



**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, August 4, 2015

6:00 PM

Council Chambers

CALL TO ORDER / ROLL CALL

Mayor Donahue called the meeting to order at 6:01 pm.

Present: 5 - Council Member Teal, Mayor Donahue, Mayor Pro-Tem Green, Council Member Wilson, and Council Member Heath

Not Present: 2 - Council Member Ford, and Council Member Valentine

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Items presented were informational only and did not require direction or action by Town Council.

[ID 2015-181](#)

Executive Session Report: July 21, 2015

Donahue read the following statement into the record:

An Executive Session was held at the conclusion of the July 21, 2015 regular Town Council meeting. The purpose of the Executive Session was to conduct the performance evaluation of the Acting Town Manager. If anyone believes that any substantial discussion of any matters not included in the motion to go into the Executive Session occurred during the Executive Session, or that any improper action occurred during the Executive Session in violation of the Open Meetings Law, I would ask that you state your concerns for the record. (no objections were stated)

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:

John Topolnicki
John Woodrick
Stacey Rogers

Richard Brust
T.J. Riggie
John Buckley

TOWN MANAGER'S REPORT

[ID 2015-182](#)

Update: Quasi-Judicial Projects

[ID 2015-183](#)

Update: Administrative Easement Abandonment

[ID 2015-185](#) Call of Special Meeting: August 11, 2015 Town Council Work Session

Donahue moved, seconded by Green, to call a Special Meeting for August 11, 2015 at 5:00 PM to discuss Town Council and Community Goals.

The motion passed by the following vote:

Aye: 5 - Teal, Donahue, Green, Wilson, and Heath

Not Present: 2 - Ford, and Valentine

ACCEPTANCE OF AGENDA

Donahue requested Resolution No. 2015-66 be removed from the Consent Calendar, and noted it would be heard immediately after the Consent Calendar.

[ORD 2015-27](#) Ordinance: Amending the Town's Zone District Map by Approving the Terrain Planned Development Plan (Formerly a Portion of the Castle Oaks Estates PD), Approving the Terrain Planned Development Zoning Regulations; Approving the Terrain Development Agreement; and Vesting a Site Specific Development Plan (First Reading)

Donahue moved, seconded by Teal, to TABLE Ordinance No. 2015-27.

The motion passed by the following vote:

Aye: 5 - Teal, Donahue, Green, Wilson, and Heath

Not Present: 2 - Ford, and Valentine

Vote on Acceptance of Agenda

Green moved, seconded by Heath, to Accept the Agenda as amended with regard to Resolution No. 2015-66 and Ordinance No. 2015-27.

The motion passed by the following vote:

Aye: 5 - Teal, Donahue, Green, Wilson, and Heath

Not Present: 2 - Ford, and Valentine

CONSENT CALENDAR

[ID 2015-186](#) Minutes: July 14 and July 21, 2015 Town Council Meeting

[RES 2015-63](#) Resolution: Assigning and Transferring to Douglas County Housing Partnership all of the Town of Castle Rock's 2015 Private Activity Bond Volume Cap Allocation from State Ceiling for Private Activity Bonds; and Authorizing the Execution and Delivery of an Assignment and Other Documents in Connection Therewith

[RES 2015-64](#) Resolution: Approving The First Amendment To Personal Service Contract with the Municipal Judge

[RES 2015-65](#) Resolution: Approving Change Order #3 to the Phase 2 Philip S. Miller Park Construction Contract with MW Golden Constructors for the South Parking Lot Expansion and Drainage Improvements

[RES 2015-67](#) Resolution: Approving an Equipment and Services Acquisition Agreement with AWI-Anthratch U.S., Inc. for the Ray Waterman Regional Water Treatment Center Underdrain/Filter Cell Replacement Project

[RES 2015-68](#) Resolution: Approving a Surface Use Lease Agreement with Sublette Inc. for the 'Rothe' Property

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

The motion passed by a vote of:

Aye: 5 - Teal, Donahue, Green, Wilson, and Heath

Not Present: 2 - Ford, and Valentine

Items Removed from Consent Calendar

[RES 2015-66](#) Resolution: Consenting to the Dissolution of the Plum Creek Metropolitan District

Jim Folkestad and Dave Littler, representing the Plum Creek Metro District addressed the Town Council on this issue.

Teal moved, seconded by Heath, to approve Resolution No. 2015-66 as presented.

