



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, June 16, 2020

5:00 PM

Town Hall Council Chambers

100 N. Wilcox Street

Castle Rock, CO 80104

Phone in: (720) 650-7664

Meeting # 146 894 3780

www.CRgov.com/June16Council

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/June16Council, or phone in by calling (720) 650-7664, meeting code 146 894 3780. 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. June 16, 2020, to be included in the public record.

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

CALL TO ORDER / ROLL CALL

Note that Councilmembers Townsend, Johnson and Mayor Pro Tem Bower are attending remotely.

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

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Councilmember Loban would like to find out about the impacts and implications of putting a time limit on zoning. He would like to see a ten-year time limit. Councilmember Johnson is in favor of a motion.

David Corliss, Town Manager, stated staff has discussed doing a review of all situations where it is likely to be an issue and recommends a motion.

Moved by Councilmember Bracken, seconded by Councilmember Loban, to Amend the Motion to include long-term plans . The motion passed by a vote of:

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

Moved by Mayor Gray, seconded by Councilmember Johnson, to review current zoning, prospective zoning and time limits, as amended to include long-term plans. The motion passed by a vote of:

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

[ID 2020-068](#)

Unscheduled Public Appearances - Written Comments

Councilmember Townsend asked everyone to be kind and that everyone is doing the best that they can. He asks Council to keep pressure on our State leadership to open our local businesses.

Councilmember Bracken has been communicating with Tri County and Dr. Douglas responded to him. He requested data that offered age, county, long-term facility status, and zip code. Findings that were reported were that there have been 41 deaths in all of Douglas County (21 died of COVID that were in long-term facilities). The 20 outside of long term facilities have caused us to be shut down, and he is asking Dr. Douglas to push to open our county as well as the other two counties. In Arapahoe County there were 71% of COVID deaths that were in long-term facilities.

Councilmember Johnson agrees with getting the Town and our businesses open, especially with the public consumption and communal dining area options. Johnson reported that she had an EENR Committee meeting and is happy to share any information. She sent a request from the EENR Committee asking for local governments to support funding to identify gaps in our energy policy and ask if Council would send a letter.

Consensus of Council to send a letter.

Mayor Pro Tem Bower stated the 5pm start time is a little difficult, and will attend in person when meeting time returns to normal. Councilmember Townsend agreed.

Mayor Pro Tem Bower is curious what else needs to be opened up. Mayor Gray stated everything is open, but there are restrictions. Mayor Gray commended the Commissioners and the other municipalities for their work to request variances. Bower feels we need to notify the community that everything is open now, but with restrictions. Councilmember Townsend stated that some of the local businesses find it difficult to open with the restrictions and requirements for cleaning, and find it difficult to find liability insurance to cover any illness contracted at their location. Bower asked if they are guidelines or if they are requirements. Corliss stated the current State order that is the applicable set of laws that we comply with is 54 pages and each business industry has a separate set of rules. We do not have a requirement to wear masks independent of the State order. At Town Hall we have certain requirements for employees coming in, but not for visitors. There is not a legal requirement in a number of establishments for masks, but the owner may require it. We refer questions to Tri County to interpret the State requirements. The Town has no local COVID restrictions for the businesses or citizens. Councilmember Bracken noted that restaurants have 30% fixed costs, 30% staffing, 30% supplies. Their 10% profit is smothered if there is a 50% reduction. He does not feel the statistics support the current restrictions. Mayor Pro Tem

Bower stated he doesn't want any restrictions either, and just wants to ensure businesses and citizens know businesses can be open. Councilmember Townsend stated you can access the Safer at Home guidelines online. Bower wants to clarify if they are guidelines or restrictions. Bracken stated there are fines for not complying with the guidelines. Corliss stated you have to read the restrictions for each businesses whether it says shall, will, must which is a restriction. The guidelines will state encourage, can, may, etc. Councilmember Teal stated Council seems to be in agreement that this is an issue and that we should send another letter. Mayor Gray says we should send the same letter we sent previously and amend another one after the next meeting. Bracken asked to give Dave the editing rights. Corliss stated that the Commissioners sent a letter asking to open everything up. Corliss stated staff can prepare draft letter and incorporate comments from Council to include reported statistics from Councilmember Bracken.

