



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, October 6, 2020

6:00 PM

**Council Chambers
100 N. Wilcox Street
Castle Rock, CO 80104
Phone in: (720) 650-7664
Meeting Code: 146 957 8644
www.CRgov.com/Oct6Council**

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/Oct6Council, or phone in by calling (720) 650-7664, meeting code 146 957 8644 (if prompted for a password enter "Oct6Council"). 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. October 6, 2020, to be included in the public record.

COUNCIL DINNER & INFORMAL DISCUSSION

INVOCATION - Pastor Tate Thronndson, Castlevue Baptist Church

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 Bracken provided an update of the Tri-County Health Department meetings as related to the Douglas County School District quarantine policy as a result of positive COVID 19 tests among students and/or staff. He explained that the DCSD policy does not follow the Tri-County Health Department recommendation.

Councilmember Johnson thanked Town staff for the virtual open house held for District 5 on September 22.

Mayor Gray announced October is breast cancer awareness month as well as thanked Town staff for the State of the Town address.

[PROC](#)
[2020-015](#)

Proclamation: Fire Prevention Week October 4-10, 2020 (For Presentation - Approved on September 15, 2020, by a vote of 6-0)

Mayor Gray read the Fire Prevention Week Proclamation into the record.

UNSCHEDULED PUBLIC APPEARANCES

Caryn Harlos, resident, participated remotely asking the Town Council to consider the ranked-choice voting (RCV) process for the election of the Castle Rock Mayor in the future.

Will Heikes, non-resident, participated remotely and addressed Council asking for consideration of amending the meeting procedures to allow for an immediate response to those individuals who speak during unscheduled public appearances. Heikes also reviewed several concerns he had previously brought forward at earlier council meetings as well.

Dave Corliss, Town Manager addressed the concerns presented by Heikes identifying that some had been addressed already in other forums but understood that may not have been sufficient. He noted that an update on vacant / pending entitled property was scheduled tonight under the Town Manager's report.

Corliss as well as several Councilmembers responded that information is easily accessible on our website and that citizens have open access to reach out to Town departments and Councilmembers alike.

Councilmember Teal encouraged Council to review our procedural rules going forward in response to unscheduled public appearances, possibly allowing for discussion and response to citizen questions or requests as had been done tonight. Councilmember Johnson concurred, however suggested responses and updates be provided at a later meeting date.

Mayor Gray stated that responding to questions or issues posed during unscheduled public appearances does not allow staff the opportunity to research an issue they may not be familiar with. Mayor Gray also addressed the time involved to address such comments and the overall time it would add to the Council agenda. He endorsed referring it to staff for follow up as is currently done but did acknowledge it is important to update the public with our responses.

Councilmember Bracken also acknowledged the time spent addressing an issue during unscheduled public appearances that was currently scheduled as an item on the agenda tonight.

Councilmember Bower emphasized that Castle Rock residents receive priority when it comes to responses and identified that Heikes was not a resident.

No further public comment received.

TOWN MANAGER'S REPORT

Town Manager, Dave Corliss, highlighted upcoming calendar items to include Starlighting which will be held November 21 but did acknowledge it will be a different celebration this year than in the past due to COVID. He also noted new

councilmembers would be sworn in December 1 as well as the selection of the new Mayor Pro Tem.

[ID 2020-100](#)**Update: Review of Vacant/Pending Entitled Property**

Corliss discussed the vacant pending entitled property item which includes property within the Town that is entitled but does not appear to be active and is considered to be vacant. The goal is to identify those properties within the community that are problematic, determine incompatibility, review the entitlements, as well as any existing time limits within the approvals. He also noted that most of our growth is occurring within existing entitlements.

[ID 2020-101](#)**Update: Review of Metro District Policy and Model Service Plan**

Corliss identified that staff is working on policies as well as model service plans for metro districts that exist within the community and how new metro district requests would be evaluated going forward. The Town is looking at mill levy caps, maximum length of time of debt issuances and possible requirements for development to bring equity to the project as related to public improvements. He noted there is also the opportunity for service plan amendments to existing metro district plans and to have policy issues outlined within the model service plans would be very beneficial in this regard.

[ID 2020-102](#)**Update: Dorsey Pictures Video Production**

Corliss announced that two new videos documenting historical events within our community had been finalized and now available to view on our website. He reminded Council of the requirement of Dorsey Pictures to produce four videos for the Town as part of the financial incentive agreement previously approved by Council.

