



Town Council Meeting Minutes - Draft

Mayor Jason Gray
Mayor Pro Tem Kevin Bracken
Councilmember Ryan Hollingshead
Councilmember Laura Cavey
Councilmember Desiree LaFleur
Councilmember Caryn Johnson
Councilmember Tim Dietz

Tuesday, April 6, 2021

6:00 PM

**Town Hall Council Chambers
100 North Wilcox Street
Castle Rock, CO 80104
Phone in: 720-650-7664
Meeting code: 187 750 7535
www.CRgov.com/CouncilMeeting**

This meeting is open to the public and will be held in a virtual format in accordance with Town Council Meeting Special Procedures During Declared Disasters. Public may choose to attend in person at Town Hall, or electronically or by phone if preferred - remote participation is encouraged. This meeting will be hosted online and can be accessed at www.CRgov.com/CouncilMeeting, or phone in by calling (720) 650-7664, meeting code 187 750 7535 (if prompted for a password enter "April6Council"). All Town Council Meetings are also streamed online in real time at www.CRgov.com/WatchCouncil, and are broadcast for Comcast Cable subscribers on Channel 22 (please note there is a delay to the broadcast).

All times indicated on the agenda are approximate. Remote participants please visit www.CRgov.com/CouncilComments to sign up to speak to an item, and for related instructions. Public Comments may also be submitted in writing online by 1:00 p.m. April 6, 2021, to be included in the public record.

COUNCIL DINNER & INFORMAL DISCUSSION

INVOCATION - Mark Marble, Castle Rock PD Chaplain

CALL TO ORDER / ROLL CALL

Present: 6 - Mayor Gray, Mayor Pro Tem Bracken, Councilmember Hollingshead, Councilmember Cavey, Councilmember LaFleur, Councilmember Dietz

Not Present: 1 - Councilmember Johnson

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Councilmember Cavey discussed issues she has with the Design Review Board. She believes in less government and less bureaucracy, and feels the DRB adds more layers not less. It is not made up of elected officials and there is no recourse for citizens. The DRB is to verify if projects meet Town Code, which Town staff does today with every other development outside of downtown. Cavey stated she is willing to look at a compromise that staff recommended for projects to come to Council that are over 10k square feet. She stated she would push to disband it altogether if Council can't come to a compromise. Citizens want transparency and she feels it is not being provided. She asked Council to read the email she sent on March 17 where she offered solutions rather than just complaining. She

encouraged Council to come together to solve this issue.

Councilmember LaFleur stated she had a discussion with the Historical Society and they are requesting to have an ex-officio non-voting member on the Historic Preservation Board. She asked if staff could prepare background information and an ordinance that would allow that position on the HP Board. LaFleur additionally asked if Council could review the previous improvements for the Wolfensberger interchange as we approach budget approval. She added that we are blessed with many freedoms and rights and one of those is private property rights. The Master Plan refers to downtown as the Castle Rock hub. Our founders' efforts focused on connecting citizens with downtown.

Councilmember Johnson arrived 6:06pm.

Councilmember Dietz, stated elected officials' role is to be forthright and honest as our responsibility is to the people. The Oath we take represents our responsibility to the whole Town. They elect us to do things.

Mayor Pro Tem Bracken was on the Tri County call, and Commissioner Layden pushed Dr. Douglas to open Douglas County. He referenced how many students are quarantined when a student tests positive and feels this policy is not sustainable. He feels we should keep our family members safe, but we shouldn't put that responsibility on others. Bracken feels Tri County is not representing us and that the numbers do not justify continuance of the restrictions.

Mayor Gray stated his appreciation for everyone coming and asked that we be respectful to others and staff.

[PROC](#)
[2021-001](#)

Proclamation: My Water Pledge, Mayor's Challenge *[For Presentation - Approved on March 16, 2021]*

Mayor Gray read the proclamation into the record.

UNSCHEDULED PUBLIC APPEARANCES

Written comments submitted online were added into the record.