Councilmembers provided their input:

Councilmember Teal feels we should include the statistics in the letter.

Councilmember Bracken stated the original numbers they were reporting out, included cause of death if someone died and also tested positive. Our State is now reporting a true number of deaths caused by COVID. Average age of death is 79 in Douglas County.

Mayor Pro Tem Bower does not feel we should send the same letter, just a letter supporting the County's decision to open up. We are the healthiest county in the nation. Townsend feels we should mention the Commissioners letter and state our appreciation for their support.

Moved by Councilmember Loban, seconded by Councilmember Teal, for staff to take the original letter and develop it into a full letter in compliance and conjunction with Douglas County to open up. The motion passed by a vote of:

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

Mayor Gray stated this is hard on our locally owned small businesses, and encouraged everyone to keep supporting local businesses. Most restaurants need 85% capacity to make it. Mayor Gray reported that he was asked last week by the County Commissioners if they would reconsider turning off the Star at the end of the Fair. He also noted that the Commissioners are doing fireworks in Lone Tree and Parker and during the Fair in Castle Rock.

Moved by Mayor Gray, seconded by Councilmember Loban, to turn the Star off after the Fair. The motion passed by a vote of:

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

**[APPT](#)
[2020-003](#)**

**Appointments to the Design Review Board, Election Commission
and Downtown Development Authority [updated June 14, 2020]**

Moved by Mayor Pro Tem Bower, seconded by Councilmember Johnson, to Approve the Appointments as presented. The motion passed by the following vote:

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

UNSCHEDULED PUBLIC APPEARANCES***Citizens that addressed Council:***

Will Hikas, non-resident, discussed the zoning for the gas station at Plum Creek

James Takeda, resident of 14 years, requested Councilmember Teal to clear up the issue concerning his military experience and the letter from the VFW.

Mayor Gray reminded the citizen that Council doesn't discuss items under this portion of the agenda.

Greg Archer, resident, voiced concern over Councilmember Teal's reference to his military service.

Online comments were added into the record.**TOWN MANAGER'S REPORT****[ID 2020-062](#)****April 2020 Sales Tax Report**

David Corliss, Town Manager, stated Mayor Pro Tem Bower asked to place the April 2020 Sales Tax Report on the agenda. Pete Managers presented the report. He reported year-to-date we are up 2.8% over 2019, but down 8.6% comparing April 2019 to 2020. Our budget anticipates a 4% increase over 2019.

Councilmember Bracken inquired about the out-of-state tax. Mangers reported that they are retail establishments that collect sales tax and reside out-of-state. Many of these are on-line sales.

Councilmember Bracken asked if it was grocery tax revenue. Mangers said some is on food for home consumption, but it is also for items that are not food items.

David Corliss, Town Manager, stated that at the onset of the pandemic, staff looked at the 2020 budget and began to eliminate expenditures up to 20% based on the forecast. Corliss stated they don't feel they will have a double digit decrease in sales tax revenues, but it could be flat. We are loosening up on some of the restrictions that we know we need to do to achieve the levels of service, but with caution knowing that it could change. Corliss met with the County Manager and he indicated they were concerned about a double digit loss initially as well. In July, we will hold a remote Budget Open House and will know a lot more.

Councilmember Bracken asked where home improvement would be listed in the report. Mangers stated it is under home and garden. Corliss stated they had a healthy increase, as a lot of residents are doing home improvement projects.

Councilmember Loban thanked Corliss for his cautious stewardship of our budget. He understands that apparel and accessories are down 92% which is devastating. He noted that Council has put out the grants and loans to help businesses and knows it wasn't enough, but is all we could do. We have small and large businesses that won't recover. There is still money available in programs, and

Loban encouraged businesses to reach out to the Chamber, EDC or the Town. Corliss stated it is a team effort and we have laid off over 200 part time employees.

