

**TOWN OF PARKER COUNCIL
MINUTES
NOVEMBER 2, 2020**

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

Town Attorney Jim Maloney announced that the topics for discussion in Executive Session were five (5) items; under C.R.S. § 24-6-402(4)(e) there were two (2) ; the first item was the Proposed First Amendment to the Amended and Restated Stroh Ranch/Hess Ranch Annexation Agreement (Southern Property); the second item was the Proposed Third Amendment to the Amended and Restated Stroh Ranch/Hess Ranch Annexation Agreement (Northern Property); there were three (3) items under C.R.S. § 24-6-402(4)(b), the first was to receive legal advice on specific legal questions concerning Colo. Rev. Stat. § 32-1-905(2.5) Petition for Appointment of Director - Salisbury Heights Metropolitan District; the second item was to receive legal advice on specific legal questions concerning Section 13.01.100 of the Parker Municipal Code – Waiver – Emergency Order No. 12-2020 – Extension of Approvals (Parker Pointe Minor Development Plat); and the third item was to receive legal advice on specific legal questions concerning Colorado Department of Public Health Fourth Amended Public Health Order 20-35 – Safer at Home Dial.

EXECUTIVE SESSION

Joshua Rivero moved and Debbie Lewis seconded to go into Executive Session at 5:31 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); and, to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b).

The motion was approved unanimously.

Debbie Lewis moved and Joshua Rivero seconded to come out of Executive Session at 6:15 P.M.

The motion was approved unanimously.

Joshua Rivero moved and Debbie Lewis seconded to recess the meeting until 7:00 P.M.

The motion was approved unanimously.

REGULAR MEETING

Mayor Waid reconvened the Council meeting at 6:59 P.M. All Councilmembers were present.

Mayor Waid led the Pledge of Allegiance.

PARKER CHAMBER OF COMMERCE UPDATES

Kara Massa provide an update of Chamber activities for the last month.

DOWNTOWN BUSINESS ALLIANCE UPDATES

Omar Castillo provided an update of activities for the last month for the Downtown Business Alliance.

PUBLIC COMMENTS

There were none.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

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

CONSENT AGENDA

- A. *ASSIGNMENT AND ASSUMPTION AGREEMENT FOR COMPARK VILLAGE SOUTH FILING NO. 1*
 Department: Town Attorney, Jim Maloney

- B. *ORDINANCE NO. 1.539.4 - First Reading*
 A Bill for an Ordinance to Adopt the 2020 Revised Budget for the Town of Parker and to Make Appropriations for the Same
 Department: Finance, Mary Lou Brown
 Second Reading: November 16, 2020

- C. *ORDINANCE NO. 1.549 - First Reading*
 A Bill for an Ordinance Approving the Purchase and Sale Agreement Between the Town of Parker and Samurai's Red Sushi & Sake Bar LLC, Concerning the Property Known As the Lot 1B, Mainstreet Center 1st Amendment Property (The Schoolhouse Gym Property)
 Department: Town Attorney, Jim Maloney
 Second Reading: November 16, 2020

- D. *ORDINANCE NO. 3.308.2 – First Reading*
 A Bill for an Ordinance to Amend the Anthology North Development Plan and Guide First Amendment Pursuant to the Town of Parker Land Development Ordinance, and Amending the Zoning Ordinance and Map to Conform Therewith
 Department: Community Development, BrieAnna Simon
 Second Reading: November 16, 2020

- E. *ORDINANCE NO. 9.325 - First Reading*
 A Bill for an Ordinance to Approve the Intergovernmental Agreement By and Between the Town of Parker and Rueter-Hess Recreation Authority Concerning Program Coordination Services
 Department: Parks and Recreation, Mary Colton
 Second Reading: November 16, 2020

- F. *RESOLUTION NO. 20-054*
 A Resolution to Adopt the Town of Parker, Colorado, Three-Mile Area Plan
 Department: Community Development, Carolyn Washee-Freeland

G. *RESOLUTION NO. 20-053*

A Resolution to Approve the Eleventh Amendment to Agreement with Judge Kevin Sidel

Department: Town Council

Jeff Toborg moved to remove Item 6D from the Consent Agenda.

Cheryl Poage seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Jeff Toborg - yes

Debbie Lewis - yes

John Diak - yes

The motion was approved unanimously.

Cheryl Poage moved to remove Item 6F from the Consent Agenda.

Jeff Toborg seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Jeff Toborg - yes

Debbie Lewis - yes

John Diak - yes

The motion was approved unanimously.

Joshua Rivero moved to approve Consent Agenda Items 6A, 6B, 6C, 6E and 6G.

Jeff Toborg seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Jeff Toborg - yes

Debbie Lewis - yes

John Diak - yes

The motion was approved unanimously.

