

AGENDA  
REGULAR MEETING OF THE CITY COUNCIL  
480 S. ALLISON PARKWAY  
CITY OF LAKEWOOD, COLORADO  
**HYBRID MEETING**  
APRIL 8, 2024  
**7:00 PM**

To watch the Council meeting live, please use either one of the following links:  
City of Lakewood Website: [Lakewood.org/CouncilVideos](https://Lakewood.org/CouncilVideos)  
Lakewood Speaks: [Lakewoodspeaks.org](https://Lakewoodspeaks.org)

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In accordance with City Council Policy 5.1(A), all virtual meeting participants are advised that technological issues, whether caused by the City's equipment or the user's equipment, shall not be grounds for canceling a public meeting.

**How to Connect to Provide Public Comment:** Online participants may post written comments of any length to LakewoodSpeaks.org, an online forum for public comments.

**ITEM 1 – CALL TO ORDER**

**ITEM 2 – ROLL CALL**

**ITEM 3 – PLEDGE OF ALLEGIANCE**

**ITEM 4 – STATEMENT OF CONFLICT OF INTEREST**

**ITEM 5 – FAIR HOUSING MONTH**

**ITEM 6 – 2024 COLFAX MARATHON**

**ITEM 7 – RESOLUTION 2024-21 – SUBMITTING NOTICE TO THE OFFICE OF HEAD START THAT THE CITY DOES NOT INTEND TO APPLY FOR HEAD START AND EARLY HEAD START GRANT FUNDS FOR THE FIVE-YEAR GRANT PERIOD THAT BEGINS ON JULY 1, 2025**

**PUBLIC COMMENT ON RESOLUTION 2024-21**

**ITEM 8 – RESOLUTION 2024-22 – ESTABLISHING AN THE AD HOC COMMITTEE OF MEMBERS OF THE CITY COUNCIL TO ESTABLISH MEMBERSHIP FOR COMMUNITY ENGAGEMENT PROCESSES ASSOCIATED WITH DEVELOPING THE CITY OF LAKEWOOD'S COMPREHENSIVE MASTER PLAN UPDATE**

**PUBLIC COMMENT ON RESOLUTION 2024-22**

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**CONSENT AGENDA  
ORDINANCES ON FIRST READING**

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**ITEM 9 – ORDINANCE O-2024-6 – ENDORSING THE PROJECTS AND PROJECT FUNDING LEVELS IN THE CITY OF LAKEWOOD 2024 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

**ITEM 10 – ORDINANCE O-2024-7 – AMENDING TITLE 5 OF THE LAKEWOOD MUNICIPAL CODE TO ENACT A ONE- YEAR MORATORIUM ON THE ANNUAL ADJUSTMENT OF THE CITY BUSINESS AND OCCUPATION TAX RATE**

**\*ITEM 11 – ORDINANCE O-2024-8 – REPEALING AND REENACTING TITLE 3, CHAPTER 1, PART III OF THE LAKEWOOD MUNICIPAL CODE REGARDING IMPOSITION AND ADMINISTRATION OF THE CITY’S SALES AND USE TAX LICENSE**

**ITEM 12 – REQUEST FOR SPECIAL MEETING**

**END OF CONSENT AGENDA**

**PUBLIC COMMENT ON CONSENT AGENDA**

**ITEM 13 – GENERAL PUBLIC COMMENT**

Anyone who would like to address the council on any matter other than an agenda item will be given the opportunity. Speakers should limit their comments to three minutes.

**ITEM 14 – GENERAL BUSINESS**

**ITEM 15 – EXECUTIVE REPORT**

A. CITY MANAGER

**ITEM 16 – MAYOR AND CITY COUNCIL REPORTS**

A. COUNCIL MEMBERS BY WARD

B. MAYOR

**ITEM 17 – ADJOURNMENT**

# PROCLAMATION

## **THE MONTH OF APRIL IS FAIR HOUSING MONTH**

WHEREAS, the Fair Housing Act, enacted on April 11, 1968, established federal law that created the goal of eliminating racial segregation and ending housing discrimination in the United States; and

WHEREAS, The Fair Housing Act prohibits discrimination in housing based on race, color, religion, sex, familial status, national origin, and disability; and

WHEREAS, the State of Colorado passed its own Fair Housing Act in 1959 and provided additional protections for creed, ancestry, sexual orientation and marital status; and

WHEREAS, the Fair Housing Act prohibits discrimination in housing based on race, color, religion, sex, familial status, national origin, and disability, and commits recipients of federal funding to affirmatively further fair housing in their communities; and

WHEREAS, Metro West Housing Solutions, the Lakewood Housing Authority, is committed to the mission and intent of Congress to provide fair and equal housing opportunities for all; and

WHEREAS, our social fabric, the economy, health, and environment are strengthened in diverse, inclusive communities; and

WHEREAS, more than 50 years after the passage of the Fair Housing Act, discrimination persists, and many communities remain segregated; and

WHEREAS, Lakewood is committed to being an inclusive and diverse community and committed to fair housing.

NOW, THEREFORE, on behalf of the City Council and the people of the City of Lakewood, I, Wendi Strom, Mayor of the City of Lakewood, Colorado, by virtue of the authority vested in me, do hereby proclaim April 2024 as Fair Housing Month in the City of Lakewood and recognize Metro West Housing Solutions as a provider and advocate for equal housing opportunities for all residents.

GIVEN under my hand and Seal of the City of Lakewood, this 8th day of April 2024.

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Wendi Strom, Mayor

# STAFF MEMO

**DATE OF MEETING: APRIL 8, 2024 / AGENDA ITEM NO. 6**

To: Mayor and City Council  
From: Robert Smith, Director of Economic Development  
Subject: **2024 COLFAX MARATHON**

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**SUMMARY STATEMENT:** This item consists of a brief presentation from the Colfax Marathon Organization. Each year, the Colfax Marathon holds events in Lakewood and Denver along the 26-mile marathon route. It is a full weekend of celebration and promotion for the Colfax Corridor.

The presentation will include:

- A thank you to Lakewood for our continued support of the Colfax Marathon
- A recognition of a 2023 winning team, West Metro Fire Rescue
- An acknowledgment West Metro Fire Rescue placed in their event, garnering a \$1,500 donation prize which will be donated to Colorado Professional Fire Fighters (The Colfax Marathon donates ‘prize money’ to non-profits... it’s part of their mission.)
- A quick overview of what the Colfax Marathon means to the State, Metro Area, and to Lakewood
- A short look ahead to the 2024 edition of the race to be run in May

**BACKGROUND INFORMATION:** The Colfax Marathon is entering its 17th year and is the largest marathon weekend in the Rocky Mountain region, with over 21,000 runners in 2023. Races include a marathon, half-marathon, urban 10 miler, and a 5k. In addition, the race affords the opportunity for relay teams to complete the marathon together. The race route highlights local landmarks to include the Rocky Mountain College of Art + Design campus, Empower Field at Mile High, the Denver Zoo and world-famous Colfax Avenue.

The Colfax Marathon is the largest marathon weekend in Colorado, raising money for local charities. More than \$5 million has been raised over the last ten years. The race partners with over 125 charities every year - small to large. Annually, the Marathon donates over \$100,000 to its partners through the Corporate, Government and open relay teams.

The City of Lakewood has been an advocate for the Colfax Marathon since its inception and has partnered with the organizers as the event has grown to national prominence over the years.

**BUDGETARY IMPACTS:** There are no budgetary impacts associated with this presentation.

**STAFF RECOMMENDATIONS:** None

**ALTERNATIVES:** None

**PUBLIC OUTREACH:** The Colfax Marathon has year-round public engagement with business and the neighborhoods. Engagement includes ambassadors, running groups, public presentations and race weekend.

**NEXT STEPS:** None

**ATTACHMENTS:** None

**REVIEWED BY:** Kathleen E. Hodgson, City Manager  
Benjamin B. Goldstein, Deputy City Manager  
Alison McKenney Brown, City Attorney

# STAFF MEMO

**DATE OF MEETING: APRIL 8, 2024 / AGENDA ITEM NO. 7**

To: Mayor and City Council  
From: Kit Newland, Director of Community Resources  
Subject: **HEAD START PRESENTATION**

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**SUMMARY STATEMENT:** The City of Lakewood currently receives non-competitive grant funding to operate Head Start *and* Early Head Start programs for Lakewood residents.

**BACKGROUND INFORMATION:** Since 2000, the City of Lakewood has been operating as a direct service provider for Head Start. Lakewood City Council is the governing body for Head Start and must approve grant funding requests and changes to the program operating structure.

As recently as 2020, Lakewood's Head Start program served 90 children in five different facilities for Head Start. Each classroom had 18 children under the guidance of one Lead Teacher, one Co-Teacher, and one Preschool Assistant. Lakewood's Head Start management requested and was approved to reduce the number of Head Start slots from 90 to 80 at the start of the 2020-2021 school year to bring the program into a sustainable, quality operational model that capped the number of students in each classroom at 16, maximized Head Start funding, and ensured compliance with state requirements for supplemental state grant funding through what was then the Colorado Preschool Program (since replaced with the new Universal Preschool Program in 2023).

Head Start slots were also reduced in 2020 due to the difficulty with the recruitment of teaching and support staff as far back as 2018. This problem was exacerbated by the pandemic in 2020 and continues to be a challenge. Since May 2021, the Head Start program has experienced 34 vacancies. Only three Head Start positions have experienced no turnover during that three-year span, and only 9 of the 29 staff members have remained with the program since May of 2021.

The shortage of qualified teaching staff led to the closure of one of the five funded classrooms beginning in August of 2022. This closure continues through today, as qualified teaching staff are needed to ensure a safe classroom environment that meets licensing requirements. The high turnover levels, combined with the significant number of ongoing vacancies, has placed added strain on the staff who run the Head Start program, and on all the supporting department staff in Human Resources, Finance, and Information Technology.

**BUDGETARY IMPACTS:** All totaled, the City contributes approximately \$500,000 each year from the general fund to support the Head Start program above and beyond what it receives in grant funding. By notifying the Office of Head Start that the City does not intend to apply for Head Start grant funding for the next five-year cycle, the City will save the money set aside from the general fund for Head Start and be able to use those funds for other needs that arise.

**STAFF RECOMMENDATIONS:** The City should notify the Office of Head Start of the City's intent to complete the current five-year grant and then no longer apply for Head Start and Early Head Start grant funds when the new grant cycle begins on July 1, 2025.

