

AGENDA  
REGULAR MEETING OF THE CITY COUNCIL  
480 S. ALLISON PARKWAY  
CITY OF LAKEWOOD, COLORADO  
**HYBRID MEETING**  
APRIL 22, 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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The City of Lakewood does not discriminate on the basis of race, age, national origin, color, creed, religion, sex, sexual orientation or disability in the provision of services. People with disabilities needing reasonable accommodation to attend or participate in a City service program, can call 303-987-7080 or TDD 303-987-7057. Please give notice as far in advance as possible so we can accommodate your request.

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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**

**CONSENT AGENDA  
ORDINANCES ON FIRST READING**

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**ITEM 5 – RESOLUTION 2024-23 – ESTABLISHING AN AD HOC COMMITTEE OF MEMBERS OF THE CITY COUNCIL TO UPDATE THE CITY OF LAKEWOOD FAIR CAMPAIGN PRACTICES PROCESSES AND PROCEDURES**

**ITEM 6 – RESOLUTION 2024-24 – DELEGATION OF AUTHORITY BY THE CITY COUNCIL TO PERMIT THE PLANNING DEPARTMENT AND ITS DIVISIONS TO APPLY FOR FEDERAL AND STATE GRANTS AND PROCEED AS THE APPLICANT**

**ITEM 7 – ORDINANCE O-2024-9 – DECLARING THE INTENT OF THE CITY OF LAKEWOOD TO ACQUIRE INTEREST IN PROPERTY FOR PUBLIC PURPOSES FOR THE REPLACEMENT OF TRAFFIC SIGNALS AND PEDESTRIAN IMPROVEMENTS AT THE INTERSECTION OF WEST 8TH AVENUE AND SIMMS STREET AND AUTHORIZING NEGOTIATIONS WITH PROPERTY OWNERS, ACCEPTANCE OF CONVEYANCE INSTRUMENTS AND CONDEMNATION OF REAL PROPERTY INTERESTS (SUBJECT TO FURTHER COUNCIL APPROVAL)**

**ITEM 8 – ORDINANCE O-2024-10 – AUTHORIZING THE CONVEYANCE TO THE PUBLIC SERVICE COMPANY OF COLORADO TWO (2) NON-EXCLUSIVE PERMANENT UTILITY EASEMENTS ON PROPERTY OWNED BY THE CITY OF LAKEWOOD AND LOCATED ADJACENT TO THE CIVIC CENTER**

**ITEM 9 – APPROVING CITY COUNCIL MINUTES**

**END OF CONSENT AGENDA**

**PUBLIC COMMENT ON CONSENT AGENDA**

**ORDINANCES ON SECOND READING  
AND PUBLIC HEARINGS**

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**ITEM 10 – 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**

**PUBLIC COMMENT ON ORDINANCE O-2024-6**

**ITEM 11 – 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**

**PUBLIC COMMENT ON ORDINANCE O-2024-7**

**ITEM 12 – 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**

**PUBLIC COMMENT ON ORDINANCE O-2024-8**

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**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**

- A. PRESENTATION - LAKEWOOD ADVISORY COMMISSION GREEN RENOVATION RESEARCH PROJECT
- B. CITY COUNCIL REQUEST

**ITEM 15 – EXECUTIVE REPORT**

- A. CITY MANAGER

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

- A. COUNCIL MEMBERS BY WARD
- B. MAYOR

**ITEM 17 – ADJOURNMENT**

# STAFF MEMO

**DATE OF MEETING: APRIL 22, 2024 / AGENDA ITEM NO. 5**

To: Mayor and City Council  
From: Jay Robb, City Clerk  
Subject: **RECREATING THE CITY COUNCIL AD HOC COMMITTEE ON CAMPAIGN FINANCE**

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**SUMMARY STATEMENT:** The Lakewood Home Rule Charter allows for the creation of ad hoc advisory committees by resolution or a vote of City Council. City Council has requested an ad hoc committee be recreated for the purpose of reviewing the Lakewood Municipal Code Chapter 2.54 Campaign and Political Finance in Municipal Elections.

Pursuant to the terms of Resolution 2024-23, the ad hoc committee will commence on April 22, 2024, and end upon final action by the City Council.

**BACKGROUND INFORMATION:** The City Council adopted amendments to Chapter 2.54 in 2019 and in 2023 concerning campaign and political finance in municipal elections with the purpose of creating a level playing field for candidates, contributors and committees in future municipal elections.

**BUDGETARY IMPACTS:** None

**STAFF RECOMMENDATIONS:** None

**ALTERNATIVES:** The Council may choose not to recreate the ad hoc committee on campaign finance.

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

**NEXT STEPS:** If the ad hoc committee is recreated, they will meet to begin the review of Chapter 2.54.

**ATTACHMENTS:** 1. Resolution 2024-23

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

2024-23

A RESOLUTION

ESTABLISHING AN AD HOC COMMITTEE OF MEMBERS OF THE CITY COUNCIL TO REVIEW AND UPDATE LAKEWOOD MUNICIPAL CODE TITLE 2, CHAPTER 2.54, CAMPAIGN AND POLITICAL FINANCE IN MUNICIPAL ELECTIONS

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”; and

WHEREAS, the Lakewood City Council recognizes that it is their duty as the elected officials of the City to regularly review and update the City’s Code governing Campaign and Political Finance in Municipal Elections so as to maintain the most transparent and effective election rules for the City.

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

SECTION 1. The Ad Hoc Committee of the City Council for review of the City’s Campaign and Political Finance in Municipal Elections code (Ad Hoc Committee) is hereby established, and membership of such committee shall be Glenda Sinks, Sophia Mayott-Guerrero, Rebekah Stewart, Rich Olver, and Jacob LaBure.

SECTION 2. The Ad Hoc Fair Committee shall establish meeting dates and times to update the existing code, including a review of recommendations for amendment of the process by which complaints are filed.

SECTION 3. The term of the Ad Hoc Committee shall expire upon final action by the City Council for acceptance of amendments to Title 2, Chapter 2.54 of the Lakewood Municipal Code governing Campaign and Political Finance in Municipal Elections.

INTRODUCED, READ AND ADOPTED by a vote of \_\_\_ for and \_\_\_ against at a hybrid regular meeting of the City Council on April 22, 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 22, 2024 / AGENDA ITEM NO. 6**

To: Mayor and City Council  
From: Travis Parker, Director of Planning  
Subject: **DELEGATION OF AUTHORITY FOR FEDERAL AND STATE GRANTS**

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**SUMMARY STATEMENT:** Some federal and state grant opportunities require the City Council as the governing body for the City of Lakewood (the City) to delegate its authority by designating another department or individual within the City as the prime applicant. As a result, the Planning Department is asking the City Council to delegate its authority to apply for federal and state grant funding opportunities.

**BACKGROUND INFORMATION:** The proposed resolution would delegate City Council's authority to the Planning Department for the sole purpose of applying for those federal and state grants that require delegation of authority documentation. It is common for federal and state grants to have short application periods, and without a delegation of authority from City Council, it is likely the City of Lakewood would not be able to apply for certain federal and state grant opportunities. This resolution will support staff's ability to meet application deadlines in a timely manner. Further, the proposed resolution would not result in changes to existing requirements for City Council approval of projects with costs exceeding \$75,000 pursuant to Lakewood Municipal Code Chapter 3.04.

**BUDGETARY IMPACTS:** None

**STAFF RECOMMENDATIONS:** Staff recommends that City Council review and approve Resolution 2024-24

**ALTERNATIVES:** If the City Council elects not to approve the resolution, each future grant application requiring documentation of City Council's delegation of authority will require unique council action, which may result in missed grant application deadlines.

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

**NEXT STEPS:** The Planning Department will continue to evaluate and apply for grants that support the City's adopted plans and City Council priorities.

**ATTACHMENTS:** 1. Resolution 2024-24

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

2024-24

A RESOLUTION

DELEGATION OF AUTHORITY BY THE CITY COUNCIL TO PERMIT THE PLANNING DEPARTMENT AND ITS DIVISIONS TO APPLY FOR FEDERAL AND STATE GRANTS AND PROCEED AS THE APPLICANT

WHEREAS, pursuant to Article II, Section 1 of the City Charter “[a]ll powers of the City not otherwise limited or conferred upon others by this Charter shall vest in the City Council” including the power to delegate its authority when necessary and appropriate;

WHEREAS, the Planning Department and its subdivisions are actively seeking federal and state grant funding to support a wide variety of City initiatives, some of which require the City Council to designate a specific City of Lakewood department, or subdivision within a department, as having the authority to serve as the prime applicant for such grant;

WHEREAS, it is desirable that the City Council delegates its authority to apply for Federal and State grant funding to the Planning Department and its subdivisions for the sole purpose of assuming the role of the prime applicant; and

WHEREAS, the City Council hereby finds and determines that delegating its authority to the Planning Department and its subdivisions for the purpose of applying for certain federal and state grants 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 delegates its authority to the Planning Department and its subdivisions, Comprehensive Planning and Research, Planning Development Assistance, Sustainability, and Resource Development, to serve as the prime applicant with respect to applying for federal and state grants, such delegation to be in force and effect through December 31, 2024.

SECTION 2. A fully signed copy of this Resolution may be attached to any grant application thereby attesting to the authority of the Planning Department and its subdivisions to serve as the prime applicant for any federal or state grant of funding sought on behalf of the City of Lakewood, Colorado.

SECTION 3. Effective Date. This Resolution shall become effective immediately upon its adoption.



INTRODUCED, READ AND ADOPTED by a vote of \_\_\_ for and \_\_\_ against at a hybrid regular meeting of the City Council on April 22, 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 22, 2024 / AGENDA ITEM NO. 7**

To: Mayor and City Council  
From: Max Kirschbaum, Director of Public Works  
Subject: **INTENT TO ACQUIRE PROPERTY FOR TRAFFIC SIGNALS AT 8TH AND SIMMS**

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**SUMMARY STATEMENT:** This ordinance would authorize steps necessary to acquire interests in property to replace the traffic signals and to enhance curb ramps for the Eighth Avenue and Simms Street Traffic Signal Replacement Project.

**BACKGROUND INFORMATION:** The City of Lakewood has budgeted funds to improve the intersection of West Eighth Avenue and Simms Street. The project will replace the traffic signal and will improve pedestrian facilities at the intersection per current standards (including ADA).

This ordinance declares the city's intent to acquire property interests necessary for the project and initiates the negotiation process between the City and the property owners for necessary property rights. It also authorizes acceptance of conveyance instruments and, if needed, condemnation of property interests. However, condemnation would not occur prior to additional City Council approval by resolution.

A map is attached that conceptually illustrates the property rights that are needed. Two corners require permanent easements, and one corner requires a fee simple acquisition. The easements and fee simple acquisitions are necessary to install the new signal poles and to properly improve pedestrian access to meet ADA Standards. It is anticipated that temporary easements for the construction period, illustrated in green on the maps, will also be required from four properties. The temporary easements are required to perform re-grading, minor wall construction, tree or shrub removal, and landscape restoration to blend the project area into the surrounding site features.

**BUDGETARY IMPACTS:** This project is approved in the 2024 City Budget and is shown on page 5 of the 2024 Capital Improvement and Preservation Plan (CIPP). This project is funded by TABOR Funds.

**STAFF RECOMMENDATIONS:** Approval of the ordinance.

**ALTERNATIVES:** If this Ordinance is not approved, the traffic signal replacement will not be feasible and the following existing conditions will remain: (1) The traffic signal will continue to provide poor views of the signal heads; (2) Pedestrian access to push buttons will continue to be deficient and (3) The curb ramps will remain as is and will not be improved to meet current City and ADA Standards.

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

City staff has contacted the affected property owners seeking to discuss the project. Notification of City Council's consideration of this ordinance has been mailed to each property owner. The notification includes clear language that there could be no discussion of property value at the City Council hearing about this ordinance because this is the very start of the acquisition process and no property values have yet been

determined.

**NEXT STEPS:** Begin the acquisition process and complete preparation of construction bid documents.

**ATTACHMENTS:**

1. Ordinance O-2024-9
2. 8th and Simms Exhibit

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

O-2024-9

AN ORDINANCE

DECLARING THE INTENT OF THE CITY OF LAKEWOOD TO ACQUIRE INTEREST IN PROPERTY FOR PUBLIC PURPOSES FOR THE REPLACEMENT OF TRAFFIC SIGNALS AND PEDESTRIAN IMPROVEMENTS AT THE INTERSECTION OF WEST 8TH AVENUE AND SIMMS STREET AND AUTHORIZING NEGOTIATIONS WITH PROPERTY OWNERS, ACCEPTANCE OF CONVEYANCE INSTRUMENTS AND CONDEMNATION OF REAL PROPERTY INTERESTS (SUBJECT TO FURTHER COUNCIL APPROVAL)

WHEREAS, to enhance motor vehicle and pedestrian safety at the intersection of West 8th Avenue and Simms Street, the City of Lakewood (the "City") desires to implement the 8th and Simms Traffic Signal Improvements Project (the "Project"), which will install traffic signal facilities and curb ramp improvements on the four (4) corners of West 8th Avenue and Simms Street, (the "Improvements");

WHEREAS, in order to install the Improvements, the City must acquire certain property interests from the owners of property adjacent to the Project (the "Property Interests");

WHEREAS, in order to acquire the Property Interests in compliance with State law, the City Council desires to:

- a. Declare the City's intent to acquire the Property Interests for public purposes in fulfillment of the requirements of Section 38-1-121, C.R.S.;
- b. Authorize negotiations for, and acquisitions of, the Property Interests;
- c. Accept the instruments of conveyance for the Property Interests; and
- d. Authorize the City Attorney to initiate condemnation proceedings (subject to further Council approval) to acquire the Property Interests in the event the City is unable to acquire the Property Interests despite good faith efforts to do so;

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 identified herein; 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 any particular proposal related to this proposal identified herein.

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

SECTION 1. The 8th and Simms Traffic Signal Improvements Project (the "Project") will serve a public purpose by enhancing the motor vehicle and pedestrian safety at the intersection of West 8th Avenue and Simms Street, and it is necessary to acquire certain Property Interests, further described in Section 2 herein, to advance such public purpose.

SECTION 2. It is the intent of the City of Lakewood to acquire the Property Interests in the form of (i) permanent easements; (ii) temporary construction easements; or (iii) any other interests as may be warranted for the Project, with any improvements contained herein. The properties from which the Property Interests are currently anticipated to be acquired are identified in Exhibit A, attached hereto and incorporated herein by this reference. At such time as the City Manager or designee (the "City Manager") confirms that any or all of those parcels identified on Exhibit A are necessary for the Project, the City Manager shall give notice of intent to acquire such Property Interests in conformance with Section 38-1-121, C.R.S.

SECTION 3. The City Manager is hereby authorized to negotiate in good faith to acquire the Property Interests. Negotiations shall be based upon appraisal reports acquired in conformance with Section 38-1-121, C.R.S. or valuations approved by the City Manager. The City Manager is hereby authorized to make offers to any property owner based upon such appraisal reports or valuations and to execute agreements for the acquisition of the Property Interests.

SECTION 4. The City Council hereby accepts on behalf of the City, upon recordation, the instruments of conveyance of the Property Interests acquired pursuant to Section 3 above.

SECTION 5. The City's Chief Financial Officer is hereby authorized and directed to pay, upon receipt of appropriate documentation, the amounts set forth in the contracts and agreements provided for herein.

SECTION 6. In the event the City Manager is unable to negotiate an agreement for the acquisition of any necessary Property Interest, despite good faith efforts to do so, the City Manager shall bring to the City Council a resolution identifying the Property Interests to be acquired by condemnation, and the City Council shall thereby authorize or deny the exercise of the City's eminent domain power over such Property Interests pursuant to Section 14.4 of the City of Lakewood home rule charter.

SECTION 7. All interested parties are hereby advised that, in the event the City Council approves the exercise of the City's eminent domain power over one or more Property Interests identified in such resolution, the City Attorney, on behalf of the City, shall commence condemnation proceedings with respect to such Property Interests and shall be authorized to apply to the proper court of immediate possession of the Property Interests to be acquired by condemnation, and the City's Chief Financial Officer and all other officers and agents of the City shall cooperate with the City Attorney in the condemnation action, make any deposits and payments as may be necessary for acquisition of the Property Interests, and pay the costs thereof and any condemnation

award as it may be finally determined. The City Attorney shall additionally be authorized to employ such expert witnesses, including appraisers, as the City Attorney determines necessary for the purposes of the condemnation authorized by this Ordinance and the aforesaid resolution, and the City's Chief Financial Officer is directed to pay the costs and expenses of employing such expert witnesses and appraisers.

SECTION 8. Nothing herein is intended to authorize the expenditure of monies in excess of the funds appropriated for the Project.

SECTION 9. 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 such remaining portions or application of the Ordinance are not determined by the court to be inoperable.

SECTION 10. This Ordinance shall take effect thirty (30) days after final publication.

I hereby attest and certify that within and foregoing Ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 22<sup>nd</sup> day of April, 2024; published by title in the Denver Post and in full on the City of Lakewood's website, [www.lakewood.org](http://www.lakewood.org), on the 25<sup>th</sup> day of April, 2024; set for public hearing to be held on the 13<sup>th</sup> day of May, 2024; read, finally passed and adopted by the City Council on the 13<sup>th</sup> day of May, 2024; and signed by the Mayor on the \_\_\_\_\_ day of May, 2024.

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

ATTEST:

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

APPROVED AS TO FORM:

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

EXHIBIT A

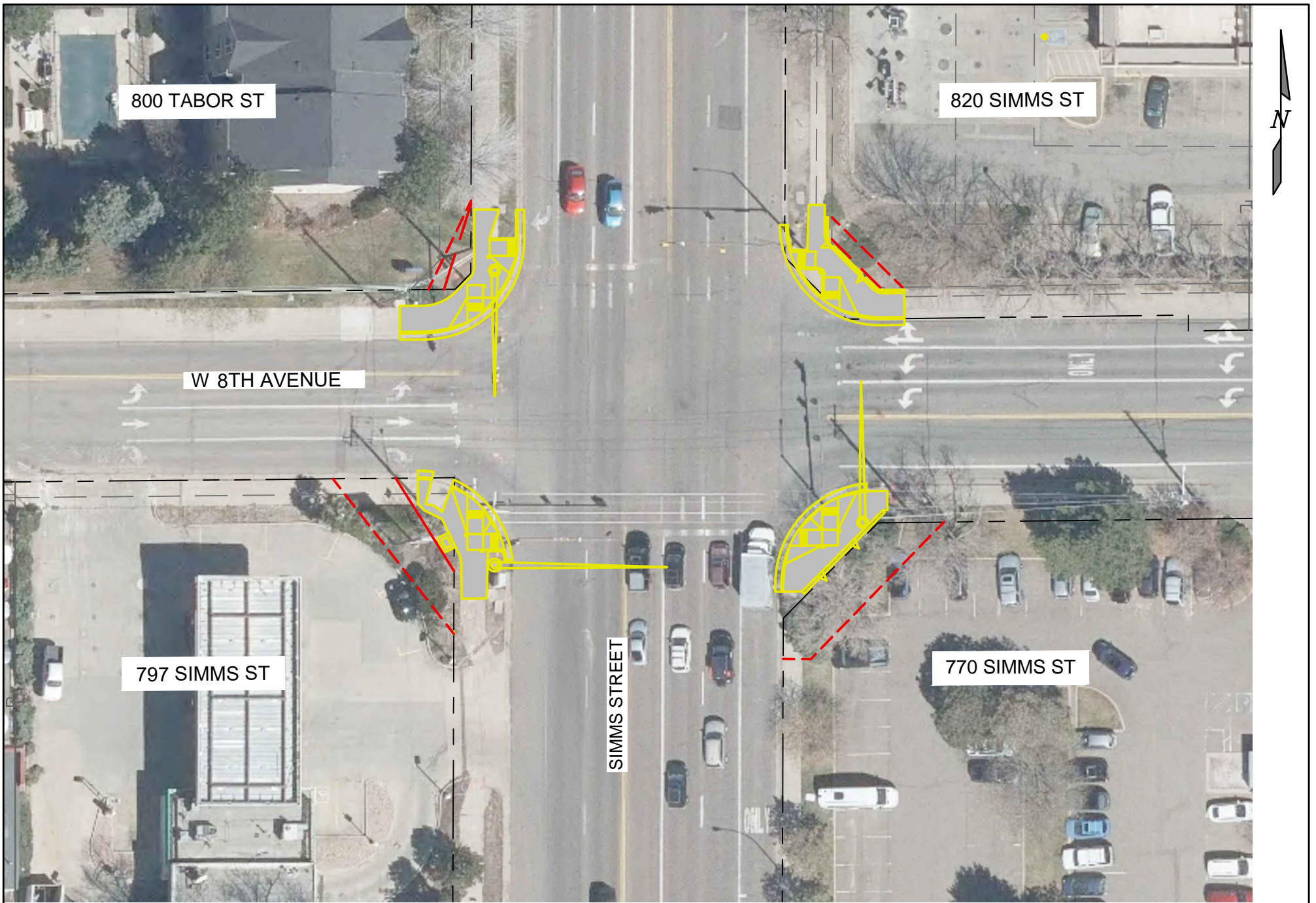
Property Interests for the following addresses:

