



Town Council Meeting Minutes - Final

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

Tuesday, May 5, 2020

5:00 PM

Virtual Council Meeting
Online: www.CRgov.com/May5Council
Meeting Code: 965 682 777
Phone in: (720) 650-7664

This meeting is open to the public and will be held in a fully virtual format in accordance with Town Council Meeting Special Procedures During Declared Disasters. This meeting will be hosted online and can be accessed at <http://CRgov.com/May5Council>, or phone in by calling (720) 650-7664, meeting code 965 682 777. 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. In lieu of appearing in person, 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. May 5, 2020, to be included in the public record.

INVOCATION - Pastor Tate Thronson, Castlevue Baptist Church

CALL TO ORDER / ROLL CALL

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

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Councilmember Teal referenced Councilmember Loban's suggestion at the last meeting and wants to discuss the Town forming its own health department as we are different than the other two counties within Tri County. Mayor Gray suggests we put it off at this time and bring back at a later time. Councilmember Bracken's concern is the cost associated with that proposal. Councilmember Loban feels we need to look at it, and understands delaying that conversation at this time.

Councilmember Loban extended his gratitude to Fire and Police as our first responders have been outstanding and have quickly and professionally handled challenges. Loban would like to look at a program to jump start the economy for our local businesses to encourage citizens to shop in Castle Rock.

Mayor Gray congratulated Chief Norris Croom for his recent accomplishment. Gray asked to band together as citizens and asked everyone that we shop locally.

Mayor Pro Tem Bower stated that we have worked hard to get downtown alive, and asked people to shop local businesses and support them.

[PROC
2020-005](#)

Proclamation: Historic Preservation Month - May 2020 (For Presentation - Approved on April 21, 2020 by a vote 7-0)

Mayor Pro Tem Bower presented the proclamation.

[PROC
2020-006](#)

Proclamation: Peace Officers Memorial Day and Police Week (For Presentation - Approved on April 21, 2020 by a vote 7-0)

Mayor Gray presented the proclamation.

UNSCHEDULED PUBLIC APPEARANCES

[ID 2020-050](#)

Unscheduled Public Appearances - Written Comments

Citizens that addressed Council:

Will Heikes, non-resident that lives on Haystack Road, stated that they collected signatures on a petition to oppose the convenience station presented at the last Town Council meeting and feels there was not adequate notice of this hearing and that Council should not allow this development.

Jeremy Begley, asked if remote sessions can continue as it is convenient for those that have a hard time getting to meetings and feels it fosters more involvement. He asked if Council would look into sunsetting old zoning to be in alignment with the master plan.

TOWN MANAGER'S REPORT

[ID 2020-051](#)

Calendar Items

David Corliss, Town Manager, stated Council initially called a special meeting for Boards and Commissions interviews on May 12. These interviews will now be conducted remotely, so a special meeting is no longer needed and can be canceled.

Corliss recommends Council call an Executive Session from 5-6pm prior to the May 19 Town Council meeting regarding the Town Attorney recruitment. Bob Slentz, Town Attorney, suggests convening at 5pm, then recess to a separate Webex meeting for the Executive Session.

Moved by Councilmember Johnson, seconded by Councilmember Townsend, to Cancel the May 12, 2020 Special Council meeting. The motion passed by the following vote:

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

Moved by Councilmember Loban, seconded by Councilmember Teal, to Call an Executive Session on May 19, 2020 at 5pm regarding the Town Attorney recruitment. The motion passed by the following vote:

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

[DIR 2020-016](#)

Discussion/Direction: Virtual Council Open Houses

Kristin Read, Assistant Town Manager, stated that the physical open houses previously scheduled have been postponed and that they would like to move forward with scheduling virtual open houses. District 2 for Councilmember Townsend will be a virtual open house on Wednesday May 13 from 7-8pm. A few departments will give presentations and then the public can ask questions. The Mayor will hold a town-wide virtual open house on May 21, 7-8pm. Councilmember Loban and Johnson stated they would like to wait to see if orders change in order to hold physical open houses.

David Corliss, Town Manager, stated they are canceling a number of events for June that the Parks and Recreation department usually hosts including First Friday, Tunes for Trails and two Summer Concerts. In addition, the DMA has canceled their June events. Other municipalities and organizations are canceling their events, and the Colorado Municipal League canceled their annual conference.

