

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, AUGUST 23, 2005

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, August 23, 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	Van Turner	Nancy Saxton
Jill Remington Love	Eric Jergensen	Dave Buhler
Dale Lambert		

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

Councilmember Lambert presided at and Councilmember Buhler conducted the meeting.

**#1.** The Council led the Pledge of Allegiance.

**c. Final budget for Library**

**#2.** Councilmember Jergensen moved and Councilmember Saxton seconded to **approve the minutes** of the Salt Lake City Council meeting held **August 9, 2005**, which motion carried, all members voted aye.

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

(M 05-3)

Councilmember Christensen moved and Councilmember Turner seconded to **adopt Ordinances 47, 48 and 49 of 2005**.

**PUBLIC HEARINGS**

**#1. RE:** Accept public comment and consider one or more ordinances **adopting and ratifying** the rate of **tax levy** upon all **real and personal property** within Salt Lake City made taxable by law for Fiscal Year 2005-06:

Councilmember Saxton said this was a complicated issue and was one of the most important things the Council did. She said she was concerned the public was not involved in the process and felt it was important for them to understand what was being done. She said she wanted the Administration and/or Council staff to explore ways to disseminate information to the public.

- a. Rate of tax levy**
- Special Library Fund levy to be used for repayment of court ordered judgments.
  - **General Obligation Bond levy** to be used for repayment of court ordered judgments.

Councilmember Buhler said the City placed large ads in the newspaper which should catch the

**b. Final budget for City**

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, AUGUST 23, 2005

public's attention. He said perhaps more could be done to educate the public but he felt if the Council tried to impose a large increase people would get involved.

(H 05-4)

COMMENTS TO THE CITY COUNCIL

The following people spoke or submitted comments concerning towing and immobilizing vehicles: **Bjan Jahanbani, Jesse Clark, Diego Bou** and **Bryan Laker**. Comments included large signs, parking restrictions, permits, private property rights, booting, licensed companies, standard fee, illegal parking, noise, vandalism, protecting businesses, and unmarked enforcement vehicles.

Mayor Anderson said he was recently involved in a situation where a number of patrons attending a free event downtown had their vehicles booted. He said vehicle owners were told they had to pay an \$80 cash fee or their vehicles would be towed. He said the patrons were upset and said they would not return to the downtown area. He said event organizers were concerned about the way patrons were being treated.

Mayor Anderson said signs posted on the property were inadequate and ambiguous and lead people to believe if an attendant was not on duty it was all right to park. He said this type of activity hurt the City's image and should not be allowed. He asked the Council to address the problem because it was

detrimental to the City's efforts to revitalize downtown.

UNFINISHED BUSINESS

**#1. RE:** Adopting an ordinance amending and enacting:

1. **Section 5.84.190**, Salt Lake City Code, pertaining to towing operations, sign requirements; amending **Section 5.84.200**, Salt Lake City Code, pertaining to towing operations, illegal towing activities designated; and amending **Section 5.84.220**, Salt Lake City Code, pertaining to towing operations, violations-penalty.

2. **Chapter 5.85**, Salt Lake City Code, pertaining to vehicle immobilization.

Councilmember Christensen moved and Councilmember Lambert seconded to **adopt Ordinances 50 and 51 of 2005 with a maximum rate of \$80.**

Councilmember Christensen said occasionally parking concessionaires had repeat offenders who would continue to park even after being warned or ticketed. He said he felt the proposed ordinance established reasonable guidelines which would help owners notify the public about their specific parking and enforcement intentions. He said he was concerned the \$50 fee might be so low it would be more lucrative to call a tow truck instead of booting. He said he felt the higher fee would be more effective and provide more flexibility and fairness to property owners.

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, AUGUST 23, 2005

Councilmember Lambert said he felt the important part of the ordinance dealt with signage. He said the public needed to be notified whether private property owners allowed parking. He said if parking was not permitted, adequate warning needed to be given. He said he felt reducing the booting fee would considerably increase the incentive to tow rather than boot. He said he supported the \$80 amendment with the idea that appropriate signage would be posted so people knew where they could or could not park.

Councilmember Saxton said when an event was held at her business location, she posted signs at her neighbor's parking lot informing the public that event parking was not allowed. She said even though they were told about parking restrictions and informed they could be towed they would park anyway. She said she thought people were looking for an exception and had a lot of reasons why it should be all right for them to park in prohibited areas.

Councilmember Saxton said she agreed the fee needed to be \$80. She said she had some concerns about the restriction that when a vehicle was booted the property owner had to wait two hours before they could have the vehicle towed. She said she did not know if that was realistic for establishments with small parking lots and was interested in the possibility of reducing the time restriction.

Councilmember Christensen said if someone had their vehicle

booted the two-hour provision might allow them time to return and pay the fee and be done rather than having the additional burden of being towed. He said he felt after two hours owners definitely had the right to have vehicles towed.

Councilmember Turner said he was in favor of the \$50 fee which was proposed in the original ordinance. He said he felt people would be more likely to have \$50 in cash to pay booting charges instead of \$80. He said from a business perspective he felt the \$50 made more sense especially with the potential for companies to have multiple bootings per day.

Councilmember Turner made a substitute motion to adopt the ordinance with the \$50 fee. The motion died for lack of a second.

Councilmember Buhler called for the question on the original motion, which motion carried, all members voted aye, except Councilmember Turner who voted nay.

(O 05-19)

**#2. RE: Adopting an ordinance amending Section 2.84.050, Salt Lake City Code, relating to justice court part-time judge compensation.**

Councilmember Jergensen moved and Councilmember Lambert seconded to **adopt Ordinance 52 of 2005**, which motion carried, all members voted aye.

