TOWN OF PARKER COUNCIL AGENDA
January 3, 2023

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 do 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.

Public comment for items that are not on the agenda may be made in person or electronically at http://parkeronline.org/CouncilPublicComment. For those unable to provide comments in person or electronically through the website, please contact the Clerk's Office to make alternative arrangements. The Town Clerk can be reached at 303-805-3198. Public comments submitted electronically through the website that are received by 5:00 p.m. on the day of the regular or special Town Council meeting will be provided to the Town Council and will be included with the approved minutes of the Town Council meeting.

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

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. 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.

3. REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

4. 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 - December 12, 2022

B. ORDINANCE NO. 3.01.129 - First Reading
A Bill for an Ordinance to Amend Section 13.04.050 of the Parker Municipal Code to Add Agritainment as a Use Permitted by Right to the A-Agricultural District
Department: Community Development, Stacey Nerger
Second Reading: January 17, 2023

C. RESOLUTION NO. 23-001
A Resolution to Amend Resolution No. 22-001 Establishing a Designated Public Place for the Posting of Meeting Notices as Required by the Colorado Open Meetings Law
Department: Town Clerk, Chris Vanderpool

D. RESOLUTION NO. 23-004
A Resolution Accepting the Conveyance of a Drainage Easement from Normax LLC for Lot 4A-2, Peakview Center, Third Amendment
Department: Engineering and Public Works, Alex Mestdagh

E. RESOLUTION NO. 23-006
A Resolution Setting the Date for Consideration of the Annexation Ordinance for the Town-Owned Tract Q Property for Second Reading on February 21, 2023
Department: Community Development, Bryce Matthews

F. CONTRACTS OVER $100,000

1. Purchase of Three Police Vehicles
Amount: $126,256
Contractor: John Elway Chevrolet
Department: Engineering and Public Works, Jim Gilbert

2. Custodial Services Contract
Amount: $570,000.00
Contractor: The Key People
Department: Engineering and Public Works, Jim Gilbert

5. RESOLUTIONS

A. RESOLUTION NO. 23-002
A Resolution to Appoint New Members and Alternates on the Town of Parker Special Licensing Authority and to Appoint the Chairperson and Vice Chairperson
Department: Town Clerk, Chris Vanderpool

B. RESOLUTION NO. 23-005
A Resolution to Appoint an Assistant Judge for the Parker Municipal Court
Department: Town Council

6. AGREEMENTS

Sixth Amendment to Amended and Restated Stroh Ranch/Hess Annexation Agreement (Northern Property)
Department: Community Development, Bryce Matthews
Engineering and Public Works, Alex Mestdagh

7. CONTRACTS OVER $500,000

A. Purchase of Vac-Truck for Stormwater Operations

Amount: $609,488
Contractor: Kaiser Premier
Department: Engineering and Public Works, Jim Gilbert

B. Design Contract (CIP22-051-AS) for the Town Hall Expansion Project

Amount: Terms and Conditions Only
Contractor: Anderson Mason Dale Architects
Department: Engineering and Public Works, Bob Exstrom

C. First Amendment to the Design Contract (CIP22-051-AS) for the Town Hall Expansion Project

Amount: $289,100
Contractor: Anderson Mason Dale Architects
Department: Engineering and Public Works, Bob Exstrom

D. Construction Contract (CIP22-051-CI) for the Town Hall Expansion Project

Amount: Terms and Conditions Only
Contractor: JHL Constructors
Department: Engineering and Public Works, Bob Exstrom

E. First Amendment to the Construction Contract (CIP22-051-CI) for the Town Hall Expansion Project

Amount: $49,500
Contractor: JHL Constructors
Department: Engineering and Public Works, Bob Exstrom

8. PUBLIC COMMENTS CONTINUED IF NECESSARY

9. ADJOURNMENT

A PARKER AUTHORITY FOR REINVESTMENT MEETING WILL IMMEDIATELY FOLLOW THE TOWN COUNCIL MEETING.

Parker Town Council

Executive Session Agenda

January 3, 2023

"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)."

1. Section 8.2 of the Parker Home Rule Charter and Chapter 3.02 of the Parker Municipal Code concerning an Agreement for Professional Services for an Assistant Judge

2. Insurance Agreements

"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)."

3. HB21-1162, the Plastic Pollution Reduction Act, concerning carryout bag fees

4. Employee conflict resolution process and potential legal claims

TOWN OF PARKER COUNCIL
MINUTES
JANUARY 3, 2023

Mayor Jeff Toborg called the meeting to order at 5:30 p.m. All Councilmembers were present except for Todd Hendreks.

