

**MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 24, 2017**

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, OCTOBER 24, 2017, AT 6:30 P.M. IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER AND CONDUCTED BY MAYOR BIGELOW.

THE FOLLOWING MEMBERS WERE PRESENT:

Ron Bigelow, Mayor  
Don Christensen, Councilmember At-Large  
Lars Nordfelt, Councilmember At-Large  
Tom Huynh, Councilmember District 1  
Steve Buhler, Councilmember District 2  
Karen Lang, Councilmember District 3  
Steve Vincent, Councilmember District 4

STAFF PRESENT:

Paul Isaac, Acting City Manager/Assistant City Manager/ HR Director  
Nichole Camac, City Recorder

Nicole Cottle, Assistant City Manager/General Counsel/ CED Director  
Eric Bunderson, City Attorney  
Jeannette Carpenter, Acting Finance Director  
Anita Schwemmer, Acting Police Chief  
John Evans, Fire Chief  
Russell Willardson, Public Works Director  
Layne Morris, CPD Director  
Nancy Day, Parks and Recreation Director  
Sam Johnson, Strategic Communications Director  
Jake Arslanian, Public Works Department

**OPENING CEREMONY**

Lars Nordfelt conducted the Opening Ceremony. He read a poem titled “Please Take the Time” by April Gabriella.

**SPECIAL RECOGNITIONS- SCOUTS**

Mayor Bigelow welcomed a Scout in attendance at the meeting to complete requirements for the Citizenship in the Community and Communications merit badge.

**APPROVAL OF MINUTES OF REGULAR MEETING HELD OCTOBER 17, 2017**

The Council considered the Minutes of the Regular Meeting held October 17, 2017. There were no changes, corrections or deletions.

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Councilmember Lang moved to approve the Minutes of the Regular Meeting held October 17, 2017. Councilmember Christensen seconded the motion.

A voice vote was taken and all members voted in favor of the motion.

**AWARDS, CEREMONIES AND PROCLAMATIONS**

**A. A PROCLAMATION DECLARING NOVEMBER 1, 2017 AS "EXTRA MILE DAY" IN WEST VALLEY CITY**

Councilmember Nordfelt read the Proclamation Declaring November 1, 2017 as "Extra Mile Day" in West Valley City.

**COMMENT PERIOD**

**A. PUBLIC COMMENTS**

Calvin Fors stated that he has been a resident of West Valley City for 9 years and added that his mother grew up here as well. He indicated that he is a member of the Carpenter's Union and is here to express concern about illegal activity of subcontractors, working on large public projects, misclassifying workers and paying them cash under the table. He stated that this is a significant loss of revenue to the City, State, and ultimately effects taxpayers as well. Mr. Fors stated that he would like to see discussion and possible action taken on this issue and stated that West Valley City is a proud working class community.

**B. CITY MANAGER COMMENTS**

Paul Isaac, Assistant City Manager, had no comments.

**C. CITY COUNCIL COMMENTS**

Steve Vincent stated that Senator Karen Mayne has worked extensively on the issue discussed by Mr. Fors at the State level. He encouraged him to contact her and indicated that she is a great resource.

Tom Huynh thanked Mr. Fors and stated that he shares this concern as well.

**RESOLUTION 17-167: AUTHORIZE THE EXECUTION OF A SUBGRANT AGREEMENT BETWEEN WEST VALLEY CITY AND SALT LAKE COUNTY FOR THE CONDUCT OF A HOME INVESTMENT PARTNERSHIPS PROGRAM**

Mayor Bigelow proposed Resolution 17-167 that would authorize the execution of a Subgrant Agreement between West Valley City and Salt Lake County for the conduct of a Home Investment Partnerships Program.

Written documentation previously provided to the City Council included information as follows:

As the lead agency in the local HOME consortium, Salt Lake County has notified West Valley City of their annual allocation of HOME funds. West Valley City will

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administer a Down Payment Assistance Program, and Rehabilitation Programs using these funds. West Valley City will receive ten percent administrative fees.

I.	Housing Rehabilitation Programs Total Budget	\$ 151,994.00
	a. Rehabilitations:	\$ 136,195.00
	b. Project delivery costs:	\$ 15,799.00
II.	Down Payment Assistance Program Total Budget	<u>\$ 66,000.00</u>
	a. Down payments:	\$ 60,000.00
	b. Project delivery costs:	\$ 6,000.00
	<b>Total</b>	<b>\$ 217,994.00</b>

The County has entered into a grant agreement with the U.S. Department of Housing and Urban Development (HUD) for financial assistance to conduct a HOME Investment Partnership Program (HOME Program) pursuant to the HOME Investment Partnerships Act, Title II of the Cranston-Gonzales National Affordable Housing Act, 42 U.S.C. 12701-12839, as amended, and subject to the Rules and Regulations, promulgated by HUD governing the conduct of HOME Investment Partnership Programs including, but not limited to , Title 24, Part 92 of the Code of Federal Regulations (CFR) (the Rules and Regulations); and the applicable Circulars published by the U.S. Office of Management and Budget (OMB Circulars).

