



TOWN COUNCIL STUDY SESSION AGENDA
April 26, 2021
5:00 PM

I. Town Council Items

II. Study Session Items

1. RTD Meet and Greet - Julien Bouquet, Director - 30 minutes
2. Cultural Department Update - Glassburn - 45 minutes
3. Sales Tax on Food for Home Consumption Follow-up - Kivela/Hoffmann - 30 minutes
4. Draft Guidelines for Elected Officials - Maloney - 15 minutes
5. Review Future Council Agendas - Maloney - 15 minutes



MEMORANDUM

TO: Honorable Mayor and Members of Town Council
FROM: Carrie Glassburn, Assistant Cultural Director
DATE: April 26, 2021
SUBJECT: Cultural Department Update

ISSUE:

The Cultural Department will provide a presentation on 2020 department accomplishments and 2021 projects and initiatives.

FISCAL/BUDGET IMPACT:

No additional budget requested

BACKGROUND:

The Cultural Department will provide an update on 2020 department accomplishments and 2021 programming.

RECOMMENDATION:

None

REQUESTED DIRECTION:

Informational presentation.

ATTACHMENT:

None



MEMORANDUM

TO: Honorable Mayor and Members of Town Council

FROM: Michelle Kivela, Town Administrator
Kristin Hoffmann, Deputy Town Attorney

DATE: April 26, 2021

SUBJECT: Sales Tax on Food for Home Consumption Follow-up

ISSUE:

The purpose of this Study Session item is to provide follow-up information from the discussion on sales tax on food for home consumption which occurred at the February 26, 2021 Council Retreat.

FISCAL/BUDGET IMPACT:

None for this discussion.

BACKGROUND:

At the February 26, 2021 Council Retreat, staff presented information to the Mayor and Council on Parker's sales tax on food for home consumption. From that discussion, the Mayor and Council determined that the next step was to schedule a Study Session to discuss creating a "citizen task force" to review, analyze and evaluate the issue and to receive additional information on tax rebate programs for the elderly, disabled, and low-income individuals (which was introduced during the Retreat discussion). Attached is information on other rebate programs in the Denver metro area.

RECOMMENDATION:

Informational. No recommendations at this time.

REQUESTED DIRECTION:

Direction on next steps.

ATTACHMENT:

1. Memo - Grocery Tax Rebate Information

Grocery Tax Rebates: An Alternative to Grocery Tax

Several municipalities on the Front Range have instituted sales tax rebate programs on groceries for elderly, disabled, and low-income residents in order to provide relief to lower-income consumers. An advantage of such a program is that it provides for a stable stream of revenue from higher-income consumers who would not be unduly burdened by a sales tax on groceries, while providing targeted relief to those who need it most.

Examples of Rebate Programs in Denver Metro Area

Arvada: The City of Arvada offers tax rebates to qualified residents through its Resident Rebate Program. Although it's a general rebate program, rather than specifically identified as a grocery rebate program, it was created to offset the cost of sales tax on groceries for the city's low-income residents.

The program runs from May through August with current rebate amounts of \$85 for the first person and \$50 for additional household members. Partial residency rebates are offered on a pro-rated basis.

All qualified residents must complete an application each year and provide proof of income.

New applicants are required to submit a lawful presence affidavit with a valid photo ID for each person in the household over the age of 18. New applicants need to fill out an application and affidavits along with required income documentation.

Existing applicants have an application mailed to their home. Income documentation is required every year.

Qualifications for the Resident Tax Rebate Program include living within the Arvada City limits and at least one of the following criteria:

- Senior citizen: Age 65 by December 31, of previous year; or
- Single: Between the age of 55 and 65 by December 31, of previous year and not sharing household with another adult; or
- Disabled person; or
- Single head of household with dependent children; and
- The gross income for the entire household from all sources, including Social Security, is equal to or less than the annual income limit set yearly by the Department of Housing and Urban Development.

Documentation must be provided each year for all income sources and proof of residency.

Boulder: The City of Boulder provides rebates each year to help compensate residents with lower incomes for the city sales tax they pay on food. Those seeking a rebate must fill out an application documenting their eligibility. Rebates for 2021 will be \$89 for individuals and \$270 for families. Application forms must be received in person by June 30, 2021 or postmarked by June 30, 2021.

