



Town Council Meeting Minutes - Final

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

Tuesday, August 20, 2019

5:00 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.

STUDY SESSION

Mayor Gray opened the study session at 5:05 pm.

CALL TO ORDER / ROLL CALL

Present: 5 - Council Member Townsend, Mayor Pro Tem Bower, Mayor Gray, Council Member Bracken, Council Member Johnson

Not Present: 2 - Council Member Loban, Council Member Teal

ID 2019-080

Proposed 2020 Budget

David Corliss, Town Manager, provided an overview of the proposed 2020 Budget.

Council Members Loban and Teal arrived at 5:15 pm.

Present: 7 - Council Member Loban, Council Member Townsend, Mayor Pro Tem Bower, Council Member Teal, Mayor Gray, Council Member Bracken, Council Member Johnson

ID 2019-081

Proposed Title 17 Code Amendments

Bill Detweiler, Development Services Director, provided an overview of the Title 17 Code Amendments that will be proposed at the Town Council meeting.

Study Session adjourned at 6:50 pm.

TOWN COUNCIL MEETING

INVOCATION - The Reverend Theron Walker, Emmaus Anglican Church

CALL TO ORDER / ROLL CALL

Mayor Gray called the meeting to order at 7:05 pm.

Present: 7 - Council Member Loban, Council Member Townsend, Mayor Pro Tem Bower, Council Member Teal, Mayor Gray, Council Member Bracken, Council Member Johnson

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Council Member Loban brought up the subject of public transportation and

accessible and affordable housing in Castle Rock. Loban encouraged the community to come to the high school football games and asked for the star to be lit in the colors of the winner of the Douglas County vs. Castle View football game.

Council Member Townsend attended the ribbon cutting ceremony for the Collaborative Campus and thanked the EDC, CSU, ACC, the school board and Town staff.

Council Member Bracken attended the dedication of the new Zack Parrish Park.

Council Member Teal stated there is a DRCOG meeting tomorrow night to approve the Transportation Improvement funding which includes the "four corners" intersection. Teal thanked Lynn Gates for a letter communicating about an issue on Town property.

Mayor Gray acknowledged and thanked those in attendance. Gray noted that the Fire department is updating their plan and they would like to get feedback from the community.

[PROC
2019-008](#)

Proclamation: Human Rights

Mayor Pro Tem Bower presented the Proclamation.

UNSCHEDULED PUBLIC APPEARANCES

Citizens that addressed Town Council:

Heather Gonzales a resident for over 13 years and member of Castle Rock Pride, thanked Mayor Pro Tem Bower, Mayor Gray and the rest of Town Council for the Proclamation.

Anya Zavadil a resident of Castle Rock, grew up here and graduated from Douglas County High School, and thanked Town Council for acknowledging the diversity of our community.

Danielle Young Kombo is a Parker resident and thanked Council for the Proclamation.

TOWN MANAGER'S REPORT

David Corliss, Town Manager, stated the status of the Transit Study will be discussed at the next Council meeting and he will provide any updates to Town Council.

[ID 2019-082](#)

Update: Monthly Department Reports

[ID 2019-083](#)

Update of the 2019 Second Quarter Financial Review, Period Ending June 30, 2019

[ID 2019-084](#)

Update: 2019 Service Contract Midyear Reports

David Corliss, Town Manager, stated the 2020 requests will be presented at the next Council meeting.

[ID 2019-085](#) **Development Services Project Updates**

[ID 2019-086](#) **Update: Quasi-Judicial Projects**

[DIR 2019-022](#) **Discussion: 2018 Town of Castle Rock Motor Vehicle Crash Facts**

David Corliss, Town Manager, stated that staff looks at the vehicle crash information and uses it to evaluate possible projects.

