

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

TUESDAY, NOVEMBER 16, 2010

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, November 16, 2010 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	Stan Penfold	Van Turner
Jill Remington Love	Søren Simonsen	Luke Garrott
JT Martin		

Cindy Gust-Jenson, Executive Council Director; Lynn Pace, Deputy City Attorney; Marco Kunz, Senior City Attorney; David Everitt, Mayor's Chief of Staff; and Scott Crandall, Deputy City Recorder; were present.

Councilmember Martin presided at and Councilmember Penfold conducted the meeting.

OPENING CEREMONY

#1. [7:09:49 PM](#) The Council led the Pledge of Allegiance.

#2. [7:10:25 PM](#) Adopting a joint resolution with Mayor Becker in observation of December 1, 2010 as **World AIDS Day**. [View Resolution](#)

The resolution was read by Councilmember Martin. Councilmember Penfold said a ceremony lighting the City and County Building red in honor of Worlds AIDS Day would be held December 1, 2010 at 5:30 p.m. He said everyone was invited to attend.

Councilmember Christensen moved and Councilmember Garrott seconded to **adopt Resolution 48 of 2010**, which motion carried, all members voted aye.

(R 10-1)

#3. [7:13:56 PM](#) Adopting a motion expressing **support** for the **Utah Compact**, a declaration of five principles to guide Utah's immigration discussion. [View Attachment](#)

Councilmember Garrot moved and Councilmember Simonsen seconded to **adopt the motion**, which motion carried, all members voted aye.

(G 10-20)

PUBLIC HEARINGS

#1. RE: [7:15:49 PM](#) Accept public comment and consider adopting an

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ordinance **enacting Chapter 11.70** relating to **commercial solicitation**.  
(Pan Handling) [View Attachment](#)

The following spoke or submitted written comments in support of the proposal: **Jason Mathis, Douglas Cotant, Amy Coady, Carla Wiese, Bryce Baker and Elaina Birdsall**. Comments included balanced approach, availability of social service organizations, education, address aggressive behavior, criminalize panhandling, harassment, police involvement and provide safe communities.

The following spoke or submitted written comments in opposition of the proposal: **Bill Tibbitt, Ginger Phillips, Lou Anne Stevenson, Maren Lacy, Robert Godwin, Stephen Albertson, Renae Allen, Chloe Noble, Matthew Corn, Rachel Fischbein, Karen Silver, Jon Jepsen, Marina Lowe, Linda Hilton, Ok Connott, Don March, Eric Ethington and Margo Westley**. Comments included free speech violation, legal action, discrimination, low income issues, support, hate/misunderstanding, work toward resolution, assistance programs, homelessness not a crime, impact of fines, unequal representation, social barriers, ineffective proposal, create jobs, sufficient regulations in place, selective enforcement, poverty, difficult economic times, nighttime restrictions, modify name of proposal and overcrowded jails.

[7:54:53 PM](#) Councilmember Christensen moved and Councilmember Martin seconded to **close the public hearing and defer action to a future meeting**.

Substitute Motion: Councilmember Simonsen moved and Councilmember Garrott seconded to **close the public hearing and deny the ordinance**. Councilmember Simonsen said he wanted to initiate a legislative intent if the motion was seconded.

[7:55:34 PM](#) Council Members commented on the motion/proposal.

Councilmember Simonsen said a number of questions had been raised about the constitutionality of the ordinance. He said he felt this was an enforcement issue, not a legislative issue.

Councilmember Love asked what was being suggested for the legislative intent. Councilmember Simonsen said the intent was to work with stake holders, downtown merchants and law enforcement to develop an enforcement provision.

[7:56:48 PM](#) Councilmember Garrott said he thought this action would inflame animosity in the community and the City already had ordinances in place to address aggressive panhandling. He said rather than

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punitive action, he felt more community cooperation and dialog was needed to address spacing requirements which prohibited panhandling near ATMs, restaurants, churches, etc.

7:58:09 PM Councilmember Christensen said even though the ordinance might not be ready for passage, many groups had provided input and felt starting the process over would not necessarily solve the problem.

7:59:31 PM Councilmember Love said she did not support the proposed ordinance or legislative intent. She said rather than creating a new process she wanted to give the Police Department more money/resources to address the problem.

8:00:30 PM Councilmember Martin said he felt the proposed ordinance would not prohibit panhandling and would help people better learn/understand acceptable and unacceptable behavior. He said the Administration had vetted the proposal carefully concerning time, place and manner and did not fully believe statements claiming the ordinance would not hold up in court. He said he did not know whether he supported the proposal but thought it might be improved through additional discussions.