Citizens that addressed Town Council:

Gregory Hernandez, resident, stated his wife works on Perry Street he works on Jerry Street. He applauded Council for their work. We have a great Town, and if we aren't growing we are dying. He realizes there is disagreement on growth and we will always have complaints. Hernandez appreciates feeling safe when walking around in Festival Park at night; and that people vote where they choose to live or shop. He thanked Council for their service and gave a shout out to the Town employees.

Frank Gray, CEO of the Economic Development Council, came to celebrate. We had some of challenges a year ago and developed the KIVA loan program. He thanked Council that approved the use of economic development money to help 17 local businesses with interest free loans. They are now paying that back, and he presented Council with a check for \$25,000 and stated the businesses are

appreciative of what Town Council has done.

[ID 2021-039](#)

Unscheduled Public Appearances - Written Comments

TOWN MANAGER'S REPORT

David Corliss, Town Manager, reviewed calendared items coming up. The May 11 meeting will start at 5pm for the Board and Commission interviews. The interview panels will make recommendations that will be presented to Council for approval. Corliss added that the Design Review Board members will be made at a later meeting after the appointments to the Planning Commission, Historic Preservation Commission and the Downtown Development Authority.

[ID 2021-037](#)

Development Services Project Updates

[ID 2021-038](#)

Update: Quasi-Judicial Projects

TOWN ATTORNEY'S REPORT

No report.

ACCEPTANCE OF AGENDA

Mayor Gray stated the applicant for Item #16 has requested continuance until April 20, 2021. He asked for a motion to amend the agenda to advance the item to be first after the Consent Calendar.

Moved by Councilmember Johnson, seconded by Councilmember Hollingshead, to Amend the Agenda to hear Item #16 after the Consent Calendar. The motion passed by a vote of:

Yes: 7 - Gray, Bracken, Hollingshead, Cavey, LaFleur, Johnson, Dietz

Moved by Councilmember LaFleur, seconded by Councilmember Dietz, to Accept the Agenda as Amended. The motion passed by the following vote:

Yes: 7 - Gray, Bracken, Hollingshead, Cavey, LaFleur, Johnson, Dietz

CONSENT CALENDAR

[PROC
2021-002](#)

2021 Arbor Day Proclamation [For Council Action - Presentation on April 20, 2021]

[RES 2021-034](#)

Resolution Approving a Construction Contract Between the Town of Castle Rock And RME Ltd., LLC D/B/A Elite Surface Infrastructure for the 2021 Downtown Alley Improvements Project

[ORD 2021-007](#)

Ordinance Amending Various Sections in Chapters 13.06 And 15.03 of the Castle Rock Municipal Code Clarifying the Registration Requirements for Backflow Prevention Assembly Testers (Second Reading - Approved on First Reading on March 16, 2021 by a vote of 7-0)

- [RES 2021-035](#) **Resolution Approving the 2021 Spot Water Lease Agreement Between the Town of Castle Rock and United Water & Sanitation District**
- RES 2021-036** **Resolution Approving the 2021 Water Lease Agreement Between the Town of Castle Rock and Colorado Parks & Wildlife**
- RES 2021-037** **Resolution Approving a Lease Agreement Between the Colorado Water Conservation Board and the Town of Castle Rock Water Enterprise for the Use of Storage Space in the Chatfield Storage Reallocation Project [Chatfield Reservoir, Douglas County, CO]**
- [RES 2021-038](#) **Resolution Approving the Grant of a Pipeline Right-of-Way by the Town of Castle Rock to Cureton Midstream, LLC [Box Elder Property in Weld County]**
- [MIN 2021-006](#) **Minutes: March 16, 2021 Town Council Meeting**

Moved by Mayor Pro Tem Bracken seconded by Councilmember LaFleur to approve the Consent Calendar as read. The motion passed by a vote of:

Yes: 7 - Gray, Bracken, Hollingshead, Cavey, LaFleur, Johnson, Dietz

QUASI JUDICIAL HEARINGS

Mayor Gray read the quasi-judicial script into the record. No Councilmember voiced any conflict of interest. Lisa Anderson, Town Clerk, verified that the item was published in accordance with law.