Mayor Gray reported that he spoke with Frank Gray with the EDC and they will announce the program Council approved eight weeks ago for a 0% loan.

[ID 2020-063](#)**2020 Metro Districts Mill Levy Report**

Corliss stated the different mill levies for the metro districts are summarized.

[ID 2020-064](#)**Update: Monthly Department Reports**

A video summarizing the monthly reports was presented.

[DIR 2020-023](#)**Discussion/Direction: Amended and Restated Intergovernmental Agreement for the Douglas County Housing Partnership**

David Corliss, Town Manager, requested Council send their comments to him on the letter and it will be finalized and brought back to Council. Corliss noted that it is just a membership question to add Castle Pines.

[ID 2020-065](#)**Update: Quasi-Judicial Projects**[ID 2020-066](#)**Development Services Projects Updates****TOWN ATTORNEY'S REPORT**

No report.

ACCEPTANCE OF AGENDA

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

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

CONSENT CALENDAR[RES 2020-054](#)

Resolution Ratifying and Approving the Recommendation by the Town Manager for the Director of Development Services for the Town of Castle Rock

[PROC
2020-010](#)

Proclamation: Smart Irrigation Month [For Council Action - Presentation on July 7, 2020]

[MIN 2020-011](#)

Minutes: May 19, 2020, May 29, 2020, and June 2, 2020 Town Council Meetings

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

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

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[RES 2020-055](#) **Resolution Approving a Town Attorney Employment Agreement with Michael J. Hyman**

David Corliss, Town Manager, stated it is Council's appointment and introduced the proposed Town Attorney, Mike Hyman. Hyman thanked everyone for the recommendation and looks forward to working with Council. He has fallen in love with Castle Rock and gladly is relocating to the Town. He thanks Council for the opportunity.

No public comment.

Mayor Gray stated there was a lot of hard work by the consultant and staff and that he received several messages from around the state saying he is a great attorney.

Mayor Pro Tem Bower welcomed Mike to Town and is excited to have him.

Hyman reported that Bob Slentz is the most highly regarded in their profession.

Moved by Councilmember Johnson, seconded by Councilmember Loban, that Resolution 2020-055 be Approved as presented. The motion passed by the following vote:

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

[DIR 2020-024](#) **Discussion/Direction of Applications for the 2020 Second Quarter Council Community Grant Program, Two Applications**

Trish Muller, Director of Finance, presented the two grant applications from Douglas Land Conservancy and Lady Trailblazer, Inc. for \$500 each.

Jim Delay, 25 year resident, is a board member for over 8 years for Douglas Land Conservancy and provided an overview of their mission.

Dr. Carletta Stewart with Lady Trailblazer provided an overview of their program.

No public comment.

Moved by Councilmember Johnson, seconded by Councilmember Loban, to Award the Grants as presented. The motion passed by the following vote:

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

[RES 2020-058](#) **Resolution Authorizing Administrative Approval of Public Consumption and Communal Dining Areas**

Lisa Anderson, Town Clerk, provided an overview if the new executive order that allows for Communal Dining Areas and Public Consumption Areas.

Councilmember Johnson asked if the DDA is talking with restaurants about these

two programs.

Mayor Pro Tem Bower reported that the Downtown Merchants Association were unanimously in support of public consumption areas. They want to be able to get food and drinks To Go and go sit in the park. He noted that the DMA has set up tables and chairs in certain areas downtown. The public consumption would allow them to sit at these tables and bring their alcohol.

Councilmember Teal noted that staff felt the Communal Dining Areas may be difficult on businesses and asked why it was included in the resolution. Anderson reported that staff had not identified any area that would work and were not sure if businesses would be receptive to it, but included it in the authority for the Town Manager to provide that option and flexibility if we find it would work or be desired.

No public comment.

