



Town Council Meeting Minutes - Draft

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

Tuesday, September 15, 2020

6:00 PM

**Council Chambers
100 N. Wilcox Street
Castle Rock, CO 80104
Phone in: 720-650-7660
Meeting Code: 146 516 1084
www.CRgov.com/Sept15Council**

This meeting is open to the public. All times indicated on the agenda are approximate. This meeting is open to the public and will be held in a virtual format in accordance with Town Council Meeting Special Procedures During Declared Disasters. Public may choose to attend in person at Town Hall, or electronically or by phone if preferred - remote participation is encouraged. This meeting will be hosted online and can be accessed at www.CRgov.com/Sept15Council, or phone in by calling (720) 650-7664, meeting code 146 516 1084 (if prompted for a password enter "Sept15Council"). 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 15, 2020, to be included in the public record.

COUNCIL DINNER & INFORMAL DISCUSSION

INVOCATION

Councilmember Bracken provided the Invocation.

CALL TO ORDER / ROLL CALL

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

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Councilmember Townsend expressed his heartfelt sorrow for the recent events involving officers of the law and thanked the community that have reached out to them and the officers that do an amazing job for our Town. Townsend wanted our Police officers to know how much we appreciate and support them during this difficult time.

Councilmember Teal would like to consider a Resolution in opposition of Proposition 113 that will be on the ballot regarding the National popular vote. Teal summarized that the largest states determine who becomes our President. Mayor Pro Tem Bower stated they will come back to that item after Council Comments.

Councilmember Johnson stated she is getting better and started physical therapy and is making progress. She thanked everyone for their prayers. Johnson referenced the sales tax report and wanted to clarify if the downtown sales tax was accurate on the report as she thought it was down by 10%.

Mayor Gray stated they were delayed getting back from vacation so is attending remotely. He stated that he is down 45% for the year and some businesses are close to \$100,000 down. Johnson clarified that she was commenting on the Town's sales tax revenues.

[APPT](#)
[2020-005](#)

Appointment: Board of Adjustment

Moved by Councilmember Teal, seconded by Bower, to Approve the Appointment as presented. The motion passed by the following vote:

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

Councilmember Teal would like to propose a Resolution to oppose Proposition 113.

Mayor Pro Tem Bower stated he would want to think about it for a few weeks.

Mayor Gray would like staff to review and present to Council.

Councilmember Bracken wants to find out more.

Councilmember Johnson is not familiar with taking positions on items, and thought Councilmembers were non-partisan and did not take sides.

Mayor Pro Tem Bower would like to have staff review and bring to Council.

Moved by Councilmember Teal, seconded by Councilmember Bracken to Direct Staff to brief Council on opposing the national popular vote ballot question that will appear on the November 3, 2020 election as Proposition 113. The motion passed by the following vote:

Yes: 5 - Townsend, Bracken, Gray, Teal, Bower

No: 1 - Johnson

UNSCHEDULED PUBLIC APPEARANCES

Individuals that addressed Council:

Will Hackes - non-resident from Haystack Road. He asked the Town Attorney if they would look at a conflict of interest for a Councilmember that stated that the View project would benefit his business. He additionally stated a Councilmember asked other Councilmembers not to ask any more questions so they could end the meeting. He asked if it is getting late, that items should be continued.

TOWN MANAGER'S REPORT

David Corliss, Town Manager, noted calendar items coming up through

November; and that they plan to have a light agenda on November 3rd to enable Council to adjourn early as it is Election night.

[ID 2020-094](#)

Update: Monthly Department Reports

David Corliss, Town Manager, noted highlights from departments in the report.

[ID 2020-095](#)

Update: Administrative Easement Grant and Right-of-Way and Easement Abandonments

David Corliss, Town Manager, stated that Community Relations prepares a summary that goes out to the community.

[ID 2020-096](#)

Update: CDOT Report on Gap Project

David Corliss, Town Manager, thanked the many partners that were involved in this project, and that on Friday the Town received a \$5M grant that will go into rights-of-way acquisition and design for the Crystal Valley Interchange.

[ID 2020-097](#)

Development Services Projects Updates

[ID 2020-098](#)

Update: Quasi-Judicial Projects

TOWN ATTORNEY'S REPORT

No report.

