



## Town Council Meeting Minutes - Draft

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

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Tuesday, May 19, 2020

5:00 PM

Virtual Council Meeting  
Online: [www.CRgov.com/May19Council](http://www.CRgov.com/May19Council)  
Meeting Code: 965 963 671  
Phone in: (720) 650-7664

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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/May19Council>, or phone in by calling (720) 650-7664, meeting code 965 963 671. All Town Council Meetings are also streamed online in real time at [www.CRgov.com/WatchCouncil](http://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](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. May 19, 2020, to be included in the public record. Agenda amended on May 19, 2020 to add item 9 under Consent Calendar: Proclamation Honoring the Class of 2020.

### EXECUTIVE SESSION

Mayor Gray called the meeting to order at 5:00 pm.

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

**Not Present:** 1 - Councilmember Townsend

[EXEC](#)  
[2020-003](#)

#### **Executive Session: Meeting with Representatives of an Executive Recruiting Firm to Discuss the Appointment of a Town Attorney**

Mayor Gray read the Executive Session Script.

**Moved by Mayor Gray, seconded by Councilmember Loban, to Recess to Executive Session. The motion passed by the following vote:**

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

**Not Present:** 1 - Townsend

### INVOCATION - Pastor David Love, Calvary Chapel Castle Rock

Mayor Gray provided the Invocation.

### CALL TO ORDER / ROLL CALL

Mayor Gray reconvened the meeting at 6:00 pm.

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

**Not Present:** 1 - Councilmember Townsend

## PLEDGE OF ALLEGIANCE

## COUNCIL COMMENTS

**Present:** 7 - Councilmember Loban, Councilmember Townsend, Councilmember Bracken, Mayor Pro Tem Bower, Councilmember Johnson, Mayor Gray, Councilmember Teal

***Councilmember Townsend joined the meeting at 6:03 pm.***

Councilmember Loban thanked everyone who connected, and Council is working hard.

Councilmember Bracken asked David Corliss, Town Manager, about the letter to Governor Polis regarding a request for a variance from the current COVID restrictions. Corliss stated staff has worked up a draft that was distributed to Council, and asked for any further direction. Bracken asked if Corliss could recap the process regarding the variance. Mayor Gray stated Town Council and the Town of Castle Rock have worked with the County and other municipalities regarding opening the community safely and are requesting for some variances. Bracken stated he has received several emails from the community, and has communicated with businesses in Town. Bracken stated he would give his personal support to businesses that open that require masks and recognize the six feet distancing.

Bracken also noted that they have spoken with the EDC and how businesses can open. He would like to look into a Common Consumption Area downtown to allow individuals to consume alcohol outside of the businesses. He also asked about allowing restaurants to put up tents in their parking lots and make it easy for them to do. Tara Vargish, Interim Development Services Director, stated staff is looking into it and will get back to Council. Corliss stated they encourage the businesses to contact the Town as soon as possible so they can look at the specific sites and will make it a staff priority.

Councilmember Teal would like to discuss Castle Rock forming their own health department and would like to direct staff to explore the creation of our own health department. Bracken wants to understand the financial dynamics that would come over from Tri-County Health. Mayor Pro Tem Bower supports this as well but feels it is a giant undertaking for the Town, and it would be a great idea to engage with the County and the other municipalities. Councilmember Loban is an advocate of this and initially brought this up and feels it would give us more local control, as his contacts have voiced they do not feel represented by Tri County. Loban is in support of some initial research and suggests contacting state legislators. Councilmember Townsend agrees we could look at and in partnership with our Commissioners. Councilmember Johnson is in support, but is concerned about the fiscal costs associated with having our own health department, and would like the Commissioners' input. Mayor Gray has had his frustrations with Tri County for many years. We would be the only municipality in the state that would have their own health department, and Gray wants to know if we are able to opt out

of things as a Home Rule municipality.

***Corliss stated they can get something to Council in email format the third week of June and can ask for additional comments from Council and have the item for the first meeting in July.***

Councilmember Teal stated this is meant to prepare the Town for the future.

**Moved by Mayor Pro Tem Bower, seconded by Councilmember Loban, to amend the motion to engage other county partners and get their thoughts before researching creating our own health department. The motion passed by a vote of:**

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

**Moved by Councilmember Teal, seconded by Councilmember Loban, to Direct staff to explore what would be required to establish a health department as a municipal department, specifically focus on services required by law, and broad metrics analysis to what costs would be, AS AMENDED to engage with other county partners to get their thoughts first. The motion passed by a vote of:**

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

[EXEC](#)  
[2020-004](#)

**Executive Session Report: Meeting with Representatives of an Executive Recruiting Firm to Discuss the Appointment of a Town Attorney - May 19, 2020**

Mayor Gray read the report of the Executive Session.

