

TOWN OF PARKER COUNCIL AGENDA
December 16, 2024

Notes:

Public Viewing Only - YouTube: Town Council meetings may be viewed live on YouTube at www.youtube.com/townofparkerco.

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. APPROVAL OF MINUTES

- December 2, 2024

3. SWEARING-IN OF COUNCILMEMBERS

Swearing-in of Councilmembers

- A. Oath of Office - John Diak**
- B. Oath of Office - Laura Hefta**
- C. Oath of Office - Todd Hendreks**

4. RESIGNATION OF COUNCILMEMBER JOSHUA RIVERO

Resignation of Councilmember Joshua Rivero

5. ACCEPTANCE OF RESIGNATION EFFECTIVE IMMEDIATELY

Acceptance of Resignation Effective Immediately

6. SWEARING-IN OF MAYOR

Oath of Office - Joshua Rivero

7. ACKNOWLEDGEMENT OF SERVICE OF MAYOR JEFF TOBORG

8. ADJOURNMENT

Parker Town Council

Executive Session Agenda

December 16, 2024

“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. Charter Section 2.9 regarding Town Council vacancy appointment process
2. Various communications from citizen, related to pending pro se litigation against Town and staff
3. Update regarding contact with Parker Police Department for Councilmembers, spouses, and immediate family

**TOWN OF PARKER COUNCIL
MINUTES
DECEMBER 2, 2024**

Mayor Jeff Toborg called the meeting to order at 5:01 p.m. All Councilmembers were present.

Town Attorney Jamie Wynn announced there were three topics for discussion in the Executive Session. The first two items were 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), and were regarding Charter Section 2.9 regarding Town Council vacancy appointment process and Wade v. Palmer et al. - good faith investigation, indemnification discussion, and settlement demand discussion. The third item was to consider personnel matters, pursuant to C.R.S. § 24-6-402(4)(f), concerning the Town Manager evaluation.

EXECUTIVE SESSION

Joshua Rivero moved and Brandi Wilks seconded to enter into Executive Session at 5:03 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), and to consider personnel matters, pursuant to C.R.S. § 24-6-402(4)(f).

The motion was approved unanimously.

Brandi Wilks moved and Todd Hendreks seconded to come out of Executive Session at 6:57 p.m.

The motion was approved unanimously.

COUNCIL UPDATES/WORK SESSION

No work session was held.

REGULAR SESSION

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

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

PUBLIC COMMENTS

Pat Marshall, Parker, stated she was not in favor of the zoning ordinances.

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 - November 18, 2024*

B. ADOPTION OF REPLACEMENT ZONING MAP

*Department: Community Development, Mary Munekata
Community Development, Stacey Nerger
Community Development, Bryce Matthews*

Second Reading: January 6, 2025

1. ZONING MAP/NEW DISTRICTS

- a. *ORDINANCE NO. 3.372.1 – First Reading
A Bill for an Ordinance to Repeal Sections 13.04.010 through 13.04.030, Sections 13.04.050 through 13.04.165, Section 13.04.180, and Sections 13.04.270 through 13.04.300 of the Existing Land Development Ordinance, and to adopt the Replacement Parker Zoning Map*
- b. *ORDINANCE NO. 3.372.2 - First Reading
A Bill for an Ordinance to Amend Subsection 13.04.010(a) of the LDO to Replace Table 13.04.A., to Add Section 13.04.130, to Renumber Sections 13.04.130 through 13.04.230, Amend Subsection 13.04.220(c) by Replacing Table 13.04.D., Amend Subsection 13.05.020(e) by Replacing Table 13.05.A, Amending Subsections 13.05.030(c)(1), (2), (3) and (4), 13.05.030(d)(1)c., 13.05.030(d)(2)d., 13.05.030(d)(4)c., 13.05.030(e)(4), 13.05.030(e)(5)c., 13.05.030(e)(15)c., 13.05.030(e)(16)c., 13.05.030(e)(17)b. and 13.05.030(f)(1)b. of the LDO*

