

**TOWN OF PARKER COUNCIL
MINUTES
SEPTEMBER 17, 2018**

Mayor Waid called the meeting to order at 5:35 P.M. Councilmember Williams was absent.

Town Attorney Jim Maloney announced that the topics for discussion in Executive Session were six (6) items. Under C.R.S. § 24-6-402(4)(f) there were two items, the first was the Town Administrator Evaluation Process and the second was the Town Attorney Evaluation Process; under C.R.S. § 24-6-402(4)(b) there were four (4) items, the first was to receive legal advice on specific legal questions concerning Section 13.05.010 and Section 13.10.220 of the Parker Municipal Code concerning floodplain development; the second item was to receive legal advice on specific legal questions concerning Vista South, LLC, et al., v. City of Centennial, et al., Douglas County District Court, Case No. 2018CV030354; the third item was to receive legal advice on specific legal questions concerning Colo. Rev. Stat. Section 31-12-106(1) (enclave annexation) and the fourth item was to receive legal advice on specific legal questions concerning Colo. Const. Art. II, Section 15/Amendment 74/Initiative 108.

EXECUTIVE SESSION

Amy Holland moved and Josh Martin seconded to go into Executive Session to consider personnel matters, pursuant to C.R.S. § 24-6-402(4)(f) 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.

Joshua Rivero moved and Josh Martin seconded to come out of Executive Session at 6:50 P.M.

The motion was approved unanimously.

REGULAR MEETING

Honorary Mayor Bailey Eldridge reconvened the meeting at 7:12 P.M.

Bailey led the Mayor, Council and audience in the Pledge of Allegiance.

SPECIAL PRESENTATIONS

Bailey Eldridge - Honorary Mayor Recognition

Mayor Waid presented Bailey Eldridge a certificate in recognition of his being an Honorary Mayor at tonight's meeting.

PARKER CHAMBER OF COMMERCE UPDATES

Dennis Houston gave an update on the Chamber of Commerce activities. He reminded everyone that the Chamber will sponsor a Candidate Forum on Wednesday, October 17 at the PACE Center from 6:00 to 8:00 P.M.

PUBLIC COMMENTS

- Corey Guildner, 9539 Huggins Ct., stated that he wanted to revisit the Parker Tap House. He stated that this item was extended many times and the closing date could be September 19 if they received a purchase sales agreement. He would like to have his team meet with Town Council.
- Rich Anders, 9539 Huggins Ct., stated that he will be working with Corey Guildner as a distiller. People who want to create their own blend of bourbon and rye will help draw people to Parker. He asked for mercy for Corey Guildner and his wife.
- Mike Petersen, 10219 Parkglenn Way, asked that parking on Parkglenn be amended to have parking on the residential side. If they park on the business side, it limits the parking available for the businesses.
- Terry Dodd, 14500 Marborough, suggested that moving the parking back from egress/ingress would be much safer.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

Each Councilmember reported on meetings they attended since the last Town Council meeting.

CONSENT AGENDA

- A. *APPROVAL OF MINUTES - August 29 and September 4, 2018*
- B. *ORDINANCE NO. 9.54.2 - First Reading*
A Bill for an Ordinance to Approve the Third Amended and Restated Establishing Contract for the E-470 Public Highway Authority

Department: Town Attorney, Jim Maloney

Second Reading: October 1, 2018

- C. *ORDINANCE NO. 3.01.115 - First Reading*
A Bill for an Ordinance to Amend Section 13.04.210 of the Parker Municipal Code Concerning Temporary Structures and Uses

Department: Town Attorney, Jim Maloney

Second Reading: October 1, 2018

D. ORDINANCE NO. 5.74.2 - First Reading

A Bill for an Ordinance to Amend Section 6.06.050 and Section 6.06.100 of the Parker Municipal Code Concerning Unlawful Acts and Penalties Related to Stage 1 and Stage 2 Fire Bans

Department: Town Attorney, Jim Maloney

Second Reading: October 1, 2018

E. ORDINANCE NO. 1.519 - First Reading

A Bill for an Ordinance to Approve the Memorandum of Understanding for Prequalified Building Departments for Public School Construction Pursuant to C.R.S. §§ 22-32-124 and 23-71-122 Between the Colorado Department of Public Safety, Division of Fire Prevention and Control and the Town of Parker

Department: Community Development, Randy Sale

Second Reading: October 1, 2018

F. RESOLUTION NO. 18-062

A Resolution Accepting the Conveyance of a Traffic Signal Easement from ENT Credit Union for a Parcel of Land Being a Part of Lot 4C, Crown Point Filing No. 1, 20th Amendment

Department: Engineering and Public Works, Alex Mestdagh

G. CONTRACTS ABOVE \$100,000

1. 2018 Townwide Concrete Replacement Program - CIP 18-005 - Contract Modification

Amount: \$190,000

Contractor: Norra Concrete Construction Corporation

Department: Engineering/Public Works, John Mounier

2. Chambers Road Median Improvement Project (CIP 18-020)

Amount: \$353,831.75

Contractor: Goodland Construction, Inc.