- [RES 2021-040](#) **Resolution Approving a Site Development Plan for Terrain North Basin Village Planning Areas 17, 18, 26, 31, OSP, and OSD of the Terrain Planned Development and Approving a Sidewalk Variance for a Portion of Planning Areas 17 and 31 (North Basin Village Phase 1 Site Development Plan) *[located in the center of the Terrain community along Castle Oaks Drive, between the intersections with Autumn Sage Street]* (Item to be Continued to the April 20, 2021 Town Council Meeting)**

Mayor Gray asked Tara Vargish, Director of Development Services, to confirm that staff is in agreement with the applicant's request to continue the item to April 20, 2021.

Moved by Councilmember Johnson, seconded by Councilmember Dietz, that Resolution 2021-040 be Continued to the April 20, 2021 Town Council meeting. The motion passed by the following vote:

Yes: 7 - Gray, Bracken, Hollingshead, Cavey, LaFleur, Johnson, Dietz

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[RES 2021-039](#) **Resolution Expressing the Town's Concurrence with the Determination of the Lowest Responsible Bidder for the South & Wilcox Roundabout Improvement Project; Authorizing the Expenditure and Payment of Funds for Such Project; and Approving a Variance Pursuant to Section 9.16.070.E of the Castle Rock Municipal Code for Nighttime Construction Activities Related to Such Project**

Dan Sailer, Director of Public Works, stated staff is requesting a variance for the noise ordinance to expedite the construction of the roundabout allowing them to work at night and on weekends. They will be diverting traffic from Wilcox at Phelps over to Perry Street so they can close the section down from South and Wilcox to 2nd and Wilcox. The diameter of the roundabout will be 8-9' larger than the roundabout on Perry Street. Construction will begin April 15 and completion is planned for June 14. Costs are added in to accelerate the schedule for extended work hours and a 10% contingency. \$1.5M will come from the Transportation Capital Fund and \$750k will come from the DDA Special Fund. They will offer hotel stays for any resident affected that requests it. Public Works Commission and staff recommend approval.

Councilmember Johnson attended the Public Works meeting last night and wanted to confirm what the \$750k is being used for. Sailer confirmed that the \$750k is to go toward the construction of the roundabout. Corliss stated the funds are just for the roundabout project, and there are no funds for any installation in the roundabout. Council can later determine the process for determining what would go into the middle of the roundabout. Johnson confirmed that without the accelerated schedule the project was planned to be completed the first part of August.

Councilmember Cavey understood that \$800k was coming from Confluence. Corliss stated the Confluence Redevelopment Agreement states that the Town bears the entire expense of the roundabout. However, Confluence is putting \$900k into the railroad quiet zone. They approved a taxing district which will pay \$11M to the Town for the special property tax. We will use that to retire the debt for the purchase of the public parking spaces. This agreement is a requirement in the Redevelopment Agreement.

Citizens that addressed Council:

John Jacobus, resident, feels the project is already approved and asked if there has been any public input. He was concerned about the businesses affected and if they will be compensated.

Ken Standen, resident, feels we do not need a roundabout and should not spend \$3M of Town money for an unneeded roundabout. He feels we are just accommodating the Encore project without them paying for any of it.

Councilmember Cavey asked the cost if we put in a light instead. Sailer stated initial costs are around \$350-\$400k, but life cycle costs for power and maintenance are more than life cycle costs for a roundabout.

Councilmember LaFleur stated she is a previous small business owner and parking has always been an issue. This parking structure provides parking to people that spend their time in downtown and the roundabout helps mitigate that traffic.

Corliss stated the Town came to an agreement with the property owners that are affected. Those small businesses will also benefit from the additional public parking, and parking will be designated to users in the 100 block of Wilcox while the road is closed for construction. We will have 308 public parking spaces.

Councilmember Cavey feels we are spending \$2.3M of taxpayer money because of Encore. We need more police and fire and she would rather put it toward that vs. a roundabout.

Mayor Pro Tem Bracken, stated CIP funds cannot be used for police and fire and can only be used for capital projects. Bracken asked if Confluence wanted a roundabout. Corliss stated they did and felt it would be more efficient and safer. A roundabout was also desired in a downtown setting to calm traffic and enhance pedestrian and traffic movement. They saw this project as a reason to do a project we had previously identified as needed.

