saxton moved and Councilmember Love seconded to **adopt Ordinance 73 of 2005**, which motion carried, all members present voted aye.

(O 05-27)

#3. RE: Adopting a resolution authorizing a loan from Salt Lake City's **Housing Trust Fund to Cedar Point Partners, L.P. for the Cedar Point Apartment Project.**

Councilmember Christensen moved and Councilmember Saxton seconded to **adopt Resolution 61 of 2005**, which motion carried, all members present voted aye.

Councilmember Christensen said this issue was unusual and complicated. He said the Housing Trust Advisory Board had made valid recommendations for a workable solution.

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, NOVEMBER 1, 2005

Councilmember Saxton said she was concerned with the neighborhood. She said it was essential that property management was strong and on site.

(R 05-16)

#4. RE: Adopting a resolution authorizing the application for **Preserve America** Community Certification and proclaiming the City's support of Historic Preservation.

Councilmember Christensen moved and Councilmember Love seconded to **adopt Resolution 62 of 2005**, which motion carried, all members present voted aye.

(R 05-19)

CONSENT AGENDA

Councilmember Lambert moved and Councilmember Saxton seconded to **adopt the Consent Agenda**, which motion carried, all members present voted aye.

#1. RE: Adopting **Resolution 63 of 2005**, adopting the National Incident Management System (NIMS).

(R 05-17)

#2. RE: Adopting a motion **authorizing the Council Chair to sign a letter of engagement with Matrix Consulting Group, Inc. to conduct a management and operational audit of Salt Lake City's Information Management Services Division.**

(G 05-26)

#3. RE: Adopting a motion authorizing the Council Chair to sign a letter of engagement with **Citygate Associates, LLC to conduct a management and performance audit of the Redevelopment Agency of Salt Lake City.**

(G 05-25)

#4. RE: Setting the date of December 6, 2005 at 7:00 p.m. to accept public comment and consider adopting an ordinance amending the **Salt Lake City Code to create transit oriented zoning districts, rezoning property along the east-west light rail corridor, and amend the Central Community Master Plan.** Pursuant to Petition No. 400-01-48 and Petition No. 400-01-12, (Transit Oriented Development)

(P 02-14)

#5. RE: Setting the date of November 15, 2005 at 7:00 p.m. to accept public comment and consider adopting an ordinance amending **Table 21A.46.120(E)(5), Salt Lake City Code, pertaining to sign regulations**

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, NOVEMBER 1, 2005

for the Open Space (OS) District and an ordinance amending Section 21A.46.020, *Salt Lake City Code*, pertaining to sign code definitions pursuant to Petition No. 400-05-11.
(O 05-26)

#6. RE: Setting the date of December 6, 2005 at 7:00 p.m. to accept public comment and consider adopting an ordinance **amending the Gateway Master Plan and declaring property purchased for Transportation purposes no longer needed for that purpose.** Pursuant to Petition No. 400-05-21.
(P 05-22)

#7. RE: Approving the appointment of **Steven Sturzenegger** to the **Transportation Advisory Board** for a term extending through September 29, 2008.
(I 05-10)

#8. RE: Approving the appointments of **Christine B. Carver** and **James (Jim) K. Teall** to the **Human Rights Commission.** (As outlined in the ordinance, term ending dates will be drawn by lot to expire on a staggered basis of two, three or four years each).
(I 05-28)

The meeting adjourned at 8:15 p.m.

Council Chair

Chief Deputy City Recorder

cm

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, NOVEMBER 15, 2005

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, November 15, 2005 at 7:00 p.m. in Room 315, City Council Chambers, City County Building, 451 South State.

The following Council Members were present:

Carlton Christensen	Jill Remington Love
Eric Jergensen	Dave Buhler
Nancy Saxton	Dale Lambert

The following Councilmember was absent:

Van Turner

Cindy Gust-Jenson, Executive Council Director; Mayor Ross C. "Rocky" Anderson; Edwin Rutan, City Attorney; and Beverly Jones, Deputy City Recorder, were present.

Councilmember Lambert presided at and conducted the meeting.

