



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

7:00 P.M

September 28, 2020

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 Paul called the **VIRTUAL MEETING** to order at 7:00 p.m.

ITEM 2 – ROLL CALL

Those present were: Mayor Adam Paul, Presiding

Charley Able
Sharon Vincent
Dana Gutwein
Mike Bieda
David Skilling
Anita Springsteen
Barb Franks
Ramey Johnson
Jacob LaBure
Karen Harrison

Absent: None.

Others in attendance: Kathy Hodgson, City Manager, Ben Goldstein, Deputy City Manager, and Tim Cox, City Attorney

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 there was a moment for silent prayer.

ITEM 4 – PROCLAMATION – NATIONAL CYBER SECURITY AWARENESS MONTH

Mayor Paul – Thanked the City’s IT Department for bringing the proclamation forward. He stated that the Federal Government of the United States, the US Department of Homeland Security, the Multistate Sharing and Awareness Center, and the National Security Alliance all recognize October as National Cybersecurity Awareness Month and

that all citizens are encouraged to visit their corresponding websites and participate in the Stop, Think, Connect campaign.

ITEM 5 – PUBLIC COMMENT

None.

ITEM 6 – EXECUTIVE REPORT

Kathy Hodgson, City Manager, gave her executive report:

- She congratulated the Lakewood Police Department on receiving two grants. She stated that the department was awarded the \$82,987.04 Speed and Safety Enforcement Grant and the \$70,000 Pedestrian Safety Campaign grant. She thanked Sergeant Brian Lovejoy for his work applying for the grants.
- She stated that the City received 69 applicants for the City Clerk position and narrowed the search to 7 applicants and hopes the position will be filled by the end of 2020. She stated that Deputy City Manager Ben Goldstein will be serving as the interim City Clerk during the transition.
- She stated that Jefferson County has approved the City's second half of the \$12.3 million dollars that it received through the CARES Act.
- She stated that the City has had 3 cases of COVID-19.
- She stated that golf revenue is up 26% from 2019 figures. She stated that rounds purchased through August is up 24.4% and playable days are only up 3.7%.

ITEM 17 was moved by Mayor Paul

ITEM 17 – GENERAL BUSINESS

MOTION TO EXTEND EMERGENCY DECLARATION – I MOVE TO EXTEND THE DECLARATION OF DISASTER IN THE CITY OF LAKEWOOD COLORADO RESULTING FROM THE CORONAVIRUS/COVID-19 PANDEMIC, PURSUANT TO SECTION 1.27 OF THE LAKEWOOD MUNICIPAL CODE, ORIGINALLY DECLARED BY PROCLAMATION OF THE LAKEWOOD CITY MANAGER ON MARCH 17, 2020, EXTENDED BY MAJORITY VOTE OF THE CITY COUNCIL ON MULTIPLE OCCASIONS, AND BY THIS MOTION EXTENDED AGAIN UNTIL OCTOBER 12, 2020, UNLESS EARLIER EXTENDED OR TERMINATED BY THE CITY COUNCIL

Council member Skilling made a motion to extend the Emergency Declaration. It was seconded.

Council member Johnson – She asked how much more money Lakewood anticipates to receive from the remaining state funding.

Hodgson – She stated that she was unsure if more funding would be given to the City from the County. She stated that she is unsure of any additional funding that the City may

receive from Jefferson County. She stated that if the County is unable to spend its funding by the end of the year that it may give more funds to Cities.

Johnson – She asked if Congress was deliberating a new aid package that entailed trillions of dollars.

Hodgson – She stated that she was not aware of the newest negotiations.

Mayor Paul – He stated that City Council continued to work with its federal partners to relay the needs of the City forward. He stated that no one was sure of the extent of federal support.

Johnson – She asked if the City was guaranteed the money that was committed to it from the County.

Hodgson – She stated that was correct.

Mayor Paul – He stated that per the Executive Report that the remaining CARES Act funds from the County were recommitted to the City.