Item 6D - Ordinance No. 3.308.2

Jeff Toborg moved to move the first reading of Ordinance No. 3.308.2 out 60 days to the first meeting in January 2021.

Town Attorney Maloney stated this item is on the Consent Agenda as an introduction only. Ordinances on the Consent Agenda are for introduction only and will not be removed for discussion. If you are going to continue a land use ordinance that has been noticed for a public hearing, the appropriate time to continue the item is at the public hearing. Anyone that received a notice that is at the meeting will have notice of the continuance. Otherwise, the applicant is forced to renote and republish the meeting notice.

Jeff Toborg rescinded his request.

Jeff Toborg moved to approve Consent Agenda Item 6D (Ordinance No. 3.308.2) on first reading and schedule second reading for November 16, 2020.

Debbie Lewis seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Jeff Toborg - yes

Debbie Lewis - yes

John Diak - yes

The motion was approved unanimously.

Item 6F - Resolution No. 20-054

Cheryl Poage asked that this item be moved to the first meeting in December.

Jeff Toborg seconded the motion.

A roll call vote was taken:

Joshua Rivero - no

Cheryl Poage - yes

Jeff Toborg - yes

Debbie Lewis - no

John Diak - no

The motion failed 3-2. (Rivero, Lewis and Diak voted no.)

Cheryl Poage stated this item wasn't presented at a study session. She asked that staff explain to the new Council what this item concerns. Attorney Maloney explained that this item is an annual requirement. It would be problematic if it is continued to January 2021.

The Mayor asked again for a motion to approve Item 6F.

Joshua Rivero moved to approve Consent Agenda Item 6F.

Debbie Lewis seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - no

Jeff Toborg - no

Debbie Lewis - yes

John Diak - yes

The motion was approved 3-2. (Poage and Toborg voted no.)

PUBLIC HEARINGS

A. ORDINANCE NO. 1.547 - First Reading

A Bill for an Ordinance to Adopt the 2021 Budget and to Make Appropriations for the Same

Department: Finance, Mary Lou Brown

Second Reading: November 16, 2020

7:14 P.M.

Internal work on the 2021 Town of Parker budget began in mid-July and was followed with the Annual Town Council Budget Retreat on September 25, 2020. Since the Retreat, two additional study sessions have been held with Council and the 2021 Budget document was posted to the internet on Tuesday, October 13, 2020, in advance of the legally required filing date of October 15, 2020.

The 2021 Budget was prepared in conjunction with four overall guidelines:

- Meet the General Fund required cash balance percentage
- Invest in employees
- Maintain and grow community programs
- Prepare financially for upcoming strategic infrastructure decisions

Due to the unknown impact of COVID-19 in 2021, a careful approach was taken in building the budget. A continuation of COVID-19 impacts is assumed through the first six months of the year with a slow return to normal during the remainder of the year. Sales tax collections are budgeted at a 3% growth level to reflect a potential pullback in the local economy due to continued job loss and reduced assistance levels.

In the General Fund, which is the main operational fund of the Town, operating expense growth is under two percent which basically reflects expected inflation. The performance pay pool and the commissioned officer step plan have both been funded at three percent. In an attempt to control increasing healthcare costs, the Town will be offering two new health care plans to employees. These two plans include a smaller doctor network which should enable both employees and the Town to experience lower costs. The full-time employee count is increasing by one full-time position in Public Works; three part-time positions, one in the Town Clerk's Office, one in Finance and one in Community Development, are being moved to full-time status.

The General Fund cash-to-expense ratio is budgeted at 28.1% for year-end 2021.

Both the Recreation and Cultural Funds have been impacted by COVID-19 guidelines during 2020. The actual cash balances for these two funds will be monitored very closely for the remainder of 2020 and early 2021. Depending upon the ability to return to more normal customer levels, additional budget actions may be required in 2021.

Public Comment:

Brandi Wilks, 17402 E Neu Town Parkway, asked for clarification about the \$10 million surplus but stated her question was answered by Councilmember Toborg's questions.

Finance Director Mary Lou Brown provided an explanation. The \$10 million in the budget is shown being transferred out from the General Fund to the Capital Facilities Reserve Fund. The beginning cash for 2021 is \$27.4 million and the ending cash in the 2020 budget is \$15.9 million, which is almost a \$10 million difference between those two because we are anticipating, in our projected 2020 numbers, that revenue is actually going to be coming in \$10,000,000 higher than what is shown in this proposed budget. This is a result of conversations with Council about add-backs and add-ins for 2020 that were on the Consent Agenda, which we will be discussing in two weeks. There is an increase for our sales tax, but not the full amount possible, as Council felt there was enough unknowns that we didn't want to increase it to the full extent, so we are sitting with a \$10 million pick up from 2020. This is one-time money.

