

**TOWN OF PARKER COUNCIL
MINUTES
FEBRUARY 20, 2018**

Mayor Pro Tem Josh Martin called the meeting to order at 5:37 p.m. Mayor Mike Waid was absent.

Jim Maloney announced the topics for the Executive Session were three (3) items. Under C.R.S. § 24-6-402(4)(e), there was one (1) item which was the Subdivision Agreement between the Town and Mustang Development Company, LLC, dated May 15, 2006, for Pine Bluffs Filing No. 4. Under C.R.S. § 24-6-402(4)(b) there were two (2) items; the first was *Town of Parker v. Douglas County*, Douglas County District Court; and, the second item was the *Town of Parker v. Douglas County*, Douglas County District Court.

EXECUTIVE SESSION

Joshua Rivero moved and John Diak seconded to go into Executive Session at 5:51 p.m., to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e), 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.

Amy Holland moved and Joshua Rivero seconded to adjourn the Executive Session at 6:29 p.m.

The motion was approved unanimously.

REGULAR MEETING

Mayor Pro Tem Josh Martin reconvened the meeting at 7:01 p.m.

Youth from the audience led the Pledge of Allegiance.

SPECIAL PRESENTATIONS - None

PARKER CHAMBER OF COMMERCE UPDATES

Dennis Houston reported on the Regional Chamber of Commerce Conference he attended in Henderson, Nevada. He participated in a panel discussion regarding community marketing which involved Google. He reported he attended the Chamber's Business Impact Meeting. The Chamber hosted the 3rd Annual Economic Outlook Breakfast. He stated the Chamber will chair the Douglas County Business Alliance for 2018. He reported the Chamber is still in the process of hiring a workforce director.

PUBLIC COMMENTS

Saundra Collins, 7832 Lark Dr., Parker. She wanted to revisit Kime Ranch Annexation. She stated there was a checklist of conditions that was presented at the last Town Council meeting and one of those conditions was that the development fit with the surrounding area. She stated she felt like this development will not fit as the north side of the proposed development is horse property. The homes in this area are \$500,000, the development will not be at this same assessed value. She wanted to make sure Town Council was aware of the differences in the area. Mayor Pro Tem Martin asked her to speak with the Community Development Director for more information on the project and to have any additional questions answered.

REPORT, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

Councilmembers reported on meetings each had attended since the last Town Council meeting. Joshua Rivero announced that *Let's Talk Parker.Org* was made active and is a great resource for details and facts about any project happening in Parker. He stated it is new and very exciting.

CONSENT AGENDA**A. APPROVAL OF MINUTES**

February 5, 2018

February 12, 2018

B. ORDINANCE NO. 8.28.5 - First Reading

A Bill for an Ordinance to Amend Chapter 4.03 of the Parker Municipal Code Regarding Sales and Use Tax Concerning Television and Entertainment Services

Department: Finance, Mary Lou Brown

Second Reading: March 5, 2018

C. RESOLUTION NO. 18-015

A Resolution Providing Consent to the Exclusion of Property from Westcreek Metropolitan District No. 2, and to the Inclusion of the Same Property Within Westcreek Metropolitan District No. 1

Department: Town Attorney, Jim Maloney

D. RESOLUTION NO. 18-016

A Resolution To Adopt Town Council Policy Statement 1-2018 Concerning General Fund Reserve Policy

Department: Finance, Mary Lou Brown

E. RESOLUTION NO. 18-025

A Resolution Accepting the Conveyance of Real Property from Stroh Ranch Development, LLC, for a Detention Pond

Department: Engineering, Alex Mestdagh

F. RESOLUTION NO. 18-026

A Resolution Approving the Form of District Operating Agreement Among Hess Ranch Metropolitan District No. 1, Hess Ranch Metropolitan District No. 2 and Hess Ranch Metropolitan District No. 3

Department: Town Attorney, Jim Maloney

G. RESOLUTION NO. 18-027

A Resolution to Consent to the Assignment and Assumption Agreement (TOP Agreement) By and Between Stroh Ranch Development, LLC, and JEN Colorado 18, LLC

Department: Town Attorney, Jim Maloney

H. CONTRACTS OVER \$100,000**1. 2018 Townwide Roadway Reconstruct Program (CIP 18-003)**

Amount: \$1,109,227.60

Contractor: T & M Construction

Department: Public Works and Engineering, Tom Gill

2. Schoolhouse Plaza and Parking Project Professional Services Agreement (RFP-17-008)

Amount: \$118,115

Contractor: DHM Design

Department: Cultural, Elaine Mariner

John Diak moved to approve Consent Agenda Items A through H excluding Item A for Debbie Lewis and Amy Holland.

