



MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, February 4, 2020 in the Murray City Center Council Chambers, 5025 South State Street, Murray Utah.

Council Members in Attendance:

Kat Martinez	District #1
Dale Cox - Chair	District #2
Rosalba Dominguez – Vice Chair	District #3
Diane Turner	District #4
Brett Hales	District #5

Others in Attendance:

Blair Camp	Mayor	Janet Lopez	City Council Director
Jennifer Heaps	Chief Communications Officer	Pattie Johnson	Council Office
Doug Hill	Mayor’s CAO	Danny Hansen	IT
G.L. Critchfield	City Attorney	Zachary Smallwood	CED
Jennifer Kennedy	City Recorder	Robert White	IT Director
Melinda Greenwood	CED Director	Jon Harris	Fire Chief
Kim Sorensen	Parks and Rec. Director	Charles Turner	Resident

Mr. Cox called the Committee of the Whole meeting to order at 5:45 p.m.

Approval of Minutes – Mr. Cox called for comments, corrections or a motion on the following minutes:

- City Council Training Workshop – December 19, 2019
- City Council Training Workshop – December 20, 2019
- City Council Retirement Reception – December 23, 2019
- City Council Oath of Office Ceremony – January 7, 2020

Ms. Dominguez requested her speech be attached to the Oath of Office Ceremony minutes. Mr. Hales moved to approve all sets of minutes, including the attachment request. Ms. Turner seconded. Passed 5-0.

Discussion Items

Apprenticeship Program Incentive for Construction Projects – Dale Cox

Mr. Cox explained the proposed ordinance would add apprenticeships to the City's bid process. He said it is becoming more difficult for contractors to find qualified workers; and other cities are taking advantage of a process to reward contractors for providing apprenticeship programs. In his experience, he witnessed responsible contractors getting penalized at the bid table because they furnish pensions, training, and health insurance for their workers. Murray has used quality contractors in the past, but this would be one more step to ensure they are easily found, in addition to training the next generation of construction men and women.

The ordinance referenced the use of apprentice workers who are enrolled in certified training programs recognized by the Department of Workforce Services of the State of Utah and the U.S. Department of Labor. Mr. Cox explained projects include city contracts issued after February 18, 2020 for all City owned building improvements or public works projects estimated to exceed \$3 million. Trades included are electricians, bricklayers, ironworkers, operating engineers, plumbers, pipefitters, welders, HVAC&R technicians, cement masons, painters, drywallers, laborers, heat and frost insulators, sheet metal workers, sprinkler fitters, and roofers. Utilization of the apprenticeship program by a contractor who commits to ensure that not less than ten percent of the total labor hours are worked by apprentices shall have their bid considered as if it were two and a half percent lower than the actual dollar value of the bid, not to exceed a preferential value of \$75,000. A contractor awarded a contract based in part on this preference and after consideration of all other criteria, shall use their best efforts to comply and submit compliance statements to the City within 15 days of completion of the project.

Ms. Turner favored the idea and asked how the program would be monitored. Mr. Cox said contractors monitor workers. She asked how contractors would be held accountable. Mr. Cox explained upon completion of a project, the City would receive a report from a contractor conveying how criteria was met; otherwise, a 1% fine would be applied that goes back to the City; the fine insures the process.

Ms. Dominguez asked if criteria could be recognized during the RFP (Request for Proposal) process. Mr. Cox said certain criteria would be required in order to bid on projects. He said many projects go to the lowest bidder, and there is nothing wrong with that- except selecting the lowest qualified bidder, at times, creates challenges as a project moves forward; change orders pile up with great cost, the project runs behind schedule, and an inferior project often results. He said the apprenticeship program provides a tool to ensure when a contractor presents a bid, a qualified subcontractor is attained, and also gives qualified contractors a chance to bid the project and still maintain some of their programs.

Ms. Martinez asked what other important elements the City looks for when considering contracts. Mr. Cox noted former Council Member, Nicponski included healthcare provisions prior to his leaving, which follow State law; other factors include hiring veterans, and drug testing. Ms. Martinez thought the proposal was a good way of finding quality contractors and favored encouraging apprenticeships. Mr. Cox said the apprenticeship proposal also contributes to lower overall labor construction costs, and many contractors are not aware of this program, which is not isolated to just union contractors. A brief discussion occurred about the reconstruction project of Interstate 15 in 2002, when this criterion was met; the project came in under budget and was done well.

Fashion Place West Small Area Plan Project Introduction – Melinda Greenwood and Zachary Smallwood, with VODA staff, Mark Morris and Annaliese Eichelberger.

The City applied for a grant last year through the WRC (Wasatch Regional Council) to study the Fashion Place

West TRAX station. A \$65,000 grant was awarded from the TLC (Transit and Land Use Connection Program); the City is to provide a \$5,000 match, which was included in the current year's budget. Ms. Greenwood explained a competitive process occurred last fall to select VODA consultants.

