

MINUTES OF COUNCIL STUDY MEETING – SEPTEMBER 3, 2013

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THE WEST VALLEY CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, SEPTEMBER 3, 2013, AT 4:00 P.M., IN THE MULTI-PURPOSE ROOM, 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
Don Christensen
Tom Huynh
Karen Lang
Corey Rushton

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT:

Steve Vincent

STAFF PRESENT:

Paul Isaac, Assistant City Manager/HR Director
Nicole Cottle, Assistant City Manager/CED Director
Eric Bunderson, City Attorney
John Evans, Fire Chief
Kevin Astill, Parks and Recreation Director
Russell Willardson, Public Works Director
Lee Russo, Police Chief
Jeannette Carpenter, Acting Finance Director
Chris Curtis, Acting CPD Director
Anita Schwemmer, Police Department
Brandon Hill, Law Department
Claire Gillmor, Law Department
Jody Knapp, CED Department
Steve Lehman, CED Department
Aaron Crim, Administration
Jake Arslanian, Public Works Department
Jason Nau, Administration

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1. FIELD TRIP TO FIRE STATION #73

City Manager, Wayne Pyle, stated time had been allotted for a field trip to Fire Station #73 in order for the City Council to view the remodeled station.

After roll call, Council members and staff boarded the City bus and traveled to Fire Station #73 located at 2850 South 2700 West. Upon arrival, Jake Arslanian, Public Works Department, led a tour, discussed the remodeled station and answered questions from members of the City Council.

The City Council returned to City Hall at 4:48 P.M. and resumed Study Session.

2. APPROVAL OF MINUTES OF AUGUST 20, 2013

The Council read and considered Minutes of the Study Meeting held August 20, 2013, at 6:30 P.M. There were no changes, corrections or deletions.

After discussion, Councilmember Christensen moved to approve the Minutes of the Study Meeting held August 20, 2013, as written. Councilmember Buhler seconded the motion.

A roll call vote was taken:

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

Unanimous.

3. REVIEW AGENDAS FOR COUNCIL REGULAR, REDEVELOPMENT AGENCY AND HOUSING AUTHORITY MEETINGS SCHEDULED SEPTEMBER 3, 2013

City Manager, Wayne Pyle, discussed new items added to the Agenda, and other items, for the Regular Council Meeting scheduled September 3, 2013, at 6:30 P.M. as follows:

Item No. 8.B. – RESOLUTION NO. 13-129, APPROVE AN AGREEMENT WITH SEARCH GROUP PARTNERS EXECUTIVE SEARCH TO PROVIDE RECRUITING SERVICES FOR TWO CITY EXECUTIVE POSITIONS

City Manager, Wayne Pyle, discussed proposed Resolution No. 13-129 which would approve an Agreement with Search Group Partners Executive Search, in the amount of \$33,300.00, to provide recruiting services for two City executive positions.

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The City Manager stated the City Council had requested to see job descriptions for the positions.

Upon direction, Paul Isaac, Assistant City Manager/HR Director, distributed and discussed draft job descriptions and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 13-133 at the Regular Council Meeting scheduled September 3, 2013, at 6:30 P.M.

Item No. 8.E. – RESOLUTION NO. 13-134, RATIFY THE CITY MANAGER'S APPOINTMENT OF LEE W. RUSSO TO THE OFFICE OF POLICE CHIEF

City Manager, Wayne Pyle, discussed proposed Resolution No. 13-134 which would ratify his appointment of Lee W. Russo to the Office of Police Chief.

Mr. Pyle reported the City had advertised for two months and received 36 applications for the position of Police Chief. He also reported each candidate had been asked to respond via social media to a series of questions and based on those responses nine candidates had been invited to participate in an assessment center interview process. He indicated the interview team consisted of 15 individuals including West Valley City citizens and City staff, police chiefs from other jurisdictions, members of the media, and elected officials. He explained candidates had been asked to role play, respond to real life police scenarios, respond to questions related to their experience and leadership philosophy, and respond to questions related to their knowledge of West Valley City. The interview team then narrowed the pool to four candidates who were interviewed by the City Manager. He stated he also sought advice and counsel of elected officials during the selection process.

