

**MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 16, 2012**

**-1-**

THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, OCTOBER 16, 2012, 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 WINDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Mike Winder  
Steve Buhler  
Tom Huynh  
Karen Lang  
Corey Rushton  
Steve Vincent

Paul Isaac, Acting City Manager  
Sheri McKendrick, City Recorder

ABSENT: Don Christensen

STAFF PRESENT:

Russell Willardson, Public Works Director  
Jim Welch, Finance Director  
Layne Morris, CPD Director  
John Evans, Fire Chief  
Nicole Cottle, CED Director  
Buzz Nielsen, Police Chief  
Ryan Robinson, Acting City Attorney  
Jason Erekson, Acting Parks and Recreation Director  
Aaron Crim, Administration  
Jake Arslanian, Public Works Department  
Steve Pastorik, CED Department  
Brent Garlick, CED Department

15925 **OPENING CEREMONY**

The Opening Ceremony was conducted by Corey Rushton who showed a video of President Bush throwing the first pitch at a World Series baseball game in October of 2001, after the September 11<sup>th</sup> terrorist attacks. He stated baseball was America's game and read an excerpt from Bush's book regarding this particular game. He led those in attendance in the Pledge of Allegiance to the Flag.

15926 **SCOUTS**

Mayor Winder welcomed Scout Troop No. 46 in attendance to complete requirements for the Citizenship in the Community merit badge.

**MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 16, 2012**

**-2-**

15927      **APPROVAL OF MINUTES OF REGULAR MEETING HELD OCTOBER 2, 2012**

The Council read and considered Minutes of the Regular Meeting held October 2, 2012. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held October 2, 2012, as written. Councilmember Huynh seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mayor Winder	Yes

Unanimous.

15928      **COMMENT PERIOD**

Upon inquiry by Mayor Winder the following individuals addressed the City Council during the comment period:

A.      **PUBLIC COMMENTS**

Lee Giles addressed the City Council and stated that in May of this year between his daughter and West Valley City Police Department they had "raped" his property, yard and house. He also stated the Police Department was on his daughter's side and told him she could do that. He explained he needed some help and the Police Department had hated him from the beginning of the city. He read aloud written information regarding a meeting with a city attorney in December of 1980. He indicated he called 911 and then was put in a hospital psychiatric ward and when he came home his house and property was destroyed. He gave photographs to the City Council of destruction of his properties. He stated the police condoned and helped.

Dr. Patricia Santistevan Matthews addressed the City Council and stated she was proud to be a West Valley City resident, was Latina and in a bi-racial marriage. She indicated she and her husband became homeowners two years ago. As an educator she discussed her dream for children to be literate in English as well as their heritage language in order to be able to write and use those skills in a global economy. Dr. Matthews explained

## MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 16, 2012

-3-

she discovered the Utah Cultural Celebration Center and convinced colleagues to hold an annual event at that facility. She expressed the desire to have the Esperanza Charter School built and hoped the Council would consider that school for that area.

Barbara Lovejoy, Executive Director and Principal of Esperanza Elementary, addressed the City Council. Ms. Lovejoy gave statistics regarding the high number of Hispanic learners that were not achieving success. She explained those individuals must and should be able to have success in school for themselves and the community. She stated she had taken the challenge personally as an educator and started a quest to find what would work for those students in order to experience success. Ms. Lovejoy expressed the need to do something different in the education system for Hispanic students, including learning the English language, which was part of the program at Esperanza. She advised the school would also address many other issues and focus on how to meet needs of Hispanic and other students at the school. She advised board members of Esperanza in attendance thought the setting at Jordan River Marketplace would be of benefit to the school and would be an asset for the area because of the student body served. She left informational brochures to be distributed to members of the City Council.

Jeff Biesinger addressed the City Council and stated he was also with the Esperanza Elementary School. Mr. Biesinger spoke about what the school could give to the community, and specifically Jordan River Marketplace. He indicated Esperanza was looking to move into Jordan River Marketplace with the City Council's approval. He stated charter schools did a great job of lifting the community in many ways such as residential and retail development. He stated the school would have a positive impact on restaurants and retail area in the Jordan River Marketplace, as parents would volunteer at the school and also drop off and pick upon students. He concluded Esperanza would help kids understand where they came from.

