TOWN OF PARKER COUNCIL AGENDA
December 12, 2022

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.

Public Viewing Only - YouTube: Town Council meetings may be viewed live on YouTube at www.youtube.com/townofparkerco.

PLEASE NOTE: Public participation is NOT available through YouTube.

1. TOWN COUNCIL MEETING SCHEDULE

7:00 P.M. – Call to Order Town Council Meeting and Roll Call

2. APPROVAL OF MINUTES – December 5, 2022

3. ACKNOWLEDGEMENT OF SERVICE OF COUNCILMEMBERS

4. SWEARING-IN OF COUNCILMEMBERS

A. Oath of Office – Anne Barrington

B. Oath of Office – Joshua Rivero

C. Oath of Office – Brandi Wilks

5. ADJOURNMENT

TOWN OF PARKER COUNCIL
MINUTES
DECEMBER 5, 2022

REGULAR SESSION

Mayor Jeff Toborg called the meeting to order at 7:00 p.m. All Councilmembers were present.

The 6th Grade Student Council from Pine Lane Elementary School led the Council and audience in the Pledge of Allegiance.

SPECIAL PRESENTATIONS

Mayor Toborg, Deputy Chief Ron Combs, Commander Andy Coleman, Commander Ken LaVelle, Commander Chris Peters, and Community Outreach Coordinator Bri Rock acknowledged the 2022 Citizens Police Academy graduates.

PUBLIC COMMENTS

None.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

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

CONSENT AGENDA

A. APPROVAL OF MINUTES - November 21, 2022

B. RESOLUTION NO. 22-072
A Resolution Accepting the Conveyance of a Drainage Easement from S & Jabez, LLC, for a Portion of Lot 4A-1, Peakview Center, Third Amendment
Department: Engineering and Public Works, Alex Mestdagh

C. Motion to Cancel the December 19, 2022 Town Council Meeting
Department: Town Council

D. CONTRACTS OVER $100,000

1. Professional Services Agreement Annual Contract Renewal
Amount: Not to Exceed $270,000
Contractor: Evolution Agency, LLC d/b/a Lasso Digital
Department: Cultural Department, Carrie Glassburn

2. *2022 Fleet Replacement*
   Amount: $28,168 Increase to Original Approved Amount
   Contractor: Ken Garff Ford
   Department: Engineering and Public Works, Jim Gilbert

3. *Pine Drive/Sulphur Gulch Bridge Rehabilitation Final Design (CIP 22-045)*
   Amount: $151,939.50
   Contractor: RS&H
   Department: Engineering and Public Works, Chris Hudson

4. *Hilltop Road/Canterberry Parkway Area Improvements Final Design (CIP 22-039)*
   Amount: $105,153
   Contractor: Kimley-Horn
   Department: Engineering and Public Works, Chris Hudson

5. *Parker Road Sidewalks East Side Multi-Use Trail Connection Professional Services Agreement*
   Amount: $270,852
   Contractor: Stanley Consultants, Inc.
   Department: Engineering and Public Works, Tom Gill

Joshua Rivero moved to approve Consent Agenda Items 5A through 5D.

John Diak seconded the motion.

A roll call vote was taken:
Joshua Rivero – yes
Cheryl Poage – yes
Todd Hendreks – yes
John Diak – yes
Anne Barrington – yes
Laura Hefta - yes

The motion was approved unanimously.

PUBLIC HEARINGS

A. ORDINANCE NO. 1.567 - Second Reading
A Bill for an Ordinance to Adopt the 2023 Budget and to Make Appropriations for the Same
Department: Finance, Mary Lou Brown

Mayor Toborg opened the public hearing at 7:13 p.m.

Internal work on the 2023 Town of Parker budget began in mid-July and was followed by three Council study sessions on October 7, 10, and 24, 2022. The 2023 Budget was posted to the internet on Tuesday, October 11, 2022 in advance of the legal deadline of October 15, 2022. Tonight is the second public hearing for the 2023 Budget. The first public hearing was held on November 7, 2022.