49-054-01-062  
800 TABOR ST  
GOLDEN, CO 80401

49-043-03-002  
820 SIMMS ST  
GOLDEN, CO 80401

49-054-13-099  
797 SIMMS ST  
GOLDEN, CO 80401

49-043-00-006  
770 SIMMS ST 101  
GOLDEN, CO 80401



800 TABOR ST

820 SIMMS ST

W 8TH AVENUE

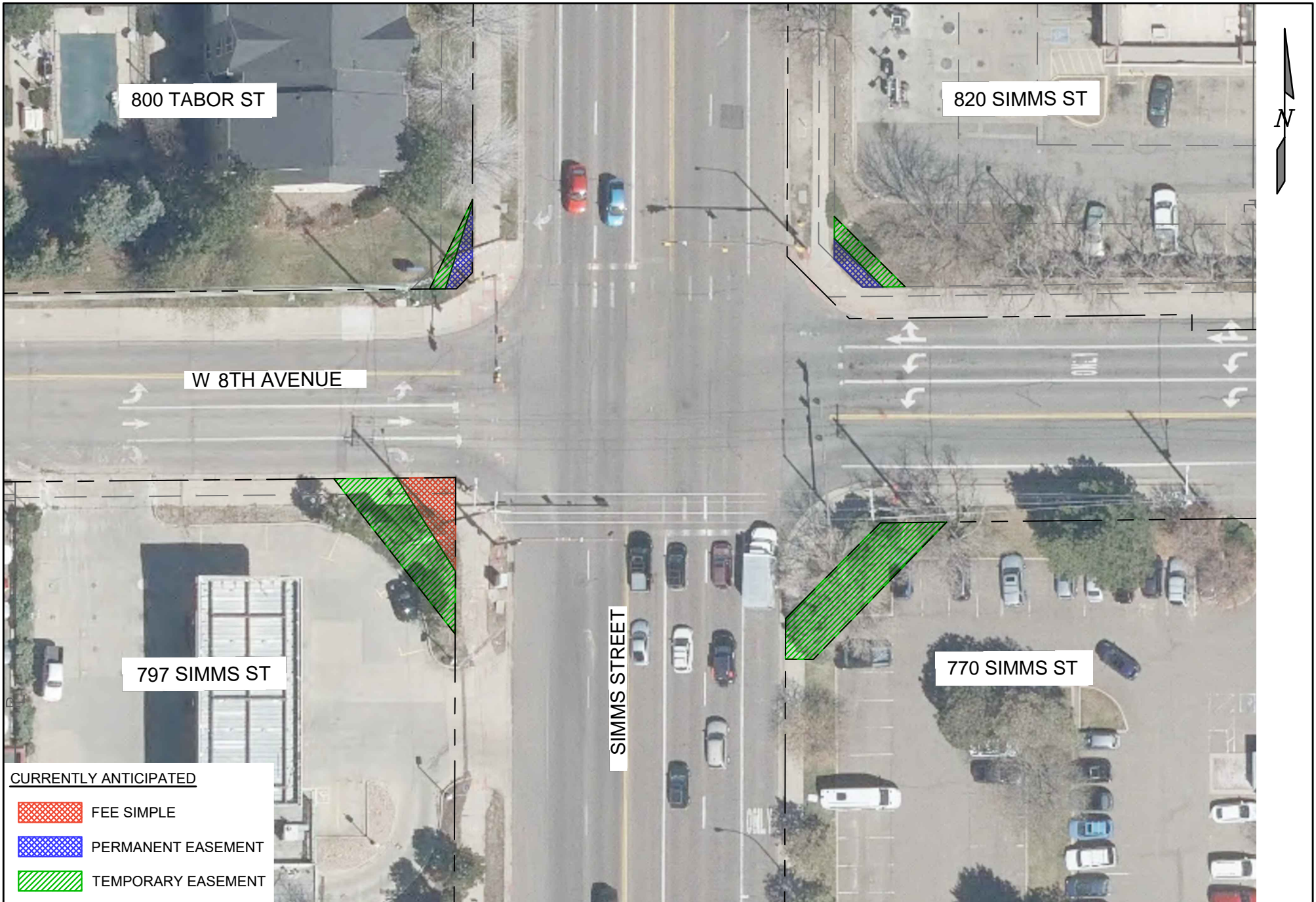
797 SIMMS ST

SIMMS STREET

770 SIMMS ST

CITY OF LAKEWOOD ORDINANCE MAP  
PROPERTY INTERESTS FOR W 8TH AVE. & SIMMS ST. PROJECT  
APRIL 2024





CITY OF LAKEWOOD ORDINANCE MAP  
PROPERTY INTERESTS FOR W 8TH AVE. & SIMMS ST. PROJECT  
APRIL 2024

# STAFF MEMO

**DATE OF MEETING: APRIL 22, 2024 / AGENDA ITEM NO. 8**

To: Mayor and City Council  
From: Travis Parker, Director of Planning  
Subject: **UTILITY CONVEYANCE**

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**SUMMARY STATEMENT:** The City of Lakewood has been working with Xcel Energy to be a site host location for two electric vehicle DC fast charging stations at the Civic Center. Xcel Energy would install, own, operate, and maintain the charging stations for up to ten years at no cost to the City. The project requires the conveyance of two easements on City-owned property to Xcel Energy so they can install the required equipment and infrastructure.

**BACKGROUND INFORMATION:** The City of Lakewood's ("City") Sustainability Plan includes goals to transition to renewable energy sources and reduce greenhouse gas emissions. In an effort to further its Sustainability Plan goals, the City applied for and was accepted by Xcel Energy to be a site location for two (2) electric vehicle dual port DC fast charging stations at the Civic Center.

The City and Xcel Energy agreed to the terms and conditions of a Site Host DC Fast Charging Agreement. Under terms of the program agreement, Xcel Energy will install, own, operate, and maintain the fast-charging stations for a period of ten years at no cost to the City. After the ten-year term, the City may decide to extend the agreement for up to five years, to accept the transfer of the infrastructure ownership to the City, or to have the infrastructure removed by Xcel Energy at the City's expense.

The project requires conveyance of two utility easements on City owned property to Xcel Energy so they can install the required equipment and infrastructure, including an electrical transformer, EV charging stations, and connecting electrical supply infrastructure.

The attached Ordinance authorizes the City to convey the required easements to Xcel Energy and for the City Manager to execute an Easement Agreement with Xcel Energy.

**BUDGETARY IMPACTS:** No budget impacts are anticipated with approval of this easement conveyance.

**STAFF RECOMMENDATIONS:** Staff recommends that City Council review and approve Ordinance O-2024-10.

**ALTERNATIVES:** The City Council may elect not to approve the easement conveyance, though this would likely result in the termination of the DC Fast Charging Site Host agreement with Xcel Energy.

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

**NEXT STEPS:** If the Ordinance is passed, Staff will work with the City Manager's Office and Xcel Energy to execute the easement agreement and record the easement conveyance with Jefferson County.

**ATTACHMENTS:** 1. Ordinance O-2024-10

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

O-2024-10

AN ORDINANCE

AUTHORIZING THE CONVEYANCE TO THE PUBLIC SERVICE COMPANY OF COLORADO TWO (2) NON-EXCLUSIVE PERMANENT UTILITY EASEMENTS ON PROPERTY OWNED BY THE CITY OF LAKEWOOD AND LOCATED ADJACENT TO THE CIVIC CENTER

WHEREAS, the City of Lakewood (the “City”) adopted a Sustainability Plan in 2015 that includes goals to transition to renewable energy sources and reduce greenhouse gas emissions;

WHEREAS, in an effort to further its Sustainability Plan goals, the City applied for and was accepted by the Public Service Company of Colorado, doing business as Xcel Energy (“Xcel Energy”) to be a site host location for two (2) electric vehicle DC fast charging stations;

WHEREAS, Xcel Energy required the City, as a site host location, to convey two (2) non-exclusive permanent utility easements for transformer facilities, electric vehicle chargers, electric vehicle supply infrastructure, and related appurtenances, across land owned by the City as shown in Exhibit A;

WHEREAS, the Xcel Energy and the City agreed to the terms and conditions of this site host arrangement via a Xcel Energy DC Fast Charging Site Host Agreement (“Agreement”), a signed copy of which is attached as Exhibit B;

WHEREAS, per the terms of the Agreement, Xcel Energy will install, own, operate, and maintain the fast charging stations following conveyance of both non-exclusive permanent utility easements for a period of ten (10) years at no cost to the City;

WHEREAS, following the ten (10) year term, the City may decide to extend the Agreement for up to five (5) years, or to accept the transfer of the infrastructure, or to have the infrastructure removed by Xcel Energy at the City’s expense;

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. The City agrees to convey, and the City Manager is hereby authorized to execute and the City Clerk to attest to, a utility easement, in the form approved by the City Attorney, granted to Xcel Energy across land described in Exhibit A, as attached hereto and included herein, for two (2) non-exclusive permanent utility easements for transformer facilities, electric vehicle chargers, electric vehicle supply infrastructure, and related appurtenances.

SECTION 2. This Ordinance 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 within and foregoing Ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 22<sup>nd</sup> day of April, 2024; published by title in the Denver Post and in full on the City of Lakewood's website, [www.lakewood.org](http://www.lakewood.org), on the 25<sup>th</sup> day of April, 2024; set for public hearing to be held on the 13<sup>th</sup> day of May, 2024; read, finally passed and adopted by the City Council on the 13<sup>th</sup> day of May, 2024; and signed by the Mayor on the \_\_\_\_\_ day of May, 2024.

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

ATTEST:

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

APPROVED AS TO FORM:

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



Sheet 1 of 2

**EXHIBIT A – LOT 19  
PARCEL A**

A 15 foot wide strip of land lying in the northwest one-quarter (NW1/4) of Section 14, Township 4 South, Range 69 West, of the 6th Principal Meridian, County of Jefferson, State of Colorado, being a portion of Lot 19, Block 1, plat of LAKEWOOD CITY COMMONS SUBDIVISION FILING NO. 2, Jefferson County Records, lying 7.5 feet on each side of the following described line:

Beginning on the north line of said Lot 19, from which the northwest corner thereof, bears S87°35'34"W, 89.72 feet;

thence S00°18'05"W, 17.75 feet, along a line 7.5 feet east of and parallel to the east line of Parcel 16A as described in Reception Number F0802472, Jefferson County Records, to the Point of Terminus.

The sidelines of said 15 foot wide strip are to be lengthened or shortened to terminate on said north line.

Containing 266 square feet more or less.

As shown and described on Exhibit A Sheet 2 of 2, attached hereto and made a part hereof.

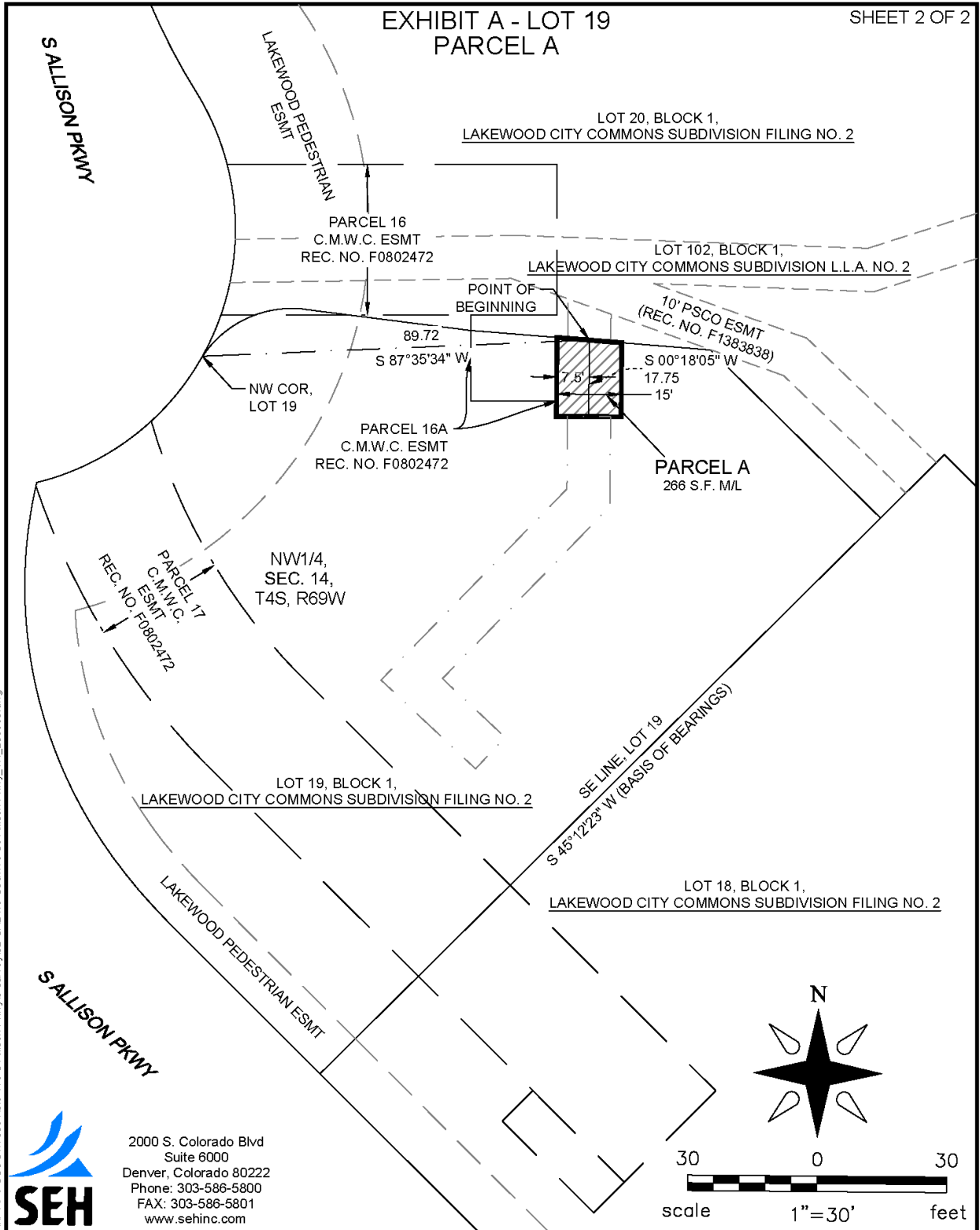
All lineal distance units are represented in U.S. Survey Feet.

For the purpose of this description, bearings are based on said plat of LAKEWOOD CITY COMMONS SUBDIVISION FILING NO. 2.

The author of this description is Monte L. Sudbeck, PLS 38503, prepared on behalf of SEH, 2000 S Colorado Blvd, Suite 6000, Denver, CO 80222, on March 22, 2024, under Job No. 173901-3.0, for Public Service Company of Colorado, and is not to be construed as representing a monumented land survey.



Monte L. Sudbeck, PLS 38503





Sheet 1 of 2

**EXHIBIT A – LOT 19  
PARCEL B**

A 10 foot wide strip of land lying in the northwest one-quarter (NW1/4) of Section 14, Township 4 South, Range 69 West, of the 6th Principal Meridian, County of Jefferson, State of Colorado, being a portion of Lot 19, Block 1, plat of LAKEWOOD CITY COMMONS SUBDIVISION FILING NO. 2, Jefferson County Records, lying 5 feet on each side of the following described line:

Commencing on the north line of said Lot 19, from which the northwest corner thereof, bears S87°35'34"W, 89.72 feet; thence S00°18'05"W, 17.75 feet, along a line 7.5 feet east of and parallel to the east line of Parcel 16A as described in Reception Number F0802472, Jefferson County Records, to the Point of Beginning;

thence S00°18'05"W, 18.83 feet;  
thence S44°10'29"W, 58.76 feet;  
thence S46°47'32"E, 25.00 feet, to the Point of Terminus.

Containing 1,026 square feet (0.024 acres) more or less.

As shown and described on Exhibit A Sheet 2 of 2, attached hereto and made a part hereof.

All lineal distance units are represented in U. S. Survey Feet.

For the purpose of this description, bearings are based on said plat of LAKEWOOD CITY COMMONS SUBDIVISION FILING NO. 2.

The author of this description is Monte L. Sudbeck, PLS 38503, prepared on behalf of SEH, 2000 S Colorado Blvd, Suite 6000, Denver, CO 80222, on March 22, 2024, under Job No. 173907-3.0, for Public Service Company of Colorado, and is not to be construed as representing a monumented land survey.



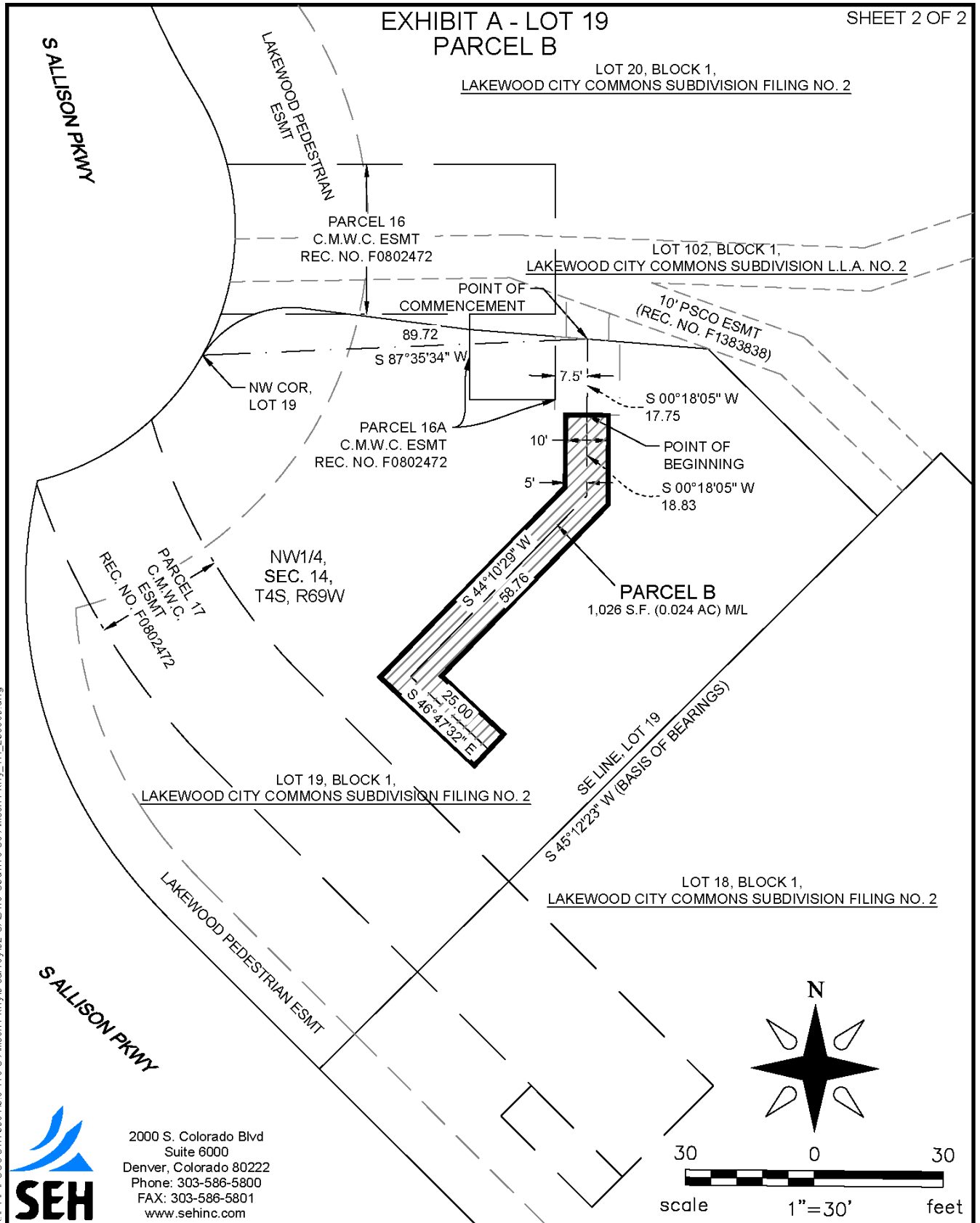
Monte L. Sudbeck, PLS 38503



EXHIBIT A - LOT 19  
PARCEL B

SHEET 2 OF 2

LOT 20, BLOCK 1,  
LAKEWOOD CITY COMMONS SUBDIVISION FILING NO. 2



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2000 S. Colorado Blvd  
Suite 6000  
Denver, Colorado 80222  
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FAX: 303-586-5801  
www.sehinc.com

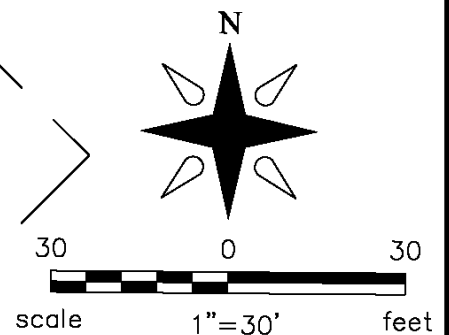


EXHIBIT B

Xcel Energy DC Fast Charging Site Host Agreement

## **XCEL ENERGY DC FAST CHARGING SITE HOST AGREEMENT**

**THIS XCEL ENERGY DC FAST CHARGING SITE HOST AGREEMENT** (the "Agreement"), is made on the date last executed ("Effective Date") by and between PUBLIC SERVICE COMPANY OF COLORADO, a Colorado corporation, doing business as Xcel Energy ("Xcel Energy"), 1800 Larimer Street, Denver, Colorado 80202, and CITY OF LAKEWOOD, a Colorado home rule municipal corporation ("Site Host") having an address of 480 South Allison Parkway, Lakewood, Colorado 80226. Site Host and Xcel Energy may be referred to herein individually as a "Party" or collectively as the "Parties."