(O 02-28)

**#3. RE: Adopting the**

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, AUGUST 23, 2005

modifications to **300 and 600 Services Exempt and Non-exempt Professional Employees Compensation Plan.**

Councilmember Lambert moved and Councilmember Turner seconded to **adopt the modifications**, which motion carried, all members voted aye.

(O 05-6)

**#4. RE:** Adopting a resolution adopting **Capital Improvement Program (CIP)** allocations for Fiscal Year 2005-06.

Councilmember Jergensen moved and Councilmember Saxton seconded to **adopt Resolution 51 of 2005.**

The Council asked for clarification regarding criteria for cost overruns.

**LuAnn Clark**, Director of Housing and Neighborhood Development, said last November the Council adopted a resolution which established guidelines for cost overruns. She said cost overrun funding would be approved based on the following formula: 20% or below of the budget adopted by the Council for project budgets of \$100,000 or less; 15% or below of the budget adopted by the Council for project budgets between \$100,001 and \$250,000; and 10% or below of the budget adopted by the Council for project budgets over \$250,000 with a maximum overrun cost of \$100,000.

Ms. Clark said when additional funding was approved

by the Administration, based on approved criteria, the Council would be given written notice. She said projects which did not meet the approved criteria would be presented to the Council through a budget revision. She said the Administration had not approved additional funding since the guidelines were adopted in November.

Councilmember Lambert said this construction season had been expensive and several CIP projects were well above projected costs. He said he felt there might be a concern that the Council was adopting a budget which did not reflect increased costs. He said he was comfortable adopting the budget knowing guidelines were in place.

Councilmember Jergensen said he agreed with Councilmember Lambert. He said he was concerned that if the Council did not move the proposal forward, projects which were within budget and needed to be completed, would be held up. He said a mechanism was in place to address overruns and hoped the Council would support the motion.

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

(B 05-1)

CONSENT AGENDA

**#1. RE:** Requesting that the Administration **not** hold a hearing at 5:00 p.m. on September 6, 2005 regarding a request for a conduit to be installed across 4745 Wiley Post Way to **connect**

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, AUGUST 23, 2005

**communication functions** between office buildings. Work approved requires proper asphalt patching. Compensation will be tendered.

(W 05-4)

**#2. RE:** Requesting that the Administration **not** hold a hearing at 6:15 p.m. on September 6, 2005 regarding a request for a lease agreement along part of the Jordan and Salt Lake City Canal behind a multi-family housing unit, for the purpose of **improving the existing parking area**, including installation of a retaining wall to stabilize a failing slope. Compensation will be tendered.

(W 05-4)

**#3. RE:** Requesting that the Administration **not** hold a hearing at 5:00 p.m. on September 6, 2005 regarding a request to exchange equal areas on the property located at 1247 South 1100 East and **realign the City's existing easement** for access to the Jordan and Salt Lake City Canal, for the purpose of redevelopment.

(W 05-4)

**#4. RE:** Setting the date of **September 6, 2005 at 7:00 p.m.** to accept public comment and consider adopting an ordinance **rezoning various properties** located throughout Salt Lake City, Utah, to correct mapping errors, including **incorrect zones or split zones, made during the 1995 zoning rewrite process**, pursuant to Petition No. 400-02-43.

(O 05-18)

**#5. RE:** Setting the date of **September 6, 2005 at 7:00 p.m.** to accept public comment and consider adopting ordinances:

1. Amending **table 21A.24.190**, Salt Lake City Code, pertaining to **permitted and conditional uses** for Residential Districts, pursuant to Petition No. 400-05-03.

2. Rezoning property generally located at **1432 South 1100 East** from Moderate Density Multi-Family Residential (**RMF-35**), Residential Business (**RB**) and Single-Family Residential (**R-1/5000**) to Residential Business (**RB**) and Single-Family Residential (**R-1/5000**), and amending the **Central Community Development Plan**, pursuant to Petition No. 400-05-04. (Request by Ms. Tanya Chatterton)

(P 05-16)

**#6. RE:** Approving the appointment of **F. David Stanley** to the **Metropolitan Water District of Salt Lake City** for a term extending through January 1, 2010.

(I 05-17)

**#7. RE:** Approving the appointment of **Diane A. Wood** to the **Citizens' Compensation Advisory Committee** for a term extending through August 9, 2009.

(I 05-22)

**#8. RE:** Approving the appointment of **D. Allen Miller** to the **Citizens' Compensation Advisory Committee** for a term extending through August 9, 2009.

(I 05-22)

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, AUGUST 23, 2005

#9. RE: Approving the reappointment of **Margaret Yee** to the **Sister Cities Board** for a term extending through July 7, 2008.

(I 05-11)

#10. RE: Approving the reappointment of **Etsuko Oqura Freeman** to the **Sister Cities Board** for a term extending through July 7, 2008.

(I 05-11)

#11. RE: Approving the reappointment of **Andrew Gallegos** to the **Utah Air Travel Commission** for a term extending through September 1, 2008.

(I 05-23)

#12. RE: Approving the reappointment of **Mark Miller** to the **Utah Air Travel Commission** for a term extending through September 1, 2008.

(I 05-23)

Councilmember Turner moved and Councilmember Christensen seconded to **approve the Consent Agenda**, which motion carried, all members voted aye.

The meeting adjourned at 7:45 p.m.

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Council Chair

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Chief Deputy City Recorder

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