TOWN OF PARKER COUNCIL
MINUTES
AUGUST 3, 2020

Mayor Mike Waid called the meeting to order at 5:48 PM. All Councilmembers were present with Renee Williams participating by phone.

Town Attorney Jim Maloney announced that the topics for discussion in Executive Session were four (4) items under C.R.S. § 24-6-402(4)(e), the first was the Proposed Tax and Fee Assistance Agreements for Wild Goose on Pikes Peak Avenue, the second items was the Proposed Tax and Fee Assistance Agreements for The Big Toolbox on Cockrell Drive, the third was a letter of intent to purchase the East Main property as a part of the My Mainstreet project and the fourth was My Mainstreet proposed purchase of PACE Lot 2.

EXECUTIVE SESSION

Joshua Rivero moved and John Diak seconded to go into Executive Session at 5:48 PM 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).

Joshua Rivero reminded Council that in an effort to protect the Town from any conflict of interest, perceived or otherwise, he had recused himself from any discussion on Havana Bakery.

The motion was approved unanimously.

Joshua Rivero moved and John Diak seconded to come out of the Executive Session at 6:57 P.M.

The motion was approved unanimously.

REGULAR MEETING

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

Mayor Waid led the Pledge of Allegiance.

PARKER CHAMBER OF COMMERCE UPDATES

Kara Massa provided a monthly update.

DOWNTOWN BUSINESS ALLIANCE UPDATES

Vice Chair Ann Barrington provided a monthly update.

PUBLIC COMMENTS

None.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

Councilmembers each presented updates on the meetings they attended since the last Council meeting

CONSENT AGENDA

A. APPROVAL OF MINUTES - July 20, 2020

B. ORDINANCE NO. 5.06.42.1- First Reading
A Bill for an Ordinance to Amend Section 7.03.020 of the Parker Municipal Code Concerning Restrictions on Use of Motorized Vehicles and Recreational Vehicles
Department: Town Attorney, Kristin Hoffmann
Town Attorney, Jamie Wynn
Second Reading: August 17, 2020

C. RESOLUTION NO. 20-039
A Resolution Authorizing the Use of Golf Cars and Off-Highway Vehicles on Certain Public Property Within the Town of Parker
Department: Town Attorney, Kristin Hoffmann
Town Attorney, Jamie, Wynn

D. RESOLUTION NO. 20-003
A Resolution Accepting the Conveyance of Real Property from the Board of County Commissioners of the County of Douglas for a Part of Compark Boulevard at Upland Drive
Department: Engineering/Public Works, Danny Smith

E. RESOLUTION NO. 20-034
A Resolution Accepting the Conveyance of Real Property from JEN Partners, LLC, (Slope Easement) for a Parcel of Land Being Tracts F and G, Looking Glass Filing No. 1
Department: Engineering/Public Works, Tyler Sandt

F. RESOLUTION NO. 20-035
A Resolution Accepting the Conveyance of a Drainage Easement from Portercare Adventist Health System for Three Parcels of Land in Lot 1, Crown Point F. #1, Amendment 28
Department: Engineering/Public Works, Tyler Sandt

G. RESOLUTION NO. 20-036
A Resolution to Approve the Amended and Restated Employment Agreement for the Town Administrator
Department: Town Council

H. *RESOLUTION NO. 20-037*
A Resolution to Approve the Fourteenth Amendment to Employment Agreement for the Town Attorney
Department: *Town Council*

I. *RESOLUTION NO. 20-038*
A Resolution to Adopt a Town Council Policy Statement 1-12 Concerning the Council Liaison Policy
Department: *Town Administrator, Dannette Robberson*

J. *PROCLAMATION - Constitution Week - September 17-23, 2020*
Department: *Town Council*

K. *CONTRACTS OVER $100,000*

1. *Parker Road Sidewalk (Twenty Mile to Hess) - Final Design Services*
Amount: *$115,608*
Contractor: *Stanley Consultants, Inc.*
Department: *Engineering and Public Works, Tom Gill*

Joshua Rivero moved to approve Consent Agenda items 6A - 6L. (6L is actually 6K(1))

Debbie Lewis seconded the motion.

The motion was approved unanimously.

Joshua Rivero moved to clarify the approval of the Consent Agenda Items to be Items 6A - 6K(1).

Debbie Lewis seconded the motion.

The motion was approved unanimously.