Councilmember Cavey confirmed that the Town gets 308 parking spaces and we own them. Corliss stated that before there were 95 surface parking spaces and will be replaced with 308 parking spaces. No nighttime storage of vehicles will be allowed.

Councilmember Hollingshead stated we are 70k people now, and when we have events downtown this will move traffic more efficiently.

Councilmember Johnson voted against Encore so for integrity she will vote against this.

Moved by Councilmember Cavey, seconded by Councilmember Hollingshead, that Resolution 2021-039 be Approved as presented. The motion passed by the following vote:

Yes: 4 - Gray, Bracken, Hollingshead, LaFleur

No: 3 - Cavey, Johnson, Dietz

[ORD 2021-008](#) Ordinance Approving The View at Castle Rock Redevelopment and Financing Agreement Between the Town of Castle Rock, the Castle Rock Downtown Development Authority, and Castle Rock Development, LLC (First Reading) [located at 610 Jerry Street]

David Corliss, Town Manager, stated the item is to approve the Redevelopment Agreement for the View.

Councilmember Cavey confirmed we are paying \$30k a space for the View. Corliss stated we paid \$30-\$35k per space for the Encore spaces. We have a downtown liaison officer now who will be involved in enforcement. At some point

we may have to charge for parking but do not recommend it for this.

Councilmember Johnson confirmed with Corliss the Redevelopment Agreement doesn't have off-site improvements in it, but it will be captured in the Subdivision Improvement Agreement where they will pay for their share of a future roundabout at 5th and Jerry. Johnson confirmed that the Town will hold title to the alley addition. Corliss stated the parking garage access off of 6th street through the alley and the Town asked for an additional 5 feet to provide adequate ability for traffic movement. They are giving us a 5 foot access easement to accommodate that. Johnson confirmed that any deviations are approved by the Town Manager. Johnson inquired about the section referring to material changes. Corliss stated it is a standard provision that if there are major changes, then they would come before Council.

Kevin Tilson, Director of the Castle Rock Downtown Alliance, stated a material deviation has to come back to Council. Hyman further defined a material deviation as a modification to the project that consists of number of floors, 10% change in residential space, 10% change in commercial space, elimination of project elements, or modification of the site development plan would require Council approval. Material is defined as significant. We are buying a type of development so we want to protect our investment and this section is designed to do that. Johnson referred to some typos in the agreement for the number of parking spaces and residential units. Hyman will ensure corrections are made. Johnson also confirmed the wording on approval of the SDP by the DRB which can be appealed to the Council. Johnson clarified that any other debt would be subordinate to this, and existing debt is paid before this agreement. Hyman then described the tax increment revenues that are based on the value of the project. Johnson also stated there is a reference to Festival Park Commons in the agreement that needs to be changed.

Kevin Tilson, Director of Castle Rock Downtown Alliance is a partnership of DMA and DDA with the goal to create and maintain an active and vibrant downtown. He provided an overview of the board made up of business and property owners in downtown. They work to produce events to bring people in to spend money downtown. They additionally identify opportunities to bring projects to Council and the DDA Board.

Tilson showed photos of the buildings that were replaced by the Riverwalk which was an old strip mall, and photos of buildings that were replaced with Encore. These are targeted projects for specific properties, and they will not get rid of any buildings with historic value. The View project was challenging to look at surrounding buildings to see how it fit in. There is a diesel garage, a multi-colored stucco building, the modern Move building, a false Victorian yellow building, and a brewery that preserved a historic building. This land currently has storage units surrounded by a chain link fence.

The project fits our zoning and code, but they looked to see what would make the project better. They required they install restaurant infrastructure with a grease trap and hood to encourage that use. The office space provides a daytime population. There are 221 rental apartments which adds customers downtown that won't need downtown parking as they can walk to downtown. There is not a

lot of opportunity to add public parking except for these projects.

A member of the development team presented the site development plan reflecting the high-end amenities facing west with a pool on the south side and smaller group settings on the north side with a dog run.

Citizens that addressed Council:

John Jacobus, resident, asked if first reading is a final okay before the 2nd reading and if it was already a done deal. He referenced the previous meeting where Council felt the DRB had too much power.