Mike Markham addressed the City Council and stated he had nothing against charter schools or the Esperanza school. He stated the City had given the developer a "sweet deal" regarding land and property in the RDA area but the charter school would not generate any tax revenue. He also stated the City should get something in return on its investment. He also commented that nothing had yet been done with vacant property on Lancer Way.

Bob Murri addressed the City Council and stated there would be tax revenue back to the City if the Esperanza Charter School were built in the Jordan River Marketplace. He referenced previous comments that there

## MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 16, 2012

-4-

would be tax revenue generated from families going back and forth to school every day. He indicated it was not all about revenue and the proposed charter school would be a great use for the property. Mr. Murri explained he felt good about the school being on the site as it was not a good site for retail being too far from other retail uses and was close to the power corridor. He explained the school had a wonderful connection to the Utah Cultural Celebration Center. He concluded that he could not be more passionate about the proposed project.

Upon inquiry by Mayor Winder there were no others in attendance who desired to address the City Council during the comment period.

15929

### **PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING THE POLICE DEPARTMENT'S APPLICATION FOR A JUSTICE ASSISTANCE GRANT (JAG) THROUGH THE U.S. DEPARTMENT OF JUSTICE PROGRAMS**

Acting City Manager, Paul Isaac, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding the Police Department's application for a Justice Assistance Grant (JAG) through the U.S. Department of Justice Programs. He discussed proposed Resolution No. 12-146 to be considered by the City Council subsequent to the public hearing, as follows:

Acting City Manager, Paul Isaac, presented proposed Resolution No. 12-146 which would authorize the West Valley City Police Department to apply for a Justice Assistance Grant (JAG), in the amount of \$98,674.00, through the U.S. Department of Justice Programs. He advised the funds would be utilized to purchase civil disturbance equipment, intelligence equipment, and tactical rifles. He reported the Police Department would not be required to match the funds as it was classified as a non-matching grant. He indicated the 2012 JAG Program was a three year grant and additional funding could be awarded in future years to continue the grant program. Mr. Isaac further advised the grant funds could be used to purchase equipment, fund training, fund approved programs and pay salaries for approved programs.

He stated the procedure for allocating JAG funds was a formula based on population and crime statistics in combination with a minimum allocation to ensure each state and territory received an appropriate share. He explained the Edward Byrne Memorial Justice Assistance Grant Program would allow states and local governments to support a broad range of activities to improve the criminal justice system; JAG had replaced the Byrne Formula and Local Law Enforcement Block Grant Programs.

**MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 16, 2012**

**-5-**

Mr. Isaac stated the West Valley Police Department was forming a civil disturbance unit to be available for large crowd and potential hostile situations. He explained these officers would require special protective and enforcement equipment. He stated equipment used for intelligence gathering consisted of the latest technologies, and tactical rifles would be issued to officers for deployment as needed. He indicated budget constraints had funneled resources to essential services thus not allowing for necessary upgrades in equipment and technology or training. The JAG funding would be used to make these improvements which had been overlooked due to other priority essential services.

Mayor Winder opened the public hearing. There being no one to speak either in favor or in opposition, Mayor Winder closed the public hearing.

**ACTION: CONSIDER RESOLUTION NO. 12-146, AUTHORIZING THE WEST VALLEY CITY POLICE DEPARTMENT TO APPLY FOR A JUSTICE ASSISTANCE GRANT (JAG) THROUGH THE U.S. DEPARTMENT OF JUSTICE PROGRAMS**

The Council previously held a public hearing regarding proposed Resolution No. 12-146 which would authorize the West Valley City Police Department to apply for a Justice Assistance Grant (JAG) through the U.S. Department of Justice Programs.

After discussion, Councilmember Vincent moved to approve Resolution No. 12-146, a Resolution Authorizing the West Valley City Police Department to Apply for Justice Assistance Grant (J.A.G.) through the U.S. Department of Justice Programs. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mayor Winder	Yes

Unanimous.