ACCEPTANCE OF AGENDA

Moved by Councilmember Teal, seconded by Councilmember Johnson, that the Agenda be Approved as presented. The motion passed by the following vote:

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

CONSENT CALENDAR

[PROC
2020-015](#)

Proclamation: Fire Prevention Week October 4-10, 2020 (For Council Action - Presentation on October 6, 2020)

[ID 2020-099](#)

Summary: Resolutions Approving the 2021 Service Contracts

[RES 2020-082](#)

Resolution Approving the Service Contract Between the Town of Castle Rock and the Castle Rock Chamber of Commerce

[RES 2020-083](#)

Resolution Approving the Service Contract Between the Town of Castle Rock and the Downtown Merchants Association

[RES 2020-084](#)

Resolution Approving the Service Contract Between the Town of Castle Rock and the Castle Rock Economic Development Council

[RES 2020-085](#)

Resolution Approving the Service Contract Between the Town of

Castle Rock and the Castle Rock Historical Society

[RES 2020-086](#) **Resolution Approving the Service Contract Between the Town of Castle Rock and the Castle Rock Senior Center**

[ORD 2020-018](#) **Ordinance Approving the Fourth Amendment to the Intergovernmental Agreement for the Option to Purchase and Right of First Refusal Regarding Ground Water Rights, Easements and Related Improvements (Second Reading - Approved on First Reading on September 1, 2020 by a vote of 6-0) [Cherokee Ranch, Douglas County CO]**

[MIN 2020-016](#) **Minutes: September 1, 2020 Town Council Meeting**

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

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

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[ORD 2020-016](#) **Ordinance Adopting the 2021 Budget for the Town of Castle Rock, Colorado (Second Reading - Approved on First Reading on September 1, 2020 by a vote of 6-0)**

David Corliss, Town Manager, thanked the staff that worked on preparing the budget - Trish, Chris, Nicole, Alex, Kristin, and Matt. The budget reflects the Council and community priorities.

Councilmember Johnson inquired about the community center fund and the parking project fund. Her understanding was that the parking lot was going to be resurfaced at the Rec Center and asked if that was deferred. Corliss confirmed that it was deferred to next year.

No public comment.

Moved by Councilmember Teal, seconded by Councilmember Johnson, that Ordinance 2020-016 be Approved on Second Reading as presented. The motion passed by the following vote:

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

[RES 2020-087](#) **Resolution Approving the 2021 to 2025 Five-Year Capital Improvement Program**

Trish Muller, Director of Finance, presented the Five-Year Capital Improvement Program and noted that the Five-Year Capital Improvement Program is based on their projected Five-Year Balanced Financial Plan. Muller highlighted planned projects in 2021 that include the Town contribution of \$20M for the Crystal Valley Interchange, \$1.5 for the 5th Street widening design, \$3.8M for park improvements, and numerous water projects. The 2022-2025 planned capital improvements

involve transportation, water, public safety, and parks and recreation.

David Corliss, Town Manager, referred to an inquiry from Councilmember Johnson that he was unable to respond to. Johnson questioned why Crowfoot Valley Road was moved up ahead of Ridge Road improvements.

Councilmember Bracken inquired about the funding for the Crystal Valley Interchange. Corliss stated the Town provides the \$20M between 2021 and 2023. \$12.8M of that is in 2022 for the necessary work needed at that time.

Citizens that addressed Council:

Tom Kahn, resident - inquired about canceled projects in their community for chipseal and overlay and asked if they will be done in 2021. Corliss stated that they will be looking at the areas early next year that we weren't able to get to and will prioritize them.

Councilmember Bracken stated that many other projects were deferred as well. Corliss stated impact fee revenue is performing well, we are refinancing the sales tax funds that will provide additional funding for transportation. However, the gas tax revenues were not as high, and some of the projects are costing more.

Moved by Councilmember Teal, seconded by Councilmember Bracken, that Resolution 2020-087 be Approved as presented. The motion passed by the following vote:

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

[RES 2020-088](#) Resolution Approving the 2021-2025 Balanced Financial Plan

Chris Creighton, Budget Manager, presented the item.

Councilmember Johnson asked how we are able to fund the needs. Creighton stated they base decisions on projected funding and that there were some items were not funded. Johnson asked if Council will be looking at ways to be able to fund some of the items that were not included. David Corliss, Town Manager, stated that the new Council will be given an orientation as this as a major issue to discuss to look into possibly diversifying our revenue streams. Johnson asked if de-brucing could be loaded into that analysis. Corliss stated some communities have removed themselves from Tabor completely, for a period of time, or for certain projects.

