TOWN OF PARKER COUNCIL
MINUTES
OCTOBER 4, 2021

Mayor Jeff Toborg called the meeting to order at 5:04 p.m. All Councilmembers were present except Cheryl Poage. Laura Hefta arrived at 5:15 p.m.

Town Attorney Jim Maloney announced the topics for discussion in Executive Session were seven (7) items. Under C.R.S. § 24-6-402(4)(b) there were two (2) items. The first item was to hold a conference with the Town's attorney to receive legal advice on specific legal questions concerning 42 U.S.C. § 2000 (Religious Land Use and Institutional Persons Act – locating a church in a commercial area); and the second item was to hold a conference with the Town's attorney to receive legal advice on specific legal questions concerning HB21-1027 (take out/delivery and communal dining) and SB21-082 (festivals). Under C.R.S. § 24-6-402(4)(e) there were five (5) items; the first item was concerning the proposed amendment to the Anthology North Annexation Agreement to address the timing for the construction of Chambers Road; the second item was concerning Douglas County School District MS4 intergovernmental agreement; the third item was concerning the proposed subdivision agreement for the Chambers Highpoint project and the proposed amendment to the subdivision agreement for the Compark Village South project; the fourth item was concerning the proposed acquisition of Tract Q located east of Chambers Road and south of Mainstreet; and the fifth item was concerning the proposed Mainstreet sidewalk easement from Town & Country Village Townhomes.

EXECUTIVE SESSION

Joshua Rivero moved and Todd Hendreks seconded to go into Executive Session at 5:06 p.m., 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.

Todd Hendreks moved and Joshua Rivero seconded to come out of Executive Session at 6:59 p.m.

The motion was approved unanimously.

Todd Hendreks moved and Joshua Rivero seconded to recess the regular Town Council meeting until 7 p.m.

The motion was approved unanimously.

REGULAR MEETING

Mayor Toborg reconvened the Town Council meeting at 7:07 p.m. All Councilmembers were present except Cheryl Poage.

The Mayor led the Pledge of Allegiance.

SPECIAL PRESENTATIONS

Mayor Toborg recognized Shaun Gann, Julie Barrus and the Parks, Recreation and Open Space staff for their participation and organization of the Mayor's Day of Service event on October 2, 2021. Five truckloads of trash were collected during the event.

PARKER CHAMBER OF COMMERCE UPDATES

TJ Sullivan provided an update for the month of September. TJ introduced Dr. Lauren Vautier of the Onward Denver Physical Therapy Clinic, who spoke about her business here in Parker.

DOWNTOWN BUSINESS ALLIANCE UPDATES

Omar Castillo provided an update for September and upcoming events happening in October.

PUBLIC COMMENTS

None.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

Each Councilmember reported on meetings they attended since the last Town Council meeting.

CONSENT AGENDA

A. APPROVAL OF MINUTES - September 20, 2021

B. AMENDED AND RESTATED SUBDIVISION AGREEMENT Stroh Ranch Filing No. 16 (Hunter's Chase)
Department: Community Development, Bryce Matthews

C. RESOLUTION NO. 21-040
A Resolution to Approve the First Amendment to Amended and Restated Employment Agreement for the Town Administrator
Department: Town Council

D. RESOLUTION NO. 21-041
A Resolution to Approve the Fifteenth Amendment to Town Attorney Employment Agreement
Department: Town Council

E. RESOLUTION NO. 21-042
A Resolution Finding Substantial Compliance of the Pine Drive Property's Annexation Petition with C.R.S. § 31-12-107 and Setting a Public Hearing on November 15, 2021, for the Purpose of Considering Said Annexation
Department: Community Development, Stacey Nerger

F. CONTRACTS OVER $100,000

1. *Final Design Contract for Mainstreet North Sidewalk (Victorian Drive to the Eastern Boundary of Town & Country Village Townhomes)*
   Amount: $172,218
   Contractor: Stanley Consultants, Inc.
   Department: Engineering and Public Works, Bob Exstrom

2. *Conceptual/Preliminary Design Contract for Dransfeldt Widening (Mainstreet to Pony Express)*
   Amount: $130,544
   Contractor: Felsburg Holt & Ullevig
   Department: Engineering and Public Works, Bob Exstrom

3. *2021 Townwide Slurry/Chip Seal Program Contract (CIP21-005) Contract Modification*
   Amount: $1,824,610.34
   Contractor: Vance Brothers, Inc
   Department: Engineering and Public Works, Danny Smith

4. *Downtown Circulation Improvements (CIP21-018) Professional Services Agreement*
   Amount: $137,370
   Contractor: Stanley Consulting, Inc.
   Department: Engineering and Public Works, Tom Gill

G. PROCLAMATION - Community Planning Month - October 2021

Joshua Rivero moved to approve Consent Agenda items 7A through 7G.