The Parties, each in consideration of the promises of the other in this Agreement, agree as follows:

### **1. Definitions**

- "Applicable Laws" means all applicable federal and state laws, codes, ordinances, rules, regulations, judgments, decrees, directives, guidelines, policy requirements, and orders of any governmental entity having jurisdiction over the electric vehicle ("Electric Vehicle" or "EV") the Program, the services set forth in this Agreement, the practices involved in the services set forth in this Agreement, or any work Xcel Energy or Site Host performs relating to this Agreement.
- "Dispute" means a disagreement between Xcel Energy and Site Host that arises under, or that relates to, this Agreement.
- "EV Driver" means an individual who uses the Charging Equipment at the Site Host Location to charge an Electric Vehicle.
- "EV Supply Infrastructure" means service panels, conduit, and wiring from the service connection to the charger stub. EV Supply Infrastructure also includes the line extension necessary to connect Xcel Energy's distribution system to the service connection and does not include the Charging Equipment.
- "EV Supply Infrastructure Costs" means the total costs and expenditures incurred by Xcel Energy to procure, design, construct, and install the EV Supply Infrastructure at the Site Host Location, including but not limited to costs of labor, labor loading, materials, transportation, overhead, indirect allocated costs, any allowance for funds used during construction ("AFUDC"), and any other capital related expenditures, which costs and expenditures shall not exceed \$600,000.
- "Expiration" means the end of the Term, or any subsequent Term, that is not a Termination as herein defined.
- "Facilities" means any privately, publicly, or cooperatively owned line, system, and/or other utility item that produces, transmits, or distributes communications, power, cable, television, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, signal systems, and other products or services that serve the public, and/or a privately-owned irrigation system. Any necessary appurtenances to each Facility are considered a part of the Facility.
- "In-Service Date" means the date that EV Supply Infrastructure and Xcel Energy Owned Charging Equipment at the Site Host Location has been installed, connected, tested, and is ready to use

by EV Drivers. Following the installation and testing of the EV Supply Infrastructure, and Xcel Energy Owned Charging Equipment at the Site Host Location, the Parties will mutually agree upon and document the In-Service Date applicable to the Site Host Location.

- “Infrastructure Buyout Amount” means an amount equal to the EV Supply Infrastructure Costs reduced by ten percent (10%) for each full calendar year between the In-Service Date and the date of termination of this Agreement. By way of example only, if this Agreement is terminated eighteen (18) months after the In-Service Date, and Site Host is required to pay the Infrastructure Buyout Amount in accordance with Section 5 of this Agreement, the Infrastructure Buyout Amount payable by Site Host would be equal to ninety percent (90%) of the EV Supply Infrastructure Costs. In the event the Agreement is Terminated by Site Host under Section 5.1 or terminated by Xcel Energy for Site Host’s breach under Section 5.2.3 prior to the In-Service Date, the Infrastructure Buyout Amount shall equal the EV Supply Infrastructure Costs.
- “Program” means the Xcel Energy DC Fast Charging Program under which Xcel Energy will procure, install, maintain, own and operate EV Supply Infrastructure and Xcel Energy Owned Charging Equipment to support EV charging by EV Drivers at the Site Host Location.
- “Site Host Location” means 470 S. Allison Parkway, Lakewood, CO 80226, and more accurately described by legal description in Exhibit A. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- “Terminate” or “Termination” means the ending of the Term by affirmative action of one or both Parties in accordance with Sections 5.1 through 5.3 hereof.
- “Xcel Energy Owned Charging Equipment” means the Charging Equipment which is supplied, installed, owned and operated by Xcel Energy at the Site Host Location.

## 2. Eligibility and Availability

- 2.1 To be eligible to participate in the Program and prior to Xcel Energy undertaking any Xcel Energy responsibility set forth in Section 4, Site Host must meet and continue to meet during the Term of this Agreement as defined in Section 5.1 (the “Term”), and will provide documentation acceptable to Xcel Energy evidencing that Site Host meets, all the following requirements:
- 2.1.1 Qualify as a non-residential electric customer of Xcel Energy in Colorado;
  - 2.1.2 Be located in a pre-approved geographic location as determined by Xcel Energy
  - 2.1.3 Own or lease the Site Host Location
  - 2.1.4 Provide express written consent, in a form acceptable to Xcel Energy in its sole discretion, from the owner of the Site Host Location to grant Xcel Energy the appropriate real property rights and continuous access to EV Supply Infrastructure and Xcel Energy Owned Charging Equipment, installed, owned,

maintained and operated by Xcel Energy, including an easement signed by the owner of the Site Host Location, in the form attached hereto as Exhibit A; and

- 2.1.5 All Charging Equipment electric load will be separately metered from any other load served at the Site Host Location.
- 2.2 To be eligible to receive EV Supply Infrastructure and Xcel Energy Owned Charging Equipment, Site Host must also provide documentation acceptable to Xcel Energy evidencing that the Site Host Location meets the following requirements:
  - 2.2.1 Be located in Xcel Energy's electric service territory;
  - 2.2.2 Be located in a pre-approved geographic location as defined by Xcel Energy;
  - 2.2.3 Meet Xcel Energy's minimum safety, accessibility, convenience, and reliability requirements; and
  - 2.2.4 Be able to provide a location acceptable to Xcel Energy, in Xcel Energy's sole determination, to deploy Xcel Energy Owned Charging Equipment in a cost-effective manner, based on factors such as proximity to transformers, length of trenching, available transmission and distribution capacity, and ease of access for EV Drivers, as determined by Xcel Energy in its sole discretion.

### **3. Site Host Responsibilities**

- 3.1 Site Host will comply with Xcel Energy's safety and technical specifications.
- 3.2 Site Host will assist in coordinating installation and maintenance of the EV Supply Infrastructure and Xcel Energy Owned Charging Equipment at the Site Host Location with Xcel Energy and its contractor(s), including any applicable Charging Equipment manufacturers, vendors, or subcontractors, who provide services in connection with installing and maintaining the EV Supply Infrastructure and Xcel Energy Owned Charging Equipment. This will include issuing or obtaining any necessary license and right to allow Xcel Energy and its contractor(s) access to the Site Host Location for the installation and maintenance of the EV Supply Infrastructure and Xcel Energy Owned Charging Equipment. Site Host will also meet regularly with Xcel Energy to review and coordinate time schedules and track EV Supply Infrastructure and Xcel Energy Owned Charging Equipment installation status.
- 3.3 Site Host will provide Xcel Energy with accurate and complete information in order to permit Xcel Energy to successfully install and complete the EV Supply Infrastructure and Xcel Energy Owned Charging Equipment for the Program.
- 3.4 After installation of both the Xcel Energy Owned Charging Equipment and EV Supply Infrastructure is completed, Site Host will make the Site Host Location where the Xcel Energy Owned Charging Equipment is situated available to EV Drivers for EV charging twenty-four (24) hours each day, seven (7) days each week and continue to operate business at the Site Host Location as described in Site Host's Program application submitted to and approved by Xcel Energy. This includes ensuring that the parking

spaces designated for the use of the Xcel Energy Owned Charging Equipment are not used for general parking and are available at all times for EV Drivers to charge their EVs.

- 3.5 Site Host will promptly notify Xcel Energy or its charging network provider in the event Site Host becomes aware that the Xcel Energy Owned Charging Equipment or EV Supply Infrastructure fails to operate or otherwise requires repair.
- 3.6 In the case of total equipment failure of all or a portion of the EV Supply Infrastructure or Xcel Energy Owned Charging Equipment, that is caused by the Site Host or its employees, agents, or contractors, and not covered by a manufacturer's warranty, Site Host may either request that Xcel Energy replace the necessary equipment at Site Host's expense or Terminate this Agreement pursuant to Section 5.1 and pay Xcel Energy the Infrastructure Buyout Amount as set forth in Section 5.3.
- 3.7 Site Host will maintain the area surrounding the EV Supply Infrastructure and Xcel Energy Owned Charging Equipment, including but not limited to, pavement maintenance, pruning of vegetation, snow removal, and the repair of security lighting.

#### **4. Xcel Energy Responsibilities**

- 4.1 Xcel Energy and/or qualified and competent contractors hired by Xcel Energy will prepare construction drawings ("Construction Drawings") for the EV Supply Infrastructure and Xcel Energy Owned Charging Equipment at location(s) within the Site Host Location determined by Site Host in coordination with Xcel Energy. The Construction Drawings will show the proposed EV Supply Infrastructure and Xcel Energy Owned Charging Equipment, and its location(s) within the Site Host Location. Prior to Xcel Energy commencing construction of the EV Supply Infrastructure, Site Host will receive Construction Drawings.
- 4.2 Xcel Energy will prepare and coordinate the EV Supply Infrastructure and Xcel Energy Owned Charging Equipment installation schedule ("Installation Schedule") with designated Site Host staff as to minimize disruption to Site Host's operations. Xcel Energy will also meet regularly with Site Host staff to review and coordinate time schedules and track EV Supply Infrastructure and Charging Equipment installation status. Prior to Xcel Energy commencing construction of the EV Supply Infrastructure and Xcel Energy Owned Charging Equipment, Site Host must approve the Installation Schedule. Once approved, the Installation Schedule may be modified only with the mutual consent of both Parties; provided, however, that the Installation Schedule shall provide for emergency government operations, closures and other unforeseen events, which Site Host may be required to impose, and which will not constitute a breach hereof.
- 4.3 Xcel Energy will install the EV Supply Infrastructure and Xcel Energy Owned Charging Equipment, pursuant to the Installation Schedule and consistent with the Construction Drawings, in a good and workmanlike manner, with qualified and competent contractors, in compliance with all applicable codes and engineering standards, and in compliance with all Applicable Laws.

- 4.4 Except as otherwise provided in this Agreement, Xcel Energy will retain title and ownership of the EV Supply Infrastructure and Xcel Energy Owned Charging Equipment once installation and commissioning are completed. Site Host shall acquire no right, title, or interest in any portion of the work performed by Xcel Energy or Xcel Energy's equipment, EV Supply Infrastructure, Xcel Energy Owned Charging Equipment, or Facilities unless transferred to Site Host under the provisions in Section 5. The work constructed and installed by Xcel Energy shall be and remain the personal property of Xcel Energy, shall not be considered a fixture of the property, shall not attach to the realty, and shall not be alienable or lienable by Site Host or any third party for the Term. Site Host shall not allow lien claims, third-party interest, or any encumbrances to be placed on the work, EV Supply Infrastructure, and/or Xcel Energy Owned Charging Equipment. Xcel Energy shall not permit any mechanics' or other liens to be placed on Site Host Location during the Term caused by or resulting from any work performed, materials, or supplies furnished by or at the request of Xcel Energy or its contractors.
- 4.5 Xcel Energy shall own, operate, and maintain, at its own expense, the EV Supply Infrastructure and Xcel Energy Owned Charging Equipment at the Site Host Location for the Term, unless Terminated earlier as provided herein. Xcel Energy may engage one or more third-party contractors to complete its obligations under this Agreement. Xcel Energy shall not knowingly award contracts to contractors who have been or are suspended or debarred by the State of Colorado or the United States. Xcel Energy shall be responsible for supervising any third-party contractor it chooses to retain.
- 4.6 After installation of, and while Xcel Energy owns, the EV Supply Infrastructure and Xcel Energy Owned Charging Equipment, Xcel Energy shall conduct emergency repairs on the EV Supply Infrastructure and Xcel Energy Owned Charging Equipment on an as needed basis in accordance with the following:
- 4.6.1 Requests for emergency repairs can be made by Site Host or Xcel Energy staff.
  - 4.6.2 Site Host's requests for repair shall be made via telephone, email, or text message to an agreed-upon third party or representative at Xcel Energy.
  - 4.6.3 All emergency repairs shall be completed by qualified technicians selected by Xcel Energy.
  - 4.6.4 Emergency repair service calls shall begin with inspection of malfunctioning EV Supply Infrastructure or Xcel Energy Owned Charging Equipment, as applicable, a diagnosis of the potential issue, and an expected time required for repair.
  - 4.6.5 Xcel Energy shall use commercially reasonable efforts to repair the EV Supply Infrastructure or Xcel Energy Owned Charging Equipment, as applicable, in a timely manner.
- 4.7 After installation of, and while Xcel Energy owns the EV Supply Infrastructure and Xcel Energy Owned Charging Equipment, Xcel Energy may inspect the EV Supply Infrastructure and Xcel Energy Owned Charging Equipment at the Site Host Location for general wear or malfunction on a periodic basis as determined by Xcel Energy.

- 4.8 Xcel Energy shall be responsible for the cost of purchasing and installing the EV Supply Infrastructure and Xcel Energy Owned Charging Equipment. Xcel Energy shall also be responsible for all costs that Xcel Energy, in its sole discretion, deems reasonably required for operating and maintaining the EV Supply Infrastructure and Xcel Energy Owned Charging Equipment. All payments for this EV Supply Infrastructure and Xcel Energy Owned Charging Equipment will be made directly by Xcel Energy to the third-party contractor retained to complete the work, and Xcel Energy will have no financial obligation for any payments to Site Host.
- 4.9 In the case of total equipment failure of all or a portion of the EV Supply Infrastructure and/or Xcel Energy Owned Charging Equipment that is caused by Xcel Energy, or its employees, agents, or contractors, and not covered by a manufacturer's warranty, Xcel Energy may either replace the necessary equipment at Xcel Energy's expense or Terminate this Agreement pursuant to Section 5.1.
- 4.10 Xcel Energy may charge EV Drivers for the use of the Xcel Energy Owned Charging Equipment and will determine, in its sole discretion, the rates charged to EV Drivers per Colorado Public Utility Commission (the "Commission") Docket 21AL-0494E. Xcel Energy will process all payments and collect all revenues from charging that occurs at Xcel Energy Owned Charging Equipment. Site Host shall not be entitled to any payment or revenues generated from the use of the Xcel Energy Owned Charging Equipment.
- 4.11 Xcel Energy will pay for the power consumed by the EV Supply Infrastructure and Xcel Energy Owned Charging Equipment.

## 5. Term and Termination

- 5.1 This Agreement shall be effective upon the Effective Date. The Term shall be from the Effective Date until ten (10) years following the In-Service Date. Subject to Section 5.3, either Party may Terminate this Agreement for any reason or no reason, without cause, at any time by providing the other Party sixty (60) calendar days prior written notice; provided, however, prior to Site Host terminating this Agreement pursuant to this Section 5.1, Site Host shall first obtain an appropriation or a supplemental appropriation, as the case may be, for the fund necessary to pay the Infrastructure Buyout Amount required under Section 5.3 of this Agreement and provide evidence to Xcel Energy of such appropriation. In the event, however, Site Host has funds budgeted and available for payment of the Infrastructure Buyout Amount, Site Host shall have no obligation to pursue an appropriation before termination and payment of any Infrastructure Buyout Amount due. If Xcel Energy Terminates this Agreement pursuant to this Section 5.1 for a reason other than Site Host's material breach of Site Host's obligations under the Agreement, Xcel Energy shall transfer title of the EV Supply Infrastructure to Site Host without any payment from Site Host, including the Infrastructure Buyout Amount, and the EV Supply Infrastructure will be deemed abandoned in place in "AS IS" condition, without any warranty (express or implied) by Xcel Energy. Upon such Termination, Xcel Energy Owned Charging Equipment will be removed by Xcel Energy at its own expense.



- 5.2 Either Party may Terminate this Agreement if the other Party materially breaches any of its obligations under this Agreement, in accordance with the following:
- 5.2.1. Prior to Termination pursuant to this Section 5.2, the Party seeking the Termination shall give the other Party written notice of the breach and of the Party's intent to Terminate. If the breaching Party has not entirely cured the breach within thirty (30) days of the notice (or if the breach is not one that can be reasonably cured within thirty (30) days and if the breaching Party is not working diligently to cure such breach), then the Party giving the notice may Terminate this Agreement without reference to Section 5.1 at any time thereafter by giving a written notice of Termination.
  - 5.2.2. If Site Host Terminates pursuant to this Section 5.2 for Xcel Energy's material breach of this Agreement, as Site Host's sole and exclusive remedy, Xcel Energy shall transfer title of the EV Supply Infrastructure to Site Host, without any payment from Site Host, including the Infrastructure Buyout Amount set forth in Section 5.3, and the EV Supply Infrastructure will be deemed abandoned in place in "AS IS" condition, without any warranty (express or implied) by Xcel Energy.
  - 5.2.3. If Xcel Energy Terminates pursuant to this Section 5.2 for Site Host's material breach of this Agreement, Site Host shall pay the Infrastructure Buyout Amount, subject to Section 8, and when such fee is paid, Xcel Energy shall transfer title of all EV Supply Infrastructure to Site Host on an "AS IS" basis, without any warranty (express or implied).
  - 5.2.4. A Party Terminating this Agreement pursuant to this Section 5.2 does not waive its rights to any remedy at law or in equity for a material breach of this Agreement.
- 5.3 Should (a) Site Host Terminate this Agreement for any reason other than pursuant to the provisions of Section 5.2.2 for Xcel Energy's material breach of its obligations hereunder, or (b) Xcel Energy Terminates this Agreement pursuant to the provisions of Section 5.2.3 for Site Host's material breach of its obligations hereunder, Site Host will be charged, and Site Host will pay to Xcel Energy, the Infrastructure Buyout Amount. The Infrastructure Buyout Amount, if applicable, will be due and payable by Site Host thirty (30) days following the Termination of this Agreement in accordance with this Section 5.3. Upon payment of the Infrastructure Buyout Amount, Xcel Energy will transfer title of the EV Supply Infrastructure to Site Host on an "AS IS" basis, without any warranty (express or implied).
- 5.4 At least one hundred and eighty (180) calendar days prior to Expiration, the Parties shall endeavor to negotiate a mutually agreeable plan for the EV Supply Infrastructure and Xcel Energy Owned Charging Equipment that will commence at Expiration, which may include but will not be limited to the following:
- 5.4.1 Extension of the Term for a mutually agreed period of time with the default extension option being 5 years;

- 5.4.2 Upon Expiration, Xcel Energy transfers the title to the EV Supply Infrastructure to Site Host in "AS IS" condition, without any warranties (express or implied) by Xcel Energy; or
- 5.4.3 Upon Expiration, Xcel Energy removes, at Site Host's expense, the portion of the EV Supply Infrastructure that is above ground, restoring the Site Host Location to original conditions or any other conditions agreed upon by the Parties, and Xcel Energy shall transfer title of the remaining portion of the EV Supply Infrastructure that is not above ground to Site Host, without any payment from Site Host, and the Remaining EV Supply Infrastructure will be deemed abandoned in place in "AS IS" condition, without any warranty (express or implied) by Xcel Energy.
- 5.5 If, at Expiration, the Parties have not come to a mutual agreement pursuant to Section 5.4 above, this Agreement shall continue until the Parties are able to come to a mutual agreement or until a Party unilaterally Terminates this Agreement pursuant to Section 5.1.
- 5.6 Upon either Termination or Expiration, Xcel Energy will remove any Xcel Energy Owned Charging Equipment from the Site Host Location at no cost to Site Host.
- 5.7 Upon either Termination or Expiration, to the extent Site Host takes ownership of the EV Supply Infrastructure, Site Host assumes the responsibility of maintaining the EV Supply Infrastructure, and in order to continue receiving electric service, Site Host must take electric service pursuant to a tariff for which the Site Host is then eligible.

## 6. Warranties and Limitation of Liability

- 6.1 Site Host represents and warrants that: (i) the execution, delivery, and performance of this Agreement has been duly authorized by all requisite action on the part of Site Host, and Site Host has full power and authority to grant the rights and licenses granted by this Agreement to Xcel Energy; (ii) this Agreement constitutes the legal, valid, and binding obligation of Site Host; (iii) Site Host is and will remain duly licensed, authorized or qualified to do business, and in good standing; and (iv) Site Host is and will remain in compliance with all Applicable Laws applicable to Site Host in connection with performance under this Agreement.
- 6.2 Xcel Energy, itself or through its contractor(s), shall perform the installation of the EV Supply Infrastructure and the Xcel Energy Owned Charging Equipment, as applicable, in a safe and professional manner in accordance with all Applicable Laws. **EXCEPT AS EXPRESSLY SET FORTH IN THIS SECTION 6.2, XCEL ENERGY MAKES OR PROVIDES NO WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY WARRANTY AGAINST INFRINGEMENT, WITH RESPECT TO THE WORK TO BE PERFORMED, SERVICES TO BE PROVIDED, OR EV SUPPLY INFRASTRUCTURE OR XCEL ENERGY OWNED CHARGING EQUIPMENT TO BE DELIVERED UNDER THIS AGREEMENT. IN THE EVENT TITLE TO EV SUPPLY INFRASTRUCTURE OR XCEL ENERGY OWNED CHARGING EQUIPMENT IS TRANSFERRED TO SITE HOST IN ACCORDANCE WITH THE TERMS OF THIS AGREEMENT, THE EV SUPPLY INFRASTRUCTURE AND XCEL ENERGY OWNED CHARGING EQUIPMENT IS PROVIDED "AS IS" AND WITH NO WARRANTY OF ANY KIND. XCEL ENERGY**

**DISCLAIMS ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.**

- 6.3 **IN NO EVENT, WHETHER BASED ON CONTRACT, INDEMNITY, WARRANTY, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY OR OTHERWISE, SHALL XCEL ENERGY BE LIABLE TO SITE HOST AND ITS AGENTS, CONTRACTORS AND EMPLOYEES, FOR SPECIAL, INDIRECT, EXEMPLARY, PUNITIVE, INCIDENTAL, OR CONSEQUENTIAL DAMAGES WHATSOEVER INCLUDING, WITHOUT LIMITATION, LOSS OF PROFITS OR REVENUE.**
- 6.4 Subject to the limitations contained in this Agreement, each Party agrees that it will be responsible for its own acts and the results thereof to the extent authorized by Applicable Laws and shall not be responsible for the acts of the other Party and the results thereof.
- 6.5 In no event will Xcel Energy be liable to Site Host for any claims, expenses, losses, damages, or lawsuits arising out of any interruptions or disturbances in electric service. Except as described in this section, Xcel Energy's liability on any claim of any kind for any loss or damage arising out of or in connection with or resulting from this Agreement, or from performance or breach thereof, shall in no case exceed the total dollar amount for the specific work giving rise to the claim.