2. REPEAL MODIFIED COMMERCIAL

- a. *ORDINANCE NO. 3.56.1 – First Reading
A Bill for an Ordinance to Repeal Ordinance No. 3.56, Series of 1987, Zoning Real Property Commonly Known as the Woodman Property to Modified Commercial*
- b. *ORDINANCE NO. 3.57.1 – First Reading
A Bill for an Ordinance to Repeal Ordinance No. 3.57, Series of 1987, Zoning Real Property Commonly Known as the Kmieciak Property to Modified Commercial*
- c. *ORDINANCE NO. 3.58.1 – First Reading
A Bill for an Ordinance to Repeal Ordinance No. 3.58, Series of 1987, Zoning Real Property Commonly Known as the Mahr Property to Modified Commercial*
- d. *ORDINANCE NO. 3.59.1 – First Reading
A Bill for an Ordinance to Repeal Ordinance No. 3.59, Series of 1987, Zoning Real Property Commonly Known as the Hickey Property to Modified Commercial*
- e. *ORDINANCE NO. 3.70.1 – First Reading
A Bill for an Ordinance to Repeal Ordinance No. 3.70, Series of 1988, Zoning Real Property Commonly Known as the Gregg Property to Modified Commercial*

- f. *ORDINANCE NO. 3.79.1 – First Reading
A Bill for an Ordinance to Repeal Ordinance No. 3.79, Series of 1990, Zoning Real Property Commonly Known as the Parker Steak House Property to Modified Commercial*
- g. *ORDINANCE NO. 3.83.1 – First Reading
A Bill for an Ordinance to Repeal Ordinance No. 3.83, Series of 1991, Zoning Real Property Commonly Known as the McClintock II Subdivision Property to Modified Commercial*
- h. *ORDINANCE NO. 3.94.1 – First Reading
A Bill for an Ordinance to Repeal Ordinance No. 3.94, Series of 1993, Zoning Real Property Commonly Known as the 10702 and 10710 South Parker Road Property to Modified Commercial*
- i. *ORDINANCE NO. 3.97.3 – First Reading
A Bill for an Ordinance to Repeal Ordinance No. 3.97, Series of 1994, Zoning Real Property Commonly Known as the Maclachlan Property to Modified Commercial*
- j. *ORDINANCE NO. 3.97.4 – First Reading
A Bill for an Ordinance to Repeal Ordinance No. 3.97.2, Series of 2011, Zoning Real Property Commonly Known as the Maclachlan Property, Which Amended Ordinance No. 3.97, Series of 1994, to Add an Additional use as Modified Commercial*
- k. *ORDINANCE NO. 3.318.1 – First Reading
A Bill for an Ordinance to Repeal Ordinance No. 3.318, Series of 2016, Zoning Real Property Commonly Known as the 6429 Alcorn Street Property to Modified Commercial*
- l. *ORDINANCE NO. 3.319.1 – First Reading
A Bill for an Ordinance to Repeal Ordinance No. 3.319, Series of 2016, Zoning Real Property Commonly Known as the 11895 S. Alcorn Street and 11897 S. Alcorn Street Property to Modified Commercial*
- m. *ORDINANCE NO. 3.320.1 – First Reading
A Bill for an Ordinance to Repeal Ordinance No. 3.320, Series of 2016, Zoning Real Property Commonly Known as the 11905 S. Alcorn Street Property to Modified Commercial*
- n. *ORDINANCE NO. 3.328.1 – First Reading
A Bill for an Ordinance to Repeal Ordinance No. 3.328, Series of 2017, Zoning Real Property Commonly Known as the Lot 2, Block 1, Parker Heights Filing No. 1 Property to Modified Commercial*
- o. *ORDINANCE NO. 3.332.1 – First Reading
A Bill for an Ordinance to Repeal Ordinance No. 3.332, Series of 2018, Zoning Real Property Commonly Known as the Country Meadows Square Property to Modified Commercial*

- p. *ORDINANCE NO. 3.335.1 – First Reading
A Bill for an Ordinance to Repeal Ordinance No. 3.335, Series of 2018, Zoning Real Property Commonly Known as the Commercial Enclave Property Located Adjacent to Parker Road and Pine Lane to Modified Commercial*
- q. *ORDINANCE NO. 3.337.1 – First Reading
A Bill for an Ordinance to Repeal Ordinance No. 3.337, Series of 2018, Zoning Real Property Commonly Known as the Parker Pointe Property to Modified Commercial*
- r. *ORDINANCE NO. 3.339.1 – First Reading
A Bill for an Ordinance to Repeal Ordinance No. 3.339, Series of 2018, Zoning Real Property Commonly Known as the Norton Property to Modified Commercial*

