

**TOWN OF PARKER COUNCIL
MINUTES
MAY 2, 2022**

Mayor Jeff Toborg called the meeting to order 5:01 p.m. All Councilmembers were present except Todd Hendreks.

Town Attorney Kristen Hoffmann announced the topics for discussion in the Executive Session were five (5) items. Under C.R.S. § 24-6-402(4)(b) there were three (3) items; the first item was concerning C.R.S. Section 31-12-108 related to the annexation of Chambers Road right-of-way; the second item was concerning Section 15.10 of the Parker Home Rule Charter (potential Charter amendments); and the third item was regarding Section 8.07.070 of the Parker Municipal Code, *People v. Moreno*, 506 P.3d 849 (Colo. 2022). Under C.R.S. § 24-6-402(4)(e) there were two (2) items; the first was concerning the My Mainstreet Plan and Downtown Development; and the second item was concerning the proposed amendment to Intergovernmental Agreement with Cottonwood Highlands Metropolitan District Nos. 1 and 2.

EXECUTIVE SESSION

Mayor Toborg announced that there was one item on the Executive Session agenda related to the Cottonwood Highlands Metropolitan District, which involves a residential metropolitan district. On June 15, 2020, the Town Council found that a conflict of interest existed for Councilmember Poage that precludes her from participating in any executive session that involves matters related to a residential metropolitan district service plan. Councilmember Poage will leave the Pikes Peak Conference Room before item five on the Executive Session agenda is opened for discussion by Town Council.

Joshua Rivero moved and Anne Barrington seconded to go into Executive Session at 5:04 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.

Cheryl Poage left the meeting at 6:25 p.m. due to a conflict of interest regarding the Cottonwood Highlands Metropolitan District.

John Diak moved and Anne Barrington seconded to come out of the Executive Session at 6:42 p.m.

The motion was approved unanimously.

John Diak moved and Anne Barrington seconded to recess the regular Town Council meeting until 7 p.m.

The motion was approved unanimously.

REGULAR MEETING

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

The Mayor led the Pledge of Allegiance.

SPECIAL PRESENTATIONS

Mayor Toborg recognized several employees from the Tailgate Tavern for a life-saving measure. Chief Tsurapas handed out challenge coins to each of the employees who helped with this life-saving measure.

PUBLIC COMMENTS

Kory Nelson, 21398 E. Wanderlust Place, stated he is running for County Clerk and Recorder, supports the Police Department drone program and offered a helicopter for Parker Days. Kory also commented on the fence along Parker Road.

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 - April 18, 2022*

- B. *ORDINANCE NO. 1.558 - First Reading*
A Bill for an Ordinance Vacating a Portion of Right-of-Way Adjacent to Jordan Road Between Mainstreet and East Auburn Hills Place
Department: Engineering and Public Works, Alex Mestdagh
Second May 16, 2022
Reading:

- C. *ORDINANCE NO. 1.560 - First Reading*
A Bill for an Ordinance to Amend Title 2 of the Parker Municipal Code by the Addition Thereto of a New Chapter 2.07 Concerning the Creation of the Parker Youth Commission
Department: Town Administrator, Michelle Kivela
Second May 16, 2022
Reading:

- D. *RESOLUTION NO. 22-026*
A Resolution to Allow a Partial Waiver of Sections 13.09.040(b)(1), 13.09.070(1), 13.09.080(d) and Schedule 13.09.080B of the Parker Municipal Code for Certain Businesses for Parker Days
Department: Community Development, Bryce Matthews

E. *RESOLUTION NO. 22-027*

A Resolution Accepting the Conveyance of a Drainage Easement from RM GVA Douglas County CO LLC, for a Portion of Lot 1B, Block 3, Parker Auto Plaza 2, 4th Amendment

Department: Engineering and Public Works, Alex Mestdagh

F. *RESOLUTION NO. 22-028*

A Resolution Accepting the Conveyance of a Drainage Easement from Stanley Real Estate Parker, LLC for a Portion of Lot 1A, Block 3, Parker Auto Plaza 2, 4th Amendment

Department: Engineering and Public Works, Alex Mestdagh

G. *PROCLAMATION - Professional Municipal Clerks Week - May 1-7, 2022*

H. *CONTRACTS OVER \$100,000*

1. *Final Design Services for the Newlin Gulch Regional Trail Through the Property Known as Tract Q*

Amount: \$107,412.00

Contractor: Stanley Consultants, Inc.

Department: Parks, Recreation and Open Space, Brett Collins

2. *2022 Townwide Pavement Markings - Long Line Project (CIP22-034)*

Amount: \$177,660

Contractor: RoadSafe Traffic Systems, Inc.