[APPT](#)  
[2020-002](#)

**Appointments to Town Boards and Commissions**

**Moved by Councilmember Townsend, seconded by Councilmember Johnson, to Approve Appointments as presented. The motion passed by the following vote:**

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

[PROC](#)  
[2020-007](#)

**Proclamation: National Public Works Week: May 17-23, 2020 (For Presentation - Approved on May 5, 2020 by a vote of 7-0)**

Mayor Gray read the Proclamation into the record.

**DIR 2020-022**

**Reopening Letter to Governor's Office**

Councilmember Johnson thanked the Facilities team keeping our staff and residents safe and preparations for staff to return to Town buildings.

Mayor Pro Tem Bower stated he has not had time to read the letter to the Governor, and would have to abstain if Council votes on sending the letter tonight. Bower noted that Council took action to take care of its own residents first. He noted that the Governors press conference on Monday did not give specific dates for re-openings. He would like to create Common Consumption alcohol in downtown, and make common consumption days, and maybe use our special events permits. Corliss stated an email was sent out during the meeting

requesting feedback on proposed restaurant guidelines and will provide proposed comments to Council later this week. Councilmember Bracken asked if we can hold off on the signatures pending Mayor Pro Tem Bower's approval. Bower asked if we should read through that information first prior to sending the letter. Councilmember Teal feels there is value to sending the letter out now on the heels of the letter from Parker. Councilmember Townsend feels we should send the letter out now. Councilmember Bracken is in support of sending out the letter. Mayor Pro Tem stated he just read the letter and is in support of it. Mayor Pro Tem Bower asked if staff could look into a Common Consumption area.

Mayor Gray wants to triple outside areas if possible. Businesses depend on restaurants where people visit them before or after they go to a restaurant and feels we need to get open.

Councilmember Bracken asked about the activity in the Chamber and EDC. Mayor Gray stated we acted quickly on one grant and two loan programs, and have demonstrated how much we care about our community along with the DDA and DMA to help everyone open quickly and safety. Mayor Gray encouraged residents or business owners that have questions to reach out to the DMA, EDC, Chamber or Town staff.

**Moved by Mayor Pro Tem Bower, seconded by Councilmember Loban, to Direct Staff to come back with a common consumption proposal that can be established quickly on a temporary basis. The motion passed by the following vote:**

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

**Moved by Mayor Pro Tem Bower, seconded by Councilmember Loban, to send the letter to the Governor as presented. The motion passed by the following vote:**

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

## UNSCHEDULED PUBLIC APPEARANCES

No public comment.

## TOWN MANAGER'S REPORT

### [DIR 2020-020](#)

#### **Discussion/Direction: Follow up on Design Review Board**

David Corliss, Town Manager, presented a powerpoint on the Design Review Board question. Corliss asked if Council wanted this on a future agenda. Mayor Pro Tem Bower feels it is good to go through the boards from time to time, but feels this is a very well made up board and has good discussion and supports leaving it as is. Councilmember Johnson would support having this brought back to Council for a decision on previous recommendations. Councilmember Teal supports bringing this back to Council and hear from the Design Review Board members, and change how downtown development is handled. Councilmember Loban feels it is working well and doesn't see any reason to change it. Councilmember Townsend concurs with Loban. Councilmember Bracken originally wanted to be able to have Council approval as they are the ones responsible and get the phone calls. He is now a little more comfortable with who is in there and their leadership and feels they have done a good job. He is

comfortable now, and will bring it up in the future if there is an issue. Mayor Gray likes the make up of the board and realizes that sometimes it does come back on us. It pushes for growth that helps downtown businesses.

***Mayor Gray noted that there are not four Councilmembers that have voiced their support to bring this item back.***

[ID 2020-052](#)

**Update: Monthly Department Reports**

A video was played that summarized the monthly department reports.

Corliss stated staff has sent Council information that we may receive some CARES funding directly to the Town.

[ID 2020-053](#)

**Update: Quasi-Judicial Projects**

[ID 2020-054](#)

**Development Services Projects Updates**

## TOWN ATTORNEY'S REPORT

Bob Slentz, Town Attorney, stated that the Court of Appeals has sided with Aptiva that overrules our 7pm curfew and feels the best use of our time is a more forward looking view.