The Public Hearing was closed at 7:29 P.M.

Joshua Rivero moved to approve Ordinance No. 1.547 on first reading and schedule second reading for November 16, 2020.

Debbie Lewis seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Jeff Toborg - yes

Debbie Lewis - yes

John Diak - yes

The motion was approved unanimously.

B. BOWEY PROPERTY - Annexation and Zoning (continued from October 5, 2020)

Applicant: Town of Parker
Location: Generally located on the northeast corner of Parker Road and Pine Drive
Department: Community Development, BrieAnna Simon
TRAKiT No.: ANX20-001 and Z20-001

7:38 PM

The Bowey property is located at the northeastern corner of Parker Road and Pine Drive. The subject property is approximately 48.9 acres in total area and is currently undeveloped. The Bowey property has been completely surrounded by the Town of Parker for a period of greater than three (3) years and is considered an enclave under the Municipal Annexation Act of 1965 and related state law.

The Town has committed to a policy of actively pursuing the annexation of enclaves. The Parker 2035 Master Plan identifies the subject property as part of the Town's Planning Area for future growth and development. The proposed annexation is therefore consistent with the Master Plan as well as the state mandated Three-Mile Plan for future annexation.

On September 21, 2020, the Town Council approved Resolution No. 20-042.1, Series of 2020, to correct the legal description of the Bowey property and to schedule the second reading and public hearing of the annexation ordinance for November 2, 2020.

As required by Town Charter, all properties that are proposed for annexation must also be zoned at the same time. The Town is proposing to zone the Bowey property to the A - Agricultural District designation described in the Land Development Ordinance. This zoning is consistent with the current Douglas County zoning of the Bowey property as A1 - Agricultural One. The proposed zoning will ensure that the use of the Bowey property for agriculture may continue until it is developed in the future.

Public Comments:

Laura Hefta, 18236 Chadberry Lane, addressed the mail issues and would have liked the mailing to be sent by certified mail.

Brandi Wilks, 17402 E. Neu Town Parkway, had issues with using regular mailing of the notice.

The Public Hearing was closed at 7:47 P.M.

Attorney Maloney explained the noticing requirements and stated that First Class mail was approved by Council. He added that the notice was also posted on the Town's web site. During the presentation, staff stated that all noticing requirements were met.

1. RESOLUTION NO. 20-052

A Resolution to Establish the Town Council's Findings of Fact and Conclusions Thereon Concerning the Bowey Property Annexation

Joshua Rivero moved to approve Resolution No. 20-052.

Debbie Lewis seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - no

Jeff Toborg - yes

Debbie Lewis - yes

John Diak - yes

The motion passed 4-1. (Poage voted no.)

2. ORDINANCE NO. 2.274 - Second Reading

A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Bowey Property

Joshua Rivero moved to approve Ordinance No. 2.274 on second reading.

Debbie Lewis seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - no

Jeff Toborg - yes

Debbie Lewis - yes

John Diak - yes

The motion passed 4-1. (Poage voted no.)

3. ORDINANCE NO. 3.356 - Second Reading

A Bill for an Ordinance Zoning Certain Property Within the Town of Parker, Colorado, Known as the Bowey Property to A-Agricultural District Pursuant to the Town of Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith

Joshua Rivero moved to approve Ordinance No. 3.356 on second reading.

Debbie Lewis seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - no

Jeff Toborg - yes

Debbie Lewis - yes

John Diak - yes

The motion passed 4-1. (Poage voted no.)

ORDINANCES

A. ORDINANCE NO. 4.53.8 - Second Reading

A Bill for an Ordinance to Amend Subsection 10.09.010(a) of the Parker Municipal Code Concerning the Roadway Design and Construction Criteria Manual

Department: Engineering/Public Works, Alex Mestdagh

7:50 P.M.

The Town's Roadway Design and Construction Criteria Manual ("Manual") sets forth the Town's criteria for analysis and design of roadway facilities. The Manual was originally adopted in 1994, and has since been revised five times, most recently in May 2018. The Engineering Department has prepared a sixth technical revision to the Manual for the Town Council's consideration.

A full summary of the proposed revisions has been attached to the packet for the Council's reference. Full versions of the revised chapters and details have not been provided in the packet due to the size of the documents, but are available for viewing on eTrakit at project DCU20-001 or at the Town Clerk's Office. The majority of the proposed revisions are minor in nature, but staff would like to highlight and provide more information on the following items:

Pavement Design Criteria - the following revisions are proposed to better guide the pavement design process. These proposed changes are in line with industry standards:

- Added a minimum truck percentage to be used in accounting for traffic loading.
- Added a maximum structural coefficient that can be used for subbase materials.
- Added a minimum asphalt thickness for local and collector roadways.