The 2023 Budget was prepared in conjunction with seven overall guidelines:

- Meet the General Fund's required cash balance percentage
- Calculate the Cultural and Recreation Fund cash balances in the same manner as the General Fund
- Sustain level of funding for community programs
- Maintain Repair and Maintenance programs at the current activity levels
- Plan for expected compensation study recommendations
- Fund performance pay and PD officer step plans in line with other area agencies
- Contain growth in discretionary expense items.

The Town is in a unique position coming into the 2023 budget preparation. Sales tax revenue, the primary source of revenue for the General Fund, has recorded very strong growth of 12% year-to-date. While the Town continues to grow and increased shopping opportunities exist for citizens, we have reflected a lower growth rate of 8% for year-end 2022 and the 2023 budget; this is more in line with historical growth rates.

In the General Fund, which is the main operational fund of the Town, operating expense growth is 15% percent due to continued recovery to pre-Covid levels and the impacts of inflation on Town purchases. Eight additional full-time employees are being added to the General Fund, with five of those positions in the Police Department, two in Parks and one in Public Works. An additional position has been added to the Parks and Recreation Department.

Public Comment: None.

Mayor Toborg closed the public hearing at 7:31 p.m.

Todd Hendreks moved to approve Ordinance No. 1.567 on second reading.

Laura Hefta seconded the motion.

A roll call vote was taken:
Joshua Rivero – yes
Cheryl Poage – yes
Todd Hendreks – yes
John Diak – yes
Anne Barrington – yes
Laura Hefta - yes

The motion was approved unanimously.

B. ORDINANCE NO. 1.553.2 - Second Reading
A Bill for an Ordinance to Adopt the 2022 Revised Budget for the Town of Parker and to Make Appropriations for the Same
Department: Finance, Jen Campbell

Mayor Toborg opened the public hearing at 7:33 p.m.

Budget adjustments for the current year's budget are submitted to Council for consideration several times per year. Supplemental amendments consist of additional/new appropriation requests that were not anticipated at the time of budget development. Section 9.12 of the Parker Municipal Code provides the authority under which these adjustments may occur. For supplemental amendments, additional revenue or available cash is the source of funding. Supplemental expenditures for all funds total $13,280,835, and supplemental revenues for all funds total $16,679,835. The total of the two is $3,399,000 in net revenue.

Public Comment: None.

Mayor Toborg closed the public hearing at 7:37 p.m.

Joshua Rivero moved to approve Ordinance No. 1.553.2 on second reading.

Cheryl Poage seconded the motion.

A roll call vote was taken:
Joshua Rivero – yes
Cheryl Poage – yes
Todd Hendreks – yes
John Diak – yes
Anne Barrington – yes
Laura Hefta - yes

The motion was approved unanimously.

C. HESS RANCH

Applicant:	**LB Parker, LLC**
Location:	**Generally located west of Chambers Road and north of Spirit Trail Parkway**
Department:	**Community Development, Bryce Matthews**
TRAKiT No.:	**ANX22-001 & Z22-004**

Mayor Toborg opened the public hearing at 7:38 p.m.

The Looking Glass PD is generally located west/southwest of the intersection of Stroh Road and Crowfoot Valley Road. The Looking Glass Segment 1 development was previously approved by the Town Council and is under construction in the area west of Crowfoot Valley Road between Stroh Road in the north and Chambers Road in the south. The proposed Looking Glass Segment 2A development is located on open land directly west of Segment 1 running in a westerly direction to the future intersection of Chambers Road and Stroh Road.

The applicant is requesting the approval of an amendment to the Hess Ranch PD zoning. Specifically, the applicant is requesting the following changes:

