



Town Council Meeting Minutes - Draft

Mayor Jason Gray
Mayor Pro Tem Jason Bower
Councilmember Jess Loban
Councilmember James Townsend
Councilmember Kevin Bracken
Councilmember Caryn Johnson
Councilmember George Teal

Tuesday, June 4, 2019

6:00 PM

Council Chambers
100 N. Wilcox Street
Castle Rock, CO 80104

This meeting is open to the public. All times indicated on the agenda are approximate.

COUNCIL DINNER & INFORMAL DISCUSSION

INVOCATION - The Reverend Theron Walker, Emmaus Anglican Church

CALL TO ORDER / ROLL CALL

Present: 6 - Council Member Townsend, Council Member Bower, Council Member Teal, Mayor Gray, Council Member Bracken, Council Member Johnson

Not Present: 1 - Council Member Loban

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Councilmember Johnson thanked Town staff for the May District 5 open house.

Councilmember Teal noted that he and the Mayor attended the annual audit committee meeting and commented that it was a clean audit with recommendations from the new auditors regarding the reporting of federal grants and funds as related to DRCOG which will be implemented by the Finance department.

Mayor Pro Tem Bower reminded everyone of the Father's Day street party and concert on Friday night and the car show on Saturday in downtown Castle Rock.

Mayor Gray acknowledged First Friday and acknowledged that we were receiving the Starburst Award for Festival Park from GOCO. He also commented on attending the Wellspring talent show, and explained that Wellspring is a special needs community for adults which helps integrate members into the community and that he was honored to attend.

UNSCHEDULED PUBLIC APPEARANCES

The following people addressed Council to request a proclamation of support for Castle Rock Pride, a new non-profit organization in Castle Rock devoted to advancing and increasing the visibility of the LGBTQ community within Castle Rock.

Emma Shin
Sarah Wu
Heather Gonzales

Scott Blaeser

The following people addressed Council proposing two dog parks be added to either end of Festival Park along Plum Creek trail.

Cliff McKie

Dave Watts

Stacey Rogers questioned Council in regard to issues of damage to a sprinkler system during curb, gutter and concrete replacement. She also thanked the Town for the rapid flashing beacon lights for pedestrian safety and spoke in favor of promoting inclusivity and recognition of Pride month.

Mayor Gray directed staff to address the issues brought forward to Council tonight.

TOWN MANAGER'S REPORT

Town Manager, Dave Corliss highlighted residential growth in the Town and the new video created to explain the issue of entitlements to the community. He also called out a U.S. Census Bureau report on the fastest growing cities or towns with population of 50,000 or more between July 1, 2018 and July 1, 2019 which ranked Castle Rock #14. These cities will be researched and studied to evaluate how they handle growth issues and if they have community surveys that the Town could look at the similarities of questions asked and noted that the cities included in the report would also serve as a good source for benchmarking.

Also highlighted were upcoming calendar items to include the Budget Open House on June 11 which is open to the public. He also addressed attendance for the July 2 council meeting to determine if a quorum would be present and noted that the August 6 council meeting was canceled due to the National Night Out event.

[ID 2019-060](#)

Update: Quasi-Judicial Projects

[ID 2019-061](#)

Development Services Project Updates

[ID 2019-062](#)

Update: Residential Unit Data (through March 31, 2019)

TOWN ATTORNEY'S REPORT

Town Attorney, Bob Slentz discussed the previous Council action authorizing the sale of the Cherokee Ranch water rights to Dominion Water. Notice was received that they will exercise that option. District is asking for additional time to assemble the funds and are requesting an extension to August 2. He recommended approval and if Council does not have an objection to this, the IGA amendment would be scheduled on the agenda for formal approval on June 18.

No objections from Council.

