

**TOWN OF PARKER COUNCIL
MINUTES
FEBRUARY 22, 2022**

Mayor Jeff Toborg called the Town Council meeting to order at 5:02 p.m. All Councilmembers were present.

Town Attorney Jim Maloney announced the topics for discussion in Executive Session were four (4) items under C.R.S. § 24-6-402(4)(b). The first item was regarding C.R.S. § 8-13.3-501, *et seq.*, concerning the Paid Family Medical Leave Insurance Act; the second item was concerning Article 3 – Compensation – of the Town of Parker Personnel Manual; the third item was concerning Section 11.02.050 (8) and (10) of the Parker Municipal Code concerning Secondary Family Space; and the fourth item was concerning the Final Rule – Coronavirus State and Local Fiscal Recovery Funds .

EXECUTIVE SESSION

Joshua Rivero moved and Todd Hendreks seconded to go into Executive Session at 5:08 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).

The motion was approved unanimously.

Todd Hendreks moved and Cheryl Poage seconded to come out of Executive Session at 6:54 p.m.

The motion was approved unanimously.

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

The motion was approved unanimously,

REGULAR MEETING

Mayor Toborg reconvened the regular Town Council meeting at 7:02 p.m.

The Mayor led the Pledge of Allegiance.

SPECIAL PRESENTATIONS

The Mayor recognized Rabbi Avaham Mintz from the Chabad Jewish Center of South Metro Denver for his outstanding contributions to the residents of Parker and the surrounding community members.

The Mayor recognized Steve Budnack and the Parker Task Force for the outstanding contributions to the residents of Parker and the surrounding communities.

Senator Smallwood was also present and provided an update on 2022 legislative matters.

PUBLIC COMMENTS – There were none.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

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

CONSENT AGENDA

A. *APPROVAL OF MINUTES - February 7, 2022*

B. *CONTRACTS OVER \$100,000*

1. *2022 Townwide Resurfacing Program (CIP22-007)*

Amount: \$1,916,592.94

Contractor: Martin Marietta Materials, Inc

Department: Engineering and Public Works, Danny Smith

2. *2022 Motsenbocker Grind, Saw and Seal Project (CIP22-008)*

Amount: \$1,945,041.62

Contractor: Penhall Company

Department: Engineering and Public Works, Danny Smith

John Diak left the meeting at 7:25 p.m.

Joshua Rivero moved to approve Consent Agenda items 5A through 5B.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Todd Hendreks - yes

Anne Barrington - yes

Laura Hefts – yes

PUBLIC HEARINGS**CHAMBERS HIGHPOINT AND COMPARK**

Applicant: Jeff Robinson, Compark 190, LLC

Location: Southwest corner of Chambers Road and E-470

Department: Community Development, Stacey Nerger

TRAKiT No.: SUB19-048

1. Chambers Highpoint

a. Minor Development Plat

b. Subdivision Agreement

2. Compark

Amendment to Compark Subdivision Agreement

7:40 p.m.

Joshua Rivero moved to continue the Public Hearing for Chambers High Point Filing No. 1 Minor Development Plat to March 7, 2022.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Todd Hendreks - yes

Anne Barrington - yes

Laura Hefts - yes

The motion was approved unanimously.

Joshua Rivero moved to continue the Public Hearing for Chambers High Point Filing No. 1 Subdivision Improvement Agreement to March 7, 2022.

Cheryl Poage seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Todd Hendreks - yes

Anne Barrington - yes

Laura Hefts - yes

The motion was approved unanimously.

Joshua Rivero moved to continue the Public Hearing for the First Amendment to the Compark Village South Filing No. 1 Subdivision Improvement Agreement to March 7, 2022.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Todd Hendreks - yes

Anne Barrington - yes

Laura Hefts - yes

The motion was approved unanimously.