To be eligible to receive a refund, applicants must meet financial eligibility guidelines, have been a resident of Boulder for the entire calendar year, and be:

- age 62 or over for the entire calendar year; or
- a person with a disability; or
- a family with children under 18 years of age in the household for the entire calendar year;

City residents who do not have permanent shelter are eligible for the refund and can meet the residency requirement by providing documentation that they are receiving services from a city-recognized homelessness services agency.

Examples of 2021 income limits are \$40,300 (individuals); \$46,050 (family of two); \$57,550 (family of four).

For the time period of 1/27/2015 – 7/23/2019, Boulder issued 4,456 rebates, and dispersed \$477,000 to a total of 1,577 unique clients.

Applications are mailed to past applicants and can be downloaded from the city website.

Fort Collins: The City of Fort Collins offers a food tax rebate to qualified residents. The rebate program runs from August 1 through October 31 each year and is designed to assist low-income individuals, families, disabled individuals, and seniors who live in Fort Collins or in the growth management area. Sales Tax on Food Rebate in 2020 was \$65.

Qualified households include those whose annual household income does not exceed 50% of the area median income for the applicable household size. Income means the total income of a household as shown on the federal income tax form, plus any nontaxable income such as individual retirement account distributions, pensions, annuities, social security benefits, disability benefits, worker's compensation benefits, and any other nontaxable income.

Greeley: The City of Greeley established the Food Tax Rebate Program for residents in conjunction with the repeal of the exemption from sales tax on food for home consumption. In 2019, the rebate program was \$65.00 per person. Qualified applicants must meet specific annual family income levels, with income from all sources. Family members are legal dependents claimed on federal form 1040. All of these items should appear on the applicant's Federal Income Tax Return for verification purposes. The applicant must be a current resident and have been a resident of Greeley for at least ten (10) months during the year of rebate.

Longmont: In 2018, a petition by citizens in Longmont to put a repeal of the city's grocery taxes on the November ballot failed to generate enough signatures. In response to that effort, the City Council introduced a rebate program for lower income and elderly residents modeled after similar programs in Arvada and Boulder.

The grocery sales tax rebate is part of the Longmont CARES (Longmont City Assistance and Rebate System) which consists of several rebate programs to help low-income residents save on their expenses. The application process has been simplified to allow residents who meet the eligibility requirements to complete one form to be considered for all rebate programs.

The grocery tax rebate program's eligibility is based on income guidelines used to determine whether people qualify for Boulder County's Low Income Energy Assistance Program (LEAP).

Qualifications:

- The household must contain at least one member who is a U.S. Citizen/Legal Permanent Resident;
- Be a resident in the state of Colorado;
- To apply in Boulder, be a Boulder County resident;
- Pay heating costs, or have heating costs included in your rent; and
- Meet gross monthly household income guidelines.

The grocery sales tax rebate offers a rebate of \$78 for one person, \$156 for two people in the same household who file taxes together, and \$204 for three or more people in the same household who file taxes together.

All rebates are issued as a credit on the applicant's utility bill or as a check for those who do not pay utilities to the City. The rebate program is set up to allow residents to apply online, in-person at specific City facilities, or by mail by downloading and printing an application.



MEMORANDUM

TO: Honorable Mayor and Members of Town Council
FROM: Jim Maloney, Town Attorney
DATE: April 26, 2021
SUBJECT: Draft Guidelines for Elected Officials

ISSUE:

During the February 26, 2021, Town Council Retreat, the Town Council requested the preparation of guidelines for elected officials that summarized the rules of conduct that apply to the Town's elected officials.

FISCAL/BUDGET IMPACT:

None.

BACKGROUND:

One of the action items that came out of the February 26, 2021, Town Council Retreat, was to "draft potential Town Council code conduct documents based on existing Town Council policy documents." In response to that action item, the attached "Guidelines for Elected Officials" was prepared. The purpose of the attachment is to serve as a resource document for the current Mayor and Town Councilmembers, and as part of the of the onboard training for the two new Councilmembers.

RECOMMENDATION:

REQUESTED DIRECTION:

Prepare guidelines for elected officials that summarize the rules of conduct that apply to the Town's elected officials.

ATTACHMENT:

1. Draft Guidelines for Elected Officials



GUIDELINES FOR ELECTED OFFICIALS

As a new mayor or councilmember, it is important to know and understand the rules of conduct for the Town's elected and appointed officials, which are contained in the Town Charter and Town ordinances as well as state and federal laws. The purpose of this summary is to address these rules of conduct and provide specific references to the applicable Charter provision, Town ordinance and applicable state and federal laws.