3. *REPEAL PLANNED DEVELOPMENT*

- a. *ORDINANCE NO. 3.01.6.1 – First Reading
A Bill for an Ordinance to Repeal Ordinance No. 3.01.6, Series of 1995, Ordinance No. 3.115, Series of 1997, and Ordinance No. 3.157, Series of 2000, Concerning the Parker Senior Village Planned Development*
- b. *ORDINANCE NO. 3.123.1 – First Reading
A Bill for an Ordinance to Repeal Ordinance No. 3.123, Series of 1998, Concerning the Urwiller Planned Development*
- c. *ORDINANCE NO. 3.260.1 – First Reading
A Bill for an Ordinance to Repeal Ordinance No. 3.260, Series of 2008, Concerning the Dolce Vita Planned Development*
- d. *ORDINANCE NO. 3.287.1 – First Reading
A Bill for an Ordinance to Repeal Ordinance No. 3.287, Series of 2011, Concerning the Progress Lane Area Planned Development*
- e. *ORDINANCE NO. 3.373 – First Reading
A Bill for an Ordinance to Repeal the Pine Lane Plaza Planned Development Guide and Plan*
- f. *ORDINANCE NO. 3.71.1 – First Reading
A Bill for an Ordinance to Repeal Ordinance No. 3.71, Series of 1988, Concerning the Hunter's View Planned Development*

4. *DELETE PORTION OF PLANNED DEVELOPMENT*

- a. *ORDINANCE NO. 3.118.1 – First Reading
A Bill for an Ordinance to Delete Certain Property From the Planned Development Area Known as the Robinson Ranch Planned Development that was Zoned Pursuant to Ordinance No. 3.118, Series of 1998*

- b. *ORDINANCE NO. 3.126.1 – First Reading*
A Bill for an Ordinance to Delete Certain Property From the Planned Development Area Known as Fairmark Planned Development that was Zoned Pursuant to Ordinance No. 3.126, Series of 1999
- c. *ORDINANCE NO. 3.04.2 – First Reading*
A Bill for an Ordinance to Delete Certain Property Known as Rowley Downs From the Parker Central Area Planned Development that was Zoned Pursuant to Ordinance No. 3.04, Series of 1982

5. *REPEAL MODIFIED LIGHT INDUSTRIAL*

- a. *ORDINANCE NO. 3.314.1 – First Reading*
A Bill for an Ordinance to Repeal Ordinance No. 3.314, Series of 2015, Zoning Real Property Commonly Known as the Parkglenn West Subdivision Property to Modified Light Industrial
- C. *ORDINANCE NO. 9.338.3 – First Reading*
A Bill for an Ordinance Approving the Third Amendment to Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Upper Jordan Road Tributary at Bradbury Ranch (Agreement No. 21-05.17C, Project No. 108522) by and between Urban Drainage and Flood Control District d/b/a Mile High Flood District and the Town of Parker
Department: Engineering and Public Works, Michael Grabczyk
Second Reading: January 6, 2025
- D. *RESOLUTION NO. 24-056*
A Resolution to Amend Resolution No. 23-052, Series of 2023, by the Adoption of Supplement 14 of the Town of Parker Records Retention Schedule, and to Amend Supplement 14 with Certain Exceptions
Department: Town Clerk, Susan Irvine
- E. *RESOLUTION NO. 24-057*
A Resolution to Adopt Parker's 2025 Legislative Policy Agenda
Department: Town Council
- F. *RESOLUTION NO. 24-060*
A Resolution Accepting the Conveyance of Real Property from South Metro Fire Rescue Fire Protection District for a Part of Lot 5, Reata West Filing No. 1
Department: Engineering and Public Works, Nathan Klass
- G. *RESOLUTION NO. 24-061*
A Resolution to Approve the Fifth Amendment to Amended and Restated Employment Agreement for the Town Manager
Department: Town Council

H. CONTRACTS OVER \$100,000

1. First Amendment to Agreement for Professional Services (RFP23-012)

Amount: \$615,000
 Contractor: The Key People, LLC
 Department: Engineering and Public Works, Jim Gilbert

2. Media Agency Annual Contract

Amount: \$336,200
 Contractor: Yonder Marketing LLC
 Department: Cultural, Carrie Glassburn

Joshua Rivero moved and Anne Barrington seconded to approve Consent Agenda Items 4A through 4H.

