

# TOWN OF PARKER COUNCIL AGENDA

May 1, 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](http://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 - April 17, 2023 and April 26, 2023*

- B. *ORDINANCE NO. 1.577 - First Reading*  
*A Bill for an Ordinance to Approve the Memorandum of Agreement for Local Jurisdiction Regulation of Conveyances Pursuant to the Elevator and Escalator Certification Act, Title 9 Article 5.5, Colorado Revised Statutes, between the Colorado Department of Labor and Employment, Division of Oil and Public Safety, and the Town of Parker*  
*Department: Community Development, Randy Sale*  
*Second Reading: May 15, 2023*

- C. *ORDINANCE NO. 1.578 – First Reading*  
*A Bill for an Ordinance Conveying Certain Real Property by Easement to Parker Water and Sanitation District for Tract A and Lot 1, Salisbury North Minor Development Plan, 1st Amendment*  
Department: Engineering and Public Works, Michael Grabczyk  
Second Reading: May 15, 2023
- D. *ORDINANCE NO. 1.579 - First Reading*  
*A Bill for Ordinance to Approve the Right of Way Purchase and Sale Agreement By and Between CST Metro LLC and the Town of Parker for a Portion of Tract A, MacLachlan Subdivision Filing No. 1*  
Department: Engineering and Public Work, Alex Mestdagh  
Second Reading: May 15, 2023
- E. *ORDINANCE NO. 9.357 - First Reading*  
*A Bill for an Ordinance to Approve the Douglas County ARPA Beneficiary Agreement By and Between the Board of County Commissioners of the County of Douglas, State of Colorado, and the Town of Parker*  
Department: Police, Jim Tsurapas  
Town Attorney, Kelsey Hall  
Second Reading: May 15, 2023
- F. *ORDINANCE NO. 9.358 - First Reading*  
*A Bill for an Ordinance to Approve the Intergovernmental Agreement by and between the Douglas County Board of County Commissioners and the Town of Parker for the Expansion of the Community Response Team*  
Department: Police, Jim Tsurapas  
Town Attorney, Kelsey Hall  
Second Reading: May 15, 2023
- G. *RESOLUTION NO. 23-016*  
*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
- H. *RESOLUTION NO. 23-041*  
*A Resolution to Amend the Administrative Organization Plan for the Town of Parker*  
Department: Town Manager, Michelle Kivela
- I. *RESOLUTION NO. 23-042*  
*A Resolution Calling a Special Town Election on November 7, 2023, to Amend Certain Sections of the Town of Parker Home Rule Charter*  
Department: Town Attorney, Kelsey Hall

J.     *RESOLUTION NO. 23-043*  
*A Resolution Stating the Town's Intent to Participate in the Douglas County Coordinated Election on November 7, 2023*  
          Department:     Town Attorney, Kelsey Hall

K.     *CONTRACTS OVER \$100,000*

1.     *Pine Drive over Sulphur Gulch Bridge Rehabilitation (CIP 22-045-CI)*  
          Amount:             \$1,098,527  
          Contractor:        Jalisco International, Inc.  
          Department:       Engineering and Public Works, Tom Gill
2.     *Microsoft Enterprise Agreement - Software Licenses*  
          Amount:             \$223,177.13 per year for 3 years  
          Contractor:        Dell  
          Department:       Finance, Matt Lynch

L.     *PROCLAMATION - Municipal Clerks Week - April 30-May 6, 2023*

5.     **PUBLIC HEARINGS**

A.     **POPE PROPERTY ANNEXATION - (Continued from February 6, 2023 and to be continued to July 17, 2023)**

          Applicant:         David Brehm, Plan West  
          Location:         Southwest corner of Twenty Mile Road and Dransfeldt Road  
          Department:      Community Development, Stacey Nerger  
          TRAKiT No.:      ANX22-009

1.     **ORDINANCE NO. 2.282 - Second Reading**  
          **A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Pope Property in Douglas County**

B.     **Tax and Fee Assistance Program Agreement for Chicken N' Pickle**  
          Department:      Economic Development, Weldy Feazell

6.     **ORDINANCES**

A.     **ORDINANCE NO. 1.575 - Second 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

7. **CONTRACTS OVER \$500,000**

**Hilltop Road/Canterberry Parkway Area Improvements (CIP 22-039)**

**Amount: \$989,915.50**

**Contractor: 53 Corporation, LCC**

**Department: Engineering and Public Works, Tom Gill**

8. **PUBLIC COMMENTS CONTINUED IF NECESSARY**

9. **ADJOURNMENT**

*Parker Town Council*

# **Executive Session Agenda**

May 1, 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. Proposed acquisition of right-of-way and easements for the Motsenbocker improvements as part of the Dransfeldt Road project

“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).”