[ID 2020-047](#) **Update: Residential Unit Data (through March 31, 2020)**

[ID 2020-048](#) **Update: Quasi-Judicial Projects**

[ID 2020-049](#) **Development Services Projects Updates**

TOWN ATTORNEY'S REPORT

No report.

ACCEPTANCE OF AGENDA

Note: Councilmember Loban lost connection and did not vote on this item.

Moved by Councilmember Townsend, seconded by Councilmember Johnson, to Accept the Agenda as presented. The motion passed by the following vote:

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

Not Present: 1 - Loban

CONSENT CALENDAR

Note: Councilmember Loban lost connection and did not vote on this item.

[ORD 2020-004](#) **Ordinance Amending Chapter 13.04 Sewer System; Prohibited Discharges by Adding a New Section 13.05 Grease Interceptors Required (Second Reading - Approved on First Reading on April 21, 2020 by a Vote of 7-0)**

[RES 2020-048](#) **Resolution Approving an Intergovernmental Agreement (IGA) Terminating the Regional Hazardous Materials Board of Arapahoe/Douglas Counties (RHMBADC)**

[PROC 2020-007](#) **Proclamation: National Public Works Week: May 17-23, 2020 (For Council Action - Presentation on May 19, 2020)**

[MIN 2020-009](#) **Minutes: April 21, 2020 Town Council Meeting**

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

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

Not Present: 1 - Loban

QUASI JUDICIAL HEARINGS

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

[ORD 2020-001](#) **Ordinance Annexing to the Town of Castle Rock, Colorado a 8.37 Acre Property Located in the South Half of the South Half of the North Half of Section 26, Township 7 South, Range 67 West of the 6th Principal Meridian, Douglas County, Colorado (Alexander Place Annexation) (Second Reading - Approved on First Reading on April 21, 2020 by a Vote of 7-0)**

Note: Councilmember Loban rejoined the meeting.

Mayor Gray read the quasi-judicial script for Ordinance 2020-001, Ordinance 2020-002, and Resolution 2020-049 and no Councilmember noted any conflict of interest. Lisa Anderson, Town Clerk, confirmed that the items were published in accordance with law. These items will be presented and public comment taken together.

Tara Vargish, Interim Development Services Director, presented an overview of the item and provided a background of the annexation process, zoning of the property, and provided a summary of the development agreement.

Councilmember Johnson inquired about the obligation for the transportation improvements. Vargish stated their total contribution is for offsite transportation improvements and made at the time of the recordation. They will also be constructing Alexander Place as part of their project and dedicating the road to us and providing the right-of-way.

Mayor Gray asked about the suspension clause. Vargish stated that if they don't develop the property in 10 years, they would need to come back to Council.

No public comment.

Moved by Councilmember Johnson, seconded by Councilmember Townsend, that Quasi-Judicial Ordinance 2020-001 be Approved on Second Reading as presented. The motion passed by the following vote:

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

[ORD 2020-002](#) **Ordinance Approving the Alexander Place Planned Development**

Plan and Zoning Regulations (Second Reading - Approved on First Reading on April 21, 2020 by a Vote of 7-0)

This item was presented and comment taken under Ordinance 2020-001.

Moved by Councilmember Johnson, seconded by Councilmember Townsend, that Quasi-Judicial Ordinance 2020-002 be Approved on Second Reading as presented. The motion passed by the following vote:

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

RES 2020-049 Resolution Approving the Alexander Place Annexation and Development Agreement

This item was presented and comment taken under Ordinance 2020-001.

Moved by Councilmember Teal, seconded by Councilmember Loban, that Quasi-Judicial Resolution 2020-049 be Approved as presented. The motion passed by the following vote:

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

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

ORD 2020-005 Ordinance Amending Section 15.48.010 of the Castle Rock Municipal Code Adopting by Reference as a Primary Code the 2020 Landscape and Irrigation Performance Standards and Criteria Manual (First Reading)

Mark Marlowe, Director of Castle Rock Water, presented the item and stated it is a key part of the Water Efficiency Master Plan and critical to meeting long term water conservation goals. They have a training program for the landscapers, and recommend requiring them to obtain the national QWEL certification which has more comprehensive and up to date training. The certification can be used in other states as well. They also propose to register the companies within the Town (there are 95) that will have someone that is QWEL certified and has passed a test on our local requirements. They will be responsible for ensuring they are adhering to our requirements. They are also proposing changing the approved type of compost and disallowing irrigated landscaping in medians, islands or round-a-bouts. Section 9 was inadvertently excluded in 2018, so they will add that back in. Staff provided outreach that included presentations, meetings and letters/emails to the stakeholders, landscapers, and landscape companies. Castle Rock Water Commission and staff recommend approval.

