



Town Council Meeting Minutes - Final

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

Tuesday, September 5, 2023

6:00 PM

**Town Hall Council Chambers
100 North Wilcox Street
Castle Rock, CO 80104
Phone in: 720-650-7664
Meeting code: 2495 775 9611
www.CRgov.com/CouncilMeeting**

This meeting is open to the public and will be held in a virtual format in accordance with the Town Council Electronic Participation, Connected, and Hybrid Meeting Policy. Public may choose to attend in person at Town Hall, or electronically or by phone if preferred. This meeting will be hosted online and can be accessed at www.CRgov.com/CouncilMeeting, or phone in by calling 720-650-7664, meeting code 2495 775 9611 (if prompted for a password enter "Sept5Council"). 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. Remote participants 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. September 5, 2023, to be included in the public record.

COUNCIL DINNER & INFORMAL DISCUSSION

RECESS TO EXECUTIVE SESSION

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

[EXEC
2023-001](#)

Executive Session: Determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators on matters concerning Castle Rock Water under C.R.S. §24-6-402(4)(e)(I)

Moved by Mayor Pro Tem Bracken, seconded by Councilmember Cavey, to Adjourn to Executive Session EXEC 2023-001. The motion passed by a vote of:

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

INVOCATION - Pastor Shawn Young, Cornerstone Presbyterian Church

Meeting Reconvened at 6:00 pm.

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**

Bracken stated that the public comment in the last 5 meetings extended their meetings. He would like to make a motion to end the meetings promptly at 10pm if they get through their regular agenda. He proposes meetings end at 10; and if regular business isn't finished, a unanimous vote to extend. He stated the same people are making comments and extending our meetings. He asked staff to come back with instances we extended meetings, the subject matters, were there additional public comments, was it mismanagement, or were there too many items on our agenda. He feels we should only extend if there are more business items.

Corliss stated that Town law requires him to put the agenda together; and if it is not put together well, to put it on him. Staff will look at 2-3 years of minutes and look at when it has been extended. Corliss stated it is infrequent that we have unscheduled public comment at the end of the meeting.

Bracken wants instances of public comment after the meeting and instances we extended regular meetings outside the normal course of action. He stated he is not opposed to public comment at the end of the meeting, but they need to end at an appropriate time.

Mayor Gray requested they receive information on why the public comment policy changed.

Dietz stated we serve at the people's convenience. He wants a majority vote to extend past 10pm and if a Councilmember can't be there they are free to leave. He is in support of getting the information from staff first.

Corliss stated it would require an ordinance amendment if those rules change.

Consensus to direct staff to present information on frequency of extended meetings, if there was public comment that caused the extension or mismanagement of the agenda.

Council Comments:

Gray shared the Library Grand Opening last week had twice as many attendees as they expended. ArtFest is coming up next week.

Hollingshead congratulated Castle Rock Pride on a successful Pridefest and felt it was family friendly and that it was because of the County's conversations with the event holder. He feels rhetoric activates extremists.

Cavey stated she serves for the public and if people want to speak then it is their right. We only have two meetings a month so this is their time to talk to Council and supports only a majority vote to extend meetings.

Brooks stated the Library Grand Opening had about 10,000 people. He reminded

citizens to voice their opinion about renaming the library from Philip S. Miller whose trust continues to give them money. Council signed a letter that the legacy should be honored. He encouraged citizens to voice their opinion. He thanked staff for being at his open house.

Motion by Dietz, seconded by LaFluer to increase quarterly grants from \$2,000 to \$4,000.

Motion passed unanimously.

Corliss stated it is already in the 2024 budget, but this can be for the remaining 2023 grants.

Bracken reiterated he wants the extension change because regular agenda items are cut short from unscheduled public comment.

[ID 2023-092](#)

Presentation: Dumb Friends League, Colorado Humane Society and the Buddy Center - Katie Parker, Vice President of Operations

Katy Parker, Vice President of Sheltering from the Dumb Friends League gave a presentation. She stated they have been in Colorado since 1910 and they provide shelter, medical care, equine welfare, and investigate animal cruelty. The Buddy Center opened in 2002 and provide animals shelter for law enforcement. They have had to limit their intakes over the last 6 months due to an increase in strays, staffing issues, increase in workload, more cruelty and neglect cases, increase in medical and behavior needs, and increased costs.