ORDINANCES

A. ORDINANCE NO. 4.86.1 – Second Reading

A Bill for an Ordinance to Amend Sections 11.13.020 and 11.13.030 of the Parker Municipal Code Concerning Contracting Procedures for Public Works Projects

Department: Engineering and Public Works, Chris Hudson

Updates to Chapter 11.13 of the Parker Municipal Code (the "Code") titled "Contracting Procedures for Capital Improvements Project(s)" need to be made to reflect current conditions.

Section 11.13.020 is titled "General requirements." The proposed change to section 11.13.020(e) is the addition of the phrase "or designee" after Public Works Director, so it would read as follows: "A contract for a capital improvements project(s) shall be submitted to the Town Attorney and approved as to legal form and the Public Works Director or designee as to content before it is executed." Today, additional staff exists in the Engineering/Public Works Department to review the content of contracts versus when this section of the code was first approved in 2005. This proposed revision improves the contract content review timeline as it would allow the Public Works Director to designate an alternate person in the case that the Public Works Director is unavailable to review in a timely manner.

Section 11.13.030 is titled "Bidding required." The proposed change to section 11.13.030(d) is the change of "less" to "more" in the first sentence so that it reads: "In case of emergency affecting the public peace, health or safety, the Town Council may waive all requirements for bidding or competitive proposals for an expenditure of ~~less~~more than one hundred thousand dollars (\$100,000.00). In such cases, the Town Administrator may direct the appropriate department head to procure emergency needs by informal, open-market procedures, at no more than commercial prices, as expeditiously as possible. The Town Administrator shall present a full report of the circumstances necessitating the emergency action at the next Town Council meeting." As currently written in this chapter of the Code, Town Council is not involved in contracts of less than \$100,000. This proposed change would reflect situations where the dollar amount of the contract would require Town Council review, and in some cases, allow for Town Council to waive the requirements.

Public Comment: None.

Cheryl Poage moved to approve Ordinance No. 4.86.1 on second reading.

Laura Hefta seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Todd Hendreks - yes

Anne Barrington - yes

Laura Hefts - yes

The motion was approved unanimously.

B. ORDINANCE NO. 3.01.90.1 - Second Reading

A Bill for an Ordinance to Amend Title 13 of the Parker Municipal Code Relating to Family Child-Care Homes

Department: Community Development, Bryce Matthews

In 2021, the Colorado State Legislature approved a bill that *family child care homes* are to be classified as residences for purposes of licensure and local regulations including zoning and land use development. This proposed ordinance defines *family child care homes*, amends the Municipal Code to allow *family child care homes* in all zone districts and requires a conditional use approval for a *large family child care home* proposing to locate adjacent to an existing *large family child care home*. The proposed changes comply with the new state law.

Public Comment: None.

Laura Hefta moved to approve Ordinance No. 3.01.90.1 on second reading.

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Todd Hendreks - yes

Anne Barrington - yes

Laura Hefts - yes

The motion was approved unanimously.

C. ORDINANCE NO. 9.344 - Second Reading**A Bill for an Ordinance to Approve the Grant Agreement for Therapeutic Recreation Scholarships By and Between the Town of Parker and the Board of County Commissioners of the County of Douglas****Department: Parks, Recreation and Open Space, Mary Colton**

In 2021, the Parks and Recreation Department submitted a grant application to the Board of County Commissioners of Douglas County for the Developmental Disabilities Mill Levy (DDML) Grant Program to help fund programs and services for individuals with intellectual and developmental disabilities. The DDML Advisory Council members review the grant applications and make funding recommendations to the County Commissioners.

In December 2021, the Town of Parker received two separate awards: one for Adaptive Water Safety/Swim scholarships in the amount of \$11,200 to enhance personal life-saving water skills and the other for Therapeutic Recreation scholarships to families, individuals and groups with developmental disabilities to participate in recreation activities in the amount of \$14,400 for a total \$25,600 in grant assistance. These funds will be utilized in 2022.

Cheryl Poage disclosed that her daughter is on the Board of Developmental Pathways. No conflict of interest was found to exist by Town Council.

Public Comment: None.

Todd Hendreks moved to approve Ordinance No. 9.344 on second reading.