***Consensus of Council to not do anything further on the Aptiva case.***

## ACCEPTANCE OF AGENDA

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

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

## CONSENT CALENDAR

[PROC  
2020-008](#)

**Proclamation Honoring the Class of 2020** *[added on May 19, 2020 for Council Action - Presentation on June 2, 2020]*

[RES 2020-050](#)

**Resolution Approving a Reallocation of Authorized Funds for the Gordon Drive Improvement Project** *[Memmen's Subdivision, South of Fifth Street and East of Valley Drive]*

[MIN 2020-010](#)

**Minutes: May 5, 2020 Town Council Meeting**

**Moved by Councilmember Loban, seconded by Councilmember Johnson to approve the Consent Calendar as read. The motion passed by a vote of:**

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

## ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[DIR 2020-017](#)

**Discussion/Direction: Reservoir Road Wireless Cell Facility Height**

### **Increase Request**

Tara Vargish, Interim Development Services Director, introduced Brad Boland, Staff planner to present the item. Boland stated this property is northeast of downtown and south of 5th street. This site was approved prior to the skyline ridgeline ordinance. They proposal a co-location for AT&T to add to the tower and increase the height from 105 feet to 125 feet. This could be beneficial to Castle Rock Water, first responders, and increase service to citizens.

Councilmember Loban asked what type of tower it is. Boland replied that American Tower indicated that AT&T would be installing 4G antennas onto the towers.

Councilmember Johnson asked what Castle Rock Water would want to do. Mark Marlowe, Director of Castle Rock Water, stated they could see benefits down the road with communications and advanced metering. They have not evaluated current or future improvements and if they want to move their equipment up to the top of the tower.

David Allen from American Tower stated it would improve coverage for first responders, the community and possible improvements for Castle Rock Water in the future.

No public comment.

**Moved by Councilmember Townsend, seconded by Councilmember Teal, to move forward per staff's recommendation. The motion passed by the following vote:**

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

### [DIR 2020-018](#)

### **Discussion/Direction: Pine Canyon Planned Development - Douglas County Referral**

Tara Vargish, Interim Director of Development Services presented the item. It is within unincorporated Douglas County central to the Town, west of I-25 and east of I-25 to Founders Parkway and consists of 540 acres. In December 2013 they requested annexation and zoning. They worked with staff for four years and have remaining comments not resolved. In August 2016 Douglas County chose not to renew the Land Use IGA with the Town. April 2020 they withdrew their request and then submitted their planned development and rezoning to Douglas County. The Town provides referral comments to Douglas County. They increased their residential units from 1,300 to 1,800 with the County. The development would use Liggett, Front, Woodlands and Founders streets. Our Skyline Ridgeline requirements are for Town properties only and are not enforceable if they are in the county. The future residents will most likely identify themselves as Castle Rock residents and will be utilizing our parks, trails, and streets. We will not be collecting building permit fees, but will still have the same impact on our Parks and Trails, and our roads. If this site develops in the County vs. the Town, we would lose Parks and Recreation Impact Fees and Transportation Impact Fees. They are proposing their own water and sanitation districts and 100% non-renewable water which does not meet the County's standards, and will have an impact on our existing well infrastructure. Their stormwater will have downstream impacts to East Plum Creek, and we would not be able to collect those impact fees.

Wastewater treatment is also an issue because it would discharge into East Plum Creek with no control if they are meeting the standards. The State encourages regional treatment plants, and a treatment plant in the middle of development is undesirable due to odor and truck traffic.

Vargish went over key issues, open space dedication, transportation, water resources, wastewater, stormwater and urban level development. No impact fees would be collected for those impacts.

Councilmember Loban noted all the impacts to the Town. Bob Slentz, Town Attorney, stated they are assembling a legal team to present Council with options. A lot of the open space would be destroyed and the remaining would not be accessible to those outside of that community. Mark Marlowe stated the Colorado Department of Health and Environment would have to approve their water reclamation facility and we would be part of that approval process.

Staff recommends direction to formalize an opposition to rezoning in unincorporated Douglas County at urban levels and bring that back to Council for review and consideration and if Council wants to formalize it in a Resolution.

Citizens that addressed Council:

Jim Hamstra appreciated comments from Council and staff and is not supportive of the Open space plan. He is concerned that half of the retention ponds border Escavara and Woodlands and is unsure if their runoff plan would work.

Mark Marlowe will review their stormwater plan.

Online comments were entered into the record.

Councilmember Teal noted that they would not be residents of the Town or be represented, and that the open space would not be accessible to Town residents. He is in support of opposing this development, and is disappointed that we were not able to come to an agreement with them and feels this property should be in the Town.

Councilmember Townsend feels it is unfortunate that the development is advantageous to the Town but they have chosen to develop outside of Town and support disapproval.

Councilmember Johnson is in favor of opposing the development and we should look at legal means to prevent it.

Councilmember Bracken stated that all the borders of the neighboring communities will not have to comply with any of our zoning regulations and feels we should oppose.