8:03:23 PM Councilmember Turner said the Council was sympathetic of the problems and only wanted the best for the residents and businesses. He said a lot of services were available in the City and encouraged people to take advantage of them. He said aggressive panhandling occurring in inappropriate places was the problem, not passive panhandling. He said a lot of people came to the capitol city and needed a friendly safe place to visit. He said he thought through further discussion the proposal could be improved to make the City a better place.

8:06:24 PM Councilmember Simonsen said he felt this was an enforcement/education issue and the primary solution was to identify and connect City and community resources to address the problem rather than pursuing further legislation.

Councilmember Penfold called for the question on the substitute motion to **close the hearing and deny the ordinance**. A roll call vote was taken. Council Members Christensen, Turner, Penfold and Martin voted nay. Council Members Love, Garrott and Simonsen voted aye.

Councilmember Penfold called for the question on the original motion to **close the hearing and defer action to a future meeting**, which motion carried, all members voted aye.

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(O 10-17)

POTENTIAL ACTION ITEMS

**#1. RE: [8:13:11 PM](#) Adopting an ordinance amending Salt Lake City Ordinance 34 of 2010 which adopted the **final budget** of Salt Lake City, Utah, for the Fiscal Year beginning July 1, 2010 and ending June 30, 2011. (Budget Amendment No. 2) [View Attachments](#)**

Councilmember Christensen moved and Councilmember Turner seconded to **adopt Ordinance 82 of 2010 with the exception of Items A-1, D-12 and A-4 with the understanding they would be addressed separately during the meeting and further moved that the Council hold the budget open for any additional items potentially through January, 2011, which motion carried, all members voted aye.**

Councilmember Christensen moved and Councilmember Simonsen seconded to **adopt Item A-1, a request for subsidy of the Downtown Alliance Parking Token Program for \$45,000 as originally requested, the source is the fund balance of the General Fund and further moved that the Council adopt a legislative intent statement as follows: It is the intent of the City Council that the Downtown Alliance identify alternative funding sources for the Downtown Parking Token Program in future years and that we commit to work toward better solutions through the implementation of a parking management program, improved street parking revenue systems, and other means, to facilitate parking opportunities in the downtown area that would be more cost effective for those involved in the promotion and administration of the program.**

[8:21:29 PM](#) Councilmember Christensen commented on the motion.

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

Councilmember Christensen moved and Councilmember Simonsen seconded to **adopt Item D-12 as proposed and further moved to appropriate funds for the following projects from the CIP cost overrun account: \$125,000 to FY 2011 CIP Project #35 to allow for a traffic circle at the intersection of Military and Yalecrest; \$100,000 to the McClelland Trail Project; \$124,558 to be used towards the City and County Building roof repair project as recommended by the Administration; and \$225,571 towards various pedestrian safety improvements. Final expenditure authority for these improvements is subject to approval from the Council as to the exact usage of funds.**

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[8:24:17 PM](#) Council Members Christensen and Turner commented on the motion.

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

Councilmember Christensen moved and Councilmember Turner seconded to **defer Item A-4 to a meeting in January, 2011**, which motion carried, all members voted aye.  
(B 10-11)

**#2. RE: [8:25:53 PM](#) Adopting an ordinance amending the text and future land use map of the Central Community Master Plan to encourage future civic uses to concentrate near existing civic uses in the east downtown area and change the designation of land located within the block bounded by 300 East, 400 South, 400 East, and 500 South to Civic/Mixed Use pursuant to Petition PLNPCM2009-01423 (relating to the Public Safety Building Project). [View Attachments](#)**

[8:26:55 PM](#) Discussion was held with the Administration regarding intent statements relating to 450 South portion of the proposal. Comments included adding strong policy language, support downtown district with retail, strengthen ability for development, long-term process to develop pedestrian link/corridor, housing components, research costs to acquire property/easements, masterplan goals, preserve access, future intents, role of master plans, advisory/visionary documents, zoning issues, scheduling a policy discussion on master plans and implementation strategies.

Motion: Councilmember Garrott moved and Councilmember Simonsen seconded to **adopt Ordinance 83 of 2010 and that we add a policy statement to this plan that says any development between the City and County Building and Gilgal Gardens shall preserve the 450 South corridor and that we add a legislative intent requesting the Administration research the costs to acquire a public easement of 450 South between 300 East and 400 East.**

[8:48:08 PM](#) Discussion was held on clarifying the motion.