Todd Hendreks seconded the motion.

The motion passed 4 to 1. (Diak voted no.)

RESOLUTIONS

A. RESOLUTION NO. 21-021
A Resolution to Establish the Process for Administering the Kiosk Program as Outlined in Section 10.13.080 of the Town of Parker Municipal Code
Department: Community Development, John Fussa

The Town Council provided staff with direction to proceed with the planned Residential Sign Kiosk Program at the September 13, 2021 Study Session. Parker Municipal Code, Section 10.13.080 - Kiosk Program, requires the Town to develop the process for administering the Kiosk Program by a resolution approved by Town Council. Resolution No. 21-021 is proposed to address this requirement.

Earlier this year, the Community Development and Finance Departments discussed the planned Residential Sign Kiosk Program (the Program) with the Town Council at the March 8, 2021 Study Session. The Council agreed with the staff recommendation to proceed with the Kiosk Program to create a comprehensive system of way-finding signs for residential homebuilders that is intended to provide the public with directional information to the many residential developments that are currently under construction and/or marketing recently built homes in the Town. The Town Council also agreed with the staff recommendation to procure a private sector partner with expertise in creating this type of sign system. The Town entered into an agreement with local firm National Sign Plazas as our private sector partner to operate the Kiosk Program. They are responsible for the operation of the Kiosk Program subject to Town review and approval, including all sign design, fabrication, installation and maintenance. Staff will provide updates on the final design of the signs to Council at a Study Session.

Public Comment: None.

John Diak moved to approve Resolution No. 21-021, subject to the following condition: Section 3 of Exhibit A shall be revised by the addition of the following language: "The illustrations on Exhibit A-1 are preliminary and shall be revised and approved in final form by the Community Development Director prior to placement."

Todd Hendreks seconded the motion.

The motion was approved unanimously.

B. RESOLUTION NO. 21-033
A Resolution to Consent to the Assignment and Assumption Agreement (Looking Glass) By and Between JEN Colorado 18, LLC, and LB Parker Owner LLC
Department: Town Attorney, Jim Maloney

On February 20, 2018, SRD sold the Hess Ranch property (1,135.11 acres) (the "Land") to JEN. On August 10, 2021, JEN sold the Land to LB Parker, which is a single-purpose company that was formed to hold the Land. LB Parker was formed by the Rockpoint Group, which is a global real estate management firm, with headquarters in Boston and with additional primary offices in San Francisco and Dallas. LB Parker entered into a separate agreement with Dream Finders Homes, LLC ("DFH"), which is a publicly held company incorporated in Florida. The reason that DFH did not purchase the Land, is because DFH is in the business of buying platted lots and building homes. There is an agreement between LB Parker and DFH, which obligates DFH to purchase lots from LB Parker as the Land is subdivided. There is a second agreement between LB Parker and Stelvio Management, LLC ("Stelvio"), which obligates Stelvio to represent LB Parker and to manage the process of platting the Land to generate platted lots to sell to DFH.

The Annexation Agreement provides the process for JEN to assign its interest in the Annexation Agreement. As provided by the Annexation Agreement, JEN provided the Town with at least fourteen (14) days' advance notice of the proposed transfer or assignment of all of the rights and obligations of JEN under the Annexation Agreement. Under the Annexation Agreement, the Town Council's approval of the proposed transfer or assignment of the Annexation Agreement "will not be unreasonably withheld, delayed or conditioned." If the Town Council consents to the Assignment and Assumption Agreement, JEN will be relieved of any future obligation under the Annexation Agreement and LB Parker will assume all of the obligations under the Annexation Agreement.

Matt Osborn, Stelvio Management LLC, 4100 East Mississippi Ave. #500, Denver, 80246, was present and explained the ownership structure and the vision for the area and community.

Public Comment: None.

Joshua Rivero moved to approve Resolution No. 21-033.

Anne Barrington seconded the motion.

The motion was approved unanimously.

ADJOURNMENT

Joshua Rivero moved to adjourn the meeting at 8:05 p.m.

John Diak seconded the motion.

The motion was approved unanimously.

Chris Vanderpool

Chris Vanderpool, Town Clerk

Jeff Toborg, Mayor