Department: Engineering and Public Works, Spencer Raish

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

Laura Hefta seconded the motion.

A roll call vote was taken:

Joshua Rivero – yes

Cheryl Poage – yes

John Diak – yes

Anne Barrington – yes

Laura Hefta – yes

The motion was approved unanimously.

PUBLIC HEARINGS**ORDINANCE NO. 3.213.7 - Second Reading****A Bill for an Ordinance to Amend the Cottonwood Highlands Development Plan and Guide, and the Zoning Ordinance and Map to Conform Therewith****Department: Community Development, Stacey Nerger**

The Public Hearing was opened at 7:24 p.m.

The applicant, Parkerhouse Road, L.L.C., submitted an application to amend the Cottonwood Highlands PD that would rezone a portion of Planning Area East to permit assembly uses, including churches, on a portion of the site. The applicant proposes to rezone approximately 14.5 acres located at the southeast corner of the intersection of Jordan Road and Parkerhouse Road from Highway Commercial, creating two (2) new Planning Areas. The first Planning Area will consist of approximately 9.1 acres (62.7% of the property) and will be named Retail to permit appropriate commercial uses including retail, services and restaurants. The second Planning Area will consist of approximately 5.4 acres (37.3% of the property) and will be named Assembly to permit assembly uses, including but not limited to churches.

The proposed amendment to the Cottonwood Highlands PD is consistent with the Parker 2035 Master Plan recommendations for the E-470 Mixed-Use Character Area. This includes the recommendation that "Land uses appropriate within this Character Area include a variety of higher intensity uses including multifamily, senior housing, assisted-living facilities, office, retail and restaurants (Parker 2035 Master Plan p. 6.6)." In addition, the proposed PD amendment will improve the zoning by tailoring the types of permitted commercial uses to focus on those that are compatible with the surrounding area while meeting the retail and service needs of local residents.

The proposed amendment to the Cottonwood Highlands PD also addresses and is consistent with the Town's approval criteria for rezoning applications contained in the Land Development Ordinance.

The Planning Commission heard this application at its meeting on April 14, 2022, and voted unanimously to recommend that Town Council approve this item.

Applicant:

Brett Harrington, Real Estate Development for Life Church, 4600 E 2nd Street, Edmond, Oklahoma, described the vision for this development. There will be retail and dining opportunities as well as a place to attend church. Regarding any traffic issues, the Life Church is willing to work with the neighbors during the review process. Brett noted that they have begun the prairie dog relocation process on the site.

Public Comment:

Anna Lefferty, 9047 Apache Plume Drive, Parker, is concerned about the volume of people coming to the area and safety issues such as speeding in the area.

Kenneth Ramsey, 3862 Elm Avenue, Parker, was not in favor of the project due to the impact on the wildlife.

The Public Hearing was closed at 7:44 p.m.

John Diak moved to approve Ordinance No. 3.213.7 on second reading.

Cheryl Poage seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

John Diak - yes

Anne Barrington - yes

Laura Hefta - yes

The motion was approved unanimously.

ORDINANCES

A. ORDINANCE NO. 9.328.1 - Second Reading

A Bill for an Ordinance to Approve the First Amendment to the Intergovernmental Agreement By and Between the Town of Parker and the Board of County Commissioners of the County of Douglas Regarding Cost Sharing for the Lincoln Avenue (Jordan to Parker Road) Project

Department: Engineering and Public Works, Bob Exstrom

Ordinance No. 9.328.1 approves the First Amendment to the Intergovernmental Agreement (IGA) with Douglas County for the advancement of the proposed Lincoln Avenue widening project design effort. This IGA amendment is needed to formalize negotiations and jointly fund the continuing design effort.

Public Comment: None.

Laura Hefta moved to approve Ordinance No. 9.328.1 on second reading.

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

John Diak - yes

Anne Barrington - yes

Laura Hefta - yes

The motion was approved unanimously.

B. ORDINANCE NO. 9.334.1 - Second Reading (*continue to a date certain of August 1, 2022*)

A Bill for an Ordinance Approving the First Amendment to Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Cherry Creek at Dransfeldt Road (Agreement No. 21-05.04A Project No. 108515) by and between Urban Drainage and Flood Control District d/b/a Mile High Flood District, the Town of Parker, and Cherry Creek Basin Water Quality Authority

Department: Engineering and Public Works, Michael Grabczyk

Joshua Rivero moved to continue Ordinance No. 9.334.1 to a date certain of August 1, 2022.

Cheryl Poage seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

John Diak - yes

Anne Barrington - yes

Laura Hefta - yes

The motion was approved unanimously.

