

AGENDA
REGULAR MEETING OF THE CITY COUNCIL
CITY OF LAKEWOOD, COLORADO
VIRTUAL MEETING
AUGUST 9, 2021
7:00 P.M.

To watch the Council meeting live, please use either one of the following links:

City of Lakewood Website: <https://www.Lakewood.org/CouncilVideos>

or

Lakewood Speaks: <https://lakewoodspeaks.org/>

To join the City Council Meeting for Public Comment:

By Computer: <https://lakewood.zoom.us/j/98241812713>

By iPad, iPhone, or Android device on the Zoom App, enter webinar ID: **982 4181 2713**

By Telephone: **1-669-900-9128**

Webinar ID: **982 4181 2713, #**

Participant ID: **#**

Press *9 to Request to Speak, you will be prompted when to speak

Press *6 to Unmute

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.

ITEM 1 - CALL TO ORDER

ITEM 2 - ROLL CALL

ITEM 3 - PLEDGE OF ALLEGIANCE

ITEM 4 - 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 5 - EXECUTIVE REPORT

CITY MANAGER

**CONSENT AGENDA
ORDINANCES ON FIRST READING**

(Ordinances are on first reading for notice and publication only; public hearings are held on second reading)

ITEM 6 – RESOLUTION 2021-38 - APPROVING PARTICIPATION BY THE CITY OF LAKEWOOD IN A COORDINATED ELECTION TO BE CONDUCTED ON NOVEMBER 2, 2021, BY THE JEFFERSON COUNTY CLERK AND RECORDER

ITEM 7 – RESOLUTION 2021-39 – APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE JEFFERSON COUNTY SCHOOL DISTRICT FOR IMPROVEMENTS TO GREEN GABLES ELEMENTARY SCHOOL AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT THEREFOR

ITEM 8 – RESOLUTION 2021-40 – APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE JEFFERSON COUNTY SCHOOL DISTRICT FOR IMPROVEMENTS TO STOBER ELEMENTARY SCHOOL AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT THEREFOR

ITEM 9 – ORDINANCE O-2021-23 – APPROVING A SUPPLEMENTAL APPROPRIATION TO THE 2021 ANNUAL BUDGET IN THE AMOUNT OF \$79,278 FROM THE COLORADO DEPARTMENT OF LOCAL AFFAIRS FOR PEACE OFFICER MENTAL HEALTH SUPPORT AND AUTHORIZING EXPENDITURE THEREOF

ITEM 10 – ORDINANCE O-2021-24 – AMENDING TITLE 5 OF THE LAKEWOOD MUNICIPAL CODE BY ADDING A NEW CHAPTER 5.55 REGARDING LICENSING OF SHORT-TERM RENTALS IN THE CITY OF LAKEWOOD, COLORADO

ITEM 11 – APPROVING MINUTES OF CITY COUNCIL MEETINGS

Regular Meeting	June 14, 2021
Regular Meeting	June 28, 2021
Regular Meeting	July 12, 2021
Regular Meeting	July 26, 2021

ITEM 12 – ACCEPTING MINUTES OF THE BOARDS AND COMMISSIONS

LAC Full Commission Meeting	June 16, 2021
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END OF CONSENT AGENDA

RESOLUTIONS

ITEM 13 – RESOLUTION 2021-41 – APPROVING A BLIGHT DESIGNATION PURSUANT TO CHAPTER 14.27 OF THE LAKEWOOD MUNICIPAL CODE FOR THE PROPERTIES LOCATED AT 801 SHERIDAN BOULEVARD, 825 SHERIDAN BOULEVARD, 865 SHERIDAN BOULEVARD AND 5200, 5202, 5240 AND 5242 9TH AVENUE IN LAKEWOOD, COLORADO

ORDINANCES ON SECOND READING AND PUBLIC HEARINGS

ITEM 14 – ORDINANCE O-2021-21 – REPEALING EMERGENCY ORDINANCE 2020-11, ESTABLISHING RULES AND PROCEDURES FOR CALLING AND HOLDING EMERGENCY CITY COUNCIL MEETINGS AND, FURTHER, DECLARING AN EMERGENCY

ITEM 15 – ORDINANCE O-2021-22 – AMENDING TITLE 2, CHAPTER 2.02, OF THE MUNICIPAL CODE OF THE CITY OF LAKEWOOD, COLORADO, IN CONNECTION WITH THE ADOPTION OF RULES AND PROCEDURES FOR CALLING AND HOLDING EMERGENCY CITY COUNCIL MEETINGS

ITEM 16 – ORDINANCE O-2021-19 – RATIFYING THE CODIFICATION OF DESIGN REVIEW COMMISSION PROVISIONS IN CHAPTER 2.58 OF THE LAKEWOOD MUNICIPAL CODE AND AMENDING CERTAIN PROVISIONS THEREOF

ITEM 17 – GENERAL BUSINESS

ITEM 18 – MAYOR AND CITY COUNCIL REPORTS

- A. COUNCIL MEMBERS BY WARD
- B. MAYOR

ITEM 19 – ADJOURNMENT

STAFF MEMO

DATE OF COUNCIL MEETING: AUGUST 9, 2021 / AGENDA ITEM NO. 6

To: Mayor and City Council

From: Bruce Roome, City Clerk, 303-978-7081

Subject: **APPROVING PARTICIPATION IN COORDINATED ELECTION**

SUMMARY STATEMENT: This resolution approves participation in the coordinated election and an IGA with the Jefferson County Clerk and Recorder's Office to provide for coordinated election services.

BACKGROUND INFORMATION: November 2, 2021, is a designated coordinated election date under state law; and the Jefferson County Clerk and Recorder is the coordinated election official responsible for conducting the election on behalf of the participating governmental jurisdictions. Pursuant to state law, the employees of the Lakewood City Clerk's Office are Deputy County Clerks for purposes of the November 2, 2021 election.

BUDGETARY IMPACTS: Final election costs are not known until after the Election is held due to the cost being shared amongst several entities and the number of registered voters within each entity. The City Clerk's Office has budgeted \$81,000 for this election.

STAFF RECOMMENDATIONS: Staff recommends approval of the resolution to coordinate this election with the County.

ALTERNATIVES: The alternate is to have the City conduct its own election.

PUBLIC OUTREACH: There has been no additional public outreach outside of the normal agenda posting process.

NEXT STEPS: There are no next steps for City Council at this point.

ATTACHMENTS: Resolution 2021-38
Intergovernmental Agreement with Jefferson County Clerk & Recorder

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

2021-38

A RESOLUTION

APPROVING PARTICIPATION BY THE CITY OF LAKEWOOD IN A COORDINATED ELECTION TO BE CONDUCTED ON NOVEMBER 2, 2021, BY THE JEFFERSON COUNTY CLERK AND RECORDER

WHEREAS, November 2, 2021, is a designated coordinated election date under state law and the date of Lakewood's regular municipal election;

WHEREAS, the Jefferson County Clerk and Recorder (the "Jefferson County Clerk") is the coordinated election official responsible for conducting the coordinated election on behalf of the participating governmental jurisdictions;

WHEREAS, Jefferson County and the City of Lakewood must enter into an intergovernmental agreement to provide for coordinated election services and for formal approval for participation in the coordinated election (the "IGA"); and

WHEREAS, the City Council hereby finds and determines that execution of the IGA and participation in the coordinated election are and shall be in the best interest of the residents of the City.

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

SECTION 1. Participation by the City of Lakewood in the coordinated election to be held on November 2, 2021, is hereby approved.

SECTION 2. The City Clerk is hereby authorized to execute with the Jefferson County Clerk an IGA approved as to form by the City Attorney and to take all appropriate action to hold the election, including compliance with applicable election laws.

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

INTRODUCED, READ AND ADOPTED by a vote of ____ for and ____ against at a virtual regular meeting of the Lakewood City Council held on August 9, 2021 at 7 o'clock p.m.

Adam Paul, Mayor

ATTEST:

Bruce Roome, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

INTERGOVERNMENTAL AGREEMENT FOR ELECTION COORDINATION

THIS INTERGOVERNMENTAL AGREEMENT FOR ELECTION COORDINATION (this “Agreement”), dated for reference purposes only this day of , 2021, is by and between the CLERK AND RECORDER FOR THE COUNTY OF JEFFERSON, STATE OF COLORADO (“County Clerk”) and the (the “Jurisdiction,” and together with the County Clerk, the “Parties.”)

RECITALS

- A. The County Clerk and the Jurisdiction are authorized to conduct elections under Colorado law.
- B. The Parties wish to coordinate the administration of their respective election matters at the upcoming election to be held on November 2, 2021 (the “Election”);
- C. This Agreement sets forth the Parties’ respective duties and responsibilities in connection with the preparation for, and conduct of, the Election.

AGREEMENT

In consideration of the foregoing recitals and the mutual covenants and promises herein contained, the Parties agree as follows:

1. **Definitions.** Capitalized terms not otherwise defined herein shall have the meanings set forth below:
 - a. “Applicable Law” means all law applicable to the Election, including, without limitation, the Colorado Constitution, the Uniform Election Code (as defined below), UOCAVA (as defined below) and the Rules (as defined below).
 - b. “Ballot Box” means a locked and secured container meeting the requirements of Applicable Law in which ballots may be deposited.
 - c. “Ballot Issue” shall have the meaning ascribed to that term in C.R.S. § 1-1-104(2.3).
 - d. “Ballot Issue Notice” shall have the meaning ascribed to that term in C.R.S. § 1-1-104(2.5).
 - e. “Ballot Measure” means any Ballot Issue or Ballot Question.
 - f. “Ballot Question” shall the meaning ascribed to that term in C.R.S. § 1-1-104(2.7).
 - g. “Election Audit” means a risk-limiting audit performed in accordance with the requirements of C.R.S. § 1-7-515.
 - h. “Election Canvass” means the process of reconciling the ballots cast in the Election to the ballots counted, which is performed in accordance with the requirements of C.R.S. § 1-10-101, et seq.
 - i. “Notice Packet” means a packet containing Ballot Issue Notices prepared and mailed to eligible voters in accordance with Applicable Law and the terms of this Agreement.

- j. “Precinct” means an area with established boundaries within the Jurisdiction used to establish election districts.
 - k. “Rules” means the current rules and regulations governing election procedures adopted by the Colorado Secretary of State, including any amendments adopted after execution of this Agreement.
 - l. “Shared Election Costs” means all costs incurred by the County Clerk in connection with the Election that are eligible to be shared between the County Clerk and the Jurisdiction. Shared Election Costs include, without limitation, all costs incurred by the County related to temporary election staff (such as election judges), including training and onboarding costs, regular County Clerk employee overtime costs related to the Election, costs for support, maintenance, handling and delivery of Election equipment, hardware and software, costs of preparing minority language sample ballots and Notice Packets, costs of Election forms, materials, supplies and postage, and costs of Election Day meals.
 - m. “Uniform Election Code” means Title 1 of the Colorado Revised Statutes.
 - n. “UOCAVA” means the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301, et seq., as incorporated in Colorado pursuant to C.R.S. 1-8.3-101, et seq.
2. **Term.** The term of this Agreement shall commence on the date it is validly executed by both Parties and shall continue until all obligations of both Parties under the Agreement have been completed.
3. **Designation of Coordinated Election Official.** The Parties agree that the County Clerk shall serve as the “Coordinated Election Official” for the Election. As the Coordinated Election Official, the County Clerk shall conduct the Election on behalf of the Jurisdiction and shall be responsible for performing such duties as are assigned to a Coordinated Election Official under Applicable Law, except to the extent specifically modified herein.
4. **Designation of Liaisons.**
- a. Each Party designates the individuals listed below as its liaison and alternate liaison hereunder.

County Clerk Liaison
 Cynthia Rasor, Project Coordinator
 Jefferson County Elections Division
 3500 Illinois Street, Suite 1100
 Golden, CO 80401
 Direct Phone: (303) 271-8115
 Office Phone: (303) 271-8111
 Email: logistics@jeffco.us

Alternate County Clerk Liaison
 Drake Rambke, Elections Director
 Jefferson County Elections Division
 3500 Illinois Street, Suite 1100
 Golden, CO 80401
 Direct Phone: (303) 271-8108
 Office Phone: (303) 271-8111
 Email: dramcke@jeffco.us

Jurisdiction Liaison

Alternate Jurisdiction Liaison

Name

Name

Title/Office

Title/Office

Address

Address

City, State, Zip Code

City, State, Zip Code

Direct Phone Number

Direct Phone Number

Office Phone Number

Office Phone Number

Email

Email

- b. The County Clerk Liaison shall act as the County Clerk’s primary liaison with the Jurisdiction for the Election and shall have primary responsibility for performance of the County Clerk’s obligations hereunder. In the event the Jurisdiction needs immediate assistance and the Election Liaison is unavailable, the Jurisdiction shall contact the Alternate County Clerk Liaison.
 - c. The Jurisdiction Liaison shall act as the Jurisdiction’s primary liaison with the County Clerk for the Election and shall have primary responsibility for the performance of the Jurisdiction’s obligations hereunder. In the event the County Clerk needs immediate assistance and the Jurisdiction Liaison is unavailable, the County Clerk shall contact the Alternate Jurisdiction Liaison.
5. **Notices.** All correspondence and notices required to be given under this Agreement shall be delivered to the Parties’ respective liaisons identified above at the addresses listed above and shall be deemed received: (1) three days after the same is mailed by first class, certified mail; (2) immediately upon hand delivery; or (3) immediately upon email transmission, if transmitted on a business day and during normal business hours of the recipient, and otherwise on the next business day following transmission.
6. **Mail Ballot Election.** The Election shall be held on November 2, 2021 (“Election Day”) and shall be conducted as a mail ballot election in accordance with the procedures of the Mail Ballot Election Act, C.R.S. § 1-7.5-101, et seq.

7. **Jurisdictional Limitation.** If the Jurisdiction encompasses territory outside of Jefferson County, Colorado, this Agreement shall be construed to apply only to that portion of the Jurisdiction that falls within Jefferson County.
8. **Responsibilities of the Parties.** The Jurisdiction and County Clerk shall perform the following responsibilities in connection with the preparation for, and conduct of, the Election, in accordance with the terms of this Agreement and Applicable Law:
- a. **Execution and Documentation of Authority.** On or before August 24, 2021, the Jurisdiction shall email the County Clerk:
- i. a PDF of this Agreement validly executed by the Jurisdiction; and
 - ii. a copy of a duly-passed resolution stating that the Jurisdiction will coordinate with the County Clerk in the Election in accordance with the terms of this Agreement and the Uniform Election Code and authorizing the Jurisdiction to enter into this Agreement. The email shall be sent to logistics@jeffco.us.
- b. **Election Preparation and Support**
- i. VSPCs. The County Clerk shall establish, staff, equip and operate all Voter Service Polling Centers.
 - ii. Election Judges. The County Clerk shall engage, train and coordinate the scheduling of all election judges.
 - iii. Equipment and Supplies. The County Clerk shall obtain all necessary equipment and supplies to conduct the Election, including all voting equipment, ballots and forms.
 - iv. Ballot Boxes. The County Clerk shall establish, maintain, and collect ballots from all Ballot Boxes.
 - 1) The Jurisdiction shall not take any action that would prevent voters from accessing any Ballot Box twenty-four hours per day during the period beginning September 28, 2021 and ending November 17, 2021.
 - v. Ballot Counting Process. The County Clerk shall (1) establish, staff, equip and operate a centralized ballot counting location for the Election, (2) establish ballot counting procedures for the Election; and (3) establish backup ballot counting procedures and sites for ballot counting in the event its ballot counting equipment fails during the Election.
 - vi. Voter Support. The County Clerk shall provide telephone and in-person support to voters during the early voting period and from 7:00 a.m. to 7:00 p.m. on Election Day.
 - vii. Election Notices. The County Clerk shall publish all Election notices required by Applicable Law.

- 1) The Jurisdiction shall not publish any notice related to the Election without first obtaining the approval of the County Clerk. To request approval to publish a notice the Jurisdiction shall provide the County Clerk with all relevant information related to the proposed publication, including a copy of the proposed notice, at least one (1) week prior to the Jurisdiction's deadline for submitting the proposed notice to the publisher. The Jurisdiction shall bear full responsibility for any Election notices published without the County Clerk's approval and shall comply with all instructions issued by the County Clerk to remedy any incorrect or improper notices.
- c. Logic and Accuracy Test. The County Clerk shall prepare for and conduct the Logic and Accuracy Test ("LAT").
 - 1) If the Jurisdiction chooses to attend and observe the LAT for the Election, the Jurisdiction Liaison shall submit the name of the Jurisdiction's observer in writing to the County Clerk on or before 3:00 p.m. on September 20, 2021. If the Jurisdiction fails to meet this deadline, the County Clerk shall deem the failure to be a decision by the Jurisdiction not to observe the LAT and will act on behalf of the Jurisdiction, as appropriate.
 - d. Candidate Voice Messages. The Jurisdiction shall inform all candidates running for office in the Jurisdiction to call the County Clerk at (303) 271-8115 between August 27, 2021 and 3:00 p.m. on September 3, 2021 and leave a message containing the following information:
 - i. The proper pronunciation of the candidate's name;
 - ii. The title of the office that the candidate is running for; and
 - iii. The name of the Jurisdiction that the office is part of.
 - e. Certification of Jurisdiction Ballot Measures. The Jurisdiction shall be responsible for certifying, and for taking all actions required by Applicable Law to certify, any Ballot Measures included on the Jurisdiction's ballot certification (including both Ballot Measures referred by the Jurisdiction itself and citizen-initiated Ballot Measures affecting the Jurisdiction).
 - f. Ballot Preparation
 - i. No later than 3:00 p.m. on September 3, 2021, the Jurisdiction shall electronically submit its ballot certification to the County Clerk via text document (preferably Microsoft Word – no PDF). If the Jurisdiction fails to submit the ballot certification by the above deadline, the ballot certification may not be accepted by the County Clerk.
 - 1) The Jurisdiction's ballot certification shall include all of the races, candidates and contests that will be presented to the Jurisdiction's voters

in the Election, including the text of all Ballot Measures, in the exact order that they need to appear on the ballot.

- 2) The ballot certification shall not be embedded in an email and shall not contain any extraordinary (unique) formatting. Examples of extraordinary (unique) formatting not permitted in the ballot certification include, but are not limited to: (a) text boxes; (b) charts; (c) spreadsheets; (d) strikeouts; (e) bolding; and (f) symbols.
 - 3) The Jurisdiction shall proofread the language of any Ballot Measures that appear in the ballot certification prior to sending it to the County Clerk for initial text lay out. The Jurisdiction shall be solely responsible for ensuring the legality and accuracy of all Ballot Measure language.
 - 4) The Jurisdiction shall not assign a ballot number to any Ballot Measure. The County Clerk shall determine the numbering of all Ballot Measures and will provide the Jurisdiction with the ballot number after ballot certification.
- ii. Upon receipt of the ballot certification from the Jurisdiction, the County Clerk will:
- 1) Consolidate the ballot certification content received from all Jurisdictions and organize it into the structure in which it will appear on the printed ballot(s);
 - 2) Determine the numbering of all Ballot Measures; and
 - 3) Provide a document containing the Jurisdiction’s final draft ballot printing layout and text to the Jurisdiction, with instructions to perform a final review and provide final approval by a date set forth in the instructions.
 - 4) The County Clerk reserves the right to change the content of the Jurisdiction’s ballot certification (other than candidate name/ballot question content) in order to ensure ballot consistency.
- iii. Upon receipt of the final draft ballot layout from the County Clerk, the Jurisdiction shall perform a final review and proofread of the ballot layout and provide final approval to the County Clerk by the deadline included in the instructions sent to the Jurisdiction.
- iv. On or before October 15, 2021, the County Clerk shall print and mail the initial wave of ballots to each address in Jefferson County at which one or more active, registered Jefferson County voter resides, together with voter instructions, outgoing envelope, return envelope and any other items required by Applicable Law.

- v. From October 15, 2021 through the 8-day registration cutoff, the County Clerk shall mail supplemental ballots to active, registered Jefferson County voters who were not included in the initial mailing.

g. Ballot Issue Notice Preparation

- i. On or before 3:00 p.m. on September 20, 2021, the Jurisdiction shall provide the County Clerk with the full text of the Ballot Issue Notice covering all of the Jurisdiction's Ballot Issue(s). The Ballot Issue Notice shall include all information required by Applicable Law, including without limitation the following:

- 1) The name of the Jurisdiction;
- 2) The identity and contact information of the Jurisdiction contact person;
- 3) The text of each Ballot Issue (including the Ballot Issue title and question);
- 4) All other required Ballot Issue language, including:
 - a) A fiscal impact statement, if required; and
 - b) Summaries of all comments for and against each Ballot Issue validly received by the Jurisdiction, or a statement that no comments were filed by the constitutional deadline.
 - i) The Jurisdiction shall be responsible for accepting, filing, summarizing and retaining comments concerning the Jurisdiction's Ballot Issues and shall ensure that all requirements of Applicable Law are complied with, including, without limitation, ensuring that all comments include a signature and a physical address where the signor is registered to vote.

ii. Delivery and Formatting Requirements

- 1) The Jurisdiction shall electronically deliver the Ballot Issue Notice to the County Clerk via text document (preferably Microsoft Word – no PDF).
- 2) The text of the Ballot Issue (including the Ballot Issue title and question) shall be in all UPPERCASE.
- 3) All other text in the Ballot Issue Notice (including the identity and contact information of the Jurisdiction contact person, the fiscal impact statement, if required, and the summaries of comments for and against each Ballot Issue), shall be in upper and lower case.
- 4) The Ballot Issue Notice shall not be embedded in an email and shall not contain any extraordinary (unique) formatting.
 - a) Examples of extraordinary (unique) formatting not permitted in the Ballot Issue Notice includes, but are not limited to: (a) text boxes; (b) charts; (c) spreadsheets; (d) strikeouts; (e) bolding; and (f) symbols.

- iii. Ballot Issue Notice Layout. Upon receipt of the Ballot Issue Notice from the Jurisdiction, the County Clerk shall:
 - 1) Consolidate the Ballot Issue Notice content received from all Jurisdictions and organize it into the structure in which it will appear in the Notice Packet;
 - 2) Add a list of County VSPCs and Ballot Boxes, and any other information required by Applicable Law, to the Notice Packet; and
 - 3) Provide a final draft layout of the Notice Packet to the Jurisdiction with instructions to perform a final review of their portion of the Notice Packet and provide final approval by a date set forth in the instructions.
 - 4) The County Clerk reserves the right to change the content of the Jurisdiction’s Ballot Issue Notice content (other than the ballot question content) in order to ensure consistency.
- iv. Final Review and Proofread. Upon receipt of the layout of the Notice Packet from the County Clerk, the Jurisdiction shall perform a final review and proofread of the Jurisdiction’s portion of the Notice Packet and provide final approval of such portion to the County Clerk by the deadline included in the instructions sent to the Jurisdiction. Upon completion of the Jurisdiction’s review and proofread of their portion of the Notice Packet, the Jurisdiction Liaison shall send approval of its content via electronic transmission to the County Clerk. Once approved, Ballot Issue Notice text cannot be changed.
- v. Printing and Mailing. On or before October 1, 2021, the County Clerk shall print and mail the Notice Packets to each address in Jefferson County at which one or more active, registered Jefferson County voter resides.
 - 1) Nothing herein shall preclude the County Clerk from mailing the Notice Packet to persons other than Jefferson County voters or including ballot issue notices for more than one jurisdiction in the Notice Packet if doing so arises from the County Clerk’s efforts to mail the Notice Packet at “least cost” and such mailing conforms with Applicable Law.
- vi. Notice Packets for Non-Jefferson County Voters. The Jurisdiction shall be solely responsible for preparing and mailing Notice Packets to voters who reside outside of Jefferson County.
 - 1) Notwithstanding the foregoing, the County Clerk may agree to prepare extra Notice Packets for voters who reside outside of Jefferson County upon request by the Jurisdiction. If the Jurisdiction desires to have the County Clerk prepare extra Notice Packets for non-Jefferson County residents, the Jurisdiction shall notify the County Clerk no later than 3:00 p.m. on September 20, 2021 of the quantity of extra Notice Packets the Jurisdiction needs for non-Jefferson County residents.

- 2) If the County Clerk agrees to prepare extra Notice Packets for non-Jefferson County residents, the Jurisdiction shall be responsible for all costs associated with their preparation, which costs shall be invoiced to the Jurisdiction, together with any Shared Election Costs.
- 3) If the County Clerk agrees to prepare extra Notice Packets for non-Jefferson County residents, the Jurisdiction shall be responsible for addressing, affixing adequate postage to, and mailing these Notice Packets to its eligible voters. The extra Notice Packets will contain the same content as the Notice Packets prepared for and mailed to Jefferson County residents and, therefore, may contain Ballot Issue Notices that are not applicable to non-Jefferson County residents. The County Clerk will not agree to prepare special Notice Packets for non-Jefferson County residents.

h. Preparation of Minority Language Sample Ballots and Notice Packets

- i. The County Clerk may, in its discretion, prepare (1) sample ballots containing all of the races, candidates and contests available to Jefferson County voters translated into languages other than English, and/or (2) Notice Packets containing all of the Ballot Issue Notices available to Jefferson County voters translated into languages other than English, and make such sample ballots and Notice Packets available to Jefferson County voters on the County Clerk's public website, at Voter Service Polling Centers, and at such other locations as the County Clerk determines.
- ii. If the County Clerk prepares minority language sample ballots and/or Notice Packets, the County Clerk will (1) have the translations performed by professional translators; and (2) provide the Jurisdiction with a copy of its translated ballot and Notice Packet content, upon request.
- iii. If the County Clerk prepares minority language sample ballots and/or Notice Packets, the County Clerk shall have the discretion to determine the language(s), format and content of the minority language sample ballot(s) and Notice Packet(s), provided the County Clerk complies with Applicable Law.
- iv. The Jurisdiction agrees to release the County Clerk from all claims it may have relating to the County Clerk's translation of the Jurisdiction's ballot and Notice Packet content (including, without limitation, all claims relating to the accuracy of the translation) provided that the County Clerk (a) has the translation performed by a professional translator qualified to translate the content; and (b) otherwise complies with Applicable Law.

i. Ballot Counting / Result Reporting

- i. The County Clerk shall count all ballots received during the Election voting period.