Town Attorney Kristin Hoffmann announced the topics for discussion in the Executive Session were four items. Under C.R.S. § 24-6-402(4)(e), the first item was regarding Section 8.2 of the Parker Home Rule Charter and Chapter 3.02 of the Parker Municipal Code concerning an Agreement for Professional Services for an Assistant Judge, and the second item was concerning Insurance Agreements. Under C.R.S. § 24-6-402(4)(b), the first item was about HB21-1162, the Plastic Pollution Reduction Act, and the second item was concerning an employee conflict resolution process and potential legal claims.

EXECUTIVE SESSION

Joshua Rivero moved and John Diak seconded to go into Executive Session at 5:31 p.m. to hold a conference with the Town's attorney 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) and 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.

Joshua Rivero moved and Anne Barrington seconded to come out of Executive Session at 6:46 p.m.

The motion was approved unanimously.

Brandi Wilks moved and John Diak seconded to recess the meeting until 7:00 p.m.

The motion was approved unanimously.

REGULAR SESSION

Mayor Toborg reconvened the regular Town Council meeting at 7:00 p.m.

Mayor Toborg led the Council and audience in the Pledge of Allegiance.

PUBLIC COMMENTS

Sean Morrissey, Parker, was present to ask about parking downtown and the signage regarding snow removal and storm events. He asked that the signs be removed if the restrictions were not going to be enforced.

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 - December 12, 2022

B. ORDINANCE NO. 3.01.129 - First Reading
A Bill for an Ordinance to Amend Section 13.04.050 of the Parker Municipal Code to Add Agritainment as a Use Permitted by Right to the A-Agricultural District
Department: Community Development, Stacey Nerger
Second Reading: January 17, 2023

C. RESOLUTION NO. 23-001
A Resolution to Amend Resolution No. 22-001 Establishing a Designated Public Place for the Posting of Meeting Notices as Required by the Colorado Open Meetings Law
Department: Town Clerk, Chris Vanderpool

D. RESOLUTION NO. 23-004
A Resolution Accepting the Conveyance of a Drainage Easement from Normax LLC for Lot 4A-2, Peakview Center, Third Amendment
Department: Engineering and Public Works, Alex Mestdagh

E. RESOLUTION NO. 23-006
A Resolution Setting the Date for Consideration of the Annexation Ordinance for the Town-Owned Tract Q Property for Second Reading on February 21, 2023
Department: Community Development, Bryce Matthews

F. CONTRACTS OVER $100,000

1. *Purchase of Three Police Vehicles*
   Amount: $126,256
   Contractor: John Elway Chevrolet
   Department: Engineering and Public Works, Jim Gilbert

2. *Custodial Services Contract*
   Amount: $570,000.00
   Contractor: The Key People
   Department: Engineering and Public Works, Jim Gilbert

Joshua Rivero moved to approve Consent Agenda Items 4A through 4F.

Brandi Wilks seconded the motion.

A roll call vote was taken:
Joshua Rivero - yes
Brandi Wilks - yes
John Diak - yes
Anne Barrington - yes
Laura Hefta - yes

The motion was approved unanimously.

RESOLUTIONS

A. RESOLUTION NO. 23-002
A Resolution to Appoint New Members and Alternates on the Town of Parker Special Licensing Authority and to Appoint the Chairperson and Vice Chairperson
Department: Town Clerk, Chris Vanderpool

The term of the Special Licensing Authority (SLA) members is two years and alternate members is one year. The term of three members of the Authority and the term of the two alternates ended on December 31, 2022. The purpose of this resolution is to appoint three regular members, two alternate members, a Chair and a Vice Chair.

Interviews of applicants for the SLA vacancies were conducted by Mayor Toborg and Councilmember Wilks on December 19 and 22. They recommended that Jon Brusco, Kelli Narde and Greg Simpson be appointed as regular members and Ronald "RD" Kuhns and Ricky "Rick" Milburn be appointed as alternates. They further recommended that Kelli Narde be appointed as Chair and Mike Appleby as Vice Chair. The Council recognized the applicants for their willingness to serve.

Public Comment: None.

Laura Hefta moved to approve Resolution No. 23-002, as part of the regular agenda.

Brandi Wilks seconded the motion.

A roll call vote was taken:
Joshua Rivero - yes
Brandi Wilks - yes
John Diak - yes
Anne Barrington - yes
Laura Hefta - yes

The motion was approved unanimously.