Hodgson – She reiterated that there are a lot of moving parts in the equation. She stated that one of the most prolific rumors is the extension of the date in which all CARES Act dollars need to be spent. She stated that if additional funding sources are identified that the City will pursue them.

Johnson – She asked if the funding sources discussed were from the County and not from Congress.

Hodgson – She stated that the funds are primarily being distributed from the County but if Congress intended to distribute additional funding that she would update Council.

Vote on the Emergency Declaration extension:

	AYES	NAYS		AYES	NAYS
PAUL	X		SPRINGSTEEN		X
ABLE	X		FRANKS	X	
VINCENT	X		JOHNSON		X
GUTWEIN	X		LABURE	X	
BIEDA	X		HARRISON	X	
SKILLING	X				
			TOTAL	9	2

The motion passed.

CONSENT AGENDA

Deputy City Clerk Bernadette Salazar read the Consent Agenda into the record. The Consent Agenda consists of Item 7 to 12, inclusive.

ITEM 7 – RESOLUTION 2020-34 – APPROVING THE 2021 OPERATING PLAN AND 2021 BUDGET FOR THE LAKEWOOD-WEST COLFAX BUSINESS IMPROVEMENT DISTRICT

ITEM 8 – RESOLUTION 2020-35 – APPROVING THE 2021 OPERATING PLAN, 2021 BUDGET, AND RE-APPOINTMENT NOMINATIONS TO THE BOARD OF DIRECTORS FOR THE ALAMEDA CORRIDOR BUSINESS IMPROVEMENT DISTRICT

ITEM 9 – RESOLUTION 2020-36 – AUTHORIZING THE AMENDMENT OF THE CITY OF LAKEWOOD EMPLOYEES MONEY PURCHASE PENSION PLAN AND TRUST AGREEMENT

ITEM 10 – RESOLUTION 2020-37 – ADOPTING THIRD AMENDMENT TO CITY OF LAKEWOOD DEFERRED COMPENSATION PLAN AND TRUST AGREEMENT

ITEM 11 – RESOLUTION 2020-38 – AUTHORIZING THE AMENDMENT OF THE CITY OF LAKEWOOD POLICE MONEY PURCHASE PENSION PLAN AND TRUST AGREEMENT

ITEM 12 – APPROVING MINUTES OF CITY COUNCIL MEETINGS

City Council Meeting	June 22, 2020
City Council Special Meeting	July 13, 2020

A motion was made by Council member Skilling to approve Council Minutes, and to adopt resolutions, all of which are included in the Consent Agenda Items, for the record and introduced by the Deputy City Clerk. It was seconded.

Public Comment:

None.

Council Discussion:

None.

Vote on Consent Agenda:

	AYES	NAYS		AYES	NAYS
PAUL	X		SPRINGSTEEN	X	
ABLE	X		FRANKS	X	
VINCENT	X		JOHNSON	X	
GUTWEIN	X		LABURE	X	
BIEDA	X		HARRISON	X	
SKILLING	X				
			TOTAL	11	0

The motion passed.

END OF CONSENT AGENDA

RESOLUTIONS

ITEM 13 – RESOLUTION 2020-39 – APPROVING A CHAPTER 14.27 BLIGHT DESIGNATION PURSUANT TO CHAPTER 14.27 OF THE LAKEWOOD MUNICIPAL CODE FOR PROPERTIES LOCATED AT 5910 W 14TH AVENUE AND 1395 GRAY STREET, 1390 HARLAN STREET, AND 1385 GRAY STREET IN LAKEWOOD, COLORADO

Robert Smith, Economic Development Director – He stated that Resolution 2020-7 lays out the definition of Blight for Chapter 14.27 for Urban renewal areas in the City and for property owners outside of those areas. He stated that the applicants were aware of all elements present in the resolution to properly define a property as blighted. He stated that there are three single family homes and an apartment building with accessory storage units that are currently nominated for the blighted definition. He stated that the properties are adjacent to the existing West Colfax urban renewal area and to the 40 West Art Line. He stated that the properties are also within the Colorado State Enterprise Zone, Federal Opportunity Zone, the Community Development Block Grant Area, and the Lower Income Housing Census Tract. He stated that the blight definition will not change the zoning of each property. He stated that the public comment left on Lakewood Speaks by four residents showed that all four residents did not support the resolution.

