

TOWN OF PARKER COUNCIL AGENDA
February 5, 2024

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. **6:00 P.M. – Call to Order Town Council Meeting and Roll Call**
- B. **Executive Session – Immediately following Call to Order/Roll Call – (See Attached)**
- C. **6:30 P.M. or as soon thereafter as the Executive Session ends - Council Updates/Work Session**
- D. **Reconvene Town Council Meeting at 7:00 P.M. or as soon thereafter as the regular public meeting can be conducted.**

2. SPECIAL PRESENTATIONS

- A. **Certificate of Recognition - Colorado Covered - Johanna Spille**

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 - January 16, 2024*

- B. *ASSIGNMENT AND ASSUMPTION AGREEMENT FOR TAX AND FEE ASSISTANCE PROGRAM AGREEMENT FOR MAINSTREET PIER, LLC*
Department: *Town Attorney, Jim Maloney*
- C. *AMENDED AND RESTATED SHOPPING CENTER ASSISTANCE PROGRAM AGREEMENT FOR KPS RETAIL LLC*
Department: *Economic Development, Weldy Feazell*
- D. *ORDINANCE NO. 3.253.7 - First Reading*
A Bill for an Ordinance to Rezone Certain Property Within the Town of Parker, Colorado, Known as the Compark Village PD-Planned Development District, Pursuant to the Town of Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith
Department: *Community Development, Stacey Nerger*
Second Reading: *February 20, 2024*
- E. *ORDINANCE NO. 1.597 – First Reading*
A Bill for an Ordinance to Release a Portion of the Slope Easement for Dransfeldt Road Associated with Dransfeldt Place Minor Development Plat Amendment No. 1, Lot 5A and Lot 6A
Department: *Engineering and Public Works, Michael Walton*
Second Reading: *February 20, 2024*
- F. *ORDINANCE NO. 9.365 – First Reading*
A Bill for an Ordinance to Approve the First Amendment to Intergovernmental Agreement Between the Town of Parker, Colorado and the Robinson Ranch Metropolitan District
Department: *Town Attorney, Jamie Wynn*
Second Reading: *February 20, 2024*
- G. *ORDINANCE NO. 9.366 – First Reading*
A Bill for an Ordinance to Approve the Town of Parker Model Intergovernmental Agreement Between the Town of Parker, Colorado and the Kime Ranch Metropolitan District
Department: *Town Attorney, Jamie Wynn*
Second Reading: *February 20, 2024*
- H. *ORDINANCE NO. 3.371 – First Reading*
A Bill for an Ordinance to Amend Sections 13.04.100, 13.04.120 and 13.04.130 Concerning Natural Medicine Businesses and to Amend Title 13 of the Parker Municipal Code by the Addition Thereto of a New Chapter 13.17 Concerning the Regulation of Natural Medicine Businesses in the Town of Parker
Department: *Town Attorney, Jim Maloney*
Second Reading: *February 20, 2024*

- I. *ORDINANCE NO. 5.06.46 – First Reading*
A Bill for an Ordinance to Amend Section 8.01.010 of the Parker Municipal Code to Add a Definition for Natural Medicine; to Amend Section 8.01.040 of the Parker Municipal Code to Add a Violation for the Unlawful Cultivation of Natural Medicine; and Amend Chapter 8.08 of the Parker Municipal Code to Add a New Section 8.08.070 Concerning Cultivation of Natural Medicine in the Town of Parker
Department: Town Attorney, Jim Maloney
Second Reading: February 20, 2024
- J. *RESOLUTION NO. 24-004*
A Resolution Ratifying the Purchase and Binding of Insurance Coverage for the Town of Parker
Department: Risk Management, Steve Bedard
- K. *RESOLUTION NO. 24-005*
A Resolution to Adopt Parker's Economic Playbook
Department: Economic Development, Weldy Feazell
- L. *RESOLUTION NO. 24-015*
A Resolution to Appoint the Board of Directors to the Greater Parker Foundation
Department: Town Manager, Michael Lawson
- M. *RESOLUTION NO. 24-017*
A Resolution Approving the Release of the Slope Easement By and Between Parker Center, LLC, and the Town of Parker Concerning Tract A, Parker Town Center
Department: Engineering and Public Works, Alex Mestdagh
- N. *RESOLUTION NO. 24-018*
A Resolution to Amend Resolution No. 23-038, Series of 2023, Concerning the Town of Parker Policy Manual by the Adoption of a New Town of Parker Policy Statement Number 1-18 Concerning Lobbying Guidelines
Department: Town Manager, Emily Hogan
- O. *CONTRACTS OVER \$100,000*
1. *Street Sweeper Purchase*
Amount: \$425,000
Contractor: Intermountain Sweeper Company
Department: Engineering and Public Works, Jim Gilbert
2. *Fleet Equipment Capital and Replacement*
Amount: \$125,000
Contractor: Bobcat of the Rockies
Department: Engineering and Public Works, Jim Gilbert

