



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, June 2, 2020

5:00 PM

Virtual Council Meeting
Online: www.CRgov.com/June2Council
Meeting Code: 967 047 119
Phone in: (720) 650-7664

This meeting is open to the public and will be held in a fully virtual format in accordance with Town Council Meeting Special Procedures During Declared Disasters. This meeting will be hosted online and can be accessed at <http://CRgov.com/June2Council>, or phone in by calling (720) 650-7664, meeting code 967 047 119. All Town Council Meetings are also streamed online in real time at www.CRgov.com/WatchCouncil, and are broadcast for Comcast Cable subscribers on Channel 22 (please note there is a delay to the broadcast).

All times indicated on the agenda are approximate. In lieu of appearing in person, please visit www.CRgov.com/CouncilComments to sign up to speak to an item, and for related instructions. Public Comments may also be submitted in writing online by 1:00 p.m. June 2, 2020, to be included in the public record.

INVOCATION - Pastor Donald Haymon II, Calvary Apostolic Church Of Denver

CALL TO ORDER / ROLL CALL

Present: 6 - Councilmember Townsend, Councilmember Bracken, Mayor Pro Tem Bower, Councilmember Johnson, Mayor Gray, Councilmember Teal

Not Present: 1 - Councilmember Loban

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Councilmember Townsend wishes for everyone to be safe and appreciates everyone present.

Councilmember Bracken noted that the protest at Festival Park today was well organized and peaceful. Chief Cauley did an excellent job with his kind words and empathy.

Councilmember Johnson thanked the community for coming together during this time and for the Police and how they operate and how she appreciates the Castle Rock Police department.

Mayor Pro Tem Bower attended the rally today and said he was proud of the community and Chief Cauley and the way he handled it. Castle Rock is a great community.

Mayor Gray asked to talk about the Star, and heard from Keepers of the Rock that asked when we should turn off the Star. He suggests that we turn it off at the end

of the night of July 4 after the fireworks. David Corliss, Town Manager, stated since it was by motion to approve the lighting of the star, it would be appropriate for a motion to turn it off.

Councilmember Teal feels that is an excellent idea and good timing.

Mayor Pro Tem Bower initially thought when we open back up, but that may not happen any time soon.

Mayor Gray noted that it is sad that we are still talking about race and still see the color of skin. His oldest son is dating a person of color and was asked if he was okay with it which was very upsetting to him. He wants to come alongside people that want to peacefully protest in our country and it is important that people have a voice and protest in a way that we don't cause destruction to property or hurt each other, or put Police or businesses in harm's way. We need to take a hard look at each other and hopefully we can unite and not be divisive.

Councilmember Loban joined the meeting.

Councilmember Loban knows that the George Floyd incident is sad and shouldn't have happened. We support those that want to stand for unity and peaceably gather. There is another element that is taking advantage of these events, and fortunately it didn't happen in Castle Rock and appreciates all of the citizens that came out to ensure it was peaceful. We are a vigilant community, conservative as a whole, this is our community and we want to ensure the violence happening elsewhere doesn't happen here. Castle Rock has a history of standing up for the 2nd Amendment, and he proposes a 2nd Amendment Freedom Zone/sanctuary and would like to learn more about it. Even though we didn't have an incident here, we want to be prepared. Loban gave thanks to our outstanding Police and Fire Departments. We will continue to support and defend our community.

Moved by Councilmember Loban, seconded by Councilmember Bracken, to turn off the Star on July 4 after the fireworks. The motion passed by a vote of:

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

[EXEC](#)
[2020-006](#)

Executive Session Report: May 29, 2020 - Interviews with Candidates for Town Attorney

Mayor Gray read the Executive Session report from May 29, 2020.

[PROC](#)
[2020-008](#)

Proclamation Honoring the Class of 2020 [for Presentation - Approved on May 19, 2020 by a vote of 7-0]

Mayor Gray read the Proclamation into the record Honoring the Class of 2020.

[PROC](#)
[2020-009](#)

Proclamation Recognizing Robert Slentz, Town Attorney

Mayor Gray read the Proclamation honoring Town Attorney Bob Slentz into the record.

Bob Slentz, Town Attorney, shared his thoughts and his appreciation for the Councils and staff he has worked with over the years.

David Corliss, Town Manager, and Kristin Read, Assistant Town Manager, presented Slentz with a flag that was flown over Castle Rock, a plaque recognizing his service, and a picture of Castle Rock.

Councilmember Bracken noted that he sat in on the Town Attorney interviews and that it was the highest quality of applicants the recruiter ever had. They asked each candidate if they were willing to consult with Slentz and all overwhelmingly agreed and voiced their utmost respect for him.

They then presented a slide show of photos of Slentz.

UNSCHEDULED PUBLIC APPEARANCES

Citizens that addressed Council:

Kurt Huffman, resident of Highlands Ranch spoke regarding the Town sign policy. He has been installing candidate signs in the Town for many years, and has met with the zoning inspector to ensure signs are installed appropriately. Last week he received a sign complaint and moved it right away. All of his sign locations are now being looked at by the zoning inspector and he is disappointed with the customer service.