[ID 2020-103](#)**Update: Street and Lane Closure Communications**

Corliss acknowledged that the Town is committed to better inform the community about upcoming street and lane closures as we move forward.

[ID 2020-104](#)**Development Services Project Updates**[ID 2020-105](#)**Update: Quasi-Judicial Projects****TOWN ATTORNEY'S REPORT**

Town Attorney, Michael Hyman, asked permission of Council to retain Butler Snow for the limited purpose of the metro district policy updates and model service plan reviews. Council had no objections.

ACCEPTANCE OF AGENDA

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

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

CONSENT CALENDAR

[RES 2020-097](#) **Resolution Approving Change Order No. 5 to the Construction Contract Between the Town of Castle Rock and Garney Companies, Inc. (An Extension Of Contract Times On the Plum Creek Water Purification Facility (PCWPF) Advanced Treatment (AT) Project) [1929 Liggett Rd.]**

[MIN 2020-017](#) **Minutes: September 15, 2020 Town Council Meeting**

Moved by Councilmember Teal, seconded by Councilmember Johnson to approve the Consent Calendar as read. The motion passed by the following vote

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

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[RES 2020-098](#) **Resolution of the Town Council of Castle Rock Stating Its Opposition to Colorado Proposition 113 and the Adoption of the National Popular Vote Interstate Compact**

Town Manager, Dave Corliss, introduced the draft resolution prepared for their consideration as requested relating to the National Popular Vote Interstate Compact item.

Alan Philp, non-resident with Protect Colorado's Vote, participated remotely discussing how this would jeopardize our influence in presidential elections in regard to Colorado's nine electoral votes and urged Council's opposition to Proposition 113.

Councilmembers Teal, Bower, and Bracken, as well as Mayor Gray, spoke in favor of the resolution in opposition to Proposition 113.

Councilmember Johnson cited she was against the resolution and thought it was improper of Council to oppose Proposition 113 as we were guiding our residents to vote a certain way.

Moved by Councilmember Teal, seconded by Mayor Pro Tem Bower that Resolution 2020-098 be Approved as presented. The motion passed by the following vote:

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

No: 1 - Johnson

[DIR 2020-038](#) **Discussion/Direction: Additional COVID-19 Small Business Support Grant Program**

Mayor Gray recused himself from the meeting explaining that he had applied for the second round of small business grants, and as such, Mayor Pro Tem Bower would preside over the discussion item.

Kristin Read, Assistant Town Manager, presented the item to Council. 54 submissions were received for the \$5,000 grants for eligible businesses due to

COVID-19. Similar criteria, established previously for the first round of evaluations, was used for the second round of applications with one exception. The exception noted was a business had to provide documentation of loss of revenue of at least \$5,000 during the pandemic for the comparison of May to August 2020 to the same period in 2019. 36 businesses did meet the required criteria. 18 businesses were deemed ineligible. Read clarified that the recommended grants were anticipated to be reimbursed by the federal CARES act.

Councilmember Bracken acknowledged the work of Assistant Town Manager Read in the review of the grant applications.

Mayor Pro Tem Bower addressed the differences related to classification of a business registered with the State and how the Town applied classification and definition to the Town grant submissions. He clarified that an essential business at the onset of the pandemic was allowed to stay open and that non-essential businesses had to close for six weeks. Bower stated if the State deemed a business as non-essential and classified the business as a personal service, they were closed for six weeks. Bower asked that the classification that the Town used for evaluation might be reviewed to include businesses previously deemed ineligible due to the Town classification and noted the Town had been reimbursed by the CARES act for the grants awarded.

Councilmember Teal concurred with the Mayor Pro Tem suggesting a review of the state classification as related to the excluded businesses.

Councilmember Bracken questioned how this would be accomplished.

Mayor Pro Tem Bower suggested if the Town had them classified as a professional service and the State had them classified as a personal service then the Town should classify the business the same as the State had classified the business.

Councilmember Johnson asked Read to clarify the definition of professional services and personal services. Read identified the acupuncture businesses in question were considered by the Town to be a health care and/or a luxury professional service and this analogy carried forward to the second round evaluation as well. Read addressed Council to the concern that businesses may not have applied for the grant program believing they were considered a professional service classification. She further explained that the evaluations were based on the criteria defined by the Town, not the State, and questioned if the Town should open the program to other businesses that may qualify using the State's criteria.