CONFLICTS OF INTEREST

Under the Town Charter, the Mayor and Town Councilmembers are prohibited from **voting on any question** in which the Mayor/Town Councilmember has a "substantial personal or financial interest, other than the common public interest, or on any question concerning his own conduct." The Charter further provides that Mayor/Councilmembers are prohibited from having "any material or significant financial interest direct or indirect or any apparent conflict of interest with the Town." It is important to note that a personal or financial interest is not limited to just Mayor/Councilmember, but also "any member of his family" that "has or could potentially be construed as having such an interest . . ."

In the event the Mayor/Councilmember or a member of his or her family "has or could potentially be construed as having such an interest," the Mayor/Councilmember is required to declare the interest during a regular or special Town Council meeting, and "the remaining members of the Council shall determine by majority vote whether said interest does in fact constitute a conflict of interest." If the Town Council, by a majority vote, determines that there is a conflict of interest, the Mayor/Councilmember will be prohibited from voting on the question.

See [Section 3.4](#) of the Home Rule Charter for the Town of Parker.

CODE OF ETHICS

In 1994, the Town Council adopted a code of ethics by ordinance, which expanded the conflict of interest rules discussed above (the "Code of Ethics"). The Code of Ethics applies to the Town Council and the Town's boards and commissions. The Code of Ethics also expanded the scope of Section 3.4 of the Town Charter to address the use and disclosure of confidential information, representing third parties appearing before the Town Council or a Town board and other general restrictions regulating the conduct of Mayor/Councilmembers/board members.

The general restrictions contained in the Code of Ethics prohibit (1) the disclosure or use of any privileged information by Mayor/Councilmembers/board members; (2) voting on any question that affects a business or project that the Mayor/Councilmember/board member has either a financial interest or is engaged as legal counsel, consultant, representative or agent; (3) soliciting or accepting any gift, compensation, reward, gratuity or any item of value that would tend to influence the decision of the Mayor/Councilmember/board member; (4) assisting any person for a fee or other compensation to obtain an economic benefit from the Town; (5) holding a substantial financial interest in any business or enterprise, which is a party to a contract with the Town; (6)

accepting any compensation for promoting or opposing passage of Town legislation; and (7) appearing on behalf of any private person, business or entity before the Town Council or Town board.

The Code of Ethics also details the requirements for disclosing conflicts of interest as described in Section 3.4 of the Town Charter. However, the Code of Ethics contains specific criteria that must be considered by the Town Council or a Town board to determine if there is a conflict of interest. These criteria include whether the conflict (1) impedes independence of judgment; (2) affects public confidence in the integrity of the governing body; (3) will have any significant effect on the ultimate disposition of the matter; and (4) affects the member's fiduciary obligations to the Town.

If a majority of the Town Council or Town board determines that there is a conflict, the member is disqualified from voting on the question, and is required to refrain from attempting to influence the decision of the Town Council or Town board and refrain from participating in any manner in the deliberations of the Town Council or Town board. Once the conflict of interest is established by the Town Council or Town board, the member must physically leave the meeting room until the vote is taken on the matter that is the subject of the conflict.

See [Chapter 2.05](#) of the Parker Municipal Code.

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Prior to being sworn in as Mayor/Town Councilmember, each prepares, with the assistance of the Town Attorney's Office, a disclosure of potential conflicts of interest or private interest. The purpose of the disclosure is for the Mayor and each Councilmember to give notice to the entire Town Council and the Colorado Secretary of State of potential conflicts of interest or potential personal, financial, private or other interest that may impinge on his or her fiduciary duty and the public interest. The disclosure is updated periodically as new potential conflicts arise during the term of office of the Mayor and Town Councilmembers. The disclosure is filed with the Town Clerk's Office and the Colorado Secretary of State. Under state law, the filing of a voluntary disclosure shall constitute an affirmative defense to any civil or criminal action.

See [Colo. Rev. Stat. § 24-18-110](#).

GIFT DISCLOSURE

The Mayor/Town Councilmembers that receive a gift, honoraria or other benefit in connection with public service should file a report with the Town Clerk disclosing the receipt of such gift, honoraria or other benefit.

The gifts, honoraria and other benefits that must be reported include (1) money, whether a loan, guarantee of a loan, or advance of money or more; (2) a gift of real or personal property; (3) a loan of any item of real or personal property, other than money; (4) payment for a speech, appearance, or publication; (5) tickets to sporting, recreation, educational, or cultural events; (6) payment of or reimbursement for actual and necessary expenditures for travel and lodging to participate in a convention or other meeting; and (7) a meal provided at a fundraising event of a political party. The Town Attorney's Office will assist in the preparation and filing of any gift disclosure.

