TOWN OF PARKER COUNCIL
MINUTES
OCTOBER 2, 2023

Mayor Jeff Toborg called the meeting to order at 6:30 p.m. All Councilmembers were present.

Town Attorney Kristin Hoffmann announced there were two topics for discussion in the Executive Session under C.R.S. § 24-6-402(4)(b). The first item was regarding CenturyLink Metro Ethernet Service Agreement. The second item was related to C.R.S. § 31-25-1220 concerning exclusion of property from the boundaries of a business improvement district.

EXECUTIVE SESSION

Brandi Wilks moved and Joshua Rivero seconded to enter into Executive Session at 6:31 p.m. to hold a conference with the Town's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b).

The motion was approved unanimously.

Anne Barrington moved and John Diak seconded to come out of Executive Session at 6:59 p.m.

The motion was approved unanimously.

Brandi Wilks moved and Joshua Rivero seconded to recess the Regular Meeting until 7:00 p.m.

The motion was approved unanimously.

REGULAR SESSION

Mayor Toborg reconvened the meeting at 7:01 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 - September 18, 2023

B. *ORDINANCE NO. 1.592 - First Reading*
A Bill for an Ordinance Stating the Intent of the Town of Parker to Acquire Certain Property Interests for the Purpose of Widening, Constructing, and Improving a Portion of Jordan Road, a Town Roadway, Through the Utilization of the Town's Power of Eminent Domain and Directing the Town's Staff and Town Attorney to Notify All Persons Affected Thereby of the Above-Stated Intent of the Town, and Thereafter to Comply with All Pertinent Provisions of C.R.S. § 38-1-101, et seq., Relating to Good Faith Negotiations
Department: *Engineering and Public Works, Patrick Burke*
Second Reading: *October 16, 2023*

C. *ORDINANCE NO. 5.28.33 - First Reading*
A Bill for an Ordinance to Amend Section 5.02.180 to Authorize Administrative Approval of Retail Establishment Permits, and to Repeal Article V of Chapter 5.02 Regarding the Greater Downtown Special Private Art Permit
Department: *Town Attorney, Kristin Hoffmann*
Second Reading: *October 16, 2023*

D. *RESOLUTION NO. 23-038.1*
A Resolution to Amend Resolution 23-038, Series of 2023, Concerning the Town of Parker Policy Manual by the Adoption of a New Town of Parker Policy Statement Number 1-17 Concerning Complaints Against Employees Reporting Directly to Town Council
Department: *Town Attorney, Kristin Hoffmann*

E. *RESOLUTION NO. 23-085*
A Resolution Setting a Public Hearing for Consideration of a Petition to Exclude Property from the Downtown Parker Business Improvement District and Directing the Town Clerk to Cause Notice of Hearing to be Given and Published Pursuant to the Business Improvement District Act
Department: *Town Attorney, Kristin Hoffmann*

F. *CONTRACT OVER $100,000*

1. *Lumen Metro Ethernet Circuits Contract*
Amount: *$404,100*
Contractor: *Lumen Metro Ethernet Circuits*
Department: *Information Technology, Matt Lynch*

G. *PROCLAMATION - Community Planning Month - October 2023*

Joshua Rivero moved to remove item 4F1 from the Consent 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.

Joshua Rivero moved to approve Consent Agenda Items 4A through 4E and 4G.

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.

Joshua Rivero moved to continue item 4F1, Contracts Over $100,000, Lumen Metro Ethernet Circuits Contract to a date certain of October 16, 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
Laura Hefta - yes

The motion was approved unanimously.

RESOLUTIONS

A. RESOLUTION NO. 23-061.1
A Resolution to Appoint One Regular Member to Fill a Vacancy on the Parker Youth Commission
Department: Town Manager, Cheri Sullivan

The term for four (4) regular members of the Parker Youth Commission (PYC) expired on August 31, 2023 and three (3) members were appointed in August 2023, leaving one vacancy. Six (6) candidates meeting the requirements for service applied for appointment to the PYC and were interviewed on

September 19, 2023. The Review Committee consisted of Town Councilmembers Anne Barrington and Joshua Rivero, Community Relations Liaison Cheri Sullivan, Cultural Education Manager Kirstin Fletcher, and Recreation Manager Errin Koon.

The Review Committee recommended the Town Council approve Resolution No. 23-061.1, which would appoint Isabella Corriere to a two-year term ending on August 31, 2025.

Public Comments: None.

Anne Barrington moved to approve Resolution No. 23-061.1.