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Todd Hendreks - yes

Anne Barrington - yes

Laura Hefts - yes

The motion was approved unanimously.

D. ORDINANCE NO. 9.345 - Second Reading**A Bill for an Ordinance to Approve the Grant Agreement for Adaptive Water Safety/Swimming Scholarships By and Between the Town of Parker and the Board of County Commissioners of the County of Douglas****Department: Parks, Recreation and Open Space, Mary Colton**

In 2021, the Parks and Recreation Department submitted a grant application to the Board of County Commissioners of Douglas County for the Developmental Disabilities Mill Levy (DDML) Grant Program to help fund programs and services for individuals with intellectual and

developmental disabilities. The DDML Advisory Council members review the grant applications and make funding recommendations to the County Commissioners.

In December 2021, the Town of Parker received two separate awards: one for Adaptive Water Safety/Swim scholarships in the amount of \$11,200 to enhance personal life-saving water skills and the other for recreation scholarships to families, individuals and groups with developmental disabilities in the amount of \$14,400 for a total of \$25,600 in grant assistance. These funds will be utilized in 2022.

Public Comment: None.

Todd Hendreks moved to approve Ordinance No. 9.345 on second reading.

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Todd Hendreks - yes

Anne Barrington - yes

Laura Hefts - yes

The motion was approved unanimously.

E. ORDINANCE NO. 9.343 - Second Reading

A Bill for an Ordinance to Approve the Intergovernmental Agreement Between Douglas County School District RE-1 and the Town of Parker Regarding the Sharing of Costs for Providing Police Officers to Act as School Resource Officers

Department: Police, Jim Tsurapas

Town Attorney, Jamie Wynn

The Town of Parker has been providing the Douglas County School District (the "District") with both School Resource Officers (SROs) and School Marshal Officers (SMOs) for the high school, middle school, and elementary schools. The Town and the District previously entered into two separate intergovernmental agreements (IGA). An IGA was entered into for the SROs assigned to the high school and middle schools, with a separate IGA for the SMOs assigned to the various elementary schools and certain covered charter schools.

The most recent contract for the SROs was set to have certain terms extended and amended for the 2021-2022 school year. Based on the updates, the District and Town entered into discussions about merging both IGAs into one agreement as well as updating that agreement to be more consistent with the agreements between the District and other law enforcement agencies within the District. Due to those conversations, the Town has been working with the District to draft this updated IGA, which encompasses both the SROs for the high school and middle schools as well as incorporating the prior IGA for the SMOs to move forward as SROs

assigned to the elementary schools and certain covered charter schools. Staff recommended that Town Council approve this IGA for the 2021-2022 school year and the upcoming 2022-2023 school year.

Public Comment: None.

Joshua Rivero moved to approve Ordinance No. 9.343 on second reading.

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Todd Hendreks - yes

Anne Barrington - yes

Laura Hefts - yes

The motion was approved unanimously.

AGREEMENTS

A. Land Dedication Agreement with Shea Homes for the Tract Q Open Space (Southeast Corner of Mainstreet and Chambers)

Department: Parks, Recreation and Open Space, Brett Collins

Shea Homes owns 20.25 acres of land located in Douglas County on the southeast corner of Mainstreet and South Chambers Road. Shea Homes has indicated they would deed the 20.25 acre parcel to the Town for open space and trail purposes. In addition to the land dedication, Shea would also reimburse the Town for constructing the existing sidewalk on the east side of South Chambers Road that runs the length of the property. These funds will be used to build a trail on the property.

Staff recommended accepting the 20.25 acre open space land dedication by Special Warranty Deed and the transfer of the reimbursement funds for the sidewalk on the east side of South Chambers Road by a Dedication Agreement.

Public Comment: None.

Cheryl Poage moved to approve the Land Dedication Agreement with Shea Homes for the Tract Q Property.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Todd Hendreks - yes
Anne Barrington - yes
Laura Hefts - yes

The motion was approved unanimously.