Mr. Morris introduced his team of community planners, noted company experience in the field of sustainable planning and urban design, and displayed a map of the proposed study area. He discussed the intent of the Fashion Place West Small Area Plan project, where weeks of study occurred to attain background work, to address needs in the area. He shared photos of the vicinity and explained how the city would utilize a small area plan. He noted goals, benefits to property owners, and a time schedule. A meeting was held in January with City staff to discuss the project area, and a public open house would be held on February 12, 2020 from 6:00 p.m. to 8:00 p.m. at the Murray Senior Recreation Center to kick off the project. Their hope is to engage the public to address questions and concerns.

Mr. Hales noted impact area west of State Street on Winchester Street. Mr. Morris confirmed neighborhoods to the north and south of Winchester, and west of State Street would benefit with new restaurants, coffee shops, and employment opportunities; no housing would be removed. He said meetings occurred with Fashion Place Mall management, UDOT (Utah Department of Transportation), and UTA (Utah Transit Authority) to review the proposed plan.

Ms. Dominguez asked how Fashion Place Mall management responded, and if land use codes would change to include high density housing in the area. Mr. Morris said mall management did not show any concrete interest but are open to the idea, however, with new mall ownership located outside Utah, changes to the mall site are possible to address a parking structure. He confirmed zones along Winchester and parcels close to the TRAX station would change significantly, for walkable communities. Ms. Dominguez discussed the unsuccessful situation at Fireclay, related to lack of parking and high-density housing; she wondered if the same would happen in this area. Mr. Morris said the time-horizon for this plan is 20-25 years, so the project is slow moving. He said Utah's first attempt to develop near a TRAX station was Fireclay, which was not ideal; however, projects that followed have been more successful. Ms. Dominguez asked how the concept of walkable communities could be more influenced in Utah. Mr. Morris said it was challenging, but he thought by providing housing elements near new retail shops could change the mindset.

Mr. Cox wondered how the project would integrate with existing housing. Mr. Morris only expects considerable change to parameters of the station, for example, on Cottonwood Street where industrial areas are located. He anticipates no great change to existing neighborhoods, because the plan has no intention of the City acquiring properties; although, hopes are to align existing property owners with the City's plan to revitalize the area; the project is long-term and would develop in increments.

Ms. Turner requested Mr. Morris return to report on public feedback from the open house; asked when the plan would be complete, and what was the next step. Mr. Morris agreed in hopes of getting the Council's approval to adopt the final plan, which would be complete in six months.

Ms. Greenwood said the City conducted an update of the General Plan in 2017, when several areas in the City were identified as future small area plans; for example, the Murray Central Station Small Area Plan completed and adopted last year. Just as it required a General Plan amendment to include it as a portion of the General Plan, the same process would occur for this area, during a public hearing.

Open and Public Meeting Act Training – G.L. Critchfield

Mr. Critchfield said annual training is required under the Open and Public Meeting Act of Utah and the purpose of training is to review requirements as it applies to municipal government. The Open and Public Meeting Act is associated with the idea that the public gets to see how business is transacted openly. He discussed the following:

- Invite the Public. The agenda acts as the public notice and must be posted publicly 24 hours in advance of all meetings. The agenda must include the date, time, and location of a meeting and topics to be discussed. It must be posted at the location where the meeting will be held, posted to the Utah Public Notice Website, and specific media notified.
- Minutes and Recordings. It is required that all speakers be heard during a meeting and recorded. Three days after a meeting the public can have access to a recording. Where possible, draft minutes should be completed within 30 days of a meeting; minutes become the official public record of the meeting.
- Closed Meetings. A quorum must be present to close a meeting. Initially, a meeting is referred to as a public meeting; however, when it needs to be closed, it takes two thirds of a council vote to change it. During closed meetings only permitted matters may be discussed. A closed meeting must be publicly announced by stating the reason it was closed, the location of the closed meeting, and details related to who specifically voted to close the meeting. Items discussed in a closed meeting are the character, professional competence, or physical and mental health of an individual; strategy sessions to discuss pending or reasonable imminent litigation; property purchases and transactions. An unedited recording is required, along with written minutes.
- Emergency Meetings. Utilized for unforeseen circumstances.
- Electronic Meetings. Three council members must be present when others are out of town.
- Conduct. How the council deliberates on the dais is crucial. Explaining why a vote was cast, either for, or against an issue, is imperative. What is said, and documents received for meetings are part of the public record, which is important in a court of law to justify voting choices.
- Social Media, i.e. Facebook, Instagram, Twitter and Snap-chap. All are considered a modern digital public square. When a social media account is not private, all public discussions become a public forum and official platform when discussing important government issues and official business. It is unlawful to block those who have opposing or critical comments in personal feeds because any public forum is open to free speech. It is important that council members keep in mind, they should not give up their privacy simply because they are elected officials. Mr. Critchfield said private accounts are no problem, until they become public accounts; so, it is critical that Council Members decide the purpose for social media and whether they should discuss city issues openly in this format. Ms. Turner asked the definition of 'official business.' Mr. Critchfield said any public media conversation, discussion, or public announcements related to city issues or agenda items is conducting official business. A lengthy discussion followed; Mr. Critchfield suggested social media guidelines and violations be discussed at the upcoming workshop; he suggested the council pass their own policy for the use of social media. Ms. Lopez made notations.

Announcements: None.

Adjournment: 6:42 p.m.

**Pattie Johnson
Council Office Administrator II**