1. **Relocation of Planned School Site:** In response to concerns by the Douglas County School District (DCSD) about the suitability of Planning Area 19 (PA-19) for the future development of an elementary school, the applicants are proposing to amend the Hess Ranch PD zoning to relocate the planned school to a more appropriate site. The proposal would relocate the planned school from PA-19, which has an area of 11.38 acres, to a site with the same area in PA-31 further west on Spirit Trail Parkway. The proposal would eliminate PA-19 and consolidate most of the land into adjacent PA-18, which is planned as a community park to be dedicated to the Town.
2. **PA-19 Consolidated with PA-18 for Larger Park**: As indicated in #1 above, PA-19 will be eliminated with the proposed relocation of the planned elementary school to PA-31 and the land from PA-19 will be consolidated into adjacent PA-18. Since PA-18 is planned as a community park, this revision will substantially increase the size of the planned community park by 11.38 acres to 24.14 acres in total area. The new, larger community park will have approximately 12.76 acres for active recreation with improvements, while the 11.38 acres from PA-19 will be reserved for open space and passive recreation with limited improvements. The community park in PA-18 will be planned and designed to Town standards in a future phase, most likely Segment 2B or Segment 3.
3. **Reallocation of Approved Residential Units:** To support the revisions in #1-2 above, the applicant proposes to reallocate approved residential units in PA-31 to other Planning Areas within Looking Glass Segments 1 and 2A. The reallocation of residential units from one Planning Area to another is permitted by zoning and will not change the total permitted residential yield or density within the Hess Ranch PD.
4. **Minor Revisions to Planning Area Boundaries:** The applicant proposes minor revisions to Planning Area boundaries and related land area to better align with the proposed Sketch/Preliminary Plans. The proposed revisions are the result of advanced

planning and design work that will further define the location and extent of grading, development blocks, parks/open space (including pocket parks) and street alignment.

The previously adopted Amended and Restated Stroh Ranch/Hess Annexation Agreement (Southern Property) and Partial Waiver Resolution incorporate and specifically reference the Hess Ranch PD zoning including designated Planning Areas for future school sites. As a result, the applicant's proposal to amend the current Hess Ranch PD zoning to relocate the planned elementary school from PA-19 to PA-31 triggers the need to also amend the Annexation Agreement and Waiver Resolution. The proposed amendments to both documents will ensure that they are consistent with the Hess Ranch PD zoning and identify that the planned elementary school has been relocated from PA-19 to PA-31. This is a technical (not substantive) revision to ensure that all three documents align and are consistent as to the location of the planned elementary school in PA-31.

The applicant has transferred ownership of Looking Glass Segment 2A, and the remainder of the undeveloped land to the west of this Segment from LB Parker Owner, LLC to VPDF LG, LLC. An Assignment and Assumption Agreement is necessary when this occurs to ensure that the development rights and obligations associated with the property transfer are assigned to and assumed by the new owner.

The Planning Commission held a public hearing on the proposed amendment to the Hess Ranch PD zoning on November 10, 2022 and voted to recommend that the Town Council approve the Rezoning application by Ordinance No. 3.315.4.

Applicant: Karen Henry, Henry Design Group 1501 Wazee Street, Suite 1C, Denver was present to answer questions.

Public Comment: None.

Mayor Toborg closed the public hearing at 7:48 p.m.

1. **RESOLUTION NO. 22-070**
   A Resolution to Consent to the Assignment and Assumption Agreement (Looking Glass) By and Between LB Parker Owner LLC and VPDF LG LLC

Todd Hendreks moved to approve Resolution No. 22-070.

Joshua Rivero seconded the motion.

A roll call vote was taken:
Joshua Rivero – yes
Cheryl Poage – yes
Todd Hendreks – yes
John Diak – yes
Anne Barrington – yes
Laura Hefta – yes

The motion was approved unanimously.

2. **ORDINANCE NO. 3.315.4 - Second Reading**
   A Bill for an Ordinance to Amend the Hess Ranch Development, Town of Parker, Colorado, PD Development Guide – Third Amendment, and to Approve the North Parcel Development Plan - Amendment No. 4, Pursuant to the Town of Parker Land Development Ordinance, and Amending the Zoning Ordinance and Map to Conform Therewith

John Diak moved to approve Ordinance No. 3.315.4 on second reading.

Joshua Rivero seconded the motion.

A roll call vote was taken:
Joshua Rivero – yes
Cheryl Poage – yes
Todd Hendreks – yes
John Diak – yes
Anne Barrington – yes
Laura Hefta - yes

The motion was approved unanimously.

3. **SECOND AMENDMENT TO ANNEXATION AGREEMENT**

Joshua Rivero moved to approve the Second Amendment to the Amended and Restated Stroh Ranch/Hess Annexation Agreement (Southern Property).

Cheryl Poage seconded the motion.