PUBLIC HEARINGS

A. OLDE TOWN AT PARKER - Rezone, Sketch and Preliminary Plans (Continued from 7/20/20)

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**

7:18 P.M.
This property is an undeveloped 12.2 acre tract. The current property owner, Senderos Creek Condos, L.L.C., is proposing to amend the Olde Town at Parker Planned Development (PD)

Guide and Plan to incorporate the tract into the PD. It will be zoned for residential use and is proposed to be developed with for-sale townhomes and condominiums.

The proposal would add 12.2 acres to the Olde Town at Parker PD that went bankrupt during the Great Recession of 2007-2008 and is now being developed under the name Senderos Creek. This action will complete the residential portion of Olde Town, address the Moomaw enclave that was annexed several years ago and provide an attainable for-sale housing option. It will also fulfill the original vision of Olde Town/Senderos Creek as a mixed-use neighborhood with a range of housing options, commercial space and a centrally located park with pool.

Applicant
Bill Mahar, Norris Design, described the project and gave a brief summary of their plans.
Brian Byler, Pacific North Enterprises, addressed the finances of the project as it relates to the metropolitan district.

Joshua Rivero moved to take a three (3) minute recess.

Debbie Lewis seconded the motion.

The motion passed by unanimous voice vote.

The meeting was reconvened at 8:27 P.M.

Public Comments:

The following individuals spoke against the project:
Becky Bofenkamp - 17320 Paoli Way
Missy Yarbrough - 17195 E. Springfield Ct.
Sara Lubchenco - 17474 E. Neu Town Pkwy.
Brandi Wilks - 17402 E Neu Town Pkwy.
Dusty Tallant - 17197 E. Springfield Ct.
Ken Roberts 17310 Paoli Way
Crystal Jacob - 11025 Haxtun Ct.
Chase Hackett - 17124 E. Cedar Gulch Dr.
B. Cullom - 12011 Haxtun Ct.
Jennifer Lindquist - 17258 E. Neu Town Pkwy.
Vivek Singh - 11400 Brush Creek St.
Caley Tolver - 17201 Springfield Ct.
Corey Wilks - 17402 E Neu Town Pkwy.
Kayla Wilce 17182 E. Cedar Brook Dr.
Tammy Henkels - 13784 E. Neu Town Pkwy.
Derek Burns - 11283 S. Neu Town Cir.
Sarah Hart 17303 S. Paoli Way
Revanth Chandupatla,17334 E. Iron Ore Ave.
Kyla Hamilton - 17351 E. Iron Ore
Santiago Diaz - 17006 E. Cedar Gulch Dr.

Rolando Umana - 17159 E. Cedar Gulch Dr.
Chris Benes - 17215 Springfield Ct.
Chandu Mundo - 11385 Brush Creek St .
Laura Hefta - 18236 Shadberry
Ravi Vantaka - 11424 Springfield Ct.
Sandeep Parepally - 11431 Iron Ore Ct.
Arun Uppala - 17193 E. Springfield Ct
Harish Viswanathan - 17339 Iron Ore Ct.
Jessica Safer - 11209 Jordan Ct.
Will Vinson - 17306 Paoli Way

The following individual spoke in favor of the project:
Mike Heimerle, 11364 Trailmaster Cir., and the Treasurer of the Neu Town Metropolitan District, explained the refinancing of bonds and advised that the pool will open in two (2) weeks.

Public Comments were closed at 9:53 P.M.

Jeff Toborg moved to allow the meeting to go past 10:00 P.M.

Joshua Rivero seconded the motion.

The motion was approved 4-2. (Diak and Lewis voted no.)

The Mayor called for an Executive Session to received specific legal advice from the Town attorney regarding the approval or denial conditions contained in the Town Code.

Town Attorney Maloney stated for the record that a conference with the Town Attorney can be held to receive legal advice on specific legal questions pursuant to C.R.S. 24-6-402(4)(b) and the specific basis for going into an executive session is to receive legal advice concerning the approval considerations for the requested rezoning under section 13-04-240 (b) (7) f. of the Town Code.

Joshua Rivero moved to go into Executive Session at 9:55 P.M .

John Diak seconded the motion.

The motion was approved 5 - 1. (Toborg voted no.)

Debbie Lewis moved and Joshua Rivero seconded to come out of Executive Session at 10:05 P.M.

The motion was approved unanimously.

Mayor Waid reconvened the meeting at 10:08 P.M.

Council discussion followed.

John Diak advised that he had issues with the building height of the condos. PA10 is 40 feet and PA9 is 45 feet which are too tall.

Debbie Lewis had no comments.

Renee Williams had no comments.