Staff solicited information based on questions posed at the February 12, 2024, City Council meeting about Head Start with answers as follows:

1. Is there interest from other Head Start providers in serving the Lakewood community? – Staff spoke to three Head Start providers in the region about the possibility of the Lakewood service area opening for competitive bids. Staff cannot provide the names of those organizations, or that would undermine the competitive bid process. However, staff can state that there is interest from those three existing providers.
2. When would the Lakewood service area grant be opened to other providers? – The Office of Head Start determines the timeline for the bid process and can open it up as soon as they deem appropriate. They do not have to wait until January 2025. That date is when organizations not competing for grant funds are notified that they can apply for the next grant cycle. Since this process is an open bid process, it can begin at any time.
3. Is there a chance the Office of Head Start will pull funding from the Lakewood area if the City gives up its right to the grant funds? – The only time money is pulled from a specific service area is if the grant is put out to bid and no organizations apply for funding in that area.
4. If no organizations apply for the Lakewood area funding, where does the money go? – The money is redistributed to other Head Start providers in Colorado where there is a high need for Head Start services.
5. Can the City reapply for the Head Start grant funds if City Council feels it is in the best interest of the City to do so at a later date? – Yes, the City can apply for grant funds so long as it meets the application deadline established by the Office of Head Start.

**ALTERNATIVES:** City Council can vote no on this resolution. A no vote will signal to staff the City Council's intent to continue being a direct provider of Head Start in Lakewood both now and for the next five-year grant period that runs from July 1, 2025 through June 30, 2030.

**PUBLIC OUTREACH:** This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

**NEXT STEPS:** Staff will ensure all activities are carried out by the required deadlines.

**ATTACHMENTS:** 1. Resolution 2024-21

**REVIEWED BY:** Kathleen E. Hodgson, City Manager  
Benjamin B. Goldstein, Deputy City Manager  
Alison McKenney Brown, City Attorney

2024-21

A RESOLUTION

SUBMITTING NOTICE TO THE OFFICE OF HEAD START THAT THE CITY DOES NOT INTEND TO APPLY FOR HEAD START AND EARLY HEAD START GRANT FUNDS FOR THE FIVE-YEAR GRANT PERIOD THAT BEGINS ON JULY 1, 2025

WHEREAS, the City of Lakewood (the "City") is a provider of the Federal Head Start program to qualifying Lakewood children;

WHEREAS, Head Start funds are appropriated by the U.S. Administration of Children and Families, Office of Head Start (the "Head Start Office");

WHEREAS, the City's Mayor or designee, as the City's official representative, is authorized to submit documents and assurances as required to administer the programs and expend Head Start funds;

WHEREAS, the City Council hereby finds and determines that opening the Lakewood service area to other organizations interested in providing Head Start and Early Head Start in Lakewood when the next five-year grant cycle begins on July 1, 2025, is in the best interests of the residents of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. The City Council hereby approves notifying the Office of Head Start that the City of Lakewood does not intend to apply for Head Start and Early Head Start grant funds for the five-year grant cycle that begins on July 1, 2025.

SECTION 2. The City Council reserves the right to direct staff to reapply for grant funds in the future.

SECTION 3. This Resolution shall become effective immediately upon adoption.

INTRODUCED, READ AND ADOPTED by a vote of \_\_\_ for and \_\_\_ against at a hybrid regular meeting of the City Council on April 8, 2024, at 7 o'clock p.m., at Lakewood City Hall, 480 South Allison Parkway, Lakewood, Colorado.

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Wendi Strom, Mayor

ATTEST:

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Jay Robb, City Clerk

APPROVED AS TO FORM:

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Alison McKenney Brown, City Attorney



# STAFF MEMO

**DATE OF MEETING: APRIL 8, 2024 / AGENDA ITEM NO. 8**

To: Mayor and City Council  
From: Travis Parker, Director of Planning  
Subject: **ESTABLISHING AN AD HOC COUNCIL COMMITTEE FOR THE  
COMPREHENSIVE PLAN COMMUNITY ENGAGEMENT PROCESS**

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**SUMMARY STATEMENT:** The purpose of the City Council Ad Hoc Community Engagement Committee is to review the recommended list of community members that will serve on the Advisory Groups for the Comprehensive Plan Update Process, Envision Lakewood 2040, based on a community application process. This Ad Hoc Committee will make the final decision for the community members selected to serve on each Advisory Group.

**BACKGROUND INFORMATION:** The Planning department, alongside staff from every department, has begun the process of updating the City's Comprehensive Plan. The updated Comprehensive Plan will define a holistic, shared vision for Lakewood over the next 15 years and identify the goals and strategies to achieve this vision. The plan will provide critical guidance by articulating what community members want to see in their city and how they want their values reflected in the choices that City officials make. The City will use the Comprehensive Plan as the framework for future decision-making regarding quality of life, land-use, housing, transportation, climate action, neighborhood vitality, equity and more.

### **Community Advisory Groups**

Three community advisory groups will be established to share information about key planning topics, have productive dialogue among the members of the advisory groups, and to provide concrete feedback to the staff team around goals, objectives, and strategies. This information will inform the draft Plan. Each group will include members of the community and Planning Commission and will receive support from city staff and outside experts in a range of applicable subjects. The groups will initially meet May through August 2024 and then convene later in 2024 and in 2025 as needed.

**BUDGETARY IMPACTS:** Funding for consultant services to support staff in this effort has been budgeted in 2023 and 2024. No additional funding is required for this action.

**STAFF RECOMMENDATIONS:** Approval of Resolution 2024-22

**ALTERNATIVES:** None

**PUBLIC OUTREACH:** Public outreach began in January 2024 and will continue through the duration of the project. The creation of the Community Engagement Committee is intended to support public outreach throughout the remainder of the Comprehensive Plan process.

**NEXT STEPS:** If approved, a staff selection committee will review applications from community members interested in participating in the community advisory groups and shall provide the City Council Ad Hoc Community Engagement Committee with final recommendations for appointment to the community advisory groups as expeditiously as possible.

**ATTACHMENTS:** 1. Resolution 2024-22

**REVIEWED BY:** Kathleen E. Hodgson, City Manager  
Benjamin B. Goldstein, Deputy City Manager  
Alison McKenney Brown, City Attorney

2024-22

A RESOLUTION

ESTABLISHING AN THE AD HOC COMMITTEE OF MEMBERS OF THE CITY COUNCIL TO ESTABLISH MEMBERSHIP FOR COMMUNITY ENGAGEMENT PROCESSES ASSOCIATED WITH DEVELOPING THE CITY OF LAKEWOOD'S COMPREHENSIVE MASTER PLAN UPDATE

WHEREAS, Article IV, Section 4.5 of the Charter for the City of Lakewood provides that “[a]d hoc advisory committees may be created or abolished by resolution or upon motion of the City Council”;

WHEREAS, Article IX, Section 9.1 of the Charter for the City of Lakewood, and Lakewood Municipal Code Section 12.08.020, provide that the City Council shall have final approval of the City's Comprehensive Master Plan for the physical development of the City (Comprehensive Master Plan); and

WHEREAS, the City of Lakewood values citizen engagement in the Comprehensive Master Plan review and update process.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood:

SECTION 1. The Ad Hoc Community Engagement Committee is hereby established, and membership shall be \_\_\_\_\_.

SECTION 2. The Council Ad Hoc Community Engagement Committee shall establish a meeting date and time to review recommendations for and applications of community members interested in serving on an Advisory Group for the Comprehensive Plan Update Process. The Ad Hoc Community Engagement Committee shall make the final decision for the community members selected to serve on each Advisory Group at that meeting.

SECTION 3. The term of the Ad Hoc Community Engagement Committee shall expire upon final action by the City Council upon the proposed appointments to the Comprehensive Master Plan community engagement processes produced by such committee.

INTRODUCED, READ AND ADOPTED by a vote of \_\_\_ for and \_\_\_ against at a hybrid regular meeting of the City Council on April 8, 2024, at 7 o'clock p.m., at Lakewood City Hall, 480 South Allison Parkway, Lakewood, Colorado.

\_\_\_\_\_  
Wendi Strom, Mayor

ATTEST:

\_\_\_\_\_  
Jay Robb, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Alison McKenney Brown, City Attorney

# STAFF MEMO

**DATE OF MEETING: APRIL 8, 2024 / AGENDA ITEM NO. 9**

To: Mayor and City Council  
From: Travis Parker, Director of Planning  
Subject: **2024 CDBG ACTION PLAN**

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**SUMMARY STATEMENT:** Staff is requesting that City Council approve the following Ordinance endorsing the recommended projects and funding levels identified in Table 1 for the 2024 Community Development Block Grant (CDBG) Program year.

**BACKGROUND INFORMATION:** The U.S. Department of Housing and Urban Development (HUD) requires all entitlement communities receiving Community Development Block Grant (CDBG) funds, such as the City of Lakewood, to prepare and submit a Consolidated Plan every five years to establish a unified, strategic vision for economic development, housing and community development actions. The Consolidated Plan encompasses the analysis of local community needs and coordinates appropriate responses to those needs and priorities.

The Consolidated Plan is carried out through Annual Action Plans which provide a concise summary of the actions, activities, and the specific federal and non-federal resources that will be used each year to address the priority needs and specific goals identified in the Consolidated Plan. The city must submit an Annual Action Plan to HUD by no later than August of each year during the five-year period (unless otherwise specified by HUD).

**2024 Annual Action Plan:**

The Annual Action Plan outlines the proposed CDBG-funded projects for 2024 which address the priority needs identified in the Consolidated Plan. It also serves as the City's annual funding application for the CDBG program year, which begins June 1, 2024 and ends May 31, 2025. The 2024 CDBG allocation is listed below.

**Project Selection Process:**

A review committee consisting of City staff from affected departments reviewed proposed projects and evaluated how each project satisfies national and local objectives. Keeping in mind ongoing commitments, the committee reviewed the estimated annual allocation of funds and selected the recommended projects included in the 2024 Action Plan.

The following criteria were used to evaluate and select recommended projects:

- 1. The project addresses a local priority need identified in the Consolidated Plan*
- 2. The project provides a benefit to low- and moderate-income residents of Lakewood*
- 3. The project benefits low-income areas in need of revitalization*
- 4. The project objectives and outcomes can be measured for aggregation nationally as HUD reports to Congress on program efficiencies. HUD program objectives are: a) provide a suitable living environment; b) provide an opportunity for decent housing; or c) provide an economic opportunity. HUD program outcomes are: 1) availability/ accessibility; 2) affordability; and 3) sustainability.*

**CDBG Resources Available in 2024:**

<b>Table 1: Estimated CDBG Resources Available in 2024</b>	
<b>Description</b>	<b>Amount</b>
2024 Community Development Block Grant (estimate)	\$900,000
2024 CDBG Program Income (estimate)*	\$20,000
Unspent CDBG reserves from previous years	\$211,804
<b>Total CDBG Resources</b>	<b>\$1,131,804</b>

\*Program income is money received from the repayment of loans from the Single-family Housing Rehabilitation program.

