



**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 18, 2015

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 Teal, Council Member Valentine, Mayor Donahue, Mayor Pro-Tem Green, Council Member Wilson, and Council Member Heath

Not Present: 1 - Council Member Ford

COUNCIL COMMENTS

[ID 2015-191](#) Proclamation: Retiring Police Service Dog Kuno

Heath read the proclamation into the record.

[ID 2015-192](#) Nomination of Trustee: Fire Chief Art Morales to Colorado Firefighter Heart and Circulatory Benefits Trust

Donahue moved, seconded by Teal, to appoint Chief Morales to the Colorado Firefighter Heart and Circulatory Benefits Trust.

The motion passed by the following vote:

Aye: 6 - Teal, Valentine, Donahue, Green, Wilson, and Heath

Not Present: 1 - Ford

Donahue requested consensus from Council to direct staff to work with representatives of the Economic Development Council to research what would be required for Castle Rock to be considered as a possible location should the Colorado State Fair pursue relocation from Pueblo to another area along the Front Range.

The consensus of Council was to direct staff to proceed with initial outreach and fact gathering to determine if this was a viable option.

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:

Mike Boyle

TOWN MANAGER'S REPORT

[ID 2015-193](#) Quasi-Judicial Projects

[ID 2015-194](#) 2015 Service Contract Midyear Reports

[ID 2015-195](#) Update: Monthly Department Reports

[ID 2015-196](#) Update: Alternate Source of Water Supply Projects

ACCEPTANCE OF AGENDA

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

The motion passed by the following vote:

Aye: 6 - Teal, Valentine, Donahue, Green, Wilson, and Heath

Not Present: 1 - Ford

CONSENT CALENDAR

[ORD 2015-36](#) Ordinance: Approving an Easement Agreement between the Town of Castle Rock and Intermountain Rural Electric Association (Woodlands Boulevard)

[RES 2015-71](#) Resolution: Approving the Town of Castle Rock Services Agreement with Project One Integrated Services, LLC for Plan Review and Inspection Services for the Promenade at Castle Rock Development Project

[RES 2015-72](#) Resolution: Approving a Services Agreement with Burns and McDonnell to complete Design and Bid Phase Services for the Water Infrastructure and Supply Efficiency (WISE) Local Infrastructure Design Project

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

The motion passed by a vote of:

Aye: 6 - Teal, Valentine, Donahue, Green, Wilson, and Heath

Not Present: 1 - Ford

QUASI JUDICIAL HEARINGS

[RES 2015-73](#) Resolution: Approving the Site Development Plan for the Proposed Lot 1, Block 1, Promenade at Castle Rock, Filing No. 1

Vossler provided a general overview of the plan for the 25.4 acre site located on the northeast portion of the Promenade development, adjacent to I-25. Site included approximately 185,000 square feet of commercial development, outdoor public gathering areas, including space for programmed events, and extensive landscaping.

Noted Planning Commission recommended approval, with conditions, and all conditions other than submittal of the revised site plan needed for

recording, had been met.

Peter Cudlip, Alberta Development, provided an overview of the proposed development plan.

Green moved, seconded by Valentine, to approve Resolution No. 2015-73 as presented with the following condition:

1) All staff comments are addressed and a revised Site Development Plan reflecting the conditions set forth herein is submitted and accepted by Town staff prior to execution recordation of the Site Development Plan.

The motion passed by the following vote:

Aye: 6 - Teal, Valentine, Donahue, Green, Wilson, and Heath

Not Present: 1 - Ford

[RES 2015-74](#)

Resolution: Approving a Site Development Plan for the Proposed Lot 1, Block 4, Promenade at Castle Rock, Filing No. 1

Vossler reviewed the site plan for development of the 16 acre site. Development included 136,000 square foot structure to house a Sam's Club retail membership store and fuel kiosk, as well as outdoor gathering areas and landscaping.

Planning Commission recommended approval with conditions, all of which have been met.

Tasha Bolivar and Andy Moon, Galloway and Co., reviewed site access and design elements, including 360 degree architecture.

Teal moved, seconded by Heath, to approve Resolution No. 2015-74 as presented.

The motion passed by the following vote:

Aye: 6 - Teal, Valentine, Donahue, Green, Wilson, and Heath

Not Present: 1 - Ford

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[ID 2015-197](#)

Discussion/Direction: Speaker Procedure for Unscheduled Public Appearances

Misare reviewed history of discussion and recent changes made to procedures related to citizens wishing to speak during Unscheduled Public Appearances. Provided Council with series of options for consideration which included limiting the time for each speaker, limiting the total time allocated to this item, preferential treatment for residents vs non residents, or any combination of these items as desired by Council.

