

TOWN OF PARKER COUNCIL AGENDA

April 17, 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 does 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. 5:00 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. SPECIAL PRESENTATIONS

- **Victims' Rights Week - *Madison Lengel***
- **Eagle Scout Service Project Recognition – *Dirk Patton***

3. **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.*

4. REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

5. 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 - April 3, 2023*

B. *ORDINANCE NO. 1.575 - First Reading*

A Bill for an Ordinance to Approve the Right-of-Way Purchase and Sale Agreement by and between TMV Retail II Owners Association and the Town of Parker for a Portion of Private Roadway (AKA Stage Run) Located in Twenty Mile Village Filing No. 2, 2nd Amendment, for the Dransfeldt Road Widening Project

Department: Engineering and Public Works, Bob Exstrom

Second Reading: May 1, 2023

C. *RESOLUTION NO. 23-037*

A Resolution to Appoint the Board of Directors of the Greater Parker Foundation

Department: Town Manager, Michelle Kivela

D. *RESOLUTION NO. 23-038*

A Resolution to Amend Resolution No. 18-054, Series of 2018, to Amend and Readopt the Town of Parker Policy Manual

Department: Town Manager, Diane Arthur

E. *CONTRACTS OVER \$100,000*

1. *Professional Services Agreement - Nothing But Net - Elite Basketball Coaching*

Amount: \$100,000+

Contractor: Nothing But Net - Elite Basketball Coaching

Department: Parks, Recreation and Open Space, Meagan Nakashima

2. *Construction Management Services for Harvie Open Space*

Amount: Original Amount: \$64,555

Amended Amount: \$107,500

Contractor: DHM Design

Department: Parks, Recreation and Open Space, Brett Collins

3. *Final Design Services for Clarke Farms Drainage Improvements, CIP 22-019-FE - Contract Amendment*

Amount: Original Amount: \$83,160

Amended Amount: \$121,205

Contractor: Felsburg, Holt, and Ullevig

Department: Engineering and Public Works, Alex Mestdagh

6. PUBLIC HEARINGS

A. COYLE/PERKINS PROPERTY ANNEXATION AND ZONING (Continued from November 7, 2022 and February 21, 2023 and to be continued to June 5, 2023)

Applicant: Avalon Bay Communities, Inc.
Location: Southwest corner of Stroh Ranch and Crowfoot Valley Road
Department: Community Development, Julia Duncan
TRAKiT No.: ANX22-006 & Z22-017

- 1. ORDINANCE NO. 2.281 - Second Reading**
A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Coyle/Perkins Property in Douglas County

7. ORDINANCES

A. ORDINANCE NO. 9.334.2 - Second Reading

A Bill for an Ordinance Approving the Second Amendment to Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Cherry Creek at Dransfeldt Road (Agreement No. 21-05.04B 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

B. ORDINANCE NO. 13.110 - Second Reading

A Bill for an Ordinance Accepting a Petition for the Organization of a General Improvement District in the Town of Parker, Colorado, to be Known as the Town of Parker My Mainstreet General Improvement District; Declaring the Necessity of the Formation of the District; Establishing and Creating the District; and Providing Other Details Relating Thereto
Department: Town Attorney, Kristin Hoffmann

8. CONTRACTS OVER \$500,000

A. Harvie Open Space Construction Contract

Amount: \$1,673,760
Contractor: Richdell Construction, Inc
Department: Parks, Recreation and Open Space, Brett Collins

B. Parker Responsive Traffic Signal System Improvements (CIP 21-022)

Amount: \$668,696
Contractor: Interface Communications Company
Department: Engineering and Public Works, Chris Hudson

9. RESOLUTIONS

A. RESOLUTION NO. 23-040

A Resolution Opposing the Statewide Land Use and Zoning Preemptions in Senate Bill 23-213

Department: Town Council

10. PUBLIC COMMENTS CONTINUED IF NECESSARY

11. ADJOURNMENT

Parker Town Council

Executive Session Agenda

April 17, 2023

“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).”

1. Douglas County Department of Criminal Justice Subrecipient Grant Agreement, ARPA Subrecipient Grant Agreement and H.R. 1319, the American Rescue Plan Act of 2021 (CRT Expansion and Car)
2. American Academy Charter School Traffic Management Plan and Traffic Impact Study and associated traffic impacts

“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).”

3. Negotiations related to the proposed Annexation Agreement between the Town and the Denver Pope Family Limited Partnership concerning the real property, commonly known as the Pope property, generally located adjacent to and west of the Kohl’s Shopping Center

“To consider personnel matters, pursuant to C.R.S. § 24-6-402(4)(f).”

4. Town Attorney evaluation

**TOWN OF PARKER COUNCIL
MINUTES
APRIL 17, 2023**

Mayor Jeff Toborg called the meeting to order at 5:00 p.m. All Councilmembers were present.

