

**TOWN OF PARKER COUNCIL
MINUTES
JULY 20, 2020**

Mayor Mike Waid called the meeting to order at 5:30 P.M. All Councilmembers were present with Renee Williams participating by phone.

The Town Attorney Jim Maloney announced that the topics for discussion in Executive Session were seven (7) items; under C.R.S. § 24-6-402(4)(e) there were three (3) items, the first was Resolution No. 16-051, Series of 2016, concerning the application of a condition of approval to the Public Service Company transmission line project in the Town, the second was the Proposed Tax and Fee Assistance Agreement for the Havana Bakery on Pikes Peak Avenue, and the third was Section 13.04.240(b)(5) of the Parker Municipal Code concerning ORDINANCE NO. 3.162.3 – A Bill for an Ordinance to Amend the Olde Town at Parker Planned Development Guide and Plan, and to Amend the Zoning Ordinance and Map to Conform Therewith; under C.R.S. § 24-6-402(4)(f) there were two (2) items, the first was the Town Administrator Evaluation Process and the second was the 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 10.08 of the Parker Municipal Code concerning assembly permits for the communication or expression of ideas, views and grievances and the second item was to receive legal advice on specific legal questions concerning Executive Order D 2020 138, Ordering Individuals in Colorado to Wear Non-Medical Face Coverings, and Tri-County Health Department Public Health Order Requiring Facial Coverings in Public Where Social Distancing Cannot Be Maintained.

EXECUTIVE SESSION

Joshua Rivero moved and Debbie Lewis seconded to go into Executive Session at 5:32 P.M. to hold a conference with the Town's attorney 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), 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).

Joshua Rivero disclosed that in an effort to protect the Town from any conflict of interest, perceived or otherwise, he recused himself from any discussion on Item 2. This item concerns a TAP agreement with a potential direct competitor in close proximity to one of his business locations.

The motion was approved unanimously.

Joshua Rivero left the meeting at 5:39 P.M. when Item 2 was discussed and returned to the meeting at 5:47 P.M. following the discussion of Item 2.

Joshua Rivero moved and Debbie Lewis seconded to come out of the Executive Session at 6:52 P.M.

The motion was approved unanimously.

Debbie Lewis moved and Renee Williams seconded to recess the regular meeting until 7:00 P.M.

The motion was approved unanimously.

REGULAR MEETING

Mayor Waid reconvened the meeting at 7:03 P.M. All Councilmembers were present with Renee Williams participating virtually.

The Mayor led the Pledge of Allegiance.

PUBLIC COMMENTS

Copies of the General Public Comments were distributed to Council and will be attached to the approved minutes.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

Each Councilmember provided an update on meetings they each attended since the last Council meeting.

CONSENT AGENDA

A. APPROVAL OF MINUTES - July 6, 2020

B. ORDINANCE NO. 9.320 - First Reading

A Bill for an Ordinance to Approve the Intergovernmental Agreement By and Between the Board of County Commissioners of Douglas County, the Town of Castle Rock, the Town of Parker, the City of Lone Tree, the City of Castle Pines, and the Town of Larkspur Concerning Local Governmental Distribution Under the CARES Act

Department: Town Attorney, Jim Maloney

Second Reading: August 3, 2020

C. CONTRACTS OVER \$100,000

1. Jordan Road Pedestrian Hybrid Beacon (CIP 20-019)

Amount: \$161,405.00

Contractor: TAT Construction, LLC

Department: Engineering/Public Works, Spencer Raish

Joshua Rivero moved and Debbie Lewis seconded to approve Consent Agenda Items 4A through 4C.

The motion was approved unanimously.

TOWN ADMINISTRATOR

The Summer 2020 TA Report is available on the Town's web site.

PUBLIC HEARINGS**OLDE TOWN AT PARKER - Rezone, Sketch and Preliminary Plans (Continued to 8/3/20)**

Applicant: Pacific North Enterprises, LLC
Location: Generally located on the south side of Mainstreet between Jordan Road and Motsenbocker Road
Department: Community Development, Carolyn Parkinson
TRAKiT No.: Z19-014, SUB19-014/SUB19-015

1. Cheryl Poage moved to continue the Public Hearing and Ordinance No. 3.162.3 to August 3, 2020.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

2. John Diak moved that the Planning Commission recommendation concerning Ordinance No. 3.162.3 be remanded to allow the Planning Commission to reopen the public hearing that was held on June 25, 2020, for the purpose of obtaining more information from those members of the public that were not able to participate in the public hearing because they incorrectly accessed the public hearing through the Facebook Live link instead of the Zoom Webinar link that was provided on the Town's website and described in the Planning Commission meeting agenda that was properly posted for the public hearing, to help clarify or supplement the recommendation that was made by the Planning Commission concerning Ordinance No. 3.162.3, at the next available Planning Commission meeting which is July 23, 2020.

Joshua Rivero seconded the motion.

The motion was approved unanimously.