See [Colo. Rev. Stat. § 24-6-203](#).

NEPOTISM POLICY

Relatives of the Mayor, Councilmembers or board members are not eligible for employment with the Town. Similarly, relatives of the Mayor, Councilmembers or board members are not eligible to serve on any Town board or to become an elected or appointed Town official.

See [Chapter 2.08](#) of the Parker Municipal Code.

CONTACT WITH TOWN STAFF

Under the Town Administrator form of government, Town Council has three (3) employees, which include the Town Administrator, Town Attorney and Municipal Court Judge. All other Town's employees report to the Town Administrator. Under the Town Administrator ordinance, "Council and its members shall deal with that portion of the administrative service for which the Town Administrator is responsible solely through the Town Administrator." As a result, neither the Town Council nor any Councilmember shall (1) give orders to any employee of the Town either publically or privately; (2) direct or request the appointment of any person to a position in the Town; (3) direct or request the removal of any Town employee; or (4) take part, in any way, in the appointment or removal of a Town employee. Additionally, only "[a] majority of Council shall direct the Town Administrator to accomplish specific desired purposes, objectives or actions, and not individual Councilmembers."

See [Section 2.03.020\(g\)](#) of the Parker Municipal Code.

COLORADO OPEN MEETINGS LAW

Under the Town Charter, the Town Council can only act by ordinance, resolution or motion, which means the Town Council can only act, as a collective, at a properly noticed regular meeting on the first and third Mondays of every month or a properly noticed special meeting. The Town Charter also allows the Town Council to meet at properly noticed study sessions on the second and fourth Mondays of every month. The reference to "properly noticed" meetings, whether regular, special or study session, is based on the Colorado Open Meetings Law.

Whenever three or more members of the Town Council (which includes the Mayor) get together and public business is discussed, the gathering is a "meeting" under the Colorado Open Meetings Law and, therefore, must be open to the public. To ensure that the public can attend a meeting, the Colorado Open Meetings Law requires full and timely public notice posted at a designated public place no less than twenty-four (24) hours prior to holding the meeting. The public place or places for posting the meeting notice is designated annually at the first regular Town Council meeting of each calendar year.

Meetings of more than two Councilmembers and/or the Mayor without full and timely public notice posted at the designated public place is a violation of the Colorado Open Meetings Law. This requirement applies to both traditional face-to-face meetings and nontraditional meetings, such as telephone, e-mail, Zoom/Teams meetings, social media (Nextdoor, Facebook, etc.) and the like. Under the expansive definition of "meeting" in the Colorado Open Meetings Law, as well as

the court cases that interpret this law, “any kind of gathering” of more than two Councilmembers and/or more than the Mayor and a Councilmember to discuss public business may qualify as a meeting. As a result, the Mayor and Council should adhere to the following:

(1) More than two Councilmembers or more than the Mayor and a Councilmember should not meet, except at properly noticed regular meetings, special meetings, or study sessions.

(2) There is an exception for chance meetings of public officials, or social gatherings at which discussion of public business is not the central purpose. If there is a planned gathering of more than two Councilmembers or more than the Mayor and a Councilmember, notify the Town Clerk who will post notice of the “gathering” in accordance with the Colorado Open Meetings Law. It is important to note that the gathering must be open to the public.

(3) The Colorado Open Meetings Law now specifically subjects the e-mail communications of elected officials to the statutory requirements for what is a public meeting for purposes of notice and participation by the public. In the event you are the recipient of an e-mail that includes more than one other Councilmember or the Mayor and another Councilmember, do not respond “Reply All.” If you respond “Reply All,” you may trigger a meeting which violates the Colorado Open Meetings Law.

(4) The Colorado Open Meetings Law was amended by HB21-1052 and signed into law by Governor Polis on April 7, 2021, to clarify that e-mail between elected officials that does not relate to the merits or substance of pending legislation or other public business does not constitute a meeting that violates the Colorado Open Meetings Law. The amendment provides the following guidance:

(a) E-mail regarding scheduling and availability between elected officials is permitted.

(b) E-mail sent by a Town elected official to other Town elected officials for the purpose of forwarding information is permitted.