#1. The Council led the Pledge of Allegiance

PUBLIC HEARING

#1. **RE:** Accept public comment and hear protests concerning the proposed **creation of the Salt Lake City, Utah Sidewalk Replacement Special Improvement District 2004-05 Fiscal Year, Job No. 102119** (the "District"), to construct improvements within the City consisting of the installation of concrete sidewalks, driveway aprons, curb, gutter and asphalt tie-ins, appurtenances and all other miscellaneous work necessary to complete the improvements in a proper workmanlike manner; to pay the acquisition and installation costs and expenses by special assessments to be levied against the property benefited by such improvements; to provide notice of intention to authorize such improvements and to fix a time and place for protests against such improvements, assessments or the creation of the District; to declare its official intent to reimburse itself for expenditures paid by it prior to the sale of bonds; and to authorize advertisement of construction bids and related matters.

Max Peterson, City Engineer, said out of 692 property owners, seven had protested. He said that was approximately a .54% protest rate.

Councilmember Buhler moved and Councilmember Love seconded to **close the public hearing and refer to Engineering for tabulation**, which motion carried, all members present voted aye.

(Q 05-9)

#2. **RE:** Accept public comment and consider adopting an ordinance

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, NOVEMBER 15, 2005

rezoning properties located within the general area of 405 West 2300 North on the Lake Bonneville Bench area east of Beck Street from an Open Space Zoning District to a Natural Open Space District pursuant to Petition No. 400-05-20.

The following people spoke or submitted hearing cards in opposition to the rezoning: **Lynn Ballard**, North Salt Lake City Councilmember; **Kathy Sorenson**, PTA President at Orchard Elementary; **Leonard Arave**, and **Bill Wright**.

The following people did not wish to speak but submitted hearing cards in favor of the rezoning: **Martin McGregor** and **Charles Bohn**.

Councilmember Saxton moved and Councilmember Love seconded to **close the public hearing**, which motion carried, all members present voted aye.

Councilmember Jergensen moved and Councilmember Love seconded to adopt **Ordinance 74 of 2005 1) zoning the North Salt Lake and Salt Lake City-owned properties, (Parcels C and D) on the map and as identified in the ordinance from Open Space to Natural Open Space, and 2) the Council table the matter of the Staker/Hunter/ Bates property identified as Parcel E.**

Councilmember Jergensen said a lot of time had been spent trying to come to an amicable solution and unfortunately that did not happen. He said he felt the best thing for all residents was to rezone the property as proposed.

Councilmember Christensen said this was a unique piece of ground. He said the proposed zoning was an appropriate way to preserve the area.

Councilmember Lambert said the land was important and he wanted to identify other properties within City boundaries where natural open space designation would be appropriate.

Councilmember Lambert called for the question, which motion carried, all members present voted aye.

(O 05-25)

#3. RE: Accept public comment and consider adopting an ordinance amending Section 21A.62.040 of the Salt Lake City Code **pertaining to the zoning ordinance definition of "automobile"** so that sale of motor scooters and motorized bicycles would be allowed in zoning districts that otherwise prohibit the sale of automobiles pursuant to Petition No. 400-05-12.

Councilmember Jergensen moved and Councilmember Christensen seconded to **close the public hearing**, which motion carried, all members present

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, NOVEMBER 15, 2005

voted aye.

Councilmember Love asked if the scooters needed to be licensed. **Kevin Lopiccolo**, Manager/Zoning Administrator/ Planning Programs Supervisor, Preservation and Urban Design/ Zoning Administrator, said yes. He said the vehicles were licensed through the State Department of Motor Vehicles.

Councilmember Love moved and Councilmember Buhler seconded to adopt **Ordinance 77 of 2005**.

Councilmember Saxton said these vehicles were loud. She said at some point where the scooters and bikes were allowed to operate and the hours of operation would need to be considered.

Councilmember Lambert called for the question, which motion carried, all members present voted aye.

(O 05-24)

#4. RE: Accept public comment and consider adopting an ordinance **closing and abandoning a portion of Navajo Street (1335 West) at approximately 83 South** pursuant to Petition No. 400-05-01. (Richard Lether)

Richard Lether, Petitioner, said he was present to answer any questions the Council had.

Councilmember Jergensen moved and Councilmember Love seconded to **close the public hearing**, which motion carried, all members present voted aye.

Councilmember Christensen moved and Councilmember Saxton seconded to adopt **Ordinance 78 of 2005**, which motion carried, all members present voted aye.

(P 05-21)

#5. RE: Accept public comment and consider adopting an ordinance amending Table 21A.46.120(E) (5), Salt Lake City Code, **pertaining to sign regulations for the Open Space (OS) District** and an ordinance amending Section 21A.46.020, Salt Lake City Code, **pertaining to sign code definitions** pursuant to Petition No. 400-05-11.