3. *Cab and Chassis Capital and Replacement Units*
Amount: \$250,848
Contractor: Transwest Truck Trail RV
Department: Engineering and Public Works, Jim Gilbert
4. *Upfit of Cab and Chassis Units*
Amount: \$477,286
Contractor: OJ Watson Company
Department: Engineering and Public Works, Jim Gilbert
5. *Replacement and Capital Fleet Vehicles*
Amount: \$607,909
Contractor: John Elway Chevrolet
Department: Engineering and Public Works, Jim Gilbert
6. *Parker Road Sidewalk Project - Pine Drive to Stroh Road - Final Design*
Amount: \$347,426
Contractor: Merge Resource Group Ltd
Department: Engineering and Public Works, Patrick Burke
7. *First Amendment to Agreement for Professional Services*
Amount: \$104,170.25
Contractor: Mountain High Lawn and Landscape LLC
Department: Parks, Recreation and Open Space, Jared Musil
8. *Purchase of Snow Mitigation Material for the 2024 Season*
Amount: \$533,200
Contractor: GMCO Corp.
Department: Engineering and Public Works, Scott Borzillo
9. *Second Amendment to the Construction Contract (CIP22-051-CI) for the Town Hall Expansion Project*
Amount: \$361,000
Contractor: JHL Constructors
Department: Engineering and Public Works, Bob Exstrom

6. **TOWN MANAGER**

- **TM Quarterly Report - Winter 2024**

7. PUBLIC HEARINGS

HARDING HEIGHTS

Department: Community Development, Ashley Chasez

- 1. ORDINANCE NO. 3.88.1 - Second Reading
A Bill for an Ordinance Rezoning Lots 1 and 2 of Parker Downs Filing No. 3 from Modified Commercial to C-Commercial District Pursuant to the Town of Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith**
- 2. Ordinance No. 3.06.1 - Second Reading
A Bill for an Ordinance Amending Ordinance No. 3.06 by the Deletion of Certain Property from the Planned Development Zoned Area Known as the Moran Planned Development Property**
- 3. Ordinance No. 3.370 - Second Reading
A Bill for an Ordinance Rezoning Certain Property Within the Town of Parker, Colorado, Known as the Moran Planned Development Property from PD-Planned Development to C-Commercial District Pursuant to the Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith**
- 4. Use by Special Review**
- 5. Minor Development Plat**
- 6. Subdivision Agreement**

8. CONTRACTS OVER \$500,000

Dransfeldt Road Extension (CIP 23-001) Construction Management, Inspection & Material Testing

Amount: \$1,441,615

Contractor: Alfred Benesch & Company

Department: Engineering and Public Works, Chris Hudson

9. PUBLIC COMMENTS CONTINUED IF NECESSARY

10. ADJOURNMENT

Parker Town Council

Executive Session Agenda

February 5, 2024

“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. Kime Ranch proposed annexation agreement amendment

“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. American Academy litigation discussion re: Douglas County District Court Case No. 2024 CV 30055
3. Land Development Ordinance modernization and adoption of Zoning Map
4. Article XIV, Initiative and Referendum, of the Town of Parker Home Rule Charter and C.R.S. § 31-11-106, specifically concerning proposed Parker Citizens for Fair Taxes Petitioners’ Affidavit.

**TOWN OF PARKER COUNCIL
MINUTES
FEBRUARY 5, 2024**

Mayor Pro Tem John Diak called the meeting to order at 6:02 p.m. All Councilmembers were present except for Mayor Toborg and Anne Barrington. Mayor Toborg arrived at 6:08 p.m.