Pam Ridler, President and CEO of the Castle Rock Chamber and resident for 22 years, brought a letter from the Board supporting the project and feels the new mixed use developments give opportunity to revitalize the downtown area. History is protected downtown and in the Craig and Gould area.

Jeff Henrickson, resident, looked at the map and has lived in Districts 1, 2, and 4. He didn't really care what was going on in the other districts, but always cared about what was going on downtown. He feels the downtown is great now and supports the project.

Frank Gray, Castle Rock Economic Development Council, looks at what it does for primary employment. The challenge is there is a lack of office space for primary employment to attract or retain businesses in Castle Rock. They have had businesses be successful and need to expand so had to leave because there wasn't business space available. They also need more things to do downtown to attract workers as well as housing.

KC Neel, business owner of Castle Rock Bike and Ski and president of the DMA, supports the project and feels it meets the master plan. Previously we had boarded up storefronts, buildings in disrepair, and the focus was on the northern boundary. A group came up with a plan to bring people downtown, make it walkable, have new and historic buildings, and provide a place to live, work and play. They transformed dilapidated and outdated buildings and have no interest in getting rid of historic buildings. They have done facade grants and help secure loans for historic preservation. It is unrealistic that the downtown district would not grow with the rest of the Town.

Online Caller that addressed Council:

Larissa (last name inaudible) feels the poll shows that most people are not in favor of the project. She does not believe it meets the requirements of the master plan and feels the DRB has a conflict of interest.

Councilmember Deitz stated he is all for business and development in downtown but would like it to come through elected representation. The projects get approved before the final financing vote. He feels our infrastructure is not keeping up with the growth and police and fire are in need of a new station and more officers without taking the development into account.

Councilmember Cavey stated she ran on growth and bringing in primary employment. There has to be a balance and she doesn't see a good balance with this project due to concerns with parking and traffic. Resources downtown are not finite as we cannot widen our streets. She is all for a vibrant downtown but not an urban downtown. She wants to listen to her constituents as she was voted in to represent their voice and that is what she plans to do.

Councilmember Hollingshead stated there are a lot of talented people working on this project. We are fortunate that prior Council had the foresight to put together the DDA and DRB to take on these tasks along with Town staff who negotiate back and forth with these developers. People need to know the history of what has gone into this project. He feels this is a good project for our Town.

Councilmember LaFleur stated the board members volunteer their time. It is a make up of our civic leaders that are invested in downtown. She grew up in Castle Rock and has seen businesses open and close and knows the struggle to get people downtown for businesses to succeed.

Councilmember Johnson feels the mix of new and historic buildings is not balanced. The mom and pop stores and one-of-a-kind stores are what gave Castle Rock a sense of history and community.

Mayor Pro Tem Bracken stated improvements were added in to the agreement when it went to the DRB. He noted that they are only voting on the financing piece for the parking structure.

Mayor Gray thanked staff for all of their hard work and answering all of their questions, citizen questions and DMA questions. He said property rights resonates with him.

Moved by Councilmember LaFleur, seconded by Mayor Pro Tem Bracken, that Ordinance 2021-008 be Approved on First Reading as presented. The motion passed by the following vote:

Yes: 4 - Gray, Bracken, Hollingshead, LaFleur

No: 3 - Cavey, Johnson, Dietz

[DIR 2021-007](#)

Discussion/Direction: Public Meetings on Downtown Building Height Restrictions

Tara Vargish, Director of Development Services, provided an overview of the Downtown Overlay District that contains the North, Core and South sub-districts. The three sub-districts have different zoning and height restrictions. There are also five custom planned developments with different requirements.

Councilmember Cavey asked why we don't have maximum heights in the North and South sub-districts. Vargish stated it was to allow for architectural flexibility. Vargish identified heights of all the buildings in the Core sub-district ranging from 14-88 feet. Council can make changes to these restrictions if they choose to.

Councilmember Johnson inquired about the interchange overlay district. Vargish stated the applicant would have to request that zoning like Millers Landing did.

Councilmember Cavey asked if we talk to all districts or just downtown. Vargish stated they will hold public open houses and anyone can attend.

Councilmember Johnson feels we should involve the other boards as well.