(c) E-mail sent by a Town elected official responding to an inquiry from an individual who is not a Town elected official, in which Town elected officials are copied, is permitted.

(d) E-mail sent by a Town elected official posing a question for later discussion by the Town Council at a public meeting is permitted.

See [Colo. Rev. Stat. § 24-6-402](#).

See [HB21-1025](#).

COLORADO OPEN RECORDS ACT

The Colorado Open Records Act (the “Act”) provides that “[a]ll public records are open for inspection by any person at reasonable times,” unless otherwise provided by the Act itself, or other law. Correspondence of elected officials is specifically designated as a public record. Correspondence under the Act is defined as including any communications sent or received that are or can be produced in written form. There are limited exceptions to the public’s access to your

correspondence. As a result, the Mayor and Councilmembers should understand that anything that they put in writing, including e-mail or text messages, or that may be reduced to writing, such as a voice message, may be open for public access. As a result, only put in writing what you are comfortable reading on the front page of a newspaper. Additionally, it is important that you separate your personal correspondence from your Town correspondence. The consequence of combining correspondence is that your personal correspondence may be subject to public access.

See [Colo. Rev. Stat. § 24-72-202\(6\)\(a\)](#).

QUASI-JUDICIAL PROCEEDINGS

The operation of Town Council can be broken down into two functions – one is a legislative function and the other is a quasi-judicial function.

The Town Council is acting in a legislative capacity when it approves a general rule or policy which is applicable to an open class of individuals, interests or situations. Examples of legislative functions include master plans, budget and finance, and the adoption of general ordinances that are contained in the Parker Municipal Code.

However, when a general rule or policy previously adopted by the Town Council acting in its legislative capacity is applied by the Town Council to specific individuals, interests or situations, this is an exercise of quasi-judicial authority. For example, the Town Council is acting in a quasi-judicial capacity when it acts upon the rezoning of a specific property, variances, subdivisions, or granting any permit, license or privilege.

The quasi-judicial process is typically initiated when an application is filed with the Town for a specific approval under the Parker Municipal Code. In the context of a land use application (like the rezoning of a specific property), a public hearing is scheduled for a Town Council meeting and notice is provided to the public of the date that the Town Council will hold the public hearing regarding the application. During the public hearing, Town staff, the applicant and the public will address the Town Council. When the public hearing is concluded, the Town Council will decide to approve, approve with conditions or deny the application, based on the criteria contained in the Parker Municipal Code for the specific approval requested by the applicant.

When acting in a quasi-judicial manner, notice and a fair hearing are required under the state and federal Constitutions, and conduct, including conflicts of interest, ex parte contacts and pre-judgment must be avoided by Mayor/Councilmembers. When the Mayor/Councilmember is acting in a quasi-judicial proceeding, the Town Councilmember, including the Mayor is acting as a judge, which means the Mayor/Councilmember is a neutral and impartial decision-maker.

Impartiality or the appearance of impartiality may be lost by a Councilmember by:

- (1) Having ex parte (outside the hearing) conversations with neighbors, applicants or the press, while the application is pending. The only exception is contact with Town staff and the Town Attorney's Office. The bright line for Town Council is no ex parte contacts after an application is filed with the Town.

(2) Having a financial interest in the application, a party or outcome of the proceedings. Conflicts of interest arising out of financial and business relationships to the subject matter of a hearing.

(3) Being related or having a personal relationship with the applicant or any of the applicant's employees, consultants, or lawyers, a material witness in a proceeding, or being known to have an interest that could be substantially affected by the outcome.

(4) Being an employee of one of the applicants.

(5) Making statements concerning the outcome or decision while the application is pending, which could be construed as prejudging the matter.

The question of whether the Mayor/Councilmember's impartiality has been compromised needs to be addressed by the Town Council in the manner provided by the Code of Ethics.

See [Colorado Constitution Article II, Section 25.](#)

See [United States Constitution Amendment XIV, Section 1.](#)

See [Chapter 2.05 of the Parker Municipal Code \(Code of Ethics\).](#)

LEGISLATIVE PROCEEDINGS

Under the Town Charter, the Town Council is the governing body vested with the power to legislate for the Town of Parker. In this regard, the Town Charter provides that the "Council shall have the power to enact and provide for the enforcement of all ordinances necessary to protect life, health, safety, welfare and property...." The Town Charter further provides that that "[a]ll legislative enactments of a permanent nature shall be by ordinance...." Ordinances that are intended to be of a permanent nature are provided in the Parker Municipal Code and cover a range of topics including Town administration, finance, business regulations, taxation, health and safety, vehicles, crimes, animals, streets/sidewalks, building/construction, parks/recreation, and land development.