15930

**PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. GP-3-2012, FILED BY TIM SOFFE WITH ASWN + JSA ARCHITECTS, REQUESTING TO AMEND THE GENERAL PLAN FROM MEDIUM DENSITY RESIDENTIAL (7 TO 12 UNITS/ACRE) TO HIGH DENSITY RESIDENTIAL (12 TO 20 UNITS/ACRE) FOR**

## MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 16, 2012

-6-

### **PROPERTY LOCATED AT APPROXIMATELY 2600 SOUTH ANNA CAROLINE DRIVE**

Acting City Manager, Paul Isaac, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. GP-3-2012, filed by Tim Soffe with ASWN + JSA Architects, requesting to amend the General Plan from Medium Density Residential (7 to 12 units/acre) to High Density Residential (12 to 20 units/acre) for property located at approximately 2600 South Anna Caroline Drive. He discussed proposed Ordinance No. 12-41 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

Acting City Manager, Paul Isaac, presented proposed Ordinance No. 12-41 which would amend the West Valley City General Plan to change the land use from Medium Density Residential to High Density Residential for 13.9 acres of property located at 2600 South Anna Caroline Drive.

Mr. Isaac advised the subject application also included a request to replace a development agreement for the property that had been entered into in 2008. He also advised the subject property was currently zoned 'RM' (multi-family residential). He indicated surrounding zoning included 'C-2' to the east, 'A-1' to the west, 'A' to the north, and 'A' and 'C-1' to the south. Surrounding uses included the WinCo Shopping Center to the east, the Riter Canal to the north, single-family homes and vacant property (slated for a dentist office) to the south, and vacant property to the west. He stated the Utah Department of Transportation (UDOT) owned the property directly west where the Mountain View Corridor was planned to be constructed by the year 2020.

The Acting City Manager indicated the Council had been provided with copies of the concept plan and elevations for the proposed project. He stated the project included 278 rental units with 38 two-story townhomes and 240 apartments in three and four story buildings to be built by Miller Development, the company that built and now owned the E Gate Apartments north of the Maverik Center. He explained each townhome unit had a two car garage and each apartment building included tuck-under garages in addition to surface parking. A pool, clubhouse, and over five acres of open space were proposed as amenities. The documentation provided to the City Council also included a letter from Mr. Soffe that supported the application as well as proposed language for a new development agreement.

Mr. Isaac reported the density allowed on the subject property was limited in two ways. First, the density allowed in the 'RM' zone was tied to the General Plan land use designation. With the current General Plan land use designation of medium density, the maximum density allowed by zoning was 12 units/acre. He stated if the application was approved the maximum density allowed by zoning would be 20 units/acre.

## MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 16, 2012

-7-

He further reported the density allowed on the subject property was also limited by a development agreement entered into in 2008 with the developer Colony Partners, LLC. He stated in that agreement the maximum number of units allowed was 150 townhomes; however, the preliminary plan for Harker's Landing approved by the Planning Commission had 138 units for a density of 10 units/acre. He further explained that while technically the development agreement allowed up to 150 units the site had only been approved for 138 units. He advised Mr. Soffe had proposed 278 units on the property.

Mayor Winder opened the public hearing.

Tim Soffe, applicant, addressed the City Council and inquired if Walter Plumb could address the City Council first to provide historical background of the subject site.

Walter Plumb addressed the City Council and discussed history and background information of the subject property. Mr. Plumb referenced previous discussions with City staff regarding lack of infrastructure and lack of water service on the property. He further expressed his hope to come before the City Council and choose a better land use for the property incorporating City staff comments, Planning Commission comments, and City Council feedback.

Troy Sanders, ASWN, addressed the City Council. Mr. Sanders discussed some of the changes made to the proposal based on comments from the City Council during a previous work session, including changing the name to Haynes Landing, which would better reflect history of the area. Mr. Sanders stated they were not requesting a zone change and it would remain the same, but rather requesting a change to the General Plan regarding density.