Councilmember Saxton moved and Councilmember Christensen seconded to **close the public hearing**, which motion carried, all members present voted aye.

Councilmember Love moved and Councilmember Jergensen seconded to adopt **Ordinance 79 of 2005** pertaining to Sign Code Definitions and

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, NOVEMBER 15, 2005

Ordinance 80 of 2005 pertaining to Sign Regulations for the Open Space District.

Councilmember Love said this addressed directional signs in many of the larger parks. She said some neighbors around Liberty Park felt there were too many visual aids. She said she had received calls from people who supported directional signs in the park.

Councilmember Lambert called for the question, which motion carried, all members present voted aye.

(O 05-26)

COMMENTS TO THE CITY COUNCIL

Daniel Siraj spoke concerning the transportation ordinance that would not allow him to run his business. Councilmember Lambert referred Mr. Siraj to Sam Guevara, Mayor's Chief of Staff.

Steve Proper, Comcast, said the Council should have received Comcast's initial comments about the Qwest franchise. He said there had not been much of a public process on the franchise agreement. He asked that as the Council moved forward with this issue they allowed for future public comment.

George Sturzenberger said signs needed to be installed to show people the right direction to Ensign Peak. He said Ensign Peak could not be reached through Columbus Street.

UNFINISHED BUSINESS

#1. RE: The Mayor and City Council will convene as the Board of Canvassers at their regular meeting place to consider adopting a motion **accepting the City Recorder's statement from the abstract of the votes constituting the canvass of the Salt Lake City Municipal Election** held November 8, 2005 for Council Members of Council Districts 1, 3, 5 and 7.

Councilmember Saxton moved and Councilmember Christensen seconded to **recess as the City Council and convene with the Mayor as the Board of Canvassers**, which motion carried, all members present voted aye.

Councilmember Buhler moved and Councilmember Saxton seconded to **adopt the canvass as presented to the Council by the City Recorder**, which motion carried, all members present voted aye.

Councilmember Saxton moved and Councilmember Jergensen seconded to **adjourn as the Board of Canvassers and reconvene as the City Council**, which motion carried, all members present voted aye.

(U 05-2)

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, NOVEMBER 15, 2005

#2. RE: Adopting an ordinance confirming the modified and equalized assessment rolls and levying an assessment against certain properties in the **Salt Lake City, Rose Park Special Improvement District (the "District")**, for the purpose of paying the costs of installing decorative street lighting poles, and removing existing wooden street lighting poles; and other miscellaneous work which is necessary to complete the above improvements (collectively, the "Improvements"); establishing the effective date of the ordinance; and related matters.

Councilmember Christensen moved and Councilmember Jergensen seconded to adopt **Ordinance 75 of 2005 confirming the modified and equalized assessment rolls and levying an assessment against certain properties in the Salt Lake City, Utah Rose Park Special Improvement District for the purpose of paying the costs of installing decorative street lighting poles and removing existing wooden street lighting poles; and other miscellaneous work which is necessary to complete the improvements; establishing the effective date of this ordinance, and related matters.**

Councilmember Christensen said this project had been well received. He said both the City's and the residents' investments would be returned through the years.

Councilmember Lambert called for the question, which motion carried, all members present voted aye.

(Q 04-3)

#3. RE: Authorizing the approval of an interlocal agreement between Metropolitan Water District of Salt Lake and Sandy, Salt Lake City Corporation and Sandy City regarding **the acquisition of new water sources from the Utah Lake System (ULS)**.

Councilmember Jergensen moved and Councilmember Buhler seconded to adopt **Resolution 64 of 2005**, which motion carried, all members present voted aye.

(C 05-763)

#4. RE: Adopting a franchise ordinance with **Qwest Broadband Services, Inc.**

Not discussed.

(O 05-29)

CONSENT AGENDA

Councilmember Buhler moved and Councilmember Saxton seconded to approve the **Consent Agenda with the exception of Items 1, 6, 7 and 8,**

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, NOVEMBER 15, 2005

which motion carried, all members present voted aye.