The Town Charter also contains the procedure for the adoption of ordinances, which is the basis for the two-reading process that is used for the adoption of Town ordinances. The only exception to the two (2) reading process is an emergency ordinance, which under the Town Charter only requires one (1) reading. However, the term of an emergency ordinance is limited to ninety (90) days, unless ratified by an ordinance that goes through the two (2) reading process. The process for adopting amendments to the Parker Municipal Code generally begins with a request to adopt a new ordinance or amend an existing ordinance, which request may originate from several sources, including Town Council, the Town Attorney's Office, Town staff and the public. There is usually considerable staff research and Town Council discussion at the study session level before an ordinance is placed on the Town Council agenda for first reading.

The rules of conduct are significantly different for legislative acts (as compared to quasi-judicial acts). When the Town Council is involved in a legislative matter, Councilmembers may engage in unlimited ex parte contacts, subject of course to the Open Meetings Law. For example,

Councilmembers may lobby or be lobbied outside of the public meeting process to vote for or against a pending ordinance. Moreover, there is no requirement related to impartiality or prejudgment when dealing with legislative matters. Councilmembers are free to publicly state their positions on a pending ordinance. However, Councilmembers should avoid personal and financial conflicts of interest even in legislative matters.

See [Sections 3.1, 7.1, 7.4 and 7.6 of the Town of Parker Home Rule Charter](#).

See [Chapter 2.05 of the Parker Municipal Code \(Code of Ethics\)](#).

TOWN OF PARKER COUNCIL AGENDA
May 3, 2021

Notes:

Town Council meeting packets are prepared several days prior to the meeting. This information is reviewed and studied by the Councilmembers eliminating lengthy discussions to gain a basic understanding. Timely action and short discussion on agenda items does not reflect lack of thought or analysis on the part of Council.

Ordinances listed for first reading are being approved to introduce them. Public comment will be held upon second reading.

Start times for regular agenda items are tentative; some items may be held earlier than scheduled time.

1. TOWN COUNCIL MEETING SCHEDULE

- A. 5:00 P.M. – Call to Order Town Council Meeting and Roll Call**
- B. Executive Session – Immediately following Call to Order/Roll Call – (See Attached)**
- C. Reconvene Town Council Meeting at 7:00 P.M. or as soon thereafter as the regular public meeting can be conducted.**

2. SPECIAL PRESENTATIONS

- **Municipal Clerks Week - May 2-8, 2021**

3. PARKER CHAMBER OF COMMERCE UPDATES

4. DOWNTOWN BUSINESS ALLIANCE UPDATES (First Meeting of Month)

- 5. PUBLIC COMMENTS (No action will be taken on these items.)** *Public Comment is an opportunity for Town residents and other interested individuals to speak about items that are NOT on the agenda. This comment period is limited to 30 minutes total time, with each individual allowed a maximum of 3 minutes to speak. You must sign up ahead of time in order to comment, and that sign up begins 30 minutes before the start of the meeting. The Council will accommodate as many speakers as possible during this time—with preference to Town residents—but if public comment extends beyond the allotted 30 minutes, Town Council will continue the comment period at the end of the meeting, prior to adjourning for those who signed up before the meeting.*

6. REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

7. CONSENT AGENDA

Consent Agenda Items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda Items unless Council votes to remove an item for individual discussion. Ordinances on the Consent Agenda are for introduction only and will not be removed for discussion.

- A. *APPROVAL OF MINUTES - April 19, 2021***

- B. *LINCOLN PROFESSIONAL PARK - Annexation and Zoning***

Department: Community Development, Stacey Nerger
Trakit No.: ANX20-006 and Z20-017
Second Reading: May 17, 2021

1. *ORDINANCE NO. 2.276 - First Reading*
A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as Lincoln Professional Park in Douglas County
2. *ORDINANCE NO. 3.358 - First Reading*
A Bill for an Ordinance Zoning Certain Property within the Town of Parker, Colorado, Known as the Lincoln Professional Park Property to C-Commercial District, Pursuant to the Town of Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith
- C. *ORDINANCE NO 9.75.2 First Reading*
A Bill for an Ordinance to Approve the Intergovernmental Agreement Terminating the Regional Hazardous Materials Board of Arapahoe/Douglas Counties
Department: Town Attorney, Jamie Wynn
Police Department, Andy Coleman
Second Reading: May 17, 2021
- D. *Motion to Reschedule the July 6, 2021 Meeting to July 12, 2021*
Department: Town Council