A roll call vote was taken:
Joshua Rivero – yes
Cheryl Poage – yes
Todd Hendreks – yes
John Diak – yes
Anne Barrington – yes
Laura Hefta - yes

The motion was approved unanimously.

4. **RESOLUTION NO. 22-041**
   A Resolution to Amend Resolution No. 19-028, 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 13.07.070 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 Hess Ranch Property Until those Segments are Ready for Development

Todd Hendreks moved to approve Resolution No. 22-041.

Laura Hefta seconded the motion.

A roll call vote was taken:
Joshua Rivero – yes
Cheryl Poage – yes
Todd Hendreks – yes
John Diak – yes
Anne Barrington – yes
Laura Hefta - yes

The motion was approved unanimously.

D. LOOKING GLASS SEGMENT 2A SKETCH AND PRELIMINARY PLAN

Applicant:	**LB Parker, LLC**
Location:	**Located south and west of the intersection of Stroh Road and Crowfoot Valley Road**
Department:	**Community Development, Bryce Matthews**
TRAKiT No.:	**SUB21-066 & SUB21-067**

Mayor Toborg opened the public hearing at 7:51 p.m.

The subject property is an approximately 345.5-acre undeveloped site that is located between Looking Glass Segment 1 and the future extension of Chambers Road. It is bordered by the undeveloped Anthology North PD to the north, Douglas County to the south, Rueter-Hess Reservoir to the west and Looking Glass Segment 1 to the east. The applicant proposes a Sketch/Preliminary Plan for mixed-use development with 658 lots for single-family residential homes, 24 acres of land for commercial use, 31.5 acres of parks and approximately 53.5 acres of open space. Also included is an extension of Chambers Road and Stroh Road from where they currently intersect Spirit Trail Boulevard to a future intersection of Chambers and Stroh Road.

The proposed Sketch/Preliminary Plan application incorporates approximately 31.5 acres of parks, which exceeds the amount of parks required by the Land Development Ordinance (LDO) of 15.726 acres. Per the First Amendment to the Amended and Restated Stroh Ranch/Hess

Ranch Annexation Agreement, the Hess Ranch PD requires 282.77 gross acres of Open Space within the Looking Glass portion of the PD. Looking Glass Segment 1, which is under construction, has dedicated 136.25 acres of open space, resulting in a balance of 146.52 acres of open space to be provided in future Looking Glass phases. The Sketch/Preliminary Plan for Looking Glass Segment 2A incorporates 53.85 acres of open space. As a result, the future Looking Glass Segments 2B and 3 will be required to dedicate the remaining open space balance of 92.67 acres.

The proposed Sketch/Preliminary Plan applications are consistent with the Amended and Restated Stroh Ranch/Hess Ranch Annexation Agreement, Hess Ranch PD zoning, and the other applicable standards of the Land Development Ordinance. The proposed applications are also consistent with the Hess Ranch PD zoning and the Parker 2035 Master Plan as to use, residential density/yield, subdivision design, dedication of parks, trails and open space, as well as required infrastructure.

Town Council approval of the Sketch/Preliminary Plans does not formally create the lots, tracts and related improvements. Instead, Council approval of the applications will enable the applicant to proceed to the final design process in which Final Plats are prepared and approved administratively, if they are consistent with the approved Sketch/Preliminary Plans. When the applicant obtains Final Plat approval and provides the required security, the Final Plats will be filed and recorded with Douglas County, thereby creating legal lots of record with associated public improvements. When this occurs, the applicant may apply for and obtain grading permits to start initial site development.

The Planning Commission held a public hearing on the proposed Looking Glass Segment 2A Sketch and Preliminary Plans on November 10, 2022 and voted unanimously to recommend that the Town Council approve the application.

Applicant: Karen Henry, Henry Design Group, 1501 Wazee Street, Suite 1C, Denver, CO gave a presentation and answered questions, along with Matt Childers, Dream Finders Homes, 2000 N. Clay Street, Denver.

Public Comment: None.

Mayor Toborg closed the public hearing at 8:13 p.m.