Elyse Dinnocenzo, Principal Land Planning Representative – She provided a blight study summary for the properties on Gray, Harlan, and 14th Avenue. She provided a background of her work in blighted areas in Idaho Springs and Golden. She stated that the properties are all adjacent to Lakewood’s highest crime area on West-Colfax. She stated that the properties at 1390 Harlan Street, 1395 Gray Street, and 1385 Gray Street were zoned as single family development with accessory structures and that the property at 5910 W 14th Avenue was zoned as a multi family residence. She stated that the

methodology followed to conduct the blight study was based on the Golden Urban Renewal Authority (GURA) blight studies. She stated that the GURA blight studies followed *Colorado Revised Statute 32-25-103(2)* and rely on a list of physical conditions per blight factor and the finding of significant blight factor presence and provided a summary of the factors present in the properties. She stated that the parcels met seven blight factors which included slum, deteriorated, or deteriorating structures, unsanitary or unsafe conditions, deterioration of site or other improvements, unusual topography or inadequate public improvements or utilities, existence of conditions that endanger life or property by fire or other causes, buildings that are unsafe or unhealthy for persons to live or work in, and the existence of health, safety or welfare factors requiring high levels of municipal services. She stated that the study's recommended that the properties be identified as blighted.

Chad Mulliniks, Property Owner – He stated that the properties were obtained for redevelopment in 2018/2019 prior to the implementation of the Strategic Growth Initiative. He stated that he believes the proposed development for the property aligns with the intent of the Residential Growth Limitations to encourage redevelopment of blighted and distressed areas. He stated that the owners desired a justice-oriented and equity-based development on the properties. He stated that the development would feature a mixed-income development that would include a mix of building types and sizes. He stated that he and his wife are supporting the development largely on their own.

Public Comment: None.

Council Discussion:

Council member Vincent – She stated that if the properties were not designated as blighted that there was little hope any other property in Lakewood could successfully be designated as blight. She stated that the neighborhood and several churches are in favor of its redevelopment.

Council member LaBure – He stated that it was not Council's objective to blight as many areas as possible. He stated that this property would benefit from the designation. He stated that he supported the designation and Chad Mulliniks' work within his neighborhood.

Council member Skilling – He stated that there was a concern for blighted properties being used differently from their original purpose. He stated that this did not appear to be the case, but stated that he supported requiring that the property to remain a mixed-income development to earn the designation and locking the designation to the current ownership.

Mullinicks – He stated that he has been involved in several properties that were mixed-income and welcomed Council to come and tour them.

Mayor Paul – He stated that Council member Skilling’s question was centered on if Council should require that the property remain mixed-income to be granted the blight designation.

Mullinicks – He stated that he is focused on a mixed-income development. He stated that he was open to further suggestions on the property as well.

Council member Franks – She thanked staff and the applicants for the in-depth information. She stated that there is a process issue for the blight designation given the significant cost to obtain allocations to redevelop the property without any proper assurances that they will obtain them going forward.

Council member Gutwein – She thanked staff and the applicants for the information they provided. She stated that it would be difficult to argue that the properties are not blighted and are inside of a designated property zone. She stated that she supported the development. She stated that she supported a mixed-income and equity-based development in the City and encouraged similar developments going forward. She stated that she was disappointed with the public comment submitted prior to the start of the meeting and stated that the area was in significant need of redevelopment.

Council member Harrison – She stated that she supported the blight designation as well. She stated that she supported a deed restriction that required a separate 10% for low-income and veterans in the future.

