



**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, May 3, 2016

6:00 PM

Council Chambers

CALL TO ORDER / ROLL CALL

Mayor Donahue called the meeting to order at 6:02 PM

Present: 7 - Council Member Ford, Council Member Teal, Council Member Valentine, Mayor Donahue, Mayor Pro-Tem Green, Council Member Wilson, and Council Member Heath

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

[PROC
2016-003](#)

Proclamation: National Historic Preservation Month

[PROC
2016-004](#)

Proclamation: Ducky Derby Month

[PROC
2016-005](#)

Proclamation: Peace Officers Memorial Day and Police Week

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

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:

Sid Brooks
Gary Herr
Bev Williams
Marcy McGovern

Staff responded to questions, comments, and issues / concerns raised by members of the public.

TOWN MANAGER'S REPORT

[ID 2016-034](#)

Update: First Quarter 2016 Major Projects Update

[DIR 2016-027](#)

Discussion/Direction: Process Leading to Development of 2017 Budget

[ID 2016-036](#)

Update: Administrative Easement Abandonment

[ID 2016-037](#) Update: Quasi-Judicial Projects

DIR 2016-033 Call for a Special Meeting on May 10th for the purpose of conducting interviews for board and commission vacancies

Corliss requested a Special Meeting be called on May 10, 2016 for the purpose of conducting interviews for Board and Commission vacancies.

Councilmember Green suggested the meeting begin at 5:00 PM in order to allow sufficient time to interview applicants.

Donahue moved, seconded by Green, to call a Special Town Council meeting for May 10, 2016 at 5:00 PM for the purpose of conducting interviews for Board and Commission vacancies.

The motion passed by the following vote:

Yes: 7 - Ford, Teal, Valentine, Donahue, Green, Wilson, and Heath

TOWN ATTORNEY'S REPORT

None

ACCEPTANCE OF AGENDA

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

The motion passed by the following vote:

Yes: 7 - Ford, Teal, Valentine, Donahue, Green, Wilson, and Heath

CONSENT CALENDAR

Councilmember Wilson requested Resolution No. 2016-047, Additional Funding for Railroad Flagging Services Related to the North Meadows Drive Extension project, be removed from the Consent Calendar.

[RES 2016-043](#) Resolution Approving the Lease of Building and Real Property Agreement between the Town of Castle Rock and Moore Returns for the Property Located at 1335 Park Street for Use as a Public Safety Training Facility

[RES 2016-044](#) Resolution Approving an Agreement between the Town of Castle Rock and WL Contractors, Inc. for Traffic Signal Installation (Founders Parkway/Copper Cloud Drive, Founders Parkway/Black Pine Drive and Ridge Road / King Soopers Intersections)

[RES 2016-045](#) Resolution Approving a Purchase Agreement with Pierce Manufacturing Inc. for a Velocity Pumper

[RES 2016-046](#) Resolution Approving the Purchase Agreement Between the Town of

Castle Rock and Faris Machinery Company for the Purchase of a 2016 Elgin Eagle Street Sweeper

[RES 2016-048](#) Resolution Approving an Agreement between the Town of Castle Rock and Technology Constructors, Inc. for the Downtown Alley Rehabilitation Project

[RES 2016-049](#) Resolution Approving an Agreement between the Town of Castle Rock and PLM Asphalt and Concrete, Inc. for the Plum Creek Parkway Intersection Improvements Project

[RES 2016-050](#) Resolution Approving the Amended and Restated Intergovernmental Agreement Establishing the Chatfield Watershed Authority and Bylaws

[RES 2016-051](#) Resolution Approving an Extraterritorial Water and Wastewater Service Agreement with the Board of County Commissioners, County of Douglas for property located at 3020 and 3026 N. Industrial Way

[RES 2016-052](#) Resolution Approving the Third Amendment to Town of Castle Rock Equipment and Services Acquisition Agreement with Colorado Commercial Roofing Inc. for the Community Recreation Center Metal Roof Replacement

Wilson moved, seconded by Green to approve the Consent Calendar as amended to remove Resolution No. 2016-047.

The motion passed by a vote of:

Yes: 7 - Ford, Teal, Valentine, Donahue, Green, Wilson, and Heath

[RES 2016-047](#) Resolution Authorizing Additional Funding for Railroad Flagging Services Related to the North Meadows Drive Extension Project

Sailer provided overview of requirements imposed by the railroad for additional flaggers to make sure that the Town's construction activities did not interfere with railroad operations.

Wilson moved, seconded by Heath, to approve Resolution No. 2016-047 as presented.

