



**Town of Castle Rock
100 North Wilcox Street
Castle Rock, CO 80104**

Mayor Paul Donahue
Mayor Pro Tem Jennifer Green
Mark Heath
Chip Wilson
Renee Valentine
George Teal
Brett J. Ford

Town Council Meeting Minutes

Tuesday, December 15, 2015

6:00 PM

Council Chambers

CALL TO ORDER / ROLL CALL

Mayor Donahue called the meeting to order at 6:03 PM.

Present: 5 - Council Member Ford, Council Member Valentine, Mayor Donahue, Mayor Pro-Tem Green, and Council Member Heath

Not Present: 2 - Council Member Teal, and Council Member Wilson

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

None

UNSCHEDULED PUBLIC APPEARANCES

The following members of the public made comments or asked questions of the Council related to a variety of items that were NOT included on the regular agenda:

Jesus Angel
Bill Placke

John Topolnicki

TOWN MANAGER'S REPORT

[ID 2015-292](#)

Presentation: Castle Rock Rotary Club Citizen of the Year

Jamie LaRue, former Director of the Douglas Public Libraries, was presented the Rotary's Citizen of the Year award.

[ID 2015-293](#)

Update: Monthly Department Reports

[ID 2015-294](#)

Update: Quasi-Judicial Projects

TOWN ATTORNEY'S REPORT

[ID 2015-295](#)

Town Attorney's Report: Crystal Valley Metropolitan District Nos. 1 and 2 2015 Refunding Loan

Slentz reviewed District's proposal to refinance its debt.

Noted Council was permitted to comment on the proposal, but had no authority to approve the proposal.

ACCEPTANCE OF AGENDA

Green moved, seconded by Valentine, to accept the agenda as presented.

The motion passed by the following vote:

Aye: 5 - Ford, Valentine, Donahue, Green, and Heath

Not Present: 2 - Teal, and Wilson

CONSENT CALENDAR

[ORD 2015-54](#) Ordinance: Amending Section 17.06.020.B.2 of the Castle Rock Municipal Code Revising the Criteria for Approval of a Variance by the Board of Adjustment

[RES 2015-104](#) Resolution: Appointing the Municipal Judge and Approving a Professional Services Contract

[RES 2015-105](#) Resolution: Appointing Substitute Municipal Court Judges

[ID 2015-296](#) Minutes: November 17, 2015 Town Council Meeting

Green moved, seconded by Valentine, to approve the Consent Calendar as read.

The motion passed by a vote of:

Aye: 5 - Ford, Valentine, Donahue, Green, and Heath

Not Present: 2 - Teal, and Wilson

QUASI JUDICIAL HEARINGS

[ORD 2015-56](#) Ordinance: Approving the Annexation to the Town of Castle Rock, Colorado a 59.931 Acre Parcel in Sections 21 and 28, Township 7 South, Range 67 West of the 6th Principal Meridian, County of Douglas, State of Colorado (Lower East Plum Creek Park and Open Space Annexation)

Vossler presented proposal to annex approximately 60 acre parcel which had been conveyed to the Town by Douglas County. The property was needed to facilitate construction of the Plum Creek Diversion Facility.

Green moved, seconded by Ford, to approve Ordinance No. 2015-56 as presented on first reading.

The motion passed by the following vote:

Aye: 5 - Ford, Valentine, Donahue, Green, and Heath

Not Present: 2 - Teal, and Wilson

[ORD 2015-57](#) Ordinance: Approving an Amendment to the Town of Castle Rock Zoning District Map by Rezoning a 59.9 Acre Parcel Denominated as the Lower East Plum Creek Park and Open Space Annexation to Parks, Recreation, and Open Space (POS-1 - Active Uses)

Vossler reviewed proposed zoning for newly annexed property, noting designation as Parks and Open Space would allow for active park uses as well as the required utilities facilities.

Green moved, seconded by Heath, to approve Ordinance No. 2015-57 as presented on first reading.

The motion passed by the following vote:

Aye: 5 - Ford, Valentine, Donahue, Green, and Heath

Not Present: 2 - Teal, and Wilson

[ORD 2015-58](#) Ordinance: Amending the Town's Zone District Map by Approving the Castle Meadows Interchange Overlay Planned Development Plan; Approving the Castle Meadows Interchange Overlay Planned Development Zoning Regulations; Approving the Castle Meadows Development Agreement; and Vesting a Site Specific Development Plan through December 31, 2035

Detweiler reviewed key elements of the Interchange Overlay Zoning District (IOD) designation, noting it was intended to promote clustered development around the interchange, and to provide a greater variety of land use and development options by allowing for increased densities, building heights and site coverage.

