

**TOWN OF PARKER COUNCIL
MINUTES
MARCH 18, 2019**

Mayor Mike Waid called the meeting to order for the Town of Parker meeting and the Parker Authority for Reinvestment meeting at 5:38 P.M. All Councilmembers and Board members were present.

Mayor Waid stated that before going into the Combined Executive Sessions, the item dealing with South Metro Fire Rescue Protection District, the Council had previously voted that Cheryl Poage had a conflict with this item, and asked that Cheryl Poage leave the meeting. Cheryl Poage asked that Town Council reconsider the motion.

Mayor Waid asked Council if they would like to reconsider Cheryl's conflict of interest, otherwise her conflict of interest that was established would remain and Cheryl would have to leave the meeting with staff.

Jeff Toborg moved to reconsider the motion.

There was no second to the motion, however, the Mayor called for the second one more time.

There was no second and the motion died.

Cheryl Poage was asked to leave the meeting.

Cheryl Poage stated that she had to comment that the motion was done without her presence, without her explanation and she found it difficult for Town Council to declare a conflict of interest since she hasn't been employed with them (Metro Fire District) for over 3 years, she has no financial background or benefit, no more contacts with them in that period of time. She believes that some of Town Council have a greater conflict of interest with all the issues going on with the businesses in downtown Parker since your business is in downtown Parker, especially the Downtown Business Alliance. Your conflict is far greater than what you perceive as my conflict and that's where she stands.

Mayor Waid stated that we have this on record. Cheryl exited the Pikes Peak Conference Room, stating she will be asking the next time for Town Council to reconsider based on what she is presenting.

Town Attorney Jim Maloney and Parker Authority for Reinvestment Attorney announced that there was one item for the Combined Executive Session under C.R.S. § 24-6-402(4)(b) concerning South Metro Fire Rescue Fire Protection District v. Parker Authority for Reinvestment, et al., Douglas County District Court Case No. 17CV30549.

EXECUTIVE SESSION

Renee Williams moved and Joshua Rivero seconded to go into a Combined Executive Session at 5:40 p.m. to hold a conference with the Parker Town Attorney and the Attorney for the

Parker Authority for Reinvestment to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b).

The motion was approved unanimously.

Renee Williams moved and Joshua Rivero seconded to come out of the Parker Authority for Reinvestment Executive Session at 6:01 P.M.

The motion was approved unanimously.

Cheryl Poage came back into the meeting at 6:02 P.M.

Jim Maloney announced that the topics for discussion in the Town of Parker Executive Session were two (2) items. Under C.R.S. § 24-6-402(4)(b) the first item was to receive legal advice on specific legal questions concerning Section 13.04.200 of the Parker Municipal Code (uses permitted by special review) and the second item was Article XIV of the Home Rule Charter of the Town of Parker (Citizen Initiative Committee Affidavit concerning the zoning for the real property commonly known as PACE Lot 2 and Pine Curve).

Renee Williams moved and Joshua Rivero seconded to go into Executive Session at 6:04 p.m. to hold a conference with the Town Attorney to receive legal advice on specific legal questions, pursuant to C.R.S. 24-6-4-402(4)(b).

The motion was approved unanimously.

Renee Williams moved and Joshua Rivero seconded to come out of Executive Session at 7:02 P.M.

The motion was approved unanimously.

REGULAR MEETING

Mayor Waid reconvened the meeting at 7:07 P.M.

The flag ceremony was done by Boy Scout Troop 469 and they led the Council and audience in the Pledge of Allegiance. The Mayor gave each scout a certificate.

SPECIAL PRESENTATIONS

Rich Foerster presented the Parker Senior Center update and handed out a packet of material describing their activities. They have started a campaign to raise funds for a new bus and so far have raised \$13,000. He asked the residents and businesses to donate to the Parker Senior Center for the bus. A used vehicle is \$47,000 and a new vehicle is \$67,000.

PARKER CHAMBER OF COMMERCE UPDATES

Dennis Houston provided an update on the Parker Chamber of Commerce activities.

PUBLIC COMMENTS

There were none.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

Councilmembers reported on meetings they each attended since the last meeting.

