



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 20, 2020

6:00 PM

**Council Chambers
100 N. Wilcox Street
Castle Rock, CO 80104
Phone in: (720) 650-7664
Meeting Code: 146 162 4944
www.CRgov.com/Oct20Council**

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/Oct20Council, or phone in by calling (720) 650-7664, meeting code 146 162 4944 (if prompted for a password enter "Oct20Council"). 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 20, 2020, to be included in the public record.

COUNCIL DINNER & INFORMAL DISCUSSION

INVOCATION - Pastor Donald Haymon II, Calvary Apostolic Church of Denver

CALL TO ORDER / ROLL CALL

Mayor Gray called the meeting to order at 6pm.

Note: Councilmember Johnson attended remotely via Webex.

Present: 5 - Councilmember Bracken, Councilmember Johnson, Mayor Gray, Councilmember Bower, Councilmember Teal

Not Present: 1 - Councilmember Townsend

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Councilmember Bracken announced that there has been a string of car break-in's in Castle Rock. He reminded citizens to lock their vehicles and to register their Ring doorbells with the Town to assist with identifying suspects. Bracken received a copy of a warning letter from Tri County to a business about not complying with health orders. He felt it was heavy handed, and he reminded citizens that the order is still in place.

Councilmember Teal asked Bracken to copy him on the response so he can also add to it. Teal stated owners of two of the businesses that were mentioned live in his District. He was in one of them the day before and stated they were in compliance. He was concerned that there was no detail as to what the specific allegations were to allow the businesses to comply. Bracken agreed that there needs to be information on the violations.

Councilmember Townsend joined the meeting at 6:10 pm and attended remotely via Webex.

Councilmember Johnson commended staff for the new development activity map on the website and reminded everyone to be safe.

Mayor Gray received the same letter from Tri County and would also like to know if they are getting a complaint and following up onsite to validate any complaints. He asked citizens not to put a business in danger of closing by not complying with the order. Gray also announced that October is Breast Cancer Awareness Month.

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

[APPT
2020-006](#)

Appointment: Parks and Recreation Commission

Moved by Councilmember Johnson, seconded by Councilmember Bracken, to Appoint Madeline Self to the Parks and Recreation Commission. The motion passed by the following vote:

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

UNSCHEDULED PUBLIC APPEARANCES

No public comment.

TOWN MANAGER'S REPORT

David Corliss, Town Manager, reminded Council of items coming up on the calendar. Staff is planning for a short meeting on November 3rd.

[ID 2020-106](#)

Presentation: Your Town Academy 2020 Graduating Class

Kristin Read, Assistant Town Manager, introduced the 20 graduates of the Your Town Academy that is in its fifth year.

[ID 2020-107](#)

Update: Third Quarter Major Projects Update

[ID 2020-108](#)

Update: Wireless Communication Facilities

[ID 2020-109](#)

Update: Monthly Department Reports

[ID 2020-110](#)

Update: Water Court Cases

[ID 2020-111](#)

Update: Bulk Water Hydrant Meter Program

[ID 2020-112](#) **Development Services Project Updates**

[ID 2020-113](#) **Update: Quasi-Judicial Projects**

TOWN ATTORNEY'S REPORT

No report.

ACCEPTANCE OF AGENDA

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

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

CONSENT CALENDAR

[ORD 2020-022](#) **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] (Second Reading - Approved on First Reading on October 6, 2020 by a vote of 6-0)**

[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 (Second Reading - Approved on First Reading on October 6, 2020 by a vote of 6-0)**

[RES 2020-105](#) **Resolution Approving the Participation Agreement between the Cherry Creek Basin Water Quality Authority and the Town of Castle Rock for the Design of Stream Reclamation Improvements for the McMurdo Gulch Priority 2 Project**

[RES 2020-106](#) **Resolution Approving a Contract between the Town of Castle Rock and Cigna Health and Life Insurance Company for 2021 Stop Loss Insurance Coverage**

[MIN 2020-018](#) **Minutes: October 6, 2020 Town Council Meeting**

Moved by Mayor Pro Tem Bower, seconded by Councilmember Teal to approve the Consent Calendar as read. The motion passed by a vote of:

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

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[DIR 2020-039](#) **Discussion/Direction: Public Safety Commission's Recommendations for the 2021 Philip S. Miller Resource Grant**

Program, Five Applications

Pete Mangers, Revenue Manager, presented the policy overview of the grant program that has an annual budget of \$40,000. Dan Smoker, Chair of the Public Safety Commission, stated they were not able to fulfill all of the requests, and the Commission recommends awarding the American Legion Post 1187 \$2,500, Crisis Center \$10,000, Douglas County Veterans Monument Foundation \$10,000, Help & Hope Center \$12,500, and Home Builders Foundation \$5,000.