Councilmember Bracken asked for clarification on the certification requirements and the benefits of the program to the business. Marlowe stated that the company registers with the Town and they identify their responsible landscape professional that will oversee the projects. Anyone hiring one of the landscape companies certified by the Town should be assured that they are aware of the Town requirements, will be held accountable, and could lose their license if they have violations.

No public comment.

Moved by Councilmember Johnson, seconded by Councilmember Townsend, that Ordinance 2020-005 be Approved on First Reading as presented. The motion passed by the following vote:

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

[DIR 2020-013](#)

Discussion/Direction: Community Development Block Grant (CDBG) Funding Consideration

David Corliss, Town Manager, introduced the item and noted that there have been developments since the last time that Town Council considered this.

Matt Gohl, Special Project Analyst, provided information about eligible projects such as acquisition of real property, relocation or demolition, rehabilitation of structures, construction of public facilities, some public services, activities related to energy conservation and renewable energy, economic development and job creation. Examples of projects that other communities have done are housing rehabilitation, sewer line replacements, energy efficiency grants, street and sidewalk accessibility improvements, home buyer assistance, special needs housing, park and playground improvements, and a high school mentorship program.

The Town previously participated under Douglas County and did some alley and downtown accessibility improvements in 2011. Concerns in the past were with some of the requirements and loss of zoning or planning control in our local area. The estimated allocation for 2020 would have been \$220,000, and they anticipate a similar amount in 2021. Gohl summarized that the justification for the Affirmatively Furthering Fair Housing (AFFH) rule change from HUD is due to duplicative efforts, burdensome, focus on process vs. results, and that the questionnaire was difficult and didn't include all relevant factors. The proposed rule changes would require jurisdictions submit three concrete goals. Staff recommends participating independently, or the Town could participate under Douglas County, do further research, or decline to participate.

Councilmember Johnson stated this is a proposed rule change that was presented by HUD in January and it has not been officially adopted as yet. If the Town moved forward, we would be willing to operate under the 2015 rules in hopes that the proposed changes would be adopted. Gohl stated the 2015 rule is the current rule in place, and has not heard back on the timeline for the final ruling. Corliss stated the Town has the option to decline to participate under Douglas County by the deadline of May 15, and then can wait until the deadline of September 15 to decide to participate independently if the new rules are adopted.

Councilmember Johnson inquired about the administrative costs and if the Town would need to hire someone to administer the program. Gohl confirmed that up to 20% of the grant proceeds can be used for administration of the program. 70% of the funds must be spent on qualifying projects. Corliss stated they may have to realign staff responsibilities or hire a part time position with the goal not to spend more on the program than that reimbursement.

Councilmember Johnson inquired about the public hearings required that would require additional staff time. Corliss stated staff would be administering the program, and would not require Council to do that. Johnson stated her preference would be to wait for the rule change and not participate with Douglas County.

Councilmember Teal agreed with Johnson to conduct further research and notify the County that we would not be partnering with them, and wait to see if the rule is finalized. Corliss stated we could notify the County that we will not be participating with them, and bring back the item in August with any update on the rule change. Council could then decide if they wish to participate independently at that time. If they decide to participate, the Town can exit the program if they do not agree with the plan.

Councilmember Loban stated Council previously stood up to CBDG and AFFH on the premise of protecting Castle Rock from outside intervention. He feels we should not do anything until we know if the proposed rules are approved. Loban asked if we are confident that the new rules won't have control over our zoning. Gohl stated that is his interpretation. Loban is in support of declining participation with Douglas County and waiting to see if the rule is approved.

Mayor Gray has talked to other jurisdictions that are happy with the program.

No public comment.