TOWN ATTORNEY'S REPORT

Bob Slentz, Town Attorney, announced that Jennifer King will be leaving for South Suburban Parks and Recreation. Slentz credited Jennifer, in a large part, for his success with the Town and that it relates to the back up that she has given, what she has done on her own initiative, her desire to be the best she can be, and that she never said no to helping out with anything. Slentz conveyed that individuals previously became attorneys by working with a licensed attorney and learning from them. Jennifer has followed that path with many assuming she was a lawyer. Jennifer has worked for the Town for 26 years, and there will be a farewell party for her Wednesday at 3pm in Chambers.

ACCEPTANCE OF AGENDA

Mayor Gray stated Item #24 will be removed from the agenda and continued to September 3, 2019.

Moved by Mayor Pro Tem Bower, seconded by Council Member Townsend, that the Agenda be Accepted with Item 24 continued to the September 3, 2019 Town Council meeting. The motion passed by the following vote:

Yes: 7 - Loban, Townsend, Bower, Teal, Gray, Bracken, Johnson

CONSENT CALENDAR

[RES 2019-082](#) **Resolution Assigning and Transferring to Douglas County Housing Partnership All of the Town of Castle Rock's 2019 Private Activity Bond Volume Cap Allocation from the State Ceiling for Private Activity Bonds; and Authorizing the Execution and Delivery of an Assignment and Other Documents in Connection Therewith**

[RES 2019-083](#) **Resolution Approving a Construction Contract with Global Underground Corporation for the Castle Rock Water Pressure Reducing Valve (PRV) Improvements Project**

[MIN 2019-012](#) **Minutes: July 2 and July 16, 2019 Town Council Meeting**

Moved by Council Member Johnson, seconded by Mayor Pro Tem Bower to approve the Consent Calendar as read. The motion passed by a vote of:

Yes: 7 - Loban, Townsend, Bower, Teal, Gray, Bracken, Johnson

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

ENCORE RELATED ITEMS

[ORD 2019-021](#) **Ordinance Approving the Encore CR Downtown Redevelopment and Financing Agreement and Authorizing the Lease and Conveyance of Certain Town-owned Property (First Reading)**

Mayor Gray read Items 13, 14, 15, and 16 related to the Encore project together into the record. These items will be presented in one public hearing and voted on separately.

Bob Slentz, Town Attorney, provided an overview of the agreement noting 308 public parking spaces, a mechanism to recover the \$9.75 million investment, Town control over 308 public parking spaces, and assure adequate maintenance of the parking garage. The parties involved are the Town, CD-Festival Commons, LLC (owner and developer), The Town of Castle Rock Festival Park Commons General Improvement District, and the Castle Rock Downtown Development Authority. This agreement is non-assignable. The developer is responsible for construction, remediation, completion of the parking garage by 11/1/2020, completion of the entire project by 3/31/21, and \$900,000 towards completion of the Quiet Zone. The roundabout and related improvements, the Town Hall plaza, and any amount over \$900,000 for the completion of the Quiet Zone will be financed by the Town. There is an anticipated closing date of 10/4/19. The Town is investing 40% of actual cost for the parking garage which will be built entirely on Town property. In order to accomplish this, there needs to be right of way street vacations and re-platting of the property, and we will lease the Town property to the developer so they can construct the parking garage. Slentz summarized the developer requirements and the risks and remedies for various scenarios, provided a timeline of activities required for completion of the Quiet Zone which is part of the agreement, the commitments for the real estate closing, and the projected incremental revenues. There will be a question referred to the ballot for the GID election to increase the mill levy to 45 mills (Note: only property owners in the GID vote).

Council Member Johnson wanted to clarify the worst case scenario timeline to construct the Quiet Zone is 39 months from the information provided to Council. Dan Sailer, Acting Public Works Director, stated their best estimate is based on their research of 30 months. Johnson stated the prior developer had experience with quiet zones. Corliss stated we have some familiarity working with the rail road and feel confident that they will approve this project.