No public comment.

Councilmember Teal spoke in favor of the recommendations.

Councilmember Johnson clarified that this award is for a 2021 disbursement but approved in 2020.

Mayor Gray thanked the Commission for their work.

Moved by Councilmember Teal, seconded by Councilmember Johnson, that the Public Safety Commission's recommended grants be Awarded to the American Legion Post 1187 \$2,500, Crisis Center \$10,000, Douglas County Veterans Monument Foundation \$10,000, Help & Hope Center \$12,500, and Home Builders Foundation \$5,000. The motion passed by the following vote:

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

[ORD 2020-023](#)**Ordinance Approving a One Million Dollar Line of Credit with FirstBank on Behalf of the Castle Rock Downtown Development Authority and in Conjunction Therewith Approving a Revolving Line of Credit Promissory Note, Sales and Property Tax Pledge Agreement, and Account Pledge Agreement (First Reading)**

Pete Managers, Revenue Manager, presented the item summarizing that this is a \$1,000,000 line of credit and is limited to the amount of cash we have in the account.

Councilmember Teal confirmed that this is a line of credit the Town is extending with First Bank for the purpose of funding the TIF for downtown. David Corliss, Town Manager, explained that the DDA Statute requires that any money that they spend is on debt. They pay the debt back from the special fund, which is made up of Town sales tax and sales tax increment above the floor. Therefore, the Town creates a line of credit so that we can send a check to the DDA special fund, and then that fund is re-paid the next day.

Councilmember Bracken asked why the DDA could not take out a credit card for expenses. Mike Hyman, Town Attorney, stated that it isn't the DDA's obligation, it is the Town's obligation. Hyman stated that he believes every DDA in the state uses this method.

Councilmember Johnson asked if the DDA was approved by voters in 2008 from the entire Town. Mayor Gray confirmed only the businesses and landowners in downtown voted on the creation of the DDA.

No public comment.

Councilmember Teal stated he was concerned about creating a DDA when he was first on Council; but they proved him wrong by doing a great job and making good substantial changes downtown that have a benefit for our community.

Moved by Mayor Pro Tem Bower, seconded by Councilmember Bracken, that Ordinance 2020-023 be Approved on First Reading as presented. The motion passed by the following vote:

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

[DIR 2020-040](#)**Discussion/Direction: Additional COVID-19 Small Business Support Grant Awards**

Kristin Read, Assistant Town Manager, provided information in response to Council's request to award additional second-round grants.

No public comment.

Mayor Pro Tem Bower thanked Kristin for her work on this and stated that the funds we initially awarded to businesses were reimbursed by the CARES Act. He feels we should fund the two acupuncturists and allow the other businesses to appeal to the Town to reconsider them for funding.

Councilmember Bracken would like to consider Rocket Fizz who were initially 30 days out of the window.

Councilmember Teal feels our intent with the first round was to make an investment in our community based on the forced downturn. He is supportive of Option 1 and to have an appeal process, and added that Council was willing to use Economic Development funds previously so he is supportive of awarding up to that amount.

Mayor Pro Tem Bower stated the grants have made a difference and have been a life-line to these businesses. He added that we did lose some businesses.

Moved by Mayor Pro Tem Bower, seconded by Councilmember Teal, to Direct Staff to Award an additional \$10,000 in awards as presented in Option 1. The motion passed by the following vote:

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

Kristin Read, Assistant Town Manager, provided the first-round options.

Mayor Pro Tem Bower feels this is where the appeal can come in. There are businesses that cannot telecommute to provide services.

Mayor Gray asked if they could choose Option 1A and have an appeal process.

Read asked for clarification for appeals criteria.

Councilmember Teal asked that we go through the criteria one at a time and then

include those in the motion.

Councilmember Bracken moved to direct staff to open an appeals period so applicants not awarded grants can request reconsideration.

No public comment.

Read asked if they only wish to consider professional services or if there are other reconsiderations such as length of time in business, if they are current on sales tax, etc.

Mayor Gray feels we should revisit any business that was denied.

Read summarized that any denial would be eligible to reapply for consideration and supply documentation for closures or teleservices they could provide and any other information that may be helpful.

Councilmember Teal feels they need to be current on their sales tax.

Mayor Pro Tem Bower asked if we would be reimbursed by the CARES Act if we open this back up and if there is a dollar amount. Corliss stated he and Read will look into it and went on to say our allocation is \$3.4M and we are not near that number. Corliss stated they are pretty confident that if we follow the same process as we did in the first round we should be reimbursed, but there is not a guarantee.

Councilmember Johnson stated her biggest concern is for those businesses that had to close their businesses down.

Councilmember Teal feels we were willing to invest in this before when we had a safety net of the CARES Act and that we may still have a safety net now. He is supportive of investing up to the original amount we approved. He feels businesses that could telecommute, may not have had clientele like a travel agency.