Council member Johnson – She stated that she spoke to neighbors that lived near the properties who were unaware of the proposed blight designation. She stated that the residents nearby also stated that the properties were also still occupied. She asked if there was a record of the calls made to Code Enforcement regarding the properties and the results of the visits. She stated that it appears that the City is encouraging the development of blight and that property owners should be encouraged to care for their properties. She stated that the blight designation would permit the applicant to circumvent the Strategic Growth Initiative that would allow for more development to take place against the will of the voters. She asked how many units the developer intended to build on the property. She asked how the development would address crime, sewer issues, and traffic. She stated that she would not support the designation.

Mayor Paul – He stated that the entitlements would not change on the property.

Mullinicks – He stated the redevelopment of the property fell directly into the intent of the voters who passed the Strategic Growth Initiative.

Council member Able – He stated that he was conflicted on his support for the program. He stated that it was the responsibility of the property owner to maintain the property they own but the property was in dire need of repair. He stated that he was concerned that the property owner may not proceed as promised with the development that they were

concerned. He stated that other property owners have attempted to circumvent the Strategic Growth Initiative utilizing the process.

Council member Springsteen – She stated that the area that surrounds the property has been the subject of gentrification in recent years. She stated that the intent of the owners was to profit on the property. She stated that the property would not properly combat gentrification in the area. She stated that blighting the property would cause significant issues to the neighbors as well. She stated that the proposal was an attempt to circumvent the Strategic Growth Initiative. She stated that she believed that Code Enforcement was being utilized as a political tool. She asked how many properties Elyse Dinnocenzo had determined were not blighted previously and who enlisted her services.

Mayor Paul – He stated that Council was not present to vilify the applicants. He stated that Code Enforcement was not being utilized as a political tool and that they addressed calls as they came in.

Council member Bieda – He stated that he believed that the owner can move forward with his intention without a blight designation. He stated that it was Council's obligation to abide by the Strategic Growth Initiative. He stated that he did not support the designation.

Vincent – She stated that the neighborhood has dealt with significant blight issues and that the neighborhood requested further mixed-use developments. She stated that it was not her intent to support excessive blighting.

LaBure – He stated that his intent to support the blight designation was not politically driven. He stated that Code Enforcement cannot be blamed for enforcing the rules that are created by City Council. He encouraged Council to ride with Lakewood Police Department to understand the issues that the neighborhood is afflicted by.

A motion was made by Council member Skilling to approve the Ordinance O-2020-24. It was seconded.

Skilling – He stated that Council should address the process for blight if it needs to do so, he believed it was important to implement restrictions on the development. He stated that he supported requiring that the property be developed as mixed-use to ensure the property is properly developed.

The motion and second to approve the Ordinance O-2020-24 was withdrawn.

A motion was made by Council member Skilling to approve the Resolution R-2020-39. It was seconded.

Johnson – She stated that she would like further clarification on why Code Enforcement did not want to visit the property. She stated that the area needed development, but she did not support moving forward on additional high-density housing.

Harrison – She stated that Council could not walk back its intent to encourage the redevelopment of blighted properties as outlined in the Strategic Growth Initiative. She reiterated her support for the designation.

Able – He stated he believed the project could proceed with allocations. He stated that he would not support the project.

Springsteen – She stated her concern with how poor residents have been addressed. She asked where the current residents of the homes would go if the property were to be redeveloped. She asked again if the applicants had conducted a study that found that a property was not blighted.

Mayor Paul – He stated that those concerns could have been submitted prior to the meeting.

Skilling – He stated that he would encourage an amendment to require that the property stay under the same owner and be developed in 5 years. He stated that he would also support an amendment that would require mixed use if the blight designation was approved.

LaBure – He stated that he was willing to move forward with a motion.

Smith – He stated that the 5-year requirement is already attached to the resolution and would not need to be included as an amendment.

