



**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, March 15, 2016

6:00 PM

Council Chambers

CALL TO ORDER / ROLL CALL

Mayor Donahue called the meeting to order at 6:01 PM

Present: 6 - Council Member Ford, Council Member Teal, Council Member Valentine, Mayor Donahue, Mayor Pro-Tem Green, and Council Member Wilson

Not Present: 1 - Council Member Heath

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

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

[EXEC
2016-001](#)

Executive Session Report: March 8, 2016

Donahue read the following statement into the record:

An executive session regarding the Town Attorney's performance evaluation was held at the conclusion of the March 8, 2016 special Town Council meeting. For the record, only members of the Town Council participated in the executive session. 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:

Mary Jo Weber

Melodie Merica

Anne Dorzweiler

Caroline Kline

Bill Weber

The Council and various staff responded to issues / concerns raised by members of the public.

TOWN MANAGER'S REPORT

[ID 2016-024](#)

Update: Quasi-Judicial Projects

[ID 2016-025](#) Update: Monthly Department Reports

TOWN ATTORNEY'S REPORT

None

ACCEPTANCE OF AGENDA

Wilson moved, seconded by Ford, to accept the agenda as presented.

Councilmember Green was out of the room during the vote on this item.

The motion passed by the following vote:

Yes: 5 - Ford, Teal, Valentine, Donahue, and Wilson

Not Present: 2 - Green, and Heath

CONSENT CALENDAR

[ORD 2016-007](#) Ordinance Repealing and Reenacting Chapter 14.02 of the Castle Rock Municipal Code Concerning the Acquisition and Disposition of Real Property

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

Councilmember Green was out of the room during the vote on this item

The motion passed by the following vote:

Yes: 5 - Ford, Teal, Valentine, Donahue, and Wilson

Not Present: 2 - Green, and Heath

QUASI JUDICIAL HEARINGS

[RES 2016-022](#) Resolution Approving the Site Development Plan for Lots 5 & 6, Block 5, Promenade at Castle Rock, Filing No. 1, Amendment No. 5

Detweiler provided overview of proposal to develop 40,000 square foot fitness center on 5.5 acre parcel in the northwest corner of the Promenade. Reviewed applicability interface criteria and how plan addressed various elements, particularly related to lighting on the site. Planning Commission recommended approval.

Applicant Peter Cudlip was present to provide additional information and answer questions from Council.

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

Anne Dorweizler

Teal moved, seconded by Ford, to approve Resolution No. 2016-022 as presented.

The motion passed by the following vote:

Yes: 6 - Ford, Teal, Valentine, Donahue, Green, and Wilson

Not Present: 1 - Heath

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[DIR 2016-010](#) Discussion/Direction: Downtown Train Horn Quiet Zone Potential Funding Sources

Goebel reviewed options for construction of 4 quad gates at both Second and Third Streets (estimated at \$800,000 to \$850,000) or for a 4 quad gate only at the Second Street crossing (estimated cost of \$400,000 to \$425,000) and noted both would reduce the risk factor sufficiently to qualify for a quiet zone.

Noted options for funding either choice included: 1) exclusive use of Town funds; 2) use of Downtown Development Authority funds, most likely through a pledge of the Tax Increment Financing and/or via a loan agreement; 3) a partnership with the County to split the costs; 4) creation of a Special Taxing District; 5) applying for competitive grants from the Railroad and/or the Federal government. Noted any or all of these sources of funding could be considered alone or in combination with one another.

Lastly, Goebel noted the public comment period on the FRA rules was now open, and requested direction from Council as to whether staff should prepare comments for Council review and potential submittal. Noted link would be added to Town website so that citizens could also make comments.

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

Bruce Decker

Anne Dorzweiler

Andrew Dunkley

Wilson moved to direct staff to send a letter to the Douglas County Commissioners asking if they were willing to partner with the Town on a Quiet Zone.

The motion FAILED for lack of a second.

Wilson moved to ask the Council Representative to the Downtown Development Authority to request a letter from the DDA stating their support for a Quiet Zone.

The motion failed for lack of a second.