8. PUBLIC HEARINGS

- A. **PARKGLENN SUBDIVISION FILING NO. 3, LOT 1, BLOCK 2 - Rezone to C-Commercial District**
Applicant: Masterworks, LLC
Location: Generally located on the west side of Parker Road south of Parkglenn Way
Department: Community Development, Krista Flynt
TRAKiT No.: Z20-020
 1. **ORDINANCE NO. 3.38.3 - Second Reading**
A Bill for an Ordinance Amending Ordinance No. 3.38 by the Deletion of Certain Property (Parkglenn Subdivision Filing No. 3, Lot 1, Block 2) from the Planned Development Zoned Area Known as Parkglenn
 2. **ORDINANCE NO. 3.357 - Second Reading**
A Bill for an Ordinance Rezoning Certain Property (Parkglenn Subdivision Filing No. 3, Lot 1, Block 2) from Parkglenn Planned Development to C-Commercial District, Pursuant to the Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith

9. **ORDINANCES**

ORDINANCE NO. 9.328 - Second Reading

A Bill for an Ordinance Approving the Intergovernmental Agreement Between the Town of Parker and the Board of County Commissioners of the County of Douglas County Concerning Lincoln Avenue (Jordan to Parker Road)

**Department: Engineering and Public Works, Bob Exstrom
 Engineering and Public Works, Tom Williams**

10. **RESOLUTIONS**

A. RESOLUTION NO. 21-022

A Resolution to Amend Resolution No. 19-023, Series of 2019, to Allow, Subject to the Satisfaction of Certain Conditions, a Partial Waiver to Defer Compliance With Certain Requirements of Sections 13.07.060 and 13.07.060 and 13.070.070 of the Parker Land Development Ordinance as Amended, Associated With the Processing of the Sketch and Preliminary Plan for Certain Segments of the Real Property Commonly Known as the Anthology North Property Until Those Segments are Ready for Development

Department: Community Development, BrieAnna Simon

11. **ADJOURNMENT**

TOWN OF PARKER COUNCIL AGENDA
May 17, 2021

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1. TOWN COUNCIL MEETING SCHEDULE

- A. 5:30 P.M. – Call to Order Town Council Meeting and Roll Call**
- B. Executive Session – Immediately following Call to Order/Roll Call – (See Attached)**
- C. Reconvene Town Council Meeting at 7:00 P.M. or as soon thereafter as the regular public meeting can be conducted.**

2. SWEARING-IN OF COUNCILMEMBERS

- 3. PUBLIC COMMENTS (No action will be taken on these items.)** *Public Comment is an opportunity for Town residents and other interested individuals to speak about items that are NOT on the agenda. This comment period is limited to 30 minutes total time, with each individual allowed a maximum of 3 minutes to speak. You must sign up ahead of time in order to comment, and that sign up begins 30 minutes before the start of the meeting. The Council will accommodate as many speakers as possible during this time—with preference to Town residents—but if public comment extends beyond the allotted 30 minutes, Town Council will continue the comment period at the end of the meeting, prior to adjourning for those who signed up before the meeting.*

4. REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

5. CONSENT AGENDA

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- A. *APPROVAL OF MINUTES - May 3, 2021***
- B. *ORDINANCE NO. First Reading***
Repealing Certain Town Emergency Orders (Needs description)
Department: Town Attorney, Kristin Hoffmann
Second Reading: June 7, 2021
- C. *ORDINANCE NO. First Reading***
Prairie Dogs (Needs description)
Department: Community Development, John Fussa