John Diak moved to approve the requested Looking Glass Segment 2A Sketch Plan and Preliminary Plan application subject to the following conditions:

1. The applicant shall comply with the conditions of approval listed herein in connection with Town approval of the Sketch and Preliminary Plan application. The applicant shall demonstrate compliance with the conditions of approval prior to the recordation of any Final Plat for a Planning Area or portion thereof containing residential lots.
2. The Sketch and Preliminary Plan (the Plan) shall comply with Section 13.10.090(a), Utilities, of the Municipal Code as amended that requires "All on-site utilities serving a subdivision or single use shall be placed underground. On-site utilities shall include

improvements, facilities, equipment, and appurtenances for service to individual lots as part of a plat, replat, or site plan. The cost of undergrounding utilities shall be borne by the development."

3. The Plan shall incorporate the use of a side and rear yard utility easement(s) only for on-site utilities providing electric service to individual residential lots.
4. The Plan may incorporate the installation of above-ground utility elements for the provision of electric service to individual residential lots such as pedestals, transformers or other equipment provided they are placed in a rear-yard utility easement only. Said elements shall be placed at or near the rear corner where the rear-yard and side-yard utility easements meet to the maximum extent practicable.
5. Where the installation of above-ground utility elements in the rear-yard utility easement is infeasible, such elements may be placed above-ground in the side-yard utility easement provided it is located in the side-yard utility easement between the rear of the principal structure and the rear property line. Said elements shall be placed at or near the rear corner where the rear-yard and side-yard utility easements meet to the maximum extent practicable.
6. Meters may be placed above-ground if mounted to the principal structure.
7. All above-ground equipment visible from Town streets and rights-of-way shall be screened in accordance with a Town-approved landscaping plan.
8. Where an applicant is unable to comply with Condition of Approval subsections #1-6 above, the applicant may apply to the Town Council for approval of a modification or waiver of the standards subject to a demonstration that:
    a. There is a hardship related to the exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property; or
    b. The utility has refused to provide service and said decision is upheld by the Colorado Public Utilities Commission.
9. All structures and uses, except for temporary uses authorized by this Title, shall be served by public water and sewer facilities.

Todd Hendreks seconded the motion.

A roll call vote was taken:
Joshua Rivero – yes
Cheryl Poage – yes
Todd Hendreks – yes
John Diak – yes
Anne Barrington – yes
Laura Hefta - yes

The motion was approved unanimously.

E. LOOKING GLASS FILING 8 SKETCH AND PRELIMINARY PLAN

Applicant: **KB Homes Colorado, Inc.**
Location: **Located at the southeast corner of Spirit Trail Boulevard and Stroh Road**
Department: **Community Development, Bryce Matthews**
TRAKiT No.: **SUB21-059 & SUB21-060**

Mayor Toborg opened the public hearing at 8:16 p.m.

The subject property has a total area of 19.47 acres and is located at the southeastern corner of the intersection of Stroh Road and Spirit Trail Boulevard. The property is currently undeveloped and is the last parcel to be developed within Looking Glass Segment 1. The submitted Sketch and Preliminary Plan applications propose the creation of 106 lots for residential development with single-family attached housing (paired homes) and 11 tracts for landscaping, parks and open space. This consists of the 90 residential lots with homes that are currently permitted by the Hess Ranch PD zoning and an additional 16 residential lots with homes that are proposed to be reallocated from Planning Area 31 (PA-31) to support the relocation of a planned elementary school in PA-19 to a more suitable location in PA-31.

The applicant proposes 694 residential units in Looking Glass Segment 1, which includes Filing 8. Based upon the Land Development Ordinance (LDO) requirements for parks dedication, a total of 16.59 acres of park space is required in Segment 1. The previously approved (and under construction) Filings 2 through 7 provide a total of 17.04 acres of parks, so there is no additional park requirement associated with Filing 8. The previously approved (and under construction) development in Looking Glass Segment 1 has a total of 136.25 acres of open space, which satisfies the open space requirements for the entirety of Segment 1. Therefore, additional open space dedications are not required for Filing 8.

The proposed Sketch and Preliminary Plan applications are consistent with the Amended and Restated Stroh Ranch/Hess Ranch Annexation Agreement, Hess Ranch PD zoning, and the other applicable standards of the Land Development Ordinance. The proposed applications are also consistent with the Hess Ranch PD zoning and the Parker 2035 Master Plan as to use, residential density/yield, subdivision design, dedication of parks, trails and open space, as well as required infrastructure.