Joshua Rivero seconded the motion.

The motion was approve unanimously.

PUBLIC HEARINGS**RESOLUTION NO. 18-014**

A Resolution to Adopt the Parks, Recreation and Open Space Master Plan: 2018-2022, as a Part of the Parker 2035 Master Plan

**Department: Parks, Recreation & Open Space, Dennis Trapp
Community Development, Mary Munekata**

7:19 PM

Staff explained that as part of the 2017 budget, Town Council approved funding for the development of a parks, recreation and open space master plan. The Parks and Recreation Department and the Community Development Department worked collaboratively on the

project with the consultant, Eppley Institute, beginning the third quarter of 2017. The new Parks, Recreation and Open Space Master Plan 2018-2022 provides a focused vision for long-term sustainability and growth of the parks, trails, open space, and recreation facilities and programs under the Town's stewardship. The Master Plan will be used as a guiding policy document that will provide direction for the planning and development of Parker's public and private parks, open space and recreation system, programming and future recreation facilities. Staff explained the seven month process also involved community engagement through several Open Houses at which valuable input was obtained and incorporated into the Master Plan document.

Public Comment:

Don Parrot, 17648 Ponderosa Avenue, Parker Colorado-- Mr. Parrot asked about the status of Preservation Park and was the park included in the Master Plan. Staff indicated that Preservation Park was included in the Master Plan. Staff added that they are working with Aurora, Arapahoe County and Douglas County regarding the E-470 trail crossing that impacts the park.

Amy Holland moved to approve Resolution No. 18-014.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

ORDINANCES

A. ORDINANCE NO. 5.23.9 - Second Reading

A Bill for an Ordinance to Repeal and Readopt Section 7.02.080 of the Parker Municipal Code Concerning Large Vehicle Parking, and Amending Chapter 7.02 by the Addition Thereto of a New Section 7.02.085 Concerning Overtime Parking Violations

Department: Police, Doreen Jokerst

Staff explained the amendments to the Ordinance will add additional regulations to the parking of large vehicles/trailers in residential areas; and will assist with concerns regarding two-hour parking in the Downtown area and mandating the person move the vehicle at least 100 feet every two hours to come into compliance. The changes will address the loopholes which currently exist in the Ordinance.

Public Comment:

Don Parrot, 17648 Ponderosa Avenue, Parker, Colorado - Mr. Parrot stated he has worked with the Parker Police Department and they have been very responsive. He stated the Ordinance provides an exception for vehicles that are actively engaged in rendering services in the immediate area and believes this part of the Ordinance could be misused by some residents. He also asked that trailers under 22-feet be exempt.

Joshua Rivero moved to approve Ordinance No. 5.23.9 on seconded reading.

Amy Holland seconded the motion.

The motion was approved unanimously.

B. ORDINANCE NO. 9.266.1 - Second Reading

A Bill for an Ordinance to Approve the 2018 Intergovernmental Agreement to Provide Recreation Programming By and Between the Town of Parker, the Town of Castle Rock, and the Rueter-Hess Recreation Authority Concerning the Rueter-Hess Reservoir

Department: Parks, Recreation and Open Space, Mary Colton

Staff explained that each year the Town of Parker, the Town of Castle Rock and the Rueter-Hess Recreation Authority renew an Intergovernmental Agreement to provide recreation activities at the Rueter-Hess Reservoir. Activities in 2017 included a National Trails Day event, stand up paddle board lessons, an open swim competition, a Cyclocross event and several informational on-site tours. Much of the same is planned for 2018 with the possible addition of the group Avid 4 Adventure bringing youth campers Monday through Friday for kayak and paddle board activities. There is potential for on-site fishing in 2018 as well.

Public Comment - None

John Diak moved to approve Ordinance No. 9.266.1 on seconded reading.

Renee Williams seconded the motion.

The motion was approved unanimously.

C. ORDINANCE NO. 9.259.1 - Second Reading

A Bill for an Ordinance to Approve Amendment #01 to the Intergovernmental Agreement By and Between the Town of Parker and Colorado Department of Transportation (CDOT) Concerning Funding for the Construction of the Parker Road Sidewalk Connection Project (East Side – Sulphur Gulch Trail to Plaza Drive)

Department: Engineering, Chris Hudson

Staff explained that on November 7, 2016, Town Council approved Ordinance 9.259. This Ordinance approved the Intergovernmental Agreement (IGA) with the Colorado Department of Transportation (CDOT) for the construction funding of a sidewalk on the east side of Parker Road (State Highway 83) between the Sulphur Gulch Trail and the Plaza Drive intersection. Due to unknown reasons, CDOT staff did not utilize a form of agreement that reflected the Federal 2 CFR Part 200 (also known as Supercircular) requirements, although CDOT guidance required this form of agreement for all contracts in 2016. The CDOT staff determined that the existing contract needed to be amended in late-2017 as the Town prepared to commence competitive bidding on the proposed Parker Road sidewalk project.