Council Member Johnson referred to the car wash planned in the parking garage and asked who is responsible for the maintenance of the car wash. David Corliss, Town Manager, stated it is part of the HOA responsibility as it is for the HOA member use, it is not a public car wash, and is not part of the Town maintenance. We will be a member of the HOA but not responsible for some of their expenses including the car wash.

Council Member Teal asked and Slentz confirmed if the Quiet Zone effort fails, the Town will return the remaining funds to the developer. Corliss stated if this project proceeds, it may benefit the efforts of quiet zones further north in county.

Corliss provided a timeline for the project approval. The RFP the Town put out had two main guiding principals - to provide more public parking downtown and provide a revenue source to pay for that. The Design Review Board approved the site development plan and design of the project, and staff feels the site development plan and design meet our standards of providing a quiet zone, increased public parking, a Town hall plaza, revenue stream from within that development, and retail, business, and residential units in downtown.

Mayor Gray asked Corliss to explain the need for a seven story building. Corliss stated it is necessary to generate the return for the development and for the funding of the parking garage and the quiet zone.

Council Member Loban asked about the authorized height. Corliss conveyed that the Design Review Board approved the additional floor.

Council Member Bracken confirmed with Corliss the need for retail for the revenue.

Council Member Teal asked if there is underground parking. Corliss stated their will be a little tilt down from the surface on the first floor but no parking will be underground due to the site restrictions.

Kevin Tilson, Downtown Alliance, stated this project provides components for an active and vibrant downtown, and their organizations are all unanimously supportive of this project.

Corliss stated they are negotiating temporary parking for employees and will ask that the developer has contractors park off site.

Council Member Johnson asked about the process for the approval of the site development plan (SDP) in the Downtown Overlay district (district) being approved by the Design Review Board (DRB) vs. Town Council. Bill Detweiler, Development Services Director, stated that the SDP approved by the DRB in the overlay district vs. Town Council is based on when the district was created in 2008 and Council gave authority to the DRB to review and act on SDP's and variances within downtown, with appeals going to Council. DRB members are appointed from Town Council that have backgrounds in those area. Johnson stated she attended the Downtown Development Authority (DDA) and DRB meetings related to this project that they are made up of downtown business owners, an Historic Preservation (HP) member, a DDA member, a Council liaison, but there was not a residential representative. Johnson has had concerns from residents about the character of the project. Johnson asked if the make up of the board could have more residential input.

Mayor Pro Tem Bower stated that the HP, Planning Commission, DDA and property owners are also residents of the Town with the exception of one business owner that lives in the county.

Tony DeSimone, Confluence Companies, thanked Bob Slentz for his complimentary comments regarding their character. He is proud of what they have done with the Riverwalk projects. DeSimone reflected on his wife's family history in Castle Rock and the increase in the population over the decades. DeSimone explained the need for the seven stories and that the residential density encourages walkability downtown.

Council Member Johnson stated she had requested funding for some aesthetic changes to be incorporated and met with Mr. DeSimone and staff to talk about possibly adding details to the building that respect the existing character of our downtown. She wanted citizens to know of her efforts and that she has voiced their concerns.

Council Member Loban shared his appreciation for DeSimone and that one Council Member cannot request funding.

Mayor Gray opened the public hearing. Citizens that addressed Town Council:

Pam Ridler, President of the Castle Rock Chamber of Commerce, voiced their support for the Encore project, mixed use venture, walkability and positive impact to community character, additional parking and investment in the Quiet Zone that has been talked about for over 15 years. The developer has a proven track record. The parking benefits all of the organizations, the events that are held, and the people in our community.

Zach Deegan, resident of Castle Rock, finds there is a lot of agreement that no one likes to see our open space developed. He sees this project in an area already developed, improving it, not impacting wildlife, improving walkability and opportunities of residents in this area to spend their money here.

Pam Orr, resident of Mayor Pro Tem Bower's district, thanked Council Member Johnson for expressing her concerns about this development and supports her concerns. She questions the need for seven stories and would like Council to review the financial impact for consideration of the stories. She also thanked Council for the Proclamation on Human Rights.

