

**TOWN OF PARKER COUNCIL
MINUTES
AUGUST 19, 2019**

Mayor Mike Waid called the meeting to order at 5:30 P.M. All Councilmembers were present.

John Diak reported on the meeting he and Joshua Rivero had with the representatives of the initiative committee.

Town Attorney Jim Maloney announced the topics for discussion in Executive Session were four (4) items. Under C.R.S. § 24--6-402(4)(f) there were two (2) items, the first was Town Administrator Evaluation Process and the second was Town Attorney Evaluation Process; under C.R.S. § 24-6-402(4)(b) there were two (2) items, the first was to receive legal advice on specific legal questions concerning Chapter 2.05 of the Parker Municipal Code, concerning the possible unauthorized disclosure of confidential attorney-client privileged communications and/or confidential executive session communications and the second was to receive legal advice on specific legal questions concerning Benjamin Ramsey et. al. v. Town of Parker et. al., Civil Action No. 18-cv-1845-WJM-KLM.

Renee Williams moved and Debbie Lewis seconded to go into Executive Session at 6:02 P.M. to consider personnel matters, pursuant to C.R.S. § 24--6-402(4)(f) and to hold a conference with the Town's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b) .

The motion was approved unanimously.

Joshua Rivero moved and Renee Williams seconded to continue the Executive Session at 6:25 P.M. without Councilmember Poage.

The motion was approved 4-2. (Poage and Tolborg voted no.)

Councilmember Poage left the meeting at 6:26 P.M. and returned to the meeting at 6:40 P.M.

Josh Rivero moved and Renee Williams seconded to come out of Executive Session at 6:56 P.M.

The motion was approved unanimously.

Mayor Waid reconvened the meeting at 7:03 P.M.

Youth from the audience led the Town Council and audience in the Pledge of Allegiance.

PUBLIC COMMENTS

The following individuals stated they were not in favor of the Town's policy ordinance:

- * Michael Roueche - 11425 Regency Ct.
- * Louise Faulkner - 11410 Hilary Ct.

- * Terry Dodd - 11450 Marlborough Dr.
- * Joy Overbeck - 11962 E. Mann Creek Dr.

The following individuals spoke on other subjects:

- * R.J. O'Connor 19085 E. Oak Creek Pl. - lack of trust between the people and Council
- * Patty Pearson - 20117 E. Williamson Cir. - Too much growth.
- * Rob Owens - 20990 Omaha Ave. - thanked Council for all that they do.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

There were none.

CONSENT AGENDA

- A. *APPROVAL OF MINUTES - August 5, 2019*
- B. *ORDINANCE NO. 1.523.4 - First 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, Rhonda Willey
Second Reading: September 3, 2019
- C. *ORDINANCE NO. 5.75.2 - First Reading*
A Bill for an Ordinance to Amend Chapter 6.02 of the Parker Municipal Code Concerning Protection of Nonsmokers From Involuntary Exposure to Tobacco and Marijuana Smoke in Indoor Areas Open to the Public
Department: Town Attorney, Kristin Schledorn
Second Reading: September 3, 2019
- D. *ORDINANCE NO. 1.537 - First Reading*
A Bill for an Ordinance to Amend Chapter 2.06 of the Parker Municipal Code Concerning Municipal Campaign Finance Complaints
Department: Town Attorney, Kristin Schledorn
Second Reading: September 3, 2019
- E. *ORDINANCE NO. 9.300 - First Reading*
A Bill for an Ordinance Approving the Intergovernmental Agreement Between the Town of Parker and American Academy Regarding the Sharing of Costs for a Police Officer to Act as School Resource Officer
Department: Police, David King
Second Reading: September 3, 2019