Read asked if they would like to limit appeals to businesses that said they did close.

Councilmember Johnson is leaning towards the ones that were forced to close.

Mayor Pro Tem stated if we open it up to appeals, there is still no guarantee they would be funded. He doesn't feel we should remove any of the qualifications.

Councilmember Townsend feels we need to eventually wrap this up and asked when the final grants are awarded. Mayor Pro Tem stated the Federal deadline is December 31.

Moved by Councilmember Bracken, seconded by Mayor Pro Tem Bower to Direct Staff to open up appeal applications to businesses that were previously denied. The motion passed by the following vote:

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

[DIR 2020-041](#)**Discussion/Direction: IREA Franchise Agreement**

Kristin Read, Assistant Town Manager, provided an overview of the franchise agreements we currently have. Staff is proposing to renew the franchise agreement with IREA which expires at the end of 2020. The terms are 3% of the first \$10,000 of annual gross revenue plus 2% of sales in excess of \$10,000 at one location which is estimated to generate about \$1.3M. The renewal would begin January 1, 2021 and run through 2030 with an Ordinance presented on November 3, 2020.

Councilmember Johnson asked if other municipalities have had better agreements. Read stated they are not aware of any that changed and did not feel a need to negotiate an increase at this time.

No public comment.

Moved by Councilmember Teal, seconded by Mayor Pro Tem Bower to Direct Staff to schedule an Ordinance to Renew the Town's Franchise Agreement with IREA for the November 3, 2020 Council Meeting. The motion passed by the following vote:

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

[RES 2020-107](#)**Resolution Approving the Town of Castle Rock Transit Feasibility Study**

Dan Sailer, Director of Public Works, stated the goal was to provide a blue print for transit in Castle Rock. It is an unfunded plan, so this document will help guide transit priorities in the future.

Tom Reiff, Transportation Planner, provided an overview of the Transit Feasibility Study and noted that the consultant is also online to answer any questions. The study began about a year ago with extensive public outreach to identify needs and opportunities. They came up with recommendations and then obtained additional input to provide this presentation to Council. The goal is to serve the vulnerable population, provide regional connectivity, enhance economic sustainability and support population growth. The preferred service models are point-to-point, on demand service (i.e., taxi voucher), local micro transit service (shuttle or van using an app), and first-last mile/commuter service to the Ridge Gate station.

Reiff summarized the phased implementation recommendations:

- 1 - Expand the current taxi voucher program to extend the hours and open it up to all trip types.
- 2 - Convert the taxi voucher service to an on-demand service with extended hours and open it up to seniors who can schedule within 15 minutes of when they need it using an app.
- 3 - General public on-demand service for residents, workers, and employees which would be a micro transit service with the same hours within one zone initially and the remaining areas served by the taxi voucher program.
- 4 - Regional service up to Ridge Gate with 4 trips up and back per day in combination with a micro transit service that would be Town-wide.

There is no implementation because funds have not been identified. He feels they

will need to revisit the plan regularly to keep it current.

Mayor Pro Tem Bower asked how much of the taxi-voucher program has been used in the last 5 years or so. Reiff stated this year averages about 25 people per month mainly for work and medical trips. Bower asked if they are different people or regulars. Reiff stated a lot are the same people who don't have access to a car or are disabled. Sailer stated the ridership information is contained in their monthly reports.

Councilmember Bracken referenced their goal of enhanced economic sustainability and asked how that relates to this information. Reiff stated it is related to making sure employees can commute into the Town for our businesses. Bracken asked how they determined the fare amounts. The consultant stated the fares came from peer analysis who operate micro transit with a goal to attract and not prohibit riders.

Councilmember Johnson stated this was brought to the Public Works Commission and that there was a member that did not support the transit feasibility study and she is curious why. The individual shared the concern that the study was most likely done with residents that were interested in having transit and that it wasn't a valid study. In addition, they felt it should include tracking metrics like reduction on carbon emissions. Johnson stated she made a lot of comments and thanked staff for responding to her.

Councilmember Bracken confirmed this is just approving the study and not funding the study.

David Corliss, Town Manager, stated there is no funding in the Town's 2021 Budget for any of these recommendations or in the five-year Town financial summary, but feels it is a helpful process. Staff will want to present this to the new Council next year to see if there is an interest in funding for some of these recommendations.

Citizens that addressed Council:

Les Lilly managed the CATCO (shuttle) program which ended in December of 2010. Funding is the big question and he stated that in August 2010 the Town of Castle Rock decided not to fund the program; and that the statement in the study is incorrect when it stated the Town was not able to continue funding. He added that workshops were held in the Summer of 2010. At the time, the North Meadows extension was the priority in the Transportation Fund and Council voted to eliminate CATCO and direct those funds to the North Meadows extension. They were only \$36k short of funding the program for another year, and the Outlets were willing to fund it for another year leaving only a \$6k shortage. They began charging a fee which reduced the ridership by 75%. Lilly asked that he hoped Council will find a way to fund it.