B. O'Brien Park Playground Equipment

Amount: \$338,900.97
Contractor: Landscape Structures, Inc.
Department: Parks, Recreation and Open Space

Improvements to the O'Brien Park Playground were originally budgeted in 2019. A community input process was completed and a preferred concept for the reimagined playground was selected. The project was put on hold due to the COVID-19 pandemic. Funds for the project have been included in the 2022 budget, and staff will be moving the project forward to construction. Due to potential supply chain issues and shipping times, staff recommended purchasing the playground equipment in advance of the construction contract award utilizing a cooperative purchasing alliance to make sure the playground equipment is available when needed for installation.

Public Comment: None.

Joshua Rivero moved to approve the staff recommendation, as a part of the regular agenda.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes
Cheryl Poage - yes
Todd Hendreks - yes
Anne Barrington - yes
Laura Hefts - yes

The motion was approved unanimously.

C. First Amendment to the Cottonwood Highlands Filing No. 7 Subdivision Improvement Agreement

Department: Engineering and Public Works, Alex Mestdagh

Cottonwood Highlands Filing No. 7 is located generally at the southwest corner of Jordan Road and Cottonwood Drive. This subdivision was approved by Town Council in November of 2020, and created 104 duplex units. The subdivision was obligated to construct several key public improvements to support the development of the completion of the south half of Cottonwood Drive between Lanceleaf Drive and Jordan Road including the ultimate traffic signal at the

intersection of Jordan Road and Cottonwood Drive. When combined with the Town Capital Improvement Project that widened Cottonwood Drive to the east of Jordan Road, these improvements resulted in a continuous five-lane roadway section for Cottonwood Drive between Chambers Road and Parker Road.

The developer of Cottonwood Highlands Filing No. 7, Lennar Colorado, has completed all public improvements required by the Subdivision Improvement Agreement with the exception of the last traffic signal at the intersection of Jordan Road and Cottonwood Drive. Due to supply chain issues that have been exacerbated over the past few years, the delivery of these traffic signal poles has been further delayed into the spring. In order to open the widened roadway section, Lennar has incurred the cost to install a full temporary traffic signal at the intersection. This temporary signal has allowed for the full intersection to be opened and for traffic to utilize the new roadway lanes. With all other improvements being completed aside from the ultimate signal poles that have been delayed, Lennar has requested an amendment to the Subdivision Improvement Agreement to allow them to obtain probationary acceptance and obtain building permits while the poles are delivered. Staff is supportive of this amendment, with the conditions set forth below and in the amended agreement:

- The ultimate traffic signal shall be installed no later than April 15, 2022.
- The Town shall not reduce the financial security for all public improvements until this work is complete.

The proposed amendment also covers two other items. Lennar has agreed to perform further repairs to areas of the new asphalt paving, but these are more appropriately performed during warmer temperatures. The amendment obligates these repairs along with median hardscape improvements to be completed by June 30, 2022. There was also one street within the development whose new asphalt did not meet testing requirements. This amended agreement obligates Lennar to replace the surface asphalt on this roadway prior to the end of the warranty period of the public improvements.

Public Comment: None.

Cheryl Poage moved to approve the First Amendment to the Cottonwood Highlands Filing No. 7 Subdivision Improvement Agreement.

Laura Hefts seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Todd Hendreks - yes

Anne Barrington - yes

Laura Hefts - yes

The motion was approved unanimously.

ADJOURNMENT

Joshua Rivero moved to adjourn the meeting at 9:00 p.m.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

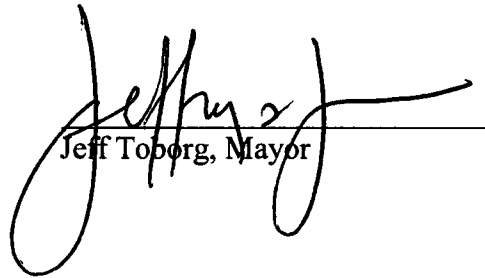
Todd Hendreks - yes

Anne Barrington - yes

Laura Hefts - yes

The motion was approved unanimously.


Chris Vanderpool, Town Clerk


Jeff Toborg, Mayor