

**TOWN OF PARKER COUNCIL
MINUTES
SEPTEMBER 8, 2020**

Mayor Mike Waid called the meeting to order at 5:34 P.M. All Councilmembers were present, with Cheryl Poage and Renee Williams present remotely. Renee Williams was late entering the meeting at 5:38 P.M.

Town Attorney Jim Maloney announced that the topics for discussion in Executive Session were six (6) items; 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 receiving legal advice concerning the receiving legal advice concerning the Town Retirement Plans, on Colorado law and tax law issues and to receive legal advice on specific legal questions concerning Section 13.904.240(b)(7)f.2 concerning the Olde Town at Parker Development Plan and Guide; under C.R.S. § 24-6-402(4)(e) there were four (4) items, the first item was proposed amendment to the Intergovernmental Agreement Regarding the Community Development Block Grant program for Fiscal year 2021-2023 Administered By the U.S. Department of Housing and Urban Development By and Between the Board of County Commissioners of the County of Douglas, State of Colorado, and the Town of Parker, the second was Omnibus Certificate of the Town related to the Loan Agreement for the Parker Central and Cottonwood Commercial Plan Areas; the third was Section 10.11.080 of the Parker Municipal Code (amended and restated service plan for Belford North Metropolitan District and related intergovernmental agreement), the fourth item was Section 10.11.080 of the Parker Municipal Code (amended and restated service plan for Belford South Metropolitan District and related intergovernmental agreement).

EXECUTIVE SESSION

Joshua Rivero moved and Debbie Lewis seconded to go into Executive Session 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) and 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).

The motion was approved unanimously.

Councilmember Poage left the Executive Session meeting when the Belford South (residential) was discussed.

Renee Williams moved and Debbie Lewis seconded to come out of Executive Session at 6:49 P.M.

The motion was approved unanimously.

Debbie Lewis moved and Joshua Rivero seconded to recess the regular meeting at 6:50 P.M. to be reconvened at 7:00 P.M.

The motion was approved unanimously.

REGULAR MEETING

Mayor Waid reconvened the meeting at 7:04 PM. All Councilmembers were present. Cheryl Poage and Renee Williams participated remotely.

Mayor Waid led the Pledge of Allegiance.

SPECIAL PRESENTATIONS**Recognition of Cherokee Trail Elementary Teachers**

Aubrie Duncan

Jessica Ranieri

Denise Hollowell

Jane Steiner

Kyla Phelps

Kristin Marsh

Brock Marsh

The Mayor recognized the individuals as a former student from Cherokee Trail went missing and teachers and staff from the school, along with the student's friend and mother, jumped into action. They searched tirelessly and were finally able to locate him more than six hours later.

The Mayor recognized the group for their dedication, heroism and sacrifice .

PARKER CHAMBER OF COMMERCE UPDATES

Kara Massa provided the Chamber update. The Candidate Forum will be held on September 22, 2020.

DOWNTOWN BUSINESS ALLIANCE UPDATES

Dennis Huspeni provided an update on behalf of the Downtown Business Alliance. The Annual Candidate Forum is being planned to be held in October; more details will be provided.

PUBLIC COMMENTS

None.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

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

CONSENT AGENDA

A. APPROVAL OF MINUTES - August 17, 2020

B. RESOLUTION NO. 20-044

A Resolution to Elect that the Town Retirement Plans Not Be Covered Under Article 54 of Title 24 of the Colorado Revised Statutes But Were Established Pursuant to the Home Rule Powers of the Town; Designate Mandatory Contributions of Employees and Commissioned Police Personnel Are Pick-Up Contributions; Ratify Actions Previously

Taken; Authorize the Town Administrator and Finance Director or Designees to Do Any and All Acts to Maintain the Town Retirement Plans in Accordance with Applicable Law or for the Efficient Operation of the Retirement Plans, Including Serving as Trustee; and Authorize the Town Administrator and the Finance Director, Individually or Jointly to (1) Take Action, Including to Enter into Agreements, Adopt Plan Amendments and Make Plan Design Changes, Merge or Terminate the Town Retirement Plans and Submit the Town Retirement Plans to the Internal Revenue Service for Review/Guidance/ Compliance and (2) Take Action with Respect to FPPA for Commissioned Police Personnel, as Provided in the Resolution.

*Department: Town Administrator, Michelle Kivela
Finance, Mary Lou Brown
Town Attorney, Jim Maloney*

C. CONTRACTS ABOVE \$100,000

1. Cottonwood Drive Widening (CIP 20-004) Professional Services Agreement

*Amount: \$617,660.00
Contractor: Felsburg Holt & Ullevig (FHU)
Department: Engineering/Public Works, Tom Gill*

2. Cottonwood Drive Widening (CIP 20-004)

*Amount: \$10,400,000
Contractor: Hamon Infrastructure, Inc.
Department: Engineering/Public Works, Tom Gill*

Joshua Rivero moved to approve Consent Agenda Items 7A through 7C.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

PUBLIC HEARINGS

Tax and Fee Assistance Program Agreement for Havana Bakery

Department: Town Attorney, Jim Maloney

Joshua Rivero recuses himself. He disclosed that in an effort to protect the Town from any conflict of interest, perceived or otherwise, he recused himself from any discussion on this item.