**2024 Recommended Projects:**

<b>Table 2: 2024 Recommended Projects</b>			
<b>Project</b>	<b>Description</b>	<b>Estimated Cost</b>	<b>Department or Subrecipient</b>
Two Creeks Playground	CDBG funds will be used to build a playground in a new park in the Two Creeks neighborhood.	\$580,304	Lakewood Community Resources
Portable Fume Extractors	Air Purifying devices to continue providing art programs for low to moderate income senior households in Lakewood.	\$79,800	Lakewood Community Resources
ULC Lighting Upgrades	Lighting upgrades to an existing affordable housing apartment building to provide better lighting and security to low to moderate income residents.	\$101,700	Urban Land Conservancy
Single-family Housing Rehabilitation	Low-interest loans and grants are provided to elderly, disabled and low-income homeowners to complete health and safety improvements to their single-family homes. Exterior painting and minor yard work for low-income and elderly Lakewood homeowners will be completed through the Lakewood Help for Homes program operated by Brothers Redevelopment, Inc.	\$95,000	Foothills Regional Housing Brothers Redevelopment, Inc.
Homeless Activities	Funding will be used for eligible CDBG activities to assist people experiencing homelessness with stable housing and services. Activities could include limited rental assistance, emergency motel vouchers, case-management services, transportation or other eligible direct services.	\$50,000	Lakewood PD- Homeless Navigators / Community Action Team

MWHS Self-sufficiency program	Self-sufficiency services and programming for low-income residents living in Metro West Housing Solutions' properties. Activities include case management, referral services, transportation and recreation scholarships, after-school programs and activities to increase life skills.	\$20,000	Metro West Housing Solutions
RecoveryWorks	CDBG funds will be used to help provide supportive services to previously homeless individuals with a state housing voucher. Service will include housing search and placement, referrals to community partners, and ongoing case management services.	\$30,000	RecoveryWorks
CDBG Administration	Provides oversight, management, and coordination of the CDBG program.	\$175,000	Lakewood Planning
<b>TOTAL</b>		<b>\$1,131,804</b>	

**BUDGETARY IMPACTS:** There are no budgetary impacts. The Community Development Block Grant program is funded through the Department of Housing and Urban Development (HUD).

**STAFF RECOMMENDATIONS:** Staff recommends City Council approve the Ordinance endorsing the recommended projects and funding levels for the 2024 Community Development Block Grant program year.

**ALTERNATIVES:** City Council may deny the endorsement of the 2024 Annual Action Plan. If denied, the city would no longer be recognized as an Entitlement Community and lose future CDBG funding for the community.

**PUBLIC OUTREACH:** This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

Additionally, the Notice of Public Hearing and 30-day public review period were published in the Denver Post and on the City's website in both English and Spanish on March 7, 2024, informing the public of the 2024 Annual Action Plan and inviting public review and comments. The public review and comment period ran from March 7, 2024 to April 8, 2024. To date, no public comments have been received as part of these notices.

**NEXT STEPS:** CDBG Staff will submit the 2024 Annual Action Plan for HUD's approval.

**ATTACHMENTS:**

1. Ordinance O-2024-6
2. 2024 Annual Action Plan

**REVIEWED BY:** Kathleen E. Hodgson, City Manager  
Benjamin B. Goldstein, Deputy City Manager  
Alison McKenney Brown, City Attorney

O-2024-6

AN ORDINANCE

ENDORISING THE PROJECTS AND PROJECT FUNDING LEVELS IN THE CITY OF LAKEWOOD 2024 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, the City of Lakewood (the “City”), as an entitlement community and receives Community Development Block Grant (“CDBG”) funds;

WHEREAS, CDBG funds are appropriated by the U.S. Department of Housing and Urban Development (“HUD”), and the City Manager or the City Manager’s designee, as the official representative, is authorized to submit documents and assurances as may be required to administer the programs and expend the CDBG funds;

WHEREAS, on April 22, 2024, the City Council reviewed the City’s 2024 Annual Action Plan for the use of CDBG funds and recommended funding based on community needs and priorities; and

WHEREAS, approval of this ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood:

SECTION 1. The City Council hereby endorses the projects listed in the attached Exhibit A to be funded through the 2024 Community Development Block Grant Program.

SECTION 2. The City hereby certifies that:

- a. The programs identified are eligible for funding and address required national objectives for the CDBG program;
- b. The City has a citizen participation plan that provides for and encourages citizen participation and provides citizens with reasonable and timely access to local meetings, information and records relating to the City’s use of CDBG funds;
- c. The City has developed a Consolidated Plan that identifies the City’s housing, supportive service and community development priority needs for the years 2020-2024; and



- d. The City has developed an Annual Action Plan for the projected use of CDBG funds to principally benefit low- and moderate-income persons, address identified community development and housing needs, or aid in the prevention or elimination of slum or blight.

SECTION 3. This ordinance shall take effect thirty (30) days after final publication.

SECTION 4. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 8th day of April 2024; published by title in the Denver Post and in full on the City of Lakewood's website at [www.lakewood.org](http://www.lakewood.org), on the 11th day of April 2024; set for a public hearing to be held on the 22nd day of April 2024; read, finally passed and adopted by the City Council on the 22nd day of April, 2024; and signed by the Mayor on the \_\_\_ day of April, 2024.

\_\_\_\_\_  
Wendi Strom, Mayor

ATTEST:

\_\_\_\_\_  
Jay Robb, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Alison McKenney Brown, City Attorney

**EXHIBIT A**

**2024 PROJECTS RECOMMENDED FOR FUNDING**

**Community Development Block Grant (CDBG)**

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Single-Family Housing Rehabilitation	\$95,000
Clements Center Fume Extractor	\$79,800
ULC Lighting Upgrades	\$101,700
Two Creeks Playground	\$580,304
MWHS Self-Sufficiency	\$20,000
RecoveryWorks	\$30,000
Homeless Services	\$50,000
CDBG Administration	\$175,000
<b>TOTAL CDBG FUNDS</b>	<b>\$1,131,804</b>



**Lakewood**  
Planning

# 2024

## **ACTION PLAN**

**City of Lakewood  
Community Development Block Grant (CDBG) Program**

**Planning Department  
Comprehensive Planning and Research**

**DRAFT March 2024**

# Executive Summary

## AP-05 Executive Summary - 91.200(c), 91.220(b)

### 1. Introduction

The Community Development Block Grant (CDBG) is administered by the U.S. Department of Housing and Urban Development (HUD). The program is authorized under Title 1 of the Housing and Community Development Act of 1974, making it one of the oldest programs in HUD. The program provides annual grants to communities to complete a wide range of projects aimed at revitalizing neighborhoods, fostering economic development, and improving community facilities and services. Maximum priority is given to activities benefiting low and moderate income persons. HUD determines the amount of funding each community receives based on population, the number of low and moderate income residents, and the age of existing housing stock. Lakewood has been receiving CDBG funds since the program began in 1974.

The national CDBG program goal is to develop viable communities. The program allows entitlement communities to develop their own projects and funding priorities as long as the funded projects correlate directly to one of the following national objectives:

- Benefit low and moderate income persons,
- Aid in the prevention or elimination of slum or blight conditions,
- Address other community development needs that present a serious and immediate threat to the health and welfare of the community.

CDBG activities must also meet eligibility requirements set by HUD and address a priority need established in Lakewood's 2020-2024 Consolidated Plan. Administration and planning expenses are subject to a 20 percent annual cap, and public service programs are subject to a 15 percent annual cap. The Annual Action Plan outlines specific strategies to be undertaken during the 2024 program year to address the needs outlined in the Consolidated Plan. The CDBG program year begins on June 1, 2024 and ends on May 31, 2025. The City of Lakewood is estimated to receive \$900,000 in 2024.

Please note that these funds are estimated amounts until the HUD allocation is awarded for the 2024 program year. Public service funds will likely not be increased to ensure compliance with the 15% public service cap. Projects identified as 'high priority' by the CDBG Review Team during the application process will be increased based on final allocation.

## **2. Summarize the objectives and outcomes identified in the Plan**

Lakewood's goals for the 2024 Annual Action Plan period will primarily focus on funding a new neighborhood park within an CDBG Target Area, upgrades to lighting to enhance security, housing rehabilitation, and public facility improvements and supportive services for people experiencing homelessness, low-income and people with special needs.

Lakewood's Community Resource department will start building a new park facility to broaden parks and open space within a CDBG Target Area. This project is a high priority for Lakewood in a location that has historically been underserved by parkland. Funding will also be provided to the Community Resource Department to fund new portable air ventilation devices for low-income seniors registered in art programs. These improvements will help low-income seniors maintain social connections.

Housing rehabilitation was identified as a need through the Consolidated Plan process. In response, Lakewood will continue to partner with Foothills Regional Housing (formerly Jefferson County Housing Authority) and Brothers Redevelopment to provide necessary improvements to single-family homes owned by low-income and elderly residents. In addition, Lakewood will support the installation of new lighting upgrades to a permanently affordable apartment building. This support will help enhance security and energy efficiency upgrades to low-income residents.

Supportive services for special needs residents were also identified as a priority need in Lakewood. These needs are addressed by providing services to low-income families who participate in Lakewood's self-sufficiency program managed by Metro West Housing Solutions staff. Through Lakewood's homeless navigation program, emergency housing vouchers and limited rental assistance will be provided to people experiencing homeless while pursuing long-term stable housing.

Lakewood's homeless response has expanded in 2024. The city's homeless navigation program helps people experiencing homelessness access services and housing. In some cases, emergency housing is provided while the navigators work closely with the individuals to obtain stable, long-term housing and services. CDBG will help support this program by funding activities and services that may include limited rental assistance, emergency hotel vouchers, case-management services, transportation, or other eligible direct service needs. In addition, CDBG funds will be

used to support RecoveryWorks in providing case management and housing search placement services to individuals with a State Housing Voucher. These funds will be used to secure permanent affordable housing for chronically homeless individuals.

A chart outlining all of the activities and funding levels planned for 2024 can be found in the appendices of this document.

### **3. Evaluation of past performance**

The City's past programs have focused on community needs that continue to exist including aging housing and infrastructure, neighborhood improvements, and social service supports for low income residents. The programs Lakewood has used to address these needs have been well received by residents and neighborhood organizations. Lakewood believes the programs proposed for the 2024 Action Plan year continue to be the most efficient and effective use of HUD block grant funds.

The following accomplishments were achieved in the 2022 program year, which ran from June 1, 2022 to May 31, 2023:

- 13 homeowners received necessary improvements to their homes through the Single-Family Housing Rehabilitation program.
- 5 elderly and low-income homeowners had exterior painting and minor yardwork completed through Brothers Redevelopment Help for Homes program.
- 4 low-income homeowners were provided energy assessments and water efficient toilets through a new Lakewood program operated by Mile High Youth Corps.
- 22 children were provided child-care scholarships to attend Lakewood's Head Start program which allows low-income families to remain in the workforce and/or pursue an education while their children attend Head Start.
- 3,596 households within CDBG Target Areas were invited to dispose of items not typically accepted through residential trash service during the free neighborhood clean-up event in September. During the event, 16 roll-off dumpsters were filled and 557 tires, 65 appliances and 9,970 pounds of electronics was recycled. In addition, 1,774 pounds of food and a total of \$207 in cash donations were provided from residents for the Action Center.
- 168 low-income earning residents participated in programs and activities that provided self-sufficiency programming and support to Metro West Housing Solutions residents.
- 28 homeless households received limited rental assistance to establish safe, stable housing while receiving support services to help establish stable, long-term housing and employment.

