

**TOWN OF PARKER COUNCIL
MINUTES
SEPTEMBER 5, 2017**

Mayor Mike Waid called the meeting to order at 5:36 p.m. All Councilmember were present.

Town Attorney Jim Maloney announced the topics for discussion in Executive Session were six (6) items. Under C.R.S. § 24-6-402(4)(b) there were three (3) items to receive legal advice on specific legal questions; the first was on the Intergovernmental Agreement between the Town and Douglas County (the comprehensive development plan); Section 4.03.210 of the Parker Municipal Code (construction use tax on utilities); and Section 13.04.240(b) of the Parker Municipal Code (agency referral). Under C.R.S. § 24-6-402(4)(e) there were two (2) items; the first was Meadowlark Lemon Gulch Contribution Agreement and the second item was the Reata West Annexation Agreement. Under C.R.S. § 24-6-402(4)(f) there was one (1) item on the Town Administrator's Agreement.

EXECUTIVE SESSION

Amy Holland moved and Josh Martin seconded to go into Executive Session 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 determine positions relative to matter 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.

Josh Rivero moved and Debbie Lewis seconded to adjourn the Executive Session at 7:01 p.m.

REGULAR MEETING

Mayor Waid reconvened the meeting at 7:12 p.m.

Youth under the age of 16 years who were in the audience led the Pledge of Allegiance.

SPECIAL PRESENTATIONS

Shannon Brukbacher was recognized for her years of service dedicated to the Parker Police Department Explorer Program.

PARKER CHAMBER OF COMMERCE UPDATES - No report.

DOWNTOWN BUSINESS ALLIANCE UPDATES

Amy Holland reported on First Friday's Artwalk which will continue through December. She also reported that the Alliance was doing an event called Paint the Town Purple.

PUBLIC COMMENTS – None

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

Council provide a brief summary of meetings that they attended since the last Town Council meeting.

CONSENT AGENDA

- A. **INTENTIONALLY LEFT BLANK**
- B. **ORDINANCE NO. 5.35.4 - First Reading**
A Bill for an Ordinance Amending Title 7 of the Parker Municipal Code Revising Penalties for Misuse of a Wireless Telephone While Driving and Prohibiting Driving Under Restraint in Conformance with 2017 State Legislation
Department: Town Attorney, Jim Maloney
Second Reading: September 18, 2017
- C. **ORDINANCE NO. 9.270 - First Reading**
A Bill for an Ordinance to Approve the Intergovernmental Terms of Use for the Douglas County Emergency Vehicle Operations Course By and Between the Town of Parker and the County of Douglas, State of Colorado
Department: Police, Chris Peters
Second Reading: September 18, 2017
- D. **ORDINANCE NO. 1.504 - First Reading**
A Bill for an Ordinance to Vacate a Drainage Easement on Real Property Owned by Compark Land Company, Pursuant to Section 13.07.120(c)(5) of the Parker Municipal Code
Department: Engineering & Public Works, Alex Mestdagh
Second Reading: September 18, 2017
- E. **ORDINANCE NO. 1.505 - First Reading**
A Bill for an Ordinance to Vacate a Drainage Easement on Real Property Owned by Compark Business Campus Metropolitan District, Pursuant to Section 13.07.120(C)(5) of the Parker Municipal Code
Department: Engineering & Public Works, Alex Mestdagh
Second Reading: September 18, 2017
- F. **RESOLUTION NO. 17-020.1**
A Resolution to Amend Resolution No. 17-020 to Reinstate the Minor Development Plat and Extend the Expiration Date of the Minor Development Plat for Compark Village South Filing No. 1 Through October 31, 2017
Department: Community Development, Stacey Nerger
- G. **PROCLAMATION – Cities & Towns Week, September 11-17, 2017**
Department: Town Council
- H. **ORDINANCE NO. 5.28.22**
A Bill for an Ordinance to Amend Chapter 5.02 of the Parker Municipal Code Concerning Authorization for Administrative Approvals for Certain Liquor License Applications
Department: Town Attorney, Jim Maloney
- I. **CONTRACTS ABOVE \$100,000**
 - **2017 Townwide Resurfacing Program (Phase 2)**
Contractor: Brannan Sand & Gravel
Amount: \$124,258
Department: Engineering & Public Works, Chris Hudson

Josh Martin moved and Renee Williams seconded to approve the Consent Agenda Items 7B through 7I. The motion was approved unanimously.