- F. *ORDINANCE NO. 9.301 - First Reading*
A Bill for an Ordinance Approving the Amended and Restated Intergovernmental Agreement Between Douglas County School District RE-1 and the Town of Parker Regarding Providing Police Officers to Patrol Elementary and Middle Schools and Other Facilities Under the School Marshall Program (SMP)
Department: Police, David King
Second Reading: September 3, 2019
- G. *ORDINANCE NO. 5.59.1- First Reading*
A Bill for an Ordinance to Amend Chapter 6.03 of the Parker Municipal Code Concerning Noise Regulations
Department: Town Attorney, Kristin Schledorn
Second Reading: September 3, 2019
- H. *RESOLUTION NO. 19-059*
A Resolution to Determine that the E-470 Right-of-Way Northeast Property Annexation Petition Substantially Complies with the Requirements of the Annexation Act of 1965 and to Set a Public Hearing Date for October 7, 2019
Department: Community Development, Carolyn Parkinson
- I. *RESOLUTION NO. 19-062*
A Resolution Assigning and Transferring to Douglas County Housing Partnership All of the Town of Parker's 2019 Private Activity Bond Volume Cap Allocation from the State Ceiling for Private Activity Bonds, and Authorizing the Execution and Delivery of an Assignment and Other Documents in Connection Therewith
Department: Community Development, Bryce Matthews
- J. *RESOLUTION NO. 19-068*
A Resolution Accepting the Conveyance of a Traffic Signal Easement from Monarch Country Meadows, LLC, To Regulate Traffic at the Intersection of Hess Road and the Country Meadows Square Subdivision
Department: Engineering and Public Works, Alex Mestdagh
- K. *CONTRACTS OVER \$100,000*
2019 Townwide Slurry/Chip Seal Program (CIP19-005) Contract Modification
Amount: \$180,000.00
Contractor: Vance Brothers, Inc
Department: Engineering and Public Works, Danny Smith

Joshua Rivero moved and Renee Williams seconded the motion to approve Consent Agenda Items 4A through 4K.

The motion was approved unanimously.

ORDINANCES

A. SALE OF PINE CURVE PROPERTY

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

Resolution No. 19-075 provides a factual summary of the history of the Pine Curve Property and PACE Lot 2, supporting the future sale of those properties.

At the study session on August 12, 2019, Town Council discussed a draft of this resolution. Revisions were made in accordance with the feedback received from Town Councilmembers at that study session. No additional comments or edits were received.

The purpose of Ordinance No. 1.536 was for the Town Council to consider a purchase and sale agreement for real property owned by the Town, which is commonly referred to as the Pine Curve Property.

At the March 18, 2019 Town Council meeting, the Town Council approved a broker listing agreement between the Town and NavPoint Real Estate Group, LLC, for real property owned by the Town, including Pine Curve Property (the "Listing Agreement"). Under the Listing Agreement, the Pine Curve Property was listed for sale in the amount of \$5,793,331 (\$5.50/sf). The Town received the purchase and sale agreement signed by UDCC Miller, LLC (the "Buyer"), with a purchase price of \$5.00 per square foot (the "Agreement"). The Agreement now excludes 30% of the gross square feet of the regional detention pond on the Pine Curve Property as it is ultimately configured on the Minor Development Plat, with the remaining 70% of the gross square feet of the regional detention pond to be included in calculating the purchase price.

Applicant

Steve Shopler, 6900 E. Belleview, Greenwood Village, advised that they have been very interested in the property for a number of years and the My Mainstreet project excited them. He also named the many properties they have developed in the state.

