



Town Council Meeting Minutes - Final

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

Tuesday, March 16, 2021

6:00 PM

Town Hall Council Chambers
100 North Wilcox Street
Castle Rock, CO 80104
Phone in: 720-650-7664
Meeting code: 187 095 0208
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 187 095 0208 (if prompted for a password enter "Mar16Council"). 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. March 16, 2021, to be included in the public record.

COUNCIL DINNER & INFORMAL DISCUSSION

INVOCATION - The Reverend Theron Walker, Emmaus Anglican Church

CALL TO ORDER / ROLL CALL

Present: 7 - Mayor Gray, Mayor Pro Tem Bracken, Councilmember Hollingshead, Councilmember Cavey, Councilmember LaFleur, Councilmember Johnson, Councilmember Dietz

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Councilmember Hollingshead thanked staff for their work during the storm and said it was a phenomenal effort.

Councilmember Cavey wanted to clear up some misunderstandings about her support of small businesses. She made several references to her personal spending at small businesses throughout the Town and her support of distribution of CARES funding to Town businesses, asked to remove restrictions that previously disqualified some businesses from receiving funding, and supported allocating all of the funding as well as additional Town funds. Cavey encouraged residents to reach out if they have any further concerns. She echoed her thanks to staff for their hard work during the snow storm. Cavey continued by stating she sat in on the Tri County Health call and is hopeful there will be a full reopening of

everything in Colorado sometime in April..

Councilmember Johnson brought up concerns with the Castle Rock Design manual. She referenced the Code that states the Design Review Board reviews plans using the Castle Rock Design Manual and the Downtown Master Plan. She feels the manual is not being adhered to and it puts the Town at risk.

Councilmember Dietz feels we are at a crossroad, and feels approvals are going unchecked by Council by staff and the Design Review Board making decisions for us. He is not looking to dismantle the Design Review Board, but wants to bring decisions to the elected officials. Dietz stated he has viewed their meetings and feels many decisions Council would likely agree with, but there needs to be oversight and accountability.

Mayor Pro Tem Bracken asked Hyman to weigh in on process for the Design Review Board and the appropriateness for the pathway for approval. Mike Hyman, Town Attorney, said Council adopted a process that created the DRB and put in place their power to review projects within the Downtown Zone District with final approval. It is an ordinance, and ordinances can be amended. Hyman stated there is nothing improper about the process, and Council can hear appeals from the DRB. Bracken said some Council may not think it is appropriate, but the DRB decisions are legally binding. Hyman added that DRB members are obligated to uphold the laws of Castle Rock and the U.S. and State Constitution.

Mayor Pro Tem Bracken confirmed that the Council approves the members of the Board. Hyman referenced Section 17.42.090 that seven members are appointed by Council. Members with one-year terms are for one member from the Planning Commission, two from the Downtown Development Authority, two from the Historic Preservation Board; and two-year terms for two property owners within the downtown authority boundary. There is a process for appointment and removal of board members.

Mayor Gray stated that they voted on whether to change the DRB approval authority a month ago and Council voted to retain the current process. He does not feel it is a positive movement for Council to change the process.

Councilmember Johnson pointed out that the Castle Rock Design Manual stated that it will be update every three years, but it hasn't been updated since 2003. She is talking specifically about downtown developments, and her constituents are saying that the Town is headed in the wrong direction.

Councilmember Dietz understands how it works, but does not feel it is okay to give up elected representation and that the manual needs to be updated.

Councilmember Hollingshead feels that bringing up that the manual is out of date is fair.

Councilmember Johnson stated she has not received a response from her January 21 email to staff asking why the manual hasn't been updated.

Councilmember Hollingshead said it is something we can work on, but that he has

received a lot of positive comments, and has not received any negative comments.

Councilmember Cavey has discussed the issue with residents, and the majority do not approve of the tall buildings downtown and feel we need to figure out a way to make this more productive and find a way to come together. If we aren't going to take control over DRB, then we need to ensure they come to us or follow the Castle Rock Design manual.

Gray appreciates the discourse but recognizes that we don't all have to agree. We are in different places in our lives and are listening to our constituents. We make the best decisions we can for our community.

Mayor Pro Tem Bracken referenced the View project that is currently a self-storage unit, and the Hideaway and Dominos is going to support that project. We need good partners that have the money to create the retail, walkability, parking structures, and be able to make their money back. If we squash the View, then we risk getting a lower quality project.

Councilmember Johnson stated the View project doesn't respect any of our historic buildings or meet any of the guidelines outlined in the Castle Rock Design Manual.

Councilmember Cavey stated her constituents want a thriving successful downtown, but the View's mass and scale is large for the downtown area and it causes issues with traffic and parking. She feels people want balance.