2. Section 15.10 of the Parker Home Rule Charter (potential charter amendment)

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

3. Town Attorney evaluation

**TOWN OF PARKER COUNCIL  
MINUTES  
MAY 1, 2023**

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

Town Attorney Kristin Hoffmann announced there were three topics for discussion in the Executive Session. Under C.R.S. § 24-6-402(4)(b), there was one item regarding Section 15.10 of the Parker Home Rule Charter (potential charter amendment). Under C.R.S. § 24-6-402(4)(e), there was one item concerning proposed acquisition of right-of-way and easements for the Motsenbocker improvements as part of the Dransfeldt Road project. Under C.R.S. § 24-6-402(4)(f), there was one item which was the Town Attorney evaluation.

**EXECUTIVE SESSION**

Brandi Wilks moved, and Todd Hendreks seconded to go into Executive Session at 5:31 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.

Joshua Rivero moved, and Todd Hendreks seconded to come out of Executive Session at 6:39 p.m.

The motion was approved unanimously.

Joshua Rivero moved, and Todd Hendreks 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**

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 17, 2023 and April 26, 2023*
- B. *ORDINANCE NO. 1.577 - First Reading*  
*A Bill for an Ordinance to Approve the Memorandum of Agreement for Local Jurisdiction Regulation of Conveyances Pursuant to the Elevator and Escalator Certification Act, Title 9 Article 5.5, Colorado Revised Statutes, between the Colorado Department of Labor and Employment, Division of Oil and Public Safety, and the Town of Parker*  
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*Department: Police, Jim Tsurapas*  
*Town Attorney, Kelsey Hall*  
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G. *RESOLUTION NO. 23-016*

*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*

H. *RESOLUTION NO. 23-041*

*A Resolution to Amend the Administrative Organization Plan for the Town of Parker*

*Department: Town Manager, Michelle Kivela*

I. *RESOLUTION NO. 23-042*

*A Resolution Calling a Special Town Election on November 7, 2023, to Amend Certain Sections of the Town of Parker Home Rule Charter*

*Department: Town Attorney, Kelsey Hall*

J. *RESOLUTION NO. 23-043*

*A Resolution Stating the Town's Intent to Participate in the Douglas County Coordinated Election on November 7, 2023*

*Department: Town Attorney, Kelsey Hall*

K. *CONTRACTS OVER \$100,000*

1. *Pine Drive over Sulphur Gulch Bridge Rehabilitation (CIP 22-045-CI)*

*Amount: \$1,098,527*

*Contractor: Jalisco International, Inc.*

*Department: Engineering and Public Works, Tom Gill*

2. *Microsoft Enterprise Agreement - Software Licenses*

*Amount: \$223,177.13 per year for 3 years*

*Contractor: Dell*

*Department: Finance, Matt Lynch*

L. *PROCLAMATION - Municipal Clerks Week - April 30-May 6, 2023*

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

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

The motion was approved unanimously.

### **PUBLIC HEARINGS**

**A. POPE PROPERTY ANNEXATION - (Continued from February 6, 2023 and to be continued to July 17, 2023)**

**Applicant:** David Brehm, Plan West  
**Location:** Southwest corner of Twenty Mile Road and Dransfeldt Road  
**Department:** Community Development, Stacey Nerger  
**TRAKiT No.:** ANX22-009

**1. ORDINANCE NO. 2.282 - Second Reading**

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

Mayor Toborg advised that staff requested to continue this item until July 17, 2023.

Joshua Rivero moved to continue the public hearing to consider Ordinance No. 2.282 to a date certain of July 17, 2023.

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

The motion was approved unanimously.