Mr. Sanders and Mr. Soffe used PowerPoint and presented information summarized as follows:

- Original plan
- Map
- Project history
- Context of subject property
- General plan designations for adjacent properties
- 5600 West retail corridor nearby - residential development would build on success of new retail development and add to vitality of retail in the area; also increase sales taxes and be an appropriate fit for the area
- Market study – rental as a lifestyle choice, Class-A apartments recommended

## MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 16, 2012

-8-

- Articles regarding rental as a lifestyle choice for flexibility and convenience
  - not a last resort
- Projected rents
- Comparison of site plan proposed at Study Meeting the previous week and new proposal based on City Council comments with the following changes:
  - Name change to Haynes Landing
  - Added 10 four-bedroom units
  - Increased open space to 6.42 acres
  - Public trailhead for Crosstowne Trail
  - Cash donation of \$96,000 for additional land acquisition and trail development, approximately 1-2 additional acres of open space
- Details regarding proposed project:
  - 278 units
  - Two product types (Class-A): rental townhomes and rental apartments
  - Tuck-under or rear entry garages
  - Local ownership and professional management – Miller Management (with off-duty police monitoring)
  - Two and four story buildings
  - Amenities including clubhouse, pool, fitness center, landscaping and play areas
  - Pedestrian focused (parking areas hidden)
  - Existing townhomes on property incorporated into project
  - High percentage of 2 and 3 bedroom units (84%)
- Upgraded units: Class-A, granite counter tops, 9-foot ceilings, upgraded finishes, amenities such as clubhouse, pool and fitness
- Benefits to West Valley City: double impact and permit fees, single phase build with fees paid up front, sales and property tax benefits to the City, Crosstowne Trail, upgraded units, professional on-site management and local ownership, on-site police presence, single phase development (\$45 million), high rents from \$1,060 to \$1,550 per month
- Conclusion: The most long-term viable land use choice on this site and would substantially benefit the City with minimal impacts
- Total project cost between \$45 - \$50 million
- Requested the City Council approve change to the General Plan and incorporate the proposed site plan as part of the amended development agreement at this was the most viable land use for the subject property

During the above presentation, Mr. Soffe expressed the need to consider impacts which would be minimal with increased density and he discussed explanations regarding his remarks. He discussed changes over the last few years stating lifestyle renters chose to rent rather than buy. He stated luxury apartments with amenities and high development standards had been recommended by the market study and indicated this would be a single-phase development. Mr. Soffe



## MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 16, 2012

-9-

emphasized their willingness to put all requirements and commitments in writing with attached exhibits to a new and/or amended development agreement.

There being no one else to speak either in favor or in opposition, Mayor Winder closed the public hearing.

Upon inquiry by Councilmember Vincent, Mr. Soffe advised the issue of whether townhomes would be owner occupied had not yet been discussed. Mr. Plumb discussed his prior history with the project where five units had been built and in which he lost a considerable amount of money. He indicated people would not want to own dwelling units that were located by a loading dock and canal and the subject property was somewhat of an "island". He drew attention that no individuals had come to the public hearing to speak either in favor or in opposition to the project.

Acting City Manager, Paul Isaac, recommended the Mayor re-open the public hearing so questions and answers, which might include new information, could be made part of the public record.

Mayor Winder re-opened the public hearing.

Tim Soffe addressed the City Council and referenced Mr. Plumb's previous project experience where a significant loss had been sustained. He advised of his belief the best long term viable use for the property would be the rental project.

Councilmember Vincent stated the initial five units appeared to be very well done and Mr. Soffe advised the proposed project would be of comparable quality.

Jared Christensen, 5668 Stoneflower Way, Kearns, addressed the City Council. Mr. Christensen stated he was a real estate broker and commercial and residential property manager and the previous presentation had been good. He advised one thing developers missed was the affordable housing market and, in his opinion, some percentage of affordable housing in the project should benefit those with lower incomes.

Jay Minnick addressed the City Council and stated he was owner of other affordable projects in West Valley City. He also stated the subject project was of Class-A market rate, and high end apartments.

Councilmember Lang indicated the Planning Commission minutes did not mention any impact on the school district and she inquired if that matter had been addressed.

## MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 16, 2012

-10-

Tim Soffe addressed the City Council and responded regarding counts for students and stated he did not believe those numbers would significantly impact the school district. He indicated, however, with ten units with four bedrooms each there would be more children, but the overall total child count would be low. He also advised the market study was being followed in this case.

There being no one else to speak either in favor or in opposition, Mayor Winder closed the public hearing.

Upon inquiry, the CED Director, Nicole Cottle, discussed recommended procedures.

Upon further discussion, Councilmember Rushton expressed his preference to continue this matter to no date certain until a new or amended development agreement could be drafted that would include details regarding the one bedroom units. Mayor Winder suggested another option would be to consider and approve the proposal contingent upon a satisfactory new or amended development agreement. Councilmember Buhler indicated his preference to continue the proposal giving time to draft a new development agreement.