Second Reading: June 7, 2021

- D. *ORDINANCE NO. 9.330 - First Reading*
A Bill for an Ordinance to Approve the Intergovernmental Agreement By and Between the Town of Parker And The State of Colorado Acting By and Through the Colorado Department of Transportation Concerning FY 21 Parker Traffic Responsive Phase 2
Department: Engineering and Public Works, David Aden
Second Reading: June 7, 2021
- E. *ORDINANCE NO. 9.331 - First Reading*
A Bill for an Ordinance to Approve the Intergovernmental Agreement By and Between the Town of Parker And The State of Colorado Acting By and Through the Colorado Department of Transportation Concerning SH 83 (Parker Road) Traffic Signal Maintenance
Department: Engineering and Public Works, David Aden
Second Reading: June 7, 2021
- F. *ORDINANCE NO. 3.01. First Reading (Needs description)*
A Bill for an Ordinance to Amend Sections 13.01.140, _____ and _____ of the Parker Municipal Code concerning extensions of time
Department: Town Attorney, Kristin Hoffmann
Second Reading: June 7, 2021
- G. *ORDINANCE NO. 3.01. First Reading (Needs description)*
A Bill for an Ordinance to Amend Section 13.03.030 of the Parker Municipal Code concerning Planning Department Adjustments
Department: Town Attorney, Kristin Hoffmann
Second Reading: June 7, 2021
- H. *ORDINANCE NO. 3.01. First Reading (Needs description)*
A Bill for an Ordinance to Amend Section 13.09.040 of the Parker Municipal Code concerning Registration of Temporary Signs
Department: Town Attorney, Kristin Hoffmann
Second Reading: June 7, 2021
- I. *High Plains Trail Project*
Department: Parks, Recreation and Open Space
Second Reading: June 7, 2021
- I. *ORDINANCE NO. 9. First Reading*
A Bill for an Ordinance to Approve Amendment No. 2 to Deed of Conservation Easement (17 Mile House) by and between the Board of County Commissioners of the County of Arapahoe, State of Colorado and the Town of Parker

2. *ORDINANCE NO. 9. First Reading (Needs description)*
A Bill for an Ordinance to Approve (Amended Norton Conservation Easement by and between the Town of Parker and _____
3. *ORDINANCE NO. 9. First Reading*
A Bill for an Ordinance to Approve the Second Amendment to Intergovernmental Agreement Regarding the Design of Improvements to the High Plains Trail by and between the Town of Parker and the Arapahoe County Board of County Commissioners
4. *ORDINANCE NO. 9. First Reading*
A Bill for an Ordinance to Approve the Maintenance Agreement (don't know agmt title yet) by and between the Town of Parker and the Arapahoe County Board of County Commissioners

6. **PUBLIC HEARINGS**

A. **LINCOLN PROFESSIONAL PARK - Annexation and Zoning**

Applicant: Ryanne Sass, Plaza Street Partners
Location: Generally located on the southeast corner of Lincoln Avenue and Dransfeldt Road
Department: Community Development, Stacey Nerger
TRAKiT No.: ANX20-006 and Z20-017

1. **ORDINANCE NO. 2.276 - Second Reading**
A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as Lincoln Professional Park in Douglas County
2. **ORDINANCE NO. 3.358 - Second Reading**
A Bill for an Ordinance Zoning Certain Property within the Town of Parker, Colorado, Known as the Lincoln Professional Park Property to C-Commercial District, Pursuant to the Town of Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith
3. **ANNEXATION AGREEMENT**
4. **USE BY SPECIAL REVIEW**

7. **ORDINANCES**

A. **TERMINATION OF HAZARDOUS MATERIALS BOARD AND AMENDMENT TO EMERGENCY OPERATIONS PLAN**

Department: Town Attorney, Jamie Wynn
Polic Department, Andy Coleman

1. **ORDINANCE NO 9.75.2 Second Reading**
A Bill for an Ordinance to Approve the Intergovernmental Agreement Terminating the Regional Hazardous Materials Board of Arapahoe/Douglas Counties
2. **RESOLUTION NO. 21-024**
A Resolution to Amend Resolution No. 19-051, Series of 2019, and to Adopt the Amended Town of Parker Emergency Operations Plan

8. **RESOLUTIONS**

- A. **RESOLUTION NO. 21-021 (Tentative)**
Kiosk Resolution
Department: Community Development, John Fussa
Finance, Traci Gorman
- B. **RESOLUTION NO. 21-023**
A Resolution Accepting the Conveyance of Real Property From the Diocese of Colorado Springs for Right-of-Way Parcel Rw-1 of Lot 1, Block 2, Horseshoe Ridge Subdivision, 1st Amendment
Department: Engineering and Public Works, Tom Gill
- C. **RESOLUTION NO. 21-025 (Title to be sent from Legal)**
Department: Engineering and Public Works, Tom Gill
- D. **RESOLUTION NO. 21-026**
A Resolution Accepting the Conveyance of Real Property From North Parker Investments, LLC, for Motsenbocker Road Right-of-Way
Department: Engineering and Public Works, Alex Mestdagh

9. **ADJOURNMENT**