Additional discussion by Council included support of the approved applications and awarding the grants in a timely manner, how the alignment of business classification would be made known to businesses to provide an equal opportunity to apply for a grant, as well as proper notification to businesses that were deemed ineligible in the first round, as well as the outreach and notification of local businesses that the criteria was being updated to recognize those businesses that were closed due to executive orders.

Council directed staff to award grants as recommended and to review additional businesses that may qualify based on the classification of personal service as opposed to a professional service.

Councilmember Teal acknowledged the integrity of Mayor Gray in recusing himself from the discussion of the small business grant program.

Mayor Gray returned to the meeting at 7:00 p.m.

Moved by Councilmember Teal, seconded by Councilmember Bracken to direct staff to award grants as recommended with additional direction to review additional businesses that may qualify based on the classification of personal service as opposed to a professional service. The motion passed by the following vote:

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

Recuse: 1 - Gray

DDA ITEMS

[RES 2020-099](#) Resolution Approving the Castle Rock Downtown Development Authority Proposed Annual Budget for 2021

Kevin Tilson, Director of the Downtown Alliance, reviewed the DDA Operating and Ice Rink 2021 proposed budgets. He indicated they had been consulting with Tri County Health, given the COVID 19 environment, in regard to the safety and wellness policies for the seasonal operation of the rink opening later this year.

Councilmember Johnson requested clarification from Tilson of the Town match regarding funding. In response, Tilson replied that the businesses voted to tax themselves an additional 3 mills and to create the DDA with the agreement that the Town would match the 3 mill levy to create a vibrant and active downtown moving forward.

Public comment was received remotely from Andrew Wasson, DDA Vice Chair & Treasurer, stating it was a conservative use of DDA funds.

Councilmember Bower discussed the history of the downtown to identify that Town Council wanted the downtown businesses to be invested in that progress moving forward and local businesses agreed to tax themselves in order to receive the Town funding match.

Mayor Gray added that the Town needs to support small business in order for small businesses to thrive, not just survive.

Councilmember Teal commented that we are seeing responsible use of the Town funding match and the taxes being levied on the downtown business owners and realizing the return on the investment.

Councilmember Bracken acknowledged the collaboration and teamwork of the downtown organizations and was in favor of approval of the budget.

Mayor Pro Tem Bower noted that timeline does run out and the downtown business district owners will have to vote to tax themselves again.

Moved by Councilmember Teal, seconded by Councilmember Bracken that Resolution 2020-099 be Approved as presented. The motion passed by the following vote:

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

ORD 2020-020 Ordinance Levying General Property Taxes for the Year 2020, for 2021 Collection, for the Castle Rock Downtown Development Authority (First Reading)

Pete Mangers, Revenue Manager, presented item to Council discussing the preliminary mill levy certification of 3 mills for collection in 2021 for the Downtown Development Authority.

No public comment.

Moved by Councilmember Johnson, seconded by Councilmember Townsend that Ordinance 2020-020 be Approved on First Reading as presented: The motion passed by the following vote:

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

RECESS TO TOWN OF CASTLE ROCK FESTIVAL PARK COMMONS GENERAL IMPROVEMENT DISTRICT MEETING

Meeting was recessed at 7:57 pm to the Town of Castle Rock Festival Park Commons General Improvement District meeting.

RECONVENE - ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

Town Council meeting reconvened at 8:01 pm.

RES 2020-100 Resolution Ratifying the 2021 Town of Castle Rock Festival Park Commons General Improvement District Budget

Pete Mangers, Revenue Manager, asked Council to ratify the Festival Park Commons 2021 Budget.

No public comment.

Moved by Mayor Gray, seconded by Councilmember Teal that Resolution 2020-100 be Approved as presented. The motion passed by the following vote:

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

No: 1 - Johnson

[RES 2020-101](#) **Resolution Approving the Miller's Landing Business Improvement District 2021 Operating Plan and Budget**

Pete Mangers, Revenue Manager introduced item to Council.

No public comment.

Moved by Councilmember Teal, seconded by Councilmember Bracken that Resolution 2020-101 be Approved as presented. The motion passed by the following vote:

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

RECESS TO CASTLE ROCK URBAN RENEWAL AUTHORITY BOARD MEETING

Recessed at 8:06 pm to the Castle Rock Urban Renewal Authority Board meeting.