ACCEPTANCE OF AGENDA

Bower moved, seconded by Johnson, that the Agenda be Accepted as presented by the following vote:

Yes: 6 - Townsend, Bower, Teal, Gray, Bracken, Johnson

Not Present: 1 - Loban

CONSENT CALENDAR

[APPT
2019-004](#)

Appointments to Town Boards and Commissions

[RES 2019-063](#)

Resolution Approving the Town of Castle Rock / Nelson Family Spot Water Lease Agreement

[RES 2019-064](#)

Resolution Approving an Intergovernmental Agreement between Douglas County, City of Lone Tree and the Town of Castle Rock Pertaining to a Full-Time Forensic Examiner for the Rocky Mountain Regional Computer Forensic Laboratory

[MIN 2019-009](#)

Minutes: May 21, 2019 Town Council Meeting

Bower moved, seconded by Townsend to approve the Consent Calendar as read. The motion passed by a vote of:

Yes: 6 - Townsend, Bower, Teal, Gray, Bracken, Johnson

Not Present: 1 - Loban

QUASI JUDICIAL HEARINGS

[ORD 2019-010](#)

Ordinance Removing the Local Landmarking Status at 302 and 304 N. Wilcox Street and Amending 15.64.060 to Remove 302 and 304 Wilcox Street from the Listing of Historic Landmarks (Second Reading - Approved on First Reading on May 21, 2019 by a vote of 6-1)

Bill Detweiler, Director of Development Services identified the property as the northeast corner of Wilcox and Third Streets directly adjacent to the Masonic Lodge. Council previously voted to remove the landmark designation.

Councilmember Teal confirmed with staff that no fundamental changes had been made to this ordinance.

No public comment.

Townsend moved, seconded by Bower, that Quasi Judicial Ordinance No. 2019-010 be Approved on Second Reading as presented. The motion passed by the following vote:

Yes: 5 - Townsend, Bower, Teal, Gray, Bracken

No: 1 - Johnson

Not Present: 1 - Loban

ORD 2019-014 Ordinance Annexing to The Town of Castle Rock, Colorado a 70.010 Acre Property Located in the Northwest Quarter of Section 36, Township 8 South, Range 67 East of the 6th Principal Meridian, Douglas County, Colorado (Ridge Estates Annexation) (First Reading) [located south of Crystal Valley Ranch, east of Bell Mountain Ranch and north of Sellers Creek Ranch]

Bill Detweiler, Director of Development Services presented both the annexation and the zoning regulation items. Property is located on the southern edge of Crystal Valley Ranch. Topography and vegetation of the property was noted. In 2007 an intergovernmental agreement amendment was completed with Douglas County to include this property as part of a growth area and to extend town boundaries.

Detweiler emphasized it was important to recognize the applicant reduced the number of units in planning area 4 in the north end near Crystal Valley Parkway and increased the same number of units into this area with no net increase in the zoning for the property with this annexation. The proposed plan is for 52 single-family dwelling units.

Councilmember Bower addressed staff for an explanation of the current ridgeline ordinance and how this annexation would impact that and sought clarification if the applicant was asking for a variance.

Detweiler explained that the southwest corner had minor and moderate skyline areas which has restrictions on building height and moderates colors of structures being built for purposes of visibility as well as protecting vegetation. He also confirmed that the applicant was not asking for a variance and would be restricted to code criteria.

Councilmember Johnson addressed staff for clarification of the tan zone water system as well as the requirements for water efficiency in new annexations.

Castle Rock Water Director, Mark Marlowe explained that it was a pressure zone for supplying proper water pressure to the area. The tank providing pressure for that zone would also provide pressure to areas yet to be developed. In regard to the annexation and water efficiency plan, the developer is required to complete a development specific water efficiency plan for the annexation area and could also include options for gray water systems.

Councilmember Bracken addressed Detweiler asking if there was disproportionate zoning in surrounding areas, indicating that the proposed annexation area looked very isolated.

Detweiler responded that surrounding properties are rural residential areas within the county, and that the applicant had done a good job integrating this annexation

area into the development area.

Greg Brown, Applicant with Crystal Valley Ranch Development Company spoke to Council highlighting the history of the annexation property. The combined Crystal Valley Ranch and Ridge Estates will not exceed 3,475 units. Property has 2.5 acre lots transitioning from Bell Mountain and Sellars Creek progressing to half acre lots featuring 26% open space as well.

Councilmember Teal pointed out that the high ground is being preserved as open space in this annexation. Additionally he commented that the development was an example of good development and proper use of the topography.

No public comment.

Teal moved, seconded by Townsend, that Quasi-Judicial Ordinance No. 2019-014 be approved on First Reading as presented. The motion passed by the following vote:

Yes: 6 - Townsend, Bower, Teal, Gray, Bracken, Johnson

Not Present: 1 - Loban

ORD 2019-015 Ordinance Approving The Ridge Estates Planned Development Plan and Zoning Regulations (First Reading) *[located south of Crystal Valley Ranch, east of Bell Mountain Ranch and north of Sellers Creek Ranch]*

Councilmember Townsend acknowledged that the applicant had done a good job of community outreach and the developer decreased the amount of density as related to continued growth.