Town Attorney Kristin Hoffmann announced there were four topics for discussion in the Executive Session. Under C.R.S. § 24-6-402(4)(b), there were two items. The first was a Douglas County Department of Criminal Justice Subrecipient Grant Agreement, ARPA Subrecipient Grant Agreement and H.R. 1319, the American Rescue Plan Act of 2021 (CRT Expansion and Car), and the second item was the American Academy Charter School Traffic Management Plan and Traffic Impact Study and associated traffic impacts. Under C.R.S. § 24-6-402(4)(e), there was one item concerning negotiations related to the proposed Annexation Agreement between the Town and the Denver Pope Family Limited Partnership concerning the real property, commonly known as the Pope property, generally located adjacent to and west of the Kohl's Shopping Center. Under C.R.S. § 24-6-402(4)(f), there was one item which was the Town Attorney evaluation.

EXECUTIVE SESSION

Todd Hendreks moved and Joshua Rivero seconded to go into Executive Session at 5:03 p.m. to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b); 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 consider personnel matters, pursuant to C.R.S. § 24-6-402(4)(f).

The motion was approved unanimously.

Brandi Wilks moved and Anne Barrington seconded to come out of Executive Session at 6:32 p.m.

The motion was approved unanimously.

Todd Hendreks moved and Brandi Wilks 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.

Boy Scouts from Troops 16 and 80 led the Council and audience in the Pledge of Allegiance.

Mayor Toborg recognized AP government students from Chaparral High School observing the meeting.

SPECIAL PRESENTATIONS

Mayor Toborg presented a Proclamation to Madison Lengel from the Douglas County Office of the District Attorney for Victims' Rights Week, April 23-29, 2023.

Mayor Toborg recognized Dirk Patton for his Eagle Scout Service Project which supplied an American flag disposal receptacle at the Town Hall and initiated a new process of tearing to destroy the flags instead of burning which is risky with high fire danger levels and unsafe with synthetic materials.

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 - April 3, 2023*

- B. *ORDINANCE NO. 1.575 - First Reading*
A Bill for an Ordinance to Approve the Right-of-Way Purchase and Sale Agreement by and between TMV Retail II Owners Association and the Town of Parker for a Portion of Private Roadway (AKA Stage Run) Located in Twenty Mile Village Filing No. 2, 2nd Amendment, for the Dransfeldt Road Widening Project
Department: Engineering and Public Works, Bob Exstrom
Second Reading: May 1, 2023

- C. *RESOLUTION NO. 23-037*
A Resolution to Appoint the Board of Directors of the Greater Parker Foundation
Department: Town Manager, Michelle Kivela

- D. *RESOLUTION NO. 23-038*
A Resolution to Amend Resolution No. 18-054, Series of 2018, to Amend and Readopt the Town of Parker Policy Manual
Department: Town Manager, Diane Arthur

- E. *CONTRACTS OVER \$100,000*
 - 1. *Professional Services Agreement - Nothing But Net - Elite Basketball Coaching*
Amount: \$100,000+
Contractor: Nothing But Net - Elite Basketball Coaching
Department: Parks, Recreation and Open Space, Meagan Nakashima

2. *Construction Management Services for Harvie Open Space*
Amount: Original Amount: \$64,555
Amended Amount: \$107,500
Contractor: DHM Design
Department: Parks, Recreation and Open Space, Brett Collins

3. *Final Design Services for Clarke Farms Drainage Improvements, CIP 22-019-FE - Contract Amendment*
Amount: Original Amount: \$83,160
Amended Amount: \$121,205
Contractor: Felsburg, Holt, and Ullevig
Department: Engineering and Public Works, Alex Mestdagh

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

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

Todd Hendreks - yes

John Diak - yes

Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.

PUBLIC HEARINGS

COYLE/PERKINS PROPERTY ANNEXATION AND ZONING (Continued from November 7, 2022 and February 21, 2023 and to be continued to June 5, 2023)

Applicant: Avalon Bay Communities, Inc.
Location: Southwest corner of Stroh Ranch and Crowfoot Valley Road
Department: Community Development, Julia Duncan
TRAKiT No.: ANX22-006 & Z22-017

1. ORDINANCE NO. 2.281 - Second Reading

A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Coyle/Perkins Property in Douglas County

Mayor Toborg advised that staff requested to continue this item until June 5, 2023.

Joshua Rivero moved to continue the public hearing to consider Ordinance No. 2.281 to a date certain of June 5, 2023.

John Diak seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

Todd Hendreks - yes

John Diak - yes

Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.

ORDINANCES

A. ORDINANCE NO. 9.334.2 - Second Reading

A Bill for an Ordinance Approving the Second Amendment to Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Cherry Creek at Dransfeldt Road (Agreement No. 21-05.04B 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

The Town of Parker, the Mile High Flood District (MHFD - formerly the Urban Drainage and Flood Control District), and the Cherry Creek Basin Water Quality Authority (CCB WQA) previously executed an intergovernmental agreement (IGA) to design and permit improvements to Cherry Creek at Dransfeldt Road adjacent to Flat Acres Farms. It is anticipated that design and permitting of these improvements will be completed in the spring of this year. The Town, MHFD, and CCB WQA would like to proceed with amending this IGA to provide funding for construction of the project.

Public Comments: None.

Brandi Wilks moved to approve Ordinance No. 9.334.2 on second reading.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

Todd Hendreks - yes

John Diak - yes

Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.