Carole Murray, former Clerk and Recorder, Chamber Director, and State Representative, has lived here for 40 years and recalls the beginning of preserving the Town for sense of place. She supports this project and encourages a vibrant downtown.

Marcus Notheisen, Castle Rock Economic Development Council, supports this project. In 2012 the downtown was very fragile, and this project offers diversification of housing and for sale options.

KC Neel, a downtown business owner, new member of Downtown Merchants Association and previous member of Downtown Advisory Commission and DDA. This project is exactly what the businesses want. This project is only 10 feet higher than the Riverwalk project. Primary employers need diversity in housing to offer to their employees. She feels density belongs in the downtown. She feels

the Quiet Zone is needed and has been for 20 years. Parking is needed and she feels it is important for commerce.

Mayor Gray closed the public hearing.

Council Member Teal asked to take another look at the DRB powers that were approved in 2008 as a lot has changed since then. Teal doesn't like the seven stories and heard from his constituents that don't like it. He would like to see it less than 7 stories. Teal then stated he does support this specific Ordinance.

Council Member Townsend is impressed with the vision, hard work and complexity of this project and feels it solves many of the problems with downtown.

Mayor Pro Tem Bower stated they have two used car lots, a five-story stucco assisted living building, a storage facility, and a big brick building downtown. The character of downtown is made up of small business owners. Bower and Gray own small businesses downtown. Craig and Gould is downtown's biggest customer. The vibrancy of downtown has improved this neighborhood. Castle Cafe and the Masonic lodge are historic, and he feels modern architecture makes them stand out and be appreciated more. There are a lot of benefits with this project and it solves lots of issues his district has had. Bower commended DeSimone and supports the project.

Council Member Bracken stated there were several emails supporting the project and that he received unsolicited positive feedback from a resident of downtown.

Council Member Johnson stated there were at least three residents who spoke in opposition of the project at DRB.

Mayor Gray loves the project and respects everyone's opinion. He feels this project solves a lot of problems including the quiet zone, parking, helping downtown businesses, housing, etc.

Moved by Council Member Loban, seconded by Council Member Townsend, that Ordinance 2019-021 be Approved on First Reading as presented. The motion passed by the following vote:

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

No: 1 - Johnson

[ORD 2019-022](#) **Ordinance Vacating a Public Alley in the Northwest Quarter of Section 11, Township 8 South, Range 67 West, of the 6th Principal Meridian, Town of Castle Rock (First Reading)**

No public comment.

Moved by Council Member Townsend, seconded by Mayor Pro Tem Bower, that Ordinance 2019-022 be Approved on First Reading as presented. The motion passed by the following vote:

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

No: 1 - Johnson

ORD 2019-023 Ordinance Vacating a Portion of First Street located in the Northwest Quarter of Section 11, Township 11 South, Range 67 West, of the 6th Principal Meridian, Town of Castle Rock (First Reading)

No public comment.

Moved by Council Member Loban, seconded by Mayor Pro Tem Bower, that Ordinance 2019-023 be Approved on First Reading as presented. The motion passed by the following vote:

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

No: 1 - Johnson

ORD 2019-024 Ordinance Vacating a Portion of North Perry Street Located in the Northwest Quarter of Section 11, Township 8 South, Range 67 West of the 6th Principal Meridian, Town of Castle Rock (First Reading)

No public comment.

Moved by Council Member Loban, seconded by Mayor Pro Tem Bower, that Ordinance 2019-024 be Approved on First Reading as presented. The motion passed by the following vote:

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

No: 1 - Johnson

PROPOSED 2020 BUDGET ITEMS

ID 2019-087 Presentation of the Introduction to the Proposed 2020 Budget

David Corliss, Town Manager, stated the Budget has been posted on-line and asked Council to open it to public comment. Corliss asked if there were any further questions from the Study Session presentation.