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

Stacey Rogers

Wilson stated he was opposed to limiting the total amount of time allocated to this item, noting he felt that anyone that attended the meeting should be provided the opportunity to speak.

Donahue indicated he supported the 30 minute limit on speaking at the beginning of the meeting, noting this restriction allowed the Council to effectively manage the agenda by giving a degree of certainty to those members of the audience present for scheduled agenda items. Recommended allocating additional time at the end of the meeting to accommodate any speakers who were not able to be heard at the beginning of the meeting.

Donahue moved, seconded by Teal, that the procedure for Unscheduled Public Appearances would be as follows:

- 1) Thirty minutes would be allocated at the beginning of the agenda. Speakers would be allowed three minutes each to address the Council; residents would be given priority in the order that they signed up, followed by non residents if time permitted.
- 2) A time for Additional Unscheduled Public Appearances would be added to the end of the agenda, and would be used to allow anyone that had signed up but was not able to be heard in the initial thirty minutes to speak; time would be limited to three minutes per speaker, with residents given priority.

The motion passed by the following vote:

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

No: 1 - Wilson

Not Present: 1 - Ford

[ORD 2015-37](#) Ordinance: Repealing and Readopting Section 17.52.230 of the Castle Rock Municipal Code Concerning Home Occupations

Proposed Ordinance allowed home occupations as an accessory use in all residential zones or residential uses within Planned Development (PD) zoning districts as a use by right, provided that certain established criteria set forth in Section 17.52.230 of the Municipal Code were met. Noted covenants or HOA regulations could still preclude these uses, or could impose conditions in addition to those imposed by the Town. Planning Commission unanimously recommended approval.

Teal moved, seconded by Green, to approve Ordinance No. 2015-37 as presented on first reading.

The motion passed by the following vote:

Aye: 6 - Teal, Valentine, Donahue, Green, Wilson, and Heath

Not Present: 1 - Ford

[ID 2015-198](#) Discussion/Direction: Community Development Block Grant (CDBG) Entitlement Community Status

Corliss stated that since Castle Rock's population was greater than 50,000, the Town had the option to accept status as a Community Development Block Grant (CDBG) entitlement grantee. Castle Rock currently qualified for and received these funds through Douglas County's CDBG program and could continue doing so, or could direct staff to accept status for the Town as an entitlement grantee, and the Town could administer its own, Town-controlled CDBG program.

Noted the CDBG program provided communities funds to assist with community development needs, such as infrastructure improvements, as well as with public-focused services - particularly for low and moderate-income persons.

Reviewed the pros and cons on each option, and requested Council direction, noting there was an August 21st deadline by which notification had to be made as to the Town's decision.

The Town Council expressed concerns with being subject to a variety of federal regulations attached to the Town's acceptance of these funds, and with the restrictions placed on the funds were unnecessarily onerous. The general consensus of the majority of the Council was to decline to participate in the program. Wilson expressed interest in maintaining contractual relationship with Douglas County, noting this allowed Town and various entities within the Town to continue to apply for grants, but left administration of the program to the County.

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

Jeff Meek	Jenna Meek
Jess Loban	Jennifer Bauman
Shane Bauman	Stacey Rogers

Green moved, seconded by Teal, moved to direct staff to decline participation in the CDBG program in the future.

The motion passed by the following vote:

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

No: 1 - Wilson

Not Present: 1 - Ford

[ORD 2015-38](#)

Ordinance: Approving an Agreement between the Town of Castle Rock and Castle Pines Homes Association, Inc. and Authorizing the Grant of Certain Easements

Goebel provided overview of agreement with Castle Pines Homes Association with regard to obtaining needed right of way to facilitate the construction of

Castle Rock Parkway. Noted agreement included granting a conservation easement to Douglas County in order to preserve certain buffer areas as open space, with only emergency access permitted. Noted agreement had been approved by the Parks and Rec Commission, the Castle Pines Homes Association, and Douglas County.

Heath moved, seconded by Wilson, to approve Ordinance No. 2015-38 as presented on first reading.