**7. General Terms**

- 7.1 *No Third-Party Beneficiary.* This Agreement is between the Parties and creates no third-party beneficiaries. Nothing in this Agreement gives or shall be construed to give or provide any benefit, direct, indirect, or otherwise, to third parties unless third persons are expressly described as intended to be beneficiaries of its terms.
- 7.2 *Assignment Prohibited.* Site Host shall not assign this Agreement, or any part thereof, nor delegate in whole or in part, its responsibilities hereunder, without the prior written consent of Xcel Energy. Unless otherwise agreed to in writing by Xcel Energy, no assignment will release or discharge Site Host from any obligations under this Agreement. Any prohibited assignment or delegation shall be null and void.
- 7.3 *Legal Compliance.* The Parties shall comply with all Applicable Laws. Each Party shall monitor its agents, contractors, and employees for the purposes of ensuring compliance with all Applicable Laws. If any change in circumstances or law will affect a Party's performance under this Agreement, that Party shall notify the other Party of the change in circumstances or law at the earliest reasonable opportunity, and the Parties will negotiate in good faith to modify this Agreement to take into account the changed circumstance or law.
- 7.4 *Governmental Immunity.* No term or condition of this Agreement shall be construed or interpreted as a waiver, either express or implied, by Site Host of any of the immunities, rights, benefits, protections or other provisions of the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101, *et seq.*
- 7.5 *Dispute Resolution.* In the event of any Dispute arising out of or relating to this Agreement, the complaining Party shall provide written notice of the Dispute to the

other Party. The Dispute notice shall describe the facts surrounding the Dispute in sufficient detail to apprise the other Party of the nature of the Dispute.

Xcel Energy and Site Host shall attempt in good faith to settle all Disputes through the negotiation process set forth in this Section. To this effect, unless otherwise agreed, Xcel Energy and Site Host shall conduct at least one face-to-face meeting between the designated representatives from both Parties in an attempt to reach a solution that is satisfactory to both Xcel Energy and Site Host. Such a meeting shall take place within seven (7) calendar days following delivery of a Dispute notice. If that meeting does not resolve the Dispute, Xcel Energy and Site Host shall have executive level leadership from both Parties meet and attempt to resolve the Dispute.

If Xcel Energy and Site Host fail to resolve a Dispute in accordance with this Section, either Party may, subject to Section 7.5, proceed to a court of competent jurisdiction and may, subject to any limitation set forth herein, pursue any remedies available to it at law or in equity.

- 7.6 *Applicable Law and Venue.* This Agreement shall be interpreted in accordance with the laws of the State of Colorado. Venue for all legal proceedings arising out of or relating to this Agreement or breach thereof shall be in the state or federal court with competent jurisdiction in Denver County, Colorado.
- 7.7 *Non-Waiver.* The failure of either Party at any time to insist upon the strict performance of any or all of the terms, conditions, and covenants in this Agreement shall not be deemed a waiver by that Party of any subsequent breach or default in the said terms, conditions, or covenants by the other Party.
- 7.8 *Complete Agreement.* This Agreement constitutes the complete and exclusive understanding of the Parties concerning its subject matter. This Agreement supersedes all prior agreements, representations, understandings, and communications, written or oral, between the Parties as to the subject matter of this Agreement.
- 7.9 *Amendments.* The terms of this Agreement may be changed, amended or modified only by mutual signed agreement of the Parties.
- 7.10 *Consent to Disclose.* Site Host consents to Xcel Energy's disclosure of the existence, terms, and status of this Agreement consistent with Commission data privacy requirements. Site Host further acknowledges that pursuant to Section 3.7 of this Agreement, Xcel Energy may disclose any information and documents Site Host provides to Xcel Energy pursuant to this Agreement. Site Host also consents to Xcel Energy's disclosure of any information concerning the EV Supply Infrastructure and related services provided to Site Host that Xcel Energy has in its possession, including "Site Host data" as defined by Commission rules, to address Xcel Energy's reporting requirements in Commission proceedings, including without limitation those established in Proceeding No. 20A-0204E. To the extent the Commission requires any additional written consent from Site Host for disclosure of such information, Site Host agrees to cooperate with any such request by Xcel Energy. Without limiting the foregoing, by signing this Agreement and participating in the Program, the Site Host consents and authorizes Xcel Energy to provide the Site Host's information related to this Agreement or the Program to third

parties, including but not limited to the Colorado Energy Office and the Regional Air Quality Council, for the purpose of administering the Program, coordinating with other third parties offering EV programs and ensuring that the Program participants are not receiving funding multiple times for the same equipment and/or costs.

- 7.11 *Public Document.* Company hereby acknowledges that Site Host is a public entity subject to the Colorado Open Records Act, C.R.S. § 24-72-201, *et seq.*, and as such, this Agreement may be subject to public disclosure thereunder.
- 7.12 *Property of Xcel Energy.* All reports, drawings, plans, specifications, calculations, studies, software programs, tapes, models, and memoranda, if any, assembled or prepared by Xcel Energy or Xcel Energy's affiliates, independent professional associates, agents, consultants, contractors, or subcontractors pursuant to this Agreement are instruments of service in respect of this Agreement, and Xcel Energy shall retain all ownership and property interest therein. Site Host may make and retain copies for information and reference in connection with the Program, provided, however, that it is understood and agreed that such documents are not intended to be re-used by Site Host or others on extensions of the Program or on any other project or for any other purpose other than as expressly set forth in this Agreement, and Site Host shall not re-use or disclose to any third party all or any portion of such work product without the express prior written consent of Xcel Energy, which consent shall not be unreasonably withheld.
- 7.13 *Independent Contractor Relationship.* The Parties are independent contractors. Nothing in this Agreement or in the activities contemplated by the Parties hereunder shall be deemed to create an agency, partnership, employment, or joint venture relationship between the Parties or any of their representatives. Neither Party is an agent of the other nor has the authority to represent the other as to any matters. Site Host is responsible for the safety of its respective agents, employees, and other representatives. Xcel Energy in no way assumes any of the duties, obligations, or liabilities attributed to Site Host under this Agreement.
- 7.14 *Survival.* Those provisions of this Agreement which would require that they survive Termination or Expiration in whole or part in order to give them full force and effect will survive the Termination or Expiration, regardless of the date, cause, or manner of the Termination or Expiration. Xcel Energy's right to retain any Data collected in connection with the Program shall survive Termination or Expiration. In addition, all rights of action arising from or related to this Agreement that accrue during the Term, and any remedies for such claims, both legal and equitable, will survive such Termination or Expiration.
- 7.15 *Branding and Consumer Education.* The Parties agree to discuss opportunities for Xcel Energy branding, Consumer outreach and education efforts related to the benefits of electric vehicles, and implementation of renewable energy in connection with the Program.
- 7.16 *Taxes on Sale of EV Supply Infrastructure and/or Xcel Energy Owned Charging Equipment.* If Xcel Energy sells the EV Supply Infrastructure to Site Host for an amount equal to the Infrastructure Buyout Amount for such EV Supply Infrastructure and/or Xcel

Energy Owned Charging Equipment and Site Host purchases the same, then Xcel Energy will deliver to Site Host a Bill of Sale with a purchase price equal to the Infrastructure Buyout Amount for such EV Supply Infrastructure and/or Xcel Energy Owned Charging Equipment. Site Host further agrees that, in accordance with federal and state laws in effect at the time of the sale of the EV Supply Infrastructure and/or Xcel Energy Owned Charging Equipment from Xcel Energy to Site Host: (i) Site Host shall be responsible for and shall pay transfer taxes, either directly to a taxing authority or to Xcel Energy, as required by law, related to the Infrastructure Buyout Amount as stated on the Bill of Sale; and (ii) Xcel Energy agrees to complete a Form W-9 "Request for Taxpayer Identification Number and Certification" in the event of such sale.

- 7.17 *Notice.* Any notice required or permitted by this Agreement shall be deemed given (i) when delivered by hand, (ii) on the next Working Day after being sent by a reputable overnight courier service for next Working Day delivery, or (iii) on the third Working Day after being sent by prepaid United States mail, return receipt requested, in each case to the Party at the address specified as follows:

Site Host:                      Planning Department  
    Director  
    470 S. Allison Parkway  
    Lakewood, CO 80226

Xcel Energy: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

[evapplications@xcelenergy.com](mailto:evapplications@xcelenergy.com)

Either Party may change its address for notice purposes by giving the other Party prior written notice of the new address and the date upon which the change will be effective.

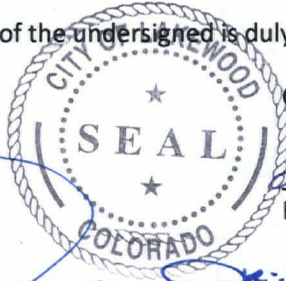
- 7.18 *Electronic Signature and Electronic Records.* Both Parties consent to the use of electronic signatures. This Agreement and any other documents requiring signature hereunder may be signed electronically by either Party. The Parties agree not to deny the legal effect or enforceability of this Agreement solely because it is in electronic form or because an electronic record was used in its formation. The Parties agree not to object to the admissibility of this Agreement in the form of an electronic record, or a paper copy of an electronic document, or a paper copy of a document bearing an electronic signature, on the ground that it is an electronic record or electronic signature or that it is not in its original form or is not an original.
- 7.19 *Sale of EV Supply Infrastructure and/or Xcel Energy Owned Charging Equipment.* If Xcel Energy sells the EV Supply Infrastructure and/or the Xcel Energy Owned Charging

Equipment to Site Host for an amount equal to the Infrastructure Buyout Amount and/or Xcel Energy Owned Charging Equipment Buyout Amount for such EV Supply Infrastructure and/or Xcel Energy Owned Charging Equipment and Site Host purchases the same, then Xcel Energy will deliver to Site Host a Bill of Sale with a purchase price equal to the Infrastructure Buyout Amount and/or Xcel Energy Owned Charging Equipment Buyout Amount for such EV Supply Infrastructure and/or Xcel Energy Owned Charging Equipment. Site Host further agrees that, in accordance with federal and state laws in effect at the time of the sale of the EV Supply Infrastructure and/or Xcel Energy Owned Charging Equipment from Xcel Energy to Site Host: (i) Site Host shall be responsible for and shall pay transfer taxes, either directly to a taxing authority or to Xcel Energy, as required by law, related to the Infrastructure Buyout Amount and/or Xcel Energy Owned Charging Equipment Buyout Amount as stated on the Bill of Sale; and (ii) Xcel Energy agrees to complete a Form W-9 "Request for Taxpayer Identification Number and Certification" in the event of such sale. Notwithstanding any other term or condition of this Agreement, Site Host is not liable for the payment of interest, taxes, late charges, or penalties of any nature, except for any additional amounts that the Site Host may be required to pay under Applicable Laws. Xcel Energy agrees to accept a properly completed and valid exemption certificate(s) for any taxes that may otherwise be due upon the sale. Site Host remains liable for taxes on the sale unless and until such properly completed and valid documentation has been provided to Xcel Energy and remains liable for interest, penalties and late charges relating to any taxes when such additional charges are caused by Site Host's failure to provide exemption documentation or prompt payment of any taxes actually due.

**8. Appropriation.**

- 8.1 *Subject to Annual Appropriation.* Consistent with Article X, Section 20 of the Colorado Constitution, any financial obligation of the Site Host not performed during the current fiscal year is subject to annual appropriation, and thus any obligations of the Site Host hereunder shall extend only to monies currently appropriated and shall not constitute a mandatory charge requirement, debt or liability beyond the current fiscal year. Notwithstanding anything to the contrary, it is the intent of the Parties that if the Customer is obligated to pay the Infrastructure Buyout Amount, that such obligation is not a charge requirement, debt or liability beyond the current fiscal year. If, and to the extent money is due and owing by Site Host in any given fiscal year, the Site Host shall include the amount due and owing in an appropriation request as provided in Section 5.1.

IN WITNESS WHEREOF, each of the undersigned is duly authorized and directed to sign this Agreement.



CITY OF LAKEWOOD:

Kathleen E. Hodgson

Kathleen E. Hodgson, City Manager

ATTEST:

Bernadette J. Robb

Jay Robb, City Clerk

02/02/2024

Attestation Date

Approved as to form:

Lauren Stanek

Lauren Stanek, Senior Assistant City Attorney

Recommended and approved as to content:

Ben Goldstein

Ben Goldstein, Deputy City Manager

Kit Newland

Kit Newland, Director  
Department of Community Resources

Travis Parker

Travis Parker, Director  
Planning Department



Public Service Company of Colorado, d/b/a Xcel Energy

By **Craig Miller** Digitally signed by Craig Miller Date: 2024.01.09 12:08:33 -07'00' Date: \_\_\_\_\_

Name

Craig Miller

Title

Senior Director Infrastructure Management  
Performance & Business Operations



**MINUTES  
REGULAR MEETING OF THE CITY COUNCIL  
CITY OF LAKEWOOD**

**7:00 PM**

**March 25, 2024**

*Minutes are not a verbatim transcription, but rather an attempt to capture the intent of the speaker by the City Clerk.*

**ITEM 1 – CALL TO ORDER**

Mayor Strom called the HYBRID meeting to order at 7:24 p.m.

**ITEM 2 – ROLL CALL**

Councilors Present:

- Mayor Wendi Strom
- Rich Olver
- Sophia Mayott-Guerrero
- Rebekah Stewart
- Dave Rein
- Jeslin Shahrezaei
- Jacob LaBure
- Roger Low
- Isabel Cruz
- Paula Nystrom
- Glenda Sinks

Absent:

Others in attendance:

- Kathy Hodgson, City Manager
- Ben Goldstein, Deputy City Manager
- Alison McKenney Brown, City Attorney
- Jayde Fiore, Assistant City Clerk

Full and timely notice of this City Council meeting had been given and a quorum was present.

**ITEM 3 – PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited, and the audience remained standing for a moment of silent prayer.

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

Mayor Strom read the Statement of Conflict of Interest

**ITEM 5 – PROCLAMATIONS**

A. HONORING FELIX WADE COOK SR.

Mayor Strom read and presented the proclamation to Dr. Margie Ball Cook and his family.

**Public Comment received via Lakewood Speaks: 1**

B. COLORECTAL CANCER - MARCH AWARENESS

Mayor Strom read and presented the proclamation to Megan Whitaker and her family.

**ITEM 6 – STAFF PRESENTATION**

A. PROJECT REQUEST FROM THE LAKEWOOD ADVISORY COMMISSION

Commissioner Fred Clifford presented the project request from the Civic Awareness Subcommittee of the Lakewood Advisory Commission to start researching the idea of eliminating low-level violations in Lakewood.

Discussion ensued regarding the request and the Council reached a consensus that they do not want the Civic Awareness Subcommittee to continue with this project.

**Public Comment received via Lakewood Speaks: 31**

B. COMPREHENSIVE PLAN

Comprehensive Planning and Research Division Manager Roger Wadnal and Senior Planner Christy Ivanor provided an informational update on the process of developing Lakewood's next Comprehensive Plan.

**Public Comment received via Lakewood Speaks: 1**

**CONSENT AGENDA  
ORDINANCES ON FIRST READING**

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Councilor Olver removed items 10, and 11 from the Consent Agenda.

Assistant City Clerk Fiore read the Consent Agenda, as amended, into the record.

**ITEM 7 – RESOLUTION 2024-15 – APPOINTING MEMBERS TO THE LAKEWOOD ADVISORY COMMISSION**

**ITEM 8 – RESOLUTION 2024-16 – APPOINTING A MEMBER TO THE LAKEWOOD BOARD OF APPEALS**

**ITEM 9 – RESOLUTION 2024-17 – REAPPOINTING MEMBERS TO THE LAKEWOOD HISTORIC PRESERVATION COMMISSION**

**ITEM 12 – RESOLUTION 2024-20 – XCEL NON-DISCLOSURE EXTENSION**

**ITEM 13 – APPROVING MINUTES OF THE CITY COUNCIL MEETINGS**

A. CITY COUNCIL REGULAR MEETING MINUTES - FEBRUARY 12, 2024

B. CITY COUNCIL REGULAR MEETING MINUTES - FEBRUARY 26, 2024

**END OF CONSENT AGENDA**

Mayor Pro Tem Shahrezaei made a motion to approve the Consent Agenda as amended. The motion was seconded.

James Mace, Ward 1, addressed Council regarding past meeting minutes.

Public Comment received via Lakewood Speaks: 0

**VOTE ON THE CONSENT AGENDA AS AMENDED.**

|                 | AYES | NAYS |              | AYES | NAYS |
|-----------------|------|------|--------------|------|------|
| STROM           | X    |      | LABURE       | X    |      |
| OLVER           | X    |      | NYSTROM      | X    |      |
| MAYOTT-GUERRERO | X    |      | LOW          | X    |      |
| STEWART         | X    |      | CRUZ         | X    |      |
| REIN            | X    |      | SINKS        | X    |      |
| SHAHREZAEI      | X    |      |              |      |      |
|                 |      |      | <b>TOTAL</b> | 11   | 0    |

**Result:** The motion passed.

**ITEM 10 – RESOLUTION 2024-18 – APPOINTING A MEMBER TO THE LAKEWOOD PLANNING COMMISSION - WARD 1**

Mayor Pro Tem Shahrezaei made a motion to adopt Resolution 2024-18. The motion was seconded.

Mayor Pro Tem Shahrezaei welcomed the new Board and Commission Members.

Council discussed the appointment process.

VOTE ON THE ADOPTION OF RESOLUTION 2024-18.

|                 | AYES | NAYS |              | AYES | NAYS |
|-----------------|------|------|--------------|------|------|
| STROM           | X    |      | LABURE       | X    |      |
| OLVER           |      | X    | NYSTROM      |      | X    |
| MAYOTT-GUERRERO | X    |      | LOW          | X    |      |
| STEWART         | X    |      | CRUZ         | X    |      |
| REIN            | X    |      | SINKS        | X    |      |
| SHAHREZAEI      | X    |      |              |      |      |
|                 |      |      | <b>TOTAL</b> | 9    | 2    |

**Result:** The motion passed.

**ITEM 11 – RESOLUTION 2024-19 – POLICIES AND PROCEDURES AD HOC COMMITTEE**

Mayor Pro Tem Shahrezaei made a motion to adopt Resolution 2024-19. The motion was seconded.

VOTE ON THE ADOPTION OF RESOLUTION 2024-19.

|                 | AYES | NAYS |              | AYES | NAYS |
|-----------------|------|------|--------------|------|------|
| STROM           | X    |      | LABURE       | X    |      |
| OLVER           |      | X    | NYSTROM      | X    |      |
| MAYOTT-GUERRERO | X    |      | LOW          | X    |      |
| STEWART         | X    |      | CRUZ         | X    |      |
| REIN            | X    |      | SINKS        | X    |      |
| SHAHREZAEI      | X    |      |              |      |      |
|                 |      |      | <b>TOTAL</b> | 10   | 1    |

**Result:** The motion passed.

**ITEM 14 – PUBLIC COMMENT**

James Mace, Ward 1, addressed Council regarding a letter he wrote about Council engagement with the community and provided it to Council. (Attachment A)

Tom Gonzales, Ward 2, addressed Council regarding illegal immigrants.

Connie Rettig, Ward 3, addressed Council regarding issues with Metro West Housing.

Mike Muller, Ward 4, addressed Council regarding crime rates in Lakewood and provided a written list of comments. (Attachment B)

Joan Poston, addressed Council regarding the requested project from the Lakewood Advisory Civic Awareness subcommittee. (Attachment C)

Katherin Stone, addressed Council regarding Save Belmar Park.

Public Comment received via Lakewood Speaks: 3

**ITEM 15 – GENERAL BUSINESS**

Council discussed the request for action to direct the Planning Commission regarding the University's use of residential housing and the impact on adjacent neighborhoods.

Councilor Sinks called for a Point of Order regarding a conflict of interest, and whether she should vote on the item.

Mayor Pro Tem Shahrezaei made a motion to approve the request for action to direct the Planning Commission. Councilor Stewart seconded.

MOTION TO REQUEST THAT THE PLANNING COMMISSION REVIEW THE RELATIONSHIP BETWEEN UNIVERSITY/COLLEGE USE OF RESIDENTIAL PROPERTIES NOT LOCATED WITHIN THE AREA ZONED FOR UNIVERSITY/COLLEGE USE TO RESIDENTIALLY ZONED AREAS AS INDICATED BY LEGISLATIVE REQUEST BY MAYOR PRO TEM SHAHREZAEI AND COUNCILOR SINKS

|                 | AYES | NAYS |              | AYES | NAYS |
|-----------------|------|------|--------------|------|------|
| STROM           | X    |      | LABURE       | X    |      |
| OLVER           | X    |      | NYSTROM      | X    |      |
| MAYOTT-GUERRERO | X    |      | LOW          | X    |      |
| STEWART         | X    |      | CRUZ         | X    |      |
| REIN            | X    |      | SINKS        | X    |      |
| SHAHREZAEI      | X    |      |              |      |      |
|                 |      |      | <b>TOTAL</b> | 11   | 0    |

**Result:** The motion passed.

Public Comment received via Lakewood Speaks: 1

**ITEM 16 – EXECUTIVE REPORT**

City Manager Hodgson gave the executive report.

**ITEM 17 – CITY COUNCIL REPORTS**

The Councilors made remarks in response to public comments and provided updates regarding upcoming Ward meetings and other events in the community.

**ITEM 18 – ADJOURNMENT**

There being no further business to come before City Council, Mayor Strom adjourned the meeting at 10:22 p.m.

Respectfully submitted,

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Jay Robb, City Clerk

## Public Comments

### Item 5.A - Honoring Felix Wade Cook Sr..

**Sue King**

· Mar 25, 2024 · 9:57am

It is great to see Felix Cook being honored. He has been a special person in our community for many years. I had the opportunity to get to know him when we were part of a class to learn Spanish. Felix graciously invited several of us to come to his home for study sessions. He and Mrs. Cook fed us royally as we all got to know each other. I don't recall that we ever found time to study! Congratulations to Felix! Sue King

### Item 6.A - Project Request from the LAC

**Donna DV**

· Mar 26, 2024 · 9:06am

NO, NO, NO! This is a disastrous policy. As parents, we have to teach our children personal responsibility and the consequences of their actions. As the city, we need for the citizens to take personal responsibility and accept the consequences of their actions. When one person is forgiven their theft or crime, another person has been the victim of their theft or crime. Just no.

