



## Town Council Meeting Minutes - Draft

Mayor Jason Gray  
Mayor Pro Tem Kevin Bracken  
Councilmember Ryan Hollingshead  
Councilmember Laura Cavey  
Councilmember Desiree LaFleur  
Councilmember Max Brooks  
Councilmember Tim Dietz

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Tuesday, September 19, 2023

6:00 PM

Town Hall Council Chambers  
100 North Wilcox Street  
Castle Rock, CO 80104  
Phone in: 720-650-7664  
Meeting code: 2488 705 8404  
[www.CRgov.com/CouncilMeeting](http://www.CRgov.com/CouncilMeeting)

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All times indicated on the agenda are approximate. Remote participants please visit [www.CRgov.com/CouncilComments](http://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. September 19, 2023, to be included in the public record.

### COUNCIL DINNER & INFORMAL DISCUSSION

### INVOCATION

Mayor Gray provided the Invocation.

### CALL TO ORDER / ROLL CALL

**Present:** 7 - Mayor Gray, Mayor Pro Tem Bracken, Councilmember Hollingshead, Councilmember Cavey, Councilmember LaFleur, Councilmember Brooks, Councilmember Dietz

### PLEDGE OF ALLEGIANCE

### COUNCIL COMMENTS

Mayor Gray reported we lost a teacher and a student recently.

Councilmember Brooks reminded citizens of the meeting at the Parker Library for the naming of the library in Castle Rock and feels we should continue to recognize Philip S. Miller's legacy and generosity.

Mayor Gray stated there are some people signed up for Unscheduled Public Appearances that may be wanting to speak to Item 17 where they will have four minutes to speak.

Mayor Pro Tem Bracken joined the meeting at 6:15pm.

[PROC  
2023-010](#)

**Proclamation: Honoring Castle Rock Mental Health Co-Responders and Crisis Clinicians** [For Presentation - Approved on September 5, 2023, by a vote 7-0]

Mayor Gray read the Proclamation into the record. Police Chief Cauley recognized the co-responders from CRPD and the Sheriffs Office.

**Present:** 7 - Mayor Gray, Mayor Pro Tem Bracken, Councilmember Hollingshead, Councilmember Cavey, Councilmember LaFleur, Councilmember Brooks, Councilmember Dietz

## UNSCHEDULED PUBLIC APPEARANCES

Citizens that addressed Council:

Brooke Bernstein - expressed her feelings about what occurred at Pridefest, actions by Councilmembers and members of the community and stated it is very upsetting. She wants Council to admit they were wrong and acknowledge that Jimmy Graham's protest was harmful and emotionally abusive.

Marie Brom - represented the homeowner association for Fairway Vistas that neighbor the new park in Plum Creek. They request a fence to separate the park and the backyards surrounding the public park.

Mary Wilson - wants Council to focus on Metro Districts and how they effect people and expressed her concern that there is no oversight.

Unknown - resident of the Meadows stated the construction projects in the Town are helpful and asked where the construction workers are coming from.

## TOWN MANAGER'S REPORT

[ID 2023-099](#)      **Update: Calendar Reminders**

[ID 2023-100](#)      **Update: Monthly Department Reports**

[ID 2023-101](#)      **Development Services Project Updates**

[ID 2023-102](#)      **Update: Quasi-Judicial Projects**

## TOWN ATTORNEY'S REPORT

No report.

## ACCEPTANCE OF AGENDA

**Moved by Councilmember Brooks, seconded by Councilmember LaFleur, to Accept the Agenda] as presented. The motion passed by a vote of:**

**Yes:** 7 - Gray, Bracken, Hollingshead, Cavey, LaFleur, Brooks, Dietz

## CONSENT CALENDAR

**Moved by Councilmember Cavey, seconded by Councilmember LaFleur, to Approve**

the Consent Calendar as presented. The motion passed by a vote of:

**Yes:** 7 - Gray, Bracken, Hollingshead, Cavey, LaFleur, Brooks, Dietz

[ORD 2023-022](#) **Ordinance Approving the Third Amendment to the 2023 Fiscal Year Budget by Making Supplemental Appropriations for the 2023 Fiscal Year (Second Reading - Approved on First Reading on September 5, 2023, by a vote 7-0)**

[RES 2023-115](#) **Resolution Approving a Service Agreement Between the Town of Castle Rock and Fehr & Peers for Assistance in Creating a Safety Action Plan**

[RES 2023-116](#) **Resolution Approving an Amendatory Agreement to the Second Renewal of Town of Castle Rock Services Agreement with SaBell's Civil and Landscape, LLC [*on-call concrete removal and placement services*]**

[RES 2023-117](#) **Resolution Approving a Second Amendment to the Services Agreement between the Town of Castle Rock and Techneaux for the Second Amendment to the SCADA Founders Water Treatment Plant (WTP) and Remote Sites Upgrade Project [*Multiple Castle Rock Water locations throughout Founders Village*]**

[PROC 2023-011](#) **Proclamation: Fire Prevention Week October 8-14, 2023** [For Council Action - Presentation on October 3, 2023]

[MIN 2023-017](#) **Minutes: September 5, 2023 Town Council Meeting**

## **ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS**

[RES 2023-118](#) **Resolution of the Town Council of the Town of Castle Rock Expressing its Support for the Douglas County School District's Mill Levy Override and Bond Initiatives**

No public comment.