Surface Asphalt Requirements - the proposed revision adds a requirement that all arterial roadways use Stone Mastic Asphalt (SMA) for the top two inches of the asphalt section. SMA is stronger, more durable grade of asphalt that is used similarly by other jurisdictions in the Denver metro area. Based on the input received from these jurisdictions, staff believes that the increased cost of SMA will be more than realized in the longevity and performance of the asphalt. While SMA costs 20-30 percent more than standard hot-mix asphalt, roadways paved with SMA have been shown to last longer before needing major maintenance work. This should decrease the frequency of costly and impactful maintenance projects on the Town's major roadways. This requirement would apply to projects constructed by both the Town and by developers.

These proposed revisions were provided in a formal referral to all applicable referral agencies. The revisions were also presented to the Development Liaison Committee. No objections to these proposed revisions were raised by any reviewers.

Public Comments: None.

John Diak moved to approve Ordinance No. 4.53.8 on second reading.

Debbie Lewis seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Jeff Toborg - yes

Debbie Lewis - yes

John Diak - yes

The motion was approved unanimously.

B. ORDINANCE NO. 9.280.1 - Second Reading

A Bill for an Ordinance to Approve the Third Replacement Intergovernmental Dispatch Services Agreement By and Between the Town of Parker and the City of Lone Tree

**Department: Police Department, Jim Tsurapas
Town Attorney, Jamie Wynn**

8:00 P.M.

The Town of Parker and the City of Lone Tree have been engaged in discussions regarding the current Intergovernmental Dispatch Services Agreement ("Dispatch IGA"). Based upon those discussions, the parties are seeking amendments to the current Dispatch IGA. The purpose of the amendments are generally administrative in nature, as well as to update the budget calculations and timelines.

Public Comment:

Brandi Wilks, 7402 E. Neu Town Parkway, asked about the lag year.

Public comments were closed at 8:03 P.M.

Attorney Wynn explained the lag year by stating they will be using this year's budget for next year.

Debbie Lewis moved to approve Ordinance No. 9.280.1 on second reading.

Cheryl Poage seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Jeff Toborg - yes

Debbie Lewis - yes

John Diak - yes

The motion was approved unanimously.

C. ORDINANCE NO. 5.02.7 - Second Reading**A Bill for an Ordinance to Amend Section 3.01.080 of the Parker Municipal Code Concerning Trials****Department: Town Attorney, Jamie Wynn****8:05 PM**

Staff is proposing an update to Parker Municipal Code Sections 3.01.080 - Trials, related to the jury fee, for purposes of complying with the State's Municipal Court Rules.

Public Comment: None.

Debbie Lewis moved to approve Ordinance No. 5.02.7

Jeff Toborg seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Jeff Toborg - yes

Debbie Lewis - yes

John Diak - yes

The motion was approved unanimously.

D. ORDINANCE NO. 5.72.1 - Second Reading**A Bill for an Ordinance to Amend Section 8.08.060 of the Parker Municipal Code Concerning Display, Consumption or Use of Marijuana in Public Places****Department: Town Attorney, Jamie Wynn****8:07 P.M.**

Parker Municipal Code Section 8.08.060 - Display, consumption or use of marijuana in public places, does not list a specific penalty for a conviction, guilty plea, or no contest. Under Municipal Code Section 8.01.040, there are general penalties established for various violations under Title 8. However, the other provisions in Chapter 8.08 with respect to violations involving marijuana limit the punishment to a fine of "not more than one hundred dollars (\$100.00)." For consistency, staff is requesting to amend the Code to include the same punishment for Section 8.08.060 as the other Code provisions related to marijuana violations.

Public Comment:

Laura Hefta, 8236 Chadberry Lane, asked where will this information be posted for public knowledge?

Public comments were closed at 8:09 P.M.

Staff responded to Ms. Hefta's question by stating this is to clean up the code and to set the specific fine consistent with other marijuana ordinances. The Code can be viewed on the

Town's web site.

Debbie Lewis moved to approved Ordinance No. 5.72.1 on second reading.

John Diak seconded the motion.

There was a roll call vote taken:

Joshua Rivero - yes

Cheryl Poage - yes

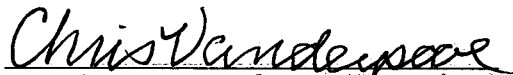
Jeff Toborg - yes

Debbie Lewis - yes

John Diak - yes

The motion was approved unanimously.

The meeting was adjourned at 8:11 P.M.


Chris Vanderpool, Deputy Town Clerk


Mike Waid, Mayor