Interim Town Attorney Jamie Wynn announced there were four topics for discussion in the Executive Session. Under C.R.S. § 24-6-402(4)(e), there was the Kime Ranch proposed annexation agreement amendment. Under C.R.S. § 24-6-402(4)(b), the first topic was American Academy litigation discussion re: Douglas County District Court Case No. 2024 CV 300553; the second topic was Land Development Ordinance modernization and adoption of Zoning Map; and the third topic was Article XIV, Initiative and Referendum, of the Town of Parker Home Rule Charter and C.R.S. § 31-11-106, specifically concerning proposed Parker Citizens for Fair Taxes Petitioners' Affidavit.

Jamie Wynn added that, before entering into the Executive Session, there was an issue regarding a possible conflict with respect to Item 4, regarding the Initiative and Referendum for the Parker Citizens for Fair Taxes which needs to be addressed.

Councilmember Brandi Wilks stated there was one item on the Executive Session agenda concerning a New Issue Committee Registration that was filed with the Town Clerk's Office.

The purpose of the Petitioners' Committee Affidavit is to form an initiative committee for the "Parker Citizens for Fair Taxes," to commence and prosecute a citizens' initiative to amend the Town's Sales Tax Code to exempt food for Home Consumption, Period Products, and Incontinence Products and Diapers from the Town's sales tax.

Mayor Toborg is listed as a member of the issue committee for "Parker Citizens for Fair Taxes," and a member of the of the initiative committee for "Parker Citizens for Fair Taxes."

Councilmember Wilks moved that Mayor Toborg has a conflict of interest concerning the subject matter of tonight's Executive Session and Mayor Toborg should be disqualified from participating in any matter before the Town Council concerning the citizen initiative to amend the town's sales tax code because: (1) the Mayor's conflict of interest impedes independence of judgment; (2) participation will negatively affect the public's confidence in the integrity of the Town Council; (3) participation is likely to have a significant negative effect on the ultimate disposition of the matter; and (4) Mayor Toborg has a fiduciary duty to be impartial and he is obligated to avoid participating in matters when there is a personal interest that may conflict with, influence, or be perceived by the public as influencing Mayor Toborg's conduct.

The motion was seconded by Joshua Rivero

A roll call vote was taken:

Laura Hefta – yes

Brandi Wilks – yes

John Diak – yes

Joshua Rivero – yes

Todd Hendreks – yes

The motion passed unanimously.

Following the passage of this conflict-of-interest motion, Mayor Toborg stated that Councilmember Rivero also had a conflict of interest because of prior public statements by Councilmember Rivero that he would not support exempting the sales tax on food for home consumption. A short discussion ensued concerning the difference between the personal opinion of an elected official and the participation of an elected official as a member of an issue committee and initiative committee. No member made a motion in response to Mayor Toborg's statement and the discussion ended.

Mayor Pro Tem Diak stated that Mayor Toborg will leave the Pikes Peak Conference Room before Item 4 of the Executive Session agenda is opened for discussion.

EXECUTIVE SESSION

Joshua Rivero moved and Brandi Wilks seconded to go into Executive Session at 6:18 p.m. 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.

Mayor Toborg left the Executive Session at 6:46 p.m.

Joshua Rivero moved and Todd Hendreks seconded to continue the Executive Session until after the regular Town Council meeting.

The motion was approved unanimously.

Joshua Rivero moved and Brandi Wilks seconded to recess the regular Town Council meeting until 7:00 p.m.

The motion was approved unanimously.

COUNCIL UPDATES/WORK SESSION

None.

REGULAR SESSION

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

Pack 369 led the Council and audience in the Pledge of Allegiance.

SPECIAL PRESENTATIONS

Mayor Toborg, Councilmember Hefta, and Chief Tsurapas presented a Certificate of Recognition to Johanna Spille and the team from Colorado Covered and recognized them for the excellent service they provide to victims of human trafficking.