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. 24-055

A Resolution to Appoint Members to the Parker Parks, Recreation and Open Space Advisory Commission and to Appoint a Chair

Department: Parks, Recreation and Open Space, Mary Colton

The initial two-year term of two Parks, Recreation and Open Space (PROS) Commissioners, Candace Sotwick and Toby Levy, expire in December 2024, creating two vacant positions. After conducting interviews for the two positions, Candace Sotwick and Toby Levy were recommended for approval by the Town Council for a three-year appointment to the PROS Commission. Heather Bennett was recommended to continue as Chair. Passage of this resolution approved those recommendations.

Brandi Wilks moved and Laura Hefta seconded to approve Resolution No. 24-055 on the regular agenda.

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. PERMIT CODE REVISIONS AND PERMIT AND USER FEE REVISIONS

Department: Engineering and Public Works, Alex Mestdagh

1. ORDINANCE NO. 4.40.6 - Second Reading

**A Bill for an Ordinance to Amend Chapter 11.10 of the Parker Municipal Code
Concerning Grading and Earth Movement**

Passage of this ordinance approved revisions to the Town's Municipal Code regarding Grading Permits.

Public Comments: None.

Joshua Rivero moved and Todd Hendreks seconded to approve Ordinance No. 4.40.6 on second reading.

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.

2. ORDINANCE NO. 4.53.9 - Second Reading

**A Bill for an Ordinance to Amend Chapter 10.09 of the Parker Municipal Code
Concerning Public Rights-of-Way Construction, Excavation and Work**

Passage of this ordinance approved revisions to the Town's Municipal Code regarding Right-of-Way Use Permits.

Public Comments: None.

Joshua Rivero moved and Todd Hendreks seconded to approve Ordinance No. 4.53.9 on second reading.

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.

3. RESOLUTION NO. 24-059

A Resolution to Adopt the Development-Related User Fee Schedule and Administrative Code Fee Schedule, Effective January 1, 2025

Approval of the resolution adopted revisions to the Town's schedule of Development-Related User Fees effective January 1, 2025.

Public Comments: None.

Laura Hefta moved and Anne Barrington seconded to approve Resolution No. 24-059 on the regular agenda.

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. 1.634 - Second Reading (*Continued from Nov. 18, 2024*)

A Bill for an Ordinance Stating the Intent of the Town of Parker to Acquire Certain Property Interests for the Purpose of Constructing and Improving Stroh Road 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, Nathan Klass

Passage of this ordinance authorized the Town to provide notice of the Town's intent to acquire right-of-way and easements for proposed improvements on Stroh Road between J Morgan Boulevard and Crowfoot Valley Road, as well as on J Morgan Boulevard.

Public Comments: None.

Todd Hendreks moved and Anne Barrington seconded to approve Ordinance No. 1.634 on second reading.

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.

C. ORDINANCE NO. 9.381- Second Reading

A Bill for an Ordinance to Approve the Intergovernmental Agreement between the Town of Parker and the Parker Water and Sanitation District Regarding the Conveyance of Woodman Drive

**Department: Town Attorney, Jim Maloney
Engineering and Public Works, Chris Hudson
Engineering and Public Works, Nathan Klass**

Passage of this ordinance authorized an intergovernmental agreement between the Town and the Parker Water and Sanitation District to convey Woodman Drive to the Town, which will satisfy one of the conditions contained in the redevelopment agreement for the Becket Drive, Brompton Way, and Woodman Drive connectivity project.

Public Comments: None.

Joshua Rivero moved and Todd Hendreks seconded to approve Ordinance No. 9.381 on second reading.

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

Mayor Toborg adjourned the meeting at 8:13 p.m.

Susan L. Irvine, Deputy Town Clerk

Jeff Toborg, Mayor



Request for Town Council Action

Date: December 16, 2024
Submitted By: Jamie Wynn, Town Attorney
Reviewed By: Michelle Kivela, Town Manager
Title: **Swearing-in of Councilmembers**

EXECUTIVE SUMMARY

The Town Charter requires the Mayor and Town Councilmember to take an oath of office before entering upon the duties of their respective offices.