The motion passed by a vote of:

Aye: 5 - Teal, Donahue, Green, Wilson, and Heath

Not Present: 2 - Ford, and Valentine

QUASI JUDICIAL HEARINGS

[ORD 2015-24](#) Ordinance: Amending the Town's Zone District Map by Approving the Auburn Ridge Planned Development Plan No. 1 and Approving the Auburn Ridge Planned Development Plan No. 1 Zoning Regulations

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

Green moved, seconded by Heath, to approve Ordinance No. 2015-24 as presented on second reading.

The motion passed by the following vote:

Aye: 5 - Teal, Donahue, Green, Wilson, and Heath

Not Present: 2 - Ford, and Valentine

[RES 2015-69](#) Resolution: Approving The First Amendment to the Auburn Ridge Annexation and Development Agreement

Heath moved, seconded by Wilson, to approve Resolution No. 2015-69 as presented.

The motion passed by the following vote:

Aye: 5 - Teal, Donahue, Green, Wilson, and Heath

Not Present: 2 - Ford, and Valentine

ORD 2015-26 Ordinance: Amending the Town’s Zone District Map by Approving the Auburn Ridge Planned Development Plan No. 1, Amendment 1

Whitmore provided overview of proposed amendments to plan, including removal of the age restriction for residents, and an increased height limit to 45 feet in Planning Area A, allowing for additional density in this area, and slightly lower densities in Planning Area B, directly adjacent to existing single family homes.

Jessica Raymond and Terry Vernon, representing applicant Atlantic Development, provided an overview of the proposed project, and why the proposed changes were needed.

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

- | | |
|-----------------|------------------|
| Tom Rupert | Gavin Tomlison |
| Mike Riedmiller | Jonathan Douglas |
| Matt Sabus | Mike Wilder |
| Stacey Rogers | Caroline Douglas |
| Diane Leavesley | Dave Smitty |
| Terri Shipley | Frank Gray |
| Brian Zimelburg | |

Council, staff and the applicant responded to various issues and concerns raised by the public.

Donahue moved, seconded by Heath, to approve Ordinance No. 2015-26 as presented on first reading.

The motion passed by the following vote:

Aye: 4 - Donahue, Green, Wilson, and Heath

No: 1 - Teal

Not Present: 2 - Ford, and Valentine

[ORD 2015-25](#) Ordinance: Amending the Brookwood PD Zoning Regulations Concerning Fences

Ordinance was presented on second reading; there were no changes, and no

additional comment had been received since the prior hearing.

Heath moved, seconded by Teal, to approve Ordinance No. 2015-25 as presented on second reading.

The motion passed by the following vote:

Aye: 5 - Teal, Donahue, Green, Wilson, and Heath

Not Present: 2 - Ford, and Valentine

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[RES 2015-70](#)

Resolution: Approving the Downtown Redevelopment Reimbursement Agreement between the Town of Castle Rock, the Castle Rock Downtown Development Authority and Merchantile Commons, LLC

Kevin Tilson, director of the Downtown Alliance, provided an overview of the proposed project, including estimated financial gap the agreement was intended to cover.

Slentz reviewed key terms of the agreement, and the structure of the deal as it related to the performance based pledge.

Muller reviewed specific financial terms and the role of the Town in the financial arrangement.

Heath moved, seconded by Teal, to approve Resolution No. 2015-70 as presented.

The motion passed by the following vote:

Aye: 5 - Teal, Donahue, Green, Wilson, and Heath

Not Present: 2 - Ford, and Valentine

[ORD 2015-28](#)

Ordinance: Approving the First Amendment to Amended and Restated Public Finance Agreement with Promenade Castle Rock, LLC, the Promenade at Castle Rock Metropolitan District Nos. 1-3, and the Town of Castle Rock Which Agreement Concerns the Proposed Promenade at Castle Rock Retail Center; and Providing for its Emergency Adoption on First and Final Reading (First and Final Reading)

Slentz reviewed proposed amendment which removed the quarter cent add on PIF from the King Soopers lot within the Promenade, and deferred the required completion date of 5,000 of the initial 60,000 square feet until July 31, 2016.

Peter Cudlip and Nicole Hazelton, representing Alberta Partners, noted securing the lease with King Soopers was contingent on the parcel being released from this obligation.

Slentz noted the request for Emergency Adoption was based on the proposed timing for issuance of the bonds in order to allow the project to move forward.

The following members of the public made statements or

asked questions on this item:

Frank Gray

Stacey Rogers

Green moved, seconded by Teal, that Ordinance No. 2015-28 be approved as presented on an Emergency Basis on first and final reading.