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 - January 16, 2024*

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Department: Town Attorney, Jim Maloney

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Second Reading: February 20, 2024

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Department: Town Manager, Emily Hogan

O. CONTRACTS OVER \$100,000

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Contractor: Intermountain Sweeper Company
Department: Engineering and Public Works, Jim Gilbert

2. Fleet Equipment Capital and Replacement

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Contractor: Bobcat of the Rockies
Department: Engineering and Public Works, Jim Gilbert

3. Cab and Chassis Capital and Replacement Units

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Department: Engineering and Public Works, Jim Gilbert

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Amount: \$477,286
Contractor: OJ Watson Company
Department: Engineering and Public Works, Jim Gilbert

5. Replacement and Capital Fleet Vehicles

Amount: \$607,909
Contractor: John Elway Chevrolet
Department: Engineering and Public Works, Jim Gilbert

6. Parker Road Sidewalk Project - Pine Drive to Stroh Road - Final Design

Amount: \$347,426
Contractor: Merge Resource Group Ltd
Department: Engineering and Public Works, Patrick Burke

7. First Amendment to Agreement for Professional Services

Amount: \$104,170.25
Contractor: Mountain High Lawn and Landscape LLC
Department: Parks, Recreation and Open Space, Jared Musil

8. Purchase of Snow Mitigation Material for the 2024 Season

Amount: \$533,200
Contractor: GMCO Corp.
Department: Engineering and Public Works, Scott Borzillo

9. *Second Amendment to the Construction Contract (CIP22-051-CI) for the Town Hall Expansion Project*

Amount: \$361,000
Contractor: JHL Constructors
Department: Engineering and Public Works, Bob Exstrom

Joshua Rivero moved and Brandi Wilks seconded to approve Consent Agenda Items 5A through 5O.

A roll call vote was taken:

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

The motion was approved unanimously.

TOWN MANAGER

TM Quarterly Report - Winter 2024

A written report from the Town Manager was supplied to the Town Council as part of the Council packet and is also available on the Town's website.

PUBLIC HEARINGS

HARDING HEIGHTS

Department: Community Development, Ashley Chasez

Mayor Toborg opened the Public Hearing at 7:14 p.m.

The applicant submitted three (3) land use applications for the subject property, which consists of multiple lots, which were previously owned by Mountain Man Fruit & Nut Company. The property is located at the intersection of Parker Road and Longs Way and has a total area of 6.17 acres. It has been partially developed with several older, light industrial buildings used by the previous owner and a food truck operated by Big Jim's Ribs. The surrounding area has a commercial land use character, and the subject property is bordered by commercial retail uses to the north, south, east, and west. The property also borders Parker Cemetery to the southwest.

The subject property is located in three (3) different zone districts: the Moran PD, Modified Commercial, and C - Commercial. The irregular zoning is a constraint to future use, so the applicant proposed to rezone the entirety of the property to the C - Commercial zone district. The purpose of the rezoning was to create simpler, more uniform zoning across the subject property that will support future commercial development. This action will also produce greater consistency in permitted uses, development standards, and administrative process while increasing transparency for the public, property owner(s) and future developers.

The applicant addressed and satisfied the nine (9) criteria for approval of a rezoning application. Staff believed that the proposed rezoning request appeared to satisfy, or could satisfy, the nine (9) criteria for rezoning approval.

In addition to the rezoning application, the applicant submitted a Use by Special Review ("UbSR") application for a gas station with a convenience store. The applicant proposed constructing a 5,312 square foot convenience store with gasoline pumps at the southwest corner of Parker Road and Longs Way on one (1) of the three (3) lots to be created with the Minor Development Plat.

The proposed C-Commercial zoning for the property lists a Convenience Store with Gasoline Pumps as a Use by Special Review. The proposed location of the gas station with a convenience store is surrounded by existing commercial uses, including a fast-food restaurant to the north, undeveloped commercial lot to the south, a tractor and farm equipment sales business to the west, and commercial uses to the east across Parker Road.

The UbSR required the applicant to address, and the Town Council to determine, whether the proposed use meets (or can meet) the nine (9) approval criteria set forth in the Land Development Ordinance (LDO). The UbSR application appeared to satisfy, or could satisfy, the nine (9) criteria for approval.

The Minor Development Plat (MDP) created three (3) lots for future commercial development, including a QuikTrip gas station with a convenience store. The MDP incorporated an internal, private road that connects a full movement intersection on Longs Way to a right in/right out access point on Parker Road. The MDP aligned with the Master Plan by creating vehicular and pedestrian access to underutilized commercial properties in the Central Commercial Character Area and creating lots designed to support future commercial development. The MDP also aligned with the Parker Road Corridor Plan by providing consolidated access to the three (3) commercial lots with one (1) access point on Parker Road. There is a Subdivision Agreement for the construction of public improvements associated with the MDP.