- The renovation of two Patterson Head Start cottages began in January 2021. One of two cottages have been completed. The second cottage is currently underway and expected to be completed by the end of the 2023 program year.
- Lakewood's first permanent supportive housing development for formerly homeless individuals is currently under construction and nearing completion. CDBG funding was allocated in 2022 to pay for water tap fees for the 40-unit development.

#### **4. Summary of Citizen Participation Process and consultation process**

The stakeholder and citizen participation process for the 2024 Annual Action Plan included the following:

1. Public meeting held on March 5, 2024 to gather input on community needs and proposed 2024 activities. A notice was published in the Denver Post, and on the city website and Your Hub.
2. Public Hearing held in-person and online on April 22, 2024. A public notification was posted in both English and Spanish in an effort to encourage participation of Spanish speaking citizens. The notice was published in the Denver Post, and posted on the city website and Your Hub.
3. Copies of the Annual Action Plan were distributed to Lakewood libraries, Metro West Housing Solutions office and posted on the city website for comments. The 30-day public comment period began on March 7, 2023 and ended on April 8, 2024.

#### **5. Summary of public comments**

This will be completed prior to public hearing and approval by city council.

#### **6. Summary of comments or views not accepted and the reasons for not accepting them**

N/A

#### **7. Summary**

See above

**PR-05 Lead & Responsible Agencies - 91.200(b)**

**1. Agency/entity responsible for preparing/administering the Consolidated Plan**

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

<b>Agency Role</b>	<b>Name</b>	<b>Department/Agency</b>
Lead Agency	LAKWOOD	
CDBG Administrator	LAKWOOD	City of Lakewood Planning Department
HOPWA Administrator		
HOME Administrator		
HOPWA-C Administrator		

**Table 1 – Responsible Agencies**

**Narrative**

The City of Lakewood Planning Department is responsible for preparing the Consolidated Plan and administering Lakewood’s CDBG program.

**Consolidated Plan Public Contact Information**

All comments for the Consolidated Plan and Action Plan should be directed to Shannon Terrell, Planner at the City of Lakewood, via email at [ShaTer@lakewood.org](mailto:ShaTer@lakewood.org) or by phone at 303-987-7516. Residents with a disability and in need of an alternative format of the 2024 Action Plan were directed to contact the city’s ADA coordinator at 303-987-7746 or [adacoordinator@lakewood.org](mailto:adacoordinator@lakewood.org).



## **AP-10 Consultation - 91.100, 91.200(b), 91.215(l)**

### **1. Introduction**

This section describes the stakeholder consultation process conducted for the Action Plan. Much of the initial consultation was carried out through the development of the Consolidated Plan where community development, social service and housing agencies were consulted through interviews and public meetings.

**Provide a concise summary of the jurisdiction’s activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l)).**

The City of Lakewood's activities that support coordination between public and assisted housing providers and health care and social service agencies are threefold: 1) the City encourages and accepts funding applications from housing, health care and service providers through its Annual Action Plan process. Activities that complement existing city programs are prioritized for funding. 2) The City has a small staff overseeing housing and community development programs; however, these staff are very active on local and regional boards and committees. 3) Rather than duplicate regional services and programs, the City utilizes existing programs—e.g., the City contracts with Foothills Regional Housing to administer funds for housing rehabilitation for low income homeowners. The City also coordinates closely with Metro West Housing Solutions, Foothills Regional Housing and Jefferson Center to support their initiatives.

**Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.**

The City of Lakewood is a participating member of the Jefferson County Heading Home Committee. Heading Home is a collaboration of individuals and public service organizations in the HOME consortium region determined to end homelessness in Jefferson County. The JCHHC is governed by the Heading Home Plan to End Homelessness (Heading Home), which was created in April 2013. Each of the eight goals of Heading Home are governed by a subcommittee. The City of Lakewood is a participating member of the JCHHC, and a member of a subcommittee that specifically works to obtain permanent supportive housing for homeless in Jefferson County. The Severe Weather Shelter Network (SWSN) is one

of the services provided through Heading Home. The SWSN, through Jefferson County faith communities, provides emergency shelter and services during severe weather. Weather is considered severe when the temperature is below 32 degrees and wet or below 20 degrees and dry.

City of Lakewood is also a member agency of the Metropolitan Denver Homeless Initiative (MDHI), metro Denver's Continuum of Care administering organization. The goal of MDHI is to provide maximum personal independence opportunities for homeless persons and persons at risk of becoming homeless through design and implementation of a Continuum of Care and Opportunities model for the metropolitan Denver community. In an effort to end homelessness across the Denver region, MDHI organizes a Point-in-Time (PIT) Homeless Count for the seven county Denver region. The purpose of the annual PIT count is to count the number of homeless individuals on one day of the year and to educate citizens about the presence of homelessness within their own communities. In addition, the city is also a partner in the Jefferson County Built for Zero program which is helping to end homelessness for Veterans within Jefferson County.

Lakewood continues to expand its homeless response team with the hiring of a Homeless Response Coordinator in 2023. In 2024, the city will hire a Housing Navigator to provide housing services to unhoused residents with a housing voucher thanks to a grant from the State of Colorado. In addition, the city partners with a local non-profit agency that provides employment training, programming, support services, and day work to homeless adults. This program is being funded with general funds.

The city continues to support RecoveryWorks in the development of a Navigation Center, Extreme Weather Shelter, and Permanent Support Housing. In late 2023, the city received a grant from the Colorado Department of Local Affairs to assist RecoveryWorks in opening a Navigation Center in Lakewood and 40 State Housing Vouchers. The center provides drop-in services to people experiencing homelessness such as case management, housing assistance, mental health services, and on-site shower and laundry facilities and food. The Navigation Center operates a 50-person low-barrier Extreme Weather Shelter that is activated when temperatures are forecasted to be below 20 degrees. CDBG funds will be used to provide housing services and case management to 40 chronically homeless individuals who will receive a State Housing Voucher to secure permanent support housing. In addition, RecoveryWorks is in the process of rehabilitating the Mountain View Inn motel to a permanent supportive housing facility for previously homeless individuals.

Several of Lakewood's City Councilors serve as board members and volunteers for Lakewood non-profits and agencies that assist the homeless and provide affordable housing options.

**Describe consultation with the Continuum(s) of Care that serves the jurisdiction’s area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS**

N/A; Lakewood does not receive Emergency Solutions Grant (ESG). However, Lakewood is currently using HMIS to track data and enroll individuals into the Coordinated Entry System who participate in the city’s Homeless Navigation program. In addition, Lakewood also supports local non-profits by providing letters of support and certifications for grant applications.

**2. Agencies, groups, organizations and others who participated in the process and consultations**

**Table 2 – Agencies, groups, organizations who participated**

1	<b>Agency/Group/Organization</b>	Metro West Housing Solutions
	<b>Agency/Group/Organization Type</b>	PHA
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Supportive Services
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The City of Lakewood consulted with Metro West Housing Solutions through their review of the draft Action Plan. In addition, city staff work closely throughout the year with MWHS staff who assists Lakewood in identifying and addressing Lakewood's housing and support needs of the low-income community.
2	<b>Agency/Group/Organization</b>	LAKEWOOD
	<b>Agency/Group/Organization Type</b>	Other government - Local
	<b>What section of the Plan was addressed by Consultation?</b>	Non-Homeless Special Needs Economic Development

	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Lakewood uses much of its CDBG funding for activities and programs operated through city departments. Each city department has a representative that provides input, reviews applications and makes recommendations for CDBG projects. In addition, staff meets regularly with other city staff tasked with managing CDBG projects. During these meetings, valuable information is gathered to assist in the preparation of the Annual Action Plan.
3	<b>Agency/Group/Organization</b>	JEFFERSON COUNTY
	<b>Agency/Group/Organization Type</b>	Other government - County
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homelessness Strategy Non-Homeless Special Needs
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Due to Lakewood's inclusion in the Jefferson County HOME Consortium, the City of Lakewood and Jefferson County meet regularly, which has greatly improved the coordination between the two jurisdictions. The ongoing communication has provided valuable information and resources that assisted in drafting the Annual Action Plan.
4	<b>Agency/Group/Organization</b>	RecoveryWorks
	<b>Agency/Group/Organization Type</b>	Services-homeless
	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Needs – Chronically homeless Homeless Needs- Veterans Homeless Needs- Families with Children Homelessness Strategy

<p><b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b></p>	<p>The City continues to partner with RecoveryWorks on responding to homelessness in Lakewood. As part of consultation for this plan, there was an identified need to provide housing services to homeless clients with a housing voucher. The city will continue to coordinate and support RecoveryWorks efforts on homelessness in Lakewood.</p>
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**Identify any Agency Types not consulted and provide rationale for not consulting**

Broadband services were consulted during the development of the 2020-2024 Consolidated Plan. There have not been any significant changes within the community or specific broadband activities proposed in 2024 to warrant the need for additional consultation for the 2024 Action Plan.

**Other local/regional/state/federal planning efforts considered when preparing the Plan**

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	MDHI	Lakewood will continue to be a partner in the provision of affordable housing and services to assist persons who are homeless and/or at-risk of homelessness.
Arvada, Lakewood, and Jefferson County Fair Housing Analysis	Jefferson County	Lakewood will consider the fair housing findings and recommendations outlined in the analysis to inform the Strategic Plan in order to continue to affirmatively further fair housing.

**Table 3 - Other local / regional / federal planning efforts**

**Narrative**

**AP-12 Participation - 91.401, 91.105, 91.200(c)**

**1. Summary of citizen participation process/Efforts made to broaden citizen participation  
Summarize citizen participation process and how it impacted goal-setting**

The stakeholder and citizen participation process for the 2024 Annual Action Plan included the following:

1. Public meeting on March 5, 2024 to gather input on community needs and proposed 2024 activities. A notice was published in the Denver Post, and on the city website and Your Hub.
2. Public Hearing held on April 8, 2024. A 30-day public notification was posted in both English and Spanish in an effort to encourage participation of Spanish speaking citizens.
3. The notice was published in the Denver Post, and posted on the city website and Your Hub and posted on the city website for comments. The public comment period began on March 7, 2024 and ends on April 8, 2024.

**Citizen Participation Outreach**

This section will be updated once the public comment period has ended.