Cavey thanked her for coming and feels it is important for the community to know about it. She encouraged people to adopt, donate time, and donate money. Katy stated the animals are from this community so it helps our community.

Brooks asked how many animals are ready for adoption. Katy stated 120 dogs, 400 cats, and 90 small animals are available across the three shelters. Brooks asked if they accept food donations and Katy said they take all kinds of donations.

Cavey added that they can have a booth at some of the events and offered to help facilitate that.

UNSCHEDULED PUBLIC APPEARANCES

Citizens that addressed Council:

Chad Cox is a father of five, husband, prior Navy, and is pro protecting families and is part of the LGBTQ community. He said Pridefest was successful and thanked them for putting on the event and that everyone was safe. We knew there would be protestors and that they were there to protect children because he said the militia missed the mark and made children cry and scared them to death with a threatening presence. He stated they don't trust the community and are fearful. He asked for Cavey's resignation for putting his family in danger.

Martha Richards asked what Able Shepherd were protecting children from. She stated Caste Rock is getting more diverse and to end the era of ignorance and

fear.

Michael Clarkson is a resident and member of the LGBTQ community. He stated the rhetoric could have created a disaster and they came to instill terror from Able Shepherd. They were accused of being groomers and they used children as human shields to prevent police from removing them.

Angela Thomas resident stated 65 extremists disrupted the Pridefest - a sign of LGBTQ hate. She said the militia is lying about their role. She said they don't want to co-parent with conservative protestors. They intimidate children and LBGTQ and don't leave and said they should be charged for stopping the event.

Brooke Bernstein volunteered at PrideFest. She said the drag show was G rated and they publically admitted they last year. She thanked them for putting on a family friendly event. She said the protestors intimidated them and Jimmy Graham's protest harmed children.

Art Kerkezian co-chair of Pridefest said it was successful, there was no nudity or obscenity this year. He alleged mishandling of the liquor permit by Town personnel. He stated Jimmy was targeting children and they were harmed. He said they were crying, traumatized, fearful, and that Dietz and Cavey who asked people to pray for her at the event. He stated they are the only ones that are truly protecting children. He asked Council to look for hate crime language when they review their laws.

Miranda Stewart is a parent and a member of the LBGTQ community and went to Pridefest. She said it was the most family friendly Pride event except for the threatening behavior of the protestors. She wants laws to protect them from people that harmed them. Police should have stopped the protest.

Pasha Ripley, co-founder of the Parasol Patrol, said their purpose is to shield children from protestors the threaten, intimidate, terrorize and scare kids. She said they didn't protect kids, they traumatized them.

Juli Watkins, resident on behalf of the Parasol Patrol said they invaded their safe space and there was an outside hate group. She stated protestors blocked walkways and obstructed their view. She feels hate crimes were committed and they should be prosecuted, and that whoever allowed protestors should be held accountable.

TOWN MANAGER'S REPORT

[ID 2023-093](#)

Update: Calendar Reminders

[ID 2023-094](#)

Presentation of the 2022 Annual Comprehensive Financial Report (ACFR) and 2022 Popular Annual Financial Report (PAFR)

Trish Muller, Finance Director, and the auditor presented the audit of the 2022 financial statements.

[ID 2023-095](#)

Update: Second Quarter Financial Review, Period Ending June 30,

2023

[ID 2023-096](#) **Development Services Project Updates**

[ID 2023-097](#) **Update: Quasi-Judicial Projects**

TOWN ATTORNEY'S REPORT

No report.

ACCEPTANCE OF AGENDA

Moved by Mayor Pro Tem Bracken, seconded by Councilmember LaFleur, to Approve the Agenda as presented. The motion passed by a vote of:

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

CONSENT CALENDAR

Moved by Mayor Gray, seconded by Councilmember LaFleur, to Approve the Consent Calendar as presented. The motion passed by a vote of:

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

[ORD 2023-019](#) **Ordinance Authorizing the Exercise of the Town's Powers of Eminent Domain to Acquire Certain Real Property Interests Necessary for the Fifth Street Widening Project (Second Reading - Approved on First Reading on August 15, 2023, by a vote 7-0)**