Revised Motion: Councilmember Garrott moved and Councilmember Simonsen seconded to adopt **Ordinance 83 of 2010 and further moved that we add a policy statement to the plan that says, it is the City's intent to the effect, not necessarily the literal language, but to the effect of, that it is in the City's interest that any development between the City and County Building and Gilgal Gardens will preserve the 450 South corridor and that we also add a legislative intent**

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requesting the Administration to research the costs to acquire a public easement at 450 South between 300 East and 400 East, which motion carried, all members voted aye.  
(P 10-20)

#3. RE: [8:54:34 PM](#) Adopting: [View Attachments](#)

- A. An ordinance **amending Chapter 5.71** pertaining to **ground transportation requirements**, to coordinate with taxicab regulations in Chapter 5.72, to provide for categorization of vehicle types by passenger seating fees through rules and regulations, on-demand service restrictions, elimination of manifests, vehicle inspection requirements, special transportation vehicle requirements, vehicle standards, replacement of criminal enforcement with civil penalties and a ground transportation appeal committee;
- B. An ordinance **amending Chapter 5.72** pertaining to **taxicab regulation**, providing for contract-based taxicab services, eliminating certificates of convenience and necessity, eliminating operational requirements that will become contract-based, providing for contracts between taxicab companies and the City, providing for rules and regulations, replacing fixed fares with a flexible fare structure, and replacing criminal enforcement with civil penalties;
- C. An ordinance **amending Chapters 16.60 and 16.64** pertaining to **motor vehicle operation at the Salt Lake City International Airport**, to correspond with changes made in Chapters 5.71 and 5.72, Salt Lake City Code; providing for rules and regulations; replacing criminal enforcement with civil penalties; and establishing processes and procedures related thereto.

Councilmember Christensen moved and Councilmember Turner seconded to **adopt the following ordinances: Ordinance 84 of 2010, amending Chapter 5.71, Ordinance 85 of 2010, amending Chapter 5.72 and Ordinance 86 of 2010, amending Chapters 16.60 and 16.64.**

[8:55:11 PM](#) Councilmember Simonsen commented on the motion.

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

Councilmember Christensen moved and Councilmember Love seconded to **adopt Motions 1 and 2 listed on the motion sheet that clarified some language within the ordinances just adopted.**

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Motion No. 1: That the City Council amend Salt Lake City Code Section 5.71.140, Subsection A, in the following manner: that the phrase "Federal Motor Carrier Association, Section 49 CFR 387.303" be amended to read "Federal Motor Carrier Safety Administration, 49 CFR 387.33," and that Subsection B be amended to read: "B. Taxicabs and other authorized ground transportation vehicles with a seating capacity of seven (7) passengers or less, including the driver, shall carry minimum coverage in the amounts required for vehicles with a seating capacity of fifteen (15) or less as set forth in Section 49 CFR 387.33. The exceptions for taxicab service set forth in Section 49 CFR 387.27 shall not apply to this Subsection B."

Motion No. 2: That the City Council amend the definition of ground transportation vehicle in Sections 5.71.010 and 16.60.090 to include a specialty vehicle and to read: "GROUND TRANSPORTATION VEHICLE: Any motor vehicle used for the transportation of persons using Salt Lake City streets for commercial purposes regardless of whether a fee or fare is collected, which includes, but is not limited to, any airport shared ride vehicle, automobile, bus, courtesy vehicle, hotel vehicle, limousine, minibus, special transportation vehicle, specialty vehicle, taxicab, van, or trailer being towed by a ground transportation vehicle.", which motion carried, all members voted aye, except Councilmember Simonsen, who voted nay.

Councilmember Garrott moved and Councilmember Love seconded to approve Motion No. 3: that the City Council amend the definition of limousine in Sections 5.71.010 and 16.60.090 to read "Limousine: Any vehicle described by its manufacturer or aftermarket manufacturer as a limousine or a luxury vehicle such as, but not limited to, a Cadillac Escalade, Chevrolet Suburban, Lincoln Town Car, or Mercedes Benz, with a driver furnished, who is dressed in professional business attire or a chauffeur's uniform. A limousine may be deemed a hotel vehicle if the service provided is prearranged and minimum fare is charged as provided in this chapter.", which motion carried, all members voted aye, except Councilmember Simonsen, who voted nay.

Councilmember Love moved and Councilmember Turner seconded to approve Motion No. 6: that the City Council amend Section 5.71.060, Subsection D, to remove the language that reads: "All authorized ground transportation businesses may provide on-demand, scheduled service and prearranged service from points within the City to destinations outside of the corporate limits of Salt Lake City.", which motion carried, all members voted aye.

Councilmember Garrott moved and Councilmember Christensen seconded to approve Motion No. 7: that the City Council amend the first sentence of Section 5.72.455, Subparagraph L, to read: "No

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driver shall refuse or neglect to convey any reasonably orderly person or persons or their luggage upon request, unless previously engaged or unable or forbidden by the provisions of this chapter to do so.", which motion carried, all members voted aye.