Moved by Mayor Pro Tem Bower, seconded by Councilmember Teal, to Direct Staff to conduct further research on this issue and bring back to Council for later Council action, and to Notify Douglas County that the Town does not wish to participate with them on CBDG item at this time. The motion passed by the following vote:

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

[DIR 2020-014](#)

Discussion/Direction: Town of Castle Rock Pandemic Response

David Corliss, Town Manager, provided an overview of the Town pandemic response. The Town anticipates a 10-20% (\$7-\$10M) loss in sales tax. Staff continues to defer or eliminate expenses in sales tax reliant funds - General Fund (65% from sales tax), Transportation (49%), Community Center (33%). Examples of savings are: the Town furloughed 251 part time staff in Parks and Recreation, 1 position in Golf, 16 part time facilities service positions; eliminated and suspended training, equipment, computer replacement, fleet replacement, and supplies; and reallocated and transferred funds such as the payment from Fire Capital to the General Fund.

Staff will continue to monitor and look at service delivery adjustments, revenue and building reports, service and re-opening of Town facilities, and will continue to look for opportunities to assist Castle Rock businesses. Swimming pools is an item we will need to address soon and will follow public health direction. The Town doesn't make money with outdoor swimming pools, but it is a service we provide to the community. The Town has been a leader in assistance provided to small businesses. Council was provided with information on the Rock Your Dollar program the Town did previously.

Councilmember Johnson asked how the pool direction would apply to HOA pools

or does it only address public pools. Corliss stated all public/HOA/country club pools are prohibited to be open.

Councilmember Loban asked if staff has looked into a property tax increase and where we compare to neighboring municipalities. Corliss stated they have looked at it and we have the lowest property tax for a full service municipality on the front range. Staff does not plan to look into it for this year, and have also discussed a public safety mill levy. Loban feels it isn't the time to ask, but it is the time to plan to stabilize our revenue.

Councilmember Bracken asked about local enforcement. Corliss stated all Douglas County law enforcement feels it is important to educate and engage the community and be cooperative and not confrontational. If there are clear violations of the order, we would talk with Tri-County and the state on how to proceed. We feel we have achieved a lot with education. Police Chief Jack Cauley, stated they are focusing on being educational and have been successful with that approach. Mayor Gray agrees that we want to see education. Mayor Gray would like to see something in 2021 and a phase-in on property tax in the future.

Mayor Pro Tem Bower wants to work with the Chamber to come up with a program to spend locally. Councilmember Loban suggests a rewards program to get people out to participate. Councilmember Johnson referenced a program in another jurisdiction.

Kristin Read, Assistant Town Manager, stated staff got together with the Chamber and the Downtown Alliance and rolled out a program last week to support the Castle Rock community featuring faces and photos.

Councilmember Bracken asked if we used all the credit from Dorsey Films. Corliss stated that one of the videos is still in production, but feels their timelines aren't going to be concurrent with our efforts.

Mayor Pro Tem Bower knows there are some celebrities that live in our community that may be willing to do an appearance in a video and will provide that information to Community Relations.

No public comment.

[DIR 2020-015](#)

Discussion/Direction: Impacts of Deferring the 2020 Slurry Seal Project to Reduce 2020 Budget Expenditures

Dan Sailer, Director of Public Works, stated the Transportation fund is heavily dependent on sales tax. Staff recommends reducing the scope of the slurry seal portion of the work that includes the markings removal and the seal coat to save funds. Patches and sealing cracks would continue and the seal coat would be completed later. Councilmember Bracken confirmed that this would only reduce the life of the streets by one year. Councilmember Johnson asked if the seal coat was more for looks. Sailer stated the crack seal addresses the more visible cracks, and the seal coat addresses the fine cracks and gives it a more uniform look. Councilmember Teal concurs with the recommendation.

No public comment.

Councilmember Bracken thanked the staff for their work on this.

NOTE: Councilmember Loban lost connection and did not vote on this item.

Moved by Mayor Pro Tem Bower, seconded by Councilmember Bracken, to Direct Staff to pursue a reduction of the slurry seal scope of work within the 2020 slurry seal contract. The motion passed by the following vote:

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

Not Present: 1 - Loban

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

None.

ADJOURN

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

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

Not Present: 1 - Loban

The meeting adjourned at 7:50 pm.

Submitted by:

Lisa Anderson, Town Clerk