Councilmember Teal was on the committee and spoke in support of the motion and feels we have a transit feasibility study and a road map for future Council to establish priorities for the next decade or two.

Mayor Gray received emails from two seniors last week who asked for an on-demand service and feels it is something we should look at.

Moved by Councilmember Teal, seconded by Mayor Pro Tem Bower that Resolution 2020-107 be Approved as presented. The motion passed by the following vote:

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

RES 2020-108 Resolution Supporting the Submission of an Application for a Non-Motorized State Trails Grant from the Colorado Parks and Wildlife State Trails Program for the Completion of Various Improvement Projects along the Colorado Front Range Trail in Castle Rock

Jeff Brauer, Director of Parks and Recreation, provided an overview of the grant program and stated this year places an emphasis on maintenance projects. The projects consist of \$250,000 in the maintenance category in the Woodlands Bowl and the South Perry Street connection. They are both part of the Colorado Front Range Trail that would supplement the grant they received previously. The projects will provide additional access, ADA access, and provide Castle Rock Water access to their wells. They would amend their application to include the Resolution if Council approves it by December 1. The final funding decision will be in March 2021 with two years to complete the projects.

Mayor Pro Tem Bower confirmed that the funds are for limited maintenance of non-motorized trails.

Councilmember Johnson asked if it went to the Parks and Trails Commission. Bauer stated there was a timing issue to get the application in, but it will go to the Commission tomorrow night.

No public comment.

Moved by Councilmember Johnson, seconded by Councilmember Townsend, that Resolution 2020-108 be Approved as presented. The motion passed by the following vote:

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

RES 2020-109 Resolution Approving a Construction Contract with Golden Triangle Construction Inc. to Construct the Castle Rock Water Administration and Customer Service Building Project

Mark Marlowe, Director of Castle Rock Water, gave a presentation on the proposed Administrative Building. It first went to Council in March and the contract was approved but was put on hold due to COVID. They re-bid the contract to include the three alternates to renovate the existing building, solar array and landscaping. They received lower bids that included the three alternates with anticipated completion by November 2021.

Councilmember Johnson confirmed that the previous bid did not include landscaping. Marlowe stated the previous bid did not include landscaping and included an additional \$100k for that. This bid includes the three alternates and a

grease interceptor that is still lower than the first bid.

No public comment.

Moved by Mayor Pro Tem Bower, seconded by Councilmember Bracken, that Resolution 2020-109 be Approved as presented. The motion passed by the following vote:

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

[DIR 2020-042](#)

Discussion/Direction: Extraterritorial Services Agreement at Bell Mountain Ranch [*unincorporated rural residential subdivision south of Town limits*]

Mark Marlowe, Director of Castle Rock Water, gave an overview of the agreement with Bell Mountain Ranch to supply water for 321 homes and 2 irrigation taps. Excess water rights would be dedicated to the Town and customers would pay the same rates and fees adjusted annually plus a 10% extraterritorial surcharge. An easement from existing wells we already own would allow us to connect those to the water treatment plant and allow us additional water supply for the Town. Bell Mountain will need to connect to our system, would go through the property we recently annexed, and would be paid for by Bell Mountain and rolled into their debt financed over 30 years. Bell Mountain would be subject to water conservation requirements and our watering schedule. Their board would be required to adopt our rules and regulations each year. We aren't losing any of our existing reuse water, and we would have the option to improve and expand their water treatment plant. Staff is asking for direction from Council to proceed to work on a final agreement to bring back to Council.

No public comment.

Councilmember Teal feels this is a good deal and it was discussed at the Water Resources Committee. He hears from Bell Mountain residents with water concerns because they think they are in the Town. Teal feels it is a good opportunity to help our neighbors to the south and is in favor of the motion.

Moved by Councilmember Teal, seconded by Mayor Pro Tem Bower to Direct Castle Rock Water and Staff to continue discussions with Bell Mountain and the Town Attorney to finalize an extraterritorial agreement and bring back to Council. The motion passed by the following vote:

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

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

None.

ADJOURN

Moved by Mayor Pro Tem Bower, seconded by Councilmember Johnson, to Adjourn. The motion passed by the following vote:

Yes: 4 - Bracken, Gray, Bower, Teal

Not Present: 2 - Townsend, Johnson

Note: The Webex meeting ended and Councilmembers Townsend and Johnson were cut off before the vote to Adjourn.

Mayor Gray Adjourned the meeting at 8:32 pm.

Submitted by:

Lisa Anderson, Town Clerk