- ii. Between 7:00 p.m. and 8:00 p.m., and between 8:00 p.m. and 9:00 p.m., on Election Day, the County Clerk shall upload unofficial Election results to the Election Night Reporting (“ENR”) system (unless the Secretary of State waives or modifies these deadlines).
 - iii. Upon completion of the Election Canvass on November 24, 2021, the County Clerk shall upload a Jurisdiction-wide summary of the official Election results to the ENR system.
 - iv. On December 10, 2021 if there is a recount affecting the County, or on December 3, 2021 if there is not a recount affecting the County, the County Clerk shall upload official Precinct or District-level Election results to its public website and make these results available to the Jurisdiction upon request.
 - j. Election Audit. On or before November 23, 2021, the County Clerk, in collaboration with the Election audit board(s), shall conduct, assist and oversee the Election Audit.
 - i. If the Jurisdiction chooses to attend and observe the Election Audit, the Jurisdiction shall submit the name of the Jurisdiction’s observer to the County Clerk on or before 3:00 p.m. on October 12, 2021. If the Jurisdiction fails to meet this deadline, the County Clerk shall deem the failure to be a decision by the Jurisdiction not to observe the Election Audit and will act on behalf of the Jurisdiction, as appropriate.
 - k. Election Canvass. On or before November 24, 2021, the County Clerk shall instruct and oversee the board of canvassers, who are responsible for conducting an Election Canvass and certifying the official abstract of votes cast for all candidates and Ballot Measures in the Election.
 - i. If the Jurisdiction chooses to attend and observe the Election Canvass, the Jurisdiction shall submit the name of the Jurisdiction’s representative to the County Clerk on or before 3:00 p.m. on October 12, 2021. If the Jurisdiction fails to meet this deadline, the County Clerk shall deem the failure to be a decision by the Jurisdiction not to observe the Election Canvass and will act on behalf of the Jurisdiction, as appropriate.
 - l. Election Recount. The County Clerk shall conduct an Election recount, if required by Applicable Law.
9. **Duties Subject to Jurisdiction Performance**. The responsibility of the County Clerk to perform the duties set forth above are contingent upon the Jurisdiction’s performance of its own duties hereunder. The County Clerk shall not be responsible for failing to meet any deadlines for mailing the Notice Packet if such failure was caused by the Jurisdiction’s failure to timely submit the required information in a form required by this Agreement and Applicable Law.

10. **Compliance with Deadlines.** The County Clerk may provide the Jurisdiction with a schedule of Election-related dates and deadlines. If the County Clerk provides such a schedule, the Jurisdiction shall comply with the deadlines included therein.
11. **Withdrawal/Cancellation**
- a. The Jurisdiction may cancel an election of persons to office or withdraw a Ballot Measure only as permitted by Applicable Law.
 - b. If the Jurisdiction resolves to cancel an election to office or withdraw a Ballot Measure, the Jurisdiction shall do the following:
 - i. Provide the County Clerk with written notice of such determination immediately;
 - ii. Provide public notice by publication of such cancellation or withdrawal as required by Applicable Law; and
 - iii. Pay the County Clerk its actual costs incurred in connection with the cancelled election or withdrawn Ballot Measure, which may include costs incurred by the County Clerk both before and after receipt of the Jurisdiction's notice of cancellation or withdrawal. Such payment shall be due within thirty (30) days after the Jurisdiction's receipt of an invoice from the County Clerk for such payment.
12. **Recordkeeping.** The County Clerk shall store all Election records, including but not limited to all voted and unvoted ballots, voter affidavits, and Election Canvass and results reports.
13. **Use and Confidentiality of Voter Records.** The Jurisdiction shall be responsible for ensuring that any voter records received by the Jurisdiction are used for the sole purpose of performing its duties described herein. The Jurisdiction shall ensure that all voter records are maintained in accordance with the requirements of Applicable Law, including, without limitation, the Colorado Open Records Act, C.R.S. §§ 24-72-200.1, et seq.
14. **Payment of Shared Election Costs.** The Jurisdiction shall reimburse the County Clerk for the Jurisdiction's pro-rated share of the Shared Election Costs. The Jurisdiction's share of the Shared Election Costs shall be calculated in accordance with the formulas set forth in Exhibit A to this Agreement. The Jurisdiction's payment of its share of the Shared Election Costs shall be due within thirty (30) days after the Jurisdiction's receipt of an invoice from the County Clerk for such payment. Any amount not paid by the above-referenced deadline will be subject to an interest charge equal to (a) 1.5% per month; or (b) the highest rate permitted by law, whichever is lower.
15. **Miscellaneous Provisions**
- a. **Amendment.** This Agreement may not be modified or amended except in writing signed by the Parties.

- b. Entire Agreement. This Agreement and its exhibits constitute the entire agreement between the Parties as to the subject matter hereof and supersede all prior or contemporaneous agreements, proposals, negotiations, understandings, representations and all other communications, both oral and written, between the Parties.
- c. Indemnification. The Parties understand and agree that liability for claims for injuries to persons or property arising out of the acts or omissions of either party is controlled and limited by the Colorado Constitution, the Colorado Governmental Immunity Act (C.R.S. § 24-10-101, et seq.) and the Risk Management Act (C.R.S. § 24-30-1501, et seq.). Each party shall be responsible for any and all claims incurred as a result of any alleged act or omission of the said party and its employees, which occurred or is alleged to have occurred during the performance of their duties within the scope of their employment, except where such acts or omissions are willful and wonton.
- d. Conflict with Law. In the event that any provision in this Agreement conflicts with Applicable Law, this Agreement shall be modified to conform thereto.
- e. Time of Essence. Time is of the essence in the performance of this Agreement. Any deadlines or other time limits set forth in Applicable Law shall apply to completion of the tasks required by this Agreement.
- f. No Third-Party Beneficiaries. Enforcement of the terms and conditions of this Agreement and all rights of action relating to such enforcement shall be strictly reserved to the Parties, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other person or entity not a party to this Agreement.
- g. Further Assurances. The Parties shall execute any other documents and to take any other action necessary to carry out the intent of this Agreement.
- h. Governing Law; Jurisdiction & Venue. This Agreement and the rights of the Parties under it will be governed by, and construed in accordance with, the laws of the State of Colorado, without regard to the conflicts of laws and rules of Colorado. The courts of the State of Colorado shall have sole and exclusive jurisdiction of any disputes or litigation arising under this Agreement. Venue for any and all legal actions arising under this Agreement shall lie in the District Court in and for the County of Jefferson, State of Colorado.
- i. Headings. The section headings in this Agreement are for reference only and shall not affect the interpretation or meaning of any provision of this Agreement.
- j. Severability. If any provision of this Agreement is declared by a court of competent jurisdiction to be invalid, void or unenforceable, such provision shall be deemed to be severable, and all other provisions of this Agreement shall remain fully enforceable, and this Agreement shall be interpreted in all respects as if such provision were omitted.

- k. Immunities Preserved. It is the intention of the Parties that this Agreement shall not be construed as a contractual waiver of any immunities or defenses provided by the Colorado Governmental Immunities Act, § 24-10-101, C.R.S., et seq.
- l. Execution by Counterparts; Electronic Signatures. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. The Parties approve the use of electronic signatures for execution of this Agreement. All documents must be properly notarized, if applicable. All use of electronic signatures shall be governed by the Uniform Electronic Transactions Acts, C.R.S. §§ 24-71.3-101 to -121.

[The remainder of this page is intentionally left blank.]

The Parties hereto have signed this Agreement as of the date indicated below.

JURISDICTION:

By:

Name/Title:

Date:

JURISDICTION LEGAL COUNSEL – OPTIONAL

By:

Name/Title:

Date:

COUNTY CLERK:

CLERK AND RECORDER FOR THE
COUNTY OF JEFFERSON,
STATE OF COLORADO

By:

George Stern, Jefferson County Clerk & Recorder

Date:

APPROVED AS TO FORM:

Jean R. Biondi
Assistant County Attorney

EXHIBIT A

Shared Election Costs are divided into “TABOR Election Costs” and “Non-TABOR Election Costs.” TABOR Election Costs are the costs of printing and mailing Notice Packets and are allocated among only those jurisdictions that have Ballot Issues subject to TABOR, in accordance with Section I below. Non-TABOR Election Costs are all other Shared Election Costs and are allocated among all coordinating jurisdictions in accordance with Section II below.

Please note that the dollar amounts used in this Exhibit A are for illustration purposes only and do not reflect actual or estimated costs of the Election.

I. Allocation of TABOR Election Costs

This section only applies to Jurisdictions with Ballot Issues subject to TABOR.

The costs incurred by County Clerk during the Election for printing and mailing Notice Packets (the “TABOR Election Costs”) are allocated among jurisdictions that have Ballot Issues subject to TABOR as follows:

1. First, the County Clerk ascertains the total printing and mailing costs for each unique Notice Packet version.
 - a. Example: The County Clerk incurred costs of \$400 to print and mail Notice Packet Version 1.
2. Next, the County Clerk divides the printing and mailing costs for each unique Notice Packet version by the total number of jurisdictions that used that version.
 - a. Example: Notice Packet Version 1 was used by four jurisdictions, so each of these jurisdictions is allocated one-quarter ($\frac{1}{4}$) of the costs for Version 1, or \$100 each.
3. Finally, the County Clerk calculates each jurisdiction’s total share of the TABOR Election Costs by adding up its allocated costs for each Notice Packet version that the jurisdiction used.
 - a. Example: Jurisdiction C used three unique Notice Packet versions in the Election, and was allocated costs of \$100, \$250 and \$350 for each version, respectively, so Jurisdiction C’s total share of the TABOR Election Costs equals \$700.

II. Allocation of Non-TABOR Election Costs

All Shared Election Costs besides the costs of printing and mailing Notice Packets (the “Non-TABOR Election Costs”) are allocated among all coordinating jurisdictions as follows:

1. First, the County Clerk ascertains the total Non-TABOR Election Costs incurred during the Election.
 - a. Example: The County Clerk incurred Shared Election Costs of \$12,500 to administer the Election, of which \$2,500 was incurred to print and mail Notice Packets, leaving a balance of \$10,000 in Non-TABOR Election Costs.

2. Next, the County Clerk subtracts from the Non-TABOR Election Costs all reimbursements received by the County from the State of Colorado and other Election participants whose reimbursements are determined by law.
 - a. Example: The County Clerk receives a reimbursement of \$2,000 from the State of Colorado for the Election. The County Clerk subtracts this amount from the \$10,000 in Non-TABOR Election Costs, leaving a balance of \$8,000 in Non-TABOR Election Costs to be allocated among coordinating jurisdictions.
3. Next, the County Clerk ascertains the number of voters who received each unique ballot style used in the Election.
 - a. Example: Utilizing a computer program, the County Clerk ascertains that Ballot Style 2 was delivered to 99 total voters.
4. Next, the County Clerk divides the number of voters who received each unique ballot style by the number of jurisdictions that used that ballot style. Election participants whose reimbursements are determined by law, such as the State of Colorado and the Scientific and Cultural Facilities District, are disregarded for purposes of this calculation.
 - a. Example: Ballot Style 2 included content from the County, the State, Jurisdiction B and Jurisdiction C. The State's content is disregarded because its reimbursement is calculated by statute, leaving the County, Jurisdiction B, and Jurisdiction C, who are each allocated 33 voters for Ballot Style 2 (99 divided by 3).
5. Next, the County Clerk calculates each jurisdiction's total number of voters by adding up the total number of voters allocated to the jurisdiction for all ballot styles.
 - a. Example: Jurisdiction C had content on Ballot Styles 1, 2 and 3, and was allocated 50, 33 and 17 voters on each style, respectively, so Jurisdiction C is allocated a total of 100 voters (50 plus 33 plus 17) for all ballot styles.
6. Next, the County Clerk calculates the percentage of Non-TABOR Election Costs that each jurisdiction is responsible for by dividing that jurisdiction's total voter allocation by the total number of voters who were provided ballots by the County Clerk in the Election.
 - a. Example: The County Clerk provided ballots to a total of 10,000 voters in the Election, of which Jurisdiction C was allocated 100 total voters, so Jurisdiction C is responsible for 1% (100 divided by 10,000) of the balance of Non-TABOR Election Costs remaining after subtracting out reimbursements from the State of Colorado and other Election participants whose reimbursements are determined by law.
7. Finally, the County Clerk calculates each jurisdiction's share of the Non-TABOR Election Costs by multiplying its percentage responsibility by the total amount of Non-TABOR Election Costs incurred by the County minus all reimbursements from the State of Colorado and other Election participants whose reimbursements are determined by law.

- a. Example: Jurisdiction C's share of the Non-TABOR Election Costs is 1% of the \$8,000 balance of Non-TABOR Election Costs, or \$80 (\$8,000 multiplied by .01).

III. Calculation of Total Amount Due

1. The County calculates the total amount due from each coordinating jurisdiction by adding the Jurisdiction's share of the Non-TABOR Election Costs to the Jurisdiction's share of the TABOR Election costs (if the Jurisdiction had a Ballot Issue subject to TABOR). Each jurisdiction is assessed a minimum of \$1,000, so if this total is less than \$1,000, the jurisdiction would be assessed \$1,000.
 - a. Example: Jurisdiction C owes \$700 in TABOR Election Costs and \$80 in Non-TABOR Election Costs, which totals \$780. Because this amount is less than the \$1000 minimum, Jurisdiction C would be assessed a total of \$1,000 in Shared Election Costs.

STAFF REPORT

DATE OF MEETING: AUGUST 9, 2021 / AGENDA ITEM NO. 7

To: Mayor and City Council
From: Kit Newland, Director of Community Resources 303-987-7822
Subject: **RESOLUTIONS APPROVING INTERGOVERNMENTAL AGREEMENTS FOR NPP
GRANT AWARDS TO GREEN GABLES ELEMENTARY SCHOOL**

SUMMARY STATEMENT: The Community Resources Department requests City Council authorize the City Manager to enter into an intergovernmental agreements (IGA) for City of Lakewood 2021 Neighborhood Participation (NPP) Grants awarded to fund improvements at Green Gables Elementary School.

BACKGROUND INFORMATION: At the May 24, 2021, Council Meeting, by Resolution 2021-26, Council approved the award of the City's NPP projects for 2021 including two projects on properties owned by the Jefferson County School District (JCSD).

The Green Gables Elementary School project grant award of \$60,000 will fund a walking trail at Green Gables Elementary, located at 8701 W. Woodard Drive.

This project meets the NPP requirement to provide public access when completed. For projects awarded on JCSD properties, an IGA is required to complete the project.

BUDGETARY IMPACTS: Funding for the City's NPP program was approved in the 2020-2021 budget cycle. The projects are funded from the Open Space Fund.

STAFF RECOMMENDATIONS: Staff recommends approval of Resolution 2021-39.

ALTERNATIVES: City Council could deny approval, resulting in revocation of awarded grant funding to JCSD.

PUBLIC OUTREACH: The NPP grant process requires public outreach by the applicants for projects submitted. JCSD projects met the requirements of the grant program.

NEXT STEPS: Upon approval, the City Manager will enter into a grant agreement (IGAs) with the JCSD showing intent to provide the awarded grant funds as a reimbursement. JCSD will manage the project and proceed with construction of the scope of work identified in the agreement.

ATTACHMENTS: Resolution 2021-39

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

2021-39

A RESOLUTION

APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE JEFFERSON COUNTY R-1 SCHOOL DISTRICT FOR IMPROVEMENTS TO GREEN GABLES ELEMENTARY SCHOOL AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT THEREFOR

WHEREAS, the City of Lakewood (the “City”) has awarded to the Jefferson County R-1 School District (the “School District”) a \$60,000 grant from the City’s 2021 Neighborhood Participation Program (“NPP”) for the construction of improvements to Green Gables Elementary School including the installation of an asphalt loop trail (the “Project”);

WHEREAS, Article XIV, Section XVIII(2)(a), of the Colorado Constitution and Title 29, Article 1, Part 2, of the Colorado Revised Statutes encourage and authorize intergovernmental agreements;

WHEREAS, C.R.S. Section 29-1-203 authorizes governments to cooperate and contract with one another to provide any function, service or facility lawfully authorized to each;

WHEREAS, the City and the School District desire to enter into an intergovernmental agreement governing the use of the NPP grant funds and construction of the Project (the “IGA”);

WHEREAS, the City acknowledges that the IGA includes a grant award funded by Jefferson County Open Space funds, and the City is committed to the Project and authorizing the expenditure of funds necessary to meet the terms and obligations of the IGA; and

WHEREAS, the City Council hereby finds and determines entering into the IGA to support improvements at Green Gables Elementary School is in the best interest 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 Manager and City Clerk are hereby authorized and directed to execute and attest, respectively, the IGA in a form approved by the City Attorney, on behalf of the City.

SECTION 2. This Resolution shall become effective immediately upon adoption.

INTRODUCED, READ AND ADOPTED by a vote of ____ for and ____ against at a virtual regular meeting of the Lakewood City Council held on August 9, 2021, at 7 o'clock p.m.

Adam Paul, Mayor

ATTEST:

Bruce Roome, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF REPORT

DATE OF MEETING: AUGUST 9, 2021 / AGENDA ITEM NO. 8

To: Mayor and City Council
From: Kit Newland, Director of Community Resources 303-987-7822
Subject: **RESOLUTIONS APPROVING INTERGOVERNMENTAL AGREEMENTS FOR NPP
GRANT AWARDS TO STOBER ELEMENTARY SCHOOL**

SUMMARY STATEMENT: The Community Resources Department requests City Council authorize the City Manager to enter into an intergovernmental agreements (IGA) for City of Lakewood 2021 Neighborhood Participation (NPP) Grants awarded to fund improvements at Stober Elementary Schools.

BACKGROUND INFORMATION: At the May 24, 2021, Council Meeting, by Resolution 2021-26, Council approved the award of the City's NPP projects for 2021 including two projects on properties owned by the Jefferson County School District (JCSD).

The Stober Elementary School project grant award of \$50,240 will fund a community garden and outdoor classroom at Stober Elementary School, located at 2300 Urban Street.

This project meets the NPP requirement to provide public access when completed. For projects awarded on JCSD properties, an IGA is required to complete the project.

BUDGETARY IMPACTS: Funding for the City's NPP program was approved in the 2020-2021 budget cycle. The projects are funded from the Open Space Fund.

STAFF RECOMMENDATIONS: Staff recommends approval of Resolution 2021-40.

ALTERNATIVES: City Council could deny approval, resulting in revocation of awarded grant funding to JCSD.

PUBLIC OUTREACH: The NPP grant process requires public outreach by the applicants for projects submitted. JCSD projects met the requirements of the grant program.

NEXT STEPS: Upon approval, the City Manager will enter into a grant agreement (IGAs) with the JCSD showing intent to provide the awarded grant funds as a reimbursement. JCSD will manage the project and proceed with construction of the scope of work identified in the agreement.

ATTACHMENTS: Resolution 2021-40

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

2021-40

A RESOLUTION

APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE JEFFERSON COUNTY R-1 SCHOOL DISTRICT FOR IMPROVEMENTS TO STOBER ELEMENTARY SCHOOL AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT THEREFOR

WHEREAS, the City of Lakewood (the “City”) has awarded to the Jefferson County R-1 School District (the “School District”) a \$50,240 grant from the City’s 2021 Neighborhood Participation Program (“NPP”) for the construction of improvements to Stober Elementary School including the installation of a community garden and educational area (the “Project”);

WHEREAS, Article XIV, Section XVIII(2)(a), of the Colorado Constitution and Title 29, Article 1, Part 2, of the Colorado Revised Statutes encourage and authorize intergovernmental agreements;

WHEREAS, C.R.S. Section 29-1-203 authorizes governments to cooperate and contract with one another to provide any function, service or facility lawfully authorized to each;

WHEREAS, the City and the School District desire to enter into an intergovernmental agreement governing the use of the NPP grant funds and construction of the Project (the “IGA”);

WHEREAS, the City acknowledges that the IGA includes a grant award funded by Jefferson County Open Space funds, and the City is committed to the Project and authorizing the expenditure of funds necessary to meet the terms and obligations of the IGA; and

WHEREAS, the City Council hereby finds and determines entering into the IGA to support improvements at Stober Elementary School is in the best interest 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 Manager and City Clerk are hereby authorized and directed to execute and attest, respectively, the IGA in a form approved by the City Attorney, on behalf of the City.

SECTION 2. This Resolution shall become effective immediately upon adoption.

INTRODUCED, READ AND ADOPTED by a vote of ____ for and ____ against at a virtual regular meeting of the Lakewood City Council held on August 9, 2021, at 7 o'clock p.m.

Adam Paul, Mayor

ATTEST:

Bruce Roome, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF COUNCIL MEETING: AUGUST 9, 2021 / AGENDA NO. 9

To: Mayor and City Council

From: Daniel McCasky, Chief of Police, 303-987-7102

Subject: **AN ORDINANCE APPROVING A SUPPLEMENTAL APPROPRIATION TO THE 2021 ANNUAL BUDGET IN THE AMOUNT OF \$79,278 FROM THE COLORADO DEPARTMENT OF LOCAL AFFAIRS FOR PEACE OFFICER MENTAL HEALTH SUPPORT AND AUTHORIZING EXPENDITURE THEREOF**

SUMMARY STATEMENT:

BACKGROUND INFORMATION: On August 8, 2020, the City of Lakewood applied to the Colorado Department of Local Affairs for a Peace Officer's Mental Health Support Grant. On February 23, 2021, the Colorado Department of Local Affairs awarded the City of Lakewood \$79,278 in grant funds for the sole purpose of providing mental health services to peace officers.

FINANCIAL IMPACTS: Adopting this ordinance would authorize a supplemental appropriation to the 2021 annual budget in the amount of \$79,278 to be used for the sole purpose of providing mental health services to peace officers.

STAFF RECOMMENDATIONS: Staff recommends that City Council adopt the proposed ordinance.

ALTERNATIVES: If City Council declines to adopt the proposed ordinance, The City of Lakewood will be unable to utilize the awarded grant dollars.

PUBLIC OUTREACH: There has been no public outreach on this agenda item.

ATTACHMENTS: Ordinance O-2021-23

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

O-2021-23

AN ORDINANCE

APPROVING A SUPPLEMENTAL APPROPRIATION TO THE 2021 ANNUAL BUDGET IN THE AMOUNT OF \$79,278 FROM THE COLORADO DEPARTMENT OF LOCAL AFFAIRS FOR PEACE OFFICER MENTAL HEALTH SUPPORT AND AUTHORIZING EXPENDITURE THEREOF

WHEREAS, on August 8, 2020, the City of Lakewood (the "City") applied to the Colorado Department of Local Affairs for a Peace Officer's Mental Health Support Grant;

WHEREAS, on February 23, 2021, the Colorado Department of Local Affairs awarded the City of Lakewood \$79,278 in grant funds for the sole purpose of providing mental health services to peace officers (the "Grant Purposes");

WHEREAS, Section 12.8 of the City's home rule charter authorizes the City Council to make supplemental appropriations by ordinance during the fiscal year for unanticipated expenditures required for the operation of the City using monies not anticipated in the adopted budget that have become available to the City;

WHEREAS, the purchasing policies set forth in Chapter 3.04.090 of the City of Lakewood Municipal Code require the City Council's approval of any unbudgeted purchase in excess of \$50,000;

WHEREAS, no additional funds are being requested for this grant;

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, Colorado, that:

SECTION 1. In accordance with Section 12.8 of the City of Lakewood home rule charter, there is hereby appropriated in the Grant Fund \$79,278 for the Grant Purposes.

SECTION 2. The City Manager or designee and the City Clerk are hereby authorized and directed to execute and attest, respectively, any contracts necessary to carry out the Grant Purposes.

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

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a virtual regular meeting of the Lakewood City Council on the 9th day of August, 2021; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 12th day of August, 2021; set for public hearing to be held on the 23rd day of August, 2021; read, finally passed and adopted by the City Council on the 23rd day of August, 2021; and signed by the Mayor on the _____ day of August, 2021.

Adam Paul, Mayor

ATTEST:

Bruce Roome, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF COUNCIL MEETING: AUGUST 9, 2021 / AGENDA ITEM NO. 10

To: Mayor and City Council

From: Robert Smith, Economic Development Director – 303-987-7732

Subject: **AMENDING TITLE 5 OF THE LAKEWOOD MUNICIPAL CODE BY ADDING A NEW CHAPTER 5.55 REGARDING LICENSING OF SHORT-TERM RENTALS IN THE CITY OF LAKEWOOD, COLORADO**

SUMMARY STATEMENT: The Housing Policy Commission (“HPC”) has conducted extensive research, held public discussions and formed recommendations regarding a potential Short-Term Rental (“STR”) policy for Lakewood. STRs are rentals of residential properties lasting for a term of 29 days or fewer.

Currently, STRs are not allowed under the Lakewood Municipal Code and, in recent years, many other Colorado communities have developed policies to address STRs. The increased availability of STR platforms such as Airbnb, VBRO and others has given rise to the need for Lakewood to consider establishing a STR policy and to incorporate such policy into the Lakewood Municipal Code.

BACKGROUND INFORMATION:

- ❑ The City Council held a study session on April 5, 2021, to consider the HPC’s recommendations for a STR business licensing ordinance and policy. At the Study Session’s conclusion, Council referred the draft ordinance back to the HPC for further development and to fill in certain elements.
- ❑ Ordinance 2021-24 reflects this further development. The Ordinance includes an enforcement commencement date of March 1, 2022, to allow the public time to prepare for and come into compliance with the regulations established by Ordinance 2021-24, and to give staff time to accomplish the following:
 - Develop documents, materials and forms for the STR Program. Such materials will align with the program elements discussed at the April 5, 2021, Study Session, as well as Ordinance 2021-24.
 - Prepare amendments to the City’s Zoning Ordinance to establish STRs as a defined use in certain zone districts, obtain Planning Commission recommendations on such amendments, and bring the amendments to the City Council for approval
 - Hire and train additional staff, if necessary
 - Execute third-party vendor contracts, if needed.