RECONVENE - ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

The Town Council meeting reconvened at 8:15 pm.

[RES 2020-102](#) **Resolution Approving a Loan Agreement between the Town of Castle Rock and the Castle Rock Urban Renewal Authority**

Pete Mangers, Revenue Manager, presented item to Council.

No public comment.

Town Manager, Dave Corliss, thanked the Finance staff and Kevin Tilson for the assembly of the GID, BID, URA and DDA items for inclusion within tonight's meeting agenda and appreciated Council's patience in working through the meeting process as well.

Moved by Mayor Pro Tem Bower, seconded by Councilmember Teal that Resolution 2020-102 be Approved as presented. The motion passed by the following vote.

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

[RES 2020-103](#) **Resolution of the Castle Rock Town Council Making Required Statutory Findings Concerning the Eligibility of Certain Property for Annexation (Memmen Parcel Annexation) *[located west of Ridge Road, south of Fifth Street, and north of the Plum Creek Parkway]***

Tara Vargish, Director of Development Services, introduced the item to Council explaining that this was a procedural step to determine eligibility for a 5 acre infill parcel known as the Memmen Parcel.

Councilmember Johnson questioned the one year reference as related to municipal boundaries and annexation.

Vargish responded that this parcel was infill and did not expand our Town boundaries and the intent of the statute is intended to prevent the abuse of annexation by municipalities.

No public comment.

Moved by Councilmember Townsend, seconded by Councilmember Johnson that Resolution 2020-103 be Approved as presented. The motion passed by the following vote:

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

[RES 2020-104](#) Resolution Approving the Town of Castle Rock and Denver Botanic Gardens at Chatfield Farms Spot Water Lease Agreement

Mark Marlowe, Director of Castle Rock Water introduced the item to Council explaining that a number of small water lease requests are received each year and we have reusable water available to meet their needs. This is a one time use of excess reusable water supply sold at \$300 per acre-foot.

No public comment.

Moved by Councilmember Johnson, seconded by Councilmember Townsend that Resolution 2020-104 be Approved as presented. The motion passed by the following vote:

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

[ORD 2020-021](#) Ordinance Amending Section 14.02.050 of the Castle Rock Municipal Code Concerning the Lease of Public Property for Water Leases Less than or Equal to 10 Acre Feet (First Reading)

Mark Marlowe, Director of Castle Rock Water, presented item to Council proposing a change to municipal code to allow for Director approval of water lease agreements less than 10 acre feet in any one year for smaller customers. The lease rate would be a minimum of \$300 per acre foot but subject to change based on market study.

Councilmember Teal questioned how many spot leases the Town typically receives per year and suggested including a cap on the maximum acre feet per year leased prior to second reading.

No public comment.

Moved by Councilmember Teal, seconded by Councilmember Bracken that Ordinance 2020-021 be Approved on First Reading as presented. The motion passed

by the following vote:

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

[ORD 2020-022](#) An Ordinance Amending the Water Dedication Code in Title 4 of the Castle Rock Municipal Code Concerning the Denver Basin Groundwater Dedication Requirements [Cash In-Lieu Code] (First Reading)

Mark Marlowe, Director of Castle Rock Water introduced the item to Council. Present code allows a cash in lieu option, with approval from Council, for entities that do not have enough Denver Basin Groundwater to meet Town requirements.

Proposed changes include the ability to provide an adder to the cash in lieu price to account for the transmission of groundwater purchased outside of Town limits as well as the transmission cost of the water back to the Town. Additionally, the new requirement of 3 acre feet of supply for every 1 acre foot of demand for groundwater outside of the Town boundaries from a developer.

Councilmember Bracken asked why the Town was preparing to buy non-renewable ground water with the cash in lieu option.

Marlowe responded that part of the CCPWA purchase earlier this year included non renewable groundwater, and indicated that resource could be utilized for people who are ground water short. Under this option they would pay the Town cash in lieu, essentially reimbursing the Town for our initial investment.

Councilmember Johnson inquired how the cash in lieu option cost is determined as related to residential or non-residential use.

No public comment.

Moved by Mayor Gray, seconded by Mayor Pro Tem Bower that Ordinance 2020-022 be Approved on First Reading 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 8:47 pm.

Submitted by:

Robbie Schonher, Assistant Town Clerk