STAFF RECOMMENDATION

BACKGROUND/DISCUSSION

Section 3.5 of the Town of Parker Home Rule Charter provides that “the Mayor and every Councilmember shall take, subscribe before and file with the Town Clerk an oath or affirmation that he will support the Constitution of the United States of America, the Constitution of the State of Colorado, this Charter and the ordinances of this Town, and will faithfully perform the duties of this office” before entering upon the duties of their respective offices.

The incumbents will each take their oath. Councilmember Diak will take the oath first, followed by Councilmembers Laura Hefta and Todd Hendreks. Councilmembers Diak, Hefta, and Hendreks will return to the dais.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



ATTACHMENTS

None

RECOMMENDED MOTION

None needed.



Request for Town Council Action

Date: December 16, 2024
Submitted By: Jamie Wynn, Town Attorney
Reviewed By: Michelle Kivela, Town Manager
Title: **Resignation of Councilmember Joshua Rivero**

EXECUTIVE SUMMARY

Councilmember Rivero was elected Mayor. In order for Councilmember Rivero to take the oath for the office of Mayor, he needs to resign effective immediately.

STAFF RECOMMENDATION

BACKGROUND/DISCUSSION

Section 2.9a. of the Town of Parker Home Rule Charter provides that “an elected officer shall continue to hold his office until his successor is duly qualified, except that an elective office shall become immediately vacant whenever an elected officer . . . resigns . . .” Councilmember Rivero is required to vacate the office of Town Councilmember by resignation before he can take the oath of office of Mayor.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



ATTACHMENTS

None

RECOMMENDED MOTION

No motion is needed. Instead, Councilmember Rivero needs to state for the record that “I, Joshua Rivero, hereby resign as Councilmember of the Town of Parker Town Council effective immediately.



Request for Town Council Action

Date: December 16, 2024
Submitted By: Jamie Wynn, Town Attorney
Reviewed By: Michelle Kivela, Town Manager

Title: Acceptance of Resignation Effective Immediately

EXECUTIVE SUMMARY

A vacancy is not created on Town Council until the Town Council determines at a Town Council meeting, based on competent evidence placed on the record, that a vacancy exists.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Section 2.9b. of the Town of Parker Home Rule Charter provides that “the existence of a vacancy shall be established by competent evidence thereof placed on the record in the Town Council minutes. The Town Council shall determine the validity of the evidence and decide when a vacancy exists.” Resigning from the elected position of Town Council, during a regular Town Council meeting, is competent evidence of the existence of a vacancy. In order to create a vacancy, the Town Council must accept the resignation and declare the vacancy.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



SUPPORT AN
ACTIVE COMMUNITY



FOSTER COMMUNITY
CREATIVITY AND
ENGAGEMENT



INNOVATE WITH
COLLABORATIVE
GOVERNANCE



ENHANCE ECONOMIC
VITALITY



PROMOTE A SAFE AND
HEALTHY COMMUNITY



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

None

RECOMMENDED MOTION

I move to accept the resignation of Joshua Rivero from the office of Town Council effective immediately, and to declare that a vacancy exists on the Town Council.



Request for Town Council Action

Date: December 16, 2024
Submitted By: Jamie Wynn, Town Attorney
Reviewed By: Michelle Kivela, Town Manager
Title: Oath of Office - Joshua Rivero

EXECUTIVE SUMMARY

The Town Charter requires the Mayor to take an oath of office before entering upon the duties of the office of Mayor.

STAFF RECOMMENDATION

BACKGROUND/DISCUSSION

Section 3.5 of the Town of Parker Home Rule Charter provides that “the Mayor and every Councilmember shall take, subscribe before and file with the Town Clerk an oath or affirmation that he will support the Constitution of the United States of America, the Constitution of the State of Colorado, this Charter and the ordinances of this Town, and will faithfully perform the duties of this office” before entering upon the duties of their respective offices.

Following Town Council’s acceptance of the resignation, Joshua Rivero will leave the dais and, in the presence of his guests, will take the oath. After the oath is administered, Mayor Rivero will return to the dais, and will call for a motion to adjourn the Town Council meeting.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)

ATTACHMENTS

None

RECOMMENDED MOTION

None needed.