Department: Engineering/Public Works, Tom Gill

Joshua Rivero moved and Amy Holland seconded to approve Consent Agenda Items 6A through 6G with the exception of 6C and 6D.

The motion was approved unanimously.

Joshua Rivero moved and Josh Martin seconded to approve Consent Agenda Items 6C and 6D with the second reading changed to October 15, 2018.

The motion was approved unanimously.

PUBLIC HEARINGS

PINE BLUFFS SHOPPING CENTER ASSISTANCE PROGRAM AGREEMENT

Applicant: Pine Bluffs Investors, LLC
Location: Northeast corner of Parker Road and Hess Road
Department: Economic Development, Matt Carlson

Koelbel and Company, through its subsidiary Pine Bluffs Investors, LLC, is planning the commercial development of an 11.5-acre parcel. Koelbel has submitted a request for financial assistance in the amount of \$2.2 million to offset a portion of the development and infrastructure costs of this project. The request for assistance meets all threshold criteria of Chapter 4.10 of the Parker Municipal Code. This project will consist of six retail buildings, a free-standing medical office building and a free-standing Emergency Department building with a combined gross floor area of approximately 65,000 square feet. An additional 6.5 acres adjacent to the development is currently owned by Kaiser Permanente and is planned for an approximate 50,000 square foot medical office building at some point in the future.

The Pine Bluffs commercial project meets the following goals of the Shopping Center Assistance Program:

- Development of a high quality retail supported commercial center
- Represents retail diversity
- Represents diversity of jobs and employment opportunities
- Develops public or quasi-public improvements associated with the project
- Creates new sales tax

The inclusion of medical facilities and office space further activates the overall development as well as adding much needed office space in the Town.

Applicant

The applicant was available for questions.

Public Comment

Heather (?) asked Council to consider this to be a busy center for high school students if there is food service.

The Public Hearing was closed at 7:54 P.M.

Tom Williams, Engineering/Public Works Director, advised that any site plan for restaurants, etc., go through a final review plan and they have to meet minimum standards for access and

everyone will be safe using this area.

Joshua Rivero moved to approve the Shopping Center Assistance Program Agreement with Pine Bluffs Investors, LLC.

Amy Holland seconded the motion.

The motion was approved unanimously.

ORDINANCES

A. ORDINANCE NO. 1.516 - Second Reading

A Bill for an Ordinance to Indemnify the Mayor, Town Council, Town Employees and Town Appointed Officials Against Pending and Threatened Legal Action by Vista South, LLC, and Mountain Waste-South Metro LLC

Department: Town Attorney, Jim Maloney

Section 15.18 of the Home Rule Charter for the Town of Parker provides that the Town Council may by ordinance indemnify the Mayor, Town Council, Town employees and Town appointed officials concerning threatened or pending civil actions. The purpose of this ordinance is to indemnify the Mayor, Town Council, Town employees and Town appointed officials concerning any and all pending and threatened claims asserted in the Hearing Brief and the Douglas County District Court Case described in the ordinance, or as may be asserted in the future, to the fullest extent allowed by Section 15.18 of the Home Rule Charter for the Town of Parker.

Public Comment - None

Amy Holland moved to approve Ordinance No. 1.516 on second reading.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

B. ORDINANCE NO. 1.517 - Second Reading

A Bill for an Ordinance to Approve the Memorandum of Understanding Regarding the Douglas County Subregional Transportation Forum By and Among the Following Agencies: City of Aurora, City of Castle Pines, City of Littleton, City of Lone Tree, Town of Castle Rock, Town of Larkspur, Town of Parker and Douglas County

Department: Engineering/Public Works, Chris Hudson

The purpose of this Memorandum of Understanding (MOU) between the Douglas County governments concerns the creation of the Douglas County Subregional Forum (Forum). This Forum will be used to coordinate transportation planning and funding requests as part of the

Denver Regional Council of Governments (DRCOG) Transportation Improvement Program (TIP) process.

The "Dual Model" created by DRCOG does establish certainty that TIP funding will be allocated to Douglas County which has not always been the case in the past. This certainty is a benefit to Douglas County. The creation of the Forum does not currently have financial impacts to the Town. TIP funds are typically Federal in nature and come with a long list of requirements. The long-term financial impacts depends on whether the Town receives funding for projects and the type of project, but generally the financial impacts of transportation projects can be lessened with partial Federal funding.

Public Comment - None

Josh Martin moved to approve Ordinance No. 1.517 on second reading.

John Diak seconded the motion.

The motion was approved unanimously.

C. ORDINANCE NO. 1.466.4- Second Reading

A Bill for an Ordinance to Amend Section 2.3 of the Town of Parker Personnel Manual Concerning Employment of Relatives/Nepotism

Department: Human Resources, Tamara Dixon

Upon review of the current nepotism policy, revisions are being proposed to align it with current industry best practices. The policy, as written, adversely affects applicants related to employees in the IT, Finance, and Human Resources departments applying for positions in the Town and also limits the Town's recruitment efforts by making relatives of department directors ineligible for employment with the Town.