Councilmember Johnson noted that she sees a thriving downtown differently.

UNSCHEDULED PUBLIC APPEARANCES

No public comment.

TOWN MANAGER'S REPORT

David Corliss, Town Manager, provided reminders to Council of a study session on March 30 for Police and Fire to provide a public safety presentation. Staff will also be presenting an alternative revenue analysis. Corliss stated Council may want to schedule something in April for the citizen survey for an extended discussion. May 11 is scheduled for Board and Commission candidate interviews. Solicitation for applications to fill vacancies will be posted to the public so they can submit an online application. Council can decide if we do in person interviews or conduct them remotely. Council liaisons may participate in the interviews with the Chair.

[ID 2021-025](#)

2021 Capital Carryforward for ongoing Capital Projects

Trish Muller, Finance Director, provided information on the 2021 capital carryforward of \$49.8M of capital project dollars for projects that were started in the previous year and carried forward to the next year to complete the project. They can do this administratively, but wanted to provide to Council for their information. Muller noted that they will be bringing the supplemental appropriation to Council on April 20 for expenses that came up since the initial budget approval.

[ID 2021-026](#) Presentation: 2021 Election District Map

Lisa Anderson, Town Clerk, provided an overview of the redistricting requirements and process. Anderson presented Council with the new 2021 Election District Map stating that there was a 25% variance between Districts, so redistricting was required. The 2021 Election District Map accomplishes the 15% variance threshold reflecting a 10.5% variance. Additionally, future growth was projected and the variance remained stable estimating a 16% variance by the year 2027 if all areas are developed that are predicted to. The changes made will affect approximately 12% of the voters that changed to a new District. This results in providing continuity to the majority of voters. In addition, no Councilmembers changed Districts that they currently represent.

[ID 2021-027](#) Update: Monthly Department Reports**[ID 2021-028](#) Update: Quasi-Judicial Projects****[ID 2021-029](#) Development Services Project Updates****TOWN ATTORNEY'S REPORT**

No report.

ACCEPTANCE OF AGENDA

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

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

CONSENT CALENDAR

[PROC 2021-001](#) Proclamation: My Water Pledge, Mayor's Challenge [For Council Action - Presentation on April 6, 2021]

[MIN 2021-005](#) Minutes: February 16, 2021 Town Council Meeting, February 23, 2021 Study Session, and March 2, 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

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS**[ID 2021-030](#) Cobblestone Ranch Neighborhood Park Phase One Update**

Jeff Brauer, Director of Parks and Recreation, presented an overview of Phase One of the Cobblestone Ranch Neighborhood Park. The entire area is 168 acres that was acquired through public land acquisition and is adjacent to a future school

site and the Cherry Creek Trail. It will have sports fields and courts, pavilions, playgrounds, a great lawn area for casual play, and parking areas on the southern portion. Phase 1 is the neighborhood park with an entrance from Castle Oaks Drive. Baseball fields and pickle ball courts are optional and will be added dependent on the bids. They have been approached by a local group, Colorado Classic, interested in partnering to fund a portion of the baseball fields with a memo of understanding for tournament use. Staff is asking for Council direction if they wish staff to pursue further discussions. They will bid the project this month and bring a contract to Council in April with planned construction in May-June.

Councilmember Cavey asked how many miles of trails will be in that development. Brauer said it will be extensive, and they are working with Douglas County to connect through McCanta using a \$2M grant for the Front Range Trail from Cobblestone into downtown. The Trail continues down Plum Creek to Larkspur. They are almost done with the design and have the option of soft surface or concrete trails. They like to construct one mile loops in their parks. Cavey asked if there will be room for more fields. Brauer stated that will be part of the negotiation if they pursue a partnership where they will include cross programming of the fields built into the MOU.

Councilmember Johnson inquired about the MOU. Brauer replied if Council directs staff to get more information on an MOU, they would share back to Council. Johnson thought it was a regional park. Brauer replied they will be developing 12 acres as the neighborhood park component. They selected Cobblestone Ranch for the next neighborhood park to serve those residents and develop parks as funding is available. The impact fee fund has \$5.3M available and would require a budget amendment.

Mayor Pro Tem Bracken stated he is a fan of public private partnership and inquired about the original Phase I plans. Brauer stated Phase I always been 10-12 acres which is the size of a typical neighborhood park. If they pursue an MOU then the front side would develop with the baseball fields to bring in tournaments. Development of a facility for physical training in the park is in the discussion stage.

Consensus of Council to direct staff to pursue more information on the MOU.

