



TOWN BOARD STUDY SESSION

Tuesday, September 24, 2019
5:15 p.m. – 6:40 p.m.
Rooms 202/203
5:00 p.m. - Dinner

AGENDA

- 5:15 p.m. Trustee Remote/Electronic Meeting Participation.
(Board Discussion)

- 6:05 p.m. Paid Parking Discussion Preview.
(Manager Solesbee)

- 6:35 p.m. Trustee & Administrator Comments & Questions.

- 6:40 p.m. Future Study Session Agenda Items.
(Board Discussion)

- 6:45 p.m. Adjourn for Town Board Meeting.

Informal discussion among Trustees concerning agenda items or other Town matters may occur before this meeting at approximately 4:45 p.m.

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Report

To: Honorable Mayor Jirsa
Board of Trustees

Through: Town Administrator Machalek

From: Jackie Williamson

Date: September 24, 2019

RE: Trustee Remote/Electronic Meeting Participation

Objective:

To discuss allowing Town Board members the ability to participate in Town Board meetings remotely, and provide staff with direction.

Present Situation:

The Town's current Municipal Code requires all actions of the Board of Trustees shall require the concurrence of the majority of those present and does not currently allow Board members the ability to participate in meetings remotely. Recently staff was directed to review the possibilities of allowing remote participation, and if allowed, determine the mechanism for doing so. Attorney Kramer has reviewed the state statutes and determined the Town may allow remote participation through a revision to the Town's Municipal Code. He further determined other Colorado municipalities allow remote participation but limit the type of items the remote member can participate in.

Proposal:

Attached to the memo is an outline of the City of Centennial, Colorado, City Council Policy on Telephonic Participation during City Council Meetings. This document has been provided to aid in the Board's discussion on the merits of allowing remote participation. If the Board consensus is to amend the Town's Municipal Code to allow remote participation, staff requests the Board provide direction on related issues to establish a Board policy. Items staff would request direction include and are not limited to:

- Under what circumstances may a Board member participate remotely
- How often a Board member may participate remotely
- If multiple members of the Board may participate remotely
- Type of meetings a Board member may participate remotely; i.e. Board, study session, work session, etc.
- The method for participating, i.e. telephone only, two-way video, etc.
- Items the member may participate in/excluded from such as quasi-judicial, executive session, etc.
- If other staff members may participate remotely, i.e. Town Administrator, Attorney, etc.

Advantages:

To allow Board members to participate when they otherwise may not be able to physically attend a meeting.

Disadvantages:

The potential cost associated with additional IT support.

Action Recommended:

To provide staff with direction on the remote participation of Board members and direction on a Board policy.

Finance/Resource Impact:

Unknown at this time. The budgetary impact would be dependent on the type of participation the Board would prefer from those participating remotely.

Level of Public Interest:

Low

Attachments

City of Centennial, Colorado City Council Policy

CITY OF CENTENNIAL, COLORADO

CITY COUNCIL POLICY NO. 2004-CCP-04

TELEPHONIC PARTICIPATION DURING CITY COUNCIL MEETINGS

DATE OF POLICY/REVISION:	October 18, 2004 (Resolution No. 2004-R-53)
PURPOSE AND INTENT:	To specify the rules and procedures under which members of the City Council may participate in regular and special Council meetings and executive sessions by telephone.
SCHEDULED REVIEW AND REVISION:	As deemed necessary or desired by the City Council or upon recommendation of the City Manager or City Attorney.
ATTACHMENT(S):	None
REFERENCE(S):	Article 15, Title 31 and general administrative powers conferred upon Colorado municipalities to govern the affairs of the municipality; Colorado Open Meetings Act, C.R.S. 24-6-401 et seq.; City Council Policy 2004-CCP-01 (executive sessions); and Council Policy 2004-CCP-02 (Council Procedures and Rules of Order).
SPECIAL PROVISIONS	<ul style="list-style-type: none">• The City Council reserves the right to revoke this Policy at anytime without notice.• This Policy shall not be interpreted in a manner that would deny full and equal access by handicapped City Council members to City Council meetings or to the full and equal participation of handicapped Council members in all aspects of City Council meetings.