**Leanne Thompson**

· Mar 26, 2024 · 9:02am

Our city and country are based on laws! Do you let your children do whatever they want and whenever they want to do it? Why should we let anybody in Lakewood not be arrested, jailed, and for theft, camping, trespassing, public urination, littering, loitering, etc! It seems the City Council does not have their priorities or budgeting correct if they cannot find money to enforce laws that make Lakewood a safe and outstanding place to live. There is no need for any Research Committee which is also spending time and money that should go to make Lakewood better. Please do not vote for this Research Committee.

**Meagan Shaw**

· Mar 26, 2024 · 6:23am

I oppose the city council researching the removal of low level crimes. Laws are in place so citizens feel safe when you remove the feeling of safety and security from a neighborhood, park, rec center, or city then people and families move away. I want my nieces and nephews and future grandchildren to be able to feel safe in Lakewood. I want them to play in my backyard without having to say, "don't bother the man sleeping under our tree, the 2024 city council made a decision he has the right to be there and you don't." You have already failed us with poor development planning, car washes on every corner, and the train station is a drug users haven, then by giving our tax money to bail Denver out of their sanctuary status, don't fail us again on this too.



**Ira J Borton**

· Mar 26, 2024 · 1:11am

Lakewood is a city in decline, having been a Lakewood resident for 35 years, I can see it. The taxpayers of Lakewood deserve to have laws enforced, Lakewood businesses deserve to not be shoplifted with impunity. These progressive policies are why areas in America have been abandoned by business, leaving entire boardwalks, malls, and shopping centers shuttered. Property values drop significantly in areas where lawlessness and chaos exists.

**Steve Farthing**

· Mar 25, 2024 · 8:23pm

Enforcement of these so-called 'low level' offenses is exactly how you get these folks into the system so that referrals can be provided for the various issues they may have. The idea that it is somehow a form of charity to abandon them and ignore the bad behaviors is reckless and irresponsible on many levels. Get back to doing your jobs, please.

**Wendy Martinez**

· Mar 25, 2024 · 8:15pm

This is ludicrous!!! Why on earth do we have laws in place if we're not going to enforce them!! Let's have all those who want to show up on the house lawns of the mayor and city council members with their camping tents and let them litter, loiter, publicly urinate, and trespass away!! WHY do you think these laws and ordinances were put in place to begin with? To claim the "proposed system of ordinance elimination is already effectively in place" so we have to formally do away with it???? I say we do the OPPOSITE and start prosecuting those who participate in violating our laws and ordinances by making our city an unhealthy, undesirable, and unsafe place. "Crimes of survival" by whose definition????

**Lori Flores**

· Mar 25, 2024 · 7:50pm

The only reason we are seriously considering this is because we have opened a pandoras box by allowing open borders. I find it interesting that you are using data from Washington state to support this as they have since had to do some reconsidering as a result of the damage that has been done to some of their city. Question, as a Lakewood citizen, an American, what are our options with regards to trespassing, theft, health codes, (Urination and defecation in public places? ). Once again, by even considering this is putting unlawful migrants first as opposed to American citizens even in Lakewood Colorado. I say NO! lawlessness on ANY level leads to bad things. Just look at San Francisco, New York, Portland and other BLUE cities. Support our peace officers!

**Joan Poston**

· Mar 25, 2024 · 7:49pm

I came to city council to give public comment on the report of the Lakewood advisory committee to lower the penalties for various crimes committed by the homeless. I am neutral on this because last Thursday I came to a meeting here at the city council building and outside at 8 o'clock in the morning there was a homeless man sleeping next-door to the building. When I went inside and reported this to the receptionist, I was told they were aware of it, and there were rules. I said I'm aware of the rules. Has he been there more than three days? There was no

answer. This is just one example of how the rules and ordinances of the city are being ignored anyway. It doesn't matter what the council does on this because nobody's enforcing the rules. When I called to complain about people, squeezing my windshield on Wadsworth and Colfax, I was told they were no resources to this activity. I believe it doesn't matter the city council will do what they want to do and they're already soft on crime

**Mary Post**

· Mar 25, 2024 · 7:39pm

Is choosing not to enforce laws that protect Lakewood citizens part of the City Council's charter? Taxpaying citizens have a right to expect better from council members who ASKED for our vote in order to represent US. Please, represent us.

**John Mohatt**

· Mar 25, 2024 · 6:52pm

I oppose eliminating ordinances related to urban camping, vagrancy, panhandling, shoplifting, etc. Laws are passed to protect the citizens rights to property, safety and liberty. The LAC proposal to eliminate or ignore laws will bring harm to our community. Lakewood's soft-on-crime diversion policies have created a city in decline. Empty store fronts, 30% reduction in Jeffco school enrollment and a declining Lakewood population has been caused by bad policy. Lakewood needs to get tough-on-crime and enforce existing laws. The rule of law attracts businesses and people seeking a better life. I urge you to vote no on LAC'S proposal which is based on fantasy.

**Laura McGee**

· Mar 25, 2024 · 6:47pm

We oppose this request to research eliminating low level violations of city laws, which some call "crimes of survival" or "crimes of being homeless". We further oppose any current practice which waives these laws such that violations are dismissed. We see how much once great cities have deteriorated once they adopt policies that eliminate these violations as crimes. Crime escalates, as does drug addiction. You don't have to look far. Denver is one. Daily news reports detail the impact on public safety, as well as the increasing number of businesses closing because violations of law are not enforced. When you do not enforce the laws we have, you enable the violations, and they only continue to increase beyond control. Steve and Laura McGee

**Diane Pickard**

· Mar 25, 2024 · 6:47pm

I will be carefully watching the City Council meeting tonight to hear what low-level violations the Lakewood Advisory Commission (LAC) proposes to eliminate as crimes. We, as citizens of Lakewood, have the right to live in a safe, clean, law-abiding city where everyone is held to account for their actions. We expect the City Council to consider how this proposal will affect the residents of Lakewood and the Denver-Metro area. The Councilors work for the tax-paying citizens of Lakewood and we expect you to represent us for what is in our best interest.

**Sunny Hackman**

· Mar 25, 2024 · 6:40pm

Dear Lakewood Mayor and Lakewood City Council Members, I had company the other day, and they asked me before they coming into my house, if I thought they should lock their car. Sadly, I had to say, "Yes, that might be a good idea." As unfortunately, a house guest had had his car stolen right in front of our house, not long ago. This was not the case several years ago, times have changed. Please hear us, the citizens of Lakewood do not want to continue on the course that has been initiated by our governing bodies. How could anyone in good conscious and having common sense think that relaxing the laws for minor crimes, theft, and homelessness would be helpful to the law abiding, tax paying members of the community and businesses in the area. Stores are closing in Denver all along Broadway from 1st to Hampden due to theft and vandalism. I was also, in downtown Arvada the other day, and the beautiful Old Towne Arvada has been hijacked. I did not feel safe going into the Arvada Library with a child in tow, especially taking them to the restroom without an exterior door to prevent meth production. Is this our vision you have for our city? Watching a movie the other night with an urban city setting, I remarked to my husband, cleanliness and order make all the difference in the desirability of a city or location. Laws are made to be enforced. For the good of the citizens in the city. Is not enforcing the laws best for those who are not charged? I don't think so, is it best to turn avert our eyes or for the offender to take responsibility for their life and actions. Parenting, should have taught us that if we love someone we discipline them, we do not allow them to do what is not in their best interest. Let's stop this precarious social experiment before it starts.

Sunny Hackman

**Brad Hackman**

· Mar 25, 2024 · 6:18pm

From Wikipedia In criminology, the broken windows theory states that visible signs of crime, antisocial behavior, and civil disorder create an urban environment that encourages further crime and disorder, including serious crimes. The theory suggests that policing methods that target minor crimes such as vandalism, loitering, public drinking and fare evasion help to create an atmosphere of order and lawfulness. Social psychologists and police officers tend to agree that if a window in a building is broken and is left unrepaired, all the rest of the windows will soon be broken. People in the community help with crime prevention....that people care for and protect spaces that they feel invested in, arguing that an area is eventually safer if the people feel a sense of ownership and responsibility towards the area. From Encyclopedia Britannica Perhaps the most notable application of the theory was in New York City under the direction of Police Commissioner William Bratton. This initiative cracked down on panhandling, disorderly behaviour, public drinking, street prostitution, and unsolicited windshield washing or other such attempts to obtain cash from drivers stopped in traffic. When Bratton resigned in 1996, felonies were down almost 40 percent in New York, and the homicide rate had been halved.

**David P Martinez**

· Mar 25, 2024 · 6:12pm

In order for a society to flourish there must order. Without order there is chaos. The reason most laws exist are to maintain this order. When people are allowed to break the law with impunity they not only introduce chaos but they directly do harm to those around them. A prominent example is the current explosion of illegal immigration at the southern border. The people who

have entered and are entering our nation without lawful permission are breaking the law. They are placing an unsustainable economic burden on the citizenry of the U.S. Because there is not enough money and other resources to go around, many of these people are resorting to criminal activity such as harassment of citizens, shoplifting, grand theft, armed robbery and even murder. Because they are not being properly medically screened at the border they are introducing illness and disease into many of our communities. Since we cannot magically remove people back to their country of origin, it is critical that they obey the laws of the land even if their violations are deemed by some as "minor" or "petty". No doubt you are familiar with the "broken windows" theory of crime. It has been proven true time and again that if so called minor violations of the law are not enforced they lead to greater and greater violations. Immigrants here illegally no matter how sympathetic to them you may be must be held to the same standard of conduct as citizens are. They are fallen human beings just like the rest of us and must understand that just because they are not currently being held accountable for their illegal entry into our nation does not mean they will not be held accountable for their behavior while here. There MUST BE equal justice under the law whether you are a citizen or not a citizen of this nation.

**Francisco Flores**

· Mar 25, 2024 · 6:08pm

Forever citizens have been going by the books. Obeying the laws put forth. Even those who broke the laws, they were prosecuted to the law and faced the punishment. Now your considering to lesson the punishment for the drug addicted homeless population? Or the immigrants that are illegal? How many businesses have to suffer because of these insane ideas. Businesses have already suffered because of the so called virus from that eastern country. Your interests surely are not for the citizens. There are countless churches that would gladly donate food, clothing. Certain laws prohibit people handing out food to the homeless. Why? Is it because they aren't depending on political committees like you? Are you playing along with that plan layed down from the C virus plan? Yeah Some us viewed it. Think how you vote on this. As long as voting is still legal, your names will be remembered.

**Tim Schmidt**

· Mar 25, 2024 · 5:50pm

It is truly sad that this would even be considered. The coddling of criminals, and spending public money on illegals is ridiculous. Liberal idiocracy is destroying this country at all levels. It is time to stop this nonsense.

**Walter Johnson**

· Mar 25, 2024 · 5:45pm

It seems to me that Lakewood City Council is increasingly not interested in values supported by the residents. When we decide to purchase a property in Lakewood, and move into Lakewood, we generally prefer to put our roots into an area that has parks that our children can go to play in safety. I have seen what happens to areas that have camping, pooping, and other unsavory activities: children no longer can be seen the the parks.

**James Powers**

· Mar 25, 2024 · 5:36pm

Is this a joke? I really don't understand how any responsible Councilman or woman could even entertain the thought of giving certain people the green light to stomp on the rights of others. What are you people thinking? Why are we wasting city resources exploring such stupid illogical ideas that fly in the face of anyone with basic common sense. I would be there tonight to express my STRONG opinion that this is ludicrous if I could. Please wake up to how you are destroying our city with such stupid social engineering ideas. Just stop.

**Jeff Boyd**

· Mar 25, 2024 · 5:24pm

I echo the previous comments and wish to add that eliminating ordinances and laws because they can be perceived as “crimes of survival” or “crimes of being homeless” means they become “crimes of everyone”. Without incentives not to do certain behaviors what is to help stop anyone from loitering, littering, urinating in public, trespassing, camping, etc. I am not homeless but, were these ordinances eliminated, I could potentially drive to a Lakewood bar, get drunk, decide I'm too drunk to drive, pull over into a private person's property and do all these crimes. Why? Because no incentive would exist for me to not do these things. The property owner or their representative should then be able to help me stop what I am doing by any means necessary. However, they can't currently do that because the property owner or representative face ordinances or laws that prevent them from doing what may be needed. These laws could change, or another solution may be to keep people from accessing properties. How? All property owners could build extensive fencing with secure gate systems, posting many signs stating, “No Loitering”, “No Littering”, “No Urinating”, “No Trespassing”, “No Camping” etc. That will really attract new businesses, potential homeowners, renters since these are the current and future citizens of Lakewood that contribute to the economy of Lakewood and the City Council of Lakewood will once again say “we don't care”.

**Lindsay Molliconi**

· Mar 25, 2024 · 4:53pm

Council Members, Why do you need to research whether or not to keep common sense ordinances? They should absolutely be kept! They protect property rights, prevent diseases, and keep our city from turning into a slum. If you remove these ordinances, will you also be advertising your home addresses so that the homeless can come camp on your personal property and urinate in your front yards? Do you not believe property owners deserve these protections? My husband works in downtown Denver and last week saw a homeless man drop his pants and underwear to his ankles and urinate in the middle of Wazee Street. What is going to happen when one of your Venezuelan window washers is accidentally hit by a car? These laws exist for a reason. It is absurd that you are even considering their removal. Please do not waste your time "Researching" whether these laws help our city. Vote NO to this insane project request.

**Hon. Ramey Johnson**

· Mar 25, 2024 · 4:36pm

Laws must be the same for everyone. We can't be a city where people want to come and thrive by making laws that only apply to a certain cohort. This proposal will only make it harder for all

business in Lakewood, but encourage those who have remained to leave. Laws need to be enforced not eliminated for some.

**Bill Foshag**

· Mar 25, 2024 · 4:27pm

I am strongly opposed to the proposal that would remove certain ordinances simply to save time and a few dollars from law enforcement activities. We have had several years of go-soft-on-crime policies (including the LEAD program, Law Enforcement Assisted Diversion also known as Let Everyone Advance with Dignity), which have not been shown to be effective in dealing with issues such as urban camping, vagrancy, panhandling, shoplifting, etc. We have laws to protect our citizens, our rights, and our property. Simply ignoring laws or eliminating them from the books offers no protection and does not make the community safe. It is time for the City of Lakewood to get tough and start enforcing the ordinances we have on the books. An example where get-tough policies have worked is here in Lakewood. The LPD originally did not have regular police uniforms as they do today. The officers wore blazers which they thought presented a friendly, less threatening image - they presented themselves as public servants, not as authoritarian law enforcers. In response to rising crime in Lakewood (and across the nation) in the 1980's, Lakewood dropped the blazers and opted for regular police officer uniforms in 1987. They did this to show criminals that Lakewood was serious about crime. The police started getting tough on crime - cracking down on infractions. This get-tough policy was successful in bringing down crime in Lakewood. Another example is New York City which was soft on crime for many years. Vagrancy, muggings, assaults, and public intoxication were some of the big problems they faced. Many citizens were scared to walk the streets. In the early 90's the people finally had enough of it. The mayor ordered a crack-down on all crimes, even small crimes like J-walking. The results were dramatic - crime dropped and people felt a level of safety they had missed for many years. The Times Square area was specifically targeted, and as crime abated, it again became a tourist destination. These go-soft-on-crime policies have never worked, not in Portland, Seattle, Philadelphia, Baltimore, Milwaukee, Chicago, San Francisco, or anywhere else. There is no reason to think such policies will succeed here in Lakewood where they have failed elsewhere else. Criminals are smart enough to know that if laws are not enforced in Lakewood, then Lakewood will be the place for them to go, where there are no consequences for their actions.

**Alex Plotkin**

· Mar 25, 2024 · 11:41am

Lakewood is a city in decline. Economically and environmentally. Largely, due to the corruption and ineptitude of the majority of the city council and some of the city employees. Lakewood has been sending a clear message to the companies that might have brought high-tech, high-paying jobs to the city. And that message is “don’t come here.” The best the current “leadership” has been able to do thus far is to rename a foreclosed mall to “Downtown”. A “downtown” that has no train line going to it. A “downtown” where there is no museum or a world-class university campus. Just an ever increasing number of abandoned store fronts. Now, Lakewood is sending a message to the smaller businesses as well. That message is “if you try to open a business here and someone will commit a crime against your business, the city is not going to do much about it, if anything at all.” So, while talking about “buying local”, Lakewood has been all but making sure that local businesses do not thrive. I’ve spoken to some of the Lakewood’s police officers

and have seen them in action. They are professional, courteous, patient and have performed admirably in situations where most others would have lost their cool. Off the record, most will also say that Lakewood's economic failure is intricately tied to the ever increasing problem with crime. As in – if there was actual economic development in motion, it would benefit people of the various socioeconomic levels. Providing better opportunities, and giving those struggling a better chance to find work to be proud of. Yet, Lakewood "leadership" continues to send mixed messages to the police officers who have never been the ones to shy away from doing their jobs. As it stands, Lakewood continues to send a very clear message to those who do pay taxes and have the skills to fill the high-paying, high-tech jobs. The message is "don't come here."

**Paul Ditson**

· Mar 25, 2024 · 11:16am

I recognize this is a request to research an idea. However, I agree with most of the posts on this topic so far, that the objective of eliminating ordinances is a bad idea. With no ordinance, there can be no enforcement, regardless of the likelihood of prosecution. Case in point: Neighbors around the Garrison light rail station recently placed calls regarding a homeless encampment. LPD responded and in the process made an arrest for felony possession and distribution of fentanyl. The next day, a second arrest was made (I don't know the details of that arrest). If camping on public property were not a violation of ordinance, LPD would not have had any cause to respond to the complaint, and would not have therefore made the arrest for the more serious crime. A similar argument supports the concern about fires, drug use and discarded needles, pedestrians navigating around users vaping, public defecation, constantly picking up the trash left behind, scoping out of back yards, thefts... all of which are highly undesirable consequences of homeless activity and a threat to the health and safety of the community. Nor would LPD even be able to initiate the process of redirection to support services that these people need. If the city attorney or the court shows compassion or pragmatism and chooses not to prosecute warrants, that's up to them, yet without an ordinance to enforce, it removes even that discretion. The LAC request even concedes "MOST of the low level violations" are cleared... but not ALL. Without an ordinance, those that are deemed fit to prosecute would not be. This is a really misguided idea.

**John Claus**

· Mar 25, 2024 · 9:14am

I'm not going to rhetorically ask where this project initiative was born. Ms. Morgan has made her views on the homeless and immigrants abundantly clear during her performances with the JeffCo GOP, through her Rumble postings, and her blog where she pretends to be a "citizen journalist". Mr. Clifford has made a hobby of failing to get elected to City Council for Ward 1 using outdated GOP policy ideas. What better place for these people to push their failed agendas than the LAC, where every citizen is unique voice who deserves to be heard and nobody has a bad idea. I won't reiterate why this is an abhorrent project idea by two people (and possibly more) who should stop using the LAC to do the bidding of the JeffCo GOP. Please relinquish both of these people from their LAC duties so Karen can focus on her performance art as a reporter by interviewing her right wing pals. Fred "Without the rule of law, we're slaves. For those of you who don't support the rule of law, I believe you're supporting slavery" Clifford can back to whatever he does in between failed Ward 1 campaigns.

**Karen Gordey**

· Mar 24, 2024 · 9:14am

I agree with the comments from Rev. Hensley, Mr. Newell, Mr. Comden and Ms. Hasfjord. I agree that whomever wrote this request does not live, work or go to Ward 1 and Ward 2 and even parts of Ward 3. I have personally had to walk by homeless persons “sleeping” (whether because they are tired or drugged out) to enter businesses. I have talked to business owners who have had to clean up human waste before they can open their doors to the public. Additionally, I would like to remind Mayor Strom that after the Marshall Fire, the issue of camping was brought up in relation to the open spaces in Lakewood. The concern is what happens if a fire starts in these camps, the Marshall fire could certainly happen here in Lakewood. Additionally, what happens if any of these things occur on a homeowner’s property? Homeowners will end up taking the law into their own hands. Are they going to be exempt from the laws too? (I am doubting that because this exact situation took place in Texas in the last month and the homeowner is now in jail.) I realize that the police and courts are overwhelmed but eliminating these laws is not the answer. This proposal is extremely short sighted and should not be approved.

**Kathi Hasfjord**

· Mar 22, 2024 · 8:12am

After reading the LAC request for this project, it occurred to me that whoever wrote this request does not live in Ward 1 or Ward 2. Removing the police assistance in unhoused on private property (or even on public property), would be horrible. I would assume that removing the police/tickets/court from these events would mean that the private citizen could take the law into their own hands and deal with the problem. Would the private property person be exempt from any prosecution in how they handle the situation? The court has the right to fine or jail someone who gets a ticket. This may not happen often but this could happen. The Outreach Court is doing a service to those who show up. They get assistance in dealing with IDs, housing, food, etc. I realize that these problems take up time from the police but that is what they do. It is unbelievable that someone (or group) would want to consider removing the safety net that citizens have in these unfortunate situations.