Public Comment

The following individuals were in support of Pine Curve Development:

- *Shelli Mango - DBA, 8632 Thunderbird Rd. (unincorporated Douglas County)
- *Kris Schnell, 5654 E. Pine (unincorporated Douglas County)
- *Christina Guertin, 11975 Blackwell Way
- *Susan Bertocchi, 10212 Cherrywood Dr. (unincorporated Douglas County)
- *David Casiano, 21541 Omaha Ave.
- *Mark Hall - 16383 Prairie Farm Cir.
- *Dennis Husperni, 10841 S. Crossroads Dr.
- *Dave Chung, 11301 Mesa Verde Pl.
- *Therese Hawkins-Garceu, 10287 Canara Terrace
- *Tim Casey, 11337 Tumbleweed Way
- *Tony Mango, 8632 Thunderbird Rd. (unincorporated Douglas County)

- *Todd Hendreks, 21351 White Ash Ct.
- *Bradley Trede, 6497 Mountain Manor Ct. (unincorporated Douglas County)
- *Karen Lee, 9263 E. Wild Elk Pl., maybe for it if she can help plan it. (unincorporated Douglas County)
- *Rob Owens, 20990 Omaha Ave.

The following individuals were not in support of Pine Curve development:

- *Jennifer Green - 10920 Parker Vista Rd.
- *Aleta Yow - 18140 French Creek Dr.
- *Joy Overbeck - 19692 E. Mann Creek Dr.
- *Terry Dodd - 11450 Marlborough Dr.
- *Betty Pearson - 20117 E. Williamson Dr.
- *R.J. O'Connor - 19085 E. Oak Creek Pl.
- *Ron Faulkner - 11410 Hilary Ct.
- *Louise Faulkner - 11410 Hilary Ct.
- *Melanie Batizy - 20315 Vista Cir.
- *Mary Lou Carter - 20313 Vista Cir.
- *Mary S. Lopez - 11162 Cambridge Ct
- *Mike j. Roueche - 11425 E. Regency Ct.
- *Al Thompson - 11198 Cambridge Ct.
- *Jim Dudley - 7769 Ponderosa Lane (unincorporated Douglas County)

Town Council discussion followed.

Town Attorney Jim Maloney read 6.4 of the purchase and sale agreement.

1. RESOLUTION NO. 19-075

A Resolution of Intent to Sell the My Mainstreet Parcels Including the Pine Curve Property and Pace Lot 2

Joshua Rivero moved to approve Resolution No. 19-075.

Renee Williams seconded the motion.

The motion was approved unanimously.

2. ORDINANCE NO. 1.536 - Second Reading

A Bill for an Ordinance Approving the Purchase and Sale Agreement Between the Town of Parker and UDC Miller, LLC, Concerning the Property Known as the Pine Curve

Jeff Toborg moved to delay approving Ordinance No. 1.536 until after October 9, 2019.

Cheryl Poage seconded the motion.

The motion failed 2-4. (Rivero, Diak, Lewis and Williams voted no.)

Joshua Rivero moved to approve Ordinance No. 1.536 on second reading.

The motion was approved 4-2. (Poage and Toborg voted no.)

THERE WAS A FIVE (5) MINUTE RECESS AT 9:33 P.M. THE MEETING RESUMED AT 9:45 P.M.

B. ORDINANCE NO. 9.299 - Second Reading

A Bill for an Ordinance Approving the Amended and Restated Intergovernmental Agreement Between the Douglas County School District RE-1 and the Town of Parker Regarding the Sharing of Costs for Providing Police Officers to Act as School Resources Officers

Department: Police, David King

9:38 P.M.

The Town entered into an Intergovernmental Agreement (IGA) with the Douglas County School District to make available police officers to function as school resource officers (SROs) at Legend High School and Sierra Middle School. The school resource officers additionally provide services to include law enforcement, counseling and education to Cimarron Middle School located adjacent to Legend High School.

A school resource officer is a commissioned, sworn law enforcement officer, not a "security guard." SROs carry all the same equipment they use on any other law enforcement assignment.

Under the IGA between Parker and Douglas County School District, the cost for each SRO is shared as a 50-50 split. The split includes salary (which can vary based on where the officer is within the department's step pay plan) and benefits for each officer required under the agreement.

Costs incurred by the Town for school related sporting events or activities are paid by the School District under separate billing. Each SRO is allowed up to ninety (90) hours of overtime for school sanctioned events per school year.