TOWN ADMINISTRATOR

- **Reports - None**

PUBLIC HEARING

ORDINANCE NO. 1.503 – Second Reading

A Bill for an Ordinance to Approve the Ground Lease for Town-Owned Property By and Between the Town of Parker and Parker Tennis Center, LLLP

**Department: Recreation, Dennis Trapp
Town Attorney, Jim Maloney**

7:20 PM

Parker Tennis is proposing to construct and operate an indoor tennis facility on a 4.9-acre site owned by the Town. Dennis Trapp, Projects Administrator stated over the last year staff has been negotiating a long-term ground lease between the Town and Parker Tennis Center, LLLP, to allow Parker Tennis to construct and operate an indoor tennis facility on a 4.9-acre site owned by the Town and located directly west of the existing Parker Fieldhouse. The parties have reached a tentative agreement regarding the terms of the lease pending final approval by Town Council. The lease addresses a number of key components related to the facility which is summarized below.

- The project includes six (6) indoor tennis courts, lobby, parking, & future outdoor courts
- Land lease is for 30 years with optional renewal term of 10 years
- Facility will be open to public and operated on fee basis
- Town has right to review fees on an annual basis
- Building permits shall be secured within 9 months of lease approval
- Construction shall be completed within 18 months of issuance of building permits

Staff recommended the approval of the Ground Lease for Town-owned property between the Town and the Parker Tennis Center, LLLP.

Public Comment

The following individuals spoke in favor of the project:

Brian Stewart, Parker, Colorado
Cary LeGutture, Franktown, Colorado
Ben Wolfe, Castle Rock, Colorado
Fritz Garger, Englewood, Colorado
Aimee Marshall, Parker, Colorado
Victoria Austin, Parker, Colorado
Mark Halinbeck, Parker, Colorado
Diana Koch, Parker Colorado
Kathy Kirko, Parker, Colorado
Debbie Fields, Franktown, Colorado
Julie Mastbow, Parker, Colorado
Linda Marie, Parker, Colorado

The Public Hearing was closed at 8:02 p.m.

Amy Holland moved to approve Ordinance No. 1.503 on second reading.

Renee Williams seconded the motion.

The motion was approved unanimously.

PUBLIC HEARINGS

BRADBURY RANCH – 4th Amendment to the Planned Development Zoning

Applicant:	Trevey Land and Commercial, Mitch Trevey
Location:	Southwest corner of Jordan Road and Cedar Gulch Parkway
Department:	Community Development, Ryan McGee

8:05 PM

Debbie Lewis disclosed she is the current liaison for the Douglas County Housing Partnership. Amy Holland stated she was the alternate liaison for the Partnership.

Jim Maloney determined there was no conflict of interest under the Town's Charter.

He instructed Council that in order to approve this application for rezoning the following nine (9) criteria must be met:

- A need exists for the proposal.
- The particular parcel is the correct site for the proposed development.
- There has been an error in the original zoning, or; there have been significant changes in the area to warrant the zone change
- Adequate circulation exists and traffic movement would not be impeded by the development
- Additional municipal service cost will not be incurrent which the Town is not prepared to meet
- There are minimal environmental impacts, or impacts can be mitigated
- The proposal is consistent with the Town of Parker Master Plan maps, goals and policies.
- There is adequate water and sewage disposal, water, schools, parks and recreation, and other services to the proportional degree necessary due to the impacts created by the proposed land use