Council member Skilling made a motion to amend Resolution 2020-39 require a mixed-use component on the development. It was seconded.

Gutwein – She asked how Council will define the mixed-use component.

Tim Cox, City Attorney – He stated that he did not believe that the ordinance provided for the restrictions on use that were suggested by Council member Skilling. He stated that he was unsure that Council could place further limitations outside of those discussed in the City's current ordinances.

Franks - She stated that the proposed amendment would be for the current owner and that they would need to develop under the current owner or have a total of five years to complete the project.

Cox – He stated that language was satisfactory. He stated that his concern stemmed from mandating zoning usage on the property since the owners did not know of those zoning limitations prior to applying.

Franks – She stated that there was a process issue that Council would need to address regarding the blight ordinance outside of the meeting to address the concerns Council had in ensuring that developers follow through with their intended use for the property.

Bieda – He stated that the concerns City Attorney Cox brought forward were another reason to deny the request.

Council member Skilling made a motion to amend the original amendment to state that the applicant would be required to develop the property in five years and under the same owner. It was seconded.

Vote on the amendment to Resolution 2020-39:

	AYES	NAYS		AYES	NAYS
PAUL	X		SPRINGSTEEN		X
ABLE		X	FRANKS	X	
VINCENT	X		JOHNSON	X	
GUTWEIN	X		LABURE	X	
BIEDA	X		HARRISON	X	
SKILLING	X				
			TOTAL	9	2

The motion passed

Mayor Paul – He stated that the further restrictions and process issues Council attempted to address could be evaluated by the Development Dialogue Committee going forward. He asked for any other amendments before voting on the Resolution.

Cox – He stated that Council would need to make a motion to adopt the resolution as amended.

Council member Skilling made a motion to adopt Resolution 2020-39 as amended. It was seconded.

Vote on Resolution 2020-39 as amended:

	AYES	NAYS		AYES	NAYS
PAUL	X		SPRINGSTEEN		X
ABLE		X	FRANKS		X
VINCENT	X		JOHNSON		X
GUTWEIN	X		LABURE	X	
BIEDA		X	HARRISON	X	
SKILLING	X				
			TOTAL	6	5

The motion passed

ITEM 14 – CONTINUED RESOLUTION 2020-23 – AUTHORIZING ALLOCATIONS FOR 533 VAN GORDON STREET, LAKEWOOD, CO 80228

Paul Rice, Planning Manager – He shared a presentation on 533 Van Gordon Street and the allocation process. He shared a history of building permits issued from 2014-2019 for all properties in Lakewood. He provided estimates for the number of dwelling units from 2010-2019 based on permits issued by the City. He stated that on average three new jobs were created for each residential unit that was built. He stated that the previous housing study conducted ended in 2015, but was extended to accommodate 2016-2019's development data. He stated that the new data determined that the study found that an average of 2.5 jobs were created per each new development. He stated that there are currently 192 allocations remaining for the year.

Public Comment:

Matt – He stated that he did not have enough time to provide public comment for the previous item on the agenda. He stated that it would be beneficial to have more time to share comment.

Kathryn Costanza – Lakewood Resident – She stated there is a need for affordable housing in Ward 1. She stated that there is no impact on anyone's residential views from the construction of the property. She stated that there is already limited parking in the area already and that Council would need to address that issue moving forward. She stated that the allocations be utilized for inclusionary zoning and for mixed use zoning. She stated that recent luxury home developments have not improved the needs for affordable housing in the area.

Janet Draper – Lakewood Resident – She stated that she was attempting to pool her time with other residents to share comment on the issue.

Council Discussion:

Able – He stated that for the allocations to be approved that there must be an unmet need. He stated that he agreed that there was an unmet need for affordable housing in the area. He stated that there was not a need for market need housing. He stated that he had some concerns with job numbers that were presented. He stated that the job data was an estimate based on previous years of employment data. He stated that the data did not appear to grow substantially over previous years. He stated that traffic was likely to worsen in the area if the development were to go through.