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)
1	Public Hearing	Non-targeted/broad community				
2	Public Meeting	Non-targeted/broad community				

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)
3	Newspaper Ad	Minorities  Non-English Speaking - Specify other language: Spanish  Non-targeted/broad community				
4	Internet Outreach	Minorities  Non-English Speaking - Specify other language: Spanish  Non-targeted/broad community				

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)
5	Distribute AAP to public libraries, PHA residents	Minorities  Non-targeted/broad community  Residents of Public and Assisted Housing				

**Table 4 – Citizen Participation Outreach**



## Expected Resources

### AP-15 Expected Resources - 91.420(b), 91.220(c)(1,2)

#### Introduction

Lakewood is anticipated to receive \$900,000 in CDBG allocation for the 2024 program year. Additionally, Lakewood will receive an anticipated \$20,000 in program income. There are \$211,804 in prior year resources, for a total amount of \$1,131,804 funds for 2024.

Please note that these funds are estimated amounts until the HUD allocation is awarded for the 2024 program year. Public service funds will likely not be increased to ensure compliance with the 15% public service cap. Projects identified as 'high priority' by the CDBG Review Team during the application process will be increased based on final allocation.

**Anticipated Resources**

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	900,000	20,000	211,804	1,131,804	0	This is the final Action Plan for the 2020-2024 Con Plan

**Table 5 - Expected Resources – Priority Table**

**Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied**

Lakewood's CDBG allocation will complement a number of other federal resources, as well as state and local resources. The primary resources are: 1) The City's Capital Improvement and Preservation program, which is used for major capital projects in Target Area neighborhoods; 2) The City's Economic Development Fund, which provides assistance for public improvements for certain business enterprises; 3) The Lakewood Head Start grant, which provides approximately \$900,000 annually for comprehensive preschool and family support services; 4) HOME, allocated through the Jefferson County Consortium; 5) HUD funded Section 8 voucher program; 6) Private Activity Bonds, which provides roughly \$8 million/year to Lakewood for housing activities; 7) Lakewood Reinvestment Authority, which encourages private reinvestment within targeted areas; and 8) Colorado Division of Housing and Colorado Housing Finance Agency competitive grant programs.

**If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan**

No publicly-owned land or property within the jurisdiction is expected to be used to address the needs identified in the plan.

**Discussion**

## Annual Goals and Objectives

### AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3)&(e)

#### Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Preserve and improve target area neighborhoods	2020	2024	Affordable Housing Non-Housing Community Development	ALL LAKEWOOD TARGET AREAS	Neighborhood Improvements in Target Areas	CDBG: \$660,104	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 1040 Persons Assisted
2	Provide safe, decent affordable housing	2020	2024	Affordable Housing Non-Homeless Special Needs	ALL LAKEWOOD TARGET AREAS	Housing Preservation, Rehabilitation and Improveme	CDBG: \$196,700	Rehab of rental units: 100 Household Housing Unit Homeowner Housing Rehabilitated: 15 Household Housing Unit  Public service activities for Low/Moderate Income Housing Benefit: 40 Households Assisted
3	Promote stability and self-sufficiency through ser	2020	2024	Homeless Non-Homeless Special Needs		Supportive Services for Low Income & Special Needs	CDBG: \$100,000	Public service activities for Low/Moderate Income Housing Benefit: 150 Households Assisted Homelessness Prevention: 20 Persons Assisted

**Table 6 – Goals Summary**

Annual Action Plan  
2024

**Goal Descriptions**

1	<b>Goal Name</b>	Preserve and improve target area neighborhoods
	<b>Goal Description</b>	Preservation and improvement of target area neighborhoods.
2	<b>Goal Name</b>	Provide safe, decent affordable housing
	<b>Goal Description</b>	Provide safe, decent and affordable housing; and affirmatively further fair housing choice.
3	<b>Goal Name</b>	Promote stability and self-sufficiency through ser
	<b>Goal Description</b>	Provide supportive services to low income and special needs populations, to promote stability and self-sufficiency.

## AP-35 Projects - 91.420, 91.220(d)

### Introduction

The following projects will be carried out in 2024 using CDBG funds.

#	Project Name
1	Public Facilities - Two Creeks Playground
2	Public Facilities - Portable Fume Extractors
3	Housing Rehabilitation
5	Support Services - MWHS Self Sufficiency Program
6	Support Services - Homeless Services
7	Support Services - RecoveryWorks Housing Vouchers
8	CDBG Program Administration

Table 7 – Project Information

### Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The allocation of funds is closely aligned with the top housing and community development needs identified in the needs assessment, housing market analysis and contributed by stakeholders and citizens who participated in the development of the Consolidated Plan. The primary obstacle to addressing underserved needs is lack of funds. The cost of needed improvements to the City's sidewalks, for example, far exceeds the City's five-year allocation of HUD block grant funds.

## AP-38 Project Summary

### Project Summary Information

1	<b>Project Name</b>	Public Facilities
	<b>Goals Supported</b>	Preserve and improve low-income area neighborhoods
	<b>Needs Addressed</b>	Neighborhood Improvements in low-income areas, Supportive Services for Low Income & Special Needs
	<b>Funding</b>	CDBG: \$660,104 Matrix Code: 03A & 03F
	<b>Description</b>	Improvements to public facilities and right-of-ways within low-income areas or that benefit low-income or special needs populations.
	<b>Target Date</b>	5/31/2025
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	Support funding to the development of a new park facility and playground for the Two Creeks neighborhood, which is currently underserved by parkland. Approximately, 1,000 residents living in close proximity will have access to a new park and playground facilities. Portable fume extractors will be purchased to purify the air to a public facility that supports low income seniors registered in art programs.
	<b>Location Description</b>	1080 Wadsworth Blvd, Lakewood, CO 80214 and 1580 Yarrow St, Lakewood, CO 80214
	<b>Planned Activities</b>	See above
2	<b>Project Name</b>	Housing Preservation and Improvements
	<b>Goals Supported</b>	Provide safe, decent affordable housing
	<b>Needs Addressed</b>	Housing Rehabilitation and Improvements
	<b>Funding</b>	CDBG: \$196,700 Matrix Code: 14A, 14B

	<b>Description</b>	Interior and exterior housing rehabilitation improvements for income qualified, single-family, homeowners. Lighting and security upgrades to a 100-unit Permanent Supportive Housing (PSH) apartment complex.
	<b>Target Date</b>	5/31/2025
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	Approximately fifteen low-income single-family homeowners will be able to make necessary improvements to their homes in 2024. Approximately 100 low-income households will benefit from new lighting and additional security upgrades.
	<b>Location Description</b>	Single-family rehabilitation programs are citywide. The PSH apartment building is located at 1335 Yukon St.
	<b>Planned Activities</b>	See above.
	<b>Project Name</b>	Supportive Services
3	<b>Goals Supported</b>	Promote self-sufficiency through service provision
	<b>Needs Addressed</b>	Supportive Services for Low Income & Special Needs
	<b>Funding</b>	CDBG: \$100,000 Matrix Codes: 05, 05U & 05Q
	<b>Description</b>	Direct supportive services to homeless and low-income Lakewood residents. Specific activities include housing services, homeless services and self-sufficiency activities/programs for Metro West Housing Solutions' residents.
	<b>Target Date</b>	5/31/2025



<p>Estimate the number and type of families that will benefit from the proposed activities</p>	<p>Approximately 40 chronically homeless individuals will receive case management services to secure permanent supportive housing</p> <p>150 or more Metro West Housing Solutions' residents will participate in self-sufficiency programs or activities</p> <p>20 or more people experiencing homelessness will receive emergency services to stabilize their living situations while longer-term solutions are pursued.</p>
<p>Location Description</p>	<p>Activities will be carried out citywide.</p>
<p>Planned Activities</p>	<p>See above</p>
<p>Project Name</p>	<p>CDBG Administration</p>
<p>Funding</p>	<p>CDBG: \$175,000 Matrix Codes: 21A</p>
<p>4 Description</p>	<p>Planning and oversight of the CDBG Program</p>
<p>Target Date</p>	<p>5/31/2024</p>
<p>Estimate the number and type of families that will benefit from the proposed activities</p>	<p>Administration activities do not produce beneficiary data</p>

## **AP-50 Geographic Distribution - 91.420, 91.220(f)**

### **Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed**

The City of Lakewood is an entitlement community located in Jefferson County, just west of Denver. The City is generally bound by the foothills of the Rocky Mountains on its west side and Sheridan Blvd to the east. The City and County of Denver is the City's eastern border. The cities of Wheatridge, Golden, West Pleasantview, and Dakota Ridge are adjacent to the north and south. The City's land area is approximately 45 square miles.

### **Race/Ethnic Minority Concentration**

A "racial or ethnic concentration" is any census tract where a racial or ethnic minority group makes up 10 percent or more of that group's City-wide percentage as a whole. Data was taken from the 2018-2022 ACS 5-Year estimates. Due to the small sample size, only racial or ethnic groups that makeup at least 1.0% of the City's population were analyzed.

**Black or African American:** Black or African American persons make up 2.8% of the citywide population, and a census tract is considered a concentration if 12.8% of the population is part of this racial group. There are no census tracts with a concentration.

**Asian:** Approximately 3.9% of the population identifies as Asian. A census tract is considered a concentration if 13.9% of the population is part of this racial group. There are no census tracts with a concentration.

**Hispanic:** Hispanic persons make up 23.1% of the citywide population, and a census tract is considered a concentration if 33.1% of the population is part of this racial group. Three census tracts have a concentration: 8059011102, 8059011552, 8059011601, 8059011602, 8059011803, 8059011806.

### **Low-Income Households Concentration**

A "low-income concentration" is any census tract where the median household income for the tract is 80% or less than the median household income for the Town of Summerville. According to the 2018-2022 ACS 5-Year Estimates, the Median Household Income in Lakewood is \$85,988. A tract is considered to have a low-income concentration if the MHI is \$68,790 or less. There are eight tracts with a concentration of low-income

households: 8059010902, 8059011102, 8059011552, 8059011601, 8059011602, 8059011730, 8059011806, and 8059011808. These tracts also have a concentration of Hispanic persons.

The City however does not allocate funding based solely on geographic requirements. CDBG funds will be used throughout the City of Lakewood through programs where project eligibility is based on the income of individuals who will directly benefit from the CDBG funds. Projects that benefit an entire area or neighborhood will be focused in low- to moderate-income neighborhoods (HUD-designated income-qualifying census tracts).

### Geographic Distribution

Target Area	Percentage of Funds
ALL LAKEWOOD TARGET AREAS	

Table 8 - Geographic Distribution

### Rationale for the priorities for allocating investments geographically

The City bases the geographic allocation of investments on community need and the distribution of low- and moderate-income persons in each eligible community.

### Discussion

Please see above.

## **AP-75 Barriers to affordable housing -91.420, 91.220(j)**

### **Introduction**

The City of Lakewood, in partnership with Jefferson County and the City of Arvada, completed a Fair Housing Analysis in 2020. The FHA identified the following findings:

- Overall findings:
  - Lack of affordable and accessible housing limits the housing choices of persons with disabilities.
  - Lack of affordable housing to rent or buy limits the housing choices of racial/ethnic minorities, persons with disabilities, and families with children.
  - Residential credit can be difficult for minority households in Jefferson County, Arvada, and Lakewood to access.
  - Disparities in access in economic opportunity are evident for Hispanic, African American, and Native American residents of the county and cities.
- Lakewood specific findings:
  - One provision of the Strategic Growth Initiative (SGI) may disparately impact members of protected classes without careful implementation. In July 2021, the city exempted affordable housing from the SGI.