[ORD 2023-020](#) **Ordinance Authorizing the Exercise of the Town's Powers of Eminent Domain to Acquire Certain Real Property Interests Necessary for the East Plum Creek/Sellars Gulch Confluence Project (Second Reading - Approved on First Reading on August 15, 2023, by a vote 7-0) *[Downtown Castle Rock]***

[ORD 2023-021](#) **Ordinance Authorizing the Exercise of the Town's Powers of Eminent Domain to Acquire Certain Real Property Interests Necessary for the Plum Creek to Rueter-Hess Reservoir Pipeline Project (Second Reading - Approved on First Reading on August 15, 2023, by a vote 7-0) *[Northern Castle Rock and Eastern Castle Pines]***

[PROC 2023-010](#) **Proclamation: Honoring Castle Rock Mental Health Co-Responders and Crisis Clinicians [For Council Action - Presentation on September 19, 2023]**

[MIN 2023-016](#) **Minutes: August 15, 2023 Town Council Meeting**

ID 2023-098 Agenda item

Item 11 - Brooks moved to reconsider item 11, Ditez.

Moved by Councilmember Brooks, seconded by Councilmember Dietz, to Reconsider RES 2023-107. The Motion passed by:

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

[RES 2023-107](#) **Resolution Ratifying the Master Services and Purchasing Agreement and the First Amendment Thereto with Axon Enterprise, Inc.; And Approving the 2023 Invoice for the Annual Maintenance Costs Cameras**

Item was removed from the Consent Calendar after a Motion to Reconsider.

Cavey recused herself from voting on the item due to a business relationship with her employer.

Moved by Councilmember Brooks, seconded by Councilmember Dietz, to Approve Resolution RES 2023-107 as presented. The motion passed by a vote of:

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

Recuse: 1 - Cavey

QUASI JUDICIAL HEARINGS

Mayor Gray read the script and no member of Council voiced any conflict of interest. Anderson, Town Clerk, confirmed the item was advertised.

[RES 2023-108](#) **Resolution Finding That the Petition for Annexation Submitted by the Town of Castle Rock is in Substantial Compliance with Article II, Section 30(1)(B) of the Colorado Constitution And Section 31-12-107(1), C.R.S.; and Setting a Date, Time and Place for the Hearing Prescribed Under Section 31-12-108, C.R.S. to Determine if the Subject Property is Eligible for Annexation under Article II, Section 30 of the Colorado Constitution and Sections 31-12-104 And 31-12-105, C.R.S. (Crowfoot Valley Road Annexation)**

Tara Vargish, Director of Development Services, presented the item.

Moved by Councilmember Brooks, seconded by Councilmember Cavey, to Approve Resolution RES 2023-108 as presented. The motion passed by a vote of:

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

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[DIR 2023-025](#) **Discussion/Direction: Douglas County School District Mill Levy Override and Bond Initiatives**

Corliss packet contains information from Douglas County School District information and the Resolution Council adopted last year supporting their ballot issue.

No public comment.

Moved by Councilmember Dietz, seconded by Councilmember Hollingshead, to Direct Staff to prepare a letter supporting the School District Bond and Mill Levy. The motion passed by a vote of:

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

No: 2 - Cavey, Brooks

RES 2023-113 Resolution Expressing the Town Council's Support for the Submission of an Application for a Grant from the Great Outdoors Colorado Land Acquisition Program for the Lost Canyon Ranch Project [6581 Lost Canyon Ranch Road in unincorporated Douglas County]

Jeff Brauer, Director of Parks and Recreation provided an overview of the property.

Brooks confirmed they would retain water rights.

Cavey feels we can protect wildlife and have generations to enjoy the property and is in support.

No public comment.

Moved by Councilmember Brooks, seconded by Councilmember Cavey, to Approve Resolution RES 2023-113 as presented. The motion passed by a vote of:

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

RES 2023-111 Resolution Approving an Intergovernmental Agreement with the State of Colorado for the Industrial Tributary Trail [connecting Philip S. Miller Park to Downtown Castle Rock via the East Plum Creek Trail]

Jeff Brauer, Director of Parks and Recreation presented the item. This proposal connects downtown to Philip S. Miller Park. There is a \$4.9M grant for engineering and design, funds from Millers Landing and Brickyards for \$1.9M, and they will pay the difference through the annual trails account. CDOT requires we enter into an IGA before we do any design work. The plan is 2024 Design and permitting, and construction in 2025. .