CONSENT AGENDA

- A. *APPROVAL OF MINUTES - March 4, 2019*
- B. *RESOLUTION NO. 19-017*
A Resolution Calling a Special Town Election on November 5, 2019, Concerning the Provision of High-Speed Internet Services, Telecommunication Services and/or Cable Television Services Within the Town of Parker and to Amend Certain Sections of the Town of Parker Home Rule Charter
Department: Deputy Town Attorney, Kristin Schledorn
- C. *RESOLUTION NO. 19-018*
A Resolution Stating the Town's Intent to Participate in the Douglas County Coordinated Election on November 5, 2019
Department: Deputy Town Attorney, Kristin Schledorn
- D. *CONTRACTS OVER \$100,000*
 - 1. *2019 Townwide Slurry/Chip Seal Program (CIP 19-005)*
Amount: \$1,872,620.02
Contractor: Vance Brothers
Department: Engineering/Public Works, Danny Smith
 - 2. *Motsenbocker Road Widening - Mainstreet to Todd Drive (CIP18-009)*
Professional Services Agreement
Amount: \$184,425.00
Contractor: Stanley Consultants Inc.
Department: Engineering and Public Works, Tom Gill
 - 3. *Professional Services Agreement for Construction Management, Inspection and Material Testing Services for the Schoolhouse Plaza and Parking Lot Project*
Amount: \$123,145.00
Contractor: EST Comprehensive Engineering Services
Department: Engineering/Public Works, Bob Exstrom

4. *2019 Townwide Pavement Markings - Long Line Project (CIP 19-011)*

Amount: \$127,205.50

Contractor: KSI - Kolbe Striping Inc.

Department: Engineering/Public Works, Dave Aden

Joshua Rivero moved and Renee Williams seconded to approve Consent Agenda Items 6A through 6D.

The motion was approved unanimously.

PUBLIC HEARINGS

A. ORDINANCE NO.1.523.1 - Second Reading

A Bill for an Ordinance to Adopt the 2019 Revised Budget for the Town of Parker and to Make Appropriations for the Same

**Department: Finance, Mary Lou Brown
Finance, Rhonda Willey**

7:37 P.M.

Rhonda Willey presented this budget revision for the 2019 annual budget to Town Council. This ordinance covers two categories of adjustments:

1. Carryovers, which are the reappropriation of an unspent appropriation from the prior year to the current year.
2. Amendments, which consist of additional or new appropriation requests that were not anticipated at the time of the development of the budget.

Section 9.12 of the Parker Home Rule Charter provides the authority under which these adjustments may be made.

Public Comment: - None

The Public Hearing was closed at 7:39 P.M.

Renee Williams moved to approve Ordinance No. 1.523.1 on second reading.

Joshua Rivero seconded the motion.

The motion was approved unanimously.

B. RESOLUTION NO. 19-009 -- (Continued from March 4, 2019)
A Resolution to Approve the First Amendment to Consolidated Service Plan for Chambers Highpoint Metropolitan District No. 1 and Chambers Highpoint Metropolitan District No. 2

Department: Town Attorney, Kristin Schledorn

7:40 P.M.

The purpose of Resolution No. 19-009 is to approve the request by Chambers Highpoint Metropolitan District Nos. 1 and 2 (the "Chambers Highpoint Districts") to amend their consolidated service plan.

The Chambers Highpoint Districts are requesting the First Amendment to authorize the same Development Fees as are permitted to be assessed and collected by the Belford Districts under the Amended and Restated Service Plans for those districts. The proposed First Amendment, which otherwise generally conforms to the Town's Model Service Plan, would authorize the Chambers Highpoint Districts to assess and collect a Development Fee not to exceed \$25,000 for each single-family detached residential unit, not to exceed \$20,000 for each single-family attached or multi-family residential unit, and not to exceed \$25,000 per single family equivalent ("SFE") of water and/or wastewater demand for uses other than a single-family or multi-family residential structure.

The increases in the Development Fees are necessary so that residents, tenants and property owners within the Chambers Highpoint Districts are able to obtain water and sanitary sewer taps to serve their properties and to pay for the infrastructure required to connect the taps to the water and sewer provider, as set forth in the Amended and Restated Regional Water and Wastewater Service Agreement between Stonegate Village Metropolitan District and Compark Business Campus Metropolitan District.

George Rowley, 2154 E. Commons Ave., Centennial, CO, of the District, explained the development fee .

Public Comments - None

The Public Hearing was closed at 7:45 P.M.

Renee Williams moved to approve Resolution No. 19-009.

Joshua Rivero seconded the motion.

The motion passed 5-1. (Poage voted no.)

C. PARKER POINTE - Minor Development Plat and Subdivision Agreement

Applicant: Parker and Stroh, LLC
Location: Southeast Corner of Parker Road and Stroh Road
Department: Community Development, Paul Workman
 Engineering and Public Works, Alex Mestdagh
TRAKiT No.: SUB17-058

7:46 P.M.