Since first reading, the IGA has been amended to provide that one-half of the equipment costs for each SRO (\$7,500) and all costs of attendance by the SROs at the NASRO conference will be paid by the District. Additional changes were made to Section 5 to specify the rate for attendance at sporting events or activities will be one and a half times the current rate of pay.

Public Comment - None

Jeff Toborg moved to approve Ordinance No. 9.299 on second reading.

Joshua Rivero seconded the motion.

The motion was approved unanimously.

PUBLIC HEARINGS

A. CHAMBERS ROAD ANNEXATIONS and ZONINGS

Department: Community Development, Stacey Nerger

9:42 P.M.

The Town proposes to annex a portion of the Chambers Road Right-of-Way (ROW) located between Mainstreet and Heirloom Parkway as required by an Intergovernmental Agreement with Douglas County. In addition, the Town proposes to annex and zone several small properties that are not ROW. The areas to be annexed and zoned will require five (5) separate annexations and three (3) separate zoning designations as summarized below.

Annexations

*Chambers Road ROW consisting of three (3) serial annexations.

*Public Service Company of Colorado (PSCo) property consisting of a portion of the PSCo/Xcel utility corridor extending from the east side of Chambers Road to the current western limit of the Town.

*Town-owned Tract P which is a remnant of the Meridian International Business Center Planned Development. Tract P can be annexed by ordinance without public hearing because it is Town-owned and not ROW.

Zoning

*Public Service Company of Colorado (PSCo) property consisting of a portion of the PSCo/Xcel utility corridor outside of the Chambers Road ROW to be zoned PF-Public Facility District.

*A portion of property located north of the PSCo property and outside of the Chambers Road ROW to be zoned OS-Open Space District

*Tract P of Meridian International Business Center Planned Development, which is located at the northeast corner of Chambers Road and Mainstreet to be zoned Newlin Crossing Planned Development.

*Tract D located south of Mainstreet on the east side of Chambers Road was annexed as part of the Newlin Crossing Planned Development but not zoned. It is proposed to be zoned OS-Open Space District.

The Town is also proposing a Subdivision Exemption Plat for the intersection of Chambers Road and Mainstreet to dedicate ROW and create a legal parcel for Tract D south of Mainstreet and east of Chambers Road.

Resolutions that set forth findings of fact and conclusion as to the eligibility of the annexations were processed concurrently with the ordinances.

The Planning Commission held a public hearing on August 8, 2019 and recommended that Town Council approve the proposed annexation and zoning.

Public Comment - None.

The Public Hearing was closed at 9:54 P.M.

CHERYL POAGE MOVED AND RENEE WILLIAMS SECONDED THE MOTION TO CONTINUE THE MEETING AFTER 10:00 P.M.

THE MOTION WAS APPROVED UNANIMOUSLY.

1. ORDINANCE NO. 2.268 - Second Reading

A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Chambers Road and Mainstreet Tract P Property in Douglas County

Joshua Rivero moved to approve Ordinance No. 2.268 on second reading.

Cheryl Poage seconded the motion.

The motion was approved unanimously.

2. RESOLUTION NO. 19-071

A Resolution to Set Forth Town Council's Findings of Fact and Conclusions as to the Eligibility of the Chambers Road and Public Service of Colorado Right-of-Way Property for Annexation into the Town of Parker

Joshua Rivero moved to approve Resolution No. 19-071.

Renee Williams seconded the motion.

The motion was approved unanimously.

3. ORDINANCE NO. 2.269 - Second Reading

A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Chambers Road and Public Service Company of Colorado Right-of-Way Property in Douglas County

Joshua Rivero moved to approve Ordinance No. 2.269 on second reading.

Renee Williams seconded the motion.

The motion was approved unanimously.