Cavey asked what CDOT has to do with this. Corliss stated CDOT has access to federal funds for multimodal functions like bike paths, trails, etc. They put out an RFP for grant applications. This is money available for this type of project.

No public comment.

Moved by Councilmember Cavey, seconded by Councilmember Hollingshead, to Approve Resolution RES 2023-111 as presented. The motion passed by a vote of:

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

RES 2023-112 Resolution Approving a Grant Application to the Land and Water Conservation Fund for Improvements at Centennial Park [22 N. Gilbert St.]

Jeff Brauer, Director of Parks and Recreation presented the project at Centennial Park north of South Street and east of Gilbert Street. The tennis courts have been there for 40+ years and are in disrepair, have accessibility issues, and have degraded infrastructure. These funds are from offshore drilling revenues to protect wildlife and enhance recreation opportunities. The park was initially funded by this program and they are looking at refurbishing previous projects. The plan is to refurbish two of the tennis courts and replace one with a pickle ball court, replace fencing, create shade and accessibility. The cost is about \$1.75M with \$800k grant and the rest from the Conservation Trust Fund to complete it within three years.

Brooks asked if that fund is only funding projects they originally funded. Brauer stated they will focus on refurbishing but are open to other projects as well.

Cavey asked if there is anything else at that park. Brauer stated it also includes pavilions, a playground, multipurpose sports field/detention facility, baseball infield, Burgess Pool, parking lot, and it transitions to an open space area leading up to the tennis courts. Cavey asked if we would be refurbishing other facets of it. Brauer stated they have over time - the Burgess pool and playground over the last 8 years, the pavilions are in reasonable shape, and the other facilities are in good shape.

LaFleur stated prior Councilmember Bower has voiced his support.

No public comment.

Moved by Councilmember LaFleur, seconded by Councilmember Brooks, to Approve Resolution RES 2023-112 as presented. The motion passed by a vote of:

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

[RES 2023-106](#)

Resolution Waiving Formal Written Bidding Requirement on the Basis of Sole Source and Approving a Construction Contract with Saunders Construction, Inc., for the Recreation Center Slide Tower Removal and Replacement [Location: 2301 Woodlands Blvd]

Jeff Brauer, Director of Parks and Recreation, presented the item. The knew they would lose revenue during this repair and are asking for a sole source for Saunders as they built it originally. The are looking at April 2024 for completion.

Gray asked if it is worth spending the money for. Brauer stated their participation and use keeps going up so it is.

No public comment.

Moved by Councilmember LaFleur, seconded by Councilmember Cavey, to Approve Resolution RES 2023-106 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 (First Reading)

Trish Muller, Director of Finance, presented the budget amendment that consisted of remodeling the Recreation Center slide tower, Design cost for the Tributary Trail, Fire software, and the SRO reimbursed by Aspen View Academy.

Brooks confirmed that the SRO cost includes equipment and vehicle.

No public comment.

Moved by Councilmember Brooks, seconded by Councilmember LaFleur, to Approve Ordinance ORD 2023-022 as presented. The motion passed by a vote of:

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

[ORD 2023-017](#) **Ordinance Approving the Second Amendment to The View at Castle Rock Redevelopment and Financing Agreement Between the Town of Castle Rock, the Castle Rock Downtown Development Authority and Castle Rock View Investors, LLC (Second Reading - Approved on First Reading on August 15, 2023 by a vote 5-2)**

Corliss summarized the first reading presentation with no change from first reading. Kevin Tilson and the developer are online if there are any questions.

Mayor Gray asked what would happen if it was denied. Corliss feels they have made progress on the project but have faced unforeseen delays.

No public comment.

Moved by Councilmember LaFleur, seconded by Councilmember Hollingshead, to Approve Ordinance ORD 2023-017 as presented. The motion passed by a vote of:

Yes: 5 - Gray, Bracken, Hollingshead, LaFleur, Brooks

No: 2 - Cavey, Dietz

[ORD 2023-018](#) **Ordinance Amending Section 17.48.090 of the Castle Rock Municipal Code Regarding the Approval of Variances from the Town's Skyline/Ridgeline Protection Regulations (Second Reading - Approved on First Reading on August 15, 2023 by a vote 6-1)**

Tara Vargish, Director of Development Services, presented the item and summarized the first reading with no changes. A single lot would come before Town Council, and multiple lots would go to Planning Commission for recommendation and Council for final action.