Trevey Land and Commercial, is proposing to rezone a parcel located off of the intersection of Mainstreet and Jordan Road on the southwest corner of Jordan Road and Cedar Gulch Parkway. The applicant proposes to revise the zoning on the parcel from Bradbury Ranch Planned Development (PD) Planning Area 7B (PA-7B) Neighborhood Commercial to Bradbury Ranch PD PA-13 Senior Housing. This proposal would permit age-restricted senior housing of up to 72 multi-family dwelling units and a one-acre park on the subject parcel

The rezoning of this parcel from Bradbury Ranch PD PA-7B Neighborhood Commercial to Bradbury Ranch PD PA-13 Senior Housing will establish development standards for the parcel that includes minimum building setbacks and maximum building height(s). This rezoning only allows attached and detached single-family and/or multi-family senior housing as defined by the Town of Parker Land Development Ordinance (LOO) as a permitted use on the subject parcel with a one-acre park on the south side of the property. No additional permitted uses or uses by special review will be allowed in PA-13 Senior Housing.

As a result of the applicant hosting two neighborhood meetings with the surrounding residents, a conceptual site plan has been provided with this rezoning. The purpose of the conceptual plan is to communicate the applicant's intent for developing the parcel in a manner that is consistent with the proposed zoning and development standards. The applicant is not seeking site plan approval at this time. If the rezoning application is approved, the applicant shall be required to obtain minor development plat and site plan approval to develop the property. The one-acre park, also discussed during the neighborhood meeting, will buffer the proposed development from the four residential properties to the south.

Applicant

Mitch Trevey stated there is no historic planning for senior housing. The Homeowners Associations were contacted and neighborhood input meetings were held. Concerns were reviewed and addressed from these meetings. He stated this project is not Section 8 Housing. He stated there would be no contributions to the morning and evening traffic from this facility. The site is not using up valuable commercial space. Mr. Trevey stated the Master Plan was considered when developing the proposed project.

Bobbie Lucas, representing Cornerstone Housing, displayed pictures of what the facilities in Colorado Springs look like. She was also available to answer questions for Council.

Public Comment

The following individuals opposed the request to rezone the property:

Chris Young, Parker, Colorado
 Alfanzo Silva, Parker, Colorado
 Dennis Gorton, Parker, Colorado
 Roger Hannon, Parker, Colorado
 Russell Linscot, ??
 Vanessa Delgado, Parker, Colorado
 Shannon Tsakacakis, Parker, Colorado
 Noah Gibson, Parker, Colorado
 Kari Gibson, Parker, Colorado
 Lance Locry, Parker, Colorado
 Wendy Locry, Parker, Colorado
 Tony Genin, Parker, Colorado
 Joe Maxwell, Parker, Colorado
 Steve Marino, Parker, Colorado
 Tanner Bend, Parker, Colorado
 Karen Lee, Parker, Colorado
 Pamela Hoffman, Parker, Colorado
 Toni Jo Dwinell, Parker, Colorado
 Linda Blackburn, Parker, Colorado
 Gerald Grabowski, Parker, Colorado
 Tom Skinner, Parker, Colorado
 Tracy Skinner, Parker, Colorado
 Medwyn Sloane, Parker, Colorado
 Katherine Bailey, Parker, Colorado
 Heather Zanoft, Parker, Colorado
 Dan Jensen, Parker, Colorado

Scott Pratt, Parker, Colorado
 Brandon Eckert, Parker, Colorado
 Dave Kupernik, Parker, Colorado
 Ken Kania, Castle Rock, Colorado
 Helga Mana, Parker, Colorado
 Andria Grabalski, Parker, Colorado

The following individuals were in favor of the request to rezone the property:

Faye Estes, Parker, Colorado
 Kimberly Nies, Castle Rock, Colorado
 Artie Lehl, Larkspur, Colorado
 Kaia ??, Parker, Colorado
 Diane Leavesley, Parker, Colorado
 Loretta Hamilton, Aurora, Colorado
 Art and Cathie Leht, Aurora, Colorado
 Marty Pickert, Parker, Colorado
 Karen Peterson, Parker, Colorado
 Pam Hoffman, Parker, Colorado
 Diane Glassman, Parker Colorado
 Spencer Thomason, Centennial, Colorado
 Lorretta Hamilton, Aurora
 Jesse Wilde, Aurora

Written comments from concerned citizens were entered into the record.