**Rev. Ben A. David Hensley**

· Mar 21, 2024 · 1:25pm

I find this proposal to be odd and I do not believe it should be adopted. Yes, low-level offenses can create problematic recidivism among those who are experiencing homelessness. Recidivism and repeat encounters with the justice system do create exponentially stacking difficulties in finding housing, receiving services, and getting back on top of one's life. However, that does not make them any less of a problematic behavior. Here is the thing about these low-level offenses mentioned in this proposal that is seemingly focused on homelessness: housed people commit these offenses as well as people experiencing homelessness. Things like trespassing, littering, and public urination \*do\* need to be actions for which one should be held accountable. It is quite patronizing to assume that folks experiencing homelessness can't be contributing members of our society and that is the tone I sense from this proposal. Framing these low-level offenses as something exclusively about people experiencing homelessness and claiming the need to research whether removing them from the books is compassionate or productive in addressing homelessness is not based in reality. This is not a serious proposal. It drives me nuts to read absolutizing statements like "For example, Lakewood currently “clears” or forgives almost 100%



of Failure To Appear violations and most of the low-level violations that brought the person to court" when there is absolutely no substantiation to this claim. Has someone publicly made this statement? Is this an established on-the-record approach adopted by LPD? If not, then this kind of statement is false and irresponsible to make from the auspices of a public committee and arguably unethical at that. Cite your sources, please. And, I suppose it must be said, the presenter of this proposal according to the minutes of the LAC subcommittee is an individual who hosts a website that makes a boatload of unsubstantiated claims about homelessness and efforts to address it in Lakewood anyway. (h/t to Josh Comden, above, for researching where these minutes are--<https://lakewoodspeaks.org/items/3356>) This individual, as a matter of fact, has consequently posted a guest article on her website that has striking echoes of the claims this proposal is insinuating: that there is some cabal of powerful people in Lakewood with "roots in defending criminals and social justice" who are trying to stymie the enforcement of laws in our city. (<https://lakewoodinformer.com/2024/03/15/a-look-at-crime-statistics-in-lakewood/>) Absurd. This research is not necessary. There are better ways to research how we as a city can create a more "connected citizenry" than wasting time trying to vent frustration because people in a subcommittee believe, falsely it seems to me, that LPD is officially refusing to arrest people for littering or trespassing. I know for a fact that LPD \*does\* arrest people for trespassing, by the way. Let's address homelessness by addressing homelessness. Let's allow the Outreach Court, ably led by Hon. Nicole Bozarth, to do its work long enough for their findings to constitute the kind of meaningful research this proposal calls for that truly can help us determine how deleterious low-level offenses are in stymying people experiencing homelessness from finding housing.

**Glen Newell**

· Mar 20, 2024 · 6:54pm

Going to have to agree with Mr.Comden here: This proposal seems outside the scope of the 'Civic Awareness Committee' in addition to being both disingenuous and, as he points out, not truthful. I have to assume this is an attempt to set up further untruthful and unhelpful 'complaints' directed at the Council and City Manager. I Strongly urge City Council to turn down this request.

**Joshua Comden**

· Mar 17, 2024 · 11:59am

I have the following issues with this Project Request: (1) This project is outside the scope of the LAC Civic Awareness Committee. Their purpose statement is the following, "As advisors to City Council and ambassadors to the community, the Civic Awareness Committee of the Lakewood Advisory Commission will make recommendations that promote civic responsibility and participation through education to create a more connected citizenry." (<https://www.lakewood.org/Government/Departments/City-Clerks-Office/Lakewood-Advisory-Commission/Lakewood-Advisory-Commission-Committees>) which does not encompass "researching the effect of eliminating low-level Lakewood Ordinance violations". (2) The LAC Civic Awareness Committee is completely wrong in their claims that there is "a decreasing amount of enforcement at all levels including the police," because: (i) Every week, I speak to people who have had their their belongings taken from them due to the enforcement of LPD. In fact, I gave a written public comment on 8/28/23 about a specific encampment that was "cleaned up" (<https://lakewoodspeaks.org/items/3181>). (ii) LPD often speaks at neighborhood organization/association meetings about their enforcement. Specifically, at a past Two Creeks

Neighborhood Association meeting is where I learned that LPD now gives only 48 hours for people to leave their encampment instead of the 72 hours previously given, camps are "cleaned up" by an outside contractor on Tuesdays and Fridays instead of only on Fridays as previously done, and that LPD has cracked down on people loitering at the corner of W Colfax Ave and Sheridan Blvd. This shows an increase in enforcement, not a decrease as claimed. (iii) The trend of encampment cleanup postings made by LPD has increased from 8 in 2013 to 106 in 2020 ([https://www.youtube.com/watch?v=axm\\_3CmgJfA&t=6796s](https://www.youtube.com/watch?v=axm_3CmgJfA&t=6796s)). (iv) The enforcement of LPD on homeless encampments is explained in detail by PP-4150 of the Lakewood Police Department Policy and Procedure was last updated on 6/14/23 (<https://public.powerdms.com/COL/list/documents/730045>). In conclusion, the LAC Civic Awareness Committee has gone rogue in trying to go way outside of the scope of their purpose statement, and they have shown incompetence in getting any of the facts on the ground correct, let alone the policies of LPD; they have shown themselves to be completely civically unaware. I understand that it is hard to find volunteers to fill LAC positions, but this committee is actively doing damage to the reputation of the LAC and Lakewood as a whole. I also question the judgement of the LAC Executive Committee to allow this project proposal to have gotten this far in the process who passed this project request unanimously on 11/1/23 (see those minutes at <https://lakewoodspeaks.org/items/3356>).

## Item 6.B - Comprehensive Plan

**Brian Holman**

· Mar 18, 2024 · 2:20pm

Regarding the walkability and bikeability mentions in the word cloud, I think one of the biggest factors in improving these ultimately comes down to our zoning regulations. One of the specific regulations being minimum parking requirements. Not only do parking lots increase the need for other taxpayer funded car infrastructure, but they also reduce the ability to walk and bike safely and increase the start up costs for small businesses. Many cities around the country have removed parking minimums to great success, spurring small businesses, increasing the walkable footprint of their cities, and increasing tax revenue on a per acre basis (which we should be studying so that we can determine which areas of the city are productive uses of land vs unproductive and costing tax payers money without producing revenue to sustain themselves). If we are serious about delivering what the people of Lakewood desire, while improving our tax base, and increasing transportation safety (thanks CDOT for helping make West Colfax safer), we should seriously consider removing parking minimums.

Item 14 - Public Comment

**Ludmila**

· Mar 25, 2024 · 8:53pm

Ms hodgson talked about outreach court and ask the service providers, from IDs to blankets ... She said nothing about how the crimes are forgiven, what the recidivism rate is, and what the effect in society is when one population is being told it's ok if they have to commit crimes to survive. The word quickly spreads that Lakewood forgives you if you have a good excuse. That's why crime of all types go up until things are out of control. That's what Lakewood is saying it's ok, even while they say they enforce laws. They do, sometimes and for some people.

**Glen Newell**

· Mar 23, 2024 · 6:39pm

Everyone deserves dignity. Everyone deserves to be able to practice hygienic and private bodily autonomy and self care. The community deserves to not have people with no other place to do it having it make public spaces ( and private property) unsanitary and unpleasant. I've often thought how much I appreciate the many parks that have porta-johns, and I agree: it's worth adding that to other parks and public spaces.

**Joshua Comden**

· Mar 22, 2024 · 12:59pm

I believe that we should have a public restroom at every park no matter the park size. With 114 parks and growing, it will give a good distribution across the city so that anyone, no matter the reason for their need, will have the ability to relieve themselves with dignity. Thanks!

## Item 15 - General Business

**Jeri Coffey**

· Mar 25, 2024 · 9:23am

According to Lakewood's zoning use chart, university use is not permitted in residentially zoned neighborhood. It has been this way almost since the inception of Lakewood as a city and makes sense for both our neighborhoods and our universities. They both serve two very different functions with unique characteristics. The current definition of a university is clear to any ordinary person but the city staff and attorney are openly confused about what constitutes a university and its uses. This on going confusion was agitated in 2012 when the definition of student living units was dropped by staff from the zoning rewrite but soon there after returned to the ordinance upon an affirmative vote of council. CCU proceeded to sue the city for discrimination. CCU lost the suit in both the lower court and the appeals court. Now affirmative action is needed from the city to enforce the zoning. However the city attorney and staff are not sure if faculty housing or missionary housing is included in the definition of "university" use. Prior to the previously mentioned lawsuit the city attorney did not know if student housing could be included legally as university use. Over time, CCU has purchased two streets (Cedar St and Cody Ct) of homes in my neighborhood. Several of these homes they have been rezoned and torn down to be used for a parking lot. There must be a point where the city stands for the neighborhood's integrity. This lack of city zoning authority taking affirmative action creates a problem for keeping neighborhoods whole. If neighborhoods are chipped away piece by piece they eventually lose the unique characteristics that make them a neighborhood and a vital community.

**Lenore Herskovitz**

· Mar 24, 2024 · 10:52pm

This Request for Legislative Modification, while appreciated, is a bit like Groundhog's Day where we are reliving the same events over and over again. The issue of prohibition of university uses in low density residential neighborhoods goes back more than two decades. For years the City attorneys had claimed that student housing was not really a university use but merely a "duplex" use. They also stated that our ordinance prohibiting student living units was unconstitutional and therefore unenforceable. Yet when CCU filed a lawsuit against the City

regarding this ordinance in 2021 the City was forced to defend their law. The Jefferson County District Court and the Colorado Court of Appeals ruled for the City. No constitutional violations existed. Now we are back to square one with the City not enforcing the ordinance which prohibited other university uses. While students are not living on the east side of S. Cody Ct. other individuals affiliated with the university are living in units rent free for as long as needed while tenants who go through a management company pay rent and having been living for years on a month to month basis. If this request is passed tonight there must be a guarantee that it will not be going to the Planning Commission on April 3 as presently scheduled. The community needs to have time to organize and prepare their presentations for the Planning Commission. If this agenda rescheduling cannot be arranged then I would hope the Council would vote this down at the present time, allowing for resubmission by the Ward 1 Councillors at a later date. Community involvement on this issue is essential to properly inform new Councillors and Commissioners about the City's continuing efforts to justify lack of enforcement of their ordinance ( even after their Court victory).



**MINUTES  
SPECIAL MEETING OF THE CITY COUNCIL  
CITY OF LAKEWOOD**

**6:00 P.M.**

**March 25, 2023**

*Minutes are not a verbatim transcription, but rather an attempt to capture the intent of the speaker by the City Clerk.*

**ITEM 1 – CALL TO ORDER**

Mayor Strom called the in-person Special Meeting to order the at 6:02 p.m.

**ITEM 2 – ROLL CALL**

Councilors present: Mayor Wendi Strom, Presiding

Councilor Rich Olver  
Councilor Sophia Mayott-Guerrero  
Councilor Rebekah Stewart  
Councilor Dave Rein  
Councilor Jeslin Shahrezaei  
Councilor Jacob LaBure  
Councilor Roger Low  
Councilor Isabel Cruz  
Councilor Paula Nystrom  
Councilor Glenda Sinks

Absent:

Others in attendance: June Ramos, Facilitator  
Jay Robb, City Clerk

Full and timely notice of this City Council meeting had been given and a quorum was present.

**ITEM 3 - STATEMENT OF CONFLICT OF INTEREST**

Mayor Strom read the Statement of Conflict of Interest.

**ITEM 4 – MOTION FOR EXECUTIVE SESSION**

Mayor Pro Tem Shahrezaei made a motion to hold an executive session for the purpose of discussing personnel matters under C.R.S. Section 24-6-402(4)(f)(i) and Section 2.15(c)(8) of the Lakewood Home Rule Charter, focusing upon those matters set forth within Section 3.5 of the Lakewood Home Rule Charter and City Council Policy 03.1 regarding the City Manager’s Annual Review. The motion was seconded.

**VOTE TO MOVE INTO EXECUTIVE SESSION.**

|                 | AYES | NAYS |              | AYES | NAYS |
|-----------------|------|------|--------------|------|------|
| STROM           | X    |      | LABURE       | X    |      |
| OLVER           |      | X    | NYSTROM      | X    |      |
| MAYOTT-GUERRERO | X    |      | LOW          | X    |      |
| STEWART         | X    |      | CRUZ         | X    |      |
| REIN            | X    |      | SINKS        | X    |      |
| SHAHREZAEI      | X    |      |              |      |      |
|                 |      |      | <b>TOTAL</b> | 10   | 1    |

**Result:** The motion passed.

The Council went into the Executive Session at 6:04 p.m. with Ms. Ramos facilitating the discussion.

The Executive Session concluded at 7:10 p.m.

**ITEM 5 – ANY FURTHER BUSINESS OF THE BODY ARISING OUT OF THE EXECUTIVE SESSION**

As a result of the Executive Session, the Council would provide their review to the City Manager at the Special Meeting scheduled for April 1, 2024.

**ITEM 6 – ADJOURNMENT**

Mayor Strom adjourned the Special Meeting at 7:11 p.m.

Submitted by:

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Jay Robb, City Clerk

# STAFF MEMO

**DATE OF MEETING: APRIL 22, 2024 / AGENDA ITEM NO. 10**

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

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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<br>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

ENDORING 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)**

---

|                                      |                    |
|--------------------------------------|--------------------|
| 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<br>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<br>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<br>Homelessness Strategy<br>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<br>Homeless Needs- Veterans<br>Homeless Needs- Families with Children<br>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> |
|---|--|

**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<br><br>Non-English Speaking - Specify other language: Spanish<br><br>Non-targeted/broad community |                                |                              |  |                     |
| 4          | Internet Outreach | Minorities<br><br>Non-English Speaking - Specify other language: Spanish<br><br>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<br><br>Non-targeted/broad community<br><br>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<br>Admin and Planning<br>Economic Development<br>Housing<br>Public Improvements<br>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<br>Non-Housing<br>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<br>Non-Homeless<br>Special Needs        | ALL LAKEWOOD TARGET AREAS | Housing Preservation, Rehabilitation and Improveme | CDBG: \$196,700 | Rehab of rental units: 100 Household Housing Unit<br>Homeowner Housing Rehabilitated: 15 Household Housing Unit<br><br>Public service activities for Low/Moderate Income Housing Benefit: 40 Households Assisted |
| 3          | Promote stability and self-sufficiency through ser | 2020       | 2024     | Homeless<br>Non-Homeless<br>Special Needs                  |                           | Supportive Services for Low Income & Special Needs | CDBG: \$100,000 | Public service activities for Low/Moderate Income Housing Benefit: 150 Households Assisted<br>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><b>Estimate the number and type of families that will benefit from the proposed activities</b></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><b>Location Description</b></p>  | <p>Activities will be carried out citywide.</p>   |
| <p><b>Planned Activities</b></p>  | <p>See above</p>  |
| <p><b>Project Name</b></p>  | <p>CDBG Administration</p>  |
| <p><b>Funding</b></p>   | <p>CDBG: \$175,000 Matrix Codes: 21A</p>  |
| <p><b>4 Description</b></p>   | <p>Planning and oversight of the CDBG Program</p>   |
| <p><b>Target Date</b></p>   | <p>5/31/2024</p>  |
| <p><b>Estimate the number and type of families that will benefit from the proposed activities</b></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

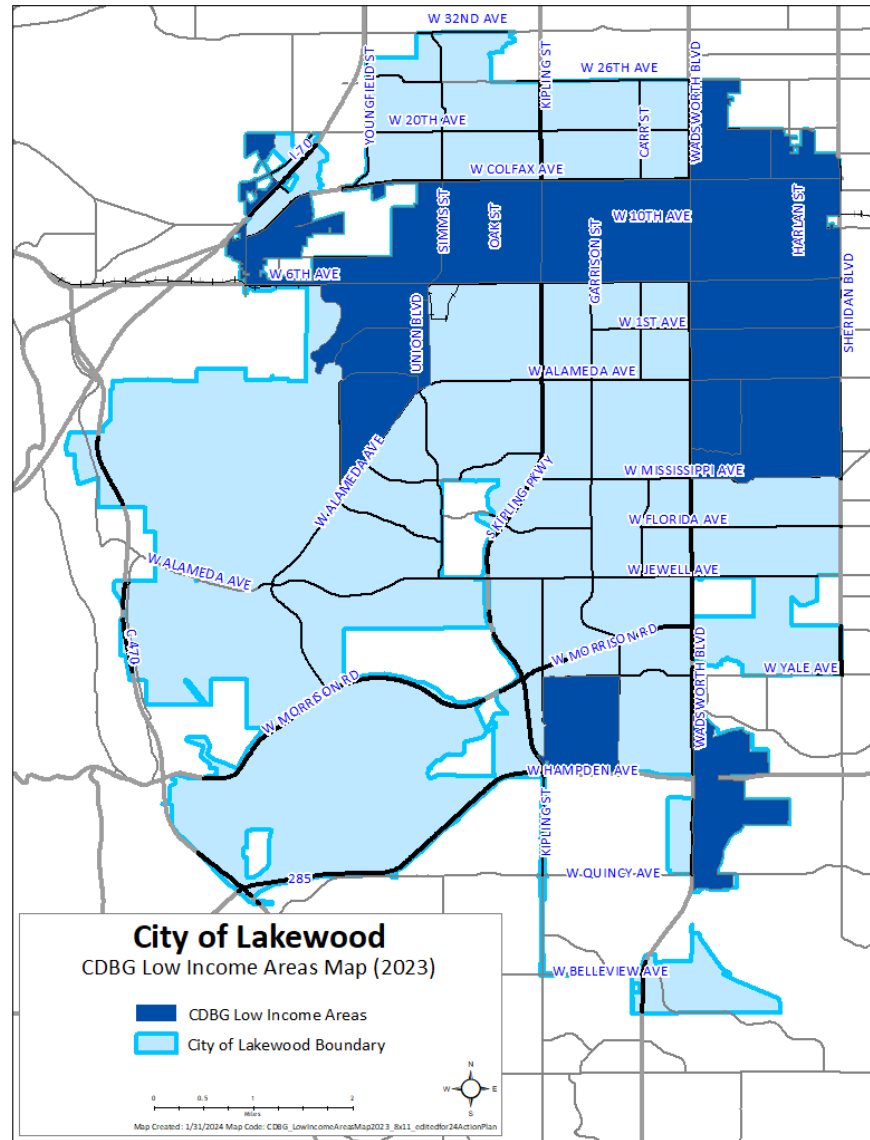
**Overall benefit of 80% for 2022, 2023, 2024**

# **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><br/>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><br/>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><br/>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><br/>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><br/>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><br/>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><br>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><br>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 22, 2024 / AGENDA ITEM NO. 11**

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 regular communication channels to be considered by the Lakewood City Council.

**NEXT STEPS:** If approved on second reading, this ordinance will become effective 30 days from date the title was published.

**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 22, 2024 / AGENDA ITEM NO. 12**

To: Mayor and City Council  
From: Holly Bjorklund, Chief Financial Officer  
Subject: **REPEALING AND REENACTING TITLE III - BUSINESS LICENSES**

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**SUMMARY STATEMENT:** The staff is proposing this Ordinance to make administrative changes to Title 3, Chapter 01, Sections 310-360.

**BACKGROUND INFORMATION:** The current Lakewood Municipal Code (LMC) requires businesses operating within the city to have a Sales and Use Tax License. The license requires a one-time fee of fifteen dollars (\$15) and is valid for the life of the business. Additionally, the current process does not include a building inspection for a new business or a business that changes physical location. Lastly, there is no process within the current Ordinance for any review of the expense of the license fee and any late penalty for failure to obtain a license.

There are a few problematic effects of the current code. Business contact information can become outdated, which can make collection efforts timely and difficult. Additionally, sometimes a business, obtaining a license, begins conducting business and finds that the location requires repair or alteration. And, without a process for license renewals and late fees, businesses may not be licensed and are not 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) and to require businesses to renew their license bi-annually. Additionally, the ordinance includes an annual review of license fees and a thirty-dollar (\$30) fee for late applications. The fee 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.

**BUDGETARY IMPACTS:** Currently, there is \$11,000 budgeted for license fees for 2024. If the Ordinance is passed, staff expects 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 the regular communication channels to be considered by the Lakewood City Council.

**NEXT STEPS:** If approved on second reading, this ordinance will become effective 30 days from date the title was published.

**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 22, 2024 / AGENDA ITEM NO. A.**

To: Mayor and City Council  
From: Jay Robb, City Clerk  
Subject: **LAKWOOD ADVISORY COMMISSION GREEN RENOVATION RESEARCH PROJECT**

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**SUMMARY STATEMENT:** At the July 10, 2023 City Council meeting, the Lakewood Advisory Committee (LAC) proposed and the City Council approved a project idea to identify and research possible policies and actions by the City to expedite “green renovation” in Lakewood’s residential buildings.

The Enhanced Development Menu (EDM) within Lakewood's Zoning Ordinance addresses larger multifamily buildings but excludes smaller, single-family homes and lacks energy performance tracking for existing single-family residences. According to the research conducted by the LAC, adopting beneficial electrification and weatherization is critical, along with providing incentives like tax credits and rebates and supporting homeowners in transitioning to electrification in order to effectively reduce fossil fuel emissions.

This research reviewed what is being done in other Colorado municipalities as well as other states and countries, resulting in the following actions that various cities have taken to help reduce greenhouse emissions from single and multifamily residences:

1. Lakewood and other cities with investor-owned utilities are able to supplement electrification programs and incentives offered by utility companies and other governmental entities.
2. Government incentives can be an important motivation to drive changes in building emissions.
3. Through building codes, cities are able to support or mandate changes to home energy efficiency and usage.

Based on the LAC's research and findings, there are four primary recommendations to achieve goals of greenhouse gas emission reductions:

1. Establish a Lakewood program for tax credits and rebate matches for qualifying upgrades.
2. Make additions to the Enhanced Development Menu (EDM), Article 13 and (continue to) adapt as conditions develop in order to meet goals.
3. Add full-time employees as deemed necessary at the Lakewood Building Department and Sustainability Division to implement and administer recommendations.
4. Develop a comprehensive community outreach and education plan to promote and support appropriate electrification and weatherization.

**BACKGROUND INFORMATION:** The LAC's Sustainability Subcommittee undertook this research project (Assignment Number 2023-02), focusing on the "Green Renovation" initiative titled it BHE UP! (Beneficial Home Electrification and Upgrade Program). The research identifies policies and actions for Lakewood to accelerate green renovations in residential buildings, encompassing electrification benchmarking, legislation,

funding leveraging, and code enhancements. The attached research project provides an executive summary, background information on climate urgency, the project's context, key findings, and recommendations for reducing greenhouse gas emissions.

**BUDGETARY IMPACTS:** There are no budget impacts from the research by the LAC, however some of the recommendations in the report could have a budgetary impact if pursued by City Council.