### **ACTION: CONSIDER ORDINANCE NO. 12-41, AMENDING THE WEST VALLEY CITY GENERAL PLAN TO CHANGE THE LAND USE FROM MEDIUM DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL FOR 13.9 ACRES OF PROPERTY LOCATED AT 2600 SOUTH ANNA CAROLINE DRIVE**

The Council previously held a public hearing regarding Application No. G-3-2012, filed by Tim Soffe with ASWN + JSA Architects, requesting to amend the General Plan from Medium Density Residential (7 to 12 units/acre) to High Density Residential (12 to 20 units/acre), and proposed Ordinance No. 12-41 which would amend the West Valley City General Plan to change the land use from Medium Density Residential to High Density Residential for 13.9 acres of property, located at 2600 South Anna Caroline Drive.

After discussion, Councilmember Rushton moved to continue proposed Ordinance No. 12-41 to no date certain to allow staff time to negotiate and draft a proposed new or amended development agreement. Councilmember Vincent seconded the motion.

Councilmember Buhler expressed concern the new proposal had decreased square footages of the apartments in order to increase the overall number of units.

Councilmember Lang expressed concern regarding the number of units proposed and decrease in the open space. She also discussed evolution of the history of the area property and stated it had not been contemplated this area would be such

**MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 16, 2012**

**-11-**

high density. She expressed concern regarding the total number of high density units already existing in the subject area. She expressed agreement that the apartments as presented were of high quality.

Councilmember Huynh discussed the overall project and stated it could bring benefit to the area and he mentioned the proposed security for the project would benefit the City.

Mayor Winder stated the project was between a freeway to be constructed, a loading dock, and the WinCo store, which made it a "tough" piece of property to develop. He indicated the proposed project would fit at this particular location and the developer was willing to build a quality project. He further stated that having "rooftops" would greatly benefit the businesses in that area.

Mayor Winder called for a vote on the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	No
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mayor Winder	Yes

Majority.

15931

**RESOLUTION NO. 12-147, APPROVE THE PROPOSED PLANS FOR CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS IN ACCORDANCE WITH THE AGREEMENT FOR DISPOSITION OF LAND FOR PRIVATE DEVELOPMENT BETWEEN THE REDEVELOPMENT AGENCY, WEST VALLEY CITY, AND JORDAN RIVER MARKETPLACE, LLC**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 12-147 which would approve the proposed plans for construction and installation of improvements in accordance with the Agreement for Disposition of Land for Private Development (ADL) between the Redevelopment Agency, West Valley City, and Jordan River Marketplace, LLC.

Mr. Isaac stated JRM LLC had been selected as the developer to design and build the Jordan River Marketplace. He further stated proposed development under the ADL was for a mixed use, walkable development with culturally diverse shops and restaurants, office space, residential units, and cultural amenities, but not necessarily for charter schools. He indicated the development was to be built on

## MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 16, 2012

-12-

City-owned and other property on 3300 South at about 1300 West and would complement and connect to the Utah Cultural Celebration Center (UCCC) located just north of the subject site. He recommended the ADL be amended to allow charter schools and JRM LLC be required to obtain City approval of the proposed plans as defined in the ADL prior to construction or installation of any improvements. He summarized the proposed resolution would approve the proposed plans for the Esperanza Charter School subject to execution of an amendment to the ADL.

The Acting City Manager reported under the Limited Purpose Local Government Entities – Community Development and Renewal Agencies Act, the Redevelopment Agency had undertaken a program for the development and redevelopment of certain areas in West Valley City, and established a redevelopment project area known as the "Jordan River Redevelopment Area" (the "Project Area"). He further discussed that to achieve the objectives of the Project Area Plan, the City, the Redevelopment Agency, and JRM LLC had entered into the ADL which required approval of Proposed Plans for the development. He explained the primary deal points of the ADL were that the Agency and City would sell land to the developer at \$3.00 per square foot. The appraisal for the property, taking into account soil issues, was effectively \$8.70 per square foot. Payment for the land would come to the Agency and City from the initial Tax Increment collected from the project. He stated after the Agency and City were fully paid back the developer would keep the remaining Tax Increment for investment into the project up to a cap of \$4,639,500. In addition, the Agency and City would review and approve all architectural designs for the development.