The Roll Call vote on the motion passed by the following vote:

Aye: 5 - Teal, Donahue, Green, Wilson, and Heath

Not Present: 2 - Ford, and Valentine

[ORD 2015-29](#)

Ordinance: Calling a Special Municipal Election of the Town of Castle Rock on November 3, 2015 as Part of the Coordinated Election for the Purpose of Submitting to the Registered Electors of the Town Proposed Amendments to the Town of Castle Rock Home Rule Charter and Providing for the Conduct of Such Election

Proposed Ordinance authorized the Town to participate in the November 3, 2015 Coordinated Election conducted by Douglas County pursuant to the terms of an Intergovernmental Agreement. The purpose of the Election is to submit to the Castle Rock voters various Charter Amendments as authorized by the Town Council.

Wilson moved, seconded by Green, to approve Ordinance No. 2015-29 as presented on first reading.

The motion passed by the following vote:

Aye: 5 - Teal, Donahue, Green, Wilson, and Heath

Not Present: 2 - Ford, and Valentine

EXTENSION OF MEETING

Wilson moved, seconded by Green, to extend the meeting until 10:00 PM.

The motion passed by the following vote:

Aye: 5 - Teal, Donahue, Green, Wilson, and Heath

Not Present: 2 - Ford, and Valentine

[ORD 2015-30](#)

Ordinance: Proposing Amendments to the Town of Castle Rock Home Rule Charter to Establish the General Election Date in November in Even-Numbered Years as the Town of Castle Rock Regular Bi-Annual Election Date and Referring to the Electorate the Question of Approving these Charter Amendments at the Special Municipal Election on November 3, 2015; and Providing for its Emergency Adoption on Second and Final Reading

The proposed Ordinance changed the date of the Town's Regular Biennial Election from April of even numbered years to November of even numbered years to allow Town elections to be conducted as part of Coordinated elections with Douglas County. Noted this change impacted several sections of the

Charter, all of which would be updated by the proposed Ordinance. Noted proposed Ordinance also included a transition plan to adjust the terms of current Councilmembers should the proposed amendment be approved.

Heath noted many of his constituents had indicated a preference to retain April as the date for Town Elections.

Teal moved, seconded by Green, to approve Ordinance No. 2015-30 as presented on first reading.

The motion passed by the following vote:

Aye: 4 - Teal, Donahue, Green, and Wilson

No: 1 - Heath

Not Present: 2 - Ford, and Valentine

[ORD 2015-31](#)

Ordinance: Proposing an Amendment to Section 7-3 of the Town of Castle Rock Home Rule Charter to Authorize that Public Notice of Ordinances be made by Posting on the Town Website and Referring to the Electorate the Question of Approving this Charter Amendment at the Special Municipal Election on November 3, 2015; and Providing for its Emergency Adoption on Second and Final Reading

Proposed Ordinance amended Section 7-3 of the Town of Castle Rock Home Rule Charter to require all pre-adoption and post adoption Public Notices related to Ordinances be published on the Town's website rather than in a newspaper.

Heath moved, seconded by Green, to approve Ordinance No. 2015-31 as presented on first reading.

The motion passed by the following vote:

Aye: 5 - Teal, Donahue, Green, Wilson, and Heath

Not Present: 2 - Ford, and Valentine

[ORD 2015-32](#)

Ordinance: Proposing an Amendment to Section 15-2(b) of the Town of Castle Rock Home Rule Charter to Increase the Percentage of Required Signatures of Registered Electors on a Referendum Petition from Five Percent to Ten Percent and Referring to the Electorate the Question of Approving this Charter Amendment at the Special Municipal Election on November 3, 2015; and Providing for its Emergency Adoption on Second and Final Reading

Proposed Ordinance amended Section 15-2(b) of the Town of Castle Rock Home Rule Charter to increase the number of signatures required on a Referendum Petition from five percent to ten percent of the number registered electors. This percentage was consistent with the maximum allowed under State Constitution.

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

John Buckley

Stacey Rogers

Green moved, seconded by Heath, to approve Ordinance No. 2015-32 as presented on first reading.