**STAFF RECOMMENDATIONS:** None

**ALTERNATIVES:** None

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

**NEXT STEPS:** None

**ATTACHMENTS:** 1. LAC - Green Renovation Research Project

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



Lakewood Advisory Commission

**Green Renovation:  
BHE UP! Beneficial Home Electrification and Upgrade Program**

Sustainability Subcommittee  
March 14, 2024

***ASSIGNMENT NUMBER 2023-02***

*TO IDENTIFY AND RESEARCH POSSIBLE POLICIES AND ACTIONS BY THE CITY TO EXPEDITE “GREEN RENOVATION” IN LAKEWOOD’S RESIDENTIAL BUILDINGS, FOR EXAMPLE THROUGH BENCHMARKING OF ELECTRIFICATION; LEGISLATION; LEVERAGING STATE AND FEDERAL FUNDS; AND CODE ENHANCEMENT TO THE EXISTING ARTICLE 13, REMP (RENEWABLE ENERGY MITIGATION PROGRAM) AND THE [EDM](#) (ENHANCED DEVELOPMENT MENU)*

## I. EXECUTIVE SUMMARY

Meeting Lakewood's science and evidence-based targets regarding climate action and greenhouse gas emission reduction will require significant emission reductions across all building sectors. Current provisions within the Enhanced Development Menu ([EDM](#)) of the Zoning Ordinance cover multi-family buildings larger than 20,000 sq. ft. However, exemptions exist for new construction single family homes below 2,500 sq. ft. and single family homes during remodels. Additionally, Lakewood's existing single family homes have no benchmarking (baseline energy performance) requirements so improvements can not be tracked. Innovative beneficial electrification technology and weatherization are best practices to eliminate fossil fuel emission sources from homes. A variety of approaches need to be utilized to achieve decarbonization in the built environment, including incentives, such as tax credits and rebates, and information to assist homeowners in the transition to electrification. Where voluntary reductions fall short of decarbonization goals, upgrades at the point of replacement of heating appliances can be encouraged at permitting or through the expansion of Lakewood's Enhanced Development Menu.

Through reviewing what has been done in other municipalities throughout Colorado and other states (and countries), the Sustainability Subcommittee of the LAC has found numerous actions that various locales have taken to help reduce greenhouse emissions from single and multi-family residences, summarized as follows:

- Lakewood and other cities with investor-owned utilities are able to supplement electrification programs and incentives offered by utility companies and other governmental entities.
- Government incentives can be an important motivation to drive changes in building emissions.
- Through building codes, cities are able to support or mandate changes to home energy efficiency and usage.

Based on the findings, the LAC has four primary recommendations to achieve goals of greenhouse gas emission reductions:

1. Establish a Lakewood program for tax credit and rebate match for qualifying upgrades.
2. Make additions to the Enhanced Development Menu ([EDM](#)), Article 13 and (continue to) adapt as conditions develop in order to meet goals.
3. Add full time employees as deemed necessary at the Lakewood Building Department and Sustainability Division to implement and administer recommendations.
4. Develop a comprehensive community outreach and education plan to promote and support appropriate electrification and weatherization.

## II. BACKGROUND

### CONTEXT:

*Climate science, matched by field data, compels us to address the critical challenge of climate change facing individuals, municipalities, states, and nations. Action at all levels is necessary given that the Paris Climate Agreement goal of trying to maintain a global temperature rise of only 1.5 degree Celsius is likely to be exceeded, to 2.7 degree Celsius, or 4 degrees Fahrenheit. Findings published as recently as March 7, 2024 by the European Space Agency reveal that “the world as a whole experienced the hottest February on record, making it the ninth consecutive month of record temperatures” (New York Times, March 6 2024). Increasingly higher temperatures as recorded every year, and the resulting extreme weather events will continue to grow more frequent and intense. The need to act is urgent and the longer the delay, the greater the risk. The costs from climate change greatly outweigh the cost of implementing known solutions. The roadmap forward is well researched and understood. The proposed solutions have proven to be popular. Without intervention Lakewood’s greenhouse gas emissions from housing will continue to rise.*

At the July 10, 2023 City Council meeting, the Lakewood Advisory Committee (LAC) proposed and Council approved a project idea to identify and research possible policies and actions by the City to expedite “green renovation” in Lakewood’s residential buildings.

The City of Lakewood’s 2015 Sustainability Plan states the goal of minimizing community wide greenhouse gas emissions and preparing and adapting to ongoing climate change impacts with a target of reducing these emissions by 20 percent below its 2007 levels by 2025. Partnering in the Global Covenant of Mayors for Climate and Energy commits Lakewood to achieve net zero community greenhouse gas emissions by 2050. [Appendix C](#) shows 21% of Lakewood’s total greenhouse gas emissions come from residential energy consumption. [Appendix D](#) shows 34% of Lakewood’s emissions from all buildings come from existing single family homes. By acting on "green renovation", Lakewood can affect 21% of Lakewood’s total greenhouse gas emissions. Most of the City’s emission reductions to date are a result of the increasingly clean electric supply and increases in vehicle fuel efficiency. However, despite increased renewable energy production, climate warming pollution from burning natural gas continues to rise in Lakewood. (see [Appendix E](#)). Lakewood’s Greenhouse Gas reduction targets will not be met without committing substantial resources to reducing residential energy consumption.

Meeting the City’s science and evidence-based emission reduction targets as mentioned above will require significant reductions across all building sectors. Current provisions within the

Enhanced Development Menu ([EDM](#)) of the Zoning Ordinance cover multi-family buildings larger than 20,000 sq. ft. However, exemptions exist for new construction of single family homes below 2,500 sq. ft. (see [Appendix F](#)) and single family homes during remodel (see [Appendix G](#)). Lakewood’s existing housing stock of 42,400 single family homes (the built environment) has no benchmarking (baseline energy performance) requirements so improvements can not be targeted or tracked. Article 13 and the Enhanced Development Menu ([EDM](#)) of the Zoning Ordinance allows for future programs to address the emissions from Lakewoods 42,400 existing single family homes. Innovative beneficial electrification technology (such as heat pumps) and weatherization are best practices to reduce fossil fuel emission sources from homes under such future programs.

A variety of approaches need to be utilized to achieve decarbonization in the built environment, including incentives, such as tax credits and rebates, and information to assist homeowners in the transition to electrification. Broad adoption of electrification is necessary to make significant change. Where voluntary reductions fall short of decarbonization goals, upgrades at the point of replacement of heating appliances and furnaces can be encouraged at permitting or through the expansion of Lakewood’s Enhanced Development Menu: [EDM](#). Additionally, Federal, state, and local incentives can assist most homeowners in the transition away from greenhouse gas producing systems and can be weighted to further assist homeowners when affordability is insurmountable. Opportunities for educational outreach and workforce development can also be enhanced by tracking and leveraging state and federal tax credits and rebates. Accurate, accessible, and actionable information for the public will be key.

While Lakewood moves to increased electrification, the City’s electricity provider, Xcel Energy, is increasingly shifting electricity production to renewable sources. The electrical *energy mix for Colorado shows a shift away from greenhouse producing sources over time.* (See [Appendix A](#)).

*Table 1: Xcel Energy Electricity Sources*

|             | <b>Mix as of 2022</b> | <b>Mix Anticipated in 2040</b> |
|-------------|-----------------------|--------------------------------|
| Coal        | 27%                   | 0%                             |
| Natural Gas | 31%                   | 11%                            |
| Solar       | 5%                    | 28%                            |
| Wind        | 35%                   | 30%                            |
| Storage     | 0%                    | 28%                            |
| Other       | 2%                    | 0%                             |

*Coal will be phased out by 2030, and natural gas is estimated to be by 2050 to meet zero carbon by 2050. Xcel is making investments in, and charging ratepayers for, infrastructure that will be mothballed by 2050. All natural gas infrastructure will become a stranded asset by 2050.*

*Encouraging Lakewood homeowners to electrify now amplifies the efforts of Xcel to move energy production to renewables.*

### **III. SUMMARY OF RESEARCH AND KEY FINDINGS**

Through its research, the Sustainability Subcommittee of the LAC has found numerous actions that various cities in Colorado and elsewhere have taken to help reduce greenhouse gas emissions from single and small multi-family residences, (see [Appendix H](#)). The LAC's recommendations are inspired by these examples from other municipalities.

- **Lakewood lacks the options that other cities with publicly-owned utilities have for direct influence.**
  - *Partnership programs dedicated to energy efficiency providing rebates, energy efficiency assessments, and vetted service providers.* Efficiency Works is a collaborative effort between the utilities of Estes Park Power & Communications, Fort Collins Utilities, Longmont Power & Communications, Loveland Water and Power and Platte River Power Authority that provides homeowners options for rebates, energy assessments, and information on service providers and energy efficient products. Other opportunities include enabling residents to purchase clean, renewable energy, such as through the Green Energy Program in Ft. Collins or the default Renewable 100 service in Berkeley, CA providing 100% electricity from solar and wind energy. Vancouver, B.C. provides a comprehensive set of resources for homeowners, including free support for understanding home energy upgrades, services from an Energy Advisor to understand energy use and to help homeowners make home improvement decisions, and tips on finding contractors. It further offers a coaching service to help with all phases of homeowner projects. San Jose, CA, like numerous other cities, is outlawing natural gas into new single family homes through their [Reach Codes](#).
  - *Incentive programs for home electrification.* Fort Collins provides information and incentive programs for residential solar power including Shared Energy Systems for multi-family housing units (\$1000 for solar installation and \$1500 for residential battery storage) and a rebate program for clothes washers. Additional incentives were added as an incentive boost through May 31, 2024: <https://www.fcgov.com/utilities/residential/renewables/solar-rebates/#cb-32565-5020-3>

- **Lakewood and other cities with investor-owned utilities are able to supplement electrification programs and incentives offered by utility companies and other governmental entities.**
  - *Financial assistance for income qualified residents.* A number of municipalities provide low or no cost energy assessments, energy assistance, and weatherization support for low income residents.
  - *Rebates for home electrification projects.* Denver offers rebates for electric vehicle charging home wiring, heat pumps, heat pump water heaters, solar installation, battery storage, and electric service upgrades. Through *Golden Sustainability*, the City of Golden supplements existing rebates for home insulation, heat pumps, electrical panel upgrades, and electric heat pump water heaters for income qualified residents.
  - *Resource banks of information for homeowner electrification upgrade projects.* Some cities maintain robust, “one-stop shopping” web pages for residents interested in understanding options for electrification and existing city, state, federal, and utility company incentives available to fund projects. In addition, some cities include resources such as buying guides, lists of contractors, information and training for contractors, and financing.
  - *Partnerships to provide low-cost financing for home electrification projects:*  
 BlocPower® financing for energy efficiency in multi-family homes.  
[https://drive.google.com/file/d/1FhMpwg9n5WE7tKeeBOfWNEbxADukP2uE/vi?usp=drive\\_link](https://drive.google.com/file/d/1FhMpwg9n5WE7tKeeBOfWNEbxADukP2uE/vi?usp=drive_link)  
 Colorado Energy Office financing for energy efficiency in commercial spaces:  
<https://energyoffice.colorado.gov/clean-energy-programs/clean-energy-financing/commercial-property-clean-energy-finance>  
 Colorado Clean Energy Fund:  
[CCEF Homepage - Colorado Clean Energy Fund \(cocleanenergyfund.com\)](http://CCEFHomepage-ColoradoCleanEnergyFund(cocleanenergyfund.com))
  
- **Government incentives can be an important motivation to drive changes in building emissions.**
  - As LAC research on various US cities and some Western European countries has shown, incentives, as opposed to mandates, seem to be more successful strategies to change behaviors of home remodeling practices thus far. However, when decarbonizing and Greenhouse Gas emission goals are not met then local and national governments move toward mandates. (See [Appendix I](#)).
  
- **Through building codes, cities are able to support or mandate changes to home energy efficiency and usage.**
  - *Reduced permitting or costs for electrification projects.*  
 The Lakewood building department gave PV permit rebates in 2011.
  - *Home energy assessments, some required prior to home sale or permit approval.*

<https://www.bayren.org/homeowners/your-home-energy-score-hes-rebate>  
<https://berkeleyca.gov/construction-development/green-building/building-emissions-saving-ordinance-beso/beso-energy>

- *Electrification requirements for new or existing buildings.* Denver requires partial electrification for all existing commercial and multifamily buildings when replacing gas-fired space heating, water heating and cooling equipment upon system replacement.

#### **IV. SUMMARY OF RECOMMENDATIONS**

In order to meet the City's goal of lowering emissions, the LAC makes the following recommendations:

1. Establish a Lakewood program for tax credit and rebate match for qualifying upgrades.
2. Make additions to the Enhanced Development Menu ([EDM](#)), Article 13 and (continue to) adapt as conditions develop in order to meet goals.
3. Add necessary full time employees at the Lakewood Building Department and Sustainability Division to implement and administer recommendations.
4. Develop a comprehensive community outreach and education plan to promote and support appropriate electrification and weatherization.

#### **V. IMPLEMENTATION TIMETABLE RECOMMENDATIONS**

The LAC supports urgent adoption of these recommendations so Lakewood staff will have time to develop programs affecting the 2025 city budget. Federal funds are available now and state funds become available in 2024.

#### **VI. DETAILED RECOMMENDATIONS**

To assist with implementation, each of the LAC's recommendations are explained in more detail.

##### **Recommendation 1: Establish a Lakewood program for tax credit and rebate match for qualifying upgrades.**

*CONTEXT: Decarbonization of existing homes is expensive. When federal and state incentives are not adequate to lower the costs enough to prompt action, additional incentives from local governments will be required and are proven to be effective, especially for those with low and moderate incomes. These incentives will accrue to the benefit of Lakewood's homeowners.*

The past few years have brought an unprecedented surge in available government funding to support initiatives recommended here. Most of this recent funding comes from massive federal legislation: the Inflation Reduction Act (IRA) and the Infrastructure Investment and Jobs Act (IIJA) and other programs, providing targeted funding for climate and clean energy development with millions of dollars available to Lakewood and our citizens. This also could be a huge local economic engine for our city and surrounding areas. See [Appendix J](#) or go here: <https://www.rewiringamerica.org/app/ira-calculator> for a dashboard of these funding laws and the programs that they create. This calculator could be very beneficial for contractors to use with their clients and also help the city in outreach if it were linked to Lakewood's website.

Among many different programs, these new laws provide direct rebates and tax incentives to individual homeowners for electrification and efficiency upgrades. They also create grant opportunities to municipalities like Lakewood to implement their own housing upgrade programs. All programs place great emphasis on providing access to low and moderate-income residents, and others not traditionally afforded equal access to beneficial electrification and energy upgrade programs.

These economic funding laws found in the IRA and the IIJA and the programs created thereby are complex, evolving, and cover a wide spectrum of improvements, supporting the decarbonization effort at all levels of housing. Funding opportunities are changing rapidly at all levels of government. Fortunately, City Sustainability Staff are already looking into the opportunities available to residents, as reported in various prior Council meetings. In addition, there are many statewide resources to draw upon to more precisely identify how opportunities are manifesting at the Colorado and local level. One such toolkit is found in [Appendix K](#), a Colorado Department of Local Affairs website designed to track opportunities for localities to access evolving funding opportunities.

These funds generated by the IRA, IIJA and other such programs are being allocated and awarded *now*. They may not be available indefinitely, especially given the uncertainty of election outcomes and politics. It is therefore imperative that Lakewood takes the below listed steps related to funding opportunities, both to facilitate implementation of these programs, and to support necessary studies & phased rollouts that address some of our recommendations, all while providing Lakewood with more efficient homes and an economic boost.

Specific actions to implement this recommendation:

- A. Provide additional incentives by waiving permit fees and/or sales taxes. Alternatively, reinstitute Lakewood Building Department's program of permit fee rebates (feebates) for beneficial electrification or weatherization. We could even suggest that the Lakewood Building Dept. pay \$100-\$300 for certain permitted jobs that decarbonize to be paid after final inspection. This approach can be



revenue neutral for Lakewood by using IRA (Inflation Reduction Act) /BIL (Bipartisan Infrastructure Law) /HEEHRA (High Efficiency Electric Home Rebate Act) grants. Possible free media coverage could be a benefit.

- B. To provide financial incentives over multiple years, return some or all of Lakewood's received property taxes to the taxpayer resulting from increased property values due to beneficial electrification or weatherization upgrades. The legislative precedent for this use is under Colorado Revised Statute 39-103-102, exemption from property tax. See [Appendix T](#).
- C. Assign a specific City staffing team to track these available funding sources and to report quarterly to Council on efforts made to seek funding for Lakewood directly, and/or its citizens individually, to access grants, incentives, tax credits and community funding programs. See [Appendix L](#) for coverage of available BIL block grant opportunities.
- D. Explore with the Economic Development staff whether any opportunities exist to attract federal or state funds by designating residential neighborhoods needing beneficial electrification and weatherization as "Opportunity Zones." Equity goals may further enhance opportunities by targeting low or medium-income neighborhoods, where the need and vulnerability is greatest. Workforce development opportunities provide additional economic multipliers.
- E. Consider adding or tasking current departments with retaining or directly hiring one individual assigned solely to write grants, applications, or otherwise be responsible for pursuing this funding. These funds are to be used exclusively for home modifications and improvements.
- F. While broad market adoption is critical, it will require vast educational information on funding methods and options throughout our diverse community. Focusing these funds and tracking according to need, based on low and moderate income, will ensure the opportunity for all Lakewood citizens to take advantage of the benefits and to enhance the likelihood of receiving awards. See [Appendix M](#) for typical assistance websites.
- G. Use study and phase-in periods as tools to allow the City to both move the transition towards electrification and soften these moves with brief pauses for smart and thoughtful changes.
- H. Develop mechanisms in both online City materials and through other media to educate and enhance Lakewood community awareness of these funding options. Develop leaflets that can be added to delivery methods like the storm water bills, handouts for builders and contractors, and other materials to allow the average citizen to understand and track the opportunities over time. For an example, see the Beneficial Electrification League of Colorado (BEL-CO) website. See [Appendix N](#) or go here: <https://loveelectric.org/>

- I. Take advantage of grants to expand the [EDM](#) payment in lieu for funding base earmarked for existing homes.

**Recommendation 2: Make additions to the Enhanced Development Menu ([EDM](#)), Article 13 and adapt as conditions develop to meet recommendations.**

*CONTEXT: Reductions in Greenhouse Gas emissions from the housing sector are best achieved through building ordinances by adoption of weatherization improvements and beneficial electrification. The current [EDM](#) was added to Article 13 of the Zoning Ordinance on June 27, 2022. The [EDM](#) is a point system based on square footage that defines energy efficiency and sustainability requirements in **new developments**. At that time an allowance was made for a future guideline to be adopted within the [EDM](#) for **existing** buildings to address building performance including benchmarking (baseline energy performance).*

- A. Utilize existing [EDM](#) funds from fees in lieu to support electrification and weatherization of existing homes.
- B. Expand to target existing single family homes without square footage restrictions, including benchmarking (baseline energy performance) and free comprehensive home energy audits. Audits can be revenue neutral to Lakewood with IRA/BIL grants.
- C. Remove current regulation that exempts new construction of single family homes under 2,500 sq.ft. See [Appendix F](#).
- D. Increase the points required to qualify so more greenhouse gas emissions from the home are reduced or eliminated over time.
- E. Add electrification compliance of a heat pump water heater at the replacement of natural gas hot water heaters. This achieves GHG emissions reduction at a relatively low cost.
- F. Leave open future allowance to require full residential electrification if GHG elimination stalls or needs further enhancements.
- G. Take advantage of grants to expand the [EDM](#) opt out funding base earmarked for existing homes.

**Recommendation 3: Add necessary full time employees at the Sustainability Division and as needed at the Lakewood Building Department to implement and administer any adopted recommendations.**

*CONTEXT: In the absence of recommending mandates and with a “carrots only” approach, it is critical that Lakewood City Staff develop programs that are approachable and pragmatic to promote and maximize voluntary citizen participation. Broad adoption is necessary to meet goals of reducing greenhouse gas emissions.*

The LAC recommends that City Council seeks input from City staff on the staffing needs to implement these recommendations. [Appendix R](#) could be a tool to design an integrated program.

- A. Add building department staff to act as advocates/facilitators/navigators during permitting to assist residents through the procurement and implementation of all available funding and technical options. Our goals here are to: (1) bring the homeowner to the building department and help them find any possible funding options for electrifying their home. (2) Decrease the number of jobs not pulling permits which would help us track our transition. (3) Answer any questions about the type of contractors they may need for their project i.e., plumbers, electricians, or HVAC (not recommending contractors).
- B. Perhaps outsource to, or partner with, **BlocPower®**. A for profit NGO with deep resources that can develop and/or administer **Benchmarking**, **Financing** and **Implementation**:

-**Benchmarking** mapping, see [Appendix O](#) for BlocPower® New York neighborhood mapping tool.

-**Financing** for multi family residences:

[https://drive.google.com/file/d/1FhMpwg9n5WE7tKeeBOfWNEbxADukP2uE/view?usp=drive\\_link](https://drive.google.com/file/d/1FhMpwg9n5WE7tKeeBOfWNEbxADukP2uE/view?usp=drive_link)

-**Implementation** of Beneficial Electrification and weatherization:

[https://drive.google.com/file/d/13Sgp4283\\_OpeLBZOyHGiRrLkAj8naO63/view](https://drive.google.com/file/d/13Sgp4283_OpeLBZOyHGiRrLkAj8naO63/view)

**Recommendation 4: Develop and fund a comprehensive community outreach and education plan to promote and support appropriate electrification and weatherization.**

*CONTEXT: Analysis paralysis by homeowners is exacerbated by numerous financial incentives, advanced building science techniques and scores of innovative energy efficiency options. In combination these options present a challenge to experienced professionals. Homeowners need help sorting through them. To promote electrification solutions and assist Lakewood residents in making purchasing decisions, the LAC recommends that the City engage in education and outreach.*

- A. Direct Lakewood city staff to develop and maintain a robust website with information and resources for homeowners, multi-family unit owners, tenants, and contractors.
- B. Website to include cross links to reference websites of similar function, see examples: (1) the Beneficial Electrification League of Colorado (BEL-CO): See [Appendix N](#) or go here: <https://loveelectric.org/> (2) Switch is on See [Appendix P](#) or

go here: <https://switchison.org/about-us/> (3) BayREN See [Appendix Q](#) or go here: <https://www.bayren.org/about>

- C. Allocate additional resources to leverage the Sustainable Neighborhoods network.
- D. Conduct outreach to schools and trade organizations.
- E. Emphasize local (to be determined), state (Colo Energy Office) and federal funding and combined opportunities through the Inflation Reduction Act (IRA), Bipartisan Infrastructure Law (BIL), High Efficiency Electric Home Rebate Act (HEEHRA).
- F. Specifically target low and moderate-incomes to meet equity goals. Tax credits are somewhat ineffective at reaching these populations. See [Appendix M](#) for typical assistance sites.