Moved by Councilmember Loban, seconded by Councilmember Teal, that Resolution 2020-058 be Approved as presented. The motion passed by the following vote:

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

[RES 2020-056](#)

Resolution Extending the Declared Disaster Enacted by Resolution 2020-039

David Corliss, Town Manager, presented the item and requested Council feedback if Council wishes to extend the emergency declaration through September, to continue to hold hybrid Council meetings allowing remote attendance by Council, staff, and citizens through August with a 5 pm start time for dinner and 6pm for the meeting. Staff also recommends permanent Code language to allow remote participation.

Councilmember Teal stated he is fine with the hybrid meetings. Teal feels we need to evaluate if we are in an emergency.

Councilmember Johnson feels it may be needed in order to receive the Federal funds. She is in support of the hybrid meetings and supports permanent language to allow for remote participation and to apply to our residents to have access to our Council meetings.

David Corliss, Town Manager, stated extending the disaster declarations allows us to continue with remote participation and gives us time to get the remote participation allowable in our Code.

No public comment.

Councilmember Loban brought up previously that he wants to allow remote participation. Extending the emergency allows us to codify remote participation, along with accessibility to funding.

Moved by Councilmember Loban, seconded by Councilmember Johnson, that Resolution 2020-056 be Approved as presented. The motion passed by the following vote:

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

[ID 2020-067](#)

Collaboration Agreement with Douglas County and Area Municipalities on CARES Funding Allocation

David Corliss, Town Manager, stated that as part of the Federal CARES Act, the State of Colorado and counties over 500,000 in population received direct allocations. The Town sent letters to the Governor and State representatives stating that we had eligible expenses and wished to seek funding. Corliss presented the County's powerpoint that outlined the program and the process to request funds. This is reimbursement for expenses, not for lost revenue. The County will use some of the funds for contact testing and tracing. DOLA determines what expenses qualify. Corliss stated we will also see if we can be reimbursed for our grant program.

Barbara Drake from Douglas County stated the funds can also serve for the 25% match required for FEMA funds.

Councilmember Loban inquired where the funds are coming from. Drake stated this is as a result of an Executive Order from the Governor from the CARES money that came to Colorado.

No public comment.

Councilmember Teal worked on this and is in favor.

Moved by Councilmember Loban, seconded by Councilmember Teal, to authorize the Mayor to sign the collaborative agreement with Douglas County and Area Municipalities on CARES Funding Allocation. The motion passed by the following vote:

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

[ORD 2020-007](#)

Ordinance Amending Chapters 13.12 of the Castle Rock Municipal Code Utilities Services and Charges by Adding a New Subsection C Concerning Fire Protection Service Lines and Chapter 15.38 Water System Design Criteria Manual by Making Conforming Amendments to Chapter 4.4 of the Water System 2018 Design Criteria Manual (Second Reading - Approved on First Reading on June 2, 2020 by a vote of 7-0)

Mark Marlowe, Director of Castle Rock Water, provided an overview of this item.

No public comment.

Moved by Councilmember Johnson, seconded by Councilmember Bracken, that Ordinance 2020-007 be Approved on Second Reading as presented. The motion passed by the following vote:

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

[RES 2020-057](#)

Resolution Approving an Equipment and Services Acquisition

Agreement with Garney Construction for the Plum Creek Water Purification Facility (PCWPF) Ammonia Conversion Project [1929 Liggett Rd.]

Mark Marlowe, Director of Castle Rock Water, reported that this is to convert a chemical feed system from one chemical to another that is less toxic, less costly, and more stable. Denver, Thornton and several others are doing this. They will take out the existing steel tanks, the outside wall, and install new piping, etc. It will create a safer work environment, will be safer for citizens, and save funds. Garney Construction is already on site for another project.

Councilmember Johnson inquired if there was any chance of a delay. Marlow stated that it is a fairly minor change and they do not expect any issues with permitting. We have two other plants that use this and have experience with this material.

No public comment.

Moved by Councilmember Johnson, seconded by Councilmember Townsend, that Resolution 2020-057 be Approved as presented. The motion passed by the following vote:

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

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

None.

ADJOURN

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

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

The meeting was adjourned at 7:34 pm.

Submitted by:

Lisa Anderson, Town Clerk