#1. RE: Setting the date of **December 6, 2005** at **7:00 p.m.** to accept public comment and consider adopting an **ordinance adopting the Solid Waste Management Facility budget**, as prepared and submitted by the Salt Lake Valley Solid Waste Management Council for calendar year 2006, subject to specific policy directives.
(B 05-6)

#2. RE: Setting the date of **December 6, 2005** at **7:00 p.m.** to accept public comment and consider adopting an ordinance amending Section 18.20.090, Salt Lake City Code, pertaining to **penalties for starting work without a permit** and amending Chapter 21A of the Salt Lake City Zoning Code pursuant to Petition No. 400-05-25.
(O 05-16)

#3. RE: Setting the date of **December 8, 2005** at **7:00 p.m.** to accept public comment and consider adopting an ordinance amending Section 12.56.440 of the Salt Lake City Code relating to **stopping or parking prohibited in certain areas. (Mailboxes)**
(O 05-28)

#4. RE: Setting the date of **December 13, 2005** at **7:00 p.m.** to accept public comment and consider adopting a resolution **adopting the Capital Improvement Program allocations for fiscal year 2005-06 and Impact Fees.**
(B 05-1)

#5. RE: Setting the date of **December 13, 2005** at **7:00 p.m.** to accept public comment and consider adopting an ordinance amending **the Sugar House Community Zoning Map and Master Plan**, rezoning properties generally located in the Sugar House area, and making other amendments of the Salt Lake City Zoning Code pursuant to Petition Nos. 400-01-32 and 400-02-08.
(P 03-12)

#6. RE: Setting the date of **December 8, 2005** at **7:00 p.m.** to accept public comment and consider adopting the **Housing Policy Statements.**
(R 05-18)

#7. RE: Setting the date of **December 13, 2005** at **7:00 p.m.** to accept public comment and consider adopting an ordinance amending and enacting specified Sections of Chapters 5.71, 5.72 and 16.60 of the Salt Lake City Code, pertaining to **ground transportation.**
(O 05-2)

#8. RE: Setting the date of **December 13, 2005** at **7:00 p.m.** to accept public comment and consider adopting a resolution **regarding taxicab service in Salt Lake City that gives the City Council notice of its**

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, NOVEMBER 15, 2005

intent to change the taxicab regulatory system within Salt Lake City from a certificate of public convenience and necessity to a contract form of regulation.

(O 05-2)

#9. RE: Approving the appointment of **Bill Nighswonger** to the **Housing Advisory and Appeals Board** for a term extending through December 31, 2008.

(I 05-6)

#10. RE: Approving the appointment of **Robert Earl Forbis** to the **Planning Commission** for a term extending through July 1, 2006.

(I 05-20)

The meeting adjourned at 7:42 p.m.

Council Chair

Chief Deputy City Recorder

bj

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

THURSDAY, NOVEMBER 17, 2005

The City Council of Salt Lake City, Utah, met in Regular Session on Thursday, November 17, 2005, at 7:30 p.m. in Room 326, Committee Room, City County Building, 451 South State.

The following Council Members were present:

Carlton Christensen	Van Turner	Nancy Saxton
Dave Buhler	Dale Lambert	Eric Jergensen
Jill Remington Love		

Rocky Fluhart, Deputy Mayor; Cindy Gust-Jenson, Executive Council Director; and Scott Crandall, Deputy City Recorder; were present.

Councilmember Lambert presided at and conducted the meeting.

UNFINISHED BUSINESS

#1. RE: Adopting a franchise ordinance with Qwest Broadband Services, Inc.

Councilmember Lambert asked representatives from Comcast and Qwest to present comments to the Council. **Steve Proper**, Comcast Government Affairs Director, and **Scott Tenney**, Comcast Utah General Manager, and **Jerry Fenn**, Qwest President, and **Jim Campbell**, Qwest Outside Legal Counsel, made presentations to the Council.

The presentations were followed by comments/questions from Council Members. Comments included build-out requirements, market competition, equal/fair treatment, providing multiple services or choices, renewal process, public input, special exceptions, deployment timeline/strategies, potential impacts, prohibitive costs, infrastructure, barriers, open negotiations, unfair competition, policy decisions, proprietary issues, response to resident needs, using existing facilities, second entrant obligations, targeting specific areas, economic spectrum, high density areas, subscription rates, and capital expenditures and investments. See files O 05-29 and M 05-4 for written comments and complete discussion.

Councilmember Lambert said he spoke with the Attorney's Office regarding a potential conflict of interest relating to Comcast. He said the Attorney's Office said his involvement did not create a legal conflict and he could participate in the discussion and vote.