This amendment does not change the amount of funding that the Town is receiving or the timing of the funding from the original IGA that was approved in 2016. The CDOT staff

have been following the Supercircular requirements as the Town went through the CDOT approval process in 2017. The Supercircular reference is a requirement on all federally funded CDOT local agency projects throughout the State of Colorado. An ordinance is required to approve this IGA amendment.

Public Comment - None

Joshua Rivero moved to approve Ordinance No. 9.259.1 on second reading.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

D. MAINSTREET CENTER AMENDMENT 1 LOT 1B - Parker Tap House

Applicant: Town of Parker
Location: 19640 Mainstreet
Department: Community Development, Carolyn Parkinson
 Community Development, Weldy Feazell
TRAKiT No.: SP16-046

- (1) **ORDINANCE NO. 1.480.5 - Second Reading**
A Bill for an Ordinance to Approve the Reinstatement of and Fifth Amendment to Agreement for Sale and Purchase of Land By and Between the Town of Parker and ACG, LLC, Concerning the Gym Property
- (2) **RESOLUTION NO. 18-018**
A Resolution to Allow a Partial Waiver of Section 13.01.140(b) of the Parker Municipal Code to Extend the Expiration Date of the Site Plan for the Parker Tap House

Staff explained the proposed Parker Tap House and Distillery is a public-private partnership between the Town of Parker and ACG, LLC, to redevelop the former gymnasium at The Schoolhouse with a new use that activates Mainstreet. At this time, the Town has completed all of the items required for closing the sale of the property to ACG, LLC, for the project. ACG, LLC, is waiting on its bank to complete the appraisal of the property and phase one environmental report so it may proceed with the purchase and begin construction.

Town Council has previously approved the Purchase and Sale Agreement between Town of Parker and ACG, LLC, on June 6, 2016. The Council has also approved several amendments as follows: the First Amendment on December 5, 2016; the Second Amendment on March 20, 2017; the Third Amendment on August 7, 2017; and the Reinstatement and Fourth Amendment on November 20, 2017.

The previous agreement required closing to occur prior to January 31, 2018. The purchaser's bank was not prepared to close prior to this date and the agreement subsequently lapsed. As

of February 1, 2018, the purchaser's bank has indicated the appraisal of the property and phase one environmental report are still in process. The appraisal and environmental report must be completed prior to closing. The purchaser's bank indicated that it may be prepared to close by the end of the first quarter of 2018.

If approved, the Reinstatement and Fifth Amendment will be extended until July 1, 2018, to accommodate the revised schedule. The approval of the requested extension until July 1, 2018, will allow the applicant the time necessary to complete financing, close on the property and resolve any remaining requirements.

The developer's delay in closing on the property has also caused the site plan approval by Town Council on February 9, 2017, to expire. Staff is requesting an extension of the site plan approval until July 1, 2018, to run concurrently with the requested extension for the closing referenced above.

The Applicant, Corey Guildner, stated the Environmental Study has been completed and the appraisal should be completed in the next few days as well.

Public Comment - None.

Joshua Rivero moved to approve Resolution No. 18-018.

Amy Holland seconded the motion.

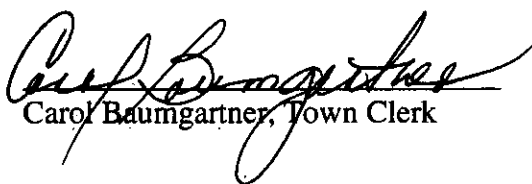
The motion was approved unanimously.

Amy Holland moved to approve Ordinance No. 1.480.5 on second reading.

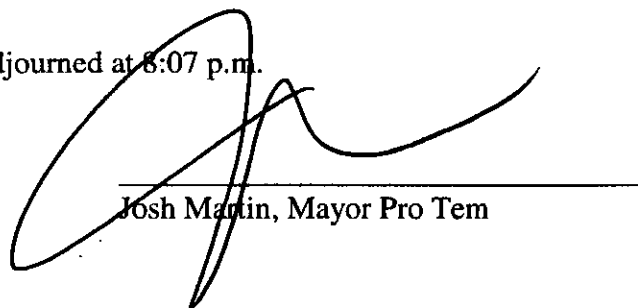
Debbie Lewis seconded the motion.

The motion was approved unanimously.

The Regular Town Council meeting was adjourned at 8:07 p.m.



Carol Baumgartner, Town Clerk



Josh Martin, Mayor Pro Tem