3. Joshua Rivero moved to continue the Olde Town at Parker F2 Sketch and Preliminary Plans to August 3, 2020.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

4. Joshua Rivero moved that the Planning Commission recommendation concerning the Olde Town at Parker F2 Sketch and Preliminary Plans be remanded to allow the Planning Commission to reopen the public hearing that was held on June 25, 2020, for the purpose of obtaining more information from those members of the public that were not able to participate in the public hearing because they incorrectly accessed the public hearing through the Facebook Live link instead of the Zoom Webinar link that was provided on the Town's website and described in the Planning Commission meeting agenda that was properly posted for the public

hearing, to help clarify or supplement the recommendation that was made by the Planning Commission concerning the Olde Town at Parker F2 Sketch and Preliminary Plans, at the next available Planning Commission meeting which is July 23, 2020.

John Diak seconded the motion.

The motion was approved unanimously.

1. **ORDINANCE NO. 3.162.3 – Second Reading**
A Bill for an Ordinance to Amend the Olde Town at Parker Planned Development Guide and Plan, and to Amend the Zoning Ordinance and Map to Conform Therewith
2. **Filing 2 - Sketch and Preliminary Plans**

RESOLUTIONS

RESOLUTION NO. 20-033

A Resolution to Opt-Out of the Tri-County Health Department Order to Require Mandatory Mask Wearing for All Residents of Douglas County, Colorado

Department: Town Attorney, Jim Maloney

The Mayor provided background to clarify what brought the Town to this point regarding mandatory mask wearing for all residents.

The Governor of the State of Colorado issued Executive Order D 2020 138 on July 16, 2020 ordering individuals in Colorado to wear non-medical face coverings. The reasons that the Executive Order and the Tri County Health Department Order (TCHD) differ and result in non-uniformity across jurisdictions within the State of Colorado with respect to the requirement to wear face coverings, the Town Council desires to reduce confusion among its residents concerning compliance with the TCHD Order and the Executive Order, and opting out of the TCHD Order will result in Parker residents being subject to the same requirements as other Colorado residents.

Attorney Hoffmann articulated what is currently in the resolution and what the proposed revisions are. She hoped it would clear up any confusion having two Orders out there at the same time.

Public Comment:

The following individuals spoke in favor of masks:

- * Brandi Wilkes 17402 E. Newtown Parkway
- * Brian Reed, 5618 Saddle Creek Trail (unincorporated Douglas County)
- * Shawn Sindelman - 11300 Whooping Crane

The following individuals made somewhat different comments:

- * Laura Hefta, 18236 Shadberry Lane - asked for more guidance or clarification from the Governor
- * Fritz Freund, 11880 Tamarron Dr. - does not believe it is constitutional but if businesses want to mandate masks, then they should.

Jeff Toborg moved to approve Resolution No. 20-033 with the changes to the resolution as noted by Deputy Town Attorney Hoffmann.

Joshua Rivero seconded the motion.

The motion was approved unanimously.

ORDINANCES

A. ORDINANCE NO. 1.543 - Second Reading

A Bill for an Ordinance Approving the Well Site Easement Agreement (DD-4) by the Town of Parker and the Cottonwood Water and Sanitation District Concerning a Portion of Tract C, Cottonwood Subdivision Filing No. 8

Department: Engineering and Public Works, Tom Gill

This ordinance proposes to dedicate a well site easement to the Cottonwood Water and Sanitation District (CWSD) over Town-owned property. This easement is being requested to allow CWSD legal access to their well site.

During the negotiations with the Cottonwood Metropolitan District (CMD) and based on title work done for the trailhead tract, it was also discovered Cottonwood Water & Sanitation District (CWSD) did not have an easement for their well site, well building and related infrastructure that was constructed on the trailhead property in the 1980s. Staff felt it would be most efficient to first transfer the property to the Town and then execute a dedication of the easement to CWSD for the well improvements. This agreement dedicates the necessary easement to CWSD for the proper maintenance and operations of their facilities.

Public Comment - None

Cheryl Poage moved to approved Ordinance No. 1.543 on second reading.

John Diak seconded the motion.

The motion was approved unanimously.

B. ORDINANCE NO. 9.319 - Second Reading**A Bill for an Ordinance Approving the Intergovernmental Agreement Between the Douglas County Clerk and Recorder and the Town of Parker Regarding the Conduct and Administration of the November 3, 2020, Coordinated Election**

**Department: Town Attorney, Kristin Hoffmann
 Town Clerk, Carol Baumgartner**

The Town's regular election will be conducted as a coordinated election with Douglas County. Under the Uniform Election Code, the Town and Douglas County are required to enter into an intergovernmental agreement (IGA) to govern the conduct of the election, pursuant to C.R.S. § 1-7-116(2).

Public Comment - None

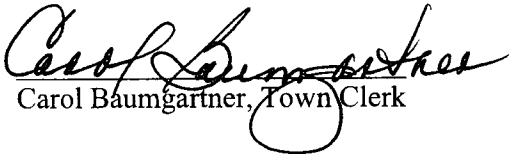
Joshua Rivero moved to approve Ordinance No. 9.319 on second reading.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

ADJOURNMENT

The meeting was adjourned at 8:08 P.M.


Carol Baumgartner, Town Clerk


Mike Waid, Mayor