The motion passed by the following vote:

Aye: 5 - Teal, Donahue, Green, Wilson, and Heath

Not Present: 2 - Ford, and Valentine

[ORD 2015-33](#)

Ordinance: Proposing an Amendment to Section 15-1(b) of the Town of Castle Rock Home Rule Charter to Increase the Percentage of Required Signatures of Registered Electors on an Initiative Petition from Ten Percent to Fifteen Percent and Referring to the Electorate the Question of Approving this Charter Amendment at the Special Municipal Election on November 3, 2015; and Providing for its Emergency Adoption on Second and Final Reading

Proposed Ordinance amended Section 15-1(b) of the Town of Castle Rock Home Rule Charter to increase the number of signatures required on and Initiative Petition from ten percent to fifteen percent of the number registered electors. This percentage was consistent with the maximum allowed under State Constitution.

Green moved, seconded by Teal, to approve Ordinance No. 2015-33 as presented on first reading.

The motion passed by the following vote:

Aye: 5 - Teal, Donahue, Green, Wilson, and Heath

Not Present: 2 - Ford, and Valentine

[ORD 2015-34](#)

Ordinance: Proposing an Amendment to Section 15-6 of the Town of Castle Rock Home Rule Charter to Change the Timeframe for Which a Petition for Referendum or Initiative may be Withdrawn and Referring to the Electorate the Question of Approving this Charter Amendment at the Special Municipal Election on November 3, 2015; and Providing for its Emergency Adoption on Second and Final Reading

Proposed Ordinance amended Section 15-6 of the Town of Castle Rock Home Rule Charter to provide for the withdrawal of a Referendum or Initiative Petition by the Petition Representatives on or before the date of Town Council's first consideration of an Initiated Ordinance or reconsideration of a Referendum Petition. Procedures for the withdrawal of a Petition would be established by a separate Ordinance approved by the Town Council.

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

Stacey Rogers

Teal moved, seconded by Green, to approve Ordinance No. 2015-34 as presented on first reading.

The motion passed by the following vote:

Aye: 5 - Teal, Donahue, Green, Wilson, and Heath

Not Present: 2 - Ford, and Valentine

[ORD 2015-35](#)

Ordinance: Proposing an Amendment to Sections 15-1 and 15-2 of the Town of Castle Rock Home Rule Charter to Provide for the Withdrawal of a Signature from an Initiative or Referendum Petition and Referring to the Electorate the Question of Approving this Charter Amendment at the Special Municipal Election on November 3, 2015; and Providing for its Emergency Adoption on Second and Final Reading

Proposed amendment added language to the Town Charter to provide that any citizen that signed an Initiative or Referendum Petition could request his/her signature be removed anytime on or before the date the Petition was filed with the Town Clerk. Procedures for the withdrawal of a Petition would be established by a separate Ordinance approved by the Town Council.

Sprague and Carter reviewed the Town's proposed Communication Plan as it related to public outreach and education on the proposed Charter Amendments.

Green moved, seconded by Wilson, to approve Ordinance No. 2015-35 as presented on first reading.

The motion passed by the following vote:

Aye: 5 - Teal, Donahue, Green, Wilson, and Heath

Not Present: 2 - Ford, and Valentine

EXTENSION OF MEETING

Wilson moved, seconded by Heath, to extend the meeting until 10:30 PM

The motion passed by the following vote:

Aye: 5 - Teal, Donahue, Green, Wilson, and Heath

Not Present: 2 - Ford, and Valentine

[ORD 2015-36](#)

Ordinance: Approving an Easement Agreement between the Town of Castle Rock and Intermountain Rural Electric Association (Woodlands Boulevard)

Proposed Ordinance granted an easement to IREA to allow installation of underground lines adjacent to Woodlands Blvd.

Green moved, seconded by Heath, to approve Ordinance No. 2015-36 as presented on first reading.

The motion passed by the following vote:

Aye: 5 - Teal, Donahue, Green, Wilson, and Heath

Not Present: 2 - Ford, and Valentine

[ID 2015-187](#)

Discussion/Direction: Chatfield Watershed Authority Governance

Marlow / Friday provided an update on the Chatfield Watershed Authority's initiative to change the governance structure, membership voting process, and the roll of various committees within the Authority. Recommended appointment of a Town Council representative to the Authority to be engaged and involved with policy discussions.

Donahue moved, seconded by Heath, to appoint Mark Heath as the Council representative to the Governance Committee of the Chatfield Watershed Authority.

The motion passed by the following vote:

Aye: 5 - Teal, Donahue, Green, Wilson, and Heath

Not Present: 2 - Ford, and Valentine

ADJOURN

The meeting adjourned at 10:15 PM