Town Council approval of the Sketch and Preliminary Plans does not formally create the lots, tracts and related improvements. Instead, Council approval of the applications will enable the applicant to proceed to the final design process in which Final Plats are prepared and approved administratively if they are consistent with the approved Sketch and Preliminary Plans. When the applicant obtains Final Plat approval and provides the required security, the Final Plats will be filed and recorded with Douglas County, thereby creating legal lots of record with associated public improvements. When this occurs, the applicant may apply for and obtain grading permits to start initial site development.

The Planning Commission held a public hearing on the proposed Looking Glass Segment 1, Filing 8 Sketch and Preliminary Plan applications on November 10, 2022 and voted unanimously to recommend that the Town Council approve them.

Applicant: Karen Henry, Henry Design Group, 1501 Wazee Street, Suite 1C, Denver, CO gave a presentation and answered questions.

Public Comment: None.

Mayor Toborg closed the public hearing at 8:26 p.m.

John Diak moved to approve the Looking Glass Segment 1, Filing 8 Sketch Plan and Preliminary Plan.

Anne Barrington seconded the motion.

A roll call vote was taken:
Joshua Rivero – yes
Cheryl Poage – yes
Todd Hendreks – yes
John Diak – yes
Anne Barrington – yes
Laura Hefta - yes

The motion was approved unanimously.

Anne Barrington left the meeting at 8:28 p.m.

ORDINANCES

A. ORDINANCE NO. 1.568 - Second Reading
A Bill for an Ordinance to Levy General Property Taxes for the Year 2022 to Help Defray the Costs of Government for the Town of Parker, Colorado for the 2023 Budget Year
Department: Finance, Jen Campbell

The Town of Parker must certify a mill levy to Douglas County prior to December 15, 2022 to collect property taxes for the 2023 budget year. The mill levy is 2.602 mills, which is the same as the prior year and can only be increased by the voters.

Public Comment: None.

Todd Hendreks moved to approve Ordinance No. 1.568 on second reading.

Joshua Rivero seconded the motion.

A roll call vote was taken:
Joshua Rivero – yes
Cheryl Poage – yes
Todd Hendreks – yes
John Diak – yes
Laura Hefta - yes

The motion was approved unanimously.

B. ORDINANCE NO. 1.561.1 - Second Reading
A Bill for an Ordinance to Amend Ordinance No. 1.561, Series of 2022, Conveying Certain Real Property by Easement to Parker Water and Sanitation District for a Portion of Tract B, Mountain View Senior Center Filing No. 1, Minor Development
Department: Engineering and Public Works, Alex Mestdagh

In 1997, a Minor Development Plat for the Mountain View Senior Center Filing No. 1 subdivision was recorded. This plat created the lot for the American Academy Charter School located on Motsenbocker Road. As part of the Minor Development Plat, a small tract (Tract B) was dedicated to the Town of Parker as public right-of-way. This right-of-way was planned to accommodate a north-south roadway connection between Clarke Farms and future development to the south. As the land to the south was eventually developed as the Olde Town subdivision, the roadway network in this area was ultimately modified to no longer include a roadway connection over Tract B. The Town does not have any plans to construct a roadway within this tract.

The vacant land to the west of Mountain View Senior Center is now proposed to be developed as townhomes as part of the Senderos Creek subdivision. As part of the construction drawings for that development, water and sewer infrastructure is proposed to be located within Tract B. Parker Water and Sanitation District has requested that the Town dedicate an easement to the District to cover the proposed infrastructure.

This easement was heard and approved by the Town Council on June 6, 2022. However, this easement agreement provided by PWSD was subsequently discovered to be inadequate for their needs. The original easement agreement allowed for water infrastructure to be located within the easement, but PWSD has requested that sanitary sewer infrastructure be permitted within the easement instead. That is the only requested change to this easement agreement.

Public Comment: None.

Joshua Rivero moved to approve Ordinance No. 1.561.1 on second reading.

Cheryl Poage seconded the motion.