The City Manager stated, upon ratification by the Council, a swearing-in ceremony had been scheduled; however, Chief Russo's Utah Peace Officer Standards and Training (POST) certification needed to first be finalized. He also answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 13-134 at the Regular Council Meeting scheduled September 3, 2013, at 6:30 P.M.

Item No. 8.F. – RESOLUTION NO. 13-135, APPROVE AN EMPLOYMENT AGREEMENT WITH LEE W. RUSSO TO SERVE AS THE WEST VALLEY CITY POLICE CHIEF FOR A TERM OF FIVE YEARS

City Manager, Wayne Pyle, discussed proposed Resolution No. 13-135 which would approve an Employment Agreement with Lee W. Russo to serve as the West Valley City Police Chief for a term of five years.

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Mr. Pyle stated that after fielding a number of applicants through an intensive screening process it had been determined Mr. Russo was the best qualified candidate to serve as the City's Police Chief. He advised that Mr. Russo had requested an employment agreement in his acceptance of appointment to the position.

City Manager, Wayne Pyle, further reviewed and discussed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 13-135 at the Regular Council Meeting scheduled September 3, 2013, at 6:30 P.M.

Item No. 9.C. – CONVENE AS BOARD OF CANVASSERS AND CERTIFY RESULTS OF THE RECOUNT OF THE MUNICIPAL PRIMARY ELECTION FOR OFFICE OF MAYOR AND CONSIDER RESOLUTION NO. 13-137, ACCEPTING AND APPROVING RESULTS OF THE MUNICIPAL PRIMARY ELECTION RECOUNT FOR THE OFFICE OF MAYOR AS SHOWN ON THE CANVASS REPORT

City Manager, Wayne Pyle, stated the City Council would convene as the Board of Canvassers to accept and approve results of the recount of the Mayor's race in the 2013 Municipal Primary Election.

Mr. Pyle advised the City Council was the legislative body for the City and comprised the Board of Municipal Canvassers pursuant to Utah Code 20A-4-301(2). He stated the Code required the Board of Municipal Canvassers to meet to certify the returns of the Municipal Primary Election recount.

City Recorder, Sheri McKendrick, further reviewed and discussed the proposed Resolution and answered questions from members of the City Council.

The City Council will convene as the Board of Canvassers and consider proposed Resolution No. 13-137 at the Regular Council Meeting scheduled September 3, 2013, at 6:30 P.M.

Redevelopment Agency Meeting Scheduled September 3, 2013

City Manager, Wayne Pyle, reviewed the Agenda for the Redevelopment Agency Meeting scheduled September 3, 2013, and stated approval of minutes was listed for consideration.

Housing Authority Meeting Scheduled September 3, 2013

City Manager, Wayne Pyle, reviewed the Agenda for the Housing Authority Meeting scheduled September 3, 2013, and stated minutes and proposed Resolution No. 13-03 was listed for consideration. He reviewed the proposed Resolution and answered questions from members of the City Council.

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Upon inquiry by the City Manager, there were no further questions regarding items scheduled on the above referenced Agendas.

4. **ORDINANCE NO. 13-38, AMEND SECTION 1-2-108 OF THE WEST VALLEY CITY MUNICIPAL CODE TO REFLECT CHANGES IN THE CONSOLIDATED FEE SCHEDULE FOR THE POLICE DEPARTMENT**

City Manager, Wayne Pyle, discussed proposed Ordinance No. 13-38 which would amend Section 1-2-108 of the West Valley City Municipal Code to reflect changes in the Consolidated Fee Schedule for the Police Department.