[ID 2021-031](#)

Park Renovation Planning Update

Jeff Brauer, Director of Parks and Recreation, gave an overview of the Capital Improvement Plan to keep the parks in good shape to serve the neighborhoods. They identified parks that need some work - Butterfield Crossing, Mitchell Gulch park, and Plum Creek north and south parks. There are maintenance needs, life cycle replacements, and accessibility requirements. They have focused on planning and reaching out to the community for their feedback. The Conservation Trust Fund has \$4.5M available from lottery money (which is a per capita distribution), Douglas County Shareback, and recreational licenses from use of some of our fields. They are finalizing construction drawings, selecting materials, submitting drawings for development review, with planned fall 2021 construction.

Councilmember Johnson inquired about the size of the Plum Creek South park.

Brauer stated it is about 18 acres. Johnson inquired about the tennis courts in Mitchell Gulch park being an option. Brauer stated it is one of the amenities they looked to add as tennis leagues like to have about 5 courts together. This park provides the best opportunity due to the capstone providing a good solid base under the courts. Brauer stated they will take the \$4M available and run construction drawings and what areas are allocated and balance between neighborhoods to get the most bang for the buck. Johnson confirmed they are not all going to happen at once, but will be phased in and stretch the funds as far as they can. Brauer stated they will most likely do the playground improvements and address the accessibility issue first.

Councilmember Cavey asked if they send out surveys to people in those areas and what they want to see. Brauer replied they do a mailing list and postcard, facebook posts, and a social media site to interact with the Town. In addition, the Parks and Recreation Commission meetings discuss, and staff is available to take input via email or voicemail.

Mayor Gray opened this item and the previous item for public comment.

No public comment.

[ID 2021-032](#)

Indoor Recreation Facility Feasibility Study Update

Jeff Brauer, Director of Parks and Recreation, presented the Recreation Center Feasibility study stating that parks and recreation impact the quality of life of citizens with parks, recreation, trails and events. They hired a consultant to complete an indoor recreation facility feasibility study. It is a multi-year process and they look at programming options, development costs, operational needs and space requirements. In 1986, the Town opened its first recreation center with a 10,000 population. We need to maintain quality of life expectations for a growing community. The MAC is utilized as a youth recreation facility, and the Recreation Center is utilized by families and seniors. When we add a new facility, it is anticipated that it would focus on sports, teens, active adults and seniors. The trend in recreation center development is to combine team sports, health and recreation, partnerships, collaboration and creative financing options.

The 5 year capital plan for parks and recreation impact fees is to build Cobblestone Ranch neighborhood park, plan and construct an additional neighborhood park, and retire the Certificates of Participation (COP) debt on the MAC.

Corliss stated COP's are widely used by municipalities as a financing mechanism to mortgage a Town asset/building and pay lease payments back. We must make an annual appropriation to make those payments. Corliss added that if we do everything on this list, by 2026 based on projected growth, there would be \$20M of impact fee funds to build another recreation center. He added that impact fees must be used for capital construction and can't be a new service we don't currently provide or used for maintenance.

Councilmember Johnson confirmed what assets we put up for Miller Park. Corliss stated we used Townhall then switched the COPs asset to the Police building and then used \$10M in COPs for the 308 public parking spaces at the Encore project.

That COP debt will be retired from the Mill levy, property tax, sales tax and PIF fee from that project.

Brauer stated the process is in four steps: define needs vs. the wants, assign costs and priorities, build consensus within the community, and develop a solution for Castle Rock. He went over the exercise staff and the commission went through to identify needs vs. wants and the return of investment for each amenity. Brauer brought up a potential partnership they were presented with to redevelop the ACME brick site west of I-25 and south of Wolfensberger. The developer is interested in making it a synergy between retail, entertainment, recreation, office and restaurant uses. The site is approximately 10 acres and could accommodate a pool, fitness building, fieldhouse gymnasium, turf area, and double ice arena.

Councilmember Cavey feels we should do something constructive with that area, but it is close to the MAC. She would like to look at a site that helps some of the other neighborhoods. Brauer stated the site is accessible from two interchanges, adjacent to lodging, restaurants, is a two minute drive from downtown with a planned pedestrian trail to connect to downtown. It is fairly close to the center of town.

Corliss stated Prairie Hawk does not currently connect to Plum Creek which the developer has proposed to do.

Councilmembers Cavey and Johnson both voiced concern about close proximity to the MAC.

Brauer stated the next steps are coming back to Council with a report identifying recommended programming, facility and financial information. They will identify partnership opportunities and vet to bring to Council, and also do a community survey.

No public comment.

Councilmember Hollingshead feels we need a recreation center now and wants to get creative so we can fast track it.

Councilmember LaFleur is excited for a new recreation center.

Mayor Pro Tem Bracken stated if we can strike a good deal we could do something.