A roll call vote was taken:
Joshua Rivero – yes
Cheryl Poage – yes
Todd Hendreks – yes
John Diak – yes
Laura Hefta - yes

The motion was approved unanimously.

C. ORDINANCE NO. 9.352 - Second Reading
A Bill for an Ordinance to Approve the Intergovernmental Agreement By and Between the Colorado Department of Transportation and the Town of Parker Concerning PWQ Maintenance and Operations Responsibilities, Parker Road, Lincoln Avenue to Pine Lane, Project #AQC M039-007 (24455) / MTF M039-009 (24467) Region # 1 (VJM)
Department: Engineering and Public Works, Alex Mestdagh

The Town is nearing completion of the design for the North Parker Road Operational Improvements between Lincoln Avenue and E-470. The main goal of this project is to increase the number of "thru" travel lanes on Parker Road and improve vehicular mobility, which currently experiences heavy congestion during rush hour. The project also proposes improvements to pedestrian facilities in the corridor.

Staff is proposing to leverage outside funds from several entities in order to fund this project. This project was selected for funding through the Douglas County Subregion of the Denver Regional Council of Governments. The proposed funding is $1.4M of federal Congestion Mitigation and Air Quality Improvements dollars and $1.1M of state dollars for a total of $2.5M. Douglas County has also pledged an additional $500,000 toward the construction cost, for a grand total of $3M in outside funding for this project. The construction cost is currently estimated at approximately $4M.

One of CDOT's remaining requirements is related to a water quality device that is required to treat stormwater runoff from new pavement that the project will add to Parker Road. In accordance with regulations for the Cherry Creek Basin, a stormwater treatment manhole will be constructed to provide water quality treatment for runoff from new pavement. CDOT's policy for local agency projects such as this one is that the local agency is required to assume responsibility for maintenance and operation of the water quality facilities. The proposed IGA codifies this requirement.

Public Comment: None.

Joshua Rivero moved to approve Ordinance No. 9.352 on second reading.

Todd Hendreks seconded the motion.

A roll call vote was taken:
Joshua Rivero – yes
Cheryl Poage – yes
Todd Hendreks – yes
John Diak – yes
Anne Barrington – yes
Laura Hefta - yes

The motion was approved unanimously.

D. ORDINANCE NO. 8.33 - Second Reading
A Bill for an Ordinance to Amend Chapter 4.03 of the Parker Municipal Code to Establish an Exemption from the Town's Sales and Use Tax for Certain Retail Delivery Fees and Carryout Bag Fees Enacted by the State of Colorado
Department: Finance, Linda Quade

During the 2021 legislative session, the Colorado legislature passed HB 21-1162, which imposes a $0.10 fee on each single-use carry-out bag provided to consumers ("Bag Fee"). Additionally, the legislature passed SB 21-260, which imposes a $0.27 fee on purchases of tangible personal property delivered to consumers in a motor vehicle ("Delivery Fee"). Section 4.03.140 of the Parker Municipal Code imposes a three percent (3%) sales tax on the sale of tangible personal property at retail or the furnishing of taxable services. Furthermore, Section 4.03.160 of the Code includes delivery charges in the gross receipts from a transaction, meaning that delivery charges are currently taxed. Since the Code does not specifically exclude bag fees added into the purchase price of tangible personal property, and affirmatively taxes delivery fees, the result is that taxes are calculated on the basis of the price of the property and the attendant fee, rather than just on the price of the property alone. Approval of this ordinance will exempt these fees from the Town's sales and use tax.

Public Comment: None.

Todd Hendreks moved to approve Ordinance No. 8.33 on second reading.

Laura Hefta seconded the motion.

A roll call vote was taken:
Joshua Rivero – yes
Cheryl Poage – yes
Todd Hendreks – yes
John Diak – yes
Laura Hefta - yes

The motion was approved unanimously.