SPECIFIC REVIEW AND DECISION ITEMS: The City Council is asked to review and make decisions regarding the following specific items:

- Section 5.55.020 - Primary Residence – Length of required occupancy in a 12-month period
- Section 5.55.030(C) - Distance Requirement
- Section 5.55.030(C)(2) - Two or more applications for STR within distance limitation

- Section 5.55.030(E) - Maximum number of days property can be used as STR
- Date upon which enforcement of new STR Code shall commence

BUDGETARY IMPACTS: Approving Ordinance 2021-24 would create yet-to-be-determined staffing and budgetary needs. However, the STR program will require applicants to pay a fee both for new licenses and to annually renew licenses, with the goal of covering the costs of administering the program. STRs will also be subject to sales, use and lodging taxes, which will generate additional revenue for the City.

ALTERNATIVES:

- Council may choose not to approve Ordinance 2021-24, in which instance staff would recommend adopting amendments to the City's Zoning Ordinance to expressly exclude STRs as a use in any zone district within the City.
- Council may approve Ordinance 2021-24 with amendments.
- Council may choose to table consideration of Ordinance 2021-24 to a date certain, pending specific actions of the Council and/or the Staff.

PUBLIC OUTREACH: Proper notice of this Council action item was given.

ATTACHMENTS: Ordinance O-2021-24

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

O-2021-24

AN ORDINANCE

AMENDING TITLE 5 OF THE LAKEWOOD MUNICIPAL CODE BY ADDING A NEW CHAPTER 5.55 REGARDING LICENSING OF SHORT-TERM RENTALS IN THE CITY OF LAKEWOOD, COLORADO

WHEREAS, the City of Lakewood (“Lakewood” or “City”) is a home rule municipality organized under Article XX of the Colorado Constitution and the authority of the Home Rule Charter for the City of Lakewood (Charter);

WHEREAS, Sections 1.2 and 2.1 of the Charter vests all municipal legislative powers in the City Council, and authorizes the City Council to establish those laws necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of such municipality and the inhabitants thereof;

WHEREAS, the City Council desires to impose business operating requirements and regulations for short-term rental businesses, including a business licensing requirement and establishment of applicable fees, to protect the health, safety and welfare of all persons and properties residing within the City;

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. Addition of Chapter 55. Title 5 of the Lakewood Municipal Code is hereby amended by the addition thereto of a new Chapter 55, which shall read in its entirety as follows:

Chapter 5.55 Short-Term Rental Licensing

5.55.10 Short Title; Intent and Purpose

This Chapter shall hereinafter be known, and may be cited, as the City of Lakewood Short-Term Rental Licensing Code.

The intent and purpose of this Short-Term Rental Licensing Code (“STR Code”) is to ensure that residential properties in the City used for Short-Term rental purposes meet minimum standards of safety and habitability

and are operated in a manner compatible and consistent with surrounding residential uses and in compliance with applicable sales tax requirements.

5.55.020 Definitions

As used in this STR Code, the following words and terms shall have the meanings ascribed thereto. Any word or term not defined hereinafter shall be defined in accordance with Chapter 17 of the Lakewood Municipal Code.

“Applicant” means an Owner seeking a License pursuant to this STR Code.

“Entity” means any firm, partnership, joint venture, corporation, limited liability company, estate or trust, receiver, trustee, assignee, lessee or any of the foregoing acting in a fiduciary or representative capacity, whether appointed by court or otherwise, or any group or combination of the foregoing acting as a unit, and includes a STR Facilitator. “Entity” shall not include an “Owner” for the purposes of this STR Code.

“Individual” means a natural person.

“License” means a license, or renewal thereof, granted pursuant to this chapter.

“Licensed Premises” means the property upon which a STR is authorized pursuant to a License.

“Licensee” means the Owner of a Primary Residence licensed for use as a Short-Term Rental pursuant to this STR Code.

“Owner” means the Individual who is the record owner of a Primary Residence for which a License is sought. A long-term renter is not an “Owner.”

“Primary Residence” means a dwelling unit (defined in Article 14 of the Zoning Ordinance), in which an Owner’s habitation is fixed and to which an Owner has the present intention of returning after a departure or absence therefrom, regardless of the duration of absence. Residency is evidenced by actual daily physical presence, use and occupancy of the Primary Residence, including whether the Owner has occupied the dwelling unit for at least (X) months during the immediately preceding twelve-month period. For purposes of this STR Code, an Owner shall have only one (1) Primary Residence.

“Short-Term Rental” or “STR” means the rental of any real property, or any portion thereof, for not more than twenty-nine (29) consecutive days, excluding hotels, motels, bed and breakfasts, or any other rental of property

for habitation purposes licensed in accordance with another Chapter of the Lakewood Municipal Code.

“Short-Term Rental Marketplace Facilitator” or “STR Facilitator”:

A. Means any Individual or Entity that:

1. Contracts with a Licensee to facilitate for consideration, whether or not the consideration is deducted as fees from the transaction, the use by a third-party renter of the Licensed Premises as a STR.
2. Engages directly or indirectly, through one or more affiliated Individuals or Entities, in transmitting or otherwise communicating the offer or acceptance between the third party renter and the Licensee for use of a STR; and
3. Either directly or indirectly, through agreements or arrangements with third parties, collects the payment from the third party renter on behalf of the Licensee for use of a STR.

B. “STR Facilitator” does not mean or include an Individual or Entity that exclusively provides internet advertising services or lists products for sale, and that does not otherwise meet this definition.

“Short-Term Rental Marketplace” or “STR Marketplace” means a physical or electronic forum, including, but not limited to, a store, a booth, an internet website, a catalog or a dedicated sales software application where a Licensed Premises is offered as a STR. This definition includes any Individual or Entity operating as a hosting platform to facilitate reservations or payments between a Licensee and those seeking lodging accommodations for a period of less than thirty (30) consecutive days.

“Zoning Ordinance” means Title 17 of the Lakewood Municipal Code.

5.55.030 Limitations

- A. Only single-family dwelling units (as defined under the Zoning Ordinance) may granted a License.
- B. The following types of structures or spaces are not eligible for rental under this STR Code:
 1. Recreational Vehicles (RVs), as defined in section 10.33.085 of the Lakewood Municipal Code
 2. Boats
 3. Mobile homes, as defined in Article 14 of the Zoning Ordinance
 4. A dwelling unit, or any part thereof, in a multifamily structure, as those terms are used and defined in the Zoning Ordinance
 5. Structures or spaces not approved as a dwelling unit, as defined in Article 14 of the Zoning Ordinance, such as shipping containers, portable storage units, or tents

- C. Distancing requirement. No License shall be granted to operate a STR on any parcel of land located within **three hundred feet (300')** of a Licensed Premises.
1. The distance shall be measured in a straight line, without regard to intervening structures, from the nearest property line of the closest, Licensed Premises to the nearest property line of the parcel upon which the proposed STR is to be operated.
 2. In the event more than one (1) application is received for premises located within **X** feet of each other, the City Clerk shall **[award Licenses by lottery] [OR] [in the event three (3) or more applications are submitted for locations within X feet,] [award Licenses in a manner that results in the greatest/fewest number of Licenses being awarded].**
- D. Only one dwelling unit per lot may operate as a STR. The dwelling unit to be used as the STR must be identified in the application for licensure.
- E. A Licensee may not provide STR accommodations for more than **X** days per calendar year.
- F. Address numbers at the Licensed Premises must be no less than four inches (4") in height and well-lit but not exceed the exterior lighting standards in Article 6 of the Zoning Ordinance.
- G. Any STR Facilitator used by the Licensee must be licensed with the City in accordance with Chapters 3.01 and 3.03 of the Lakewood Municipal Code.

5.55.040 Minimum Health and Safety Standards

- A. Each Licensed Premises shall comply with all applicable building, fire, housing and health codes.
- B. Each Licensed Premises shall contain a working smoke detector, carbon monoxide detector and fire extinguisher.
- C. No License shall be issued or renewed until the Licensed Premises is inspected by a licensed home inspector in accordance with the requirements of this STR Code and all associated laws and regulations of the City, and a safety inspection report verifying conformance with this STR Code, signed by a licensed home inspector, is submitted to the City as part of the application for licensure/re-licensure.

5.55.050 Recordkeeping

- A. Licensees must keep records identified in the Regulations promulgated by the City Clerk pursuant to section 5.55.160 hereof.
- B. The City may audit required documentation for compliance with the requirements of this STR Code and applicable laws and regulations, including the City of Lakewood Sales and Use Tax Code.

5.55.060 Licensing Requirements

- A. It shall be unlawful for any Individual or Entity to provide lodging, or offer to provide lodging, in the form of a STR within the City of Lakewood without a valid, current License.
- B. Licenses are neither transferable nor assignable to any other party or property.
- C. The Licensee shall notify the City Clerk within thirty (30) days after any change to the information submitted as part of the STR application.
- D. The License shall be prominently displayed within the Licensed Premises in a manner that assures the License is clearly visible to renters and shall be made available for inspection by City Code Enforcement staff at all reasonable hours.
- E. The License number must be included in all advertising of the Licensed Premises.

5.55.070 License Application; Review

The Applicant shall file with the City Clerk an application for a License on forms to be provided by the City Clerk. Each application shall include and/or be accompanied by the following:

- A. The full name and phone number for the Applicant.
- B. The address of the proposed Licensed Premises and a description or illustration of the area(s) of the premises that will be used for STR purposes.
- C. A signed and verified affidavit attesting, under penalty of perjury, that the proposed Licensed Premises is both owned by and the Primary Residence of the Applicant
- D. Proof of insurance that covers use of the proposed Licensed Premises for use as a STR.
- E. A copy of the signed and verified safety inspection report.
- F. A parking plan that provides a minimum of two (2) parking spaces on the Licensed Premises, either with improved parking surfaces in accordance with Chapter 9.80.020 of the Lakewood Municipal Code, or in a garage or carport. Any additional parking must be confined to the street frontage of the Licensed Premises.
- G. The application fee.
- H. A notarized affidavit attesting to all of the following:
 - 1. The Applicant has followed all requirements of this STR Code;
 - 2. There are no private rules or covenants prohibiting the use of the Licensed Premise as a STR;

3. All renters will be informed of applicable City laws and rules concerning noise, vehicle parking, garbage and common area usage;
 4. The Applicant has provided notice to neighbors in accordance with the provisions of this STR Code;
 5. The Applicant agrees to accept service of notice of violation of the provisions of this STR Code at the address of the Licensed Premises either: 1) personally; or 2) upon posting of notice upon the Licensed Premises;
 6. The application is complete in all material respects and contains no false, misleading or fraudulent statements; and
 7. The Applicant has read and understood the entire STR Code, including those provisions associated with enforcement and penalties for submitting fraudulent or misleading documents to the City.
- I. A copy of a City sales and use tax license for the STR.
 - J. A copy of a City accommodations tax license for the STR.
 - K. Any additional information determined by the City Clerk to be reasonably necessary to evaluate compliance with the requirements of this STR Code.

5.55.080 License Issuance; Denial.

- A. Upon the receipt of a completed application and all required fees, the City Clerk shall inspect all documents mandated by this STR Code and review the application packet for compliance with this STR Code. If all documents are in compliance with this STR Code and all other requirements of this STR Code have been met, the Clerk shall issue a License within 30 days, which period may be extended by the City Clerk for good cause.
- B. No License shall be issued if credible evidence indicates that one or more of the following bases for denial exists:
 1. The information presented in or with the application is incomplete, inaccurate or false;
 2. The Applicant seeks a License for a location prohibited under either this STR Code or the Zoning Ordinance;
 3. The Applicant has failed to comply with all applicable City, state or federal laws that pertain to the proposed use;
 4. The Applicant is not qualified under this STR Code to hold a License due to ownership, residency, or inspection issues; or
 5. The Applicant has been convicted of violations of this STR Code occurring during the previous License period.
 6. The Applicant has failed to strictly comply with the notice requirements set forth in section 5.55.100 hereof.

7. The Applicant and failed to strictly comply with the regulations promulgated by the City Clerk pursuant to section 5.55.160 hereof.
- C. If the City Clerk denies issuance of a License, the City Clerk shall notify the Applicant in writing by regular mail, postage prepaid, to the address provided in the application for service of all notices associated with this STR Code. The notice of denial shall include the grounds for the denial. Notice is deemed to have been properly given upon mailing.

5.55.090 Fees

- A. Fees shall be assessed and collected on applications for new Licenses and on applications for License renewals.
- B. All fees associated with this Code shall be established from time to time by City Council resolution based on the cost of administration and enforcement of this STR Code, including, but not limited to, issuing a License; administering the provisions of this STR Code; Licensee education and training; Licensee inspections; compliance checks; documentation of violations; and prosecution of violators. Such fees shall not exceed the estimated cost of the regulatory program authorized by this STR Code.
- C. Fees are nonrefundable except as may be required by law.

5.55.100 Notice Requirements

- A. Specific Notice. The Applicant shall provide to the occupant of each property located within two hundred fifty (250) feet of the property line of the parcel on which the proposed Licensed Premises is located a written notice, on a form approved by the City, of Applicant application for a License. Such notices shall be mailed or hand-delivered to each such occupant within ten (10) days of submission of the License application.
- B. General Notice. The Applicant shall provide notice of intent to apply for a License by placing an unobstructed sign in the front yard of the proposed Licensed Premises. The contents, dimensions, placement, and initial date and duration of posting shall be in accordance with the rules and regulations for this STR Code as promulgated by the City Clerk.

5.55.110 License Term; Renewal; Expiration.

- A. Term. A License shall be valid for a term of one (1) year from the date of issuance.
- B. Renewal.
 1. A Licensee desiring to renew a License shall apply for renewal on forms approved by the City, and submit the renewal fee, no later than sixty (60) days prior to expiration of the then-current License term.

2. The License renewal application shall be accompanied by the same information and documentation required for the original License application. In addition to the foregoing, if, during the then-current License term, the Licensee received a notice of violation, or was subject to a disciplinary action, associated with the License, the renewal application shall include a copy of such notice or disciplinary action.
 3. Provided the License renewal application is complete, such application and fee are timely submitted, and the City Clerk is not aware of any fact that would have prevented issuance of the original License, the City Clerk shall renew the License prior to the end of the then-current term.
 4. Unless otherwise stated herein, renewal applications shall be granted or denied in the same manner and under the same requirements as new License applications.
 - a. An application for renewal will be denied for any reason set forth in section 5.55.080(B).
 - b. An application for renewal will be denied if there are causes for denial, suspension, revocation or other sanctions, as provided in this STR Code.
- C. Expiration. A License not timely renewed shall expire at the end of its term. The failure to timely renew a License requires submission of a new application. The Licensee is prohibited from using the premises as a STR after a License has expired and before a new License is issued.

5.55.120 False Information/False Statement within Verification

It is unlawful for any Applicant to knowingly make a false statement or to knowingly give false information in connection with an application under this STR Code. Violations of this provision are subject to the penalties set forth in Lakewood Municipal Code 1.16.020. See also, C.R.S. § 18-5-114.

5.55.130 Suspension and Revocation of License

A. Authority to Suspend and/or Revoke.

1. Violation of any of the provisions of this STR Code, or any rules or regulations adopted pursuant hereto, or any violation of the terms and conditions of a License, shall be grounds for the suspension or revocation of a License, or the imposition of a civil penalty, or any combination of suspension/revocation and civil penalty.
2. A License shall be automatically revoked:
 - a. Upon the sale or transfer of more than ten percent (10%) of the legal interest in a Licensed Premises.
 - b. When a Licensed Premises is leased/rented for thirty (30) days or longer.

- B. Summary Suspension. The City Clerk may order the summary suspension of a License if the City Clerk, or other enforcing officer, has probable cause to believe a Licensee has deliberately and willfully violated any applicable law, rule or regulation or has engaged in conduct which imposes an undue risk to the public health, safety or welfare. Summary suspension shall be in the form of a written order and shall be personally delivered to the Licensee or posted upon the Licensed Premises and shall be mailed to the address provided by the Licensee for receipt of notices pursuant to this STR Code.
- C. Administrative Hearing.
1. Following a summary suspension the City Clerk shall file a complaint for non-compliance with this STR Code. In such event, the Licensee shall appear before a hearing officer appointed by the City to show cause why the License should not be suspended or revoked.
 2. Hearings regarding violations of this STR Code, or for the suspension or revocation of a License, shall be before a hearing officer and shall be conducted pursuant to the rules of procedure for quasi-judicial hearings adopted by the City.
 3. For purposes of suspending or revoking any License, the Licensee shall be deemed to have permitted an act or condition if a reasonable Licensee would have been aware of the act or condition and taken action to stop the act or eliminate the condition.
 4. A suspension shall be for a period of time not to exceed 60 days upon a finding by the hearing officer that Licensee has deliberately and willfully violated any applicable law, rule or regulation or has engaged in conduct which imposes an undue risk to the public health, safety or welfare.
 5. A revocation shall be a loss of such license when the hearing officer determines that the violation(s) are either egregious or have occurred on more than one occasion and have not been addressed by the owners.
- D. Revocation. If a License is suspended or revoked, the address of the premises associated with the revoked License may not be used for STR unless the ownership of the property changes and the new owner submits an application for a new License and such application is granted in accordance with this STR Code.
- E. Appeals. Appeals shall be to a court of competent jurisdiction in accordance with the Colorado Rules of Civil Procedure.

5.55.140 Appeal of Denial of a New or Renewal License

- A. Denials. An Applicant has the right to appeal the denial of a new License or a renewal License to a hearing officer appointed by the City. Such appeal shall be initiated by submitting to the City Clerk, within 20 days of the date of the notice of denial, a written appeal and request for review by the hearing officer on a form provided by the City Clerk. Such hearing

- shall be conducted pursuant to the rules of procedure for administrative hearings adopted by the City.
- B. Appeal of Hearing Officer Decisions. An appeal of the Hearing Officer's decision shall be to a court of competent jurisdiction in accordance with the Colorado Rules of Civil Procedure. Only the City or an Applicant or Licensee aggrieved by a decision of the hearing officer pursuant to this STR Code may appeal such decision.
 - C. Waiver. Failure to timely appeal any decision available for appeal under this STR Code shall act as a waiver of a party's right to contest the decision.

5.55.150 Rules and Regulations

The City Clerk is hereby authorized to promulgate such rules, regulations and forms as deemed necessary to carry out the provisions of this STR Code.

5.55.160 Enforcement

- A. The City's Police Agents and Code Enforcement Officers are hereby authorized to enforce the provisions of this STR Code.
- B. Enforcement may consist of routine compliance monitoring and complaint-based investigation through the City.
- C. The remedies provided by this STR Code are cumulative and in addition to any other remedies available at law or in equity.
- D. Causing, permitting, aiding, abetting or concealing a violation of any provision of this STR Code is unlawful and shall cause the offender to be subject to the general penalty provisions of the Lakewood Municipal Code.
- E. In addition to other remedies provided by this STR Code or by other law, any violation of this STR Code may be remedied by a civil action brought by the City Attorney, including, for example, administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief.

SECTION 2. In accordance with the provisions of section 7.4 of the Lakewood home rule charter, this ordinance shall become effective thirty (30) days after final publication; **provided, however, that enforcement of the provisions of Chapter 5.55 of the Lakewood Municipal Code adopted hereby shall not begin until [REDACTED] 1, 2022, in order for residents to prepare for and come into compliance with the regulations established by such Chapter 5.55.**

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 virtual regular meeting of the Lakewood City Council on the 9th day of August, 2021; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 12th day of August, 2021; set for public hearing to be held on the 23rd day of August, 2021; read, finally passed and adopted by the City Council on the 23rd day of August, 2021; and signed by the Mayor on the _____ day of August, 2021.

Adam Paul, Mayor

ATTEST:

Bruce Roome, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney



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

7:00 PM

JUNE 14, 2021

Minutes are action minutes only with links on each item for easy reference to the meeting video.

ITEM 1 – CALL TO ORDER

[View video recording here](#)

Mayor Paul called the virtual meeting to order at 7:00 pm.

ITEM 2 – ROLL CALL

Those present were:

- Mayor Adam Paul, Presiding
- David Skilling
- Charley Able
- Ramey Johnson
- Jacob LaBure
- Sharon Vincent
- Mike Bieda
- Anita Springsteen
- Barb Franks
- Dana Gutwein

Absent: Karen Harrison

Also in Attendance:

- Kathy Hodgson, City Manager
- Ben Goldstein, Deputy City Manager
- Alison McKenney Brown, City Attorney
- Travis Parker, Director of Planning
- Bruce Roome, 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 there was a moment for silent reflection.

ITEM 4 – PUBLIC COMMENT

[View video recording here](#)

Comments received via Telephone:

1. Lenore Herskovitz, Ward 1 -spoke of continuing problems with local college over housing issues.
2. Koral Castelan -Summer Intern at Jefferson County Community that Cares Jeffco CTC) asking the City of Lakewood to partner with Jeffco CTC which provides support for teens to include mental health care as well as job assistance.
3. Janet Draper, 2600 S. Holman Street, Former White Fence Farm Property, the actual property is not safe and in general disrepair. The parking lot is still open to cars which invites potential criminal activity.
4. Amir Allen, Ward 2 -Wants to know if anything is being done to keep everyone be safe in the City.
5. Jennifer O'Patricks, Ward 4 -Wants police reform

Comments received via Lakewood Speaks:

[View all Comments](#)

ITEM 5 – EXECUTIVE REPORT

[View video recording here](#)

Kathy Hodgson, City Manager discussed a presentation that took place at the Jefferson County Commissioners breakfast. There are four elements from the Jefferson County Homeless Action Plan that were highlighted at the meeting.

1. Identification of the need.
2. Current opportunity because the American Rescue Plan Act (ARPA) allocates Federal funds to reduce homelessness caused by COVID-19.
3. Proposed model of two navigation centers - one in the north area, one in the central area of the County.
4. Have City Managers work with their teams and with homeless services resources to further develop this proposal. Establish Jefferson County as the Lead Entity and establish a Site Selection Committee with Municipal and Service Provider Stakeholders.

ITEM 6 – MOTION TO EXTEND EMERGENCY DECLARATION to 6/28/2021

[View video recording here](#)

Mayor Pro Tem David Skilling moved 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 a majority vote of the City Council on multiple occasions, and by this motion extended again until June 28, 2021, unless earlier extended or terminated by the City Council. The motion was seconded.

Vote

AYE: Paul, Skilling, Bieda, Able, Franks, Vincent, LaBure, Gutwein,

NAY: Johnson, Springsteen

ABSENT: Harrison

Result

The motion passed 8 - 2.

CONSENT AGENDA AND ORDINANCES ON FIRST READING

[View video recording here](#)

ITEM 7 – ORDINANCE O-2021-13 RETAIL MARIJUANA SPECIAL TAX

First Reading Ordinance, No Public Comment Accepted.

Public Hearing set for June 28, 2021.

ITEM 8 - ORDINANCE O-2021-14 MEDICAL MARIJUANA SPECIAL TAX

First Reading Ordinance, No Public Comment Accepted.

Public Hearing set for June 28, 2021.

ITEM 9 – ORDINANCE O-2021-15 SPECIAL TAX ON CIGARETTES

First Reading Ordinance, No Public Comment Accepted.

Public Hearing set for June 28, 2021.

ITEM 10- ORDINANCE O-2021-16 BEAR CREEK TRAIL AND GREENBELT JCOS GRANT

First Reading Ordinance, No Public Comment Accepted.

Public Hearing set for June 28, 2021.

ITEM 11 – ORDINANCE O-2021-17 BEAR CREEK TRAIL AND GREENBELT AND LWCF GRANT

First Reading Ordinance, No Public Comment Accepted.

Public Hearing set for June 28, 2021.

ITEM 12 – APPROVING MINUTES OF CITY COUNCIL MEETINGS

ITEM 13 – ACCEPTING MINUTES OF BOARDS AND COMMISSIONS

END OF CONSENT AGENDA

Mayor Pro Tem David Skilling moved for approval of the minutes of City Council and acceptance of the minutes of the Boards and Commissions; and order all Ordinances introduced on first reading to be published in the Denver Post with public hearing set for the date included in the Ordinance, all of which are included in the consent agenda items introduced into the record by the City Clerk. The motion was seconded.

Vote

AYE: Paul, Skilling, Bieda, Able, Johnson, Franks, Vincent, LaBure, Gutwein

NAY: Springsteen

ABSENT: Harrison

Result

The motion passed 9 - 1.

ITEM 14 – RESOLUTION 2021-21, 1350/1370 LAMAR ST BLIGHT

[View video recording here](#)

Director of Economic Development Robert Smith gave an overview of the project and introduced the project property owner, Reid Davis, CEO, Roverpoint Partners; Consultant, Patrick Chelin, Vice President, Matrix; and Tierney Walsh, Environmental Scientist, Matrix.

Comments received via telephone:

1. Tess Dougherty, spoke in favor of the blight designation.
2. Janet Draper, Ward 4, spoke against the blight designation.

Comments received via Lakewood Speaks:

None

Mayor Pro Tem David Skilling moved to approve Resolution 2021-21. The motion was seconded.

- **Amendment #1 added.**

Amend 2021-21, in the recitals add whereas, Chapter 14.27 provides for no exemption to the 1% per year growth limitations provided therein, and whereas a designation of blighted for purposes of Chapter 14.27 does not exempt the property from the 1% growth limits of said Chapter 14.27. In the main portion of Resolution 2021-21, add Section 5 -the number of units ultimately permitted for this property shall be deducted from the total number of units permitted for that calendar year in which the project makes building permit applications as set forth in Chapter 14.27.050 provided, however, the project shall not be required to apply for allocations pursuant to Chapter 14.27.090.

- **Voting on Amendment #1**

Councilor Mike Bieda moved to approve Amendment #1. The motion was seconded.

AYE: Springsteen, Bieda, Johnson, Able

NAY: Paul, Skilling, Gutwein, Franks, Vincent, LaBure,

ABSENT: Harrison

- **Result**

The motion failed 4 - 6.

Voting on the Resolution 2021-21

AYE: Paul, Skilling, Bieda, Franks, Vincent, LaBure, Gutwein

NAY: Springsteen, Able, Johnson

ABSENT: Harrison

Result

The motion passed 7 - 3.