4. RESOLUTION NO. 19-072

A Resolution to Set Forth Town Council's Findings of Fact and Conclusions as to the Eligibility of the Chambers Road No. 1 Property for Annexation into the Town of Parker

Joshua Rivero moved to approve Resolution No. 19-072.

Renee Williams seconded the motion.

The motion was approved unanimously.

5. ORDINANCE NO. 2.270 - Second Reading

A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Chambers Road No. 1 Property in Douglas County

Joshua Rivero moved to approve Ordinance No. 2.270 on second reading.

Renee Williams seconded the motion.

The motion was approved unanimously.

6. RESOLUTION NO. 19-073

A Resolution to Set Forth Town Council's Findings of Fact and Conclusions as to the Eligibility of the Chambers Road No. 2 Property for Annexation into the Town of Parker

Joshua Rivero moved to approve Resolution No. 19-073.

Renee Williams seconded the motion.

The motion was approved unanimously.

7. ORDINANCE NO. 2.271 - Second Reading

A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Chambers Road No. 2 Property in Douglas County

Joshua Rivero moved to approve Ordinance No. 2.271 on second reading.

Renee Williams seconded the motion.

The motion was approved unanimously.

8. RESOLUTION NO. 19-074

A Resolution to Set Forth Town Council's Findings of Fact and Conclusions as to the Eligibility of the Chambers Road No. 3 Property for Annexation into the Town of Parker

Joshua Rivero moved to approve Resolution No. 19-074.

Renee Williams seconded the motion.

The motion was approved unanimously.

9. ORDINANCE NO. 2.272 - Second Reading

A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Chambers Road No. 3 Property in Douglas County

Joshua Rivero moved to approve Ordinance No. 2.272 on second reading.

Renee Williams seconded the motion.

The motion was approved unanimously.

10. RESOLUTION NO. 19-067

A Resolution to Exempt Certain Real Property Commonly Known as Mainstreet and Chambers East Subdivision Filing No. 1 from the Definition of Subdivision and Subdivided Land as Contained in the Town of Parker Land Development Ordinance

John Diak moved to approve Resolution No. 19-067.

Joshua Rivero seconded the motion.

The motion was approved unanimously.

11. ORDINANCE NO. 3.347 - Second Reading

A Bill for an Ordinance Zoning Certain Property Within the Town of Parker, Colorado, Known as the Chambers Road and Mainstreet Tract P Property to PD-Planned Development District Pursuant to the Town of Parker Land Development Code and Amending the Zoning Ordinance and Map to Conform Therewith

John Diak moved to approve Ordinance No. 3.347 on second reading.

Renee Williams seconded the motion.

The motion was approved unanimously.

12. ORDINANCE NO. 3.348 - Second Reading

A Bill for an Ordinance Zoning Certain Property Within the Town of Parker, Colorado, Known as the Chambers Road and Public Service Company of Colorado Right-of-Way Property to PF-Public Facilities District Pursuant to the Town of Parker Land Development Code and Amending the Zoning Ordinance and Map to Conform Therewith

John Diak moved to approve Ordinance No. 3.348 on second reading.

Renee Williams seconded the motion.

The motion was approved unanimously.

13. ORDINANCE NO. 3.349 - Second Reading

A Bill for an Ordinance Zoning Certain Property Within the Town of Parker, Colorado, Known as the Tract T Property to OS-Open Space District pursuant to the Town of Parker Land Development Code and Amending the Zoning Ordinance and Map to Conform Therewith

John Diak moved to approve Ordinance No. 3.349 on second reading.

Joshua Rivero seconded the motion.

The motion was approved unanimously.

14. ORDINANCE NO. 3.350 - Second Reading

A Bill for an Ordinance Zoning Certain Property Within the Town of Parker, Colorado, Known as the Mainstreet and Chambers East Tract D Property to OS-Open Space District Pursuant to the Town of Parker Land Development Code and Amending the Zoning Ordinance and Map to Conform Therewith

John Diak moved to approve Ordinance No. 3.350 on second reading.