The purpose of this item is to request that the Town Council approve a minor development plat, subdivision agreement, drainage easement and sewer easement associated with the Parker Pointe property (the "Property")

In August 2018, the Town voluntarily annexed and zoned the property as Modified Commercial. The property owner, Parker Pointe, LLC, has submitted an application for a Minor Development Plat (MDP) to sub divide the Property into 15 lots for future commercial development.

The property owner will dedicate two tracts to the Town with the minor development plat to be preserved as open space.

The proposed MDP to create lots for commercial development is consistent with the Town Master Plan and adopted zoning.

Public Comment - None

The Public Hearing was closed at 7:58 P.M.

1. MINOR DEVELOPMENT PLAT - Parker Pointe

Josh Rivero moved to approve, based on staff findings contained in the staff report, the Minor Development Plat.

Renee Williams seconded the motion.

The motion was approved unanimously.

2. SUBDIVISION AGREEMENT - Parker Pointe

Joshua Rivero moved to approve the Subdivision Agreement.

Renee Williams seconded the motion.

The motion was approved unanimously.

3. RESOLUTION NO. 19-016

A Resolution Accepting the Conveyance of a Drainage Easement from Reata South Metropolitan District and Parker and Stroh, LLC, for Tract A-2-A, Reata South Filing No. 1, 3rd Amendment

Joshua Rivero moved to approve Resolution No. 19-016.

Renee Williams seconded the motion.

The motion was approved unanimously.

4. ORDINANCE NO. 1.515 - Second Reading (Continued from 10/1/2018)

A Bill for an Ordinance Conveying Certain Real Property by Easement to Parker Water and Sanitation District for Tract B, Reata West Filing No. 1, 2nd Amendment

Joshua Rivero moved to approve Ordinance No. 1.515 on second reading.

Renee Williams seconded the motion.

The motion was approved unanimously.

D. COMPARK VILLAGE FILING NO. 4, AMENDMENT NO. 1 - Minor Development Plat

Applicant: Dave Klebba, Etkin Johnson
Location: South of Compark Boulevard and west of Chambers Road
Department: Community Development, Stacey Nerger
TRAKiT No.: SUB18-047

8:01 A.M.

This application is for 29.4 acres of vacant property. The applicant proposes a Minor Development Plat (MDP) to subdivide the property into two buildable lots, a detention pond tract and an unbuildable tract for future development. If approved, the applicant would develop the property with up to four commercial/light industrial buildings.

The proposed MDP is the initial step in preparing the property for development by creating building lots and tracts only. The applicant has also submitted a site plan that is being processed administratively under the Town Land Development Ordinance. If approved, all development and future uses will comply with the adopted Compark Village Planned Development zoning.

The applicant gave a brief overview of their project.

Public Comment - None

The Public Hearing was closed at 8:08 P.M.

Joshua Rivero moved to approve, based on staff findings contained in the staff report, the Minor Development Plat.

Renee Williams seconded the motion.

The motion was approved unanimously.

AGREEMENTS

LISTING AGREEMENT FOR MY MAINSTREET

**Department: Town Attorney, Jim Maloney
 Community Development, Jason Rogers**

The purpose of this item is for the Town Council to consider a broker listing agreement between the Town and NavPoint Real Estate Group, LLC ("NavPoint"), for real property owned by the Town, which are commonly referred to as Schoolhouse (gym), PACE Lot 2, East Main and Pine Curve (the "Town Parcels").

At the October 8, 2018 study session, Town staff was directed to issue a Commercial Brokerage Firm Request for Proposals ("RFP") to identify a commercial brokerage firm to assist with the sale of the town parcels on Mainstreet.

The RFP was sent out to 36 brokerage firms on October 12, 2018. The proposals were due December 12, 2018, and one complete proposal from NavPoint was submitted. An internal staff team, comprised of staff from Community Development, Economic Development, Engineering/Public Works, and P3, reviewed the NavPoint proposal and recommended the negotiation of a listing agreement with NavPoint.

The initial listing period is 270 days. Extension to the listing period is four (4) extension terms for a period of three (3) months (twelve months total). There is a cancellation fee of 1% of the listing price, plus costs incurred by the broker for marketing the property that is the subject of any cancellation, if the Town cancelled the agreement for its convenience.

Ian Elfner, NavPoint Real Estate Group, 15750 E. Indian Brook Circle, Parker, CO, introduced himself and thanked everyone for their efforts on this.

Public Comment:

The following individuals asked Town Council not to approve the Listing Agreement as written:

- Terry Dodd - 11450 Marlborough Drive
- Casey Biggers, 23198 Song Bird Hills Way
- Mike Rouche, 11425 E. Regency Ct.