Johnson – She stated that she was unclear on whether a public hearing was ever held for the property. She stated that all 13 comments provided on Lakewood Speaks were in opposition to the development. She stated that the Planning Commission is creating a new Neighborhood Vision plan that could alter how development is approached in the area. She stated that water, sewer, infrastructure, and traffic impacts would need to be considered moving forward. She stated that residential developments in the Union

corridor continue to take land away from commercial developments. She stated that she did not believe that there was an unmet need in the area for another high-rise residential building in the area. She stated that the housing study may not consider the impacts of COVID now and in the future. She stated that there may be better developments that would consider the impacts of COVID.

Bieda – He stated that members of the public are having issues entering the meeting

Skilling – He stated that Council should extend public comment due to the issues the public is having. He stated that this is the first banking plan that Council has reviewed. He stated that the development does not stem from Council, but from the landowner itself. He stated that the heart of the issues is if there is an unmet community need that the development addresses. He stated that he did not believe there was an immediate need met.

Springsteen – She stated that staff promised to share a presentation on the issue. She stated that the public has pooled time and that public comment needs to be extended on the issue.

Public Comment:

David Wiechmann – Lakewood Resident – He stated that he needed City staff to share the presentation he provided. He played a presentation that presented opposition to the banking plan at 533 Van Gordon Street. He stated that there was not a pressing community need for the development.

Council Discussion:

Gutwein – She asked for clarification on the residential growth cap, particularly concerning the distribution of allocations not utilized in a year. She stated that allocations were still available.

Cox – He stated that the ordinance requires Council to determine if the banking plan would prejudice the allocation process in its implementation and met an unmet community need or if insufficient allocations were distributed to exist those available in the current year.

Rice – He stated that the applicant has proposed to limit the number of allocations requested per year to 78 over 5 years. He stated that the plan provided sufficient allocations for other developments in the City.

Cox – He stated that there could not be more than 40 units per year unless it could be proven that it would not prejudice the allocation process. He stated projects would need to demonstrate an unmet public need, and that there would not be insufficient allocations for the calendar year.

Rice – He stated that was correct.

Gutwein – She asked if the development was not permitted to utilize all allocations in a calendar year.

Cox – He stated that the wording of the ordinance states that developments have not exhausted all allocations in the calendar year.

Gutwein – She asked what prejudicing the allocation process entailed.

Travis Parker, Planning Director – He stated that it meant that there were remaining allocations for the calendar year that were not applied for. He stated that meant that if the application did not exist all of the allocations in a calendar year that it met one of the requirements.

Gutwein – She reiterated her question regarding prejudicing the allocation process.

Parker – He stated that the issue has not been defined in depth.

Gutwein – She suggested the Development Dialogue Committee address the issue going forward.

Cox – He stated the standard requires that the allocation applications not prejudice the process. He stated that without a written definition, that Council had wide authority to determine what may prejudice the allocation process.

Gutwein – She stated that there were currently only 88 homes currently available for sale in Lakewood under \$300,000. She stated that it is unbelievably difficult for younger residents to attempt to purchase homes in Lakewood. She stated that a recent Pulse poll found that 91% of respondents believed that the price of housing was a problem that needed to be addressed and 74% are afraid of losing housing. She stated that she did not believe that there was adequate housing in the City. She stated that commercial real estate has suffered due to COVID-19. She stated that commercial property could not be built on the property anyway due to its current zoning. She stated that she believed there was an unmet community need for the property. She asked what the process is for developers to build under banking plans.

Able – He stated that banking would not be applicable to this project. He stated that the housing study stated that the housing type least in demand in Lakewood was multifamily housing. He said that there was not an unmet need or enough allocations available to build the development.

Bieda – He stated that the first threshold is for Council to find that there is no prejudice to the allocation system. He stated that it is impossible for Council to determine the impact to the process five years into the future. He stated that the average price of a home in Denver is \$650,000. He stated that Lakewood's homes are far more affordable than other neighboring communities.