The Fair Housing Analysis identified the following recommendations to address the findings and to increase fair housing choice for residents:

- Prioritize creation and preservation of affordable housing to rent and buy.
- Invest public service and human service resources to improve access to economic opportunity.
- Review zoning and land use code recommendations with planning and legal staff.

### **Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment**

The City of Lakewood understands the need for removing or ameliorating the negative effects of public policies that serve as barriers to affordable housing. Actions to assist in barrier removal include policies that encourage a mix of housing options for all Lakewood residents starting with goals outlined in Lakewood's Comprehensive Plan that encourage preservation and development of affordable housing units. These goals help to shape zoning policy. The Lakewood Zoning Ordinance permits a mix of residential and commercial in most of

its commercial zone districts, and high density development and accessory dwelling units in some residential zones. These land use policies result in more affordable and market-rate residential units in Lakewood and directly address the findings and recommendations identified in the 2020 Fair Housing Analysis.

In 2024, the City of Lakewood adopted the Strategic Housing Plan which establishes strategies and action steps to eliminate barriers to building affordable housing. Some strategies include an expedited review process, density bonuses and other zoning changes for affordable housing developments in certain situations.

### **Discussion**

Please see above.

## **AP-85 Other Actions - 91.420, 91.220(k)**

### **Introduction**

This section describes other actions that the city will undertake during the program year to help fulfill the annual goals and objectives.

### **Actions planned to address obstacles to meeting underserved needs**

Despite efforts to fill gaps and address community needs there continue to be obstacles. Underserved needs appear in all of the three categories of need in Lakewood—Neighborhood Improvements in Target Areas, Housing Rehabilitation and improvements and Supportive Services for Low Income & Special Needs. Each of the activities in the current program year was selected to help address underserved needs of low- to moderate-income residents and neighborhood. In addition, the city continues to work closely with local non-profits, Metro West Housing Solutions and RecoveryWorks, and partner jurisdictions throughout Jefferson County to break down barriers to accessing services. Efforts this year include continuation of the Homeless Navigator program, improvements to public facilities and housing preservation and rehabilitation.

### **Actions planned to foster and maintain affordable housing**

The City works closely with Metro West Housing Solutions and other housing service providers to acquire and develop affordable housing. The City works closely with the Jefferson County HOME Consortium to direct HOME funds to eligible rental and for-sale units to address affordability issues for low income households. Lakewood continues to support area housing agencies to provide services for those who are homeless, including the provision of additional shelter space and transitional housing opportunities that assist in the prevention of homelessness. Specific activities funded in the 2024 program year will directly foster and maintain affordable housing include single family housing rehabilitation and lighting upgrades to an existing affordable housing apartment complex.

### **Actions planned to reduce lead-based paint hazards**

The City will continue its support efforts that reduce the hazards of lead-based paint utilizing HUD funds in conjunction with other available resources. Activities will include testing and evaluation, community education, and abatement of lead-based paint hazards, when necessary. Lakewood, Foothills Regional Housing and Metro West Housing Solutions have integrated lead-hazard evaluation and reduction activities into

existing housing programs.

### **Actions planned to reduce the number of poverty-level families**

The City of Lakewood will continue to implement strategies to reduce the number of families and individuals living in poverty. This focus is primarily on developing and supporting programs that raise household incomes and stabilize family situations. Programs include providing access to affordable, stable housing and supportive service programs focusing on self-sufficiency and economic independence.

Lakewood’s Economic Development Division and Lakewood Reinvestment Authority share a common goal to expand the City’s economic base, thereby creating more jobs and more employment possibilities for Lakewood residents. The Economic Development Division functions to retain businesses and help them expand and attract new capital investment and jobs to the City. Activities include business advocacy and problem resolution, marketing and business development as well as grant and loan program management. The primary funding source for these activities is the City Economic Development Fund.

In addition to expanding economic opportunities, Metro West Housing Solutions Self-Sufficiency program addresses the goal of getting people off public assistance and moving toward self-sufficiency. The City works with community partners to maximize the impact of targeted programs on poverty.

### **Actions planned to develop institutional structure**

The City of Lakewood Planning Department administers the Community Development Block Grant (CDBG) program. City staff in the departments of Planning, Public Works, Community Resources and Police will manage internal CDBG projects. The benefit of carrying out projects “in house” is to provide the greatest control over the scope, quality and cost of each project. Where beneficial, the city will enter into a contract or sub recipient agreement with the appropriate agency to perform specific activities. An interdepartmental team develops funding recommendations that are forwarded to City Council each year and adopted as the Annual Action Plan. The team objectives are to develop a comprehensive philosophy for the grant program and to ensure that projects are developed and implemented strategically.

### **Actions planned to enhance coordination between public and private housing and social service agencies**

Cooperation with nonprofit agencies serving Lakewood residents is necessary to meet the housing and supportive service needs of the

community. Lakewood supports applications for funding by various organizations when funds will be used for programs that address identified community needs and are complementary to existing City of Lakewood programs. Lakewood staff members serve on various nonprofit boards and committees, thereby strengthening communication and coordination of services. Lakewood will continue to foster these relationships and seek ways to expand partnerships in the coming years.

### **Discussion**

See above.



## Program Specific Requirements

### AP-90 Program Specific Requirements - 91.420, 91.220(I)(1,2,4)

#### Introduction

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

The city does not currently have any activities that will generate program income. However, the City expects to receive small amounts of program income as a result of previous programs that were set up to generate program income. Any program income will be utilized for the next eligible use of CDBG funds.

#### Community Development Block Grant Program (CDBG)

##### Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	20,000
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
<b>Total Program Income:</b>	<b>20,000</b>

### Other CDBG Requirements

- |   |        |
|---|--------|
| 1. The amount of urgent need activities   | 0      |
| 2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan. | 80.00% |

## Discussion

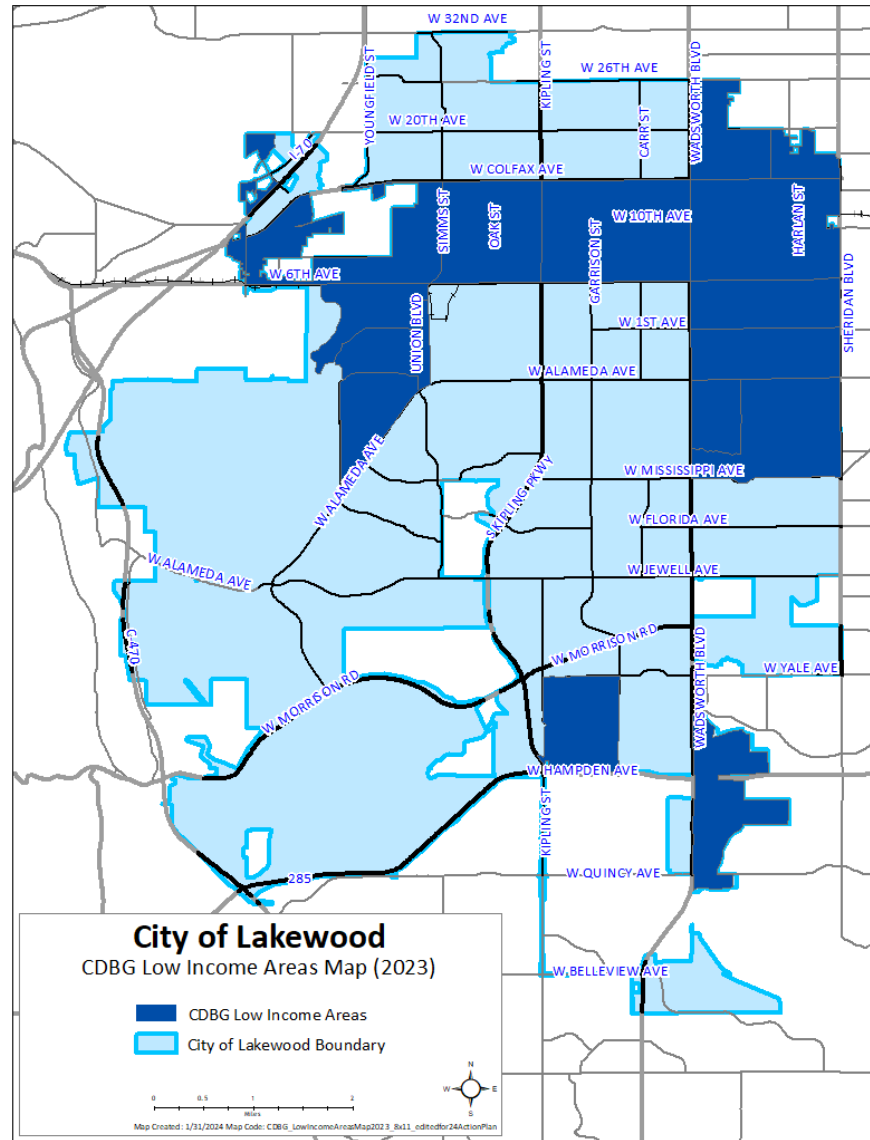
**Overall benefit of 80% for 2022, 2023, 2024**

# **APPENDICES**

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## **City of Lakewood 2024 Action Plan**

## CDBG Low Income Areas



2024 CDBG Activities

2024 Activities	Plan Goal	Funds Awarded	Expected Outcomes
<p><b>Single Family Housing Rehabilitation</b> Provides low-interest loans and/or grants to low- and moderate-income homeowners for renovation of single-family homes in need of repair</p>	Provide safe, decent affordable housing	\$95,000*	Approximately 15 low-income single-family homeowners will be able to make necessary improvements to their homes in 2023.
<p><b>Two Creeks Playground</b> Development of a new playground in a park that is currently underserved in parkland.</p>	Preserve and improve low-income neighborhoods	\$580,304*	Approximately 1,000 residents nearby will have access to a new park, playground, and urban trail.
<p><b>ULC Lighting Upgrades</b> Lighting upgrades to an existing 100 unit Permanent Supportive Housing (PSH) apartment complex to improve security.</p>	Provide safe, decent affordable housing	\$101,700*	100 low-income households will benefit from new lighting upgrades.
<p><b>Portable Fume Extractors</b> Portable fume extractors to purify the air to a public facility that supports low income seniors registered in art programs</p>	Preserve and improve low-income neighborhoods	\$79,800*	Approximately 40 low-income seniors enrolled in art programs.
<p><b>Homeless Services</b> Funding will be used for eligible CDBG activities to assist with homeless. Activities could include limited rental assistance, emergency hotel vouchers, case-management services, transportation or other eligible direct services.</p>	Promote self-sufficiency through service provision	\$50,000*	Approximately 20 low-income and/or unsheltered people will receive services to stabilize their housing situation.
<p><b>MWHS Self-Sufficiency Program</b> Offers a broad range of services to Lakewood residents on public assistance. Services offered through a contract with Metro West Housing Solutions include case management, referral</p>	Promote self-sufficiency through service provision	\$20,000*	150 or more Metro West Housing Solutions' residents will participate in self-sufficiency programs or activities.

services, transportation and recreation scholarships, after-school programs and activities to increase life skills.			
<b>RecoveryWorks Housing Vouchers</b> Funding will be used to provide supportive services to individuals with a State Housing Voucher to secure permanent, affordable housing.	Provide safe, decent affordable housing	\$30,000*	40 chronically homeless households will receive case management and housing support services to find permanent housing.
<b>CDBG Administration</b> Provides oversight, management, and coordination of the CDBG program.	N/A	\$175,000*	N/A

*\* these funds are estimated amounts until the HUD allocation is awarded for the 2024 program year. Public service funds will not be increased to ensure compliance with the 15% public service cap. Projects identified as 'high priority' by the CDBG Review Team during the application process will be increased based on final allocation.*

**Citizen Participation Comments**

This section will be updated once the public comment period has ended.