Mayor Gray stated we were hoping to work this out with the owners that are long time Douglas County residents. He stated he is opposed to it as well.

Councilmember Loban stated it is appropriate to be developed in the Town.

**Moved by Councilmember Townsend, seconded by Councilmember Johnson, to Direct Staff to formalize opposition to rezoning in unincorporated Douglas County at urban levels and bring back to Council for review and consideration. The motion passed by the following vote:**

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

[DIR 2020-019](#) **Discussion/Direction: Local Business Support Efforts**

David Corliss, Town Manager, stated they honed in on additional tactics to quickly and successfully open Castle Rock businesses.

Kristin Read, Assistant Town Manager, summarized that they have \$1.3M in programs in place - COVID-19 Small Business support grant program, local business loan program, COVID-19 KIVA community loan program, and water bill assistance. The Town has worked with the Chamber and Downtown Alliance to develop a brand to use across social media and reflect support for the community and highlight businesses. Additional options considered are banners, advertisements, printed materials, and work with local celebrities to promote businesses and work with a media strategist.

Downtown support efforts include temporary curbside pick up parking spaces and tables and chairs to encourage dining throughout downtown. Discussions are occurring about common consumption areas, bingo card games, downtown restaurant week, and using chalk to spread positivity.

Possible incentive programs discussed are a Castle Rock Cash program, promoting participating businesses using mobile apps, cashmobs, and a town-wide mailer.

Frank Gray, CEO of the Economic Development Council, provided an update on \$135,000 in KIVA loans with more in the pipeline. They hope to wrap up final negotiations with a bank to offer 0% loans.

Councilmember Bracken feels the first step is to open and we need to broadcast the message to residents to spend money here.

Mayor Pro Tem Bower feels all the ideas are good and doesn't want to have too many things going to confuse people. He is for stripping away rules, and wants to do common consumption. He feels the marketing expert is a good idea.

Councilmember Teal agrees to get common consumption going downtown, and supports a marketing expert, in-Town currency, and expanding outdoor seating quickly.

Councilmember Johnson supports the marketing expert and is in support of promoting our businesses.

Councilmember Loban thinks they are all great ideas. He feels the marketing professional will be able to give us guidance on these programs and their effectiveness.

Frank Gray stated they would use the media resource who works with writers of stories and a retail consultant to draw people in.

Citizens that addressed Council:

Pam Ridler, Chamber of Commerce, agrees that we have marketing experts in Town that we should utilize.

Mayor Pro Tem Bower feels if we market ourselves we could be at an advantage.

Mayor Gray feels we can capitalize on Castle Rock to spend your day here, and is in support of common consumption.

**Moved by Councilmember Loban, seconded by Councilmember Bracken, to Authorize Staff to move forward with their efforts. The motion passed by the following vote:**

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

[ORD 2020-006](#) **Ordinance Approving a Tank Site Easement Option Agreement between the Town of Castle Rock, Colorado and PV, LLC (First Reading)**

Mark Marlowe, Director of Castle Rock, presented and took public comment on Ordinance 2020-006 and Resolution 2020-051 together and will vote on separately.

A suspension agreement was put in place on the purchase of water rights approved this year to give us more time to evaluate our economic condition before we pull the trigger on the purchase of those water rights. Lost Creek water rights were purchased in 2017. They would like the option to buy back the pipeline capacity and tank site easement for the same price. Council needs to approve the potential tank site purchase as an Ordinance because it is property, and the pipeline as a Resolution. If we close on the water rights, we would then convey the pipeline capacity and tank site easement to them. If we don't close, they would have the option to buy the capacity and the tank site easement. Marlowe noted that we do not need that infrastructure.

Councilmember Loban asked if we intend to buy the water rights. Marlowe stated they are monitoring system development fee revenue in the current conditions and wanted the 90 days to see how things go.

***No public comment.***

**Moved by Councilmember Johnson, seconded by Mayor Pro Tem Bower, that Ordinance 2020-006 be Approved on First Reading as presented. The motion passed by the following vote:**

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

[RES 2020-051](#) **Resolution Approving the Third Amendment to the Contract for Purchase and Sale of Water Assets and Water Line Capacity (Lost Creek)**

Mark Marlowe, Director of Castle Rock, presented and took public comment on Ordinance 2020-006 and Resolution 2020-051 together and will vote on separately.

***No public comment.***

**Moved by Councilmember Loban, seconded by Councilmember Townsend, that Resolution 2020-051 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 Mayor Pro Tem Bower, seconded by Councilmember Loban, to Adjourn. The motion passed by the following vote:**

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

Meeting Adjourned at 9:09 pm.

Submitted by:

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Lisa Anderson, Town Clerk