No public comment.

Moved by Brooks, seconded by Cavey, to Approve ORD 2023-018 on Second Reading. The motion passed by:

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

[RES 2023-109](#) **Resolution Authorizing the Town Manager to File an Affordable**

**Housing Commitment with the Colorado Department of Local Affairs
Pursuant to Proposition 123 and State Law and Acknowledging the
Town's Commitment to a Regional Partnership with Douglas County
Jurisdictions to Meet Affordable Housing Goals**

Tara Vargish, Director of Development Services, presented the item. The objective is to increase affordable housing 3% each year in the state. Communities must commit to this for three years which is 277 affordable units by 12/31/26. If we don't meet that then it makes us ineligible for the next round of funding in 2027. It would be 1,203 units county-wide so if a jurisdiction exceeds theirs, it would go towards the other jurisdictions that need it. Lone Tree has approved it, and some are scheduling discussions. They recommend filing the commitment with DOLA to work with DCHP.

Cavey asked how much are the funds and how must they be used. Vargish stated the funding changes depending on the revenue the state brings in. We aren't allocated a certain amount. Each project will have access to this additional funding. They are working on other projects that are currently zoned. The IGA agrees that any project that exceeds our requirement could be distributed to other jurisdictions. DCHP is the one that applies for the funds if the Town opts into the program.

Cavey confirmed we compete for the funds for each project.

Dietz confirmed that the funds must be used for that project.

Citizens that addressed Council:

Lillian Adams asked them to vote No as it impacts TABOR refunds.

Cavey asked if it does affect TABOR. Corliss stated it does, but voters approved it. It took these funds out of the TABOR calculation. The only way to change it is to repeal that. Cavey asked what are the repercussions if we opt out. Corliss stated opting in allows funding to come for those projects. Citizens voted that .1% of income tax can only go to this program and are not eligible for a TABOR refund. Cavey confirmed that the .1% is already set aside and opting out does not affect it. Cavey confirmed that this is permanent. It is permanent unless it is voted to change it.

**Moved by Mayor Gray, seconded by Councilmember Dietz, to Approve Resolution
RES 2023-109 as presented. The motion passed by a vote of:**

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

[RES 2023-110](#)

**Resolution Approving the Service Plan for the Crystal Valley Shops
Metropolitan District; and Authorizing the Execution of an
Intergovernmental Agreement By and Between the Town of Castle
Rock and the District**

Mike Hyman, Town Attorney, presented the item and stated the parcel is about 6 acres at Crystal Valley Parkway and Plum Creek Boulevard that is entirely commercial. Maximum debt levy of 50 mills and overall mill levy of 60 mills with 35

years debt service. Must submit refinancing to Council for comment and must impose a regional mill levy of 5 mills that goes to the Town. Staff believes that they meet all the recommendations and recommend approval.

Jennifer Ivy on behalf of the developer presented the project information and timing. It will consist of 26k sf restaurant/retail, 4 buildings on 2 lots. Construction is planned to begin in 2024. The Town will still approve land use.

Dietz clarified that the mil levy is on this commercial property and no residents will be paying this. Corliss stated once Council approves, it is established but they will still approve land use. Ivy stated this is an independent unit of government and not part of the Town.

Cavey asked why we are doing this on a commercial property and confirmed that the property owner pays this. Cavey feels this will be passed down to the tenants and then the customers and asked why would we do this. Corliss explained it is how they fund the infrastructure and those costs will be passed on no matter how they fund them.

No public comment.

Cavey asked if this is the only vote. Corliss stated it is the only vote and is independent of land use.

Moved by Councilmember Dietz, seconded by Councilmember Brooks, to Approve Resolution RES 2023-110 as presented. 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 Cavey, to Adjourn. The motion passed by a vote of:

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

Meeting adjourned at 9:42 pm.

Submitted by:

Lisa Anderson, Town Clerk