Councilmember Hollingshead said there are misconceptions that this does not increase the amount of funding that the schools get. They have lost great teachers to other districts. The bond is needed to build new buildings.

Councilmember Dietz is supportive of the School District MLO and bond.

**Moved by Councilmember Hollingshead, seconded by Councilmember Dietz, to Approve Resolution RES 2023-118 as presented. The motion passed by a vote of:**

**Yes:** 5 - Gray, Bracken, Hollingshead, LaFleur, Dietz

**No:** 2 - Cavey, Brooks

[RES 2023-119](#) **Resolution Approving an Intergovernmental Agreement Between the Town of Castle Rock and the County of Douglas for the Purpose of Designating Structures Within the Unincorporated Limits of the County as Historic Landmarks** *[Civilian Conservation Corps Drop Structures located near the southern intersection of Castle Oaks Drive and Autumn Sage Street]*

Tara Vargish, Development Services Director, presented the item.

Leslie Moore, Consultant, gave a presentation. The site must be landmarked to be eligible for the state historical fund grant to use for repairs, provide tours and educate citizens.

***No public comment.***

**Moved by Councilmember LaFleur, seconded by Councilmember Hollingshead, to Approve Resolution RES 2023-119 as presented. The motion passed by a vote of:**

**Yes:** 7 - Gray, Bracken, Hollingshead, Cavey, LaFleur, Brooks, Dietz

[ORD 2023-023](#) **Ordinance Designating the McMurdo Gulch Civilian Conservation Corps Drop Structures Site as a Local Historic Landmark, Amending Section 15.64.060 of the Castle Rock Municipal Code, and Providing for the Emergency Adoption of this Ordinance on First and Final Reading** *[located near the southern intersection of Castle Oaks Drive and Autumn Sage Street]*

**Moved by Councilmember LaFleur, seconded by Councilmember Cavey to Approve ORD 2023-023 on An Emergency Basis as presented. The motion passed by a vote of:**

**Yes:** 7 - Gray, Bracken, Hollingshead, Cavey, LaFleur, Brooks, Dietz

[DIR 2023-026](#) **Discussion/Direction of Applications for the 2023 Third Quarter Council Community Grant Program, Four Applications**

Trish Muller, Director of Finance, gave a presentation.

Representatives from two of the organizations gave an overview of their programs:

***Citizens that addressed Council:***

Representatives from Clothes to Kids of Denver, Castle View High School's Technology Student Association Chapter, Denver Regional Mobility and Access Council, and Castle Rock Community Band spoke to explain their programs and thank Council.

**Moved by Councilmember Dietz, seconded by Councilmember Cavey to increase the grant award to \$1,000 for each recipient. The motion passed by a vote of:**

**Yes:** 7 - Gray, Bracken, Hollingshead, Cavey, LaFleur, Brooks, Dietz

[RES 2023-114](#) **Resolution Approving the First Amendment to Colorado Option and Structure Lease Agreement between the Town of Castle Rock and Cellco Partnership d/b/a Verizon Wireless [472 Ridge Road, Castle Rock CO 80104]**

Councilmember Cavey announced that she would be recusing herself from this item as she works for Verizon and feels there is a conflict of interest.

Mark Marlowe, Director of Castle Rock Water presented the item.

No public comment.

**Moved by Councilmember Hollingshead, seconded by Councilmember Dietz, to Approve Resolution RES 2023-114 as presented. The motion passed by a vote of:**

**Yes:** 6 - Gray, Bracken, Hollingshead, LaFleur, Brooks, Dietz

**Recuse:** 1 - Cavey

[DIR 2023-027](#) **Discussion/Direction: Town Code Provisions Concerning Public Indecency**

Mike Hyman, Town Attorney, presented the proposed Code amendments. Hyman recommends that we adopt the state public indecency law and indecent exposure law and exclude the felony enhancement provision as a felony is not prosecutable in municipal court. Public nudity has not been criminalized at the state level, as it is left up to the municipalities. Hyman recommends they do not include breasts in intimate parts and only simulated parts below the waist.

***Citizens that addressed Council:***

Anya Zavadil and Jay Griebing stated it has been a contentious year with hateful speech that grows the division. As a Christian, Jay said he sat down with Anya and apologized for his past remarks. They agreed on what kids should not be exposed to. Jay felt that Jimmy Graham's group held a peaceful protest. Anya feels they can search for common ground even if they do not agree with all of his views and they will be respectful of their neighbors and wants to ensure any new laws are not discriminatory.

Dana Bonham - stated that Pridefest is not the target but the catalyst of the ordinance. The parasol patrol confronted the lady she was with and she felt bullied and intimidated by people following them and taking pictures in their face. She added that Michael Clarkson was shouting her name. Bonham witnessed men peacefully protesting, and were insulted and yelled at with expletives; and they only replied with "I love you". She stated the parasol patrol said it would be nice to have daggers on the end of their parasols. Bonham reported that they were not inclusive, were grabbing their private parts in front of everyone, there was intimidation and bullying, and that it was not family friendly.