RESOLUTIONS

A. RESOLUTION NO. 22-063
A Resolution to Appoint Members to the Parker Parks, Recreation and Open Space Advisory Commission and to Appoint a Chair
Department: Parks, Recreation and Open Space, Mary Colton

The Parks Rrecreation and Open Space Department received Town Council approval to implement a seven-member Parks, Recreation and Open Space Commission to serve in an advisory capacity to staff. A total of 23 applications were received, and 17 interviews were conducted on November 15, 16 and 17 with members of the PROS staff along with Councilmembers Joshua Rivero and Todd Hendreks. Seven members were selected, six from within the Parker Town boundary and one from outside the Town boundary with an 80134 zip code. The Commission members being recommended for appointment by the Town Council to their initial staggered terms are as follows:

- Three-year term - Heather Bennett, Matthew Lunn, Jody Walker
- Two-year term - Toby Levy, Candace Sotwick,
- One-year term - Andrei Teudean, Austin Craddock.
- Chairperson - Heather Bennett.

The Vice Chair and Secretary will be selected by the Commission members at the first meeting, which is scheduled for January 31, 2023. Once the initial staggered terms are complete, all terms per the approved Bylaws are for three years.

The appointees were present at the meeting and recognized by the Town Council.

Public Comment: None.

Cheryl Poage moved to approve Resolution No. 22-063.

Laura Hefta seconded the motion.

A roll call vote was taken:
Joshua Rivero – yes
Cheryl Poage – yes
Todd Hendreks – yes
John Diak – yes
Laura Hefta - yes

The motion was approved unanimously.

B. RESOLUTION NO. 22-071
A Resolution Designating Emergency Communications Specialists as First Responders
Department: Police, Andy Coleman

The Homeland Security Act of 2002 defines the term "first responder" as "individuals who, in the early states of an incident, are responsible for the protection and preservation of life, property, evidence, and the environment." Emergency Communication Specialists dispatch law enforcement, fire, and emergency medical services personnel to emergencies, and also empathize with callers and help guide them on how to handle life-or-death situations before police officers, firefighters, and EMS personnel arrive on the scene. Granting these frontline individuals the designation of First Responders in Communications demonstrates the Town of Parker's respect for these employees while serving to boost morale, open training opportunities, and increase mental health treatment options, all of which have been proven effective in reducing attrition and turnover.

Several Emergency Communications Specialists were present and recognized by Town Council.

Public Comment: None.

Todd Hendreks moved to approve Resolution No. 22-071.

Laura Hefta seconded the motion.

A roll call vote was taken:
Joshua Rivero – yes
Cheryl Poage – yes
Todd Hendreks – yes
John Diak – yes
Laura Hefta - yes

The motion was approved unanimously.

<u>CONTRACTS OVER $500,000</u>

A. Jordan Road/Parkerhouse Road Traffic Signal (CIP 19-009) and Chambers Road/Red Sky Drive Traffic Signal (CIP 22-040)
Amount: $932,988.20
Contractor: Interface Communications Company
Department: Engineering and Public Works, Chris Hudson

This item is to award a trade contractor agreement with Interface Communications Company for the combined Jordan Road-Parkerhouse Road traffic signal (CIP19-009) and Chambers Road-Red Sky Drive traffic signal (CIP22-040) project for $932,988.20.

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
John Diak – yes
Laura Hefta - yes

The motion was approved unanimously.

B. Mainstreet North Sidewalk Improvements (CIP22-023-CI)
Amount: $2,072,720.17
Contractor: Jalisco International, Inc.
Department: Engineering and Public Works, Bob Exstrom

This item is to award a trade contractor agreement with Jalisco International for the Mainstreet North Sidewalk Improvements (CIP22-023-CI) project for $2,072,720.17.

Public Comment: None.

Cheryl Poage moved to approve the staff recommendation as a part of the regular agenda.

Laura Hefta seconded the motion.

A roll call vote was taken:
Joshua Rivero – yes
Cheryl Poage – yes
Todd Hendreks – yes
John Diak – yes
Laura Hefta - yes

The motion was approved unanimously.

ADJOURNMENT
Cheryl Poage moved to adjourn the Regular Meeting at 9:17 p.m.

Todd Hendreks seconded the motion.

A roll call vote was taken:
Joshua Rivero – yes
Cheryl Poage – yes
Todd Hendreks – yes
John Diak – yes
Laura Hefta - yes

The motion was approved unanimously.

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Susan L. Irvine, Deputy Town Clerk   Jeff Toborg, Mayor