Joshua Rivero moved and Josh Martin seconded the motion to extend the meeting after 10 p.m.

The motion was approved unanimously.

The Public Hearing was closed at 10:54 p.m.

Council commented they were in favor of leaving the zoning as it currently exists. There are two other sites in the Town that are zoned for this type of housing that would also be within the Call-n-Ride area.

ORDINANCE NO. 3.64.2 – Second Reading

A Bill for an Ordinance Amending Ordinance No. 3.64.1, Series of 1994, Concerning the Bradbury Ranch Development Plan and Guide, and Approving the Fourth Amendment to the Bradbury Ranch Development Plan and Guide Pursuant to the Town of Parker Land Development Ordinance

Debbie Lewis moved to approve Ordinance No. 3.64.2 on second reading. There was no second to the motion. The motion died.

Joshua Rivero moved to deny Ordinance No. 3.64.2 on second reading. Josh Martin seconded the motion.

The Mayor stated the motion is to deny. A vote in the affirmative is a vote yes to deny.

Martin – Yes
 Holland – Yes
 Rivero – Yes
 Renee – Yes
 Lewis – Yes
 Diak – Yes

The motion to deny passed unanimously.

Under the Land Development Ordinance, if Council denies a request for a rezone, there must be specific reasons provided. Jim Maloney recommended that Council direct him to prepare an Order to that effect making all the findings and conclusions to support the decision and bring the Order back at the October 2, 2017 Town Council meeting for consideration. Council denied the project tonight. This is a housekeeping item to make sure we have a very legally sound Order.

Renee Williams moved to direct the Town Attorney to prepare the findings and conclusions to support the findings for the Town Council's denial of the rezoning application to be presented for the Town Council's consideration at the October 2, 2017 Town Council meeting.

Joshua Rivero seconded the motion.

The motion was passed by unanimous voice vote.

ORDINANCE NO. 3.286.3 – Second Reading

A Bill for an Ordinance to Amend Section 13.07.150(c) and Section 13.10.180 of the Parker Municipal Code Concerning Guarantee of Landscaping Improvements and Landscape Site Completion Deposit

Department: Community Development, Bryce Matthews

Staff proposed a Land Development Ordinance (LDO) amendment to codify acceptance of security for important but private site plan improvements such as landscaping during the winter months. This will allow applicants to complete their projects and receive a certificate of occupancy throughout the year including during the winter when completion of required landscaping improvements is not possible. It also provides the Town with security that guarantees required private improvements such as landscaping will be completed by a date certain.

The Town secures public improvements through letters of credit or cash; this process is formalized through Subdivision Improvement Agreements, Development Agreements or Site Completion Deposits. The Municipal Code currently describes the process for securing public improvements for site plans in Sections 13.07.050 and 13.10.180. These Code sections do not incorporate a mechanism to secure private site plan improvements such as required landscaping that may not be planted during the winter. The proposal to use a Site Completion Deposit for private improvements such as landscaping in the winter months will allow applicants to complete their projects and receive a certificate of occupancy while providing the Town with security guaranteeing the installation of all private improvements such as landscaping when the weather permits.

Public Comment – None

John Diak moved to approve the Ordinance No. 3.286.3 on seconded reading.

Renee Williams seconded the motion.

The motion was approved unanimously.