Brooke Bernstein - she announced that she has two trans kids that are normal and healthy and are transitioning. She complimented the legal team.

Mandy Mouw - she stated she has worked in the mental health field for over 20 years, and that studies show that early exposure to sexuality affects children by increased confusion, insecurity, hypersexuality, etc. She has worked with LGBTQ, furies, 3 year olds of the opposite sex, etc.; and found that the traditional lesbian and gay members are well adjusted. She stated there are high incidents of mental health issues and suicide in other members of the community from perpetuating gender confusion.

KC Neel - thanked Council for their service and making decisions that affect people. Legal has done a good job We don't have an indecency problem here, and asked if it is just men in women's clothing that is offensive. She feels core conservative principals are for less regulation not more.

Brad Berkford - represents a group of Castle Rock residents that feel it is important to protect children from indecent exposure and thanked Mike Hyman who put together his proposal, and feels the exposure of intimate parts of the body should include simulations. He is concerned that people could claim nudity is protected by free speech or worship. and asks that it be struck.

Mary Wilson - stated it isn't about indecency it is about sexual identify and how people express themselves and feels it is confusing what it means to be indecent. She feels the protest was not about protecting kids, it was to model male masculinity, and it is treading on the rights of a parent and where parents can take their kids.

Pam Long - speaking as a veteran and as a mental health professional stated she is required to notify authorities of suspected child abuse. She stated that gender disphoria is defined as a mental illness and children must be protected from people with mental illness. It is a clinical diagnosis. She asked to conduct a risk assessment.

Chad Cox - spoke two weeks ago and that video taped the event. He felt Cavey put his family at risk because she asked for prayers as she attended Pridfest.

Councilmember LaFleur stated that this topic is not appropriate for us to focus only on one group.

Councilmember Dietz stated they are not targeting one group.. Council came together and agrees.

Councilmember Hollingshead didn't feel this was necessary and felt it turned an event into a horrible scene that didn't need to happen. This law is not banning people from being transgender or drag. He said the ordinance only states don't have sex or show your genitals in public.

Mayor Pro Tem Bracken is glad this is over and we can put it behind us. We listened, we heard, we sat through meetings saying the same thing over and over again.

**Moved by Councilmember LaFleur, seconded by Councilmember Hollingshead to Direct Staff to prepare an Ordinance Concerning Public Indecency, Indecent Exposure and Nudity as presented and amend all Town policies, permits and**

agreements for the use of Town facilities as recommended by the Town Attorney.  
The motion passed by a vote of:

Yes: 7 - Gray, Bracken, Hollingshead, Cavey, LaFleur, Brooks, Dietz

[DIR 2023-028](#) **Discussion/Direction: Council Meeting Time Protocols**

David Corliss, Town Manager, provided a summary of extended meetings over the past 5 years. Any change will require a code amendment.

Councilmember LaFleur and Councilmember Cavey agreed to vote at 9:30 to continue the meeting until it ends without having to do two or more votes.

Councilmember Dietz inquired if they should allow 45 minutes at the beginning of the meeting for unscheduled public comment.

Corliss wants to ensure we get to people with scheduled items.

Councilmember Hollingshead asked if they could play it by ear if there are a lot of people to speak and how much time they allow at the beginning.

Corliss said they accept the agenda, so a Councilmember could propose more public comment time.

***Citizens that addressed Council:***

Brad Berkford - feels it is important that members of community get to speak to Council - this is the only way. There were two people that testified tonight that they came together as a result of public comment.

Dana Bonham - She emailed Council on August 26 and never got a response, and wanted to address how they call citizens to speak, and it was an issue if one Councilmember doesn't agree to extend the meeting, then speakers waited in vain. She feels listening to citizens is part of their job. She signed up online during a break at work because the website states to sign up by 1pm to speak, but she was not called on all night even after staying late. She feels if you sign up online, you should be guaranteed to speak.

Charcie Russell - She noted they had a packed house and that is a good thing for people that never came to Council before. She stated Council is here for the citizens, and they are here for them. She is happy they resolved things tonight and is glad that Pridefest didn't have sexualized behavior this year.

**Moved by Councilmember LaFleur, seconded by Councilmember Dietz, to Direct staff to prepare an ordinance to change the Town Code to require a simple majority vote at 9:30 pm to extend the meeting to complete the agenda. The motion passed by a vote of:**

Yes: 7 - Gray, Bracken, Hollingshead, Cavey, LaFleur, Brooks, Dietz

**ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES**

None.

**ADJOURN**

**Moved by Mayor Pro Tem Bracken, seconded by Councilmember LaFleur, to Adjourn. The motion passed by a vote of:**

**Yes:** 7 - Gray, Bracken, Hollingshead, Cavey, LaFleur, Brooks, Dietz

Meeting Adjourned at 8:32 pm.

Submitted by:

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Lisa Anderson, Town Clerk