The following individual was in support of the Listing Agreement:

- Jeff Sims, 19751 E. Mainstreet, R16, Board Member of the Downtown Business Alliance (DBA)

Mayor Waid requested that Jim Maloney address the question from public comment about the 1% fee.

Jim Maloney responded that the 1% convenience fee was added because Councilmember Poage and Councilmember Toborg advised the Town that there may be an initiative if the Town kept PACE Lot 2 and Pine Curve in the Listing Agreement, so based upon that, we worked with the broker and put in the 1%.

Town Council discussion followed.

Joshua Rivero moved to approve the Listing Agreement with NavPoint Real Estate Group, LLC.

Renee Williams seconded the motion.

The motion passed 4 to 2. (Poage and Toborg voted no.)

ORDINANCES

A. ORDINANCE NO. 9.184.1 - Second Reading

A Bill for an Ordinance to Approve the First Amendment to the Intergovernmental Agreement for Disaster-Emergency Mutual Aid and Disaster-Emergency Resources Assistance By and Between the Board of County Commissioners of the County of Douglas, State of Colorado, and the Town of Castle Rock, the Town of Parker, the City of Lone Tree, the City of Castle Pines, the Town of Larkspur, the Douglas County School District, the Highlands Ranch Metropolitan District, the Douglas County Public Library District and the Douglas County Sheriff Department

Department: Police Department, Andy Coleman

The parties to this Intergovernmental Agreement (IGA) desire to more clearly define the purpose and membership of the Emergency Management Coordination Group (EMCG) to more effectively serve the needs of the participants and the local emergency services community as a whole. As such, they are requesting that Paragraphs 3, 5 and 6 of the current IGA dated August 15, 2011, be deleted in their entirety and replaced with the new terms which are included in the IGA.

There is no financial impact; all expenses are covered by or reimbursed by FEMA.

Public Comment - None

Cheryl Poage moved to approve Ordinance No. 9.184.1 on second reading.

Renee Williams seconded the motion.

The motion was approved unanimously.

B. ORDINANCE NO. 3.25.1 - Second Reading

A Bill for an Ordinance Amending Ordinance No. 3.25 by the Deletion of Certain Property from the Planned Development Zoned Area Known as the Country Meadows Planned Development

Department: Community Development, Stacey Nerger

The Town approved an amendment to the Country Meadows Planned Development (PD) zoning in April, 2018 at the property owner's request. The purpose of the zoning amendment is to update zoning by removing the commercial area at the northwest corner of Parker Road and Hess Road from the PD zone and rezoning it to C-Commercial. The proposed action will clarify the April, 2018 rezoning to conform that the commercial area has been removed from the PD zoning and is now zoned C-Commercial.

The April, 2018 zoning amendment to rezone the commercial area in Country Meadows from PD to C-Commercial is consistent with the Parker 2035 Master Plan including recommendations for Neighborhood Centers.

Public Comment - None

John Diak moved to approve Ordinance No. 3.25.1 on second reading.

Renee Williams seconded the motion.

The motion was approved unanimously.

C. ORDINANCE NO. 1.512.1 - Second Reading

A Bill for an Ordinance Approving the First Amendment to Easement Agreement to Parker Water and Sanitation District Tract D, Reata West Filing No. 1 to Correct the Plat Reference to Tract B, Reata West Filing No. 1, 2nd Amendment

Department: Engineering and Public Works, Alex Mestdagh

This item accompanies an ordinance proposing to amend an easement agreement between the Town and the Parker Water and Sanitation District (PWSD). This amendment is necessary to correct an error in the agreement's legal description of the easement property.

The easement amendment proposes to replace the legal description of the easement area with a corrected version, which results in a slight reduction in the easement area being granted. No other changes to the easement agreement are proposed with this amendment.

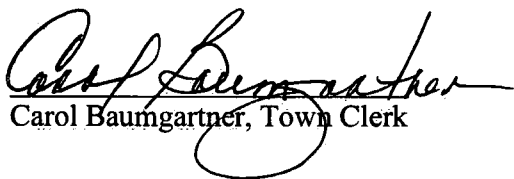
Public Comment - None

Joshua Rivero moved to approve Ordinance No. 1.512.1 on second reading.

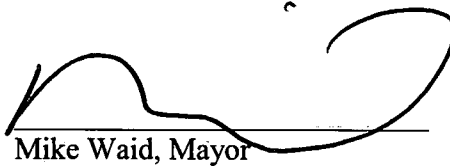
Renee Williams seconded the motion.

The motion was approved unanimously.

The meeting was adjourned at 8:51 P.M.



Carol Baumgartner, Town Clerk



Mike Waid, Mayor