ITEM 15 – RESOLUTION 2021-28, 1120 DEPEW CT BLIGHT

[View video recording here](#)

Director of Economic Development Robert Smith gave an overview of the project and introduced the project speakers, property owner, Ian Brown; and Consultant, Patrick Chelin, Vice President, Matrix.

Comments received via telephone:

None

Comments received via Lakewood Speaks:

None

Mayor Pro Tem David Skilling moved to approve Resolution 2021-28. The motion was seconded.

Vote

AYE: Paul, Skilling, Bieda, Able, Johnson, Franks, Vincent LaBure, Gutwein,

NAY: Springsteen

ABSENT: Harrison

Result

The motion passed 9 - 1.

ITEM 6 – ORDINANCE O-2021-10, CDBG AMENDMENT 2019 ACTION PLAN

[View video recording here](#)

Comments received via telephone:

None

Comments received via Lakewood Speaks:

None

Mayor Pro Tem David Skilling moved to approve Ordinance O-2021-10. The motion was seconded.

Vote

AYE: Paul, Skilling, Bieda, Springsteen, Able, Johnson, Franks, Vincent, LaBure, Gutwein

NAY: None

ABSENT: Harrison

Result

The motion passed 10 - 0.

ITEM 17- ORDINANCE O-2021-12 JUDGES SALARIES

[View video recording here](#)

Comments received via telephone:

None

Comments received via Lakewood Speaks:

None

Mayor Pro Tem David Skilling moved to approve Ordinance O-2021-12. The motion was seconded.

Vote

AYE: Paul, Skilling, Bieda, Springsteen, Able, Johnson, Franks, Vincent, LaBure, Gutwein

NAY: None

ABSENT: Harrison

Result

The motion passed 10 - 0.

ITEM 18 – GENERAL BUSINESS

[View video recording here](#)

Shopping carts - Councilor Johnson proposes making additions to the City's last shopping cart ordinance to use today's technology to improve the return of shopping carts that are left all over the city. A consensus was not reached to move this to a Study Session.

Mayor Paul - Ethics policy is being created by City Attorney McKenney Brown and her legal team. Looking at Lakewood any council member can submit an article at any time, but space is not guaranteed.

ITEM 19 – MAYOR AND CITY COUNCIL REPORTS

[View video recording here](#)

Mayor Paul and City Council Members reported on news from their Wards and any other City business with which they were involved.

ITEM 20 - ADJOURNMENT

[View video recording here](#)

There being no further business to come before City Council, Mayor Paul adjourned the meeting at 10:00 pm.

Respectfully submitted,

Bruce Roome, City Clerk



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

7:00 PM

JUNE 28, 2021

Minutes are action minutes only with links on each item for easy reference to the meeting video.

Item 1 - CALL TO ORDER - [View video recording here](#)

Mayor Paul called the virtual meeting to order at 7:00 pm.

Item 2 - ROLL CALL

Those present were:

- Mayor Adam Paul, Presiding
- David Skilling
- Charley Able
- Ramey Johnson
- Jacob LaBure
- Sharon Vincent
- Mike Bieda
- Anita Springsteen
- Barb Franks
- Dana Gutwein
- Karen Harrison

Absent: None

Also in Attendance:

- Kathy Hodgson, City Manager
- Ben Goldstein, Deputy City Manager
- Alison McKenney Brown, City Attorney
- Travis Parker, Director of Planning
- Bruce Roome, 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 there was a moment for silent reflection.

ITEM 4 - PUBLIC COMMENT - [View video recording here](#)

1. Lenore Herskovitz, Ward 1 - wants to see Council members show the same decorum that is already expected from citizens and attendees.
2. Joshua Comden, Ward 1 - spoke out against the Lakewood Police Department, would like to see a Citizen Review Board put in place.
3. Winston Noles, Ward 1 - spoke out against the Lakewood Police Department, would like to see a Citizen Review Board put in place.

4. Amir Allen, Ward 2 - Wants Council members who won't do anything against the police to step down.

Comments received via Lakewood Speaks: [View all Comments](#)

Mayor Paul recessed the meeting for 5 minutes at 7:16 PM

Mayor Paul reconvened the meeting at 7:21 PM

ITEM 5 - EXECUTIVE REPORT - [View video recording here](#)

City Manager Kathy Hodgson updated the Mayor, the Council, and citizens as follows:

1. Outlined the next steps for Metro Districts based on what occurred at the Study Sessions that discussed the topic. Ms. Hodgson gave dates for when the first reading and second reading/public hearing of the ordinance will occur.
2. Passed along thanks to Chief McCasky and the Lakewood Police Department from the Arvada City Manager, Mark Deven for their help during last week's tragic event.

ITEM 6 - MOTION TO EXTEND EMERGENCY DECLARATION TO JULY 12, 2021
[View video recording here](#)

Mayor Pro Tem David Skilling moved 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 a majority vote of the City Council on multiple occasions, and by this motion extended again until July 12, 2021, unless earlier extended or terminated by the City Council. The motion was seconded.

Vote

AYE: Councilors Franks, Bieda, Vincent, LaBure, Able, Skilling, Harrison, Gutwein, Mayor Paul

NAY: Councilors Springsteen, Johnson

Result

The motion passed 9 - 2.

MOTIONS FOR AGENDA CHANGES

MOTION – To move **ITEM 11 – RESOLUTION 2021-33** - APPROVING AN ECONOMIC INCENTIVE AGREEMENT WITH HANZON STUDIOS, INC. (“ARTIST/FOUNDER”) FOR AN IMMERSIVE HOLIDAY ATTRACTION (“CAMP CHRISTMAS”) AT HERITAGE LAKEWOOD BELMAR PARK AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT to the July 12, 2021 Agenda

Mayor Pro Tem Skilling made a motion to move Item 11 – Resolution 2021-33 to the July 12, 2021 agenda. The motion was seconded.

Vote

AYE: Councilors Franks, Bieda, Johnson, Springsteen, Vincent, LaBure, Able, Skilling, Harrison, Gutwein, Mayor Paul
NAY: None

Result

The motion passed 11 - 0.

MOTION – To move **ITEM 12 – ORDINANCE O-2021-18**– AUTHORIZING A SUPPLEMENTAL APPROPRIATION OF \$700,000.00 FROM THE ECONOMIC DEVELOPMENT FUND TO THE 2021 FISCAL YEAR TO SUPPORT THE CAMP CHRISTMAS PROJECT AT HERITAGE LAKEWOOD AT BELMAR PARK to tonight's Consent Agenda

Mayor Pro Tem Skilling made a motion to move Item 12 – Ordinance O-2021-18 to tonight's Consent Agenda. The motion was seconded.

Vote

AYE: Councilors Franks, Bieda, Johnson, Springsteen, Vincent, LaBure, Able, Skilling, Harrison, Gutwein, Mayor Paul
NAY: None

Result

The motion passed 11 - 0.

**CONSENT AGENDA
ORDINANCES ON FIRST READING**

[View video recording here](#)

ITEM 7 – RESOLUTION 2021-30 - APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE COLORADO DEPARTMENT OF PARKS AND WILDLIFE FOR IMPROVEMENTS TO THE BEAR CREEK TRAIL AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT

ITEM 8 – RESOLUTION 2021-31 - APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH JEFFERSON COUNTY OPEN SPACE FOR IMPROVEMENTS TO THE BEAR CREEK TRAIL AND GREENBELT AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT

ITEM 9 – RESOLUTION 2021-32 - ESTABLISHING AN AD HOC ADVISORY COMMITTEE TO REVIEW PROPOSED AMENDMENTS TO THE LANGUAGE OF THE RESIDENTIAL GROWTH LIMITATIONS ORDINANCE AS SET FORTH WITHIN

CHAPTER 14.27 OF THE LAKEWOOD MUNICIPAL CODE

Mayor Pro Tem Skilling and Councilor Johnson pulled this off the Consent Agenda for discussion

ITEM 10 – ACCEPTING MINUTES OF THE BOARDS AND COMMISSIONS

LAC Full Commission Meeting May 19, 2021

ITEM 12 – ORDINANCE O-2021-18 - AUTHORIZING A SUPPLEMENTAL APPROPRIATION OF \$700,000.00 FROM THE ECONOMIC DEVELOPMENT FUND TO THE 2021 FISCAL YEAR TO SUPPORT THE CAMP CHRISTMAS PROJECT AT HERITAGE LAKEWOOD AT BELMAR PARK

First Reading Ordinance, No Public Comment Accepted. Public Hearing set for July 26, 2021.

Comments on Consent Agenda Items via Telephone:

None

Commenting on Consent Agenda Items by telephone:

None

Mayor Pro Tem Skilling moved for acceptance of the minutes of the Boards and Commissions; for adoption of Resolutions; and order all Ordinances introduced on first reading to be published in the Denver Post with public hearing set for the date included in the Ordinance, all of which are included in the consent agenda items introduced into the record by the City Clerk. The motion was seconded.

Vote

AYE: Councilors Franks, Bieda, Vincent, LaBure, Johnson, Able, Skilling, Harrison, Gutwein, Mayor Adam Paul

NAY: Councilor Springsteen

Result

The motion passed 10 - 1.

ITEM 13 – ORDINANCE O-2021-16 – AUTHORIZING A SUPPLEMENTAL APPROPRIATION OF \$1,920,312 TO THE 2021 ANNUAL BUDGET AND AUTHORIZING EXPENDITURE OF GRANT FUNDS FROM JEFFERSON COUNTY OPEN SPACE TO MAKE IMPROVEMENTS TO THE BEAR CREEK TRAIL AND GREENBELT

[View video recording here](#)

Comments received via Telephone:

None

Commenting received via Lakewood Speaks:

None

Mayor Pro Tem Skilling moved for approval of Ordinance O-2021-16. The motion was seconded.

Vote

AYE: Councilors Franks, Bieda, Vincent, LaBure, Johnson, Able, Skilling, Harrison, Gutwein, Mayor Adam Paul

NAY: Councilor Springsteen

Result

The motion passed 10 - 1.

ITEM 14 – ORDINANCE O-2021-17 – AUTHORIZING A SUPPLEMENTAL APPROPRIATION OF \$750,000 TO THE 2021 ANNUAL BUDGET AND AUTHORIZING EXPENDITURE OF GRANT FUNDS FROM THE LAND AND WATER CONSERVATION FUND THROUGH THE COLORADO DEPARTMENT OF NATURAL RESOURCES TO MAKE IMPROVEMENTS TO THE BEAR CREEK TRAIL AND GREENBELT

[View video recording here](#)

Comments received via Telephone:

None

Commenting received via Lakewood Speaks:

None

Mayor Pro Tem Skilling moved for approval of Ordinance O-2021-17. The motion was seconded.

AYE: Councilors Franks, Bieda, Vincent, LaBure, Johnson, Able, Skilling, Harrison, Gutwein, Mayor Adam Paul

NAY: Councilor Springsteen

Result

The motion passed 10 - 1.

ITEM 15 - ORDINANCE O-2021-13 - SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF LAKEWOOD AT THE NOVEMBER 2, 2021 COORDINATED ELECTION A BALLOT ISSUE TO AUTHORIZE THE IMPOSITION OF AN ADDITIONAL SALES TAX OF 7% ON THE SALE OF RETAIL MARIJUANA AND RETAIL MARIJUANA INFUSED PRODUCTS (AS AUTHORIZED BY STATE LAW), AND AN EXCISE TAX OF 7% ON THE WHOLESALE TRANSFER OF RETAIL MARIJUANA AND RETAIL MARIJUANA INFUSED PRODUCTS FROM OR

TO A MARIJUANA BUSINESS IN THE CITY, INCLUDING TRANSFERS BY THE SAME BUSINESS BETWEEN LICENSES, ASSESSED ON THE AVERAGE MARKET RATE OF UNPROCESSED MARIJUANA NOT FOR RETAIL SALE (FOR MARIJUANA) AND ON THE GREATER OF THE PRICE PAID BY THE PURCHASER OR THE CASH VALUE OF MARIJUANA PRODUCTS (FOR MARIJUANA PRODUCTS), WITH THE RESULTING SALES AND EXCISE TAX RATES CAPABLE OF BEING INCREASED TO A MAXIMUM OF 15% WITHOUT FURTHER VOTER APPROVAL, WITH THE RESULTING TAX REVENUES TO BE USED TO FUND MARIJUANA REGULATION AND ENFORCEMENT, AND EDUCATION AND PUBLIC HEALTH PROGRAMS ASSOCIATED WITH MARIJUANA CONSUMPTION, AND FOR OTHER GENERAL EXPENSES OF THE CITY, AND SHALL THE CITY BE PERMITTED TO COLLECT, RETAIN AND EXPEND ALL REVENUES DERIVED FROM SUCH SALES AND EXCISE TAXES AND ANY INVESTMENT EARNINGS THEREON AS A VOTER-APPROVED REVENUE CHANGE AND AN EXCEPTION TO LIMITS WHICH WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW

[View video recording here](#)

Holly Björklund, Chief Financial Officer and Erin Nordmann, Revenue Manager provided a brief presentation and answered any questions from City Council.

Comments received via telephone:

1. Tess Dougherty – against the proposed tax on retail marijuana.

Comments received via Lakewood Speaks

None

Mayor Pro Tem Skilling moved to approve Ordinance O-2021-13. The motion was seconded.

- **Amendment #1 added:**
Amending the tax percentage from 7% to 5%.
- **Voting on Amendment #1:**
Mayor Pro Tem Skilling moved to approve Amendment #1. The motion was seconded.

AYE: Councilors Franks, Springsteen, Vincent, LaBure, Able, Skilling, Mayor Paul

NAY: Councilor Bieda, Johnson, Harrison

- **Result**
The motion passed 8 - 3.
- **Amendment #2 added:**

Amending the escalator number from 15% to 10%.

- **Voting on Amendment #2:**

Mayor Pro Tem Skilling moved to approve Amendment #2. The motion was seconded.

AYE: Councilors Franks, Springsteen, Vincent, LaBure, Able, Skilling, Mayor Paul

NAY: Councilor Bieda, Johnson, Harrison

- **Result**

The motion passed 8 - 3.

Voting on Ordinance O-2021-13

Mayor Pro Tem Skilling moved to approve Ordinance O-2021-13 as amended. The motion was seconded.

AYE: Councilors Franks, Springsteen, Vincent, LaBure, Able, Skilling, Mayor Paul

NAY: Councilor Bieda, Johnson, Harrison

Result

The motion passed as amended 8 - 3.

ITEM 16 - ORDINANCE O-2021-14 - SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF LAKEWOOD AT THE NOVEMBER 2, 2021 COORDINATED ELECTION A BALLOT ISSUE TO AUTHORIZE THE IMPOSITION OF A SALES TAX OF 3% ON THE SALE OF MEDICAL MARIJUANA AND MEDICAL MARIJUANA INFUSED PRODUCTS (AS AUTHORIZED BY STATE LAW), AND AN EXCISE TAX OF 3% ON THE WHOLESALE TRANSFER OF MEDICAL MARIJUANA AND MEDICAL MARIJUANA INFUSED PRODUCTS FROM OR TO A MARIJUANA BUSINESS IN THE CITY, INCLUDING TRANSFERS BY THE SAME BUSINESS BETWEEN LICENSES, ASSESSED ON THE AVERAGE MARKET RATE OF UNPROCESSED MARIJUANA NOT FOR RETAIL SALE (FOR MARIJUANA) AND ON THE GREATER OF THE PRICE PAID BY THE PURCHASER OR THE CASH VALUE OF MARIJUANA PRODUCTS (FOR MARIJUANA PRODUCTS), WITH THE RESULTING TAX REVENUES TO BE USED TO FUND THE ENFORCEMENT OF REGULATIONS ON THE MARIJUANA INDUSTRY, EDUCATION AND PUBLIC HEALTH PROGRAMS ASSOCIATED WITH MARIJUANA CONSUMPTION, AND FOR OTHER GENERAL EXPENSES OF THE CITY, AND SHALL THE CITY BE PERMITTED TO COLLECT, RETAIN AND EXPEND ALL REVENUES DERIVED FROM SUCH SALES AND EXCISE TAXES AND ANY INVESTMENT EARNINGS THEREON AS A VOTER-APPROVED REVENUE CHANGE AND AN EXCEPTION TO LIMITS WHICH WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW

[View video recording here](#)

Holly Björklund, Chief Financial Officer and Erin Nordmann, Revenue Manager provided a brief presentation and answered any questions from City Council.

Comments received via telephone:

1. Tess Dougherty – against this potential tax on medical marijuana
2. Winston Noles, Ward 1 – against this potential tax on medical marijuana
3. David, Ward 3 - against this potential tax on medical marijuana

Comments received via Lakewood Speaks:

None

Mayor Pro Tem Skilling moved to approve Ordinance O-2021-14. The motion was seconded.

Vote

AYE: Councilors Johnson, Vincent

NAY: Councilors Bieda, Harrison, Franks, Springsteen, Vincent, LaBure, Able, Skilling, Mayor Paul

Result

The motion failed 2 - 9

ITEM 17 - ORDINANCE O-2021-15 – SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF LAKEWOOD AT THE NOVEMBER 2, 2021 COORDINATED ELECTION A BALLOT ISSUE TO AUTHORIZE THE IMPOSITION OF AN ADDITIONAL SALES TAX OF 20% ON THE PRICE PAID FOR PURCHASE OF ALL CIGARETTES, TOBACCO PRODUCTS, AND NICOTINE PRODUCTS IN THE CITY, WITH SUCH SALES TAX CAPABLE OF BEING INCREASED UP TO A MAXIMUM OF 50% WITHOUT FURTHER VOTER APPROVAL, WITH THE RESULTING SALES TAX REVENUES TO BE USED FOR EDUCATION AND PUBLIC HEALTH PROGRAMS ASSOCIATED WITH TOBACCO AND NICOTINE CONSUMPTION, AND OTHER GENERAL EXPENSES OF THE CITY, AND SHALL THE CITY BE PERMITTED TO COLLECT, RETAIN AND EXPEND ALL REVENUES DERIVED FROM SUCH SALES TAX AND ANY INVESTMENT EARNINGS THEREON AS A VOTER-APPROVED REVENUE CHANGE AND AN EXCEPTION TO LIMITS WHICH WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW

[View video recording here](#)

Holly Björklund, Chief Financial Officer and Erin Nordmann, Revenue Manager provided a brief presentation and answered any questions from City Council.

Comments received via Telephone:

1. Erin, Ward 4, against the proposed tax

2. David, against the proposed tax
3. Raj Adhikari, against the proposed tax
4. Jimmie Hargrove, against the proposed tax increase
5. Brian Fojtik, against the proposed tax
6. Natalie Menton, Ward 5, against the proposed tax
7. Mary Minolis, Ward 2, against the proposed tax
8. Winston Noles, Ward 1 - against the proposed tax
9. Mary Darmack - against the proposed tax
10. Tess Dougherty - against the proposed tax

Comments received via Lakewood Speaks: [View comments here](#)

Mayor Pro Tem Skilling moved to approve Ordinance O-2021-14. The motion was seconded.

Vote

AYE: Councilors Harrison, Gutwein

NAY: Councilors Bieda, Johnson, Franks, Springsteen, Vincent, LaBure, Able, Skilling, Mayor Paul

Result

The motion failed 2 - 9

ITEM 18 – GENERAL BUSINESS – [View video recording here](#)

Pulled from Consent for discussion - Item 9 - RESOLUTION 2021-32 - AD HOC ADVISORY COMMITTEE 14.27 LMC

Mayor Paul, Mayor Pro Tem Skilling and Councilor Johnson pulled this from the Consent Agenda for discussion.

Commenting - There were no comments for this Item

Mayor Pro Tem Skilling moved to approve Resolution 2021-32. The motion was seconded.

Vote

AYE: Councilors Able, Bieda

NAY: Councilors Johnson, Franks, Springsteen, Gutwein, Vincent, LaBure, Harrison, Skilling, Mayor Paul

Result

The motion failed 2 - 9

DISCUSSION - HYBRID AND IN-PERSON OPTIONS FOR CITY COUNCIL MEETINGS

[View video recording here](#)

Deputy City Manager Goldstein summarized the memo sent to City Council regarding the options for returning to in-person meetings.

- Study sessions will remain remote until further notice.
- Staff and applicant presentations will remain available before the meeting on Lakewood Speaks.
- The first option is for hybrid meetings where all participants (Council, staff, and citizens) can be part of the meeting in-person or remote based on their comfort level. This option includes a cost of approximately \$35,000 to make upgrades to City Council Chambers along with the delay of waiting for the work to be completed.
- The second option is an all in-person where everyone returns to Council Chambers. Council would decide if masks are required or optional and there would be no cost or delay to start this immediately.

City Council reached consensus to move to a hybrid system. Direction was given to Mr. Goldstein to put a formal plan in place, and City Council will decide the switchover date at a future meeting.

ITEM 19 – MAYOR AND CITY COUNCIL REPORTS - [View video recording here](#)

Mayor Paul and City Council Members reported on news from their Wards and any other City business with which they were involved.

ITEM 20 – ADJOURNMENT

There being no further business to come before City Council, Mayor Paul adjourned the meeting at 10:30 pm.

Respectfully Submitted,

Bruce Roome, City Clerk



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

7:00 PM

JULY 12, 2021

Minutes are action minutes only with links on each item for easy reference to the meeting video.

ITEM 1 - CALL TO ORDER - [View video recording here](#)

Mayor Paul called the virtual meeting to order at 7:00 pm.

ITEM 2 - ROLL CALL

Those present were:

- Mayor Adam Paul, Presiding
- David Skilling
- Charley Able
- Ramey Johnson
- Jacob LaBure
- Sharon Vincent
- Mike Bieda
- Anita Springsteen
- Barb Franks
- Dana Gutwein
- Karen Harrison

Absent: None

Also in Attendance:

- Kathy Hodgson, City Manager
- Ben Goldstein, Deputy City Manager
- Alison McKenney Brown, City Attorney
- Robert Smith, Economic Development Director
- Kit Newland, Director of Community Resources
- Jay Hutchison, Director of Public Works
- Holly Bjorklund, Chief Financial Officer
- Travis Parker, Director of Planning
- Bruce Roome, 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 there was a moment for silent reflection.

ITEM 4 - PUBLIC COMMENT - [View video recording here](#)

1. Hailey, Ward 2, opposed to behavior by elected officials witnessed at previous meeting.
2. Joshua Comden, Ward 1, in favor of a police citizen review board.
3. Tess Dougherty, in favor of police citizen review board and is opposed to behavior by elected officials witnessed at previous meeting.

Comments received via Lakewood Speaks: [View comments here](#)

ITEM 5 - EXECUTIVE REPORT - [View video recording here](#)

City Manager Kathy Hodgson updated the Mayor, the Council, and citizens as follows:

1. Follow up on July 4th holidays regarding the calls for service received by the City's emergency dispatch center, Jeffcom. They had a higher volume of calls than they would for a normal Sunday, but they received 200+ less this year than in 2020.
2. Body cam program for police is well underway. There is a significant amount of work that goes into creating this program including hiring new employees to help manage the technical aspects of the program. Human Resources is now recruiting for a police equipment technician for the body camera team.
3. Improvements to Westland Park located in Ward 1 at 1690 Owens Street. This will include a new playground (now installed,) a pedestrian bridge, new landscaping, and new benches.
4. The hybrid City Council meetings project , RFP due 7/23 an awarded on 7/27 with work in chambers to begin in August.

ITEM 6 - MOTION TO EXTEND EMERGENCY DECLARATION to July 26 - [View video recording here](#)

Voting

Mayor Pro Tem David Skilling moved 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 a majority vote of the City Council on multiple occasions, and by this motion extended again until July 26, 2021, unless earlier extended or terminated by the City Council. The motion was seconded.

AYE: Councilors Franks, Bieda, Vincent, LaBure, Able, Skilling, Harrison, Gutwein, Mayor Paul

NAY: Councilors Springsteen, Johnson

Result

The motion passed 9 - 2

CONSENT AGENDA AND ORDINANCES ON FIRST READING

[View video recording here](#)

ITEM 7 – RESOLUTION 2021-29 - AUTHORIZING THE PURCHASE OF REAL PROPERTY FROM ROGER GUZMAN, FOR OPEN SPACE AND PARK PURPOSES, INCLUDING ACCEPTANCE OF A DEED THEREFOR

ITEM 8 – RESOLUTION 2021-34 – REVISING THE FEE SCHEDULE FOR CONTRACTOR REGISTRATIONS

ITEM 9 – ORDINANCE O-2021-20 - AMENDING TITLE 2, CHAPTER 2.56, OF THE MUNICIPAL CODE OF THE CITY OF LAKEWOOD, COLORADO, IN CONNECTION WITH THE PERMANENT ESTABLISHMENT OF A FOURTH SUBCOMMITTEE TO THE LAKEWOOD ADVISORY COMMISSION CONCERNING DIVERSITY AND OTHER GENERAL AMENDMENTS

ITEM 10 – APPROVING MINUTES OF CITY COUNCIL MEETINGS
Regular Meeting June 14, 2021

ITEM 11 – ACCEPTING MINUTES OF THE BOARDS AND COMMISSIONS
LAC Full Commission Meeting May 19, 2021

END OF CONSENT AGENDA

Comments on Consent Agenda Items via Telephone – None
Comments on Consent Agenda Item via Lakewood Speaks - [View comments here](#)

Voting

Mayor Pro Tem Skilling moved for approval of City Council meeting minutes; acceptance of the minutes of the Boards and Commissions; for adoption of Resolutions; and order all Ordinances introduced on first reading to be published in the Denver Post with public hearing set for the date included in the Ordinance, all of which are included in the consent agenda items introduced into the record by the City Clerk. The motion was seconded.

AYE: Councilors Franks, Bieda, Vincent, Springsteen, LaBure, Johnson, Able, Skilling, Harrison, Gutwein, Mayor Adam Paul
NAY: None

Result

The motion passed 11 – 0

ITEM 12 – RESOLUTION 2021-35 – A RESOLUTION: APPROVING A CHAPTER 14.27 BLIGHT DESIGNATION PURSUANT TO CHAPTER 14.27 OF THE LAKEWOOD MUNICIPAL CODE FOR THE PROPERTIES LOCATED AT 955-999 SHERIDAN BOULEVARD IN LAKEWOOD, COLORADO

[View video recording here](#)

Comments received via telephone:

1. Doug Elenowitz, Ward 2 property owner, in favor of designation being approved.

Comments received via Lakewood Speaks: [View comments here](#)

Robert Smith, Economic Development Director introduced the item as well as the project consultant, Anne Ricker from Ricker Cunningham, and the property owner/developers Peter Wall and Vince Coviello.