RESOLUTIONS

RESOLUTION NO. 22-018

A Resolution to Determine, Upon Recommendation of the Town Administrator, that the Public Interest Will Be Served By Competitive Proposal Concerning the Town Hall Expansion Project

Department: Engineering and Public Works, Bob Exstrom

In accordance with the Parker Municipal Code Chapter 11.13, the Engineering/Public Works Department is required to obtain approval from the Town Council to utilize alternative contracting methods. Due to the size and complexity of the Town Hall expansion project, Engineering/Public Works recommends utilizing alternative contracting methods.

On April 5, 2005, the voters of the Town approved an amendment to Section 15.8 of the Parker Home Rule Charter. This amendment allows the Town Council to award contracts for the construction of public works projects in the manner established by ordinance.

On April 18, 2005, the Town Council approved an ordinance that resulted in a change to Section 11.13.030(a) of the Parker Municipal Code as follows: “(a) Every contract for a public works project in an amount that exceeds (\$100,000.00) shall be by bid, unless the Town Council determines, upon recommendation of the Town Administrator, that the public interest will be best served by competitive proposal or by negotiating a contract with a single contractor.”

It is the staff's belief that the public interest will be best served by using the Competitive

Proposal, Construction Manager/General Contractor (CM/GC) and Cost-Plus-Fee up to a Guaranteed Maximum Price (GMP) methods for the Town Hall expansion project. The combination of these three methods will increase the quality of design and construction while optimizing and economizing the budget providing an opportunity to share in any cost savings at the project's completion. Staff successfully utilized these three methods on the Fieldhouse, Police Station, PACE Center, PWOC, the expansion of the Recreation Center and Discovery Park projects.

Public Comment: None.

Joshua Rivero moved to approve Resolution No. 22-018 on the regular agenda.

John Dial seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

John Diak - yes

Anne Barrington - yes

Laura Hefta - yes

The motion was approved unanimously.

CONTRACTS OVER \$500,000

Dransfeldt Road Extension (CIP23-001) - Final Design

Amount: \$941,013

Contractor: RS&H

Department: Engineering and Public Works, Chris Hudson

The Town has been contemplating the extension of Dransfeldt Road south of Twenty Mile Road, over Cherry Creek, connecting to Motsenbocker Road for over two (2) decades. This proposed roadway is an important component to the Parker area's long-term roadway transportation plan. Due to a portion of the proposed roadway extension being located in unincorporated Douglas County, the project is being coordinated with Douglas County. This coordination resulted in a design cost sharing intergovernmental agreement (IGA) that was executed in 2019. The IGA initiated a competitive design consultant selection process that involved both Town and Douglas County staff, that resulted with RS&H being selected as the most qualified consultant for the project. This selection resulted in the execution of a conceptual design contract that was approved by the Town Council on April 20, 2020, and a separate contract for preliminary design that was approved by the Town Council on January 19, 2021. Those previous design contracts resulted in finalizing the preliminary design earlier this year and allowed for the submittal of the Conditional Letter of Map Revision (CLOMR) to the Federal Emergency Management Agency (FEMA) required due to impacts to the Cherry Creek floodplain that will be caused by the proposed project. The final design effort should be undertaken to allow for construction to potentially commence in 2023 (subject to 2023 funding).

The final design phase for this project includes advancing the design of the roadway, bridge, drainage design, utility coordination, landowner coordination, erosion control and phasing. The total for this preliminary work is estimated at \$941,013.

Public Comment:

Mike Smith, owner of the Dransfeldt property-11321 Dransfeldt Road, Parker, stated he is in favor of the project and is working to have the property annexed to the Town by the end of the year.

Kenneth Ramsey, 3862 Elm Avenue, Parker, was not in favor of the project as it would be a disruption to the wildlife in the area.

John Diak moved to approve the contract for the Dransfeldt Road Extension - Final Design.

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

John Diak - yes

Anne Barrington - yes

Laura Hefta - yes

The motion was approved unanimously.

PUBLIC COMMENTS CONTINUED IF NECESSARY

ADJOURNMENT

Cheryl Poage moved to adjourn the meeting at 8:31 p.m.

Laura Hefta seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

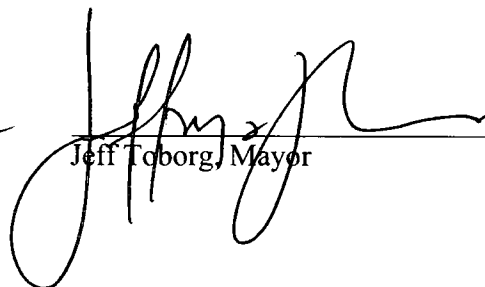
John Diak - yes

Anne Barrington - yes

Laura Hefta - yes

The motion was approved unanimously.


Chris Vanderpool, Town Clerk


Jeff Toborg, Mayor