Whittmore noted that only a conceptual site plan was presented at that time due to the fact that the IOD set specific development standards and outlined the code requirements for all future development. Noted if the applicant adhered to the IOD standards then administrative approval could occur, allowing development to proceed at a quicker pace.

Representatives from Plan West, applicant, provided an overview of the proposed development, including how it would comply with the IOD development standards. The following members of the public made statements or asked questions on this item:

Frank Gray

Brett Larimer

Heath moved, seconded by Valentine, to approve Ordinance No. 2015-58 as presented on first reading.

The motion passed by the following vote:

Aye: 5 - Ford, Valentine, Donahue, Green, and Heath

Not Present: 2 - Teal, and Wilson

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[ID 2015-297](#) Discussion/Direction: Applications for the Council Community Grant

Program for the 4th Quarter 2015 (2 Applications)

Muller noted there were 2 applications for the fourth quarter grants:

- 1) The American Legion Post 1187
- 2) Toys for Tots

Ford moved, seconded by Donahue, to approve the award of \$500 to the American Legion Post 1187.

The motion passed by the following vote:

Aye: 5 - Ford, Valentine, Donahue, Green, and Heath

Not Present: 2 - Teal, and Wilson

Ford moved, seconded by Valentine, to approve the award of \$500 to Toys for Tots.

The motion passed by the following vote:

Aye: 5 - Ford, Valentine, Donahue, Green, and Heath

Not Present: 2 - Teal, and Wilson

[ORD 2015-55](#)

Ordinance: Approving an Easement Agreement between the Town of Castle Rock and Intermountain Rural Electric Association; and Providing for its Emergency Adoption on Second and Final Reading (Mercantile Commons Underground Electric Service)

Ordinance was presented on second reading; there were no changes, and no additional comment had been received since the prior hearing.

Emergency adoption was requested to allow applicant to maintain construction schedule.

Green moved, seconded by Valentine, to approve Ordinance No. 2015-55 as presented on second reading on an Emergency Basis.

The roll call vote on the motion passed by the following vote:

Aye: 5 - Ford, Valentine, Donahue, Green, and Heath

Not Present: 2 - Teal, and Wilson

Service Contracts

Zagurski noted the funding for each of the service contracts was included in the 2016 Budget as approved, and the proposed Resolutions provided for the implementation of these contracts.

[RES 2015-106](#)

Resolution: Approving the Service Contract Between the Town of Castle Rock and the Castle Rock Chamber of Commerce

Donahue, with the consent of the Council, requested staff provide additional information regarding costs and a transition and implementation plan that would allow the Town to take over the Branding and Marketing program from the

Chamber beginning in 2017.

Valentine moved, seconded by Ford, to approve Resolution No. 2015-106 as presented.

The motion passed by the following vote:

Aye: 5 - Ford, Valentine, Donahue, Green, and Heath

Not Present: 2 - Teal, and Wilson

[RES 2015-107](#) Resolution: Approving the Intergovernmental Agreement Between the Town of Castle Rock and the Downtown Development Authority

Valentine moved, seconded by Ford, to approve Resolution No. 2015-107 as presented.

The motion passed by the following vote:

Aye: 5 - Ford, Valentine, Donahue, Green, and Heath

Not Present: 2 - Teal, and Wilson

[RES 2015-108](#) Resolution: Approving the Service Contract Between the Town of Castle Rock and the Downtown Merchants Association

Zagurski noted the DMA had requested an increase of \$6,000 to offset expenses for the Slide the City event in 2016.

Heath moved, seconded by Valentine, to approve Resolution No. 2015-108, including the additional funding for Slide the City.

The motion passed by the following vote:

Aye: 4 - Ford, Valentine, Green, and Heath

No: 1 - Donahue

Not Present: 2 - Teal, and Wilson

[RES 2015-109](#) Resolution: Approving the Service Contract Between the Town of Castle Rock and the Castle Rock Economic Development Council

Valentine moved, seconded by Green, to approve Resolution No. 2015-109 as presented.

The motion passed by the following vote:

Aye: 5 - Ford, Valentine, Donahue, Green, and Heath

Not Present: 2 - Teal, and Wilson

[RES 2015-110](#) Resolution: Approving the Service Contract Between the Town of Castle Rock and the Castle Rock Historical Society

Green moved, seconded by Valentine, to approve Resolution No. 2015-110 as presented.