Gutwein – She stated that the costs she provided were for apartments and condos for sale in the City. She stated that single family housing costs were substantially higher in Lakewood.

Blovodovich – He stated that the site plan exists as the development began before the Strategic Growth Initiative was implemented. He stated that traffic studies were conducted previously and that the study found that there were no required changes to the infrastructure around the development. He stated that utilities were also aware of the development and stated that they would be able to sufficiently meet the needs of the development. He stated that the Lakewood Comprehensive Plan deemed the property the best fit for high density housing. He stated that the development is not outside of the zoning requirements from the property. He stated that the housing study found that there is a need for the development. He stated that the developers have collected data that found that high density residential properties are in demand. He stated that with an increase of apartments that apartments in the City will also become more affordable. He stated that changes in lifestyle that come with COVID-19 have pushed individuals toward Lakewood to become closer to its amenities and that high-density housing contributes to some of the goals listed in the growth ordinance. He stated that he did not believe the property was part of the Union neighborhood plan. He stated that purchasing homes was far from affordable and that the housing market fluctuates. He stated that the developer would also move forward with additional community engagement.

Springsteen – She stated that an increase of apartment complexes would not bring down the price of homes. She stated that she did not believe that high density housing would not increase open space and Council should listen to the voters on the issue.

Council member Vincent made a motion to call the question. It was seconded.

Vote to call the question:

	AYES	NAYS		AYES	NAYS
PAUL	X		SPRINGSTEEN	X	
ABLE		X	FRANKS		X
VINCENT	X		JOHNSON	X	
GUTWEIN		X	LABURE	X	
BIEDA		X	HARRISON	X	
SKILLING		X			
			TOTAL	6	5

The motion passed.

A motion was made by Council member Skilling to approve the Resolution 2020-23. It was seconded.

Skilling – He stated that there could be prejudice toward the process given the uncertainty regarding allocations in 5 years.

Mayor Paul – He thanked the applicant for their time. He stated that the process was lengthy and that the developers were welcome to make their case before Council. He stated that he supported the development with its proximity to high density employment corridors.

Vote on Resolution 2020-23:

	AYES	NAYS		AYES	NAYS
PAUL	X		SPRINGSTEEN		X
ABLE		X	FRANKS		X
VINCENT		X	JOHNSON		X
GUTWEIN	X		LABURE	X	
BIEDA		X	HARRISON	X	
SKILLING		X			
			TOTAL	4	7

The motion failed.

ORDINANCES ON SECOND READING AND PUBLIC HEARINGS

ITEM 15 – ORDINANCE O-2020-24 – AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO THE 2020 CITY OF LAKEWOOD ANNUAL BUDGET IN THE AMOUNT OF \$366,486 AND AUTHORIZING THE EXPENDITURE OF GRANT FUNDS FROM THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO ASSIST THE CITY OF LAKEWOOD IN PILOTING A LAW ENFORCEMENT ASSISTED DIVERSION PROGRAM THROUGH THE LAKEWOOD POLICE DEPARTMENT IN PARTNERSHIP WITH JEFFERSON COUNTY PUBLIC HEALTH AND THE COMMUNITY CONNECTIONS CENTER

Public Comment:

Kathyn Costanza – Lakewood Resident – She stated that she supported the program. She stated that she was concerned that the choice for diversion was left up to an officer. She stated that there were other methods to avoid any bias being involved in the process.