Voting

Mayor Pro Tem David Skilling moved to adopt Resolution 2021-35. The motion was seconded.

Amendment #1 added.

Motion to amend 2021-35, in the recitals add whereas, Chapter 14.27 provides for no exemption to the 1% per year growth limitations provided therein, and whereas a designation of “blighted” for purposes of Chapter 14.27 does not exempt the property from the 1% growth limits of said Chapter 14.27. In the main portion of Resolution 2021-35, add Section 4 -the number of units ultimately permitted for this property shall be deducted from the total number of units permitted for that calendar year in which the project makes building permit applications as set forth in Chapter 14.27.050; provided, however, the project shall not be required to apply for allocations pursuant to Chapter 14.27.090.

Councilor Mike Bieda moved to approve Amendment #1. The motion was seconded.

AYE: Councilors Springsteen, Bieda, Johnson, Able

NAY: Mayor Paul, Councilors Skilling, Gutwein, Franks, Vincent, LaBure, Harrison

Result

The motion failed 4 - 7

Voting on the original motion

AYE: Mayor Paul, Councilors Skilling, Gutwein, Franks, Vincent, LaBure, Harrison, Johnson, Able

NAY: Councilors Springsteen, Bieda

Result

The motion passed 9 - 2

ITEM 13 – RESOLUTION 2021-33 – APPROVING AN ECONOMIC INCENTIVE AGREEMENT WITH HANZON STUDIOS, INC. (“ARTIST/FOUNDER”) FOR AN IMMERSIVE HOLIDAY ATTRACTION (“CAMP CHRISTMAS”) AT HERITAGE LAKEWOOD BELMAR PARK AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT

[View video recording here](#)

Comments received via telephone:

Tess Dougherty – Wants to have public comment after the presentations, often thinks of questions or comments while watching the presentation.

Comments received via Lakewood Speaks: [View comments here](#)

Robert Smith, Economic Development Director, discussed a PowerPoint presentation that encompassed both items 13 & 14.

Voting

Mayor Pro Tem Skilling moved for approval of Resolution 2021-33. The motion was seconded.

AYE: Councilors Franks, Bieda, Springsteen, Vincent, LaBure, Johnson, Able, Skilling, Harrison, Gutwein, Mayor Adam Paul

NAY: None

Result

The motion passed 11 - 0

ITEM 14 - ORDINANCE O-2021-18 – AUTHORIZING A SUPPLEMENTAL APPROPRIATION OF \$700,000.00 FROM THE ECONOMIC DEVELOPMENT FUND TO THE 2021 FISCAL YEAR TO SUPPORT THE CAMP CHRISTMAS PROJECT AT HERITAGE LAKEWOOD AT BELMAR PARK

[View video recording here](#)

Comments received via telephone:

None

Comments received via Lakewood Speaks:

None

Voting

Mayor Pro Tem Skilling moved to approve Ordinance O-2021-18. The motion was seconded.

AYE: Councilors Franks, Springsteen, Vincent, LaBure, Able, Skilling, Bieda, Johnson, Harrison, Mayor Paul

NAY: None

Result

The motion passed 11 - 0

ITEM 15 – GENERAL BUSINESS – [View video recording here](#)

A. City Council Agenda Item Request for Consideration

1. Council member Gutwein – Request a study session regarding Safe Streets for All-Bicycle/Pedestrian/Motorist Safety in Lakewood. Have updates provided regarding lessons Learned and next steps

Background: Council reaffirmed Transportation Safety as a 2021 priority. There was recently a devastating loss of life of a bicyclist on Lakewood street. The Lakewood Advisory Commission reports that 9 fatalities in 2017 (3 pedestrian), 17 fatalities in 2018 (8 pedestrian), 25 fatalities in 2019, (9 pedestrian). What are our next steps in preventing loss of life?

2. Council members Johnson and Able - Add decibel level to noise ordinance. Currently, the noise ordinance does not have a way to measure noise.

Construction, house, and school noise can be at unacceptable and ongoing levels. But if you cannot measure the sounds, it is unenforceable. Other cities have known the need to have decibel levels. The phone apps are inexpensive. Recently the City received a complaint from the neighbors on Holland St., east of new Pearson Grove development. The contractor inquired if we had a decibel level. Since the City does not, he knew the complaint is unenforceable. This clean up measure does need to be dealt with. Noise levels should be measured from the property line. If this will require another FTE in code enforcement, then realistically that should be considered. Lakewood is growing and giving code enforcement the tools to deal with this issue will not go away.

ITEM 16 – MAYOR AND CITY COUNCIL REPORTS - [View video recording here](#)

Mayor Paul and City Council Members reported on news from their Wards and any other City business with which they were involved.

ITEM 17 – ADJOURNMENT - [View video recording here](#)

There being no further business to come before City Council, Mayor Paul adjourned the meeting at 10:42 pm.

Respectfully Submitted,

Bruce Roome, City Clerk



**MINUTES
REGULAR MEETING OF CITY COUNCIL
CITY OF LAKEWOOD
7:00 PM
JULY 26, 2021**

Minutes are action minutes only with links on each item for easy reference to the meeting video.

ITEM 1 - CALL TO ORDER

[View video recording here](#)

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
- Ramey Johnson
- Jacob LaBure
- Mike Bieda
- Anita Springsteen
- Barb Franks
- Karen Harrison
- Dana Gutwein

Absent:

- David Skilling
- Sharon Vincent

Others in attendance:

- Kathy Hodgson, City Manager
- Ben Goldstein, Deputy City Manager
- Alison McKenney Brown, City Attorney
- Bruce Roome, 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 there was a moment for silent reflection.

ITEM 4 - PUBLIC COMMENT

[View video recording here](#)

Comments received via telephone:

1. Cathy Kentner, Ward 1, Council has not followed the legislation that was voted in by the citizens of Lakewood with the strategic growth initiative.

2. Joshua Comden, Ward 1, Wants a citizen review board for the Police department.
3. John Claus, Ward 1, opposes comments made by earlier public commenter regarding the strategic growth amendment.
4. Tom Keefe, Ward 5, thanks the City for their efforts in cybersecurity. Concerned about ransomware that was used against another Metro Denver city.

Comments received via Lakewood Speaks:

1. July 26, 2021, 11:24 AM Robert Baker, 50 S Cody St, Lakewood, 80226
I am concerned about how the City is handling the lawsuit filed by CCU in response to the restoration of the definition of "student living units" on April 12, 2021. CCU immediately violated ordinances that have been in effect since 2003 and filed a factually inaccurate document for immediate relief from the City enforcing the zoning code. Court records indicate that there was no objection filed by the City to challenge factually inaccurate assertions made by CCU to the court. Our citizens deserve a sincere and thorough defense of the ordinance which affects ANY College or University in a low-density residential zone. Given the common knowledge that the Mayor and staff continue to buy CCU's specious arguments, perhaps Council should insist that outside counsel be hired to mount an informed and vigorous defense for when the court takes up the merits.
2. July 23, 2021, 8:59 PM, Lenore Herskovitz, 140 S. Cody Ct., Lakewood , 80226
This is the misinformation contained in the attached unopposed memo in support of motion for Temporary Restraining Order regarding the CCU lawsuit. 1. Claims Defendant has enacted a new zoning classification enforceable only against Plaintiff. This is untrue. The prohibition of university use (including student living units) In low density residential neighborhoods has been an ordinance since 2003. Returning the definition of student living units that was removed in 2012 does not create a new zoning classification. 2. CCU claims there is no other adequate legal remedy available to them yet in 2012 when they wanted to put students on the west side of S. Cody Ct. they went before City Council to change the zoning designation. 3. .The memo groups the property at 220 S. Teller with the properties in dispute. This property is zoned for student housing. 4. Some of the most egregious claims were regarding damages(irreparable injury) that CCU would suffer if this TRO was denied. a)Financial losses. The reality is in the past 4 yrs the only students who lived in the duplex were being provided with FREE temporary summer housing. b) if finances were of such great concern why did CCU leave both sides of the available duplex vacant for 3 of the last 4 yrs. I don't know if the faculty that resided there for a yr had to pay rent. c) Concern for displacement of students. CCU is the only party to date responsible for displacement of their students when they knowingly placed 6 students in a residence which only permitted 3 as per the housing code. I say knowingly because I personally spoke to student housing and Shannon Dreyfuss about the problem in an effort to avoid disrupting the student's lives when they had to comply with the city code. d) CCU states they could lose potential students because of a lack of off campus housing. They failed to mention that that they

decided not to renew their lease on apartments on Hoyt St. and that they own unused properties to the south and west of their campus that are zoned for student housing. Additionally, during the time when their new dorm was being built they were given permission to use the empty duplex for student housing (2 years). They never did. By not opposing these assertions they have been entered into the court record as fact. If the city attorney is not going to defend our ordinance perhaps an independent council is needed. As a footnote, there is a great outcry about the shortage of student housing. No one seems concerned that CCU bought a block and a half in a family residential neighborhood (15 duplexes or 30 individual units) displacing homeowners and tenants. My neighborhood will have been reduced to 2 duplexes that are not inhabited by CCU staff or students. A neighborhood totally eradicated by an overzealous university. This was the very reason the 2003 ordinance was created. Makes you stop and wonder who is really the victim of discrimination?

Mayor Paul moved Item 13 up the agenda

ITEM 13 - MOTION TO EXTEND EMERGENCY DECLARATION - TO AUGUST 9, 2021 - 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 August 9, 2021, unless earlier Extended or Terminated by the City Council

[View video recording here](#)

Council member LaBure made a motion to approve the Emergency Declaration. It was seconded.

Vote

AYE: Paul, Able, LaBure, Bieda, Franks, Harrison, Gutwein

NAY: Johnson, Springsteen

ABSENT: Skilling, Vincent

Result

The motion passed 7 - 2.

ITEM 5 - EXECUTIVE REPORT

No report.

**CONSENT AGENDA
ORDINANCES ON FIRST READING**

[View video recording here](#)

ITEM 6 – RESOLUTION 2021-36 - NAMING THE OPEN SPACE PARK LOCATED AT 2350 SOUTH WADSWORTH BOULEVARD PEAK VIEW PARK – **Pulled from Consent Agenda by Councilor Bieda**

ITEM 7 – RESOLUTION 2021-37 - ADOPTING UPDATES TO THE CITY COUNCIL POLICIES AND PROCEDURES MANUAL

ITEM 8 – ORDINANCE O-2021-21 - REPEALING EMERGENCY ORDINANCE 2020-11, ESTABLISHING RULES AND PROCEDURES FOR CALLING AND HOLDING EMERGENCY CITY COUNCIL MEETINGS AND, FURTHER, DECLARING AN EMERGENCY

ITEM 9 – ORDINANCE O-2021-22 AMENDING TITLE 2, CHAPTER 2.02, OF THE MUNICIPAL CODE OF THE CITY OF LAKEWOOD, COLORADO, IN CONNECTION WITH THE ADOPTION OF RULES AND PROCEDURES FOR CALLING AND HOLDING EMERGENCY CITY COUNCIL MEETINGS

ITEM 10 – ORDINANCE 2021-19 - RATIFYING THE CODIFICATION OF DESIGN REVIEW COMMISSION PROVISIONS IN CHAPTER 2.58 OF THE LAKEWOOD MUNICIPAL CODE AND AMENDING CERTAIN PROVISIONS THEREOF

ITEM 11 – ACCEPTING MINUTES OF THE BOARDS AND COMMISSIONS

LAC Executive Committee Meeting June 3, 2021

Consent Agenda comments received via telephone:

None

Consent Agenda comments received via Lakewood Speaks:

For Agenda Item 7 – Resolution 2021-37 - Adopting Updates to the City Council Policies and Procedures Manual

1. July 26, 2021, 10:08 AM, Joshua Comden, 455 WRIGHT ST, APT #301, LAKEWOOD, 80228

I strongly support having these additional avenues for residents to express their views on local issues. When I call in, I am usually in the middle of making or eating dinner. It would generally be difficult for me to come in and speak directly to you all for public comment; and I have an unusual flexible schedule. It is probably extremely difficult or impossible for most other people to come in and speak. Thanks for bringing this forward!

Council member Jacob LaBure made a motion for acceptance of the minutes of the Boards and Commissions; for the adoption of Resolutions; and order all Ordinances introduced on first reading to be published in the Denver Post with a public hearing set

for the date included in the Ordinance, all of which are included in the consent agenda items introduced into the record by the City Clerk. The motion was seconded.

Vote on Consent Agenda:

AYE: Paul, Able, Johnson, LaBure, Bieda, Franks, Harrison, Gutwein

NAY: Springsteen

ABSENT: Skilling, Vincent

Result

The motion passed 8 - 1.

ORDINANCES ON SECOND READING AND PUBLIC HEARINGS

ITEM 12 – ORDINANCE O-2021-20 – AMENDING TITLE 2, CHAPTER 2.56, OF THE MUNICIPAL CODE OF THE CITY OF LAKEWOOD, COLORADO, IN CONNECTION WITH THE PERMANENT ESTABLISHMENT OF A FOURTH SUBCOMMITTEE TO THE LAKEWOOD ADVISORY COMMISSION CONCERNING DIVERSITY AND OTHER GENERAL AMENDMENTS

[View video recording here](#)

Comments received via telephone:

None

Comments received via Lakewood Speaks:

None

Council member LaBure made a motion to approve Ordinance O-2021-20. It was seconded.

Vote

AYE: Paul, Able, Johnson, LaBure, Bieda, Franks, Harrison, Gutwein

NAY: Springsteen

ABSENT: Skilling, Vincent

Result

The motion passed 8 - 1.

**ITEM 13 - MOTION TO EXTEND EMERGENCY DECLARATION - TO AUGUST 9,
Moved by Mayor Paul to after Item 4**

ITEM 14 – GENERAL BUSINESS

ITEM 6 – RESOLUTION 2021-36 - NAMING THE OPEN SPACE PARK LOCATED AT 2350 SOUTH WADSWORTH BOULEVARD PEAK VIEW PARK

[View video recording here](#)

Comments received via telephone:

None

Comments received via Lakewood Speaks:

None

Council member LaBure made a motion to approve Resolution 2021-36. It was seconded.

Vote

AYE: Paul, LaBure, Franks, Harrison, Gutwein

NAY: Springsteen, Bieda, Able, Johnson,

ABSENT: Skilling, Vincent

Result

The motion passed 5 - 4.

ITEM 15 – MAYOR AND CITY COUNCIL REPORTS

[View video recording here](#)

Mayor Paul and City Council Members reported on news from their Wards and any other City business with which they were involved.

ITEM 16 – ADJOURNMENT

[View video recording here](#)

There being no further business to come before City Council, Mayor Paul adjourned the meeting at 7:45 p.m.

Respectfully submitted,

Bruce Roome, City Clerk



Lakewood
Advisory Commission

FULL COMMISSION MEETING
JUNE 16, 2021, 7:00 p.m.
Virtual Meeting

MINUTES

1. CALL TO ORDER

Chair Peggy Ralph called the virtual meeting to order at 7:02 p.m.

2. ROLL CALL

Commissioners Present: Heide Barthel, John Claus, Roger Freeman, Emily Gambone, Andrea Gelfuso Goetz, Karen Gordey, Roberto Gurza, Casey Hensley, Kip Kolkmeier, Nicole Malandri, Kate McBride, Joshua Oliver, Marsha Osborn, Peggy Ralph, Diane Rhodes, Josh Stamps, and Carina Weadock

Commissioners Absent: Jim Bunch, Laurence Lieber, Karen Morgan, Dave Rein, Glenn Weadock, Bernie Barthel, Jamie Cornell, and Rigby Johnson

A total of 17 members were present and 8 members were absent. A quorum was present.

Staff Present: Bruce Roome, City Clerk and Rosa Tate, BOC Coordinator

Guests: None

3. PUBLIC COMMENT

Comments received via telephone:
None

Comments received via Lakewood Speaks:
None

4. CORRESPONDENCE

None

5. APPROVAL OF MINUTES

A motion was made by Commissioner Hensley to approve the May 19, 2021, Full Commission Minutes. The motion was seconded.

Vote: All Ayes, No Nays. The motion passed.

6. OLD BUSINESS

A. Getting the word out about the LAC

1. Lakewood article – To be published in June edition of Looking at Lakewood
2. Speakers Bureau – Chair Ralph has two HOAs that are getting back with her in Lakewood. Around 30 HOAs.

B. Illegal Use of Fireworks Final Proposal motion made to move forward to Council Commissioner Osborn First. The motion was seconded.

Vote: All Ayes, No Nays. The motion passed.

C. Diversity Committee Update – Ordinance adopting fourth committee will be effective on August 11, 2021. Will then vote to elect a chair for the committee.

D. ACIC 2014-02 Attendance Policy – pending new implemented LAC Policy and Procedures.

E. LAC Sustainability Committee Grassroots Proposals status

1. City Xeriscaping/Pesticide Reduction
2. Lakewood Gardens
3. Solar Energy Proposal

7. NEW BUSINESS

A. LAC Ordinance Update

1. City Clerk Roome stated regarding the 4th committee ordinance, the legal department noticed that the LAC chapter of the Code needed a few more updates. They are in the process of finalizing the package. Unfortunately, this will push back the dates. The ordinance making the Diversity Committee official will be effective on 8/25. This ordinance will also adopt documents into LAC that were previously ACIC.

2. LAC will address creating an AdHoc committee to draft Policy and Procedures manual for the LAC at next Executive Committee meeting.

B. New Members committee assignments - Kip Kolkmeier – Neighborhoods and John Claus – Civic Awareness.

8. OFFICER'S REPORTS

- Chair Peggy Ralph – This is an incredible opportunity to make the LAC better and what we would like for it to be. Create adhoc committee to create bylaws and policies and procedures. If you would like to be on the committee, send Chair Ralph an email expressing interest.
- Vice Chair Casey Hensley – No comments

9. REPORTS

- Sustainability - Chair Gelfuso Goetz updated on xeriscaping pesticide reduction and Lakewood gardens. Guest from Sustainable Neighborhoods very information. Two possible new proposals. Electrifying Lakewood and Wildlife.
- Neighborhoods - Chair McBride welcomed Kip Kolkmeier. Question to Bruce about Kids visiting Seniors. Per Bruce he has the go ahead to present to council.
- Civic Awareness - Chair Malandri PowerPoint presentation on Fireworks proposal which is ready to go in front of Council. Motion to move to council by Commissioner Osborn. The motion was seconded.
Vote: All Ayes, No Nays. The motion passed.
- Ambassador's Report - Commissioner Ralph updated everyone on the Jefferson County Schools. Covered performance of Jefferson County Schools. Proficiency is lower than normal. New Superintendent. Also covered budget for Jefferson County Schools. Mask mandate for students. Please read the report.

8. ADJOURN

There being no further business to come before the Full Commission, Chair Peggy Ralph adjourned the meeting at 8:00 p.m.

Respectfully submitted,

Peggy Ralph

Peggy Ralph, Chair

STAFF MEMO

DATE OF COUNCIL MEETING: AUGUST 9, 2021 / AGENDA ITEM NO. 13

To: Mayor and City Council

From: Robert Smith, Economic Development Director – 303-987-7732

Subject: **RESOLUTION: APPROVING A CHAPTER 14.27 BLIGHT DESIGNATION PURSUANT TO CHAPTER 14.27 OF THE LAKEWOOD MUNICIPAL CODE FOR THE PROPERTIES LOCATED AT 801 SHERIDAN BOULEVARD, 825 SHERIDAN BOULEVARD, 865 SHERIDAN BOULEVARD and 5200, 5202, 5240 and 5242 9TH AVENUE IN LAKEWOOD, COLORADO**

SUMMARY STATEMENT: In the implementation of Chapter 14.27 Residential Growth Limitations Ordinance, properties located within previously established Urban Renewal Areas (URAs) were exempted from the provisions of the 14.27 Ordinance. Council also provided a process for individual property owners outside of the established URAs to conduct an independent Blight Study of their property, at their expense, to present to Council for the consideration of a 14.27 Blight Designation for the property. Galloway and Company prepared the report for Exodus and these entities will present their findings for the properties located at 801 Sheridan Boulevard (PIN # 49-014-10-016), 825 Sheridan Boulevard (PIN# 49-014-10-015), 865 Sheridan Boulevard (PIN # 49-014-10-014) and 5200, 5202, 5240 and 5242 9th Avenue (PIN # 49-014-10-012) so Council may consider granting a 14.27 Blight Designation for the properties.

BACKGROUND INFORMATION:

- City Council previously made determinations of blight, in accordance with C.R.S. §31-25-101 et seq. for areas of Lakewood:
 - 1998 – West Alameda Corridor Reinvestment Area Phase 1 (Belmar)
 - 2000 – West Alameda Corridor Reinvestment Area Phase 2
 - 1999 – Colfax-Wadsworth Reinvestment Area (Creekside)
 - 2005 – West Colfax Avenue Corridor Reinvestment Area
- In July, 2019 Voters approved the Strategic Growth Initiative (SGI; Question 200)
- In July, 2019 the approved SGI was entered into City Code as Chapter 14.27 Residential Growth Limitations
Chapter 14.27 refers to blighted and distressed areas twice:
 - Under 14.27.010 Purpose/Intent, item B: “Encourage redevelopment of blighted and distressed areas;”
 - Under 14.27.020 Implementation/Exceptions, item A: “Structures located, or to be located, upon land that is designated ‘blighted.’”
- In January, 2020 City Council passed **Resolution 2020-7** defining “blighted” as used in Chapter 14.27 and established rules and procedures for requests to designate property as blighted.
- In August, 2020 City Council passed **Resolution 2020-24**, further clarifying “blight” particularly in relationship to property owner responsibilities in maintaining their property.

- The following table outlines Riverpoint Partners, LLC’s compliance with **Resolution 2020-7, Resolution 2020-24**, and the process for seeking a 14.27 Blight Designation.

Was a conditions survey (Blight Study) conducted by an independent consultant for the subject property/properties, with such survey being commissioned at the property owner(s) expense?	YES
Was the conditions survey conducted in strict alignment with the criteria and methodology required for a state statute determination of a “Blighted Area”?	YES
Were the Property Owners informed the conditions survey report will need to be scheduled for and presented to City Council at a public hearing by the property owner(s) and the independent consultant?	YES
Were the Property Owners informed upon presentation of the conditions survey report, City Council could determine whether sufficient conditions of blight, consistent with state urban renewal law, exist to designate the property as blighted?	YES
Were the Property Owners informed such designation of blight would occur by City Council resolution and would only apply to implementing Chapter 14.27 for the subject properties and shall not be construed as a blight designation for urban renewal purposes?	YES
Were the Property Owners informed Council’s 14.27 blight determination would sunset in a defined number of years?	YES
Were the Property Owners informed Council’s 14.27 blight determination would not change tax collection nor change the ability to use the power of eminent domain?	YES
Were the Property Owners informed Property(ies) with a 14.27 determination would not be under the Lakewood Reinvestment Authority’s (LRA) oversight?	YES
Did the Property Owners submit a completed and signed “Property Blight Designation for the Purposes of Chapter 14.27 LMC Public Hearing Review Application Form”?	YES
Were the Property Owners informed Council will review the evidence presented at the public hearing to determine if a blight designation is appropriate for the property in alignment with the following factors: the length of time a property has been vacant or deteriorated; the reasons for the vacant or deteriorated conditions of the property; the condition of the neighborhoods surrounding the property; & the marketability of the property.	YES
Were the Property Owners informed the Council will determine whether the Property Owners have purposefully blighted the property by failing to: reasonably care for the property; keep their property safe, secure, sanitary and in good repair; or have otherwise failed to comply with the zoning requirements of the Lakewood Municipal Code (LMC).	YES

- The consultant’s report indicates eight (8) State defined blighting elements exist on the property. Sufficient for a 14.27 Blight Designation to be conferred. (In alignment with C.R.S. §31-25-101 et seq., a minimum of four (4) blighting factors must be present for blight determination.)

- According to the consultant’s report the following State Statute Defined conditions of blight are present on the property:

Deteriorated or deteriorating structures	YES
Defective or inadequate street layout	YES
Faulty lot layout in relation to size, adequacy, accessibility, or usefulness	YES
Unsanitary or unsafe conditions	YES
Deterioration of site or other improvements	YES

Unusual topography or inadequate public improvements or utilities	YES
Defective or unusual conditions of title rendering the title non-marketable	
Conditions that endanger life or property by fire or other causes	YES
Buildings that are unsafe or unhealthy for people to live or work	
Environmental contamination of buildings or property	
Existence of health, safety, or welfare factors requiring high levels of municipal services or substantial underutilization or vacancy of buildings, sites, or improvements	YES

- The Study Area encompasses four (4) properties: 801 Sheridan Boulevard, 825 Sheridan Boulevard, 865 Sheridan Boulevard and 5200, 5202, 5240 and 5242 9th Avenue in Lakewood, Colorado.
- The property currently is a largely vacant lot with a few single-family homes and a small commercial center. The lots have a couple of buildings, which account for the multiple addresses. The property is vacant other than the buildings and is zoned M-G-U.
- The property is looking to redevelop and add new infrastructure, capital investment and amenities to the corridor. Through the development process, the project will work to eliminate blight, and bring new investment into the corridor. The project can also work as a buffer between single family homes and the commercial corridor that is Sheridan Boulevard. This project will create jobs throughout the construction process and add to the character of the neighborhood and Lakewood. Owners of the project will work to elevate and add to existing infrastructure while being a good neighbor to the neighborhood, surrounding business and parcels, parks and other partners in the area.
- The project is looking into a variety of attainable housing opportunities that would follow current zoning regulations and city code. This site could activate underutilized parcels in this corridor. This site is located near various modes of transportation, encouraging multi-modal transport from their tenants to include RTD routes, bike routes, trail access and other active transit options.
- The Study Area is located 5 blocks from the established West Colfax Avenue Corridor Reinvestment Area (URA). This URA border is at 14th Avenue and the study area is from 9th to 8th Avenues on Sheridan Boulevard.
- The Sheridan Station stop along the W-Line Lightrail is under 1,000 feet (one block) from the Study Area property. Lightrail provides public transportation access to the metropolitan region. West Colfax Avenue also provides access to bus service throughout Lakewood and the metro area.
- The Study area is located within the Colorado Enterprise Zone, a program aimed at promoting a business-friendly environment in economically distressed areas. Enterprise Zones are areas that see higher than average unemployment, higher poverty and lower incomes. Through this program, businesses are encouraged to invest, grow jobs and engage with their communities.
- This property is located within a federal Opportunity Zone. The census block in which the subject property sits was given Opportunity Zone status because it has seen disproportionately slow economic recovery and growth.
- These properties are located in additional federal zones to include a CDBG area and a LIHTC census tract.
- Data collection for the Conditions Survey was conducted through site visits, pictures, research and statistical databases.
- The Study Area property is found to have 8 of 11 blight factors. The presence of at least 4 blight factors are required by State law for urban renewal areas.
- A description of each blight factor is included in the blight study report. And a summary of each blight finding is also included in the blight report.