TELEPHONIC PARTICIPATION DURING CITY COUNCIL MEETINGS

I. Purpose.

The purpose of this City Council Policy is to specify the circumstances under which a member of the City Council may participate in regular and special meetings and executive sessions by telephone. With advancements in communication equipment, telephonic meeting participation has become more popular within many local governments. However, telephonic participation has inherent limitations because telephonic participation effectively precludes a Council member from viewing documentary information presented during meetings, from fully evaluating a speaker's non-verbal language in assessing veracity or credibility, and from observing non-verbal explanations (e.g., pointing at graphs and charts) during a speaker's presentation or testimony. In addition, telephonic participation during executive sessions prevents the City from ensuring compliance with state law and City Council Policy No. 2004-CCP-01. The Council finds that these limitations inherent in telephonic participation may produce inefficiencies in meetings, increase the expense of meetings, and may undermine the decision-making process, particularly in quasi-judicial matters.

II. Statement of Policy.

A member of the City Council may participate in a meeting of the City Council by telephone only in accordance with this Policy. Telephonic participation shall be made available and shall be limited as follows:

- A. Telephonic participation shall be made available to a City Council member when such member's absence would otherwise constitute an excused absence in accordance with City Council Policy 2004-CP-02.*
- B. Telephonic participation is intended to be an infrequent or occasional substitution for physical attendance. The City Council may, by majority vote of a quorum present, declare a Council member's repeated use of telephonic participation excessive and deny a Council member's privilege to use telephonic participation for a specific meeting or meetings. Such declaration by City Council shall only be made when the member seeking to

* City Council Policy 2004-CCP-02 (as adopted August 2, 2004) provides that the Presiding Officer shall excuse an absence of any member where:

- (1) the Council person contacted the Mayor, City Manager, or Deputy City Clerk in advance of the meeting regarding the reason for the absence; *and*
- (2) the reason for the absence is due to circumstances that were unforeseeable or unavoidable, such as but not limited to, emergency, illness, vacations scheduled well in advance of a meeting, or last-minute familial obligations. An excuse shall not be granted where the member's absence is due to the member's desire to attend other meetings or functions unless such member's attendance at such meeting or function was requested by the City Council.

participate telephonically is afforded advance notice and the opportunity to participate in the City Council's discussion regarding excessive use and the continuation of telephonic participation by the Council member. Provided that the Council member is provided notice of the date and time of the planned Council discussion, the member's inability to be available to participate in the discussion shall not preclude the City Council's authority to discuss and decide whether such member's use of telephonic participation is excessive.

- C. Telephonic participation must permit clear, uninterrupted, and two-way communication for the participating Council member.
- D. A Council member may neither participate nor vote telephonically in a quasi-judicial public hearing; however, the Council member may maintain the telephone connection and monitor or listen to the hearing.
- E. Telephonic participation shall not be available to a Council member during an executive session.
- F. More than one Council member may participate telephonically during the same meeting where the telephone conferencing system permits clear, uninterrupted, and two-way communication for all participating Council members.
- G. The City Council may discontinue the use of telephonic participation by one or more members during a meeting where the participation results in delays or interference in the meeting process; e.g., where the telephone connection is repeatedly lost, the quality of the telephone connection is unduly noisy, or a participating member is unable to hear speakers using a normal speaking voice amplified to a level suitable for the meeting audience in attendance.

III. Arranging for Telephonic Participation.

- A. To arrange to participate telephonically, a City Council member shall:
 - 1. Contact the Mayor, City Manager, or Deputy City Clerk in advance of the meeting regarding the reason for the absence pursuant to City Council Policy 2004-CCP-02.
 - 2. Contact the Deputy City Clerk or, during absence of the Deputy City Clerk, the City Manager to arrange for telephonic participation and provide a telephone number and any special calling instructions needed to facilitate the telephone contact. All Council members shall endeavor to advise the Deputy City Clerk of their intent to participate telephonically at the earliest possible time and not less than two (2) hours prior to the requested participation.

3. Be available at the designated telephone number not less than ten minutes prior to the scheduled time of the meeting.
- B. The City shall initiate the telephone contact not more than 10 minutes prior to the scheduled time of the meeting. Upon telephone disconnection during a meeting, the Deputy City Clerk shall make one attempt to re-initiate the telephone connection unless the City Council instructs to discontinue the telephonic participation in accordance with II(G) above.