Salt Lake County has created a consortium involving six Utah cities. West Valley City is a member of the Salt Lake County Consortium, as per the HUD HOME Interlocal Agreement signed in July 2017. Each year West Valley City has been allocated HOME funds through this partnership. The funding is restrictive allowing only residential construction, home rehabilitation and down payment assistance.

Upon inquiry by Mayor Bigelow there were no further questions from members of the City Council, and he called for a motion.

Councilmember Vincent moved to approve Resolution 17-167.

Councilmember Lang seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mr. Nordfelt	Yes

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Mayor Bigelow                      Yes

Unanimous.

**RESOLUTION 17-168: APPROVE AN AGREEMENT BETWEEN WEST VALLEY CITY AND SALT LAKE COUNTY TO PROVIDE "ZOO, ARTS, AND PARKS FUNDS" TO THE UTAH CULTURAL CELEBRATION CENTER**

Mayor Bigelow presented proposed Resolution 17-168 that would approve an Agreement between West Valley City and Salt Lake County to provide "Zoo, Arts, and Parks Funds" to the Utah Cultural Celebration Center.

Written documentation previously provided to the City Council included information as follows:

The Utah Cultural Celebration Center will primarily use Zoo Arts and Parks (ZAP) funding for General Program Development in four designated areas: 1) educational programming and workshops, 2) festivals, celebrations, and concerts, 3) personnel, and 4) gallery exhibitions. With this new funding, the Cultural Center will be able to expand its community-based arts and cultural programming. The Center will also be able to reach a greater number of West Valley City and Salt Lake County residents of all ages and income levels who represent many cultural and ethnic groups.

The Cultural Center has become the preferred destination for many high quality and diverse cultural and arts events that reflect the interests of the community and enhance the image of West Valley City. The Cultural Center is poised to continue maximizing the benefits that will result from the yearly ZAP financial award. Over the next twelve months, the Center will develop community programming, continue to seek and expand diversified funding sources, and collaborate on opportunities for residents to experience quality multidisciplinary arts and cultural programming.

Upon inquiry by Mayor Bigelow there were no further questions from members of the City Council, and he called for a motion.

Councilmember Lang moved to approve Resolution 17-168.

Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes

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Mr. Huynh	Yes
Mr. Christensen	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

**RESOLUTION 17-169: AUTHORIZE THE PURCHASE OF GLOCK FIREARMS AND ACCESSORIES FROM SALT LAKE WHOLESALE SPORTS**

Mayor Bigelow presented proposed Resolution 17-169 that would authorize the purchase of Glock Firearms and Accessories from Salt Lake Wholesale Sports.

Written documentation previously provided to the City Council included information as follows:

In order to mitigate significant safety issues discovered with the current handguns being carried by West Valley City Police Officers, the Police Department needs to make a purchase of 192 Glock 17 and Glock 19 handguns and 50 Glock 19 fifteen round magazines.

The Police Department is requesting an emergency exception to the procurement process in that this is a serious equipment failure which needs to be addressed as quickly as possible. The Police Department is asking to be allowed to purchase the guns from a local supplier, Salt Lake Wholesale Sports, rather than going through a competitive sealed bid process, lengthening the time it would take to remedy this issue. The more time taken to replace these defective firearms, the greater the risk and liability to the City should the Police Department experience an accidental discharge that injures or kills one of our officers or a citizen. Salt Lake Wholesale Sports is a reputable, local dealer with competitive pricing that can handle the volume of guns we are requesting. We work with them regularly on other projects and have found them to be very reliable.

The monies for this purchase, \$83,418.00, have been found within the current Police Department budget. No additional monies from the City are required to complete this purchase. Any monies recovered from the return of the Sig Sauer firearms to the manufacturer will be returned to the City Budget.

Earlier this year, the Police Department moved all officers to a single platform primary duty weapon, the Sig Sauer P320, 9mm pistol, to improve officer safety. After the weapons were received and issued to all officers, a significant safety issue was discovered in that the gun will fire if dropped in a certain way or if hit on the back of the firearm. This can occur even if the gun is holstered, and occurs with no depression or interference on the gun's trigger.