BUDGETARY IMPACTS: None anticipated

STAFF RECOMMENDATIONS: Staff recommends Council approves Resolution 2021-41 Approving a Chapter 14.27 Blight Designation for the four (4) properties located at 801 Sheridan Boulevard, 825 Sheridan Boulevard, 865 Sheridan Boulevard and 5200, 5202, 5240 and 5242 9th Avenue.

ALTERNATIVES: City Council may vote to not approve Resolution 2021-41
City Council may amend Resolution 2021-41 and vote to approve with amendments

PUBLIC OUTREACH: Proper notice of this Council Study Session Presentation and Discussion was given.

ATTACHMENTS: Resolution 2021-41
Completed Blight Study by Galloway and Company

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



A RESOLUTION

APPROVING A BLIGHT DESIGNATION PURSUANT TO CHAPTER 14.27 OF THE LAKEWOOD MUNICIPAL CODE FOR THE PROPERTIES LOCATED AT 801, 825 AND 865 SHERIDAN BOULEVARD, AND 5200, 5202, 5240 AND 5242 WEST 9TH AVENUE IN LAKEWOOD, COLORADO

WHEREAS, pursuant to section 14.27.020(A) of the Lakewood Municipal Code (“LMC”), “structures located, or to be located, upon land that is designated ‘blighted’” are not subject to the provisions of LMC Chapter 14.27;

WHEREAS, the City Council has adopted two resolutions defining “blighted,” as used in Chapter 14.27, and establishing rules, procedures and criteria for requests to designate property as blighted for the purposes of Chapter 14.27 (“Blight Designation Procedures”);

WHEREAS, the owner of certain real property located at 801, 825 and 865 Sheridan Boulevard and 5200, 5202, 5240 and 5242 West 9th Avenue in Lakewood, generally depicted in Exhibit A hereto (the “Property”), has requested the City Council designate the Property as blighted for purposes of Chapter 14.27;

WHEREAS, an independent consultant has conducted a conditions survey, also known as a “blight study,” on the Property in strict alignment with the criteria and methods required for a determination of a “blighted area” under Colorado’s Urban Renewal Law, C.R.S. §§ 31-25-101, *et seq.*, and has concluded that the Property contains various conditions of blight;

WHEREAS, the owner of the Property has complied with all applicable Blight Designation Procedures; and

WHEREAS, the City Council substantially agrees with the conclusions presented in the conditions survey and desires to designate the Property as “blighted” for the purposes of Chapter 14.27.

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

SECTION 1. The Property is hereby designated as “blighted” for the purposes of Chapter 14.27 of the Lakewood Municipal Code (the “Blight Designation”).

SECTION 2. The Blight Designation shall expire upon either: (a) the Property’s completed redevelopment; or (b) five (5) years from the date of this Resolution, whichever occurs first.

SECTION 3. The Blight Designation will apply only for the purposes of Chapter 14.27, and:

- (a) will not alter or limit any taxing jurisdiction's legal authority to assess or collect taxes of any kind on the Property;
- (b) will not limit the City's eminent domain authority with respect to the Property;
- (c) shall not be construed as a blight designation for urban renewal purposes; and
- (d) will not place the Property under the Lakewood Reinvestment Authority's jurisdiction.

SECTION 4. This Resolution shall become effective immediately upon adoption.

INTRODUCED, READ AND ADOPTED by a vote of ____ for and ____ against at a virtual regular meeting of the Lakewood City Council held on August 9, 2021 at 7 o'clock p.m.

Adam Paul, Mayor

ATTEST:

Bruce Roome, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

EXISTING PROPERTY BLIGHT STUDY

801, 825 & 865 SHERIDAN BLVD
5200, 5202, 5240, 5242 NINTH AVE.
LAKEWOOD COLORADO
JUNE 2021



PREPARED BY:

Galloway

6162 S. Willow Drive, Suite 320
Greenwood Village, CO 80111
303.770.8884 • GallowayUS.com

EXECUTIVE SUMMARY

On behalf of our client, Galloway & Company has prepared the following analysis of the four adjoining properties located along the city block on the west side of South Sheridan Blvd. between 8th & 9th streets in Lakewood Colorado. The purpose of this report is to provide a recommendation of whether the associated lots should be considered blighted, according to the City of Lakewood's Residential Growth Ordinance; and therefore allowed consideration of redevelopment for new residential use.

The City of Lakewood requires the identification of a blighted site as defined by the Urban Renewal Law included as part of the Colorado Revised Statutes (CRS). This allows for qualification for exemption to the enforced 1% residential growth cap under their enforced Growth Ordinance. The professional recommendation on the determination of blight contained in this report is according to these statutes. The recommendation was compiled from on-site observations performed on June 8 and June 22, 2021, as well as current and historic aerial photography, local government data sources and other historic information and records available online. A summary of the information gathered is included as supporting documentation in this report. Regardless of the provided recommendation, the final determination of whether a portion, or the entirety of the subject site, should be considered blighted is decided solely by the City of Lakewood and its elected city council.

In response to our findings contained in this report, Galloway & Company recommends that the City of Lakewood identify the following adjoining properties as blighted, and therefore exempt from the 1% residential development growth limit per the enforced Residential Growth Ordinance:

Parcel 49-014-10-012: 5200, 5202, 5240, 5242 & 5244 W. 9th Ave.

Parcel 49-014-10-014: 865 Sheridan Blvd.

Parcel 49-014-10-015: 825 Sheridan Blvd.

Parcel 49-014-10-016: 801 Sheridan Blvd.

REPORT INTRODUCTION

The understood intent of the growth cap and associated exemption by the City of Lakewood as part of their Residential Growth Ordinance is to encourage and focus development of the blighted properties in the city. However, before actions to remedy the blighted sites can be taken, Colorado Urban Renewal Law requires the jurisdiction having authority, namely the City of Lakewood in this case, to declare the area identified is blighted.

Even though the Ordinance references the states Urban Renewal Law to determine blight; the site does not need to be included, or proposed as an Urban Renewal Area, in order to be considered exempt from the 1% residential growth cap, nor does this allow for the city to exercise eminent domain powers to redevelop the land, which is also incorporated in the referenced Urban Renewal Law. Therefore, the determination of blight for the purposes of this report are specifically for the purpose of evaluating the validity of exemption from the City of Lakewood's 1% residential growth cap identified in the Residential Growth Ordinance.

According to the referenced Colorado Revised Statute 31-25-102 declaration that blight:

"...constitute[s] a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state in general and of the municipalities thereof; that the existence of such areas contributes substantially to the spread of disease and crime, constitutes an economic and social liability, substantially impairs or arrests the sound growth of municipalities, retards the provision of housing accommodations, aggravates traffic problems and impairs or arrests the



elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of slums and blight is a matter of public policy and statewide concern in order that the state and its municipalities shall not continue to be endangered by areas which are focal centers of disease, promote juvenile delinquency, and consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization, and other forms of public protection, services, and facilities.”

It is the goal of Galloway on behalf of our client to mitigate these negative impacts of blight, by providing the evidence of this report to allow for residential redevelopment of the site. Therefore, Galloway proposes as our professional opinion; that there is sufficient evidence for the City of Lakewood to declare the subject area as blighted. This will allow further action in remedying the current blight and mitigating current negative impact as well as future growth of blight in the community, through redevelopment of this blighted residential area. The following report is supporting documentation to support this recommendation.

REPORT METHODOLOGY

The exemption from the growth cap allowed by the Residential Growth Ordinance requires subject areas to conform to the definition of blight according to Colorado Revised Statute Title 31, Article 25, Part 1, specifically paragraph 31-25-103(2) which defines a blighted area according to the following:

“(2) ‘Blighted area’ means an area that, in its present condition and use and, by reason of the presence of at least four of the following factors, substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare:

- (a) Slum, deteriorated, or deteriorating structures;
- (b) Predominance of defective or inadequate street layout;
- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- (d) Unsanitary or unsafe conditions;
- (e) Deterioration of site or other improvements;
- (f) Unusual topography or inadequate public improvements or utilities;
- (g) Defective or unusual conditions of title rendering the title nonmarketable;
- (h) The existence of conditions that endanger life or property by fire or other causes;
- (i) Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidation, deterioration, defective design, physical construction, or faulty or inadequate facilities;
- (j) Environmental contamination of buildings or property;
- (k) (Deleted by amendment, L. 2004, p. 1745, § 3, effective June 4, 2004.)



(k.5) The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements; or

(l) If there is no objection by the property owner or owners and the tenant or tenants of such owner or owners, if any, to the inclusion of such property in an urban renewal area, 'blighted area' also means an area that, in its present condition and use and, by reason of the presence of any one of the factors specified in paragraphs (a) to (k.5) of this subsection (2), substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare. For purposes of this paragraph (l), the fact that an owner of an interest in such property does not object to the inclusion of such property in the urban renewal area does not mean that the owner has waived any rights of such owner in connection with laws governing condemnation."

The following report identifies these criteria individually, where possible, for their presence and impact as a contributing factor in the evaluation of blight with the general complexity of review to document at least four instances of blight present on the subject area as indicated to comply with the above definition of blight. Continual investigation beyond this point was not necessary for the intent of this report. Therefore, it should not be construed that this report attempts to identify any and all instances of blight, but sufficient evidence to identify the presence of at least four of factors above according to the requirements of evaluation to be deemed a blighted site. By this report siting a certain factor was not observed does not mean that the contributing factor does not exist.

Furthermore, per the provided Annotations accompanying CRS 31-25-103, case law found that, for instance, the presence of a well maintained building located in the area in question does "...not in itself defeat the determination that the area, taken as a whole, is a slum and blighted area". Therefore, the evaluation in this report considers the recommendation based upon all four sites as one area evaluated as a whole, not a building by building, or a site by site basis. Additionally, the report includes certain general information on the adjacent and nearby sites in the surrounding area for consideration affecting the site in question could as well be considered part of a larger "blighted area" even though the report is addressing declaration of blight specific properties identified.

A summary per site of the conditions, with specific contributing items, can be found in the Report Summary below. Unreviewed items are specifically identified. Though the site will be evaluated as one "area" as noted above, there are four properties under review, which will be referenced in the report based upon the last three digits of their Property Identification Number (PIN) instead of the associated address since the one lot contains 4 separate addresses:

<u>PIN:</u>	<u>Associated Address(es)</u>
(49-014-10) 012	5200, 5202, 5240 & 5242 9 th Ave.
(49-014-10) 014	865 Sheridan Blvd.
(49-014-10) 015	825 Sheridan Blvd.
(49-014-10) 016	801 Sheridan Blvd.



CONCLUSIONS & REPORT SUMMARY

The matrix on the following page is a summary of each blight factor, as per the referenced CRS 31-.25-103(2) of the State's Urban Renewal Law. **As totaled, the minimum amount of observed blight factors for the site is 8**; which is more than the minimum of 4 required to be considered a blighted area as defined by the Urban Renewal Law referenced by the City of Lakewood's Residential Growth Ordinance for exemption to the 1% residential growth cap.

Furthermore, factor (l) indicates that the property can be considered blighted if any 1 factor of the 11 factors in the table below exist on a site, and the property Owners or tenants do not object to the subject property being classified as a "blighted area". We have obtained full consent from all property owners per the attached documentation. In addition, we have not received any objection to the site considered as blighted from the tenants. Regardless of tenant approval, the Owners have indicated that all residences are all renters, and all rent on a month to month basis; so there are no long-term leases or agreements to any of the residences on the properties.

Therefore, Galloway recommends that the subject area including all four properties be considered a continuous Blighted Area as indicated in the Executive Summary of this Report. A description and examples of each are included in the Blight Evaluation Findings section of this report.



SUMMARY MATRIX

(a) Slum, deteriorated, or deteriorating structures;		YES
(a.1) Dilapidation of: roof, fascia, soffits, eaves, gutters, downspouts, exterior walls, exterior finishes, windows, doors, trim, visible foundations, stairwells, fire escapes, loading areas, ramps, mechanical equipment, accessory		YES
(a.2) Absence of any of the above items where necessary.		YES
(b) Predominance of defective or inadequate street layout;		YES
(b.1) Poor vehicle access or internal circulation.		YES
(b.2) Substandard driveway definition or curb cuts.		YES
(b.3) Poor parking layout.		YES
(b.4) High incident of traffic accidents.		NR
(c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;		YES
(c.1) Odd shaped lots or portions of lots.		NO
(c.2) Structures across parcel or property lines.		NO
(c.3) Inadequately sized lots.		YES
(c.4) Landlocked or confusing vehicle access.		YES
(d) Unsanitary or unsafe conditions;		YES
(d.1) Poor lighting or unlit areas.		YES
(d.2) Cracked, uneven, or absent sidewalks.		YES
(d.3) Broken or absent handrails where necessary.		NO
(d.4) Poor drainage or grading, or very steep slopes.		YES
(d.5) Presence of junk, trash, and debris, or unscreened trash and mechanical.		YES
(d.6) Presence of abandoned or inoperable vehicles.		YES
(d.7) Floodplain or flood hazard conditions.		NO
(d.8) Presence of hazardous contaminants or hazardous conditions.		NO
(d.9) Evidence of vagrant, vandalism, or graffiti activities.		NO
(e) Deterioration of site or other improvements;		YES
(e.1) Deterioration, dilapidation, or absence of: parking lots, pavement, gutters/site drainage, curbs, outdoor lighting, signage, landscaping, fencing.		YES
(e.2) Evidence of poor erosion control.		YES
(e.3) Evidence of poor site maintenance, such as an excess of tall weeds or trash and debris.		YES
(f) Unusual topography or inadequate public improvements or utilities;		YES
(f.1) Steep or unusual terrain with inadequate site grading in Right-of-Way.		YES
(f.2) Deterioration or absence of the following in the ROW: street pavement, gutters, curbs, sidewalks, water and		YES
(f.3) Incomplete or substandard sidewalk system.		YES
(f.4) Poor erosion control on public land or in ROW.		YES
(f.5) Insufficient street lighting in ROW.		YES
(f.6) Evidence of stormwater and drainage quality issues (standing water, etc.).		YES
(g) Defective or unusual conditions of title rendering the title non-marketable;		NO
(h) Existence of conditions that endanger life or property by fire or other causes;		YES
(h.1) Structures in a floodplain.		NO
(h.2) Evidence of fires, or fire safety concerns such as conditions that may lead to fire.		YES
(h.3) Storage of hazardous materials near structures.		NR
(h.4) Dead trees in high traffic areas.		NO
(h.5) Inadequate emergency vehicle access.		NO
(i) Buildings that are unsafe or unhealthy for persons to live or work in because of building code		NR
(i.1) History of public health issues or hazardous contaminants.		NR
(i.2) Deteriorated building interiors, including mold, asbestos, fire damage, etc.		NR
(i.3) Defective building design or construction resulting in slum conditions.		NR
(i.4) Extreme dilapidation of primary structure.		NR
(i.5) Noncompliance with building permit, use, or occupancy ratings.		NR
(i.6) Unprotected electrical, gas, or plumbing.		NR
(i.7) Evidence of squatting or vagrant activities.		NR
(j) Environmental contamination of buildings or property		NR
(k.5) Existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements		YES
(k.1) High levels of vacancy, code violations, traffic accidents, emergency service call volumes, or crime incidence.		Yes
(k.2) Overall building or site underutilization or vacancy.		Yes
NR = Not Reviewed NO = Not Observed YES = Observed		



SITE DESCRIPTION:

The following is a summary of the specific site considerations that are used as context in evaluating blight as part of the report.

CIRCULATION, LOCAL & REGIONAL CONTEXT

The site is located just over an eighth mile north of the major circulation route, Sixth Avenue, which continues west all the way to Golden and nearly continuous east all the way through Aurora. 6th Avenue's location to Downtown Denver is also a driving factor; crossing east to west just south of the main urban core, and the only east-west continuous highway between I-70 4 miles to the north and Highway 285 (Hampden) 5 miles to the south. Because of this proximity, the surrounding neighborhoods are within a 10 minute drive in light traffic to Downtown Denver.

Additional transportation options are also close by. The site is only 1/4 mile south of the Sheridan Station stop for light rail transit into Downtown and the rest of the metro area. The site is also within biking distance via approximately a 3-1/2 mile bike ride down the dedicated Lakewood Gulch Trail, which starts a 1/4 mile directly east down 8th Ave. from the subject site. This convenience is a significant influence on the increasing desirability of the homes in the area; not only for the short commute into work, but the close proximity to the social leisure attractions of Downtown to the east, the flourishing Highlands area to the North, and the remainder of the City of Lakewood and direct access to the mountains to the west.

Direct access from the site to Sheridan Boulevard is also a significant influence. Sheridan is a four-lane collector road, with a center turning lane and typically without acceleration/deceleration lanes. It is the only continuous road running north to south between Wadsworth 1-1/2 miles to the west and Federal 1-1/2 miles to the east, both of which are the two next intersections that provide access to 6th Avenue and I-70 1/4 mile to the North. Because of this, Sheridan is a fairly heavily trafficked road, often moving slower than the posted speed limit, however speed increases with reduced quantities of signaled intersections as Sheridan approaches the site from both directions.

Vehicular access to the subject site is currently along 8th Ave., 9th Ave., and Sheridan Blvd. No traffic signals are at either intersection to Sheridan Blvd. There is an acceleration lane coming off of 8th Ave. going south on Sheridan. Last year (2020), improvements were made in the right-of-way along the east side property by adding a retaining wall, short chain link fence, detached sidewalk and two new curb-cuts serving the driveways to the houses at 825 & 865 Sheridan. Per historic aerial photography, it is evident that the subject property did not have a sidewalk or formal driveway access along Sheridan Blvd. prior to the recent improvements. Refer to Exhibit B.

Internally, a series of dilapidated asphalt driveways serve as access to the single-family houses on properties 014, 015 & 016. These driveways are on the west side of the lots and connect to 8th Avenue. It appears by visible traffic patterns in historic aerial photography that this was the primary means of vehicular access prior to the modifications made last year, which provided direct access to Sheridan Blvd. by adding retaining walls and curb cuts as noted above. This access point, off 8th Ave., remains the only vehicular access to 801 Sheridan, and it is evident by observation that this access is still often used by the residents at 825 & 865 Sheridan, if not the primary access. Refer to Exhibit C.

Similarly, the subject residences located on lot 012, are provided vehicular access by a joined driveway that continues behind the primary houses flanking 9th Ave. and terminates in a large semi-paved area serving as a round-about/parking area.

Circulation west of the site is dominated by paved residential roads with no curb, gutter or sidewalk, which is typical in the surrounding neighborhood. This simplified type of roadway extends to Sheridan along 8th & 9th Avenues on the north and south sides of the site. No street lighting for either public roads or internal roads is present outside of street lighting along Sheridan Blvd.



USE TYPES

Sheridan serves primarily commercial use types between 6th avenue and the subject site. A strip mall is located on the east side of the road and south of the subject site; which contains restaurants, bars, a cannabis store, and a battery retailer. Across the street, on the west side of Sheridan and just south of the site, is an light industrial/office park with additional industrial warehouses flanking the opposite site of Lakewood Gulch.

The use type changes to primarily single-family development between 8th & 9th avenues, including the subject site. Exceptions to this include the small commercial building on the southwest corner of 9th & Sheridan. The use then changes to a multi-family apartment complex and a strip mall on the block to the north of 9th avenue from the site, while the east side of Sheridan remains single family residential.

To the west of the site is a mixture of single-family homes and duplexes. Most lots are between 0.15 to 0.30 acres, with the larger lots developed into duplexes, however there are two lots directly adjoining the site where the lots are approximately 0.5 acres. Also directly to the west of the site is the Surfside Spray Park, owned and operated by the City of Lakewood. This splash park was a 2012 redevelopment of the previous public pool.

The use types found on the subject site are assumed to be entirely residential. Single family houses are found on lots 014, 015 & 016; all 1.07 acres each. Four residences share the 0.69 acre lot 012. The lot is zoned "M-G-U" which according to the city of Lakewood zoning ordinance, this use type:

"...is intended to allow for mixed-use and community commercial development generally along arterial streets. Typical nonresidential uses include those necessary to support the community. The district is intended to accommodate a higher level of motor vehicle activity, although pedestrian activity will still be accommodated and encouraged."

Historically, for the three southern lots, the zoning use type was the same as the adjoining residential neighborhood as "R-2" (original 1970 zoning), then "R-3" residential zoning until the 2004 zoning map which designated these three properties with a specific "AOZ" overlay for the first time differentiating these lots from the residential lots to the west. The northernmost lot remained a similar zoning type from the original 1970 zoning.





EXHIBIT A: AERIAL IMAGE OF SURROUNDING AREA COLOR CODED WITH CURRENT ZONING.



TOPOGRAPHY

In general, the subject site is relatively flat in the center and on the north and west sides. Then it slopes increasingly and fairly dramatically as it approaches 8th Ave. and Sheridan Blvd. This grade along the east side of the site has been recently addressed by a new retaining wall added last year in the public right of way as noted above. The significant grade change remains unaltered along the south property line. The grade continues to drop as the land approaches Lakewood Gulch, which is less than 500 feet south of the site. This grade change is so profound, that the site overlooks the roof of industrial/business park directly to the south, as well as prominent views of the nearby Highway before the grade rises again on the opposite side of the valley.

SITE CHARACTERISTICS

It can be considered that the site is at the southern edge of the residential neighborhood as the uses change leading to the 6th Ave. Highway. Though the residential neighborhoods north and south of the subject site along Sheridan tend to feel continuous from one side of the road to another, there is a different density and use between the east and west sides of Sheridan at the subject site. This density variation can also be seen between the site, and the neighborhood to the west as well. The three southern lots are all 1.07 acres and contain just one single family house. This is approximately five time less dense than the average residential lots on both the adjacent Lakewood and Denver lots. In contrast, the northern lot on the subject site contains four separate houses with multiple out-buildings, sheds and garages registered as separate residences on 0.69 acres, which is more dense than average for the neighborhood. Because of this, the general characteristics of the site is underdevelopment on the southern lots and overdevelopment on the northern lot.





EXHIBIT B: USE AND UTILIZATION ANALYSIS

Other than the multitude of varying added structures to lot 012, it is evident that very little has significantly changed since the original construction of the structures on site. The appearance and remaining structures on lots 014, 015 & 016 are older than the surrounding neighborhoods. More importantly, they were all built in the 1920's, when the area was based upon agricultural properties, which can be inferred for these lots; whereas the remainder of the neighborhood seems to



have become established as the current city fabric around the late forties and fifties, during the economic boom after the Second World War.

The southernmost lot 016 contains a brick house (801 Sheridan); which is built on the most prominent point on the site. According to county public records, this is a 880 s.f., one bedroom, one bathroom house, with a 440 s.f. basement. It was built in 1927 and listed in "fair" condition. This report did not include interior evaluation of the buildings. However, conditions may very well be present that would be considered a contributing factor of blight. Especially since the house is 96 years old and there are no major remodels on public record. This lot also contains an old and dilapidating barn structure listed as 1,328 s.f., an outhouse, and a stone well. All structures cover approximately 5% of the total land area. The property does not have a garage and resident park outside on the driveway.

The houses on lots 014 & 015 are stick framed structures of less quality and prominence, but still address the street as typical of houses built along boulevards when they were built. Both appear to retain their original siding, trim and some windows. They are set near the front of the deep lots, with large back yards presumably for gardening and keeping animals.

Public records indicate that the house on property 015 (825 Sheridan), was built in 1924, has three bedrooms, 1 3/4 baths, 1,491 s.f., with a 1,458 s.f. basement. All structures total less than 4% of the land area. The structure is listed in "fair" quality. No remodel is recorded on the house. A deteriorating detached garage is on the property, listed at 323 s.f. It is evident that the garage is not used to store vehicles and that the residents park along the driveway.

The house on lot 014 (865 Sheridan) is recorded as two-bedroom, 1 bath, 784 s.f. with a 784 s.f. basement, a 108 s.f. covered porch, and a detached 225 s.f. garage. All structures cover just over 2% of the total land area. It is evident that the garage is not use for vehicles on this property. The year built is 1926, and no remodel is recoded. Like the house on lot 016, the field observations did not include observations of the houses interior, but due to the houses age and no reported remodel, it is very possible that factors contributing to blighted conditions exist.

All three of these lots are heavily overgrown with high grasses, shrubs and trees. As mentioned above, the paved driveways on site have long since eroded and are nearly indistinguishable from the surrounding gravel. The backs of the lots especially are abandoned and unused. The residents on lots 014 & 015 have fenced around only a portion of the land behind the house, leaving a large portion of the lot open, and unmanaged. Lot 016 includes only a short border fence, which is overgrown with vegetation. Refer to Exhibit C. By observation alone, it cannot be distinguished that the land is included in the properties, or if it is a separate and vacant lot. and along with the deteriorated roadway connecting to 8th street, one can drive, or walk behind the houses on this land with no defined border or boundary with little to invoke a feeling or sense of trespassing. These characteristics cause the site to feel out of place from the relatively dense surrounding suburban context, even with the residential neighborhoods. This further leads to the general sense that the city has grown around these sites with ever increasing density and activity while these lots, which have lost their original agricultural utility, feel out of context and underutilized.