Jeff Toborg asked what the marketing and sales plan was for the condos. Bill Mahar stated they will be owner-occupied condos and Brian Byler added that the condos are for sale in the $400,000 range. They have moved the buildings closer to the commercial as requested and the buildings will need to be 45 feet in height.

Cheryl Poage had issues with the change in overall density. Bryce Matthews advised that currently the existing development is approved for 493 units. This proposal will add 12.2 acres and 156 units. These additional products are divided into two planning areas; one is PA9, which are the condos and have a density of 17.22 DU per acre; the other is PA10 which has a density of 8.15 DU per acre. The portion of existing Olde Town that has the highest density is PA2, which is currently 15 DU per acre. Planning Area PA9 is the condos that are proposed to be added to the 12.2 acres, and has a density of 17. 22.

Joshua Rivero asked if the Moomaw Property stood alone, what would the density be on the property. Bryce Matthews responded that it is 17.22 DU per acre for the northerly portion and 8.15 DU per acre for the southerly portion. The maximum density in this area is recommended at 3.5 DU per acre for the medium residential property. This is a neighborhood center which allows for increased density when developed as part of mixed-use development and does not provide a cap on what that higher density can be. It does provide guidance for layout as a transition from commercial to residential, single family residential, and connectivity in terms for creating pedestrian and bicycle connectivity.

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

John Diak moved to deny Ordinance No. 3.162.3 on second reading.

Jeff Toborg seconded the motion.

Attorney Maloney added a point of clarification. Under the Code if you are going to move to deny, you must provide the reasons for the denial.

John Diak added the reasons for the denial are the height differences as well as the density changes in the Planning Areas as identified in our narrative wrap-up as provided by Bryce Matthews.

The Mayor clarified the vote for Council by stating the vote in the affirmative is a vote to deny.

Attorney Maloney added another clarification and stated Council did give reasons for denial. He asked if Councilmember Diak could identify the specific criteria that he would apply, such as consisting with the Master Plan.

John Diak added that all of this is the result of the Master Plan and not being consistent with the Plan.

Joshua Rivero added that it would be criteria No. 2 identified in the staff report.

Attorney Maloney asked John Diak if he would like to include those additional reasons into the motion.

John Diak asked Jeff Toborg if he would be okay with the additions. Jeff Toborg indicated he was in favor.

Mayor Pro Tem asked if we needed to state the criteria word-for-word?

Attorney Maloney read the criteria into the record:

Criteria No. 2 -- we are looking at Section 13.04.240(b)(7)f.2. "The particular parcel of ground is the correct site for the proposed development." These are two issues that were identified by Council, one is the increase in height and the other is the density issue.

Joshua Rivero seconded the motion.

The motion to deny was approved unanimously.

2. Filing 2 - Sketch and Preliminary Plans

Joshua Rivero moved to deny Filing 2 - Sketch and Preliminary Plan because there was no zoning to support the plat.

The Mayor again stated that a vote in the affirmative is a vote to deny.

Cheryl Poage seconded the motion.

The motion was approved unanimously.

ORDINANCES

ORDINANCE NO. 9.320 - Second 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

The purpose of this intergovernmental agreement (the "IGA") is to allocate up to $2,876,671 to the Town of Parker, for expenses that are eligible under the Coronavirus Aid, Relief, and Economic Security Act (the "CARES Act").

On March 27, 2020, Congress adopted the CARES Act, which established a $150-billion Coronavirus Relief Fund, a portion of which was allocated to the state of Colorado. The Governor issued an executive order allocating $270 million for local governments that did not receive a direct distribution of funds under the CARES Act, including Douglas County, Parker, Lone Tree, Castle Pines, Castle Rock and Larkspur (the "Parties"). The purpose of the IGA is to establish the structure for reimbursement of the eligible expenses incurred by the Parties in compliance with the CARES Act (and described in Exhibit A to the IGA) and summarized as follows:

"a. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
b. were not accounted for in the budget most recently approved as of March 27, 2020, for the Local Government; and
c. were incurred during the period that begins March 1, 2020, and ends on December 30, 2020 (collectively, "Eligible Expenses")."

Under the IGA, Parker is allocated up to $2,876,671.

Public Comment - None.

Joshua Rivero moved to approve Ordinance No. 9.320 on second reading.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

ADJOURNMENT

The meeting was adjourned at 10:28 P.M.

Chris Vanderpool

~~Carol Baumgartner~~, Town Clerk
Chris Vanderpool

Mike Waid, Mayor