IV. Effect of Telephonic Participation.

Telephonic participation shall constitute actual attendance for purposes of establishing a quorum or for any other purpose.

V. Telephonic Participation by Non-Council Members.

Upon request of the Mayor or any two Council members, appointees of the City Council (e.g., the City Manager and/or the City Attorney or designees acting on behalf of and at the direction of the Manager or Attorney), may participate in a meeting of the Council by telephone. For all other persons, telephonic participation shall not be permitted unless approved by a majority of a quorum present of the City Council.

VI. Limited Applicability of Policy.

This Policy shall only apply to regular and special meetings (including study sessions) of the City Council for the City of Centennial.

VII. Reasonable Accommodations.

The City shall provide reasonable accommodation and shall waive or modify provisions of this Policy to provide handicapped City Council members full and equal access to Council meetings.

MADE EFFECTIVE THIS 18th DAY OF OCTOBER, 2004

Reference: Resolution No. 2004-R-53
October 18, 2004

From: **Judy Howell**

Date: Tue, Sep 17, 2019 at 6:10 PM

Subject: RE: Town Board to consider remote participation by Trustees Sept. 24

If they want to be a Trustee, unless they are ill or out of State, they should be present for the proceedings. Just not wanting to show isn't good enough. Either do the job you were elected to do or resign from the Board. Estes Park Residents have the right to see and speak with you in person. If you can't do that, then allow someone that cares about their position to replace you. You are no longer a good option for Estes Park.



Town Clerk <townclerk@estes.org>

Remote town board member participation

Esther Cenac To: townclerk@estes.org

Tue, Sep 17, 2019 at 8:44 PM

No.

Esther Cenac

27-19 Amending §2.04.060 of the EP Municipal Code

1 message

Gordon Slack <gordon49@protonmail.com>

Tue, Sep 24, 2019 at 3:16 PM

Reply-To: Gordon Slack <gordon49@protonmail.com>

To: "townclerk@estes.org" <townclerk@estes.org>, "trustees@estes.org" <trustees@estes.org>

RE: Ordinance 27-19 Amending §2.04.060 of the EP Municipal Code to allow remote participation by Trustees in meetings of the Board.

Please do not allow remote participation. Trustees should be fully aware of their obligations before they file for office. This includes attendance at all meetings of the Trustees as well as study sessions and the meetings of various committees and advisory boards. We have survived since the Town was incorporated without allowing "remote participation." We have six Trustees and a Mayor. The absence of one or even two Trustees should not impede Town business. We don't allow proxy voting. I believe that "remote participation" is another form of proxy voting.

It is important for the public to see the Trustees that are governing the Town of Estes Park. Facial expressions and body language of the Trustees are a far better indicator of the attitude of the Trustees than what is actually said on the public record. Furthermore, it is already difficult for the public to adequately view the visual presentations that are used in meetings owing to the limitations of the present broadcast system. I don't believe that a Trustee could perform his or her duties properly and cast an informed vote if they are not present in the Board Room with a good view of the visual materials and seeing members of the public and staff who are speaking to the issue. The current broadcast system frequently loses sound and those speaking at the podium are sometimes not seen on camera.

I remember several hearings that the Trustees held regarding the Loop Project. It was obvious from their expressions and body language that several Trustees had already made up their minds and that those of us who were speaking were just wasting their valuable time. The public needs to see the Trustees.

Thanks,
Gordon Slack
[1535-B Raven Cir,](#)
[Estes Park](#)

Sent with [ProtonMail](#) Secure Email.

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Report

To: Honorable Mayor Jirsa
Board of Trustees

Through: Town Administrator Machalek

From: Vanessa Solesbee, Parking & Transit Manager
Greg Muhonen, Public Works Director

Date: *September 24, 2019*

RE: *Paid Parking Process Overview*

Objective:

Preview the proposed content for the October 8th Town Board Study Session presentation regarding management of the downtown parking assets. This will include results of implementing the Phase 1 recommendations from the Downtown Parking Management Plan (DPMP) and a preview of options for moving forward in 2020 to implement DPMP Phase II recommendations (limited seasonal paid parking).