B. RESOLUTION NO. 23-005
A Resolution to Appoint an Assistant Judge for the Parker Municipal Court
Department: Town Council

Interviews for an Assistant Municipal Court Judge were conducted by a panel including Councilmembers Hefta and Rivero on December 15 and 19. Courtenay Patterson was recommended by the panel for appointment as Assistant Municipal Court Judge to serve temporarily as the substitute municipal court judge until a permanent presiding municipal court judge is appointed. The Assistant Municipal Court Judge will also serve in the case of temporary absence, sickness, disqualification, or other inability of the municipal court judge to act.

The compensation for the Assistant Municipal Court Judge is $85.00 per hour. Staff is recommending that the Town enter into an agreement for professional services with the Assistant Municipal Court Judge for a term ending on December 31, 2023.

Courtenay Patterson gave a brief synopsis of her legal and judicial experience.

Public Comment: None

Joshua Rivero moved to approve Resolution No.23-005 and the staff recommendation to enter into an agreement for professional services.

Anne Barrington seconded the motion.

A roll call vote was taken:
Joshua Rivero - yes
Brandi Wilks - yes
John Diak - yes
Anne Barrington - yes
Laura Hefta - yes

The motion was approved unanimously.

AGREEMENTS

Sixth Amendment to Amended and Restated Stroh Ranch/Hess Annexation Agreement (Northern Property)

Department: Community Development, Bryce Matthews
Engineering and Public Works, Alex Mestdagh

The Amended and Restated Stroh Ranch/Hess Annexation Agreement (the Annexation Agreement) governs the terms under which the property commonly known as Anthology North Planned Development was annexed into the Town and how it is to be developed in the future.

The proposed Sixth Amendment to the Annexation Agreement will address the following:

1. Allow the developer of Segment 1, marketed as Tanterra (the Tanterra Developer), flexibility in the types of financial security required for the construction of traffic signals within the project; and
2. Allow the Tanterra Developer to secure its obligation for the future construction of Stroh Road with a letter of credit to the Town at Final Plat; and
3. Allow the developer of the SunMarke project (the SunMarke Developer) to satisfy their obligation for a portion of the Oak Gulch Regional Trail by providing a cash-in-lieu payment to the Town instead of designing and constructing the Regional Trail. It would

also eliminate the developer's obligation to construct a pedestrian bridge that is no longer required for the design and future use of the Regional Trail.

Applicant: Chris Elliot commented on the project and the status of the extension of Chambers Road. He also answered questions of Council regarding the impacts of inflation, supply chain issues, and lack of contractors.

Public Comment: None.

Anne Barrington moved to approve the Sixth Amendment to the Amended and Restated Stroh Ranch/Hess Annexation Agreement (Northern Property).

Brandi Wilks seconded the motion.

A roll call vote was taken:
Joshua Rivero - yes
Brandi Wilks - yes
John Diak - yes
Anne Barrington - yes
Laura Hefta - yes

The motion was approved unanimously.

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

A. Purchase of Vac-Truck for Stormwater Operations

Amount: **$609,488**
Contractor: **Kaiser Premier**
Department: **Engineering and Public Works, Jim Gilbert**

The Town of Parker's Stormwater Operations Division is seeking Council approval to proceed with the purchase of a Jet/Vacuum Truck (Jet/Vac) to perform ongoing maintenance of the Town's stormwater infrastructure. The Town is responsible for maintaining the function of the stormwater system, including the prevention of flooding and mitigating the deposition of sediment, debris, and trash into the Cherry Creek and its tributaries. The Division has reached a point where it makes sense from a fiscal and operational point of view to own and operate a Jet/Vac truck. The type, frequency, level, and volume of service the Town's stormwater facilities need dictate that a Jet/Vac flush truck is the correct tool needed by the stormwater maintenance division at this time.

This equipment is being purchased through a competitive bid pricing structure awarded through HGAC Cooperative. This meets the Town's requirement as an approved procurement method.

Public Comment: None.

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

John Diak seconded the motion.

A roll call vote was taken:
Joshua Rivero - yes
Brandi Wilks - yes
John Diak - yes
Anne Barrington - yes
Laura Hefta - yes

The motion was approved unanimously.

B. Design Contract (CIP22-051-AS) for the Town Hall Expansion Project

Amount:	**Terms and Conditions Only**
Contractor:	**Anderson Mason Dale Architects**
Department:	**Engineering and Public Works, Bob Exstrom**

This item is to award a design contract (CIP22-051-AS) with Anderson Mason Dale Architects for the Town Hall Expansion project for the terms and conditions only. The fees will be added to the contract by means of four contract amendments.