Mayor Winder called for discussion regarding the proposal.

Councilmember Buhler stated he very much liked the school but not at the proposed location which he stated was intended for a commercial market place.

Councilmember Rushton stated he also liked the school but there were three issues to be considered – general concept for the JRM, land use, and an incomplete traffic study for the school. He questioned if it was an appropriate use regarding economic development. He discussed reasoning and measures the City used for economic development being capital investment, job creation, broadening the tax base, and for public good. He discussed specific fiduciary responsibilities to the citizens of West Valley City and cited six points on a checklist regarding the inappropriateness of the project relating to economic development, summarized as follows: 1) failure of competition, 2) not "for the public good" - serves finite number of individuals attending the school, 3) would not create enough of a positive benefit, 4) incomplete market, 5) information failures, 6) would not combat adverse effects of unemployment and inflation.

## MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 16, 2012

-13-

Additionally, he discussed three points summarized as: 1) meets the requirement of capital investment, 2) does not meet requirement for job creation, and 3) would not be a long term tax base provider. He concluded it would be very desirable to find a location for the school in West Valley City, however, not at the proposed location.

Councilmember Vincent stated this was one of those decisions that could be considered with either the heart or the numbers. He indicated he struggled with the decision because he believed the school and its mission was very good. He indicated there had been some discussion this week regarding finding another location for the school with the City facilitating in that regard.

Councilmember Huynh discussed the original vision of the UCCC which included development of an international market place. He stated he liked the school but had concerns which included that it would be at the gateway of West Valley City. He concluded the development should be well connected to the UCCC with an international market place.

Mayor Winder stated even if the proposal was approved a traffic study would be required as part of the process. He further stated not all RDA projects were created equal and had different purposes and reasons and he stressed the importance of the area being a special place. He indicated the RDA provided the tools for creation of special places and Esperanza would add to that special place of the UCCC campus with a better fit than many other uses. He explained it would be a good transition between the JRM and the UCCC and seemed to him to make sense because the Esperanza Charter School was indeed a special school, including its appropriate architecture. He indicated it would have been better to have had more details from the developer earlier in the process, and conversely the Council could have expressed concerns earlier.

After discussion, Councilmember Rushton moved to deny proposed Resolution No. 12-147, a Resolution Approving the Proposed Plans for the Construction and Installation of Improvements in Accordance with the Agreement for Disposition of Land for Private Development between the Redevelopment Agency, West Valley City, and Jordan River Marketplace, LLC. Councilmember Buhler seconded the motion.

Upon additional discussion, Councilmember Lang expressed concern regarding if the City would be giving preferential treatment to the school with the lower property price and if the vote would reflect consideration of the "heart" or the "head." She explained she voted with other people's money and therefore had a responsibility to citizens to make the best use of the property.

**MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 16, 2012**

**-14-**

Councilmember Rushton discussed previous RDA project areas and how hard the City had negotiated for the positive and desired results.

Mayor Winder expressed concern regarding placing housing, retail or a hotel by that side of the pond as they would be disconnected from the retail portion of the project.

Upon consensus of the Council, there was no further input taken from individuals in attendance at the meeting.

Councilmember Huynh expressed concern regarding in the overall plan and if it met the terms of the development agreement.

Mayor Winder called for a vote on the motion.

A roll call vote was taken:

Mr. Vincent	No
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	No
Mr. Rushton	Yes
Mayor Winder	No

Motion Failed, Lack of Majority.

After further discussion, Councilmember Rushton moved to table proposed Resolution No. 12-147 and continue the matter to the Regular Council Meeting scheduled October 23, 2012. Councilmember Lang seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	No
Mr. Huynh	Yes
Mr. Rushton	Yes
Mayor Winder	Yes

Majority - Proposed Resolution No. 12-147 continued to the Regular Council Meeting of October 23, 2012.

**MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 16, 2012**

**-15-**

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE REGULAR MEETING OF TUESDAY, OCTOBER 16, 2012, WAS ADJOURNED AT 8:26 P.M., BY MAYOR WINDER.

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 16, 2012.

---

Sheri McKendrick, MMC  
City Recorder