Councilmember Teal addressed the growth of Crystal Valley Ranch along the Crystal Valley Parkway area and noted the density was moved to this new annexation area at a time when residents of Crystal Valley Ranch were concerned with growth. He thanked the developer for working with the Town and noted this was an example of development done smart.

Mayor Gray noted the cooperation of the developer and the Town over the years to move forward on this project.

Townsend moved, seconded by Teal, that Quasi-Judicial Ordinance No. 2019-015 be Approved on First Reading as presented. The motion passed by the following vote:

Yes: 6 - Townsend, Bower, Teal, Gray, Bracken, Johnson

Not Present: 1 - Loban

[ORD 2019-016](#) Ordinance Vacating a Portion of Second Street; and Providing for Its Emergency Adoption on First Reading

Bill Detweiler, Director of Development Services presented item to Council for a right of way vacation for the south side of the Riverwalk North building for a patio. It was clarified that the trail was not part of the vacation area. He indicated the adoption on emergency basis was necessary to work with pedestrian crossing improvements scheduled on Wilcox Street adjacent to Festival Park.

Councilmember Johnson asked for clarification for noted improvements across Wilcox. Town Manager, Dave Corliss indicated work was continuing with Confluence Companies and the DDA in regard to completing a cross walk for access to Festival Park with the intent to have all of this work done at the same time to finish quickly in advance of summer events.

Councilmember Teal addressed staff about the issue of a significant slope within the vacation area. Bill Detweiler confirmed there is a steep slope that will require a retaining wall, also confirming area in question is not within the floodplain.

Councilmember Teal questioned the retaining wall height and design and if it would be consistent with the Riverwalk architecture.

Councilmember Johnson asked staff to clarify if the trail was included in the vacation. It was confirmed that the trail was part of the right of way that the Town will retain.

Applicant, Tony DeSimone with Confluence Companies shared with Councilmembers Teal and Johnson pictures of the proposed masonry retaining wall.

No public comment.

Mayor called for a roll count vote.

Moved by Bower, seconded by Bracken, the Quasi-Judicial Ordinance No. 2019-016 was Approved on An Emergency Basis on First Reading as presented. The motion passed by the following vote:

Yes: 6 - Townsend, Bower, Teal, Gray, Bracken, Johnson

Not Present: 1 - Loban

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[ORD 2019-011](#) Ordinance Amending Title 9 of the Castle Rock Municipal Code by the Addition of a New Chapter 9.24 Entitled Sale of Kratom to Minors Prohibited (Second Reading)

Elizabeth Allen, Assistant Town Attorney presented item to Council noting it was a second reading and addressed the proposed motion to retain the age requirement as 18 or for the proposed amendment to raise the age requirement to 21.

Councilmember Bracken asked staff to identify the correct procedure to amend the ordinance and Town Attorney, Bob Slentz addressed council identifying the procedure to do so.

Public comment was opened with Mellissa Sager of Tri-County Health reading a statement on behalf Dr. Bernadette Albany who was unable to attend. Statement spoke to the Town's proposed regulation of Kratom absent critical health and safety information. The position was if the Town was to take action to permit sales

to persons 18 years of age and older, that Tri County urged the Town to be sure consumers were sufficiently informed when purchasing this product and strongly recommended the requirement of a warning label for Kratom products.

No other public comment was received.

Councilmember Townsend moved to approve the ordinance, seconded by Councilmember Bower.

Councilmember Bracken moved to amend the ordinance on the recommendation of Tri County Health to include a warning label.

Assistant Town Attorney, Elizabeth Allen confirmed that as a home rule municipality it is not definitive if we have the authority to have these types of regulations; and with council direction, can research this further.

Town Attorney, Bob Slentz interceded that procedurally amending the ordinance to include the labeling requirement exceeded the substance of the ordinance related to the public notice requirement prior to first reading and it was the opinion of the legal department that an amendment of that significance on second reading would require additional public noticing.

Councilmember Bracken moved to amend the ordinance to age 21.
Councilmember Johnson seconded.