**B. Tax and Fee Assistance Program Agreement for Chicken N' Pickle**

**Department:** Economic Development, Weldy Feazell

Mayor Toborg opened the public hearing at 7:06 p.m.

Chicken N' Pickle filed an application with the Town to participate in the Town of Parker Tax and Fee Assistance Program (TAP), pursuant to Parker Municipal Code 4.02 for the development of an indoor/outdoor restaurant with pickleball courts and yard games. Chicken N' Pickle has entered into a Letter of Intent (LOI) with Life Church to purchase a portion of their property located on the southeast corner of Jordan and Parkerhouse Roads.

Chicken N' Pickle is an indoor/outdoor family-friendly entertainment complex including a casual, chef-driven restaurant and sports bar that boasts pickleball courts and a variety of yard games. Established in Kansas City in 2016, Chicken N' Pickle's original location has become a

popular destination for families, young adults, and corporate gatherings.

The proposed project consists of a 10,000-square-foot restaurant, a 4,000-square-foot rooftop patio, and 17,000 square feet of pickleball courts. The business projects employment of 160-200 individuals with an annual payroll of approximately \$2.7 million. A site plan for this project has not been submitted and will be coordinated with the Life Church development so the two sites can enter into a shared parking agreement.

The gross annual sales projections for year one are estimated to be \$12 million, increasing to \$14 million by the end of year five.

**Project Financial Information:**

- Total Project Cost - \$22,000,000
- Core and Shell Estimate - \$15,000,000
- Anticipated Revenues (five years stabilized) - \$35,150,000

**Anticipated Town Revenues (5-year Life of Agreement)**

- Parker Sales Tax (Parks & Recreation) \$293,000
- Parker Sales Tax (General Fund) \$1,464,000
- Total Anticipated Revenues (Direct only) \$1,757,000

**Proposed Incentive:**

- Sales Tax Rebate - 5 years \$660,000

**Public Comments:** None.

Mayor Toborg closed the public hearing at 7:15 p.m.

Todd Hendreks moved to approve the staff recommendation, as part of the regular agenda.

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

Todd Hendreks - yes

John Diak - yes

Brandi Wilks - yes

The motion was approved unanimously.

**ORDINANCES****A. ORDINANCE NO. 1.575 - Second 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**

The purpose of this ordinance is to approve the Right-of-Way Purchase and Sale Agreement for the conveyance of real property from TMV Retail II Owners Association 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.

**Public Comments:** None.

Anne Barrington moved to approve Ordinance No. 1.575 on second reading.

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

The motion was approved unanimously.

**CONTRACTS OVER \$500,000****Hilltop Road/Canterberry Parkway Area Improvements (CIP 22-039)**

**Amount: \$989,915.50**

**Contractor: 53 Corporation, LLC**

**Department: Engineering and Public Works, Tom Gill**

This item is to approve the award of a trade contractor agreement with 53 Corporation, LLC for the Hilltop Road/Canterberry Parkway Area Improvements (CIP 22-039). Work includes, but is not limited to, extension of the existing left-hand turn lanes on Hilltop Road at the Canterberry Parkway intersection and the Legend High School intersection. Work will be completed during summer break to minimize traffic disruptions.

**Public Comments:** None.

Anne Barrington 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

Anne Barrington - yes

Todd Hendreks - yes

John Diak - yes

Brandi Wilks - yes

The motion was approved unanimously.

### **ADJOURNMENT**

Joshua Rivero moved to adjourn the meeting at 7:31 p.m.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

Todd Hendreks - yes

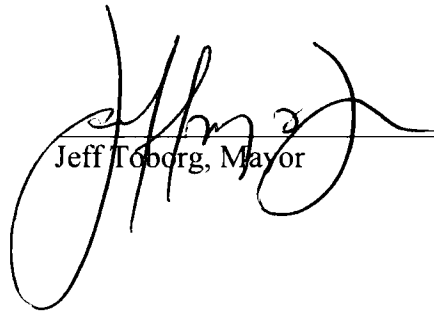
John Diak - yes

Brandi Wilks - yes

The motion was approved unanimously.



Susan L. Irvine, Deputy Town Clerk



Jeff Toborg, Mayor