The motion passed by the following vote:

Yes: 7 - Ford, Teal, Valentine, Donahue, Green, Wilson, and Heath

QUASI JUDICIAL HEARINGS

[RES 2016-053](#) Resolution Approving a Request for Relocation of the Garage Located at 17 South Lewis Street

Detweiler reviewed proposal to relocate the structure, and stated due to the fact this garage was constructed prior to 1945, the Municipal Code required Council

approval to move the structure.

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

John Gallagher

Valentine moved, seconded by Ford, to approve Resolution No. 2016-053 as presented.

The motion passed by the following vote:

Yes: 7 - Ford, Teal, Valentine, Donahue, Green, Wilson, and Heath

ORD 2016-012 Ordinance Amending the Town's Zoning District Map by Approving the Pinon Manor Apartments Planned Development Plan and the Pinon Manor Planned Development Plan Zoning Regulations

Detweiler provided overview of proposal to add two additional apartment buildings to the site.

Patricia Parish, representing applicant Oakwood Properties, reviewed specifics of the layout of the site, and the architectural renderings of the two additional buildings.

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

Scott Schrank (Tail's Up)

Heath moved, seconded by Wilson, approved Ordinance No. 2016-012 as presented on first reading.

The motion passed by the following vote:

Yes: 7 - Ford, Teal, Valentine, Donahue, Green, Wilson, and Heath

ORD 2016-013 Ordinance Amending the Burt at Castle Rock PD Zoning Regulations Concerning Permitted Uses and Development Standards for Designated use Areas

Detweiler provided overview of proposal to amend the zoning regulations for this property to expand the permitted uses within the PD and also to allow for an increase to the floor area ratio and the building coverage allowances.

Nick Hier, representing the applicant, stated the proposed amendments would provide opportunity for a greater variety of mixed uses on the site.

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

Frank Gray

Valentine moved, seconded by Ford, to approve Ordinance No. 2016-013 as presented on first reading.

The motion passed by the following vote:

Yes: 7 - Ford, Teal, Valentine, Donahue, Green, Wilson, and Heath

BREAK

The Town Council recessed the meeting for a break at 7:41 PM and reconvened at 7:52 PM

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[RES 2016-057](#) Resolution Setting The Date For An Election Pursuant To Statutory Mandate For The Purpose Of Submitting To The Registered Electors Of Town Council District No. 1 The Question Of Whether District No. 1 Councilmember Paul Donahue Should Be Recalled From Office And Prescribing The Manner By Which Such Election Shall Be Conducted

Donahue recused himself from participation in and voting on discussion of Resolution No. 2016-057, and left the Chambers during this time.

Mayor Pro Tem Green noted for the record staff had provided a revised memo and an updated Resolution which contained editorial and other minor changes, noting this was the draft under consideration at this time.

Slentz presented an overview of the applicable statutory process related to the recall, including the requirement it be presented at Council at the first meeting after a final determination of sufficiency was issued. Noted Town Council was now required to set a date for an election, and determine if the election should be held by mail ballot or as a polling place election.

Misare reviewed options for conduct of the election, including contracting with Douglas County to administer the election, having the Town conduct an independent mail ballot election, or having the Town hold a polling place election. Noted if the Council chose to utilize Douglas County staff and facilities to conduct the election on behalf of the Town, the only available date within the allowed timeframe was July 26, 2016.

Slentz reviewed the form of the ballot question as prescribed by statute which included 200 word grounds for recall as were presented on the petition, Donahue's 300 word justification of his course in action (if submitted) and the direct question of whether or not he should be recalled from office.

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

Stacey Rogers
Lana Wagner

John Gallegher
Sid Brooks

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

It was the general consensus of the Council that the preference was to have

Douglas County administer this election.

Valentine moved, seconded by Teal, to approve Resolution No. 2016-057 in the form distributed to Council at the meeting.

The motion passed by the following vote:

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

Recuse: 1 - Donahue

Donahue returned to the Council Chambers.

Teal requested Donahue step down from the position of Mayor (remaining on Council as the District 1 representative) at this time.

Donahue declined to resign as Mayor at this time. Donahue left the Chambers during the ensuing discussion by Council.

Teal moved, seconded by Wilson, for Council to exercise its authority under the Charter to remove Donahue as Mayor.

The motion FAILED by the following vote:

Yes: 1 - Teal

No: 5 - Ford, Valentine, Green, Wilson, and Heath

Recuse: 1 - Donahue

[DIR 2016-028](#) Discussion/Direction: Update Report on TABOR

Donahue returned to the Council Chambers.

Corliss reported that the Town had revenues of approximately \$714,500 in excess of the TABOR limit. Noted Council could decide to either refund the money or ask voters for authority for the Town to keep it. Noted the refund method was discretionary, and in the past had most often been applied as a credit on utility bills.