[ID 2020-061](#)

Unscheduled Public Appearances - Written Comments

TOWN MANAGER'S REPORT

[RES 2020-058](#)

Update: Initial Staff Review of Common Consumption Procedures

Lisa Anderson, Town Clerk, provided Council with an overview of Common Consumption Areas and the application process.

Mayor Pro Tem Bower stated he would like to institute a program that does not require a process to go through that would allow public consumption downtown.

Mayor Gray asked staff to look into more options.

Consensus of Council to have staff research further options.

[ID 2020-057](#)

Update of the 2020 First Quarter Financial Review, Period Ending March 31, 2020

[ID 2020-058](#)

2019 Fire and Rescue Department Annual Report

[ID 2020-059](#)

Update: Quasi-Judicial Projects

[ID 2020-060](#)

Development Services Projects Updates

TOWN ATTORNEY'S REPORT

No report.

ACCEPTANCE OF AGENDA

Moved by Mayor Pro Tem Bower, seconded by Councilmember Loban, to Accept the Agenda as presented. The motion passed by the following vote:

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

CONSENT CALENDAR

[ORD 2020-006](#) **Ordinance Approving a Tank Site Easement Option Agreement between the Town of Castle Rock, Colorado and PV, LLC (Second Reading - Approved on First Reading on May 19, 2020 by a vote of 7-0)**

Moved by Councilmember 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, Bracken, Bower, Johnson, Gray, Teal

QUASI JUDICIAL HEARINGS

[RES 2020-052](#) **Resolution Approving a Site Development Plan for Most of Outlot A, Castle Oaks, Filing No. 1 (Caliber at Terrain Apartment Complex SDP19-0029)**

Mayor Gray read the Quasi-Judicial script. No Councilmember voiced any conflict of interest. Lisa Anderson, Town Clerk, confirmed that the item was properly published.

Tara Vargish, Interim Development Services Director, provided an overview of the site development plan. Vargish noted that the applicant has met the requirements and the comprehensive master plan. The applicant is additionally proposing a 25' buffer, increase landscaping around the boundary, located parking areas internal, and multi family homes act as a buffer between the commercial and the single family homes. Multi-family and single family attached is allowed, density allowed is 20 DU/acre and they are proposing 9 du/acre, open space requirement is 20% and they are providing 35%, they are adding a trail connection to the northeast, the building height allows 50 feet and they are proposing 40.6 feet, and parking required is 485 spaces and they are proposing 505.

Bob Slentz, Town Attorney, provided background and an overview of the zoning. Slentz also referenced two letters to be entered into the record as EXHIBIT A and B from Poplar Investments/Park Land Company that represents the owner of the property, and Foster Graham Milstein & Calisher LLP that represents the Garrett Companies LLC.

Ashley Bedell, Director of Development for the Garret Companies, presented their site development plan. Glenn Smith then shared a history of the property. He is the Vice President of Parkland Company and represents the owner and seller of the property. Bedell asked for Council's approval of the project.

Citizens that addressed Council:

Ronald Hull, resident, contests the proposed development. Hull stated that most of the development surrounding it is single family homes and feels this development does not fit. He referenced over 800 people have contested the development.

Curt Dewing, resident, shared Hull's concerns. There are 3,000 homes being built between here and Franktown and they all get on to Founders Parkway and feels this needs to be addressed before we develop further.

Rhonda Fellers, resident, borders the proposed development. As an attorney, she feels the zoning issue could be cured by the Council.

Vargish stated the project meets the zoning requirements and Public Works has worked with the applicant's traffic engineers and they are in compliance with the requirements and are mitigating their impacts.

David Corliss, Town Manager, asked about the petition from the citizens. Vargish stated it is labeled as Attachment C.

Mayor Gray closed the public hearing.

Councilmember Townsend stated we need affordable housing in Castle Rock. Townsend feels this is a needed development, and feels the developer has exceeded requirements and included changes to accommodate resident's concerns.

Councilmember Johnson asked if staff or the applicant could speak to the lighting.

Vargish stated they comply with the Town's lighting requirements, and lighting for interior parking is blocked by the buildings. Bidell stated the lights are shielded as well.

Councilmember Johnson inquired about the traffic impact study and feels the existing traffic conditions are already rated low. Dan Sailer, Director of Public Works, stated the level of service was based on a two-lane roundabout and the Town feels it will be a three lane roundabout and improvements will be able to accommodate that intersection.

Councilmember Loban asked what the intended price point is for the property. Bidell stated it will be a market rate property. Currently the market for a one bedroom is \$1,300, two bedroom \$1,800, and three bedroom \$2,200.

David Corliss, Town Manager, stated the petition was provided to Council previously and Council can decide if they need more time or if they should vote on this tonight.

Councilmember Bracken viewed the attachment. There appears to be 800 respondents on an online petition. Several reasons given don't apply to the

development directly. The surrounding community is very tight knit. Until everyone gets a chance to see the document, he feels we should hold on.