BREAK

The Town Council recessed for a break at 8:00 PM and reconvened the meeting at 8:10 PM

[ORD 2016-006](#) Ordinance Approving the First Amendment to the Zip Line and Aerial Trekking Course Lease Agreement within the Philip S. Miller Park; and Providing for its Emergency Adoption on Second and Final Reading

Brauer stated the proposed amendment to the current lease agreement identified the specific location of the aerial trekking facility. Noted emergency adoption was requested so that the course could be installed and operational in time for the grand opening on May 14, 2016.

Green moved, seconded by Ford, to approve Ordinance No. 2016-006 as presented on second reading on an emergency basis.

The motion passed by the following vote:

Yes: 6 - Ford, Teal, Valentine, Donahue, Green, and Wilson

Not Present: 1 - Heath

Pavement Maintenance Program

[ID 2016-026](#) Presentation: Award of Contracts for the 2016 Pavement Maintenance Program

Goebel and Armijo reviewed the 2016 proposed Pavement Management Program for maintenance work consisting of asphalt patching, asphalt overlay, slurry seal, reconstruction, concrete pavement panel replacement, sidewalk, curb & gutter repairs, and other pavement preservation treatments. The budget for the 2016 PMP is \$6,965,000. Public Works Commission recommended approval as presented.

[RES 2016-023](#) Resolution Approving an Agreement between the Town of Castle Rock and Schmidt Construction Company for the 2016 Asphalt Patching, Overlay, and Reconstruction Project

Donahue moved, seconded by Ford, to approve Resolution No. 2016-023 as presented.

The motion passed by the following vote:

Yes: 6 - Ford, Teal, Valentine, Donahue, Green, and Wilson

Not Present: 1 - Heath

[RES 2016-024](#) Resolution Approving an Agreement between the Town of Castle Rock and Chavez Construction Inc. for the 2016 Mikelson Boulevard Reconstruction Project

Donahue moved, seconded by Ford, to approve Resolution No. 2016-024 as presented.

The motion passed by the following vote:

Yes: 6 - Ford, Teal, Valentine, Donahue, Green, and Wilson

Not Present: 1 - Heath

[RES 2016-025](#) Resolution Approving an Agreement between the Town of Castle Rock and Foothills Paving & Maintenance Inc. for the 2016 Slurry Seal Project
Green moved, seconded by Ford, to approve Resolution No. 2016-025 as presented.

The motion passed by the following vote:

Yes: 6 - Ford, Teal, Valentine, Donahue, Green, and Wilson

Not Present: 1 - Heath

[RES 2016-026](#) Resolution Approving an Agreement between the Town of Castle Rock and PLM Asphalt & Concrete Inc. for the 2016 Curb, Gutter, Sidewalk, and Miscellaneous Concrete Project
Donahue moved, seconded by Ford, to approve Resolution No. 2016-026 as presented.

The motion passed by the following vote:

Yes: 6 - Ford, Teal, Valentine, Donahue, Green, and Wilson

Not Present: 1 - Heath

[RES 2016-027](#) Resolution Approving an Agreement between the Town of Castle Rock and PLM Asphalt & Concrete Inc. for the 2016 Concrete Pavement Restoration Project
Donahue moved, seconded by Ford, to approve Resolution No. 2016-027 as presented.

The motion passed by the following vote:

Yes: 6 - Ford, Teal, Valentine, Donahue, Green, and Wilson

Not Present: 1 - Heath

[RES 2016-028](#) Resolution Approving a Variance Pursuant to Chapter 9.16.070.E of the Castle Rock Municipal Code for Night Time Construction Activities related to the 2016 Pavement Maintenance Program, the Plum Creek Intersection Improvements Project, and the 2015 Community Development Block Grant Project

Goebel noted proposed variance would allow contractors to work at night on the various PMP contracts just approved with the goal of minimizing impacts on traffic and to local businesses. Reviewed outreach efforts that have been used to date, and that would be utilized as the project timeframe approached. Public Works Commission recommended approval of the variance.

Teal moved, seconded by Valentine, to approve Resolution No. 2016-028 as presented.