## **VII. SUMMARY**

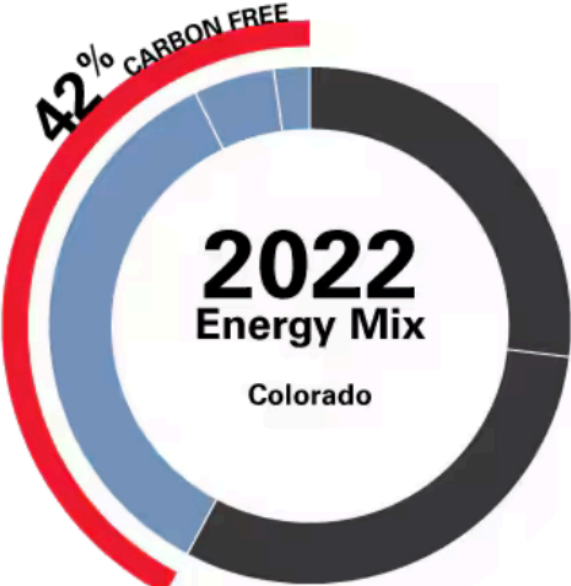
The World Meteorological Organization (WMO) in its provisional State of the Global Climate report released in November 2023 accurately predicted that 2023 would be the warmest year on record. With the past nine years also being the warmest on record, the evidence is clear: action to reduce greenhouse gasses must be undertaken urgently. Working to transition Lakewood homes to electricity will move the city in the right direction. See WMO report: [Appendix S](#).

## **VIII. With appreciation for their assistance with details and documentation:**

Keith Hensel - Lakewood Planning Official  
Jonathan Wachtel - Sustainability Division  
Robert Smith - Lakewood Economic Development Director  
Kip Kolkmeier - Lakewood Planning Committee  
Clean Energy Lakewood Advocacy Organization  
Justin Brandt - Utility Program Director, Southwest Energy Efficiency Project  
Jonny Kocher - Carbon Free Building Program, Rocky Mountain Institute  
Mac Prather - City and County of Denver, Climate Action, Sustainability & Resiliency (CASR), Residential Electrification Programs Administrator  
Russ Lindell - BlocPower Director on Partnerships and Emily Baker  
Chuck Kutscher - Fellow, Renewable and Sustainable Energy Institute, CU Boulder; Member, Colorado Renewable Energy Society (CRES) Policy Committee; Former Director, NREL Buildings & Thermal Sciences Center (ret.)

**IX. APPENDICES**

[Appendix A](#): Xcel Energy mix 2022



|                   |     |
|-------------------|-----|
| Coal              | 27% |
| Natural Gas       | 31% |
| Wind              | 35% |
| Solar             | 5%  |
| Other Carbon Free | 2%  |

[Appendix B](#): Xcel Energy mix 2040 per 2024 Clean Heat Plan

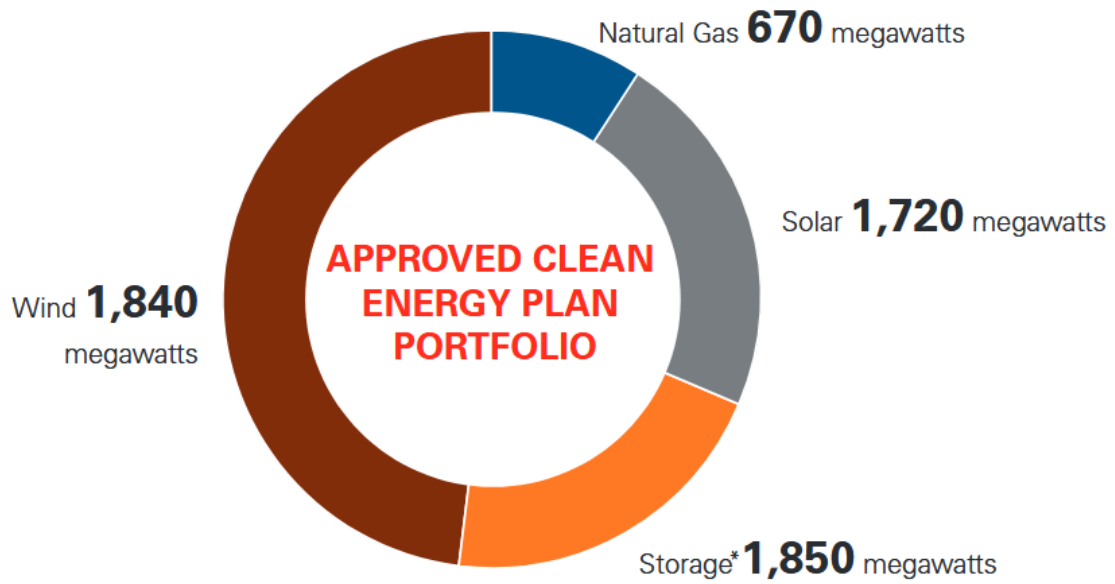
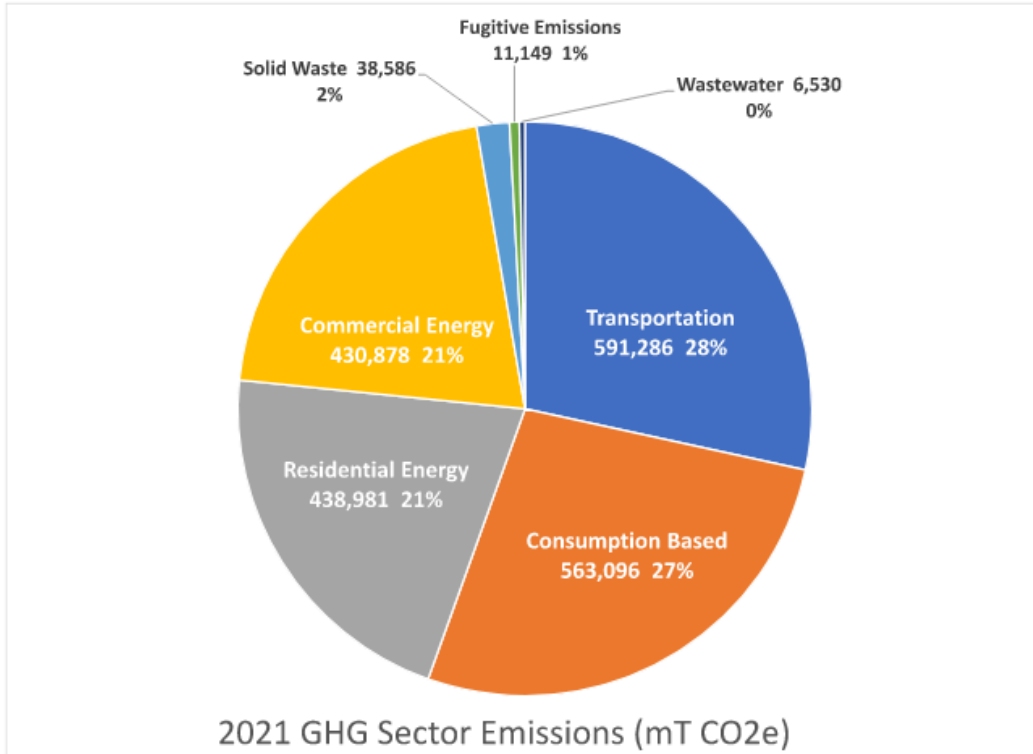


Figure 1. Total Emissions by Sector



[Appendix D](#): Sustainability Division - Planning Commission - 23 Aug 2023 - Staff Memo  
 Excerpt, Attachment 2 - Lakewood Building Stock Data (emphasis added, in red)

| Building Type   | Number of Structures | % of Total Number of Structures | Total Gross Floor Area (SF) | % of Total Gross Floor Area | Total GHG Emissions (mT CO <sub>2</sub> e) | % of Total GHG Emissions |
|-----------------|----------------------|---------------------------------|-----------------------------|-----------------------------|--|--------------------------|
| Single Family   | 42,351               | 84.9%                           | 69,880,070                  | 58.5%                       | 299,472                                    | 34.0%                    |
| Multi-Family    | 5,617                | 11.3%                           | 13,935,658                  | 11.7%                       | 78,135                                     | 8.9%                     |
| Non-Residential | 1,903                | 3.8%                            | 35,559,062                  | 29.8%                       | 503,402                                    | 57.1%                    |
| TOTAL           | 49,871               | 100%                            | 119,374,790                 | 100%                        | 881,009                                    | 100%                     |

*Notes:*

1. *Based on 2022 Jefferson County Assessor's Data*
2. *Number of structures and gross floor area include only the primary structure on each parcel.*
3. *GHG Emissions estimated based on building type using the city's current GHG Mitigation Program worksheet.*
4. *Values are draft and require additional QA/QC.*



## 7.2. Electricity Carbon Emissions Factor Trends

Colorado’s [Renewable Energy Standard](#) requires Xcel Energy to increase the efficiency of its operations and source increasing amounts of energy from low- to zero-carbon sources (i.e. renewable energy, recycled energy, etc.). As a result, the mix of energy sources that supply Xcel Energy’s electric grid changes every year, and the resulting electricity carbon emission factor decreases every year. Table 5 shows how the electricity carbon emissions factor has changed since 2007. Based on data from Xcel Energy, electricity emission factors decreased 43% from 2007 to 2021. Xcel Energy’s natural gas emission factor does not change annually because the composition of natural gas delivered to Lakewood does not change. Natural gas combustion has a specific carbon emissions factor. Natural gas emissions can only be reduced by lowering overall consumption.

*Table 5. Changes in Electricity Carbon Emissions Factor*

|                                     | Units                    | 2007  | 2015  | 2018  | 2021  | % Change 2007-2021 |
|-------------------------------------|--------------------------|-------|-------|-------|-------|--------------------|
| Electricity carbon emissions factor | mT CO <sub>2</sub> e/MWh | 0.839 | 0.676 | 0.552 | 0.477 | -43%               |

The electricity carbon emissions factor has a significant impact on the city’s emissions, as a major portion of any reduction in electricity-generated emissions is attributable to the reduced emission factor. The reduced emission factor may result in reductions in electricity-generated emissions, even when electricity use increased.

## 7.3. Building Energy Use Trends

Table 6 presents communitywide total electricity and natural gas data for inventory years. Electricity use has decreased, and natural gas use has increased slightly since 2007. The

percent change between 2007 and 2021 for both energy fuels is less than the population growth percent change shown in Table 4.

*Table 6. Changes in Community Energy Activity Data*

| Energy Activity   | Units  | 2007          | 2015          | 2018          | 2021          | % Change 2007-2021 |
|-------------------|--------|---------------|---------------|---------------|---------------|--------------------|
| Total electricity | kWh    | 1,110,369,000 | 1,135,815,439 | 1,126,103,980 | 1,097,187,216 | -1.2%              |
| Total natural gas | therms | 62,599,210    | 59,704,114    | 62,589,021    | 64,263,720    | 2.7%               |

[Appendix F](#): Excerpt - Lakewood’s Enhanced Development Menu (EDM) (June 27, 2022) indicating exclusion of new construction single family residences below 2,500 square feet (emphasis added, in red)

**Table 17.13.1: EDM Applicability**

| Project Cumulative Gross Floor Area (rounded to nearest 1,000 sf) | Required Points  |
|---|--|
| < 2,500 sf  | N/A (0 points)   |
| 2,500 sf – 10,000 sf  | 10 points  |
| 11,000 sf – 150,000sf   | 11 – 150 points (1 point per 1,000 sf)                                 |
| Over 150,000 sf   | 150 points <i>and</i> select one option set forth in section 17.13.2.3 |

13-2

B. Exceptions.

1. Construction of individual single-family detached and duplex residential units is not subject to the EDM. This exception shall not be interpreted to extend to residential subdivisions requiring Major Site Plan review.

[Appendix G](#): Excerpt (p. 5) - Lakewood’s Article 13 Technical Manual (July 2022 ) (emphasis added, in red)

GREENHOUSE GAS MITIGATION PROGRAM & PERFORMANCE STANDARD

PART 1 – GHG MITIGATION PROGRAM SUMMARY

The Greenhouse Gas Mitigation Program (GHGMP) is intended to ensure new development is aligned with the City’s climate goals and targets by establishing a performance standard for the maximum permitted annual greenhouse gas emissions. The GHGMP Residential and Non-Residential Worksheets were developed so applicants can easily determine whether projects are in compliance with the performance standards. The worksheets incorporate the methodology and calculations presented in this section.

Applicability

All new residential and non-residential development (including all remodels, alterations, and additions requiring a Major Site Plan application) must meet the Performance Standard or pay a fee-in-lieu of compliance. These standards do not apply to remodels, alterations, and additions to existing single-family residential dwellings, including individually-owned detached, duplex, and attached/townhome units.

## Appendix H: What Other Cities Are Doing

Municipalities have the opportunity to promote and incentivize home electrification through (1) information and direct services, (2) providing financial incentives, and (3) upgrading building codes. This section provides a brief description of programs utilized in other municipalities.

Denver, Vancouver British Columbia, and Boulder offer robust online information and available resources for homeowners, multi-family unit owners, and contractors. Vancouver offers homeowners free support navigating home energy upgrades, including virtual home energy check-ups, expert local advice, and assistance from an energy advisor to help homeowners make home improvement decisions. Vancouver also offers tips and buying guides for energy upgrades and as information on registered contractors. Denver's electrification program provides buying guides for consumers and information for contractors to apply for city home energy rebates.

***Some municipalities*** offer incentive programs for home electrification that adds to existing and forthcoming state and federal programs. Often these programs center on low- to moderate-income households.

Denver's Healthy Homes Program will assist 100 low- to moderate-income households in multifamily residences and 100 single-family low- to moderate-income homes with building upgrades. This program also provides financial incentives for electrification of stoves and heating and cooling systems. Denver also offers rebates for heat pumps, heat pump water heaters, solar installation, battery storage, and electric service upgrades.

The City of Golden provides a rebate on building permit applications for solar photovoltaic building permit applications and their Golden Sustainability program provides funding matches for Xcel Energy rebates programs for income qualified residents. This includes rebates for home insulation, electrical panel updates, and electric heat pump water heaters.

Boulder utilizes a city climate tax to fund electrification incentive programs including funding assistance for energy efficiency upgrades, energy storage, and residential building electrification.

Several cities such as Berkley, CA and San Jose, CA and also the European Union are passing aggressive requirements that existing homes meet Beneficial Electrical standards. Sometimes through building code adoption, at point of sale or during heat appliance replacement.

Some municipalities establish partnerships with energy efficiency programs such as Energy Smart, Energy Resource Center, or Bloc Power to expand their capacity to provide resources and information for their residents. Lakewood city council and staff have demonstrated the effectiveness of partnering with, or outsourcing certain administrative functions to, successful private sector entities.

### Appendix I

EU countries agree to reduce emissions from homes and buildings:

[https://drive.google.com/file/d/1M54UDU0WqiXX4sCxd70oinQ7egOssgvm/view?usp=drive\\_link](https://drive.google.com/file/d/1M54UDU0WqiXX4sCxd70oinQ7egOssgvm/view?usp=drive_link)

### Appendix J

Inflation Reduction Act tax credits and rebates:

<https://www.rewiringamerica.org/app/ira-calculator>

### Appendix K

Department of Local Affairs website on funding opportunities:

<https://lookerstudio.google.com/u/0/reporting/6bf90675-163a-4c84-9eb8-ee9779be136/page/T7j0C>

### Appendix L

Portland, Tacoma, Plano offer BIL block grants through loans and granted money to assist with the construction of green infrastructure and clean energy retrofits for qualifying residents' homes:

<https://www.nlc.org/article/2022/09/08/maximize-eecebg-funding-in-your-community/#:~:text=granted%20money%20to%20assist%20with%20the%20construction%20of%20green%20infrastructure%20and%20clean%20energy%20retrofits%20for%20qualifying%20residents%E2%80%99%20homes.>

### Appendix M

Low income energy assistance:

<https://cdhs.colorado.gov/leap>

Assistance options: <https://www.growingfamilybenefits.com/government-grants-hvac-systems/>

Financing assistance: <https://cocleanenergyfund.com/products/residential-products/>

### Appendix N

Beneficial Electrification League of Colorado website:

<https://loveelectric.org/>

### Appendix O

Example of BlocPower® benchmark mapping for New York City:

<https://bloccmaps.blocpower.io/geography/new-york-city>

### Appendix P

“The Switch Is On” initiative for enhancing electrification awareness:

<https://switchison.org/about-us/>

### Appendix Q

Bay Area Regional Network coalition (California):

<https://www.bayren.org/about>

### Appendix R

A guide for state agencies that could be utilized as a model for an integrated approach on a municipal level. DOE: Weather Assistance Program (WAP), Home Electrification & Appliance Rebates (HEAR):


[https://drive.google.com/file/d/1\\_0-RpyFZ5A1mPu3NXUvKb60HXuPV-Q\\_X/view?usp=drive\\_link](https://drive.google.com/file/d/1_0-RpyFZ5A1mPu3NXUvKb60HXuPV-Q_X/view?usp=drive_link)

### Appendix S


World Meteorological Organization, State of the Global Climate Report:

<https://wmo.int/publication-series/provisional-state-of-global-climate-2023>

[Appendix T: Dept. Of Local Affairs: Residential solar is property tax exempt:](#)  
[https://drive.google.com/file/d/1pl6lVY5AmWMXJFU4pGsq3\\_GKWnsiv1Gg/view?usp=drive\\_link](https://drive.google.com/file/d/1pl6lVY5AmWMXJFU4pGsq3_GKWnsiv1Gg/view?usp=drive_link)



**COLORADO**  
Department of Local Affairs  
Division of Property Taxation

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[Home](#) > [Assessors' Office Resources](#) > [Renewable and Clean Energy Assessment](#)

## Renewable and Clean Energy Assessment

|  |
|--|
| Assessors' Office Resources                      |
| County Assessors' Appraiser License Requirements |
| County Assessors Template Forms                  |
| County Court Database                            |
| County Portal Login                              |

### Locally Assessed

Solar and wind energy facilities property used to produce two (2) megawatts or less of AC electricity are locally assessed. In addition, locally assessed renewable energy property includes small or low impact hydroelectric facilities, geothermal energy facilities, and biomass energy facilities as defined in § 39-4-101, C.R.S., used to produce two (2) megawatts or less of AC electricity and placed into use prior to January 1, 2010.

For information on locally assessed renewable energy property, please see [Assessors' Reference Library, Volume 5, Chapter 7](#).

[Declaration Schedule DS-058 - Renewable Energy Property](#)

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## Tax Incentives and Exemptions

All renewable energy property in Colorado is taxable unless specifically exempted under Colorado law.

### Community Solar Gardens

Section 39-3-118.7, C.R.S., exempts from the levy and collection of property taxes the percentage of alternating current electricity capacity of a community solar garden that is attributed to residential or governmental subscribers, or to subscribers that are organizations that have been granted property tax exemptions pursuant to §§ 39-3-106 to 39-3-113.5, C.R.S. This exemption covers tax years beginning January 1, 2015 and ending before January 1, 2021.

### Residential Renewable Energy

Renewable energy personal property that is located on a residential classified property, owned by the residential property owner, and produces energy that is used by the residential property is exempt from Colorado property taxation. Note that this exemption only applies to the renewable energy personal property and not the underlying real property. The Division recommends that the county assessor conduct an analysis of the residential sales with and without renewable energy personal property in each economic area, during each reappraisal year, to determine if renewable energy personal property contributes an incremental increase to the total residential property values. If it is determined that they do, then those sales that include exempt residential renewable energy personal property should be adjusted to exclude the contributory value of the renewable energy personal property.

Independently owned residential solar electric generation facilities (photovoltaic solar systems) that meet criteria listed in § 39-1-102 (6.8), C.R.S. are exempt from Colorado property taxation under § 39-3-102, C.R.S. To qualify for the exemption the solar electric generation facility must be located on residential real property, used to produce electricity from solar energy primarily for use in the residential improvements, and have a production capacity of no more than one hundred (100) kilowatts of AC electricity.

# City Council Request for Legislative Modifications



**Submitted on** 16 March 2024, 1:17PM  
**Receipt number** 55  
**Related form version** 7

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**Council member sponsor(s)** Rich Olver

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**Enter email address to receive a copy of this submission** rolver@lakewood.org

---

**Briefly describe the minor modification being requested**

We should have a Study Session topic of Open Meeting and Open Records Laws.  
For this we should invite in outside experts. People who have real world experience with these laws. They could be lawyers or judges who have tried cases in Colorado. Or someone whose area of expertise is Open Meetings and Records. CML should have this kind of representatives, but we shouldn't limit our zone of interest to just CML. There are other organizations who are well versed in these laws and actual case studies. (I include Lakewood's attorneys office in this list - but don't want to limit ourselves to one point of view)

---

**Provide history / background information that supports the request**

Councilors are confused by these laws. Therefore it's easy to step across the line between right and wrong.

---

**If it needs expedited handling, please provide an explanation why**

Let's do this before a Councilor gets in trouble over these complex and changing laws.

---

**Attach file if needed**