Mr. Pyle stated the proposed amendment would assess a fee of \$150.00 for collection of DNA samples from registered sex offenders and other persons convicted of certain crimes as allowed for by Utah State Code 53-10-404. He advised the code section made provision for a law enforcement agency to collect DNA specimens from persons convicted of certain crimes including registered sex offenders. He indicated when DNA was collected the collecting law enforcement agency could charge a \$150.00 fee with that agency retaining \$25.00 of the fee. He stated the remaining \$125.00 of the fee was deposited in the State of Utah's DNA Specimen Restricted Account and used to process the specimen.

The City Manager reported the West Valley City Police Department was currently authorized by both the Utah Bureau of Forensic Services (UBFS) and the State of Utah Kidnap/Sex Offender Registry to collect DNA samples from registered sex offenders. As the Department was currently not authorized by ordinance to charge the appropriate fee for collection and processing of DNA samples, offenders were currently being referred to the City of South Jordan to have their DNA samples collected. He advised if approved, DNA samples would be collected by detectives. The materials needed were provided free of charge by the UBFS. He further advised it was estimated the Police Department would collect 25 to 30 DNA samples yearly and while this was not a great increase in revenue allowing our Police Department to collect these samples would ensure the DNA samples were collected at the time the sex offender registered or renewed his/her registration and allow the Police Department to assist in building the CODIS database (used by law enforcement agencies nationwide in identification of suspects involved in crimes where DNA evidence was collected).

Chief Lee Russo further reviewed and discussed the proposed Ordinance and answered questions from members of the City Council.

The City Council will consider proposed Ordinance No. 13-38 at the Regular Council Meeting scheduled September 10, 2013, at 6:30 P.M.

5. **RESOLUTION NO. 13-136, AUTHORIZING THE ISSUANCE AND SALE OF \$1,500,000 AGGREGATE PRINCIPAL AMOUNT OF STORM SEWER REVENUE BONDS, SERIES 2013; PROVIDING FOR THE PUBLICATION OF A**

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NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AUTHORIZING THE EXECUTION BY THE ISSUER OF A MASTER RESOLUTION, A BOND PURCHASE AGREEMENT, AND OTHER DOCUMENTS NECESSARY FOR THE ISSUANCE OF THE SERIES 2013 BONDS; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS

City Manager, Wayne Pyle, discussed proposed Resolution No. 13-136 which would authorize the issuance and sale of \$1,500,000.00 aggregate principal amount of Storm Sewer Revenue Bonds Series 2013; providing for the publication of a Notice of Public Hearing and Bonds to be Issued; providing for the running of a contest period; authorizing the execution by the issuer of a Master Resolution; a Bond Purchase Agreement, and other documents necessary for the issuance of the Series 2013 Bonds; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this Resolution; and related matters.

Mr. Pyle stated approval of the proposal would authorize acquiring properties to be used for storm water retention and open space. He advised the bonds would be purchased by SunTrust Equipment and Leasing Corp. He also advised properties would be purchased for approximately \$3.1 million for a term not to exceed five years payable semi-annually. He reported the bonds would be issued in the amount of \$1,500,000 plus costs of issuance and the balance paid from the Storm Water Fund balance. He further explained properties had been identified and ownership of those properties was essential to meeting the needs of the City's future development and open space needs.

The City Manager reported competitive proposals had been solicited from a number of financial institutions with the determination made that SunTrust Equipment Finance and Leasing Corp. would provide the least cost of reasonable financing terms.

Public Works Director, Russell Willardson, further reviewed and discussed the proposed Resolution and answered questions from members of the City Council.

City Manager, Wayne Pyle, stated Laura Lewis, Lewis Young Robertson & Burningham, reviewed the proposed transaction as the City's financial advisor; but was unable to attend this meeting due to scheduling conflicts.

The City Council will consider proposed Resolution No. 13-136 at the Regular Council Meeting scheduled September 10, 2013, at 6:30 P.M.

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6. COMMUNICATIONS:

A. ALCOHOL PERMIT DISCUSSION

City Manager, Wayne Pyle, stated a discussion regarding alcohol permits had been scheduled. He discussed background information and explained this matter had been precipitated by a citizen requesting to sell wine at a charitable event.