[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 (First Reading)

Mark Marlowe, Director of Castle Rock Water, provided background on cross connection control. Backflow prevention protects our distribution system as it prevents water from flowing from a private entity back into our distribution system. All devices on commercial facilities are tested every year. They wish to change

the code that now requires them to register with both Development Services and Castle Rock Water, charge a \$75 fee, provide proof of insurance and proof they have achieved the training required. They are proposing to remove the registration requirement with Development Services and remove the registration fee which is only about \$500 per year in revenue. Development Services, Castle Rock Water, and the Commission recommend approval.

No public comment.

Moved by Councilmember LaFleur, seconded by Councilmember Dietz, that Ordinance 2021-007 be Approved on First Reading as presented. The motion passed by the following vote:

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

[RES 2021-031](#) **Resolution Approving the Extraterritorial Service Contract with Castle Rock Cold and Storage, LLC for Fire Flow Service**

Mark Marlowe, Director of Castle Rock, stated this unincorporated area currently has a small water and sanitation district for about 21 customers and do not have adequate capacity to provide fire protection. The Town installed a water main running through their district and we did not have an IGA to extend the fireline previously. We must maintain this line and replace it every 10 years. This contract states the owner pays the full system development fees and a 25% extraterritorial service charge and a monthly base fee. The cost divided among the 7 customers comes out to \$250 a year. This allows us to go back to the six existing customers to start charging them as well. Staff and the Commission recommend approval.

No public comment.

Moved by Councilmember LaFleur, seconded by Councilmember Hollingshead, that Resolution 2021-031 be Approved as presented. The motion passed by the following vote:

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

[RES 2021-032](#) **Resolution Approving an Intergovernmental Agreement between the Town of Castle Rock and Crowfoot Valley Ranch Metropolitan Districts No. 1 and 2 Regarding the Monitoring and Enforcement of Town Conservation Regulations**

Mark Marlowe, Director of Castle Rock Water, stated the Town entered into an IGA to provide water service to Canyons South (McCanta) in 2005 to 968 single family homes. The Town worked to get them to annex, but they proceeded within the county based on having the IGA in place for water. In 2020, we already are providing water, and the Town feels we should provide wastewater. The extraterritorial service for water charges them a 10% extraterritorial fee, and wastewater is a 25% extraterritorial fee. This IGA is for monitoring and enforcement costs.

Councilmember Cavey asked if this is for more than 968 homes. Marlowe stated it is limited to 968 homes. When they first wanted to annex they wanted over

1,200 homes. They sold a portion of their property and sold their 968 home sites. They pay 11 mills for Fire protection, 4.5 mills for Police, and fees for water, wastewater and now enforcement with this IGA.

Councilmember Johnson stated the original IGA was in 2005 and asked if the 10% extraterritorial costs were in the first IGA. Marlowe confirmed the 10% fee was set, then the wastewater was set at 25%, and now this IGA states they must follow our conservation plan rules and regulations and adopt any updates we have for conservation, landscape and use of water and wastewater.

No public comment.

Moved by Councilmember Dietz, seconded by Councilmember Johnson, that Resolution 2021-032 be Approved as presented. The motion passed by the following vote:

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

[RES 2021-033](#) Resolution Approving the Intergovernmental Agreement between the Town of Castle Rock and Parker Water and Sanitation District (Parker Midsection Pipeline/Canyons Pump Station)

Mark Marlowe, Director of Castle Rock Water, stated this is an IGA for a partnership with Parker and 9 other water providers. We are getting WISE water, but there is more infrastructure that needs to be put in place for a pipe along E-470 and one along Ridgegate, We have an IGA with Parker to use part of the existing system until December 2023 for 1M gallons per day. In order to get water out of Rueter Hess we need more capacity for 9M gallons per day. The line is in Parker's district, but they don't need the line until 2027 and we need it in 2023. We manage design and construction and fund it between now and 2023. Parker will then pay us back in 2024 and there will be a 1% management fee. Staff expects to bring the RFP to Council in May. They need easements, construction and a pump station with estimated costs of \$13.8M. Construction is estimated for late 2022. Funds are available in the budget for it this year. The Commission and staff recommend approval.

Councilmember Johnson asked when we will hear back. Marlowe stated Council is not approving the actual amount, they are approving the IGA which divides how we pay for it between Castle Rock and Parker, and how we manage the project. Once bids are back, staff will come back to Council for the contract.

No public comment.

Moved by Councilmember LaFleur, seconded by Mayor Pro Tem Bracken, that Resolution 2021-033 be Approved as presented. The motion passed by the following vote:

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

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

No public comment.

ADJOURN

Meeting adjourned at 8:55 pm.

Submitted by:

Lisa Anderson, Town Clerk.