No public comment.

Moved by Councilmember Johnson, seconded by Mayor Gray, that Resolution 2020-088 be Approved as presented. The motion passed by the following vote:

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

[ORD 2020-019](#) Ordinance Levying General Property Taxes for the Year 2020, for 2021 Collection, for the Town of Castle Rock, Colorado (First Reading)

Chris Creighton, Budget Manager, presented this item noting that there will be no change to the mill levy from last year. He highlighted that the average Town property tax is less than \$40 per year per home.

No public comment.

Moved by Councilmember Johnson, seconded by Councilmember Townsend, that Ordinance 2020-019 be Approved on First Reading as presented. The motion passed by the following vote:

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

ORD 2020-017 Ordinance Amending Titles 3, 4, and 13 of the Castle Rock Municipal Code By Changing Stormwater Development Impact Fees, Renewable Water Resource Fees, Water System Development Fees, Meter Set Fees; and Making Certain Editorial Updates to Such Titles (Second Reading - Approved on First Reading on September 1, 2020 by a vote of 6-0)

Mark Marlowe, Director of Castle Rock Water, stated this item was previously presented and then again for first reading. There are no rate increases, but there will be some increases in system development fees.

No public comment.

Moved by Councilmember Johnson, seconded by Councilmember Townsend, that Ordinance 2020-017 be Approved on Second Reading as presented. The motion passed by the following vote:

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

DIR 2020-037 Discussion/Direction of Application(s) for the 2020 Third Quarter Council Community Grant Program, One Application

Trish Muller, Director of Finance, presented the application for this quarter. This is out of Council's budget in the General Fund. Clothes to Kids Denver purchase clothing and shoe inventory and open up their store to individuals and families. She noted that they serve several families within Castle Rock.

Comments submitted online were entered into the record.

Moved by Councilmember Johnson, seconded by Bower, to Award a \$500 grant to Clothes to Kids Denver. The motion passed by the following vote:

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

RES 2020-089 Resolution Finding Demonstration of Reasonable Diligence on the Consolidated Application of Castle Pines Commercial Metropolitan District Nos. 1 & 4 for Quinquennial Review Pursuant to the Special District Act

Trish Muller, Director of Finance, provided a definition of the quinquennial review. When a metro district issues debt, they must report to the municipality in five

years to ensure they can adequately meet the debt service requirement in a timely manner and discharge their debt.

Muller noted that the Amended Service Plan was approved in 2015. There are two districts under consideration - Castle Pines Metro District 1 and 4. Districts 3 and 4 are the taxing districts and District 1 is the financing district where the money is funneled to from Districts 3 and 4. Bonds were issued in 2015 for reimbursement for public improvements that mature in 2039 with a 5% interest rate. Muller added that they can issue up to \$12M in debt with a current debt of \$5.875M, and a maximum mill levy of 50 mills and are currently at 40 mills.

Muller reported that Districts 1 and 4 are operating in accordance with the parameters, the assessed value for Districts 3 and 4 exceed projected values, and District 1 is on track to fund their debt service requirements

No public comment.

Moved by Councilmember Johnson, seconded by Councilmember Townsend, that Resolution 2020-089 be Approved as presented. The motion passed by the following vote:

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

[RES 2020-090](#)

Resolution Approving a Construction Contract Between the Town of Castle Rock and Morton Electric, Inc. for the 2020 Traffic Signal Construction Project [At Meadows Boulevard at Cherokee Drive, and at Hwy 85 and Liggett Road]

Dan Sailer, Director of Public Works presented this item. They identified two intersections that would benefit from this program. Meadows and Cherokee, and Highway 85 and Liggett which will be realigned with Castleton Court in the future. Public Works Commission unanimously recommended approval.

Councilmember Johnson asked for a copy of the studies that were used.

No public comment.

Moved by Councilmember Johnson, seconded by Councilmember Bracken, that Resolution 2020-090 be Approved as presented. The motion passed by the following vote:

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

[RES 2020-091](#)

Resolution Approving a Services Agreement with David Evans and Associates Inc. for the Design of the Four Corners Intersection Improvement Project (Founders Parkway, State Highway 86, Fifth Street, and Ridge Road)

Dan Sailer, Director of Public Works, presented the item regarding the design of the 4 corners intersection at Highway 86/Ridge Road/Founders/Fifth Street. They anticipate design and right of way acquisition by the end of 2021 and construction in 2022. Public Works unanimously recommended approval.