Joshua Rivero 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. RESOLUTION NO. 23-083
A Resolution Authorizing the Town Manager to File a Commitment with the Colorado Department of Local Affairs Pursuant to Proposition 123 and State Law, and Acknowledging the Town's Commitment to a Regional Partnership with Douglas County Jurisdictions
Department: Town Council

The Colorado Division of Local Affairs (DOLA) has begun implementation of Proposition 123. Proposition 123 has recently been amended to allow funding and implementation of affordable housing activities through a regional, multi-jurisdictional approach. The Douglas County Housing Partnership (DCHP's) has proposed a regional approach to Proposition 123 that includes all local government members of DCHP including the Town of Parker. The Town would benefit from participation in DCHP's Proposition 123 initiative through increased funding to support affordable housing activities including down payment assistance, greater home ownership opportunities and funding for homelessness programs.

In order to participate in DCHP's Proposition 123 initiative, the Town must prepare and file a Proposition 123 Commitment with DOLA by November 1, 2023. The Town will also work with DCHP and Douglas County jurisdictions to prepare an Intergovernmental Agreement (IGA) to memorialize their commitment to activities that support affordable housing opportunities, increase affordable housing units, and establish a method of distributing affordable housing credits in excess of each jurisdiction's baseline commitments. Staff will schedule the IGA for Town Council consideration when it is ready.

Public Comments: None.

Brandi Wilks moved to approve Resolution No. 23-083.

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.

PUBLIC HEARINGS

NEWLIN CROSSING TOWNHOMES SKETCH AND PRELIMINARY PLAN

Applicant: **Lennar Colorado, L.L.C. and PCS Group**
Location: **4241 E. Mainstreet**
Department: **Community Development, Julia Duncan**
TRAKiT No.: **SUB-21-057 & SUB21-058**

Mayor Toborg opened the Public Hearing at 7:37 p.m.

The applicant, Lennar Colorado, L.L.C., has submitted a Sketch and Preliminary Plan application for future residential use of a portion of the Newlin Crossing Planned Development (PD) for future residential use. The applicant proposes to layout 96 lots for the development of attached single-family townhomes, 3.87 acres of open space, and associated improvements. The Newlin Crossing PD is located at the northeast corner of the intersection of Mainstreet and Chambers Road and the subject property is within the PD to the east of Newlin Gulch with frontage on Mainstreet.

On September 14, 2023, the Planning Commission unanimously recommended the Town Council approve the Sketch and Preliminary Plans, and staff concurred with this recommendation.

Allen Cunningham, Denver, made a presentation on behalf of the applicant and answered questions of Council.

Public Comments: None.

Mayor Toborg closed the Public Hearing at 7:57 p.m.

Anne Barrington moved to approve the Sketch Plan, based on staff findings, contained in the staff report.

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.

Anne Barrington moved to approve the Preliminary Plan, based on staff findings, contained in the staff report.

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.

CONTRACTS OVER $500,000

A. Lemon Gulch Trail Improvements

Amount: **$2,489,041**
Contractor: **Jalisco International, Inc.**
Department: **Engineering and Public Works, Michael Grabczyk**
Parks, Recreation, and Open Space, Brett Collins

The Lemon Gulch Trail Improvements (CIP22-035) will connect the Lemon Gulch Trail to the Cherry Creek Regional Trail at Stroh Soccer Park. Included with the improvements will be approximately 2,700 linear feet of trail, a 2,000 square yard sculpted concrete drop structure, earthwork, rip-rap, erosion control, and additional trail related improvements.

Three (3) contractors bid on the project, with Jalisco International, Inc. being the lowest responsible bidder. The contractor successfully completed the Mainstreet North Sidewalk Improvements this year as well as the resurfacing of Bradbury Ranch Drive and other roadways. Town staff recommended moving forward with the contract award in the amount of $2,489,041.

Public Comments: None.

Laura Hefta 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
Laura Hefta - yes

The motion was approved unanimously.

B. O'Brien Park Streetscape Construction Contract (Continued from September 18, 2023)
Amount: $616,504.27
Contractor: Sabell's Civil and Landscape, LLC
Department: Parks, Recreation and Open Space, Brett Collins

This item was for the award of a $536,091.27 Trade Contractor Agreement with Sabell's Civil and Landscape, LLC, for the O'Brien Park Streetscape Project (CIP23-029-CI) and approval of a $80,413 (15%) contingency for unanticipated project costs. The item was continued from the September 18, 2023, Town Council meeting. Staff recommended that the Town Council award a construction contract to Sabell's Civil and Landscape, LLC and approve a 15% contingency.

Public Comments: None.

Anne Barrington moved to approve the staff recommendation as a part of the regular agenda.

Joshua Rivero 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

Joshua Rivero moved to adjourn the meeting at 8:12 p.m.

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
Laura Hefta - yes

The motion was approved unanimously.

Susan L. Irvine

Susan L. Irvine, Deputy Town Clerk

Jeff Toborg, Mayor