Councilmember Christensen moved and Councilmember Simonsen seconded to **adopt the following legislative intent statements:**

1. It is the intent of the City Council that the City work with the hotel industry and other interested parties to determine what ordinance amendments, if any, are necessary to provide improved ground transportation from Salt Lake City International Airport to Salt Lake City hotels west of Interstate 215.

2. It is the intent of the City Council that the Administration work to insure that providers of ground transportation services know the distinct categories into which the services and vehicles they operate fall and the operational privileges and restrictions for each vehicle category defined in Salt Lake City Code Section 5.71.010, titled, **Definitions**, which motion carried, all members voted aye.  
(O 05-2)

QUESTIONS TO THE MAYOR FROM THE CITY COUNCIL [9:04:03 PM](#)

Councilmember Turner said the fire recognition dinner held over the weekend was a nice way to honor firefighters. He said the City's Fire Department did not get the respect they deserved and people should be proud of them. He said he hoped the event could be held again in the future. Councilmember Martin said it was a great evening and thanked Councilmember Turner for his fire memorabilia collection.

COMMENTS TO THE CITY COUNCIL [9:07:09 PM](#)

**Jack Arnott** submitted pictures and spoke concerning Parley's Historic Nature Park. He said he supported the direction the proposal was headed but felt more discussion was needed on south side issues.

**Randy Curtis** spoke concerning the ground transportation proposal. He said more discussion was needed on allowing other than taxicabs to provide on-demand service within City's limits.

NEW BUSINESS

**#1. RE:** [9:15:28 PM](#) Adopting a resolution to (a) finance the cost of certain **infrastructure improvements** consisting of the construction or reconstruction of the roadway pavement, sidewalks, curbs, and



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street lighting system, together with all other miscellaneous work necessary to complete the improvements in a proper and workmanlike manner; (b) pay a portion of the cost of said improvements by assessments to be levied against properties benefited by such improvements; (c) provide notice of intention to designate an assessment area; to authorize such improvements, and to fix a time and place for protests against such improvements or the designation of said assessment area; to declare the City's official intention to reimburse itself for expenditures paid by it prior to the issuance of tax-exempt bonds; and related matters. (500/700 South street improvements from the Surplus Canal (2800 W) to Gladiola St (3400 W) (**Special Assessment Area Job No. 102181 Notice of Intent and Protest Hearing**) [View Attachments](#)

Councilmember Garrott moved and Councilmember Turner seconded to **suspend the rules and adopt Resolution 49 of 2010 and set the public hearing date of January 11, 2011 at 7:00 p.m. to accept public comment**, which motion carried, all members voted aye.  
(Q 10-10)

**#2. RE: [9:16:09 PM](#)** Adopting a resolution authorizing **approval** of an interlocal cooperation agreement between Salt Lake City Corporation and **Salt Lake County. (North Temple Boulevard improvements)** [View Attachments](#)

Councilmember Christensen moved and Councilmember Simonsen seconded to **suspend the rules and adopt Resolution 50 of 2010**, which motion carried, all members voted aye.  
(C 10-800)

**UNFINISHED BUSINESS**

**#1. RE: [9:16:41 PM](#)** Adopting a resolution authorizing **approval** of an interlocal cooperation agreement between **Salt Lake County** and Salt Lake City Corporation relating to the **sharing of revenues to promote cultural arts** in downtown Salt Lake City. [View Attachments](#)

Councilmember Garrott moved and Councilmember Love seconded to **adopt Resolution 51 of 2010**, which motion carried, all members voted aye.  
(C 10-801)

**CONSENT** [9:17:07 PM](#)

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

**#1.** Approving the re-appointment of **Valda Tarbet** to the **Housing Authority** for a term extending through October 1, 2015.  
(I 10-19)

**#2.** Approving the re-appointment of **Sheleigh Harding** to the **Historic Landmark Commission** for a term extending through July 14, 2013.  
(I 10-23)

**#3.** Approving the re-appointment of **Mary Woodhead** to the **Planning Commission** for a term extending through July 1, 2014.  
(I 10-13)

**#4.** Setting the date of **December 7, 2010** at **7:00 p.m.** to accept public comment and consider adopting a resolution **approving submission** of an **amended application** to the **state recycling market development zone program**. [View Attachments](#)  
(R 10-12)

**#5.** Setting the date of **December 7, 2010** 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 the **Calendar Year 2011**. [View Attachments](#)  
(B 11-3)

The meeting adjourned at 9:18 p.m.

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Council Chair

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City Recorder

This document along with the digital recording constitute the official minutes of the City Council Regular Session meeting held November 16, 2010.

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