Donahue moved, seconded by Valentne to direct staff to solicit public input regarding the various options for addressing the 2015 revenues in excess of the TABOR cap.

The motion passed by the following vote:

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

No: 1 - Teal

[ORD 2016-011](#) Ordinance Repealing and Reenacting Section 17.42.090 of the Castle Rock Municipal Code Concerning the Design Review Board; and Providing for its Emergency Adoption on Second and Final Reading

Detweiler reviewed proposed changes to Design Review Board to bring terms in sync with the Town's other Boards and Commissions, and to change the length of terms for those representatives from other Boards and Commissions to one year

to better coincide with the terms of those on the parent Board and Commission.

Wilson moved, seconded by Ford, to approve Ordinance No. 2016-011 on first reading.

The motion passed by the following vote:

Yes: 7 - Ford, Teal, Valentine, Donahue, Green, Wilson, and Heath

RES 2016-054 Resolution Approving the Hillside at Castle Rock Metropolitan District Service Plan and Master Intergovernmental Agreement

Slentz stated approval of the proposed Resolution and accompanying Service Plan would allow the organizers of the proposed Hillside at Castle Rock Metropolitan District (the "District") to seek District Court approval and voter authorization for the formation of the District. The purpose of the District was to finance infrastructure and improvements for a project of 170 single-family residential units by issuance of 30-year bonds in the approximate amount of \$3,665,000. The District encompassed approximately 50 acres within the Town.

EXTENSION OF MEETING

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

The motion passed by the following vote:

Yes: 7 - Ford, Teal, Valentine, Donahue, Green, Wilson, and Heath

RES 2016-054 Resolution Approving the Hillside at Castle Rock Metropolitan District Service Plan and Master Intergovernmental Agreement

Diane Miller, attorney for petitioner, and Miles Graham provided an overview of the proposed District and why it was necessary to support development of this property.

Wilson moved, seconded by Donahue, to approve Resolution No. 2016-054 as presented.

The motion passed by the following vote

Yes: 7 - Ford, Teal, Valentine, Donahue, Green, Wilson, and Heath

RES 2016-055 Resolution Finding a Certain Petition for Annexation known as the Calvary Chapel Castle Rock Annexation to be in Substantial Compliance with Section 30 of Article II of the Colorado Constitution and with the Requirements of §31-12-107(1), C.R.S.; and Establishing a Date, Time and Place for the Hearing Prescribed Under §31-12-108, C.R.S. to Determine if the Property Petitioned for Annexation to the Town of Castle Rock is Eligible for Annexation Under Section 30, Article II of the Colorado Constitution and the Municipal Annexation Act of 1965

Detweiler stated the proposed Resolution was first step in state mandated annexation process, and was used to establish that petition was in substantial compliance with state requirements, and to set the eligibility hearing on the proposed annexation.

Donahue moved, seconded by Green, to approve Resolution No. 2016-055 as presented.

The motion passed by the following vote:

Yes: 7 - Ford, Teal, Valentine, Donahue, Green, Wilson, and Heath

[RES 2016-056](#) Resolution Finding a Certain Petition for Annexation known as The Ridge Estates Annexation to be in Substantial Compliance with Section 30 of Article II of the Colorado Constitution and with the Requirements of Sections 31-12-107 (1), C.R.S.; and Establishing a Date, Time and Place for the Hearing Prescribed Under Sections 31-12-108, C.R.S. to Determine if the Property Petitioned for Annexation to the Town of Castle Rock is Eligible for Annexation Under Section 30, Article II of the Colorado Constitution and the Municipal Annexation Act of 1965

Proposed Resolution was first step in state mandated annexation process, and was used to establish that petition was in substantial compliance with state requirements, and to set the eligibility hearing on the proposed annexation.

Donahue moved, seconded by Ford, to approve Resolution No. 2016-056 as presented.

The motion passed by the following vote:

Yes: 7 - Ford, Teal, Valentine, Donahue, Green, Wilson, and Heath

ADJOURN TO EXECUTIVE SESSION (Not to Return)

[EXEC 2016-004](#)

Executive Session: Town Manager Performance Evaluation

Donahue moved, seconded by Wilson, to go into executive session (not to return) for the purpose of conducting the Town Manager'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: 7 - Ford, Teal, Valentine, Donahue, Green, Wilson, and Heath

At 10 :20 PM, Donahue moved, seconded by Wilson, to extend the meeting until 11:00 PM

The motion passed by the following vote:

Yes: 7 - Ford, Teal, Valentine, Donahue, Green, Wilson, and Heath