This item concerns a TAP agreement with a potential direct competitor in close proximity to one of his business locations. Joshua Rivero left the meeting at 7:22 P.M.

Havana Bakery & Cafe submitted an application to participate in the Tax and Fee Assistance Program.

The capital investment for the project is estimated at \$2.5 million. Annual sales are estimated to be \$875,000/year initially growing to \$1.5 million/year over 5 years.

The operation will employ approximately 15 individuals when fully operational with an estimated annual payroll of \$370,000.

Based on these estimates, Town staff recommends entering into an incentive agreement pursuant to the Town of Parker Tax and Fee Assistance program (Chapter 4.02, TOP Municipal Code).

The recommended incentive agreement would share both enhanced sales taxes derived from the project as well as a portion of development fees. Specifically the agreement provides for the following:

- The owner shall receive fifty percent (50%) of the enhanced sales taxes generated by the project, excluding the Parks and Recreation Sales Tax, for a maximum of three (3) one-year terms.
- "Enhanced sales taxes," for this project are defined as those amounts in excess of Four Thousand Two Hundred Dollars (\$4,200) per year.
- The owner shall also receive fifty percent (50%) of development fees, which include permit, plan check fees, and construction use taxes collected by the Town during the construction permitting process for the initial construction of the project.
- The maximum period of time that this agreement shall be in effect is three (3) years or until a maximum sum of Sixty-Two Thousand Dollars (\$62,000.00) derived from (i) enhanced sales taxes and (ii) the rebate of development fees, is rebated, whichever occurs first, at which time this agreement shall terminate.

Havana's Bakery & Cafe meets the following goals of the Town's Tax and Fee Assistance Program (TAP) by providing the following public or quasi-public related improvements:

- Produces increased sales taxes
- Provides new jobs (employment)
- The creation or enhancement of a unique downtown
- Contributes to the diversity of jobs and employment opportunities

Applicant:

Gene Gregory thanked Town Council for any assistance provided.

Public Comments: None

The Public Hearing was closed at 7:25 P.M.

Debbie Lewis moved to approve the Tax and Fee Assistance Agreement for Havana Bakery.

Jeff Toborg seconded the motion.

The motion was approved 5-0 -1 abstention. (Joshua Rivero abstained.)

Joshua Rivero returned to the meeting at 7:27 P.M.

ORDINANCES

A. ORDINANCE NO. 1.289.6 - Second Reading

A Bill for an Ordinance to Approve the Second Amendment to the Amended and Restated Cooperation Agreement Between the Town of Parker, Colorado, and the Parker Authority for Reinvestment for Administrative Services

Department: Town Attorney, Jim Maloney

The Authority plans to borrow the funds necessary to construct the Capital Projects. Under the Agreement, the Authority will provide the Funds to the Town and the Town will use the Funds to construct the Capital Projects. The Town will follow the Town's procurement process and use Town employees in order to contract for the completion of the Capital Projects. The construction contracts associated with the Capital Projects will be subject to Town Council approval.

Public Comment: None.

Debbie Lewis moved to approve Ordinance No. 1.289.6 on second reading.

Jeff Toborg seconded the motion.

The motion was approved 5 to 1. (Cheryl Poage voted no.)

B. ORDINANCE NO 9.74.2 - Second Reading

A Bill for an Ordinance to Approve the Amended and Restated Establishing Intergovernmental Agreement for the Douglas County Housing Authority, a Multi-jurisdictional Housing Authority By and Among the City of Lone Tree, the Town of Castle Rock, The Town of Parker, the City of Castle Pines and Douglas County

Department: Community Development, Bryce Matthews

In 2003, the Town entered into an Intergovernmental Agreement (IGA) with the City of Lone Tree, Town of Castle Rock and Douglas County to create a multi-jurisdictional housing authority referred to as the Douglas County Housing Authority (the Authority). The City of Castle Pines is not an original member because it was incorporated in 2007 after the creation of the Authority. In 2019, Castle Pines requested membership in the Authority.

The proposed IGA amendment would add the City of Castle Pines as a member of the Douglas County Housing Authority. It also includes several updates to the IGA that address obsolete or outdated sections including those related to the Authority's bylaws.

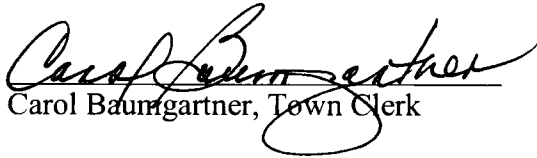
Public Comment: None

Cheryl Poage moved to approve Ordinance No. 9.74.2 on second reading.

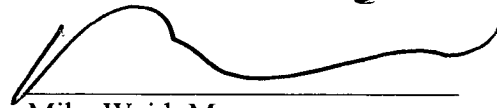
Renee Williams seconded the motion.

The motion was approved unanimously.

The meeting was adjourned at 7:32 P.M.



Carol Baumgartner, Town Clerk



Mike Waid, Mayor