**Grantee SF-424's and Certification(s)**

This section will be updated once the public comment period has ended.

# STAFF MEMO

**DATE OF MEETING: APRIL 8, 2024 / AGENDA ITEM NO. 10**

To: Mayor and City Council  
From: Holly Bjorklund, Chief Financial Officer  
Subject: **AMENDING TITLE V - ONE YEAR MORATORIUM ON INCREASING BUSINESS AND OCCUPATION TAX RATE**

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**SUMMARY STATEMENT:** The Business and Occupation (B&O) tax subjects telecommunication companies to a monthly line charge on phone lines, both land and cellular. The tax rate is adjusted annually based on the Consumer Price Index, and it is typically passed on to customers by telecommunication companies. The Finance Department is recommending another one-year moratorium on the annual adjustment of the tax rate for 2024 to further ease the burden on the city's residents. The Finance Department will continue to monitor the annual adjustment for significant fluctuations.

**BACKGROUND INFORMATION:** For 2023, the City Council approved a moratorium on the Business and Occupational tax rate increase to ease the burden on city residents.

**BUDGETARY IMPACTS:** There is no budgetary impact for this change.

**STAFF RECOMMENDATIONS:** Staff recommends that the City Council adopt the Ordinances as presented.

**ALTERNATIVES:** Do not approve the moratorium, which will result in a \$0.24 monthly increase to the B&O tax rate.

**PUBLIC OUTREACH:** This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

**NEXT STEPS:** If approved, this ordinance will be scheduled for a public hearing and 2nd reading on April 22, 2024.

**ATTACHMENTS:** 1. Ordinance O-2024-7

**REVIEWED BY:** Kathleen E. Hodgson, City Manager  
Benjamin B. Goldstein, Deputy City Manager  
Alison McKenney Brown, City Attorney

O-2024-7

AN ORDINANCE

AMENDING TITLE 5 OF THE LAKEWOOD MUNICIPAL CODE TO ENACT A ONE-YEAR MORATORIUM ON THE ANNUAL ADJUSTMENT OF THE CITY BUSINESS AND OCCUPATION TAX RATE

WHEREAS, the City of Lakewood, Colorado, the “City”, is a home rule municipality, organized and existing under Article XX, Section 6 of the Colorado Constitution;

WHEREAS, pursuant to Colorado Revised Statute § 31-15-501(1)(c), the governing body of the City of Lakewood has the power to license, regulate, and tax any lawful occupation;

WHEREAS, pursuant to such authority, the City previously adopted and enacted a Business and Occupation Tax Code (B&O Tax) codified at Lakewood Municipal Code (LMC) section 5.32, et seq., under which the City taxes the business and occupation of providing basic local exchange service within the City;

WHEREAS, pursuant to LMC § 5.32.025(B), the B&O tax is adjusted effective January 1<sup>st</sup> of each year by the percentage change in the U.S. Bureau of Labor Statistics Consumer Price Index for Denver-Boulder based upon the August report of the prior year;

WHEREAS, for the 2022 calendar year, the B&O tax rate was set at \$4.34 per line per month;

WHEREAS, due to the past year’s high inflation rates, the annual B&O tax adjustment to be effective January 1, 2024, is set to increase the B&O tax by \$.24/per line, for a total tax amount of \$4.58 per line per month;

WHEREAS, the Lakewood City Council understands the financial strain that the past year’s inflation has placed on Lakewood residents and desires to alleviate some of this strain by placing a one-year moratorium on the B&O annual tax adjustment;

WHEREAS, the Lakewood City Council approved a one-year moratorium on the annual rate adjustment provided for in subsection 5.32.025(B) for the 2023 calendar year, and the B&O tax remained at the 2022 rate of \$4.34 per line per month until January 1, 2024.

WHEREAS, the Lakewood City Council desires the B&O tax rate to remain at the 2022 rate of \$4.34 per line per month until January 1, 2025.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado that:

SECTION 1. Amending Section 5.32.025 of the Lakewood Municipal Code.

Section 5.32.025 of the Lakewood Municipal Code is hereby amended by adding subsection "D" as follows:

D. There shall be a one-year moratorium on the annual rate adjustment provided for 5.32.025(B) for the 2024 calendar year, which shall cause B&O tax to remain at the 2022 rate of \$4.34 per line per month until January 1, 2025. This subsection "D" is repealed effective January 1, 2025.

SECTION 2. This Code amendment shall take effect thirty (30) days after final publication.

SECTION 3. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 8<sup>th</sup> day of April 2024; published by title in the Denver Post and in full on the City of Lakewood's website at [www.lakewood.org](http://www.lakewood.org), on the 11<sup>th</sup> day of April 2024; set for a public hearing to be held on the 22<sup>nd</sup> day of April 2024; read, finally passed and adopted by the City Council on the 22<sup>nd</sup> day of April, 2024; and signed by the Mayor on the \_\_\_\_ day of April, 2024.

\_\_\_\_\_  
Wendi Strom, Mayor

ATTEST:

\_\_\_\_\_  
Jay Robb, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Alison McKenney Brown, City Attorney

# STAFF MEMO

**DATE OF MEETING: APRIL 8, 2024 / AGENDA ITEM NO. 11**

To: Mayor and City Council  
From: Holly Bjorklund, Chief Financial Officer  
Subject: **AMENDING TITLE III BUSINESS LICENSES**

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**SUMMARY STATEMENT:** This Ordinance update provides administrative changes to Title 3, Chapter 01, Sections 310-360.

**BACKGROUND INFORMATION:** The current Lakewood Municipal Code (LMC) regarding sales and use tax licensing is in need of updates. While the current code does require businesses operating within the City to have a Sales and Use Tax License, it only requires that the license be obtained once, at the initiation of the business. If the business moves or otherwise changes, there is no process for a license update. The registration fee is set forth within the ordinance as fifteen dollars (\$15), which means that an entire ordinance update is required in order to review the license fee. Further, there is no penalty for failure to obtain a license. Finally, the current process does not include a building inspection for a new business or a business that changes physical location.

Under the current Licensure system business owners are supposed to license their business before starting operations but there is no incentive to do so. There are no late fees for failing to register, which means that there is no risk in waiting for someone from the City to happen to discover that the business is operating in the City and then directly notify the business of the Licensure requirement. Also, even for businesses that are lawfully licensed, when business contact information becomes outdated the license becomes essentially meaningless. Even if only some of the information on the license is outdated, it can make sales tax correspondence and collection efforts difficult. Additionally, sometimes a business with a license will begin conducting business and then discover that the business location requires repair or alteration. Without a process for license renewals, businesses may not be incentivized to update their information. This proposed Ordinance seeks to amend LMC §3.01.310 through §3.01.360 to increase the license fee to twenty dollars (\$20), with subsequent updates set forth by resolution, and to require businesses to renew their license every other year, bi-annually.

Additionally, the revisions to the ordinance include an annual review of license fees and a thirty-dollar (\$30) fee for late applications. The regular business licensing fee is set as low as possible so as not to be burdensome, but will assist in funding building inspections for new businesses as well as assist with the administration cost of the high-quality customer service that the Revenue Division provides. The late fees will cover the costs of addressing licensing issues on an individual level, including extra correspondence or site visits to such business to communicate lack of compliance and the steps to bring the business into compliance. It is important that all businesses operate on a level playing field as far as City regulatory matters and appropriate enforcement efforts of this code will assist in that goal.

**BUDGETARY IMPACTS:** Currently, there is \$11,000 budgeted for license fees for 2024. If the Ordinance is adopted, staff expect to generate \$12,200 in revenue from license fees in 2024. This change will not significantly impact the 2024 budget.

**STAFF RECOMMENDATIONS:** Staff recommends that the City Council adopt the Ordinance as presented.

**ALTERNATIVES:** Leave the Sales and Use Tax Code as it is currently.

**PUBLIC OUTREACH:** This item has been promoted through regular communication channels to be considered by the Lakewood City Council.

**NEXT STEPS:** If approved, this ordinance will be scheduled for a public hearing and 2nd reading on April 22, 2024.

**ATTACHMENTS:** 1. Ordinance O-2024-8

**REVIEWED BY:** Kathleen E. Hodgson, City Manager  
Benjamin B. Goldstein, Deputy City Manager  
Alison McKenney Brown, City Attorney

O-2024-8

AN ORDINANCE

REPEALING AND REENACTING TITLE 3, CHAPTER 1, PART III OF THE LAKEWOOD MUNICIPAL CODE REGARDING IMPOSITION AND ADMINISTRATION OF THE CITY'S SALES AND USE TAX LICENSE

WHEREAS, the City of Lakewood, Colorado, the "City", is a home rule municipality, organized and existing under Article XX, Section 6 of the Colorado Constitution;

WHEREAS, pursuant to Article XX, Section 6 of the Colorado Constitution, the right to enact, administer, and enforce sales and use taxes is clearly within the Constitutional grant of power to the City and is necessary to raise revenue with which to conduct the affairs and render the services performed by the City;

WHEREAS, pursuant to such authority, the City has adopted and enacted a Sales and Use Tax Code (the "Code"), codified at Lakewood Municipal Code Section 3.01, et seq., under which City sales and use tax is levied;

WHEREAS, the City desires to increase the biannual license fee to twenty dollars (\$20.00) with future updates to be made by Resolution, and to establish an annual review process of the license fee;

WHEREAS, the City desires to require sales and use tax licenses to be renewed bi-annually (every two years) and to charge a thirty-dollar (\$30.00) late fee for businesses that fail to timely obtain the license;

WHEREAS, approval of this ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Amendment of Title 3, Chapter 1, Part III. Title 3, Chapter 1, Part III (inclusive of Sections 310 through 380) of the Lakewood Municipal Code is hereby repealed and reenacted in its entirety as follows:

**3.01.310 License required; Exceptions.**

- A. License Required. Subject to the provisions of this Tax Code, every "Person" as that term is defined within this Chapter who is "engaged in business in the City" as that term is defined within this Chapter is required to obtain a Sales and Use Tax License for each physical location of such Business operating within the City of Lakewood and for any Business with a location outside of the corporate limits of the City that sells Tangible Personal Property or taxable services into the City when either:
1. Such Business is engaged in commercial activity within the City and is selling Tangible Personal Property or services that are:
    - a. Purchased within the City or delivered into the City; and
    - b. Subject to Sales Tax pursuant to this Tax Code; or
  2. A Business is storing, using, or consuming Tangible Personal Property that is subject to the City's established Use Tax.
- B. Application. Every Person and/or Business (Person/Business) required to obtain a License hereunder shall make an application prior to the time that the Business engaged in such commercial activity within the City via the City's online tax filing system. There shall be imposed and collected a thirty dollar (\$30.00) late charge if an application for a license is not made within thirty (30) days from the time a Business first engaged in commercial activity within the City. Such application shall provide the following:
1. The legal name and mailing address of the Person and such Person's Business that are applying for the License;
  2. The trade name of the Business, if any, for which the License is sought;
  3. The physical location, including the street number of the place of Business, if different from the mailing address stated on the application; and
  4. Such other information as the City might require on the application.
- C. Modification to an Existing License. Person/Business shall notify the City in writing of any change to the information provided on the license application within thirty days of such change.
- D. Application for a Replacement License. A replacement license will be required if either of the following are changed:
1. A change to the physical location of operations of such Person/Business within the City.
  2. A change to the nature of the Person/Business.
  3. The same fees, forms and processes shall be applicable to any application for a replacement license as to any application for a new license.
- E. Approval. Approval of a License shall be conditioned upon the proposed Person/Business and the location thereof meeting all applicable provisions of the Lakewood Municipal Code. A License issued by the City shall be in force and effect until the earlier of:



1. The revocation of such License; or
  2. The sale or termination of operations of the Person/Business, if any, relating to such License.
  3. Two (2) years from the date of issuance.
- F. Exceptions. No License is required for any Person/Business that:
1. Is an informal commercial enterprise with an annual income of less than five thousand dollars (\$5,000); or
  2. Is engaged exclusively in the business of selling Tangible Personal Property or Service that is exempt from taxation under the City's Tax Code and does not exercise control over real property or personal property in the City; or
  3. Files sales and use tax documents through the Colorado Department of Revenue's Sales and Use Tax System and does not exercise control over real or personal property in the City.
- G. Renewal. The license will expire at the end of two (2) years, and the expiration date of such license shall be printed on the face of such license. Each licensee shall be sent a renewal notice no less than thirty (30) days before the expiration date of such license.
1. Renewal of a license shall require completion of payment of all required fees.
  2. Whenever any of the required licensure fees are not received by the City within thirty (30) days after the expiration date of the current license, such license shall be deemed to have expired. If any Person/Business continues to engage in the business for which the expired license was issued, such Person/Business shall apply for a new license in accordance with the provisions of Section 3.01.310 and shall be subject to any late fees as set forth within this Chapter.
  3. The Chief Financial Officer may waive a late fee upon a showing of good cause that is fully documented and set forth in writing.
  4. Failure to receive a license renewal reminder from the City shall not be grounds for failure to renew such license as all holders of a license are mandated to have provided the City with a current address at which they will receive communications and the expiration date of the license is set forth on the face of the document associated with license approval.
- G. Violations of this Chapter. It shall be unlawful for any Person/Business to engage in a business for which a license is required by this Chapter when said Person/Business knows or reasonably should know that:
1. The business does not have such a license;
  2. The business has a license which has been revoked; or
  3. The business has a license which has expired.
- H. Enforcement. The City may enforce any provision of this Part III in any manner

necessary, including through issuance of a citation to the City's municipal court or through civil action.

(Ord. O-2020-32 § 1, 2020)

**3.01.320 License fee; Late fee.**

A nonrefundable fee, in the amount of twenty dollars (\$20.00), shall accompany each initial license application and each renewal license application.

- A. Beginning in November 2024 and thereafter annually, the Chief Financial Officer will review and evaluate the license fee and the costs inherent in providing the license. If operational expenses of the City have increased by more than three percent (3%) from the previous review of this license fee, the Chief Financial Officer may increase the license fee by up to five dollars (\$5.00).
- B. If the operational expenses of the finance department related to this license fee require a fee increase in excess of five dollars (\$5.00) such modification may be made by Resolution of the City Council.
- C. No license shall be issued until all required fees and accrued late charges have been paid in full.
- D. There shall be imposed and collected a thirty dollar (\$30.00) late charge if an application for a license is not made within thirty (30) days from the time a Person/Business first engaged in business.

(Ord. O-2020-32 § 1, 2020)

**3.01.330 Denial or Revocation; Review and Appeal.**

- A. Denial. The Chief Financial Officer, upon notice of denial to the Applicant, may deny a Sales and Use Tax License application for any one or more of the following reasons:
  - 1. The proposed location for the Applicant's business is not zoned for the type of use proposed; or
  - 2. A person holding an ownership interest of ten percent (10%) or more in the Applicant is in arrears or delinquent with the City in any way; or
  - 3. An individual holding an ownership interest of ten percent (10%) or more in the Applicant also holds an ownership interest of ten percent (10%) or more in a Business that is in arrears or delinquent with the City in any way; or
  - 4. An Incomplete application.
- B. Revocation. The Chief Financial Officer may revoke the License of any Person/Business found by the Chief Financial Officer to have violated any material provision of this Chapter 3.01. The procedure for revocation is as follows:
  - 1. The Chief Financial Officer shall first provide the Person and/or associated Business with written notice of intent to revoke the License, which notice of intent shall notify the Person/Business of the right to request an administrative hearing to review such decision.

2. If no request for review of the decision is received by the Chief Financial Officer within the time set forth within this Section the revocation shall become final and the Person/Business shall cease operations.
  3. The Person/Business may make a written request for a hearing to the Chief Financial Officer not more than ten (10) days after the mailing date of such notice of intent to revoke.
  4. The Chief Financial Officer may delegate the administrative hearing of any review of a decision to revoke a license to an Independent Hearing Officer, which such hearing officer is assigned through the Office of the City Clerk.
  5. If the Person/Business requests an administrative hearing, the Chief Financial Officer or Independent Hearing Officer shall conduct the hearing within fourteen (14) days after receipt of the written request unless the Person/Business has requested a later date, but in no event shall such hearing be held later than forty-five (45) days after the mailing date of such notice to revoke.
  6. The Chief Financial Officer or Independent Hearing Officer's decision shall be final. Such decision shall be in writing setting forth the legal and factual basis for such decision.
- C. Review. Any final decision of the Chief Financial Officer pursuant to this Part III shall be subject to review in Colorado District Court in accordance with Colorado Rule of Civil Procedure 106.

(Ord. O-2020-32 § 1, 2020)

### **3.01.340 License non-transferable.**

No License issued pursuant to this Part III shall be transferred to any other Retailer, Owner, Business, or location, except as expressly provided for herein.

(Ord. O-2020-32 § 1, 2020)

### **3.01.350 Multiple locations—Separate licenses required.**

A Retailer engaged in Business in two (2) or more places or locations within the City or has a location in the City and makes sales into the City from a location outside of the corporate limits of the City must obtain a separate License for each such place or location.

(Ord. O-2020-32 § 1, 2020)

### **3.01.360 Posted in a conspicuous location.**

Each License shall be numbered, shall display the name of the licensee, the place of Business of the licensee, the date of issuance, and the expiration date. Each such License shall be posted in a conspicuous place at the place of Business for which it is issued. If the licensee does not have a place of Business, the License shall display the mailing address of such licensee.

(Ord. O-2020-32 § 1, 2020)

**3.01.370 License additional.**

The License required by this Part III shall be in addition to all other licenses required by law, except as otherwise provided in this Tax Code.

(Ord. O-2020-32 § 1, 2020)

**3.01.380 Certificate of exemption.**

Charitable Organizations, as defined in the City's Tax Code, desiring to be exempt from certain City Sales and/or Use Tax, as described in the City's Tax Code, must apply to the Finance Department for a Lakewood Certificate of Exemption.

(Ord. O-2020-32 § 1, 2020)

SECTION 2. This Code amendment shall take effect thirty (30) days after final publication.

SECTION 3. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 8th day of April 2024; published by title in the Denver Post and in full on the City of Lakewood's website at [www.lakewood.org](http://www.lakewood.org), on the 11th day of April 2024; set for a public hearing to be held on the 22nd day of April 2024; read, finally passed and adopted by the City Council on the 22nd day of April, 2024; and signed by the Mayor on the \_\_\_\_ day of April, 2024.

\_\_\_\_\_  
Wendi Strom, Mayor

ATTEST:

\_\_\_\_\_  
Jay Robb, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Alison McKenney Brown, City Attorney

# STAFF MEMO

**DATE OF MEETING: APRIL 8, 2024 / AGENDA ITEM NO. 12**

To: Mayor and City Council  
From: Jay Robb, City Clerk  
Subject: **REQUEST FOR SPECIAL MEETING**

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**SUMMARY STATEMENT:** The policies and procedures of the City Council require the annual review of the City Attorney.

Article IV, Section 4.6 of the Lakewood Municipal Code states that "the City Council shall appoint a City Attorney who, at the time of appointment, shall be licensed to practice law in Colorado. The City Attorney shall serve at the pleasure of the City Council and at a compensation fixed by the City Council."

The dates being requested for this annual review is:

**6:00PM, APRIL 22 - SPECIAL MEETING**

Annual Review of the City Attorney

**BACKGROUND INFORMATION:** A "Special Meeting" of the City Council is a meeting held at other than the designated dates and times of a Regular City Council meeting. Policy 05.5 of the Council Policies and Procedures Manual provides that: "a Special Meeting may be scheduled either by majority vote of the City Council at a Regular Meeting or by "Notice of Special Meeting" signed by the Mayor and three Council members and delivered to all Council members at least 24 hours in advance of the Special Meeting. A special meeting of the City Council requires approval by a simple majority of the body.

**BUDGETARY IMPACTS:** None

**STAFF RECOMMENDATIONS:** Approve the special meeting request for the Council to conduct the annual review of the City Attorney, such annual review to occur within an executive session for personnel matters.

**ALTERNATIVES:** City staff can route a notice of special meeting signed by the Mayor and three Council members to schedule the Special Meeting.

**PUBLIC OUTREACH:** This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

**NEXT STEPS:** If approved, staff will proceed with scheduling the Special Meeting on April 22nd.

**ATTACHMENTS:** None

**REVIEWED BY:** Kathleen E. Hodgson, City Manager  
Benjamin B. Goldstein, Deputy City Manager  
Alison McKenney Brown, City Attorney