Present Situation:

At the Town Board Study Session on November 27, 2018, Public Works staff presented 2018 Parking Utilization Results and indicated the intention to finish implementation of DPMP Phase I during peak summer season 2019 as follows:

- Conduct a turnover and occupancy analyses for all downtown public parking lots (2,102 spaces).
- Implement technology to provide real- or near real-time parking availability information via mobile app for five downtown lots (636 spaces).
- Hire, train and manage two full-time, seasonal Parking Ambassadors.
- Integrate (fully utilize) the Dynamic Messaging Signs (DMS).

Proposal:

At the upcoming Study Session on October 8, 2019, Public Works proposes to bring process information and results from DPMP Phase I implementation, organized as follows:

- **Overview & Background:** Brief summary of DPMP goals and implementation phasing.
- **2019 Parking Utilization Results:** Includes occupancy data collected 2-4 times daily in all 18 parking areas for 114 days (May 25 through Sept. 15, 2019) and a targeted sample of duration (length of stay) data on weekdays and weekends in July, August and September 2019. 2018 Parking Utilization Results will also be provided for context.
- **Public Outreach Summary:** Key themes from 2019 public outreach efforts, which included online and in-person opportunities in July, August and September. Raw data (e.g., specific comments, presented anonymously) will also be provided.
- **Parking Management Warrants:** Completed warrants for each of the Town's 18 public parking areas. The warrant includes set of criteria that was developed in partnership with

the Transportation Advisory Board (TAB) and presented to the Town Board on April 23, 2019 for review and comment. The warrant has nine scored criteria and was designed to help define the need for, and appropriateness of, implementing future parking management strategies, including seasonal paid parking.

Public Works will also ask the Town Board for direction for the 2020 parking management program; specifically, if the board feels that the current parking experience (as illuminated by utilization data, public input and analysis using the warrant tool), supports the Town's mission to provide high-quality, reliable services for the benefit of our citizens, guests and employees. If the Town Board feels like the current parking experience could be improved, Public Works will be prepared to deliver information related to the implementation of seasonal paid parking, including:

- Revenue projections and cost estimates for implementing seasonal paid parking in 2020 for approximately 691 spaces (33% of the overall supply).
- Draft ordinance to authorize seasonal paid parking in the Town's public parking areas.
- Draft fee resolution setting the 2020 parking rates.

Pending the outcome of the October 8 Study Session, Public Works can be ready to bring forth a final ordinance and fee resolution authorizing seasonal paid parking at a Regular Meeting and Public Hearing on October 22. (Note: a revised parking permit system is also needed, and will be discussed with the Town Board separately in 2020.)

If the Town Board decides that the current level of service is adequate and/or that Public Works should pause DPMP implementation, Public Works proposes to return to the Town Board with a proposed 2020 work plan for management of downtown parking.

Advantages:

- Providing a preview of the proposed content for October 8 allows Public Works to better prepare to meet the Town Board's expectations.
- Supports a commitment made to the community that any consideration of paid parking would be conducted in a data-driven and transparent manner.

Disadvantages:

- Some may feel that the preview is an unnecessary step, however Public Works feels that the additional meeting will help clarify expectations and set the tone for a productive Study Session on October 8.
- The three-meeting format postpones 2020 planning; however Public Works feels that it allows more time for informed decision-making and public process.

Action Recommended:

Public Works would like confirmation that the proposed content for the Study Session on October 8, 2019 is generally sufficient for the Town Board to provide guidance on the desired 2020 downtown parking management strategies.

Finance/Resource Impact:

To be discussed October 8th.

Level of Public Interest:

Public interest is high, specifically regarding possible implementation of paid parking. Public Works and members of TAB both invested a significant amount of time into community dialogue during the 2019 Downtown Parking Listening Tour.

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TOWN OF ESTES PARK

Future Town Board Study Session Agenda Items September 24, 2019

October 8, 2019

- Review of Board Compensation for 2020
- Paid Parking Presentation & Results

October 22, 2019

- Results of SAFEbuilt Report/Building Division/Building Advisory Committee

Items Approved – Unscheduled:

- Discussion with County Assessor regarding Assessment of Vacation Rentals
- Future of Human Resources Management – HR Strategic Plan
- Distributed Energy Discussion
- ADUs and Sue Ballou, Partnership for Age Friendly Communities
- Follow Up Discussion of Building Maintenance Code
- Fish Hatchery Property Discussion

Items for Town Board Consideration:

- Request to Cancel December 10, 2019 Study Session