Renee Williams seconded the motion.

The motion was approved unanimously.

B. HESS RANCH

Applicant: JEN Colorado 18, LLC
Location: West of Crowfoot Valley Road between Stroh Road and Chambers Road
Department: Community Development, Paul Workman
TRAKiT Nos.: SUB18-049, SUB18-051, and Z18-027

10:02 P.M.

The applicant owns the majority of the property that constitutes the Hess Ranch Planned Development and proposes to amend the Hess Ranch Development Guide and Plan. The proposed amendment to the Development Guide and Plan would accommodate the applicant's Segment 1 (Phase 1) development and implement zoning revisions required by the Partial Waiver Resolution approved by the Town Council in May 2019.

The major proposed amendments to the Development Guide and Plan may be summarized as follows:

1. Amend the boundaries of Planning Areas 6, 7, 8, 9, 21 and 25 in Segment 1 of the Hess Ranch Planned Development to support improved design.
2. Update the lot size standards for attached housing in those Planning Areas of the Hess Ranch

Planned Development that permit this housing type for clarity and to address market demand.

3. Rezone Planning Area 9 at the intersection of Crowfoot Valley Road and Stroh Road from MU Mixed-Use to Residential SFe because the topography limits its viability or commercial use.

4. Implement the Council approved Partial Waiver Resolution requirement for commercial use on a minimum one-third (1/3) of the developable land in MU Mixed-Use Planning Areas 3,4, 12, and 14.

The applicant also requested Sketch and Preliminary Plat approval to create right-of-way (ROW) for Stroh Road, Chambers Road and Spirit Trail Boulevard; drainage tracts associated with the ROW; and unbuildable tracts that will be replatted in the future for development purposes. The approval of the Sketch and Preliminary Plats will allow the applicant to create a Final Plat for the ROW and tracts to begin construction of the Segment 1 infrastructure.

The applicant also prepared and requested approval of the Hess Ranch Parks, Trails and Open Space Plan to guide future improvements in this area.

The applicant, Matt Osborn, along with Lawrence Jacobson, presented an overview of the project.

Public Comment

Bradley Trade, Mountain Manor Ct. (unincorporated Douglas County)

The Public Hearing was closed at 10:31 P.M.

1. **ORDINANCE NO. 3.315.2 - Second Reading**
A Bill for an Ordinance Amend the Hess Ranch Development Plan and Guide, Pursuant to the Town of Parker Land Development Ordinance, and Amending the Zoning Ordinance and Map to Conform Therewith

Renee Williams moved to approve Ordinance No. 3.315.2 on second reading.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

2. **Infrastructure Sketch and Preliminary Plans**

Renee Williams moved to approve the Hess Ranch Sketch and Preliminary Plans, based upon staff findings, with the following condition:

Utility easement as requested by Public Service Company of Colorado, Intermountain Rural Electric Association and Parker Water and Sanitation. District shall be shown on the Final Plat.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

3. Hess Ranch Parks, Trails and Open Space Master Plan

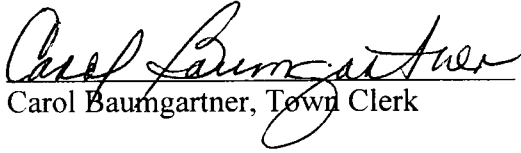
Joshua Rivero moved to approve, based upon staff findings, the Parks, Trails and Open Space Master Plan for the Hess Ranch Planned Development.

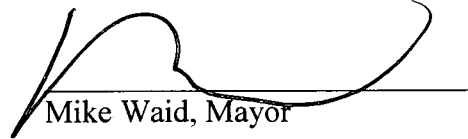
Renee Williams seconded the motion.

The motion was approved unanimously.

The meeting was adjourned at 10:36 P.M.

The meeting was adjourned at 8:00 PM.


Carol Baumgartner, Town Clerk


Mike Waid, Mayor