Councilmember Teal voiced opposition citing that at age 18 you are considered an adult and considered the ordinance appropriate.

Councilmember Bower was in disagreement with Councilmember Teal but sited the incomplete studies or inconsistent data as justification for labeling.

Councilmember Bracken stated that alcohol is restricted to age 21 and he felt that it was Council's decision to make. He cited the fact that they have not applied for FDA regulation, as well as it is not known how this product interacts with other products. He indicated increasing the age restriction allowed a 21 year old to make a better informed decision than an 18 year old.

Councilmember Townsend reiterated the scope of the ordinance is related to the sale of kratom to persons under the age of 18.

Mayor Gray noted that it is not known how supplements, as an example, may interact with other products or affect the body and stated he supported the 18 age.

Mayor Gray restated the proposed amendment and acknowledged the motion and second to increase the age from 18 to 21.

Prior to the vote, Councilmember Townsend clarified that a yes vote was for age 21.

Councilmember Bracken asked for a roll call vote. Vote was 4-2 with Bracken and Johnson voting no. The motion failed for the age 21 requirement.

Vote was taken on the original motion of 18 years. Vote was 4-2 with Bracken and Johnson voting no.

Townsend moved, seconded by Bower, that Ordinance No. 2019-011 be Approved on Second Reading as presented. The motion passed by the following vote:

Yes: 4 - Townsend, Bower, Teal, Gray

No: 2 - Bracken, Johnson

Not Present: 1 - Loban

[RES 2019-065](#) **Resolution Approving the Castle Rock Water Five-Year Strategic Plan (2019-2023)**

Mark Marlowe Director of Castle Rock Water introduced the five year strategic plan to Council highlighting the goals and actionable items for staff to implement during the next five years to include securing long term water, customer satisfaction, maintaining financial sustainability and developing and maintaining infrastructure to keep pace with growth.

Councilmember Johnson directed questions to Marlowe related to how Castle Rock Water would keep up with anticipated growth noting the timeline required to build new infrastructure.

Councilmember Bower noted the great work done by the Water department which was reiterated by Councilmember Bracken who recognized the attendance of Todd Warnke of the Water Commission at Town council meetings.

Bower made motion, Johnson seconded 6-0

Moved by Council Member Bower, seconded by Council Member Johnson, that Resolution No. 2019-065 be Approved as presented. The motion passed by the following vote:

Yes: 6 - Townsend, Bower, Teal, Gray, Bracken, Johnson

Not Present: 1 - Loban

[RES 2019-066](#) **Resolution Approving a Construction Contract with T. Lowell Construction, Inc. for the Highway 85 Transmission Project**

Item was introduced by Mark Marlowe, Director of Castle Rock Water as an infrastructure project developed to keep up with growth. This water line will move water from one zone to another providing long term service to the Promenade as well as meet our commitments to Dominion Water in the future. The transmission pipe will be located beneath Highway 85 between Justice Way and Meadows Parkway with impacts to both traffic lanes during construction. Project is funded by system development fees and will be complete in September.

Councilmember Teal requested the water department coordinate with Community Relations to notify Meadows residents of anticipated traffic issues or closures.

No public comment.

Moved by Council Member Johnson, seconded by Council Member Townsend, that Resolution No. 2019-066 be Approved as presented. The motion passed by the following vote:

Yes: 6 - Townsend, Bower, Teal, Gray, Bracken, Johnson

Not Present: 1 - Loban

[RES 2019-067](#) **Resolution Approving the First Amendment to the Participation Agreement between the Town of Castle Rock and the Cherry Creek Basin Water Quality Authority for Design of Stream Reclamation Improvements for McMurdo Gulch**

Mark Marlowe, Director of Castle Rock Water identified McMurdo Gulch to be within the Cherry Creek Watershed located between Cobblestone Ranch and the Terrain development areas. The first amendment to the agreement would accept additional funding from Cherry Creek Basin Water Quality Authority in the amount of \$386,000 towards this project.

No public comment.

Bower moved, seconded by Teal, that Resolution No. 2019-067 be Approved as presented. The motion passed by the following vote:

Yes: 6 - Townsend, Bower, Teal, Gray, Bracken, Johnson

Not Present: 1 - Loban

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

None.

ADJOURN

Mayor Gray adjourned the meeting.

Submitted by:

Robbie Schonher, Assistant Town Clerk