HARVIE PROPERTY

A. ORDINANCE NO. 1.502 – Second Reading

A Bill for an Ordinance Conveying the Harvie Water Rights to the Parker Water and Sanitation District by Special Warranty Deed

The Town owns the Harvie property, which is currently located in unincorporated Douglas County. Town staff started the process of annexing the Harvie property into the Town. Under the Town's 1990 Intergovernmental Agreement (“the IGA”) with the Parker Water and Sanitation District (“the District”), the Town is obligated to include the Harvie property into the service area of the District. As a part of the inclusion process, the Town needs to transfer the ground water rights associated with the Harvie property to the District. Once the Town conveys the groundwater to the District, the District will transfer to the Town 96.4 water resource credits (96.4 SFEs), which the Town can use to offset future inclusion/TAP fees. Additionally, the Town needs to file a petition with the District to include the Harvie property into the District and the Town needs to submit the Non-Tributary Ground Water Consent Landownership Statements to the District, which are attached to the Resolution.

The District waived the inclusion fee for the Harvie property. As a result: there is no cost to the Town to include the Harvie property into the District.

Public Comment - None

Josh Martin moved to approve Ordinance No. 1.502 on second reading.

Amy Holland seconded the motion.

The motion was approved unanimously.

B. RESOLUTION NO. 17-047

A Resolution to Approve the Filing of a Petition for the Inclusion of Land and the Submission of Non-Tributary Ground Water Consent Landownership Statements to the Parker Water and Sanitation District Petition for the Harvie Property

**Department: Recreation, Dennis Trapp
Town Attorney, Jim Maloney**

Josh Martin moved to approve Resolution No. 17-047.

Amy Holland seconded the motion.

The motion was approved unanimously.

MEADOWLARK PROPERTY

A. ORDINANCE NO. 9.269 – Second Reading

A Bill for an Ordinance Approving the Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for Lemon Gulch Downstream of Crowfoot Valley Road (Agreement No. 17-06.08, Project No. 106741) By and Between Urban Drainage and Flood Control District and the Town of Parker

The Town of Parker and Urban Drainage and Flood Control District have opted to receive cash funds in lieu of the Meadowlark developer obligation to design major drainageway improvements to Lemon Gulch through the property as required by Town Code. The Town and District will use the funds to design a capital improvement project along this reach of major drainageway to satisfy the developer's obligation to stabilize Lemon Gulch. An agreement is necessary with Meritage Homes to codify the terms and use of the funds that will be deposited with the Town of Parker. An Intergovernmental Agreement with Urban Drainage and Flood Control District is necessary to transfer the funds to be used for design of the capital improvement project.

This project was included in the most recent supplemental budget request approved by Town Council. Meritage Homes will contribute \$210,423 to the Town, which will be transferred to the District with this agreement. The District will provide \$50,000 funding match as shown below to be used to conceptually design the Lemon Gulch corridor downstream of the Meadowlark property:

2017 Design:

Town of Parker through Meritage Homes	\$210,423
Urban Drainage	50,000
Total Budget:	260,423

Meritage Homes currently has an annexation application and sketch/preliminary plan application submitted to the Town for a residential subdivision adjacent to Crowfoot Valley Road south of Stroh Road. As a part of development, Meritage Homes is required to improve the portion of Lemon Gulch that is located on the subject property. The Town and District have determined that it is in the best interest of all parties to collect engineering design fees from Meritage and complete the design as a capital improvement project. Once design is complete, it is the intent to collect construction funds from Meritage and construct the project as a capital improvement project. Collection of funds for design and construction will satisfy the development requirement and provide both the Town and District absolute control over the design and construction of the project.

Public Comment – None

Joshua Rivero moved to approve the Ordinance No. 9.269 on seconded reading.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

B. AGREEMENT REGARDING DESIGN AND PERMITTING FOR LEMON GULCH IMPROVEMENTS

Department: Engineering, Jacob James

Joshua Rivero moved to approve the Agreement Regarding Design and Permitting for Lemon Gulch Improvements.

Amy Holland seconded the motion.

The motion was approved unanimously.

The regular meeting was adjourned at 11:38 p.m.


Chris Vanderpool, Deputy Town Clerk


Mike Waid, Mayor