Council Discussion:

Sergeant Jon Alesch – He stated that the decision to enroll an individual in the diversion program will be made by the state. He stated the largest decision is if the individual wants to be placed into the program. He stated that the program is voluntary, and the victim must also agree to the enrollment as well. He stated that the department would like to see as many individuals diverted as possible with the resources provided. He stated that the

program was evaluated to ensure that it did not impact the bottom line of the City. He stated that the grant is awarded on a yearly basis and is eligible for three yearly renewals depending on the success of the program. He stated that the funding source is confident that the funds for the grant will be available for multiple years. He stated that if the program was found to be successful that the police department would seek out funds from the City and from other grant sources. He stated other pilot programs across the state were able to receive funds past the original funding date. He stated that the department seeks to serve 20 individuals in its first year. He stated that there would be two civilian case managers hired to manage the program. He stated that the new positions would be fully funded by the grant and would receive support from other police staff. He stated that there were 39 other jurisdictions that have similar programs across the United States.

A motion was made by Council member Skilling to approve Ordinance O-2020-24. It was seconded.

Mayor Paul – He thanked Sergeant Alesch and the Lakewood Police Department for their work.

Vote on Ordinance O-2020-24:

	AYES	NAYS		AYES	NAYS
PAUL	X		SPRINGSTEEN	X	
ABLE	X		FRANKS	X	
VINCENT	X		JOHNSON	X	
GUTWEIN	X		LABURE	X	
BIEDA	X		HARRISON	X	
SKILLING	X				
			TOTAL	11	0

The motion passed

ITEM 16 – ORDINANCE O-2020-25 – AUTHORIZING AN ADDENDUM TO DEVELOPMENT AGREEMENT FOR SOLTERRA CENTRE OFFICIAL DEVELOPMENT PLAN

Council Discussion:

Skilling – He stated that the ordinance was initially presented as a resolution before being changed to an ordinance. He stated that the original development plan accounted for multifamily, attached single family, and commercial. He stated that the original development agreement states that the City would not impede on the development. He stated that there are very few vested development agreements that still exist within the City. He stated that one of the recommendations was to exempt building permits from the property from the Strategic Growth Initiative, but that it did not have basis. He stated that

the amendment would not exempt the development from the allocations in the SGI, that the multifamily development would be reduced by 40%, no storage units could be built on the property, and a further prohibition on multifamily buildings. He stated that in exchange that the developer would be able to build further single-family homes. He stated that Council should vote on the addendum to then go to the Planning Commission for review as well.

Public Comment:

Brian Connoly – CDN Red Rocks Representative – He stated that staff requested that the developer bring the addendum forward to subject the property to the SGI. He stated that the developer worked directly with City staff and the Ward 4 Council members to reach an agreement.

Council Discussion:

Able – He thanked Council members Franks and Skilling for their work on the addendum. He stated that vested rights remove the ability for future Councils to provide input on development. He thanked City staff and the developer for working together on the issue.

Gutwein – She thanked Council members Franks and Skilling for their work.

A motion was made by Council member Skilling to approve the Ordinance O-2020-25. It was seconded.

Vote on Ordinance O-2020-25:

	AYES	NAYS		AYES	NAYS
PAUL	X		SPRINGSTEEN		X
ABLE	X		FRANKS	X	
VINCENT	X		JOHNSON		X
GUTWEIN	X		LABURE	X	
BIEDA		X	HARRISON	X	
SKILLING	X				
			TOTAL	8	3

The motion passed

ITEM 17 – GENERAL BUSINESS

Mayor Paul moved Motion To Extend Emergency Declaration after Item 6 on the agenda.

Mayor Paul – He stated that he had received several inquiries regarding a requested investigation from a Council member. He asked if there was a staff member that could provide an update to Council.

Hodgson – She stated that someone could provide an update. She asked if Council would prefer the update in writing or at a meeting.

Mayor Paul – He stated that the report could be delivered in writing.

ITEM 18 – MAYOR AND CITY COUNCIL REPORTS

Mayor Paul and City Council Members reported their attendance at previous meetings and events and announced upcoming neighborhood meetings and events.

ITEM 19 – ADJOURNMENT

There being no further business to come before City Council, Mayor Paul adjourned the meeting at 12:01 a.m., Tuesday, September 29, 2020.

Respectfully submitted,

Bernadette Y. Salazar, Deputy City Clerk