For the sake of the current residence privacy, the site observations did not include physically observing the lot 012 internally. But from aerial footage and from what can be seen from outside of the property, it appears to be a fairly densely packed lots with multiple outbuildings along the southern perimeter, creating a type of "courtyard" in the center of the lot and sheltered from the view of the street behind the duplex and main house along 9th Ave. County records indicate at least the initial house(es) were built in 1946. Less is recorded for the remaining structures, but the density is approximately 1/3 of the lot being covered with structures. With the paved courtyard/driveway taking up a large remainder of the site, there is very little landscaping or lawn space; perhaps only 5-10% of the total site area. Most of the outbuildings, and even the secondary residences are built with little to no setbacks to the property line. It is evident that this courtyard is the main access points for the four separate residents and that the original public entries facing 9th Ave. are seldom, if ever used. However accommodating for the residents, this creates a feeling of foreboding to enter into this interior space from the street, especially around the blind corner.



Another generalized observation of the character of the site as it pertains to the surrounding area, is how extreme changes from brand new or very new construction, to dilapidated or vacant properties occur seemingly randomly around the perimeter of the site. For instance: the adjoining Splash Park, redeveloped within the last 10 years surrounded by underdeveloped or unmaintained properties around it. Or the new curb cuts added along Sheridan Blvd. abutting steep unpaved driveways with gravel poring overtop the pavement. Or the recently new houses on 0.15 acre lots a block west of the site with underdeveloped, 0.5 acre lots with 70 year old ranch homes across the street. It is apparent that gentrification is occurring. Without the exception provide to the 1% growth cap, these residential lots may continue to be unmitigated with increasing the levels of blight and their negative impacts, contrary to the market forces if the area, and continuing the incongruity of the neighborhood.



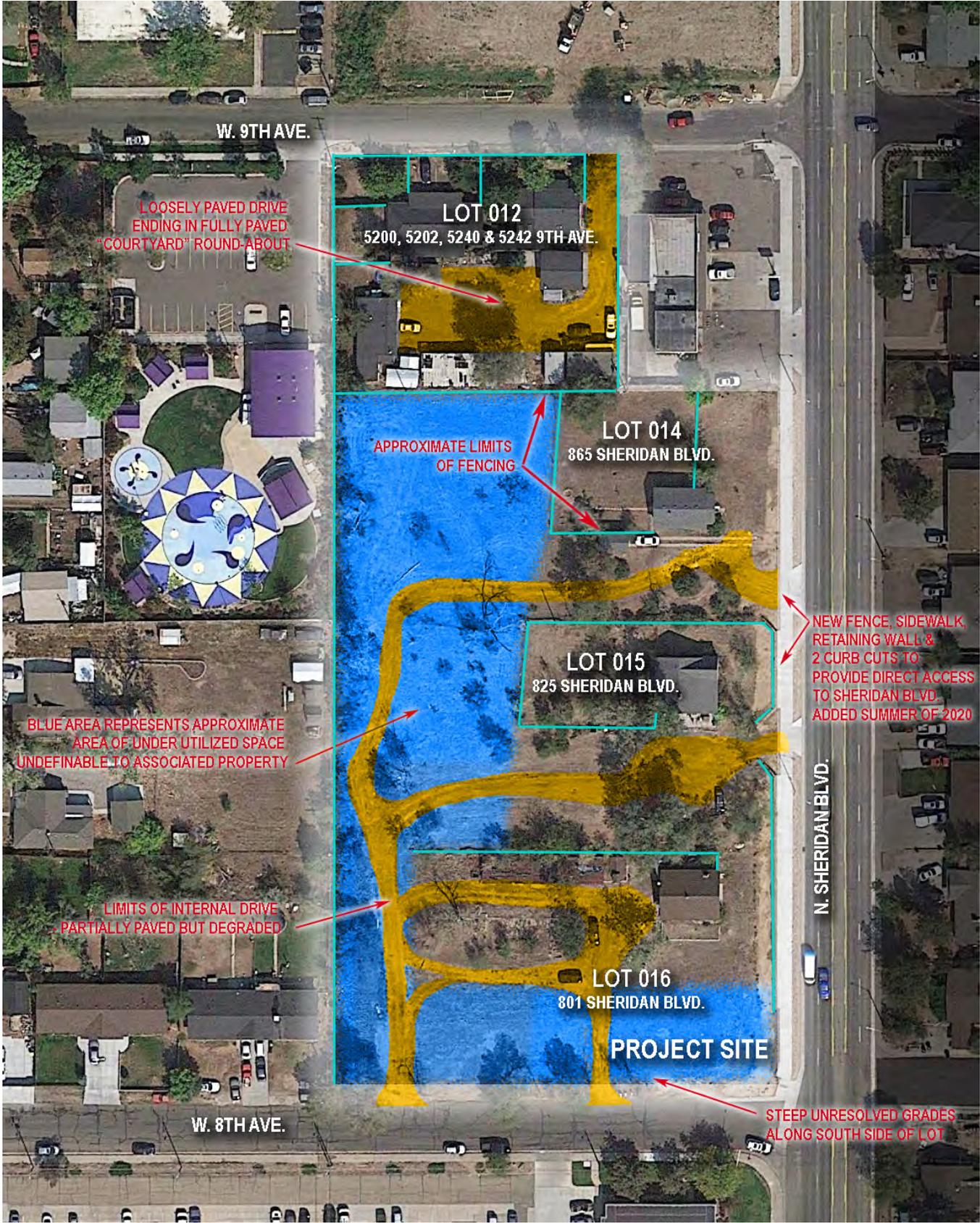


EXHIBIT C: SUBJECT SITE EVALUATION



BLIGHT EVALUATION FINDINGS:

This section provides specific examples of observed blight and a narrative for each observed location as supporting evidence to the findings of the Report Summary. The following is organized in the same order as the Report Summary matrix above, based upon factors defining blight per CRS 31-.25-103(2) also referenced in the Report Summary.

CONTRIBUTING FACTORS

(a) SLUM, DETERIORATED, OR DETERIORATING STRUCTURES:

(a.1) Dilapidation of: roof, fascia, soffits, eaves, gutters, downspouts, exterior walls, exterior finishes, windows, doors, trim, visible foundations, stairwells, fire escapes, loading areas, ramps, mechanical equipment, accessory structures.

(a.2) Absence of any of the above items where necessary.

Due to the age and maintenance of the structures on the site, deteriorated and deteriorating structures were observed on all sites. The condition of the structure varies greatly, from the single-family house on lot 016, which shows very little signs of significant exterior deterioration, to the accessory structures on lot 012, that portions of the walls and roofs are separating or missing. However, deterioration of the structures is consistent across the subject properties.



DETERIORATING BARN STRUCTURE ON LOT 016





SIGNS OF AGED AND DETERIORATING WINDOWS, HORIZONTAL SIDING AND TRIM ON LOT 015



DETERIORATING DETACHED GARAGE ON LOT 014





DETAIL OF DETERIORATING STRUCTURE ON LOT 012



DETAIL OF DETERIORATING STRUCTURE ON LOT 012



(b) PREDOMINANCE OF DEFECTIVE OR INADEQUATE STREET LAYOUT

(b.1) Poor vehicle access or internal circulation.

Though the entirety of the site, there was not observed one internal drive that provided drive lanes up to current residential requirements of the City. As described in the Site Description and graphically shown in Exhibit C; the internal roads are randomly located along the back side of the properties. They seem to follow along paths around trees, etc. At some point, this driveway was paved to some extent, but is now almost indiscernible as pavement. The internal road on Lot 012 now provides a turn-around/parking area in place of the previous back yards, and serves as the new entry into the residences. This layout should be considered inadequate as it creates a dangerous environment where access is required to proceed around a blind corner. The combination drive/pedestrian access continues around the blind corner, leading to a dead end in center of the lot. This dead end is shielded from view of the street, creating a dangerous space of vulnerability.



LOT 012 - VIEW OF THE SITE ENTRY TOWARDS THE BLIND CORNER. THE DRIVEWAY CONTINUES AROUND TO THE RIGHT OF THE GARAGE ENDING IN AN INDEFENSIBLE DEAD END





GRAVEL DRIVEWAY OF LOT 014 FROM THE ORIGINAL ENTRY DRIVE



GRAVEL DRIVE OF LOT 014 AS IT INTERSECTS NEW CURB CUT AND SIDEWALK ADDED IN RIGHT-OF-WAY IN 2020 ALONG SHERIDAN BLVD.





VIEW OF INTERNAL ACCESS DRIVE WITH DETERIORATED PAVEMENT TO LOT 015. THIS ACCESS SHOWS SIGNS OF CONTINUAL USE AFTER BEING REPLACED BY NEW ACCESS TO SHERIDAN BLVD ADDED IN 2020.



(b.2) Substandard driveway definition or curb cuts.

New improvements have been made in the right-of-way along Sheridan Blvd to provide new curb cuts. However substandard conditions exist as the driveways from the curb cuts remain degraded. All along 8th and 9th Avenues, no improvements have been made, and therefore, there remains no curb, gutter, or curb cuts for access.



LOT 012 - SITE ACCESS WITH INADEQUATE DRIVEWAY DEFINITION & ABSENCE OF CURB CUT.

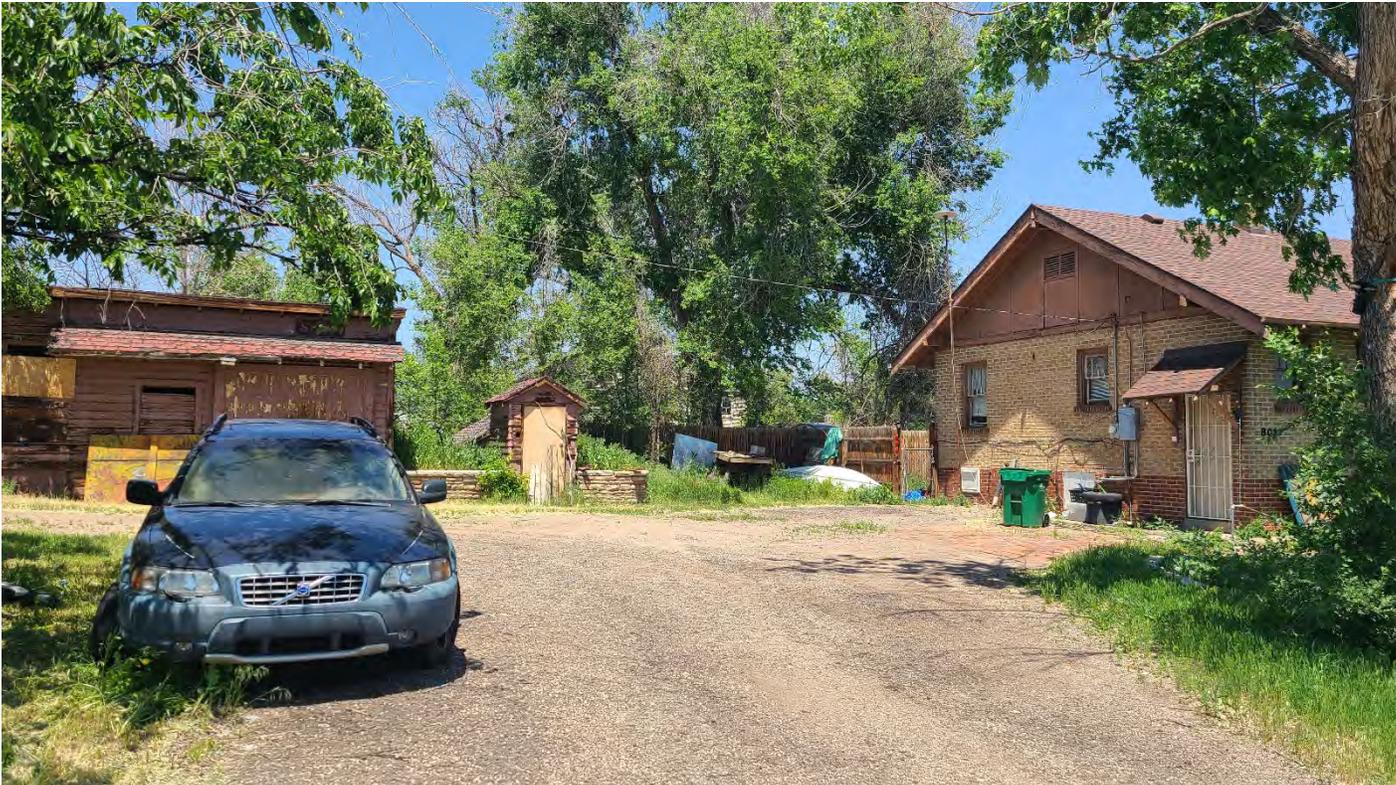
(b.3) Poor parking layout.

Observed parking on the subject area consist of cars parking in the most convenient locations in the gravel along the driveways. Though some residences on the southern lots have garages, it is evident that they are not in use.





Lot 015 - Typical undefined parking



Lot 016 - Typical undefined parking



(c) FAULTY LOT LAYOUT IN RELATION TO SIZE, ADEQUACY, ACCESSIBILITY, OR USEFULNESS

(c.3) Inadequately sized lots.

These factors are evident when evaluating the sites in context with the surrounding neighborhood. In relation, Lots 014, 015, & 016 are underdeveloped. The maximum density of structures cover on any of these lots is 5%, with lot 3 with only around 2% of the area covered with structures. By contrast, the average house in the fully developed portion of the residential neighborhoods to the east and west have approximately 17-20% density. These three lots were initially developed as 1.07 acre properties in the 1920's, and suited for light agricultural use typical of the time and location. The remainder of the neighborhood has since grown around these lots with no significant changes to these properties or land. Because of this, these lots are 5 times larger than the average lots for single family homes of the same size in the area. This creates the sense that these lots are rural development among the sub-urban surroundings. This additional area is not only incongruent with the surrounding residential lots, but could also be described as underutilized with large unused and unmanaged area. As noted in the site description, the zoning for these lots were amended in the mid 2000's away from a strict residential use determination, but no changes have been made to the sites.

The size of lot 012 by contrast is denser than the average lot per resident. At 0.69 acres, this equates to 0.17 acres per resident, which is the a duplex and single-family house face 9th Ave. It is assumed that the fourth residence lives in the structure in the southwest corner of the lot, and that the remaining structures are not residences. However, there is some observable evidence of people living in a couple of the other, less substantial and dilapidated structures, but this was not substantiated within the extent of review. As indicated in the Site Description, the exact areas of all the structures are unknown. However, it is estimated by visual observation of aerial photography that the lot is covered by approximately 1/3 of its area with structures of some sort. This, combined with a significant paved area, provides for only a small area which is lawn or other landscape, estimated at around 5-10 of the total area, not including the overgrowth in the right of way along 9th Ave. These two aspects indicate that this site is considerably and inadequately overdeveloped in relation to the surrounding residential neighborhoods with around twice the average amount of structure density and area of paved surfaces dedicated to vehicles.

It is clear that this site layout was not the original intent for Lot 012. It most likely has developed over time to a sort of "complex" of multiple individual residences and structures. This has caused the houses along 9th Ave. to no longer be primarily accessed by the street, but by the internal drive as described previously. This is a highly irregular layout that would not be allowed per current building requirements. This layout causes the current structures on the south of the lot to be built up against the property lines with little to no setbacks.





VIEW OF LOT 016 - LARGE AREAS OF UNUSED AND/OR UNKEPT PROPERTY CREATING A RURAL ENVIRONMENT WITHIN THE SURROUNDING SUBURBAN CONTEXT



VIEW OF LOT 015 - IMAGE OF THE RURAL SITE AMONG THE SUBURBAN CONTEXT





VIEW OF LOT 014 - IMAGE OF THE RURAL SITE AMONG THE SUBURBAN CONTEXT



IMAGE OF REAR HOUSE (FAR LEFT) AND OUTBUILDINGS OF LOT 012 AGAINST INTERNAL ROAD AND ALONG SOUTHERN PROPERTY LINE



(c.4) Landlocked or confusing vehicle access.

The accessibility is also faulty in that it creates a foreboding and potential dangerous scenario that residents and visitors are required to go deep into the property, around a blind corner without site lines to the road, in order to access the main entry points. In the current layout, it can be considered confusing how to access the site behind the hoses that previously addressed the street; especially to the resident(s) that do not front 9th Ave. However, since the vehicular access has been modified to behind the residences, this creates confusion as well. It is uncertain which address pertains to each residence, or how to access the residences. Refer to Exhibit C.



LOT 012 - VIEW OF FRONT OF EAST HOUSE: NO LONGER ADDRESSES STREET NOR PROVIDES DRIVE TO RESIDENCE

Site access to the 3 southern lots are also confusing. In reference to Exhibit 3, there is no clear understanding where the two site access points off of 8th Ave. lead to. Furthermore, the mail boxes for all 3 site are all located by the easternmost access, which presumably is primarily used for only Lot 016 due to the proximity.





LOT 016 - MAIL BOXES FOR ALL THREE SOUTHERN LOTS AT MAIN SITE ENTRY POINT FOR LOT 016: LEADS TO CONFUSION OF ACCESS IN RELATION TO HOUSES.



LOT 016 - VIEW OF ONE OF 4 ACCESS POINTS TO LOTS 014, 015 & 016: NO INDICATION OF WHERE THE ROAD LEADS.





LOT 012 - VIEW OF THE SITE ENTRY TO TOWARDS THE BLIND CORNER. THE DRIVEWAY CONTINUES AROUND TO THE RIGHT OF THE GARAGE IN THE IMAGE.



(d) UNSANITARY OR UNSAFE CONDITIONS

(d.1) Poor lighting or unlit areas.

No lighting, other than street lights along Sheridan Blvd. and wall mounted lights on the houses and other structures was present on site. Therefore, the remaining areas around public roads, internal roads, circulation paths, etc. are generally unlit.



LOT 012 - VIEW LOOKING EAST ON 9TH AVE. - NO STREET LIGHTS PRESENT.

(d.2) Cracked, uneven, or absent sidewalks.

As stated in the Site Description and pictured in the image above, no sidewalks exist on the adjoining 8th & 9th streets. There are also no discernable paved walkways from the main doors to the sidewalks of any of the residents. Pedestrian traffic is primary along vehicle routes, gravel walks, or deteriorated pavement.

(d.3) Broken or absent handrails where necessary.

No handrails for any ramps providing accessibility were present on site. Observed rails were serving stairs to the entry doors to the houses. No significantly broken railings were observed.

(d.4) Poor drainage or grading, or very steep slopes.

No site curbs or gutters are present on site, leading to poor drainage. Very steep slopes occur along the south edge of Lot 016 as also documented elsewhere.





LOT 012 - INADEQUATE DRAINAGE: PONDING OF WATER AT SHOULDER OF 9TH AVE. AT VEHICLE ENTRY



(d.5) Presence of junk, trash, and debris, or unscreened trash and mechanical.

There was evidence of junk, and trash per the image below.



LOT 016 - ABANDONED MATTRESS ALONGSIDE 8TH AVE.



(d.5) Presence of abandoned or inoperable vehicles.

Evidence of this factor per the image below.



LOT 015 - IMAGE OF POSSIBLE ABANDONED VEHICLE WITH FLAT TIRES



(e) DETERIORATION OF SITE OR OTHER IMPROVEMENTS

(e.1) Deterioration, dilapidation, or absence of: parking lots, pavement, gutters/site drainage, curbs, outdoor lighting, signage, landscaping, fencing.

This deterioration is specific to degradation of the site, other than the building structures. Pavement, where it may exist for vehicular traffic is decades old, cracked and deteriorated and overgrown to a level where it can be indiscernible where it begins and ends. The following photos and narrative describe some of the observed deterioration or inadequate site improvements.



LOTS -014, 015 & 016 - SEVERELY DETERIORATED ACCESS ROAD





LOT 013/014 - DAMAGED SITE FENCING



LOT 015 - SEVERELY DETERIORATED ACCESS ROAD





LOT 016 - ABSENCE OF CURB & GUTTER ALONG SOUTH PROPERTY LINE, DETERIORATED DRIVE ACCESS

(e.2) Evidence of poor erosion control.

Examples per images below.





LOT 012 - INADEQUATE STREET DRAINAGE - ABSENCE OF GUTTER



LOT 016 - POOR EROSION CONTROL AT DRIVEWAY - LOOSE AGGREGATE ON TOP OF NATIVE SOILS



(e.3) Evidence of poor site maintenance, such as an excess of tall weeds or trash and debris.

In general the majority of all lots are covered with unkept landscaping.



LOT 012 & 014 UNKEPT LANDSCAPE WITH TYPICAL HIGH GRASSES & WEEDS

(f) UNUSUAL TOPOGRAPHY OR INADEQUATE PUBLIC IMPROVEMENTS OR UTILITIES

As stated in the site description, the topography becomes extreme on the south and east sides, with the greatest grade drop at the southeast corner on Lot 016. Though improvements in the right-of-way along Sheridan have managed the grade along the east edges of the properties, the grade drop increases as it approaches 8th Ave.. The adequacy of Public Improvements and Utilities was not included in the scope of this review. However, this should not be considered reason to assume that these blight factors do not exist on the subject site.

(f.1) Steep or unusual terrain with inadequate site grading in Right-Of-Way (ROW).

(f.2) Deterioration or absence of the following in the ROW: street pavement, gutters, curbs, sidewalks, water and sewer utilities.

(f.3) Incomplete or substandard sidewalk system.

(f.4) Poor erosion control on public land or in ROW.

(f.5) Insufficient street lighting in ROW.





LOT 016 - STEEP GRADE CHANGE BETWEEN PROPERTY AND 8TH AVE. (FACTOR (f.1)) ALSO EXAMPLE OF ABSENT GUTTER, CURB, SIDEWALK, WATER, SEWER UTILITIES, STREET LIGHTING & EROSION CONTROL OCCURRING ALONG 8TH & 9TH AVE (FACTORS (f.2)-(f.5))



LOT 016 - VIEW UP STEEP SLOPE FROM SOUTHEAST CORNER OF LOT



(f.6) Evidence of storm water and drainage quality issues (standing water, etc.).

Examples per images below



LOT 012 - STANDING WATER IN RIGHT OF WAY DUE TO LACK OF STORM WATER UTILITIES





LOT 015 - VIEW OF GRADE DOWN HILL, RETAINING WALL ADDED IN 2020.

(h) THE EXISTENCE OF CONDITIONS THAT ENDANGER LIFE OR PROPERTY BY FIRE OR OTHER CAUSES.

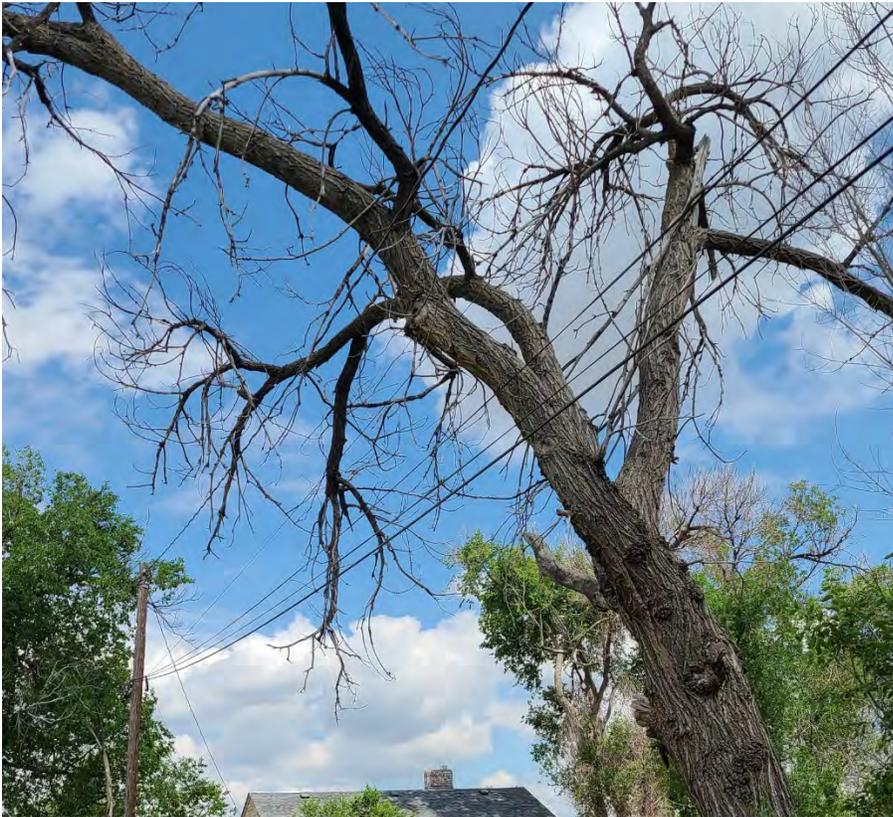
(h.2) Evidence of fires, or fire safety concerns such as conditions that may lead to fire.

There was one extremely unsafe condition in particular with the potential to endanger life and property, namely the power lines along the property line between lots 012 & 014. Multiple lines are running dangerously low to the metal building structures, chain link fence and even the ground. Refer to the image below.