Councilmember Buhler moved and Councilmember Turner seconded to **adopt Ordinance 81 of 2005.**

Councilmember Christensen said he appreciated Qwest's interest in getting into the market but had concerns. He said aside from collecting taxes, he felt the City showed wisdom in regulating

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

THURSDAY, NOVEMBER 17, 2005

franchises because residents could be assured of receiving some level of service. He said requiring an immediate or near-term build-out was probably unreasonable/unfeasible if the City wanted to attract a second entrant into the market. He said he was concerned about the City's regulatory role in granting franchises and the impact on competition. He said he felt the process needed to contain some kind of performance requirement.

Councilmember Turner said there had been a lot of discussion about competition. He said he hoped competition between providers would result in better service, pricing and choices for customers.

Councilmember Buhler said the City was in an increasingly competitive environment for voice, video and data services. He said Qwest would either succeed and build-out or they would fail. He said Comcast indicated they planned to expand their business by providing telephone service throughout the City. He said development of additional cable and telephone services would have a positive impact on the City.

Councilmember Jergensen said he agreed with Councilmember Buhler. He said during earlier discussions about UTOPIA, the Council felt it was important for the City to benefit from the triple-play format of voice, video and data services. He said the Council felt the private sector was better equipped to provide services than municipal government. He said he felt the current proposal was an evolving part of the UTOPIA decision made a year and a half ago. He said without build-out requirements, Comcast and Qwest would be able to develop and provide triple-play services to the largest number of constituents. He said he hoped competition would encourage growth and increase service levels.

Councilmember Love said she thought some competition was better than no competition. She said she was sympathetic to Comcast's arguments but felt they were decades ahead. She said she supported the motion and hoped City residents would receive the best service.

Councilmember Lambert said he felt competition needed to be promoted because it was a foundational principal and provided improved service and pricing. He said fairness was an important issue and one party should not be given a competitive advantage over another when government was involved. He said a new agreement was being negotiated with Comcast and he believed the City had an opportunity to make a fair and competitive playing field. He said he would support the motion.

Councilmember Lambert called for the question, which motion carried, all members voted aye, except Councilmember Christensen, who voted nay.

(O 05-29)

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

THURSDAY, NOVEMBER 17, 2005

#2. RE: Adopting an ordinance rezoning properties located within the general area of **410 West 2300 North** on the **Lake Bonneville Bench** area from **Open Space** to **Natural Open Space** pursuant to Petition No. 400-05-20. (text and mapping)

The item was not discussed.

(O 05-25)

CONSENT AGENDA

Councilmember Buhler moved and Councilmember Jergensen seconded to **adopt the Consent Agenda**, which motion carried, all members voted aye.

#1. RE: Setting the date of **December 8, 2005** at **7:00 p.m.** to accept public comment and consider adopting an ordinance **amending** Salt Lake City Ordinance 26 of 2005 which adopted the **final budget** of Salt Lake City, Utah, and Ordinance 48 of 2005 which ratified and readopted the final budget for fiscal year beginning July 1, 2005 and ending June 30, 2006. (**Budget Amendment No. 3**)

(B 05-10)

#2. RE: Setting the date of **December 8, 2005** at **7:00 p.m.** to accept public comment and consider adopting an ordinance **adopting** the **Solid Waste Management Facility budget**, as prepared and submitted by the Salt Lake Valley Solid Waste Management Council for calendar year 2006, subject to specific policy directives.

(B 05-4)

#3. RE: Setting the date of **December 13, 2005** at **7:00 p.m.** to accept public comment and consider **adopting** the **Housing Policy Statements**.

(R 05-18)

#4. RE: Setting the date of **December 8, 2005** at **7:00 p.m.** to accept public comment and consider adopting an ordinance **amending** and **enacting** specified Sections of **Chapters 5.71, 5.72 and 16.60**, Salt Lake City Code, pertaining to **ground transportation**.

(O 05-2)

#5. RE: Setting the date of **December 8, 2005** at **7:00 p.m.** to accept public comment and consider adopting a resolution regarding **taxicab service** in Salt Lake City that gives the City Council notice of its intent to change the **taxicab regulatory system** within Salt Lake City from a certificate of public convenience and necessity to a contract form of regulation.

(O 05-2)

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

THURSDAY, NOVEMBER 17, 2005

The meeting adjourned at 10:26 p.m.

Council Chair

Chief Deputy City Recorder

sc