The motion passed by the following vote:

Aye: 5 - Ford, Valentine, Donahue, Green, and Heath

Not Present: 2 - Teal, and Wilson

[RES 2015-111](#) Resolution: Approving the Service Contract Between the Town of Castle Rock and the Castle Rock Senior Center

Valentine moved, seconded by Ford, to approve Resolution No. 2015-111 as presented.

The motion passed by the following vote:

Aye: 5 - Ford, Valentine, Donahue, Green, and Heath

Not Present: 2 - Teal, and Wilson

[ID 2015-298](#) Discussion/Direction: Douglas County Housing Partnership 2016 Service Contract Funding Request

Zagurski noted this agreement was in effect until such time as it was amended or terminated, and stated the proposed motion merely affirmed Council's intention to fund the Housing Authority as budgeted.

Ford moved, seconded by Valentine, to authorize funding for the Douglas County Housing Authority as budgeted.

The motion passed by the following vote:

Aye: 5 - Ford, Valentine, Donahue, Green, and Heath

Not Present: 2 - Teal, and Wilson

BREAK

The Town Council went into recess at 7:29 PM and reconvened the meeting at 7:42 PM

[ORD 2015-59](#) Ordinance: Amending Chapter 17.24 of the Castle Rock Municipal Code by the Addition of a New Section 17.24.050 Concerning Plat Note for Multi-Family Development Plan

Detweiler and Hugdahl presented the proposed Ordinance which allowed developers the option of adding a plat note to owner occupied multi family developments which required owners and builders to go through arbitration prior to filing any law suits over a construction defect related issue.

The following members of the public made statements or asked questions on this item:

Frank Gray
David Kupernik

David McClain

Valentine moved, seconded by Green, to approve Ordinance No. 2015-59 as

presented on first reading.

The motion passed by the following vote:

Aye: 5 - Ford, Valentine, Donahue, Green, and Heath

Not Present: 2 - Teal, and Wilson

[ID 2015-299](#)

Discussion/Direction: Residential Care Facilities (Group Homes/Assisted Living Facilities in Residential Zoned Areas)

Shaw presented information and requested Council direction related to residential care facilities (including group homes and assisted living facilities) within the Town's residential zoned areas. Noted although the Council's ability to regulate such facilities was limited, Council could adopt provisions in the Town's Municipal Code that align with Colorado statute related to spacing and occupancy limits for group homes in residential zoned areas. This would provide for increased opportunities at the local level with regard to licensing and enforcement of state requirements.

The following members of the public made statements or asked questions on this item:

John Topolnicki
Dan Leffert

Richard Burst

It was the consensus of Council to direct staff to continue to conduct further research on this issue, and to prepare an amendment to the Town's Code to address this issue to the extent permitted under State Statutes

[RES 2015-112](#)

Resolution: Approving Change Order #6 to the Phase 2 Philip S. Miller Park Construction Contract with MW Golden Constructors

Brauer / Smullen reviewed changes to existing contract for a variety of value added elements. The proposed change order totaled approximately \$266,600.

Heath moved, seconded by Ford, to approve Resolution No. 2015-112 as presented

The motion passed by the following vote:

Aye: 5 - Ford, Valentine, Donahue, Green, and Heath

Not Present: 2 - Teal, and Wilson

[ORD 2015-60](#)

Ordinance: Amending Section 17.42.070.C of the Castle Rock Municipal Code Regarding the Criteria for Increasing Building Heights in the Downtown Overlay District

Detweiler provided overview of proposed amendment to clarify language regarding criteria to be used when considering a request for an increase in building height within the Downtown Overlay Zone.

The following members of the public made statements or asked questions on this item:

Ryan McDaniel - Chair of the Historic Preservation Board

Valentine moved, seconded by Ford, to approve Ordinance No. 2015-60 as presented on first reading.

The motion passed by the following vote:

Aye: 5 - Ford, Valentine, Donahue, Green, and Heath

Not Present: 2 - Teal, and Wilson

[ID 2015-300](#)

Discussion/Direction: Downtown Alley Rehabilitation Project

Detweiler requested direction from Council regarding a series of projects which were previously funded with Community Development Block Grant Funds received from Douglas County. Noted accepting funding for these projects did not impact the recent decision by Council to discontinue participation in the CDBG program.

Heath moved, seconded by Valentine, to direct staff to utilize the 2014 & 2015 CDBG grant funds, in addition to 2016 Town budgeted funds, to construct the downtown alley rehabilitation project.

The motion passed by the following vote:

Aye: 4 - Ford, Valentine, Donahue, and Heath

No: 1 - Green

Not Present: 2 - Teal, and Wilson

ADJOURN

The meeting was adjourned at 9:10 PM