The motion passed by the following vote:

Yes: 6 - Ford, Teal, Valentine, Donahue, Green, and Wilson

Not Present: 1 - Heath

RES 2016-029 Resolution Approving the Hillside at Castle Rock Metropolitan District Service Plan and Master Intergovernmental Agreement (To be Tabled)

Donahue moved, seconded by Ford, to CONTINUE Resolution No. 2016-029 to the Regular Council meeting on April 5, 2016, beginning at 6:00 PM in the Council Chambers.

The motion passed by the following vote:

Yes: 6 - Ford, Teal, Valentine, Donahue, Green, and Wilson

Not Present: 1 - Heath

ORD 2016-008 Ordinance Approving the Second Amendment to the 2016 Budget and Authorizing Changes in Appropriations for Year 2016

Carner presented an overview of the proposed amendment, noting the majority of the changes were for projects which were funded and budgeted in 2015, but not completed, so needed to be re-appropriated in 2016. Noted sufficient funds were available to cover all items. Noted approximately \$75,000 was for ongoing expenses, and this amount was 100% sustainable from lottery funds received by the Town.

Valentine moved, seconded by Ford, to approved Ordinance No. 2016-008 on first reading as presented.

The motion passed by the following vote:

Yes: 6 - Ford, Teal, Valentine, Donahue, Green, and Wilson

Not Present: 1 - Heath

ORD 2016-009 Ordinance Amending Section 17.02 and Repealing and Reenacting Chapter 17.30 of the Castle Rock Municipal Code Regarding the PL Zoning District Formerly known as the POS Zoning District

Brauer stated proposed Ordinance was intended as a clean up mechanism which would allow parks and other public properties to be zoned in a manner consistent with their actual uses. Noted this ordinance did not actually change the zoning on any property, but provided the designation of certain zoning classes for this purpose. Parks and Rec Commission and Planning Commission recommended approval of the Ordinance as presented.

Teal moved, seconded by Green, to approve Ordinance No. 2016-009 on first reading as presented.

The motion passed by the following vote:

Yes: 6 - Ford, Teal, Valentine, Donahue, Green, and Wilson

Not Present: 1 - Heath

[ORD 2016-010](#) Ordinance Amending Chapter 2.01 of the Castle Rock Municipal Code by Adding a New Article VIII Initiative and Referendum and Providing for Procedures for Removal of Signatures from a Referendum or Initiative Petition

As a follow up to the Charter Amendment passed in November 2015, Misare reviewed recommended process for a citizen to file a request to have his or her name removed from an initiative or referendum petition.

The Council directed staff to create a fillable form which could be accessed on the Town's website for this purpose.

Green moved, seconded by Teal, to approve Ordinance No. 2016-010 as presented on first reading.

The motion passed by the following vote:

Yes: 6 - Ford, Teal, Valentine, Donahue, Green, and Wilson

Not Present: 1 - Heath

RECESS TO EXECUTIVE SESSION

[EXEC
2016-002](#)

Executive Session: Town Attorney Performance Evaluation

Donhue moved, seconded by Green, to recess to Executive Session at 8:52 PM for the purpose of conducting the Town Attorney's performance evaluation as a personnel matter under C.R.S. §24-6-402(4)(f)(I).

The motion passed by the following vote:

Yes: 6 - Ford, Teal, Valentine, Donahue, Green, and Wilson

Not Present: 1 - Heath

RECONVENE

[EXEC
2016-003](#)

Executive Session Report: March 15, 2016

The meeting reconvened at 9:21 PM

Donahue announced the Executive Session was held for the purpose of conducting the Town Attorney's Performance Evaluation. In addition to members of Town Council, Town Attorney Bob Slentz participated in the Executive Session. 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)*

Valentine moved, seconded by Ford, to award the Town Attorney a 3% increase in his annual salary.

The motion passed by the following vote:

Yes: 6 - Ford, Teal, Valentine, Donahue, Green, and Wilson

Not Present: 1 - Heath

ADJOURN

The meeting was adjourned at 9:22