The motion passed by the following vote:

Aye: 6 - Teal, Valentine, Donahue, Green, Wilson, and Heath

Not Present: 1 - Ford

[RES 2015-75](#) Resolution: Approving a Design / Build Contract with Sabell's Enterprises for the Wolfensberger Bridge Project

Brauer and Smullen provided overview of proposed design / build contract with Sabell's Enterprises for the Wolfensberger Pedestrian Bridge Project. The Pedestrian Bridge Project would connect Philip S. Miller Park and Ridgeline Open Space creating a continuous 17-mile native surface trail on a combined 650 acres, and provide a safe grade separated crossing between the properties, as well as provide critical links in the Town's trail system.

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

Stacey Rogers

Ernie Fazekas

Rachel Scarborough

Heath moved, seconded by Valentine, to approve Resolution No. 2015-75 as presented, including the funding for the architectural enhancements.

The motion passed by the following vote:

Aye: 6 - Teal, Valentine, Donahue, Green, Wilson, and Heath

Not Present: 1 - Ford

[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

Ordinance presented on second reading with no changes from prior hearing.

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

The motion passed by the following vote:

Aye: 6 - Teal, Valentine, Donahue, Green, Wilson, and Heath

Not Present: 1 - Ford

EXTENSION OF MEETING

Donahue moved, seconded by Teal to extend the meeting until 10:00 PM

The motion passed by the following vote:

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

No: 1 - Wilson

Not Present: 1 - Ford

[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

Ordinance presented on second reading with no changes, other than to request emergency adoption to ensure the Ordinance was in effect at the time the ballot language was required to be certified to Douglas County. Wilson stated he supported placing the issue on the ballot, but was opposed to Emergency Adoption of the item.

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

Rachel Scarborough

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

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

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

No: 1 - Wilson

Not Present: 1 - Ford

[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

Ordinance presented on second reading with no changes other than to request emergency adoption to ensure the Ordinance was in effect at the time the ballot language was required to be certified to Douglas County.

Teal moved, seconded by Green, to approve Ordinance No. 2015-31 as presented on second reading, emergency adoption.

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

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

No: 1 - Wilson

Not Present: 1 - Ford

[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

Ordinance presented on second reading with only minor editorial changes, and to request emergency adoption to ensure the Ordinance was in effect at the time the ballot language was required to be certified to Douglas County.

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

Rachel Scarborough

Stacey Rogers

Teal moved, seconded by Heath, to approve Ordinance No. 2015-32 as presented on second reading, emergency adoption.

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

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

No: 1 - Wilson

Not Present: 1 - Ford

[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

Ordinance presented on second reading with no changes, with only minor editorial changes and to request emergency adoption to ensure the Ordinance was in effect at the time the ballot language was required to be certified to Douglas County.

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

Rachel Scarborough

Green moved, seconded by Valentine, to approve Ordinance No. 2015-33 as presented on second reading, emergency adoption.

The roll call vote on the motion passed by the following vote, resulting in the Ordinance being approved, but NOT on an Emergency Basis.

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

No: 2 - Teal, and Wilson

Not Present: 1 - Ford

[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

Ordinance presented on second reading with no changes, other than to request emergency adoption to ensure the Ordinance was in effect at the time the ballot language was required to be certified to Douglas County.

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

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

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

No: 1 - Wilson

Not Present: 1 - Ford

[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

Ordinance presented on second reading with no changes, other than to request emergency adoption to ensure the Ordinance was in effect at the time the ballot language was required to be certified to Douglas County.

Teal moved, seconded by Heath, to approve Ordinance No. 2015-35 as presented on second reading, emergency adoption.

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

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

No: 1 - Wilson

Not Present: 1 - Ford

EXTENSION OF MEETING

Donahue moved, seconded by Valentine, to extend the meeting until 10:30 PM.

The motion passed by the following vote:

Aye: 6 - Teal, Valentine, Donahue, Green, Wilson, and Heath

Not Present: 1 - Ford

[ID 2015-199](#)

Update: Plum Creek Diversion Project

Benak reviewed plan to make use of our local renewable water supply by constructing a diversion on Plum Creek. Reviewed advantages of the proposed site, noting it was the most cost effective and timely option. Estimated cost of the project was \$25 million, and it was anticipated it would be operational by 2017.

It was the consensus of the Council to continue moving forward with this project as proposed

[ID 2015-200](#)

Update: June 2015 Flood Damage Report

VanDellen provided an overview of damage to Town's stormwater infrastructure which resulted from the significant amount of rain received in June 2015. Noted staff was in process of planning repairs to all the impacted systems, using reserves from the water and stormwater funds.

ADJOURN

The meeting was adjourned at 10:11 PM