Councilmember Johnson confirmed that neighborhood meetings would occur to go over options. Sailer stated they will be taking in public comments as they get closer to the evaluation of the improvements.

No public comment.

Councilmember Teal noted that they have been working on this a long time. This is not just a Castle Rock project as Town staff and Commissioner Partridge also worked hard on this project.

Moved by Councilmember Teal, seconded by Councilmember Johnson, that Resolution 2020-091 be Approved as presented. The motion passed by the following vote:

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

[RES 2020-092](#) Resolution Approving a Services Agreement with W.W. Wheeler & Associates, Inc., for Services Relating to the Design and Permitting of Castle Rock Reservoir No. 2 [Sedalia, CO]

Mark Marlowe, Director of Castle Rock Water, provided an overview of the project. Staff recommends approval.

Councilmember Johnson inquired what was needed on the land acquisition. Marlowe stated when we purchased from United Water in 2017 we got an easement across the entire site to build infrastructure needed, so we don't have to acquire any property but will require permitting. Johnson confirmed it is \$611k.

No public comment.

Moved by Councilmember Bracken, seconded by Councilmember Johnson, that Resolution 2020-092 be Approved as presented. The motion passed by the following vote:

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

[RES 2020-093](#) Resolution Approving the Town of Castle Rock Fire and Rescue Department Community Risk Assessment and 2019 Standards of Cover

Norris Croom, Fire Chief, presented this item.

Councilmember Johnson asked if the Fire District's 66 square miles is covered, not just the Town's 33 square miles. Croom replied that this is for the entire Fire District area.

No public comment.

Moved by Councilmember Bracken, seconded by Councilmember Townsend, that Resolution 2020-093 be Approved as presented. The motion passed by the following vote:

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

[RES 2020-094](#)**Resolution of the Town Council of Castle Rock Stating Its Opposition to the Rezoning Application Submitted by JRW Family Limited Partnership, LLLP, to Douglas County for the Pine Canyon Planned Development**

Resolution 2020-094 and 2020-095 were presented together under Resolution 2020-094, and they will be voted on separately.

Tara Vargish, Director of Development Services, presented Resolution 2020-094.

Mark Marlowe, Director of Castle Rock Water, presented for Resolution 2020-095.

They recommend opposition to the rezoning and the Water Supply Standards.

Mayor Gray confirmed that this is a quasi-judicial item for the County.

Councilmember Johnson confirmed that the resolutions authorize the Director and Town Manager to take further action as needed.

Citizens that addressed Council:

Tom Kahn, resident - stated he is representing the Woodlands HOA and complimented the staff. He has been in the development industry for years, and feels this is an irresponsible proposal with a big impact on traffic. He requests that Council reject this proposal and added that he is concerned about how Commissioners will rule on this development.

Moved by Mayor Pro Tem Bower, seconded by Councilmember Johnson, that Resolution 2020-094 be Approved as presented. The motion passed by the following vote:

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

[RES 2020-095](#)**Resolution of the Town Council of Castle Rock Stating Its Opposition to the Appeal Submitted by JRW Family Limited Partnership, LLLP, to the Water Supply Standards Set Forth in Section 18A of the Douglas County Zoning Resolution with Regard to the Proposed Pine Canyon Planned Development**

Resolution 2020-094 and 2020-095 were presented together under Resolution 2020-094, and they will be voted on separately.

Moved by Bower, seconded by Councilmember Johnson, that Resolution 2020-095 be Approved as presented. The motion passed by the following vote:

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

[RES 2020-096](#)**Resolution Approving a Construction Contract with Velocity Constructors, Inc. for the Well CR-231 Well Facility Project**

Mark Marlowe, Director of Castle Rock Water, presented the item. They would like to begin this project right away to get them up and running before the next irrigation season. Staff recommends proceeding and it will be taken to the Water

Commission at their next meeting.

No public comment.

Moved by Councilmember Johnson, seconded by Councilmember Townsend, that Resolution 2020-096 be Approved as presented. The motion passed by the following vote:

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

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

None.

ADJOURN

Moved by Councilmember Townsend, seconded by Councilmember Johnson, to Adjourn. The motion passed by the following vote:

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

Meeting adjourned at 8:25 pm.

Submitted by:

Lisa Anderson, Town Clerk