Mayor Pro Tem Bracken feels we are getting into property rights, and that property owners should be notified certified mail and marked as attending or not attending to weigh in regarding their property.

Councilmember Cavey asked about doing a survey encompassing some of these things. Corliss suggested having community engagement meetings first to see what questions we want to ask on a survey. He asked to identify any height issues outside of downtown to ensure Council is okay with those regulations as well and suggests height measured in feet and not just by floors. Council can endorse the communication plan.

Councilmember LaFleur is not interested in changing the rules on property owners who have invested their money in their property and is not interested in pursuing this.

Councilmember Johnson asked about administering a survey. Corliss stated we can hire someone or can put a questionnaire out on a website or send it out. A questionnaire is not as statistically valid.

Mayor Gray feels we should identify the height restriction in the north sub-district.

Moved by Councilmember Johnson, seconded by Councilmember Cavey, to Extend the Meeting to 10pm. The motion passed by the following vote:

Yes: 7 - Gray, Bracken, Hollingshead, Cavey, LaFleur, Johnson, Dietz

[DIR 2021-008](#)

Discussion/Direction: Downtown Development Guiding Documents and Codes

Tara Vargish, Director of Development Services, provided an overview of all of the guiding documents and codes. There are eight planning documents for downtown, and some are Town-wide and some are specific to downtown:

1990-1996 Early Documents: Downtown Urban Development Plan, Downtown Design Guidelines, Historic Regulations, Castle Rock Style

2003 Town-wide design guidelines: Castle Rock Design with Town-wide guidelines incorporated

2006-2008 Master planning: Downtown Advisory Commission formed, Historic Preservation Plan, Downtown Master Plan, formed the DDA

2008-2010 Downtown Plan Implementation: DDA Plan of Development, Downtown Overlay District adopted in Code

2017-2019 Additional Planning: Castle Rock 2020 Comprehensive Plan, Downtown Parking Study, Downtown Mobility Study

Castle Rock Style had parts superseded.

Castle Rock Design has not been updated since 2003 but documents and Codes were put in place afterwards and some elements were superseded in the Code. The Code contains the legal requirements that supersede the guidelines.

Councilmember Johnson said some aspects are in our Town Code but not all. Vargish stated guidelines for some items like setbacks, signings, landscaping, etc. are now identified in the Code.

Downtown Master Plan's vision is that downtown is the Main Street of Douglas County for central gathering and uniting neighborhoods. It should protect the historic character, offer distinct local flavor and a variety of amenities, and identify catalytic investment opportunities with a strong economic development program.

Downtown Plan of Development is utilized by the DDA.

2030 Comprehensive Master Plan lays out the long-term vision and identified the four cornerstones: identity, responsible growth, community services, thriving economy.

Downtown Parking Study inventoried what we had.

Downtown Mobility Master Plan focused on infrastructure to support downtown and how to fund it.

The Code was updated from the Downtown Overlay District and the Historic Preservation Plan.

They have had extensive involvement by various community and downtown business owners and stakeholders, recognize the historic heart of Castle Rock, preserve small town character and history, balance in development, mixed use with historic properties, property rights, public private projects.

There are inconsistencies in height restrictions, but the documents are complimentary to our Code. It would be appropriate to update our Downtown Master Plan by hiring a consultant.

Councilmember Johnson spoke with Andrew Wassum at Wild Blue Yonder, and he felt a more defined design guide would be helpful.

Concilmember Cavey asked if the process would look at everything not just building height. One concern she heard was regarding our parking code to determine how many spaces are required. Vargish stated they would look at all elements in the Downtown Overlay District and look at the density capacity available downtown and use the Transportation Master Plan and the Mobility Plan.

Consensus of Council to Direct Staff to work with the Downtown Alliance, DMA and DDA about the height requirement.

Moved by Councilmember Johnson, seconded by Councilmember Dietz, to Extend the Meeting to 10:05 pm. The motion Failed by the following vote:

Yes: 6 - Gray, Hollingshead, Cavey, LaFleur, Johnson, Dietz

No: 1 - Bracken

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

None.

ADJOURN

Meeting adjourned at 10 pm.

Submitted by:

Lisa Anderson, Town Clerk