B. ORDINANCE NO. 13.110 - Second Reading

A Bill for an Ordinance Accepting a Petition for the Organization of a General Improvement District in the Town of Parker, Colorado, to be Known as the Town of Parker My Mainstreet General Improvement District; Declaring the Necessity of the Formation of the District; Establishing and Creating the District; and Providing Other Details Relating Thereto

Department: Town Attorney, Kristin Hoffmann

On November 7, 2022, the Town Council approved the Development and Financing Agreement (the “Development Agreement”) between the Town, the Parker Authority for Reinvestment (“PAR”), and CD-Parker, LLC (the “Developer”). On March 1, 2023, the Developer filed a petition (the “Petition”) for the organization of a general improvement district (the “GID”), as required by the Development Agreement. If the Town Council does not approve the organization of the GID by June 19, 2023, the Developer may terminate the Development Agreement. This item is for Town Council to consider the approval of the ordinance that is necessary for the organization of the GID.

Under the GID Ordinance, the Town Council will (1) accept the Petition; (2) waive all requirements for notice, publication, hearing, election and organizational bond; (3) declare the GID organized, to be known as the Town of Parker My Mainstreet General Improvement District; and (4) establish the boundaries of the GID to be the EastMain parcel. If the Town Council adopts the GID Ordinance, the Town Clerk will record the GID Ordinance with the Douglas County Clerk and Recorder’s Office within thirty (30) days of adoption.

Under state law, the Town Council “shall constitute ex officio the board of directors” (the “Board”). The ex officio presiding officer is the Mayor, the ex officio secretary is the Town Clerk, and the ex officio treasurer is the Finance Director.

If Town Council approves the GID Ordinance, the Board will convene separate Board meetings, in much the same manner as PAR, to handle the business of the GID. Under the Development Agreement, the Board will need to convene a meeting on or before July 17, 2023, to call a special election for November 7, 2023, regarding the imposition of an additional ad valorem tax not to exceed 45 mills on the surface estate of the real property contained within the GID (the “Mill Levy Cap”). The purpose of the Mill Levy Cap is to finance a portion of the project described in the Development Agreement. The Town Clerk is recommending that the election be conducted as a mail ballot election under the Municipal Election Code.

Public Comments: None.

Todd Hendreks moved to approve Ordinance No. 13.110 on second reading.

Laura Hefta seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes
 Anne Barrington - yes
 Todd Hendreks - yes
 John Diak - yes
 Brandi Wilks - yes
 Laura Hefta - yes

The motion was approved unanimously.

CONTRACTS OVER \$500,000

A. Harvie Open Space Construction Contract

Amount: \$1,673,760
Contractor: Richdell Construction, Inc
Department: Parks, Recreation and Open Space, Brett Collins

This item is to approve the award of a \$1,521,600 trade contractor agreement with Richdell Construction, Inc., for the Harvie Open Space Construction Project (CIP18-012-CI), plus a 10% project contingency in the amount of \$152,160 for a total project budget of \$1,673,760.

Public Comments: None.

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

The motion was approved unanimously.

B. Parker Responsive Traffic Signal System Improvements (CIP 21-022)

Amount: \$668,696
Contractor: Interface Communications Company
Department: Engineering and Public Works, Chris Hudson

This item is to approve the award of a trade contractor agreement with Interface Communications Company for the Parker Responsive Traffic Signal System Improvements (CIP21-022) for \$668,696.

Public Comments: None.

Todd Hendreks 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

Anne Barrington - yes

Todd Hendreks - yes

John Diak - yes

Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.

RESOLUTIONS

RESOLUTION NO. 23-040

A Resolution Opposing the Statewide Land Use and Zoning Preemptions in Senate Bill 23-213

Department: Town Council

On March 22, 2023, the Colorado Legislature introduced SB 23-213 (the “Bill”), which attempts to address the housing affordability crisis across the state by setting statewide standards for municipal zoning laws in order to increase the supply of affordable housing. This involves, among other things, requiring municipalities to create a housing needs plan that adopts affordability strategies and the creation of minimum land use standards to be adopted by local governments, including allowing denser housing options as a use by right.

The Colorado Municipal League (“CML”) hosted an Executive Director Town Hall on March 29, 2023, at which it expressed numerous concerns with the Bill, including its preemption of home rule authority, unintended consequences of the legislation, and a concern that the Bill as drafted would do little to increase the supply of affordable housing. CML is therefore urging its members to pass a resolution opposing the Bill.

Public Comments: None.

Joshua Rivero moved to approve Resolution No. 23-040.

Brandi Wilks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

Todd Hendreks - yes

John Diak - yes

Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.

ADJOURNMENT

Laura Hefta moved to adjourn the meeting at 8:33 p.m.

Brandi Wilks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

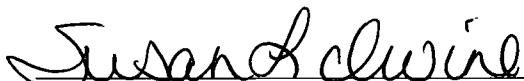
Todd Hendreks - yes

John Diak - yes

Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.


Susan L. Irvine, Deputy Town Clerk


Jeff Toborg, Mayor