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This defect was initially downplayed by Sig Sauer, and the Police Department initially believed the defect could be corrected by having replacement parts sent to us by Sig Sauer and having our own certified armorers do the work to correct the defect. However, as we attempted to work through this issue with Sig Sauer, the Police Department Armorer's research found that the defect was a more complex issue than we were led to believe and that Sig Sauer's remedy would be to have all the guns sent back to Sig Sauer for refit. The solution would not guarantee that the safety issues would be corrected and would leave the Police Department's officers without a primary duty weapon, which is unacceptable. As we have discovered the seriousness of the issues involved in the defect, Sig Sauer has become unresponsive to the Police Department's queries and attempts to work with Sig Sauer to correct the defect.

In consultation with the City's Legal Department, we feel this significant safety and liability issue can only be mitigated by returning these firearms to Sig Sauer for a refund and replacing them with Glock pistols that have proven not to have these safety issues.

Councilmember Buhler stated that the City is pursuing remedies against Sig Sauer.

Upon inquiry by Mayor Bigelow there were no further questions from members of the City Council, and he called for a motion.

Councilmember Buhler moved to approve Resolution 17-169.

Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

**RESOLUTION 17-170: AUTHORIZE THE CITY TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT FOR THE DESIGN, DEVELOPMENT, AND CONSTRUCTION OF THE NEW PUBLIC SAFETY**

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**BUILDING**

Mayor Bigelow presented proposed Resolution 17-170 that would authorize the City to enter into a Professional Services Contract for the design, development, and construction of the new public safety building.

Written documentation previously provided to the City Council included information as follows:

EDA architects was chosen to design the PD Headquarters Building. EDA was also the designer on the Fairbourne Station Parking Structure and the Cultural Center remodel project. EDA has performed well on these previous projects.

The PD Headquarters Building comprises approximately 66,000 square feet on three stories, including a forensics laboratory, ballistics testing area, evidence storage, detainee holding area, and departmental spaces for administration, investigations, patrol intelligence, records, and internal affairs.

Upon inquiry by Mayor Bigelow there were no further questions from members of the City Council, and he called for a motion.

Councilmember Vincent moved to approve Resolution 17-170.

Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

**RESOLUTION 17-171: AWARD A CONTRACT TO LAYTON CONSTRUCTION FOR THE CONSTRUCTION OF A NEW PUBLIC SAFETY BUILDING**

Mayor Bigelow presented proposed Resolution 17-171 that would award a contract to Layton Construction for the construction of a new public safety building.

Written documentation previously provided to the City Council included information as follows:

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Four bids from pre-qualified contractors were received. The bid package included a base bid and six alternates, to allow the City to add or reduce costs, as desired. Bid alternates 1 and 2 are included in the contract award. Layton Construction was the lowest bidder on the base bid, and the lowest with bid alternates 1 and 2 included.

The PD Headquarters Building comprises approximately 66,000 square feet on three stories, with state-of-the-art technology.

Upon inquiry by Mayor Bigelow there were no further questions from members of the City Council, and he called for a motion.

Councilmember Christensen moved to approve Resolution 17-171.

Councilmember Nordfelt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

**RESOLUTION 17-172: AUTHORIZE THE CITY TO ENTER INTO AN AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT FOR THE DESIGN, DEVELOPMENT, AND CONSTRUCTION OF A PARKING STRUCTURE**

Mayor Bigelow presented proposed Resolution 17-172 that would authorize the City to enter into an amendment to a Professional Services Contract for the design, development, and construction of a parking structure.

Written documentation previously provided to the City Council included information as follows:

This amendment authorizes an addition to the scope of the original design agreement with EDA Architects in the amount of \$493,198.00 for the addition of 500 new parking spaces on three new floors.

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The City entered into an agreement with EDA architects in 2013 to design the Fairbourne Station Parking Structure. The original design included 800 parking stalls on four levels. With this amendment, the parties agree to expand the scope of the project to include 500 new spaces on three new floors, with the associated redesign of the complete structure.

Upon inquiry by Mayor Bigelow there were no further questions from members of the City Council, and he called for a motion.

Councilmember Buhler moved to approve Resolution 17-172.

Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Christensen	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

**MOTION TO ADJOURN**

Upon motion by Councilmember Huynh voted in favor to adjourn.

**THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL THE REGULAR MEETING OF TUESDAY, OCTOBER 24, 2017, WAS ADJOURNED AT 6:51 P.M. BY MAYOR BIGELOW.**

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, October 24, 2017.

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City Recorder