Upon direction, Brandon Hill, Law Department, used PowerPoint and discussed information summarized as follows:

- Permits offered by the Utah Division of Alcoholic Beverage Control (DABC): Single Event Permit - permits sale of liquor, wine, heavy beer and beer and Temporary Beer Event Permit - permits sale of 3.2% beer only with both requiring consent of the City
- Local consent in West Valley City – current ordinance requirements, provisions and definitions explained in detail
- Views of previous City Councils – concerns regarding marketing alcohol, control of consumption, and access to minors,
- Examples of ordinances in other cities – Layton, Murray, Ogden, Midvale, and West Jordan
- Citizen input – West Valley City does not look progressive, alcohol sales can be revenue-raiser for worthy causes, most would not market or promote alcohol, minors unlikely to attend benefit events, support for ordinances which reflect DABC standards
- Discussion of options for going forward – leave the ordinance the same, giving local consent for concert venues only or allow local consent more broadly for temporary alcohol permits
- Staff was looking for guidance and direction from City Council before moving forward

During the presentation, the City Manager and Mr. Hill answered questions from members of the City Council.

Members of the City Council discussed the above information and commented as follows: the City should consider amendments to ordinances similar to other cities' regulations; West Valley City being unique with many different facilities serving alcohol; a legitimate request came resident of the City and should be considered; necessity for meeting needs of large and diverse community; suggestion to broaden definition of "concert venue;" parameters for allowing temporary alcohol permits; alcohol should be served at an alcohol licensed venue.

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City Manager, Wayne Pyle, stated he had noted comments by the City Council and he would continue to gather information regarding this matter. He also requested Council direction after further study of the information provided.

B. **STRATEGIC PLAN GOAL UPDATE – CITIZEN INVOLVEMENT**

City Manager, Wayne Pyle, stated an update of the Strategic Plan Goal, Citizen Involvement, had been scheduled and discussed an overview of the goal.

Mr. Pyle informed that Valley Journals and, therefore, the West Valley Journal had suspended operations and were not printing at the present time. He stated the City was looking for options for replacement of the monthly City newsletter and discussed various ideas. He advised the Public Works Director, Russell Willardson, and Aaron Crim, Administration, had been reviewing ideas including newsletter information on the back of utility bills, and including costs. He further advised this would be an additional way to post content, but probably not the most modern or "savvy" way to do so as there were only 27,000 storm water accounts, 3,000 electronic bills and others out of the City such as landlords. He stated the bottom line was this would produce 21,000 accounts receiving the information as opposed to 45,000 who received the Journal. He discussed the option of a newsletter insert with the billing statement and advised budgeted funds would be available. Another option included a bi-monthly newsletter for \$45,000 per year and he discussed sources of funding.

The City Manager recommended to proceed forward with a billing insert on a monthly basis and to work toward a bi-monthly newsletter.

Upon discussion, Council members discussed opinions and ideas regarding the City Manager's recommendation. Some members expressed preference for a monthly postcard rather than a glossy bi-fold bi-weekly publication. Members of the Council also recommended looking at improvements to the City's on-line information, and indicated a smaller piece of paper would be more useful for event or calendar information which could perhaps be posted on a refrigerator. Some members of the Council recommended dividing the City into areas designating specific business locations where the newsletter could be made available for pick up by residents. Discussion was also had regarding utilizing various methods of delivery of information such in-house billing, mailings, pick up and others.