No public comment.

DIR 2019-023 Discussion/Direction: 2020 Water Rates and Fees

Mark Marlowe, Director of Castle Rock Water, gave an overview of key assumptions and inputs as well as recommendations and options for water and wastewater. Relative to surrounding communities, we have lower rates than the majority of the surrounding communities.

Council Member Loban asked about the \$35 residential inspection fees and asked why it is needed. Marlowe stated this is for new construction only to ensure landscaping is being put in correctly.

Moved by Council Member Johnson, seconded by Council Member Loban, to direct staff to prepare an Ordinance. The motion passed by the following vote:

Yes: 7 - Loban, Townsend, Bower, Teal, Gray, Bracken, Johnson

Motion to Extend the Meeting

Moved by Council Member Townsend, seconded by Council Member Teal, to Extend the meeting from 9:30pm to 10:00pm. The motion passed by the following vote:

Yes: 7 - Loban, Townsend, Bower, Teal, Gray, Bracken, Johnson

OTHER PUBLIC HEARING ITEMS

[ORD 2019-025](#) Ordinance Authorizing the Conveyance of Certain Property to the Department of Transportation, State of Colorado [located at the I-25 and US Highway 85 interchanges for the North Meadows Extension]

Dan Sailer, Acting Director of Public Works, stated this is part of the North Meadows extension project that was the largest project to date. There are still properties that need to be conveyed to CDOT as part of the agreement.

Councilmember Townsend briefly left the meeting and returned after the vote.

Council Member Teal asked if we convey these properties to CDOT, do they assume all snow removal and maintenance. Sailer stated that those agreements are already covered in the IGAs, and this would have no impact on those agreements. Sailer stated we have certain snow removal obligations and will bring back those details on second reading.

No public comment.

Moved by Council Member Johnson, seconded by Council Member Teal, that Ordinance 2019-025 be Approved on First Reading as presented. The motion passed by the following vote:

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

Not Present: 1 - Townsend

[ORD 2019-026](#) Ordinance Authorizing the Exercise of the Town's Powers of Eminent Domain to Acquire Certain Real Property Interests Necessary for the Ridge Road Widening Project (Second Reading - Approved on First Reading on August 20, 2019 by a vote of 7-0) [located along Ridge Road between Plum Creek Parkway and Fifth Street]

Dan Sailer, Acting Director of Public Works, stated they have funding to move toward the property acquisition required for this project and are asking for authorization to exercise eminent domain if needed. If approved, Sailer outlined the steps required. If negotiations are not successful, staff would come to Council for a decision regarding condemnation. Sailer then provided a proposed schedule for the widening project.

Council Member Johnson inquired why the widening would not be complete in

2021. Sailer stated they do an annual assessment for the CIP projects and adjust priorities for all transportation projects. They are recommending a shift in the priorities.

No public comment.

Council Member Teal stated there is a compelling public safety issue, and the residents feel it is becoming overcrowded with excessive speeds.

Council Member Loban is not a fan of eminent domain but understands the safety issues and trusts staff to be prudent with this process.

Mayor Pro Tem Bower talked to two residents where the Town exercised eminent domain on their property and the felt the Town was very reasonable.

Council Member Johnson stated that she attended the Public Works commission meeting where the crash report was presented. It showed that Ridge and Enderud roundabout had 22 crashes and that this location has one of the highest number of crashes, and improvement of Ridge is needed for safety. Sailer stated they had approximately 21 incidents over a 5 year period. The crash frequency is one aspect they look at and study to see if there is an actual crash trend. They did not identify a specific trend to warrant a change.