Mayor Gray feels we do need apartments in Castle Rock, and that we believe in property rights and have to look at the legal backing. He feels this is a good project. If we vote against it, it leaves the Town liable.

Councilmember Teal stated the investigation done into the completion date question was appreciated. He feels the applicant has been willing to respond to public comments and demonstrated how the impacts to the residents have been minimized.

Mayor Gray stated even though the property has been vacant, they have had plans to move forward with the other properties in the area.

Elizabeth Allen, Senior Assistant Town Attorney, stated procedurally Council should make an additional finding on Council's determination of the zoning and interpretation of the completion clause.

Moved by Councilmember Teal, seconded by Councilmember Townsend, to Amend the Resolution by adding a finding that the underlying zoning is appropriate under Town Law and Town zoning. The motion passed by the following vote:

Yes: 4 - Townsend, Bower, Gray, Teal

No: 3 - Loban, Bracken, Johnson

Moved by Councilmember Teal, seconded by Councilmember Townsend, that Quasi-Judicial Resolution 2020-052 be Approved as Amended. The motion passed by the following vote:

Yes: 4 - Townsend, Bower, Gray, Teal

No: 3 - Loban, Bracken, Johnson

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[ORD 2020-007](#) **Ordinance Amending Chapters 13.12 of the Castle Rock Municipal Code Utilities Services and Charges by Adding a New Subsection C Concerning Fire Protection Service Lines and Chapter 15.38 Water System Design Criteria Manual by Making Conforming Amendments to Chapter 4.4 of the Water System 2018 Design Criteria Manual (First Reading)**

Mark Marlowe, Director Castle Rock Water, stated the Fire department previously required larger homes to have fire suppression systems which required a separate tap into the home. For the Fire protection service lines, the resident owns from the tap to the home which is inconsistent in how we determine ownership. We have 165 in our system. For future fire protection systems, they require only one service line from the tap. Some residents are asking to abandon their fire protection line as there is enough fire protection in their area now. They can be abandoned during pavement operations. Staff and the Commission recommend approval.

Councilmember Johnson asked to clarify how many of these we have in our system. Johnson clarified how many ordinances they were approving. Mark Marlowe stated that the section of the ordinance defines the ownership and a change to the water system criteria manual which is referred to in another section of the code.

No public comment.

Moved by Councilmember Townsend, seconded by Councilmember Loban, that Ordinance 2020-007 be Approved on First Reading as presented. The motion passed by the following vote:

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

[DIR 2020-021](#)

Discussion/Direction: Douglas County Housing Partnership Fee Waiver Request

Matt Gohl, Special Projects Manager, presented an overview on a fee waiver request from the Douglas County Housing Partnership. They are requesting a \$200,000 fee waiver for the Oakwood Senior II project. Council approved the units be increased from 64 to 109 in 2019. Gohl outlined which funds would be impacted by this fee reduction. Staff recommends approval if they pull permits by the end of the year. This can be finalized administratively if Council gives that direction.

Councilmember Loban knows we have financial impacts, but it goes across to our citizens too and thinks this is a critical resource we have already committed to and feels there is a need for our citizens.

No public comment.

Councilmember Johnson voiced her support.

Councilmember Teal voiced his support.

Moved by Councilmember Teal, seconded by Councilmember Townsend, to Direct staff to approve a \$200,000 fee waiver. The motion passed by the following vote:

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

[ORD 2020-005](#)

Ordinance Amending Section 15.48.010 of the Castle Rock Municipal Code Adopting by Reference as a Primary Code the 2020 Landscape and Irrigation Performance Standards and Criteria Manual (Second Reading - Approved on First Reading on May 5, 2020 by a vote of 7-0)

Mark Marlowe, Director of Castle Rock Water, provided an overview of the changes to the manual.

No public comment.

Moved by Councilmember Johnson, seconded by Councilmember Bracken, that Ordinance 2020-005 be Approved on Second Reading as presented. The motion

passed by the following vote:

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

[RES 2020-053](#) **Resolution Approving the Second Amendment to the Intergovernmental Agreement between the Town of Castle Rock and Dominion Water and Sanitation District for the Option to Purchase and the First Right of Refusal Regarding Groundwater Rights, Easements and Related Improvements**

Mark Marlowe, Director of Castle Rock Water, presented this item that would extend Dominion's option payment to September 1 to allow us time to see if we can negotiate purchasing additional capacity in the WISE line in exchange for selling them the Cherokee groundwater.

No public comment.

Moved by Mayor Pro Tem Bower, seconded by Councilmember Johnson, that Resolution 2020-053 be Approved as presented. The motion passed by the following vote:

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

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

None.

ADJOURN

Moved by Councilmember Loban, seconded by Mayor Pro Tem Bower, to Adjourn. The motion passed by a vote of:

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

Meeting Adjourned at 8:20 pm.

Submitted by:

Lisa Anderson, Town Clerk