The Planning Commission held a public hearing for the proposal on January 11, 2024, and voted unanimously to recommend that the Town Council approve the proposed rezoning, UbSR, and MDP applications. The applicant has also submitted a site plan application for the proposed QuikTrip gas station with a convenience store that is being reviewed administratively. It will be approved subject to Town Council action on the above-referenced applications.

Mike Talcott of QuikTrip, Denver, and Coy Williams of Kimley-Horn, Greenwood Village, made a presentation on behalf of the applicant and answered questions of Council.

Public Comments: None.

Mayor Toborg closed the Public Hearing at 7:51 p.m.

- 1. ORDINANCE NO. 3.88.1 - Second Reading**
A Bill for an Ordinance Rezoning Lots 1 and 2 of Parker Downs Filing No. 3 from Modified Commercial to C-Commercial District Pursuant to the Town of Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith

Joshua Rivero moved and Laura Hefta seconded to approve Ordinance No. 3.88.1 on second reading.

A roll call vote was taken:

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

The motion was approved unanimously.

2. Ordinance No. 3.06.1 - Second Reading

A Bill for an Ordinance Amending Ordinance No. 3.06 by the Deletion of Certain Property from the Planned Development Zoned Area Known as the Moran Planned Development Property

Todd Hendreks moved and Joshua Rivero seconded to approve Ordinance No. 3.06.1 on second reading.

A roll call vote was taken:

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

The motion was approved unanimously.

3. Ordinance No. 3.370 - Second Reading

A Bill for an Ordinance Rezoning Certain Property Within the Town of Parker, Colorado, Known as the Moran Planned Development Property from PD-Planned Development to C-Commercial District Pursuant to the Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith

John Diak moved and Brandi Wilks seconded to approve Ordinance No. 3.370 on second reading.

A roll call vote was taken:

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

The motion was approved unanimously.

4. Use by Special Review

Todd Hendreks moved and Joshua Rivero seconded to approve the Use by Special Review application.

A roll call vote was taken:

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

The motion was approved unanimously.

5. Minor Development Plat

John Diak moved and Todd Hendreks seconded to approve the Minor Development Plat application.

A roll call vote was taken:

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

The motion was approved unanimously.

6. Subdivision Agreement

Todd Hendreks moved and Joshua Rivero seconded to approve the Subdivision Agreement.

A roll call vote was taken:

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

The motion was approved unanimously.

CONTRACTS OVER \$500,000

Dransfeldt Road Extension (CIP 23-001) Construction Management, Inspection & Material Testing

Amount:	\$1,441,615
Contractor:	Alfred Benesch & Company
Department:	Engineering and Public Works, Chris Hudson

This agenda item was for the approval of a professional services agreement in the amount of \$1,441,615 with Alfred Benesch & Company for the construction management, inspection, and material testing services for the Dransfeldt Road extension project.

Public Comments: None.

Laura Hefta moved and Brandi Wilks seconded to approve the staff recommendation, as a part of the regular agenda.

A roll call vote was taken:

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

The motion was approved unanimously.

Mayor Toborg recessed the regular meeting at 8:09 p.m. so Council could return to Executive Session.

EXECUTIVE SESSION (Continued)

Mayor Pro Tem Diak reconvened the Executive Session at 8:21 p.m. with all Councilmembers present, except for Mayor Jeff Toborg and Anne Barrington.

Joshua Rivero moved and Todd Hendreks seconded to come out of Executive Session at 9:27 p.m.

The motion was approved unanimously.

ADJOURNMENT

Joshua Rivero moved, and Todd Hendreks seconded to adjourn the meeting at 9:27 p.m.

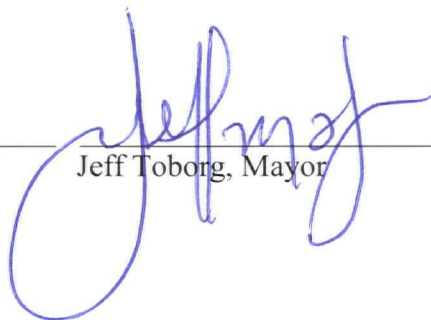
A roll call vote was taken:

Joshua Rivero - 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