Moved by Council Member Teal, seconded by Mayor Pro Tem Bower, that Ordinance 2019-026 be Approved on First Reading as presented. The motion passed by the following vote:

Yes: 7 - Loban, Townsend, Bower, Teal, Gray, Bracken, Johnson

[ORD 2019-027](#) Ordinance Amending Section 15.54.020 of the Castle Rock Municipal Code Concerning Issuance of Grading Permits; Repealing Chapter 15.66; and Making Minor Amendments to Titles 15, 16 and 18 of the Castle Rock Municipal Code (First Reading)

Mayor Gray read both items 21 and 22 (ORD 2019-027 and ORD 2019-028) into the record. These two ordinances will be presented together but voted on separately.

Bill Detweiler, Director of Development Services, and Tara Vargish, Assistant Director of Development Services, provided an overview of the proposed amendments to the zoning code.

Vargish summarized changes to Title 15.

Council Member Johnson inquired about construction permitting specifically in Founders for a townhome project where the roads and infrastructure were put in but the townhomes were not built. They removed vegetation that could have remained until they were ready to build. Vargish replied that this project did have site development plan approval. The market regulates when the developer builds. Vargish stated we do not have any ordinance that would prevent a property owner from removing vegetation. If grading is proposed to level a lot for marketability, the Town does have stormwater requirements and revegetation requirements.

Johnson has concerns with grading prior to approval of SDP. Vargish stated Council could provide direction if they wish to discuss removal of vegetation.

Vargish summarized changes to Titles 16 and 17.

The meeting was not extended so this item will be republished for a future Town Council meeting.

Motion to Extend the Meeting

Moved by Council Member Teal, seconded by Council Member Townsend, to Extend the meeting from 10pm to 10:30 pm. The motion failed by the following vote:

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

No: 1 - Loban

[ORD 2019-028](#) **Ordinance Amending Title 17 of The Castle Rock Municipal Code Concerning Zoning by Repealing and Reenacting Chapters 17.01 Through 17.10, Chapters 17.16, 17.18, 17.22, 17.26, 17.28, And, 17.38.; Repealing Chapter 17.20; Amending Sections 17.30.010, 17.36.010 17.50.040, 17.52.050, 17.52.060 and 17.52.240; and Adding a New Chapter 17.39 Entitled Use by Special Review (First Reading)**

The meeting was not extended so this item will be republished for a future Town Council meeting.

[RES 2019-084](#) **Resolution Authorizing Payment of Castle Rock Water's Portion of the 2019 Binney Connection Fee and the Meridian Title Clean-up Fee for the Water Infrastructure Supply Efficiency (WISE) Project (Continued from August 20, 2019) [Aurora's Binney Facility at Aurora Reservoir]**

The meeting was not extended so this item will be on a future Town Council agenda.

QUASI JUDICIAL HEARINGS

[RES 2019-085](#) **Resolution Approving the Crystal Valley Ranch Filing No. 15 Site Development Plan Amendment No. 2 (Continued from August 20, 2019) [Landscape Amendment; Located south of Crystal Valley Parkway, between West Loop Road / East Loop Road] (Town of Castle Rock Project SDP19-0001)**

Item was continued to the September 3, 2019 Town Council meeting upon Acceptance of the Agenda.

Moved by Council Member Teal, seconded by Mayor Pro Tem Bower, that Resolution 2019-085 be Continued to the September 3, 2019 Town Council meeting. The motion passed by the following vote:

Yes: 7 - Loban, Townsend, Bower, Teal, Gray, Bracken, Johnson

[RES 2019-086](#) **Resolution Approving a Use by Special Review Site Development Plan for Lot 1, Meadows Filing No. 23 - IREA Substation)** *[located northeast of Castle View High School, near N. Meadows Drive and Butterfield Crossing Drive]*

Moved by Council Member Teal, seconded by Mayor Pro Tem Bower, that Resolution 2019-086 be Continued to the September 3, 2019 Town Council meeting. The motion passed by the following vote:

Yes: 7 - Loban, Townsend, Bower, Teal, Gray, Bracken, Johnson

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

ADJOURN

Meeting adjourned at 10:00pm.

Submitted by:

Lisa Anderson, Town Clerk