The overall design contract for this project including all four (4) amendments is anticipated to be between $2 to $2.5 million, depending on project scope. The contract duration spans a time of approximately 2.5 years. Construction is tentatively scheduled to begin in the first quarter of 2024 and completion is estimated for the first quarter of 2025.

Public Comment: None.

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

John Diak seconded the motion.

A roll call vote was taken:
Joshua Rivero - yes
Brandi Wilks - yes
John Diak - yes
Anne Barrington - yes
Laura Hefta - yes

The motion was approved unanimously.

C. First Amendment to the Design Contract (CIP22-051-AS) for the Town Hall Expansion Project

Amount:	**$289,100**
Contractor:	**Anderson Mason Dale Architects**
Department:	**Engineering and Public Works, Bob Exstrom**

This item is to award a first amendment to the design contract (CIP22-051-AS) with Anderson Mason Dale Architects for the Town Hall Expansion project for preliminary design services in the amount of $289,100. The services covered in the first amendment are anticipated to take approximately four months to complete.

Preliminary design services generally include 1) collecting data from the building and site, 2) meeting with staff to verify the program (scope and size) outlined in the Facility Master Plan, 3) developing conceptual design options, 4) meeting with staff to verify building and planning codes, 5) advancing the conceptual design to 30%, 6) assisting the project construction manager with developing a cost model and 7) assisting staff with presenting the preliminary design results and recommendations to Town Council.

Public Comment: None.

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

Brandi Wilks seconded the motion.

A roll call vote was taken:
Joshua Rivero - yes
Brandi Wilks - yes
John Diak - yes
Anne Barrington - yes
Laura Hefta - yes

The motion was approved unanimously.

D. Construction Contract (CIP22-051-CI) for the Town Hall Expansion Project

Amount:	**Terms and Conditions Only**
Contractor:	**JHL Constructors**
Department:	**Engineering and Public Works, Bob Exstrom**

This item is to award a construction contract (CIP22-051-CI) with JHL Constructors for the Town Hall Expansion project for the terms and conditions only. The preconstruction fee and guaranteed maximum price (GMP) will be added to the contract by means of two contract amendments.

The preconstruction fee and GMP for this project is anticipated to be between $23 and $26 million, depending on project scope. The contract duration spans a time of approximately 2.5 years. Construction is tentatively scheduled to begin in the first quarter of 2024 and completion is tentatively estimated for the first quarter of 2025.

Public Comment: None.

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

Brandi Wilks seconded the motion.

A roll call vote was taken:
Joshua Rivero - yes
Brandi Wilks - yes
John Diak - yes
Anne Barrington - yes
Laura Hefta - yes

The motion was approved unanimously.

E. First Amendment to the Construction Contract (CIP22-051-CI) for the Town Hall Expansion Project

Amount: **$49,500**
Contractor: **JHL Constructors**
Department: **Engineering and Public Works, Bob Exstrom**

This item is to award a first amendment to the construction contract (CIP22-051-CI) with JHL Constructors for the Town Hall Expansion project for preconstruction services in the amount of $49,500. The services covered in the first amendment are anticipated to take approximately 15 months to complete.

Preconstruction services generally include: 1) collecting data from the building and site; 2) attending design progress meetings; 3) developing and updating the concept cost model, 30% cost estimate, 60% cost estimate, and 90% cost estimate; 4) performing constructability reviews of the design; 5) forecasting market escalations and lead times and procuring at-risk materials; 6) developing a final guaranteed maximum price (GMP) proposal by soliciting bids from at least three subcontractors for all trade packages in excess of $25K; 7) securing construction permits; and 8) preparing labor, materials and equipment for construction.

Public Comment: None.

John Diak 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
Brandi Wilks - yes
John Diak - yes
Anne Barrington - yes
Laura Hefta - yes

The motion was approved unanimously.

ADJOURNMENT

Joshua Rivero moved to adjourn the meeting at 8:21 p.m.

Laura Hefta seconded the motion.

A roll call vote was taken:
Joshua Rivero - yes
Brandi Wilks - yes
John Diak - yes
Anne Barrington - yes
Laura Hefta - yes

The motion was approved unanimously.

Susan L. Irvine

Susan L. Irvine, Deputy Town Clerk

Jeff Toborg, Mayor