Public Comment - None

Joshua Rivero moved to approve Ordinance No. 1.466.4 on second reading.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

D. ORDINANCE NO. 9.277 - Second Reading

A Bill for an Ordinance to Approve the Intergovernmental Agreement Between the Town of Parker and Stonegate Village Metropolitan District Regarding Public Improvements Security

Department: Engineering/Public Works, Chris Hudson

The proposed ordinance approves an Intergovernmental Agreement (IGA) between the Town of Parker and the Stonegate Village Metropolitan District (SVMD) regarding the elimination of the

public improvements security requirements. This proposed change is in the best interest of both the Town of Parker and Stonegate Village Metropolitan District by reducing costs of projects.

Public Comment -- None

Debbie Lewis moved to approve Ordinance No. 9.277 on second reading

Amy Holland seconded the motion.

The motion was approved unanimously.

E. ORDINANCE NO. 5.28.23- Second Reading

A Bill for an Ordinance to Amend Various Sections of Title 5, Section 6.02.020, Section 8.08.010, Section 11.17.020, Section 13.13.010, and Section 13.13.020 of the Parker Municipal Code Concerning Alcohol Beverages and Marijuana

Department: Town Attorney, Jim Maloney

The Colorado General Assembly revised the Colorado Liquor Code, which will require modifications to the Parker Municipal Code by October 1, 2018. The Code needs to be amended to conform with the provisions of the Colorado General Assembly's passage of the "Department of Revenue Activities Regulation Act". This Act moves numerous sections of Title 12 of the Colorado Revised Statutes into a new Title 44 of the Colorado Revised Statutes. Currently, the Parker Municipal Code references Title 12 and not the new Title 44. As a result, the Parker Municipal Code needs to be amended by October 1, 2018, to reflect these changes.

Additionally, the ordinance would add a new "Art Gallery Permit" as an authorized liquor license under the Parker Municipal Code.

Public Comment - None

Debbie Lewis moved to approve Ordinance No. 5.28.23 on second reading.

Amy Holland seconded the motion.

The motion was approved unanimously.

F. ORDINANCE NO. 1.518 - Second Reading

A Bill for an Ordinance to Approve the Memorandum of Understanding Household Chemical Roundup Program Between Tri-County Health Department, the District Public Health Agency of the Counties of Adams, Arapahoe and Douglas, Colorado, and the Town of Parker

Department: Engineering/Public Works, Jacob James

Tri-County Health desires to formalize the understanding of the Town's participation in the annual household chemical roundup events in Douglas County. Through financial participation with various governmental stakeholders, the Tri-County Health Department coordinates these events with one located in Parker. This Memorandum of Understanding

(MOU) acknowledges the Intergovernmental Agreement between Tri-County Health and Douglas County. This MOU also describes the Town's responsibilities and obligations related to the Parker event and the overall program.

The 2018 budget includes \$9,000 for household chemical roundup in the Interdepartmental Fund; the Stormwater Enterprise Fund will contribute \$1,878. The proposed budget request for 2019 will include line items from both of these funds for Council to consider.

Public Comment - None

Joshua Rivero moved to approve Ordinance No. 1.518 on second reading.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

G. ORDINANCE NO. 9.278 - Second Reading

A Bill for an Ordinance Approving the Intergovernmental Agreement Between the Town of Parker, Colorado, and Reata Ridge Village Metropolitan District Nos. 1-2

Department: Town Attorney, Jim Maloney

The purpose of this ordinance is for Town Council to approve the updated Intergovernmental Agreement (the "IGA") between the Town and Reata Ridge Village Metropolitan District Nos. 1 and 2 (the "Districts"), as provided by Town Council in Resolution No. 17-014, Series of 2017 (the "Resolution").

Due to a scrivener's error in preparing the metes and bounds legal descriptions, Tract N of the Plat was not included in District No. 2, but rather was included in District No. 1.

The Service Plan was subsequently modified to amend the boundaries of District No. 2, reflecting Tract N as within the legal boundaries of District No. 2. The District has approved and executed the updated IGA.

Public Comment - None

Josh Martin moved to approve Ordinance No. 9.278 on second reading.

John Diak seconded the motion.

The motion was approved unanimously.

H. ORDINANCE NO. 1.477.2 - Second Reading**A Bill for an Ordinance to Approve the Second Amendment to Easement for Vehicle Parking and Other Use of Right-of-Way (Parker & Lincoln Development, LLC)****Department: Engineering/Public Works, Alex Mestdagh**

This item proposes to amend an Easement for Vehicle Parking and Other Use of Right-of-Way between the Town and Parker & Lincoln Development, LLC, for the Parker Keystone Development. This amendment proposes to revise the easement language to reflect the guardrail that was constructed within the easement area. The amendment proposes to add guardrail to the agreement as a permitted improvement within the easement area to ensure that its maintenance is the responsibility of the developer.

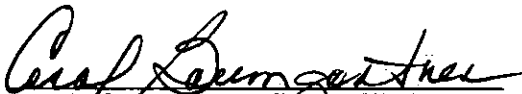
Public Comment - None

Amy Holland moved to approve Ordinance No. 1.477.2 on second reading.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

The meeting was adjourned at 8:22 P.M.


Carol Baumgartner, Town Clerk


Mike Waid, Mayor