C. **COUNCIL UPDATE**

City Manager, Wayne Pyle, stated the City Council previously received a Memorandum outlining upcoming meetings and events as follows: September 4, 2013: Lake Park Golf Social, Stonebridge Golf Course, Breakfast at 8:00 A.M. and Golf at 9:00 A.M.; September 6, 2013: Live After Five Concert Series – Ramblewood, Plaza at Fairbourne Station, 6:00 P.M.; September 7, 2013:

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Neighborhood Block Party, 6780 West 4060 South, 1:30 P.M. – 8:00 P.M.; September 10, 2013: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; September 11-13, 2013: ULCT Annual Conference; September 13, 2013: Live After Five Concert Series – Paul Boruff, Plaza at Fairbourne Station, 6:00 P.M.; September 17, 2013: Council Study Meeting, 4:30 P.M.; Regular Council Meeting, 6:30 P.M.; September 21, 2013: Chelsie Hill 5K, Hunter High School, 10:00 A.M. – 1:00 P.M.; September 24, 2013: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; October 1, 2013: Council Study Meeting, 4:30 P.M.; Regular Council Meeting, 6:30 P.M.; October 1, 2013: Cirque Musica, Maverik Center, 7:30 P.M.; October 8, 2013: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; October 9, 2013: Meet the Candidates Night for Municipal General Election, UCCC, 6:30 P.M. – 8:30 P.M.; October 11, 2013: A Night of Hope with Joel Osteen, Maverik Center, 7:30 P.M.; October 15, 2013: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; October 19, 2013: Gabriel Iglesias, Maverik Center, 7:30 P.M.; October 22, 2013: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; October 22 – November 1, 2013: Early Voting for Municipal General Election, City Hall Lobby, 10:30 A.M. – 3:30 P.M. (weekdays only); October 24, 2013: ChamberWest 50th Anniversary Gala, Hilton Salt Lake City Airport, 6:00 P.M.; October 26, 2013: Macklemore & Ryan Lewis, Maverik Center, 7:30 P.M.; November 5, 2013: Municipal General Election; November 5, 2013: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; November 11, 2013: Veteran's Day Holiday – City Hall closed; November 12, 2013: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; November 15, 2013: So You Think You Can Dance, Maverik Center, 8:00 P.M.; November 19, 2013: Council Study Meeting, 4:30 P.M., Regular Council Meeting and Canvass of Municipal General Election, 6:30 P.M.; November 26, 2013: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; November 28, 2013: Thanksgiving Holiday – City Hall closed; December 3, 2013: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; December 10, 2013: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; December 14, 2013: George Lopez, Maverik Center, 8:00 P.M.; December 17, 2013: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; and December 25 & 26, 2013: Christmas Holiday – City Hall closed.

7. **COUNCIL REPORTS**

A. **COUNCILMEMBER KAREN LANG – TAILGATE PARTIES AT VALLEY FAIR MALL**

Councilmember Lang discussed activities to build a sense of community prior to fans going to a game such as tailgate parties at the Valley Fair Mall prior to people boarding TRAX for University of Utah games.

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Upon discussion, Councilmember Buhler suggested drinking on public property could be an issue. City Attorney, Eric Bunderson, advised open container laws in public areas could also be a problem.

B. COUNCILMEMBER COREY RUSHTON – CESAR CHAVEZ STREET UNVEILING

Councilmember Rushton expressed appreciation to the City Manager and City staff regarding the recent Cesar Chavez Street unveiling.

C. MAYOR MIKE WINDER – GRANGER HIGH DEDICATION, RIBBON CUTTING, PANHANDLING, MONTREAL BUS BENCH AND NEIGHBORHOOD BLOCK PARTY

Mayor Winder discussed the recent dedication of the new Granger High School building.

He also advised regarding a ribbon cutting at Recycling Solutions located on Printer's Row.

Mayor Winder discussed a recent newspaper article regarding how Provo City dealt with panhandling and suggested the City should look into the matter.

The Mayor advised he had forwarded an e-mail with an article to the City Council and City Manager regarding a Montreal bus bench with swings.

Mayor Winder discussed positive comments received from residents regarding City staff and their attendance at his recent neighborhood block party. He thanked all those involved in that event.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE STUDY MEETING OF TUESDAY, SEPTEMBER 3, 2013, WAS ADJOURNED AT 6:17 P.M., BY MAYOR WINDER.

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I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Study Meeting of the West Valley City Council held Tuesday, September 3, 2013.

Sheri McKendrick, MMC
City Recorder