LOT 012 - IMAGE OF DANGEROUSLY LOW POWER LINES



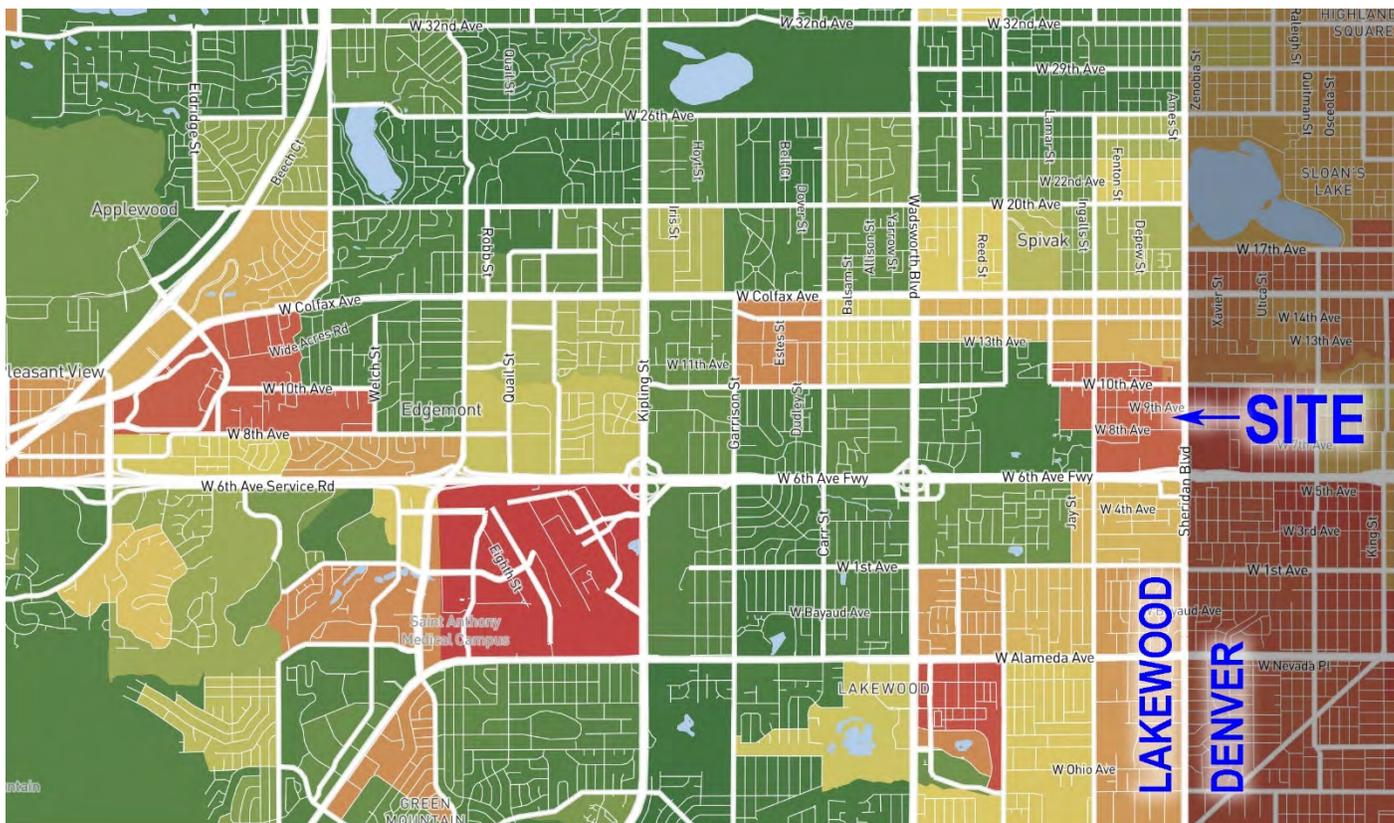
LOT 015 - POWER LINES INTERTWINED IN TREE LIMBS



(k.5) THE EXISTENCE OF HEALTH, SAFETY, OR WELFARE FACTORS REQUIRING HIGH LEVELS OF MUNICIPAL SERVICES OR SUBSTANTIAL PHYSICAL UNDERUTILIZATION OR VACANCY OF SITES, BUILDINGS, OR OTHER IMPROVEMENTS.

(k.1) High levels of vacancy, code violations, traffic accidents, emergency service call volumes, or crime incidence.

Though Lakewood overall is about average for crime with a “C+” overall crime rating according to crimegrade.org, there is evidence this area sees higher crime and more violent crimes than the rest of the city. The below map from crimegrade.org shows the subject site with a grade of “F” for overall crime rating. According to the below map, the crime at the site and surrounding blocks is the highest along Sheridan Blvd. within the city limits of Lakewood. Also notable is this site is in contrast to the majority of Lakewood with better crime grade, and a significant portion considered an “A”.



Crime Grades



A+ (dark green) areas are safest

EXHIBIT D - CRIME GRADE MAP PER CRIMEGRADE.ORG

According to spotcrime.com, two violent crimes are recently reported on the 6200 block of Colfax, less than a mile from the site: a shooting, recorded January 26, 2021, and an assault recorded February 11, 2021. Another shooting was reported just over a month ago (5/12/21) at the 800 block of Wadsworth, less than a 1-1/2 miles from the site. A burglary was reported on September 12, 2020 on the 1000 block of Depew street about a 1/2 mile from the subject site.



(k.2) Overall building or site underutilization or vacancy.

Referring to review of factor (c.3), Lots 014, 015 & 016 are underutilized in regard to the surrounding residential neighborhood. In summary of the previously stated for factor (c.3), these sites have a density of structures to lot size of between 2% & 5%. This density is between 3 & 10 times less dense per acre than the average single-family residence in the adjoining neighborhoods. In addition to this, the disparity would be even greater if considering a significant portion of the structures contributing to this density, such as the original barn structure on Lot 016, are not used for their original purpose and are currently either underutilized or unused all together.

In such a centralized location, with easy access to Downtown and the rest of the Denver Metro area via close proximity to 6th Ave. and light rail access, bike paths, etc.; this site should be considered underutilized for the unchanged agricultural density that it was originally developed nearly one hundred years ago. Refer to Exhibit C.

END OF REPORT



STAFF MEMO

DATE OF COUNCIL MEETING: JULY 26, 2021 / AGENDA ITEM NO. 8
AUGUST 9, 2021 / AGENDA ITEM NO. 14

To: Mayor and City Council

From: Alison McKenney Brown, City Attorney

Subject: **REPEALING ORDINANCE 2020-11, ESTABLISHING RULES AND PROCEDURES FOR CALLING AND HOLDING EMERGENCY CITY COUNCIL MEETINGS AND, FURTHER, DECLARING AN EMERGENCY**

This ordinance was approved on 1st Reading by a vote of 8 ayes 1 nays.

SUMMARY STATEMENT: The City Council should rescind Ordinance 2020-11 declaring a State of Emergency and establishing rules and procedures for calling and holding emergency City Council Meetings.

BACKGROUND INFORMATION: On March 10, 2020, Colorado Governor Jared Polis declared a state of emergency in response to COVID-19 (coronavirus). On March 17, 2020, in response to the Governor's declaration of a State of Emergency, City Manager Kathleen Hodgson declared a State of local disaster in accordance with her authority under L.M.C. Section 1.27.060(D). However, Section 1.27.060(D) limits the duration of a local disaster declaration issued by the City Manager to no longer than seven days. Therefore, in support of the City Manager's declaration, on March 23, 2020, the City Council of the City of Lakewood adopted Ordinance 2020-11. Ordinance 2020-11 established rules and procedures for calling and holding Emergency City Council meetings and, further, declared a state of local health emergency. Since that time the City of Lakewood has operated pursuant to Ordinance 2020-11, and subsequent motions to extend the City Manager's Emergency Declaration. On July 8, 2021, Governor Polis ended the State's pandemic declaration of a state of health emergency. In response to the Governor's most recent action Staff is requesting that the City Council rescind Ordinance 2020-11 and take no further action to extend the City Manager's declaration.

BUDGETARY IMPACTS: This item has no associated budget impact.

STAFF RECOMMENDATIONS: Staff recommends City Council consider repealing Ordinance 2020-11.

ALTERNATIVES: City Council may elect to not repeal Ordinance 2020-11.

PUBLIC OUTREACH: This item has been promoted through the regular channels for an item coming before City Council for consideration.

ATTACHMENTS: Ordinance 2021-21
Ordinance 2020-11

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

O-2021-21

AN ORDINANCE

REPEALING EMERGENCY ORDINANCE 2020-11, ESTABLISHING RULES AND PROCEDURES FOR CALLING AND HOLDING EMERGENCY CITY COUNCIL MEETINGS AND, FURTHER, DECLARING AN EMERGENCY

WHEREAS, on March 10, 2020, Colorado Governor Jared Polis declared a state of emergency in response to COVID-19 (coronavirus);

WHEREAS, on March 17, 2020, in response to the Governor's declaration of a State of Emergency, City Manager Kathleen Hodgson declared a State of local disaster in accordance with her authority under L.M.C. Section 1.27.060(D);

WHEREAS, on March 23, 2020, in support of the City Manager's declaration of local disaster, the City Council of the City of Lakewood adopted Emergency Ordinance 2020-11 establishing rules and procedures for calling and holding Emergency City Council meetings and declared a state of local health emergency;

WHEREAS, since March 2020, the City of Lakewood has operated pursuant to Ordinance 2020-11, and subsequent motions to extend the City Manager's Emergency Declaration;

WHEREAS, on July 8, 2021, Governor Polis ended the State's pandemic declaration of a state of health emergency;

WHEREAS, in conformance with the recent action of the Governor, the City Council of the City of Lakewood desires to rescind its emergency declaration as set forth in Ordinance 2020-11;

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. Ordinance 2020-11, establishing rules and procedures for calling and holding emergency city council meetings and, further, declaring an emergency, is hereby repealed.

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 the within and foregoing ordinance was introduced and read on first reading at a virtual regular meeting of the Lakewood City Council on the 26th day of July, 2021; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 29th day of July, 2021; set for public hearing to be held on the 9th day of August, 2021, read, finally passed and adopted by the City Council on the 9th day of August, 2021 and, signed by the Mayor on the _____ day of August, 2021.

Adam Paul, Mayor

ATTEST:

Bruce Roome, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

O-2020-11

AN ORDINANCE

ESTABLISHING RULES AND PROCEDURES FOR CALLING AND HOLDING EMERGENCY CITY COUNCIL MEETINGS AND, FURTHER, DECLARING AN EMERGENCY

WHEREAS, Section 2.15 of the City of Lakewood (the "City) home rule charter (the "Charter") provides that the City Council shall establish, by ordinance, notification procedures for holding emergency meetings;

WHEREAS, neither the Lakewood Municipal Code nor any City ordinance addresses emergency meetings;

WHEREAS, in order to preserve the City's peace, health and safety, the City Council desires to establish procedures for holding emergency meetings either virtually or in a location other than the Lakewood Civic Center;

WHEREAS, in light of the possibility that public facilities can be closed with little or no warning as the result of a public health or other emergency, the City Council further desires to adopt this ordinance as an emergency ordinance;

WHEREAS, pursuant to Chapter 1.27 of the Lakewood Municipal Code, the City Manager of the City of Lakewood has issued a proclamation declaring a state of disaster in response to COVID-19 (coronavirus) for an indefinite period of time;

WHEREAS, one of the enumerated powers available to the City Manager upon a declaration of a disaster is the power to "suspend or modify the provisions of any ordinance or waive compliance with procedures and formalities, including notices, as may be prescribed by law if compliance thereof would in any way prevent, hinder or delay necessary action in responding to or mitigating a disaster;" and

WHEREAS, because compliance with the notice requirements and other procedures associated with the ordinance adoption process would prevent, hinder or delay necessary action, the City Manager respectfully requests that the City Council consider making this ordinance effective immediately.

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

SECTION 1. Emergency Meeting Rules and Procedures Adopted. The emergency meeting rules and procedures set forth on Exhibit A, attached hereto, are hereby adopted.

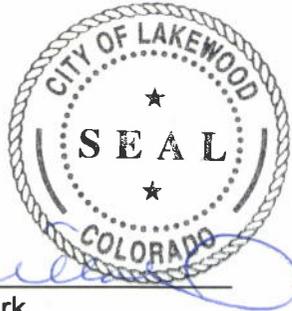
SECTION 2. Emergency Ordinance. This ordinance is necessary for the immediate preservation of the City of Lakewood's peace, health and safety for the following reasons: (i) on March 10, 2020, Colorado Governor Jared Polis declared a state of emergency in response to COVID-19 (coronavirus); (ii) declaration of a disaster

emergency gives the Governor broad powers to isolate and quarantine persons or property; (iii) county and district public health agencies also have the authority to close public places in the event of a health emergency; (iv) if the City's Civic Center is closed, the City Council must be able to meet when and where necessary to carry out its duties.

SECTION 3. Declaration; Effective Date. In light of the foregoing, and in accordance with the powers granted to the City Manager pursuant to Chapter 1.27 of the Lakewood Municipal Code, the City Council hereby declares an emergency and adopts this emergency ordinance on first reading. As such, this emergency ordinance shall be in full force and effect immediately upon adoption.

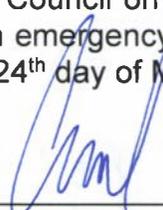
SECTION 4. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining 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 at a regular meeting of the Lakewood City Council on the 23rd day of March, 2020; passed and adopted by the City Council as an emergency ordinance on the 23rd day of March, 2020; and signed by the Mayor on the 24th day of March, 2020.



ATTEST:


Michele Millard, City Clerk


Adam Paul, Mayor

APPROVED AS TO FORM:


Timothy P. Cox, City Attorney

EXHIBIT A

Emergency Meeting Rules and Procedures

An emergency meeting of the City Council may be called and convened only as follows:

A. Any four (4) members of the City Council may call an emergency meeting by providing notice to each member of the City Council by telephone or email, and when possible, by serving each Councilmember personally or by leaving such notice at his or her usual place of residence.

B. Notice. Notice of an emergency meeting shall be provided as set forth above and shall identify the nature of the emergency, the purpose of the meeting (if different), and the date, time and location of the meeting.

C. Location. The meeting location shall be:

1. The Lakewood Civic Center; or
2. If the Civic Center has been closed by public health authorities or other governing authority, then in a building situated within the jurisdictional boundaries of the City where the public may congregate.

If no location as described in subsection 2 hereof is reasonably available, the meeting may be held in accordance with section E below.

D. Virtual Meetings. In the event an emergency meeting is properly called and noticed pursuant to A and B above, such meeting may be held by telephone, electronically or other means of communication only if each of the following conditions are met:

1. The members of the City Council calling the meeting determine meeting in person is neither practical nor prudent due to a health pandemic or declaration of emergency affecting the City;
2. All members of the City Council can hear one another or otherwise communicate with one another and can hear or read all discussion and testimony in a manner designed to provide maximum participation;
3. No quasi-judicial matters will be heard, and no sworn testimony will be taken;
4. To the extent feasible, the public is provided an opportunity to listen to or otherwise monitor the meeting in real time;
5. All votes are conducted by roll call;
6. Minutes of the meeting are taken and promptly recorded, and such records are open to public inspection; and

7. To the extent possible, full and timely notice is given to the public setting forth: (i) the date and time of the meeting; (ii) the fact that the meeting will be conducted by telephone, electronically or another means of communication; and (iii) that the public may listen to or otherwise monitor the meeting electronically. The notice should include information on the methods by which the meeting can be monitored and the ways in which the public may participate in the meeting.

STAFF MEMO

DATE OF COUNCIL MEETING: JULY 26, 2021 / AGENDA ITEM NO. 9

AUGUST 9, 2021 / AGENDA ITEM NO. 15

To: Mayor and City Council

From: Alison McKenney Brown, City Attorney

Subject: **ADOPTING ORDINANCE 2021-22 REGARDING EMERGENCY MEETINGS**

This ordinance was approved on 1st Reading by a vote of 8 ayes 1 nays.

SUMMARY STATEMENT: The City Council should adopt Ordinance 2021-22 establishing rules and procedures for calling and holding emergency City Council Meetings in conformance with Section 2.15 of the City of Lakewood (the "City) Home Rule Charter (the "Charter").

BACKGROUND INFORMATION: On March 10, 2020, Colorado Governor Jared Polis declared a state of emergency in response to COVID-19 (coronavirus). On March 17, 2020, in response to the Governor's declaration of a State of Emergency, City Manager Kathleen Hodgson declared a State of local disaster in accordance with her authority under L.M.C. Section 1.27.060(D). However, Section 1.27.060(D) limits the duration of a local disaster declaration issued by the City Manager to no longer than seven days. Therefore, in support of the City Manager's declaration, on March 23, 2020, the City Council of the City of Lakewood adopted Ordinance 2020-11. Ordinance 2020-11 established rules and procedures for calling and holding Emergency City Council meetings and, further, declared a state of local health emergency. Since that time the City of Lakewood has operated pursuant to Ordinance 2020-11, and subsequent motions to extend the City Manager's Emergency Declaration. On July 8, 2021, Governor Polis ended the State's pandemic declaration of a state of health emergency. In response to the Governor's most recent action the City Council will rescind Ordinance 2020-11, rescinding both the emergency declaration and the rules and procedures for calling and holding an emergency city council meeting.

BUDGETARY IMPACTS: This item has no associated budget impact.

STAFF RECOMMENDATIONS: To comply with Section 2.15 of the City of Lakewood home rule charter Staff is recommending that the City Council adopt Ordinance 2021-22 that readopts the provisions of Ordinance 2020-11 regarding the rules and procedures for calling and holding an emergency city council meeting, and codifies those rules and procedures within Title 2 of the Lakewood Municipal Code.

ALTERNATIVES: City Council may direct staff to look at other ways of accomplishing the task of calling an emergency meeting.

PUBLIC OUTREACH: This item has been promoted through the regular channels for an item coming before City Council for consideration.

ATTACHMENTS: Ordinance 2021-22

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

O-2021-22

AN ORDINANCE

AMENDING TITLE 2, CHAPTER 2.02, OF THE MUNICIPAL CODE OF THE CITY OF LAKEWOOD, COLORADO, IN CONNECTION WITH THE ADOPTION OF RULES AND PROCEDURES FOR CALLING AND HOLDING EMERGENCY CITY COUNCIL MEETINGS

WHEREAS, Section 2.15 of the City of Lakewood (the "City") home rule charter (the "Charter") provides that the City Council shall establish, by ordinance, notification procedures for holding emergency meetings;

WHEREAS, the Lakewood Municipal Code does not currently address emergency meetings;

WHEREAS, the City Council adopted rules and procedures for calling and holding emergency city council meetings as part of a declaration of emergency within Ordinance 2020-11;

WHEREAS, upon rescinding Ordinance 2020-11 at the conclusion of the State of Emergency, the City Council will no longer have adopted procedures for holding emergency meetings in conformance with Charter Section 2.15;

WHEREAS, in order to preserve the City's peace, health and safety, the City Council desires to establish procedures for holding emergency meetings either virtually or in a location other than the Lakewood Civic Center;

WHEREAS, in light of the possibility that public facilities can be closed with little or no warning as the result of a public health or other emergency, the City Council further desires to adopt this ordinance as an emergency ordinance;

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. Adoption of Title 2, Chapter 2.02, Section 2.02.040. Title 2, Chapter 2.02, Section 040 of the Lakewood Municipal Code shall be adopted as follows:

2.02.040 Emergency Meeting Rules and Procedures.

An emergency meeting of the City Council may be called and convened as follows:

A. Any four (4) members of the City Council may call an emergency meeting by providing notice to each member of the City Council by telephone or email, and when possible, by serving each Councilmember personally, or by leaving such notice at his or her usual place of residence.

B. Notice. Notice of an emergency meeting shall be provided as set forth above and shall identify the nature of the emergency, the purpose of the meeting (if different), and the date, time and location of the meeting.

C. Location. The meeting location shall be:

1 The Lakewood Civic Center; or

2 If the Civic Center has been closed by public health authorities or other governing authority, then in a building situated within the jurisdictional boundaries of the City where the public may congregate.

If no location as described in subsection 2 hereof is reasonably available, the meeting may be held in accordance with section E below.

D. Virtual Meetings. In the event an emergency meeting is properly called and noticed pursuant to A and B above, such meeting may be held by telephone, electronically or other means of communication only if each of the following conditions are met:

1. The members of the City Council calling the meeting determine meeting in person is neither practical nor prudent due to a health pandemic or declaration of emergency affecting the City;

2. All members of the City Council can hear one another or otherwise communicate with one another and can hear or read all discussion and testimony in a manner designed to provide maximum participation;

3. No quasi-judicial matters will be heard, and no sworn testimony will be taken;

4. To the extent feasible, the public is provided an opportunity to listen to or otherwise monitor the meeting in real time;

5. All votes are conducted by roll call;

6. Minutes of the meeting are taken and promptly recorded, and such records are open to public inspection; and

7. To the extent possible, full and timely notice is given to the public setting forth: (i) the date and time of the meeting; (ii) the fact that the meeting will be conducted by telephone, electronically or another means of communication; and (iii) that the public may listen to or otherwise monitor the meeting electronically. The notice should include information on the methods by which the meeting can be monitored and the ways in which the public may participate in the meeting.

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 the within and foregoing ordinance was introduced and read on first reading at a virtual regular meeting of the Lakewood City Council on the 26th day of July, 2021; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 29th day of July, 2021; set for public hearing to be held on the 9th day of August, 2021, read, finally passed and adopted by the City Council on the 9th day of August, 2021 and, signed by the Mayor on the _____ day of August, 2021.

Adam Paul, Mayor

ATTEST:

Bruce Roome, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF COUNCIL MEETING: JULY 26, 2021 / AGENDA ITEM NO. 10
AUGUST 9, 2021 / AGENDA ITEM NO. 16

To: Mayor and City Council

From: Bruce Roome, City Clerk, 303-987-7081

Subject: **RATIFYING THE CODIFICATION OF DESIGN REVIEW COMMISSION PROVISIONS IN CHAPTER 2.58 OF THE LAKEWOOD MUNICIPAL CODE AND AMENDING CERTAIN PROVISIONS THEREOF**

This ordinance was approved on 1st Reading by a vote of 8 ayes 1 nays.

SUMMARY STATEMENT: The municipal code chapter number referenced within Ordinance 0-2019-21 establishing the Design Review Commission is not available to be assigned to the provisions of this Ordinance.

BACKGROUND INFORMATION: On May 13, 2019, the City Council adopted Ordinance O-2019-21, establishing the City's Design Review Commission within a new chapter 2.57 of the municipal code. Subsequently, the City Council adopted Ordinance O-2019-26, establishing the City's Housing Policy Commission also within a new chapter 2.57 of the municipal code. Both ordinances referenced the same sections of the Lakewood Municipal Code due to a clerical error.

The City's codifier assigned the Housing Policy Commission provisions to chapter 2.57 and assigned the Design Review Commission provisions to a new chapter 2.58. In accordance with public notification and publication standards the provisions of the Design Review Commission Code should be readopted by the City Council as Chapter 2.58 of the Municipal Code

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: Amend Ordinance O-2019-21 as set forth in the attached ordinance.

ALTERNATIVES:

1. Adopt an ordinance to amend Ordinance O-2019-26 to assign the Housing Policy Commission provisions to Chapter 2.58 of the Lakewood Municipal Code.
2. Make no change to O-2019-26.

PUBLIC OUTREACH: Notification has been made through the City Council agenda process.

NEXT STEPS: If the City Council adopts the proposed ordinance, Ordinance O-2019-21 will be amended such that all references therein to Lakewood Municipal Code Chapter 2.57 will be changed Chapter 2.58.

ATTACHMENTS: Ordinance O-2021-19

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

O-2021-19

AN ORDINANCE

RATIFYING THE CODIFICATION OF DESIGN REVIEW COMMISSION PROVISIONS
IN CHAPTER 2.58 OF THE LAKEWOOD MUNICIPAL CODE AND AMENDING
CERTAIN PROVISIONS THEREOF

WHEREAS, on May 13, 2019, the City Council adopted on second reading Ordinance O-2019-21, which established the City's Design Review Commission and created a new chapter 2.57 of the Lakewood Municipal Code ("Code") therefor;

WHEREAS, on June 24, 2019, the City Council adopted on second reading Ordinance O-2019-26, which established the City's Housing Policy Commission;

WHEREAS, due to a clerical error, Ordinance O-2019-26 also created a "new" chapter 2.57 for the Housing Policy Commission;

WHEREAS, the Housing Policy Commission was thereafter codified in chapter 2.57, and the Design Review Commission was codified in a new chapter 2.58 of the Code;

WHEREAS, the City Council desires to ratify the codification of the Design Review Commission Provisions in chapter 2.58 and to make additional changes thereto to clarify certain provisions therein, allow greater flexibility in staff assignments to the Commission, and provide additional guidance;

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 codification into a new chapter 2.58 of the Code of those provisions of Ordinance O-2019-21 by which the Design Review Commission was established is hereby ratified.

SECTION 2. Chapter 2.58 of the Lakewood Municipal Code is hereby amended to read in its entirety as follows:

Chapter 2.58 DESIGN REVIEW COMMISSION

2.58.010 Commission Established

A. A Design Review Commission (the "Commission") is hereby established to review design review applications for those areas of the City within

- which the City has imposed specific design criteria, and to approve, approve with modifications or deny design review applications in accordance with such criteria. The Commission shall also review proposed design criteria and any changes to existing design criteria and make recommendations to that City Council regarding such changes.
- B. The Commission may adopt, in conformity with the Lakewood Municipal Code and the Lakewood home rule charter, reasonable policies and procedures governing its internal operations. Such policies and procedures shall be made available to the public in written or printed form at the office of the Planning Department.

2.58.020 Membership and Terms; Officers; Removal

- A. Membership. The Commission shall consist of five members: three urban design professionals appointed by the City Council, a design review planner appointed by the Planning Director, and a City Planner appointed by the Planning Director.
- B. Terms.
1. City Council-appointed members shall serve four-year terms, or until such time as their successors are appointed, and may serve a maximum of two consecutive terms. For the purposes of this chapter, a City Council-appointed member who serves or has served at least one-half of a term on the Commission shall be considered to have served a full term on the Commission. Appointments to fill vacancies on the Commission shall be for the unexpired term of office.
 2. Commission members appointed by the Planning Director shall serve at the pleasure of the Planning Director.
- D. Officers. At the Commission's first meeting of each calendar year, it shall elect a chair and vice-chair from among the City Council-appointed members. The chair shall preside over all Commission meetings and decide points of order when appropriate. The vice-chair shall preside over Commission meetings when the chair is not present.
- C. Compensation. City Council-appointed members may receive compensation in an amount set by City Council resolution. Each Commission member will be reimbursed for actual expenses incurred in the exercise of Commission duties. Such expenses shall be documented to the Planning Commission Clerk.
- D. Removal. Upon presentation of written charges and after a hearing thereon, any member of the Design Review Commission may be removed for cause by the City Council.

2.58.030 Meetings

- A. Location and Frequency. The Commission shall meet at the Lakewood Civic Center as necessary to perform its obligations under this chapter, but not more often than once in a given week. The Commission meet only for the purposes set forth in this chapter, but shall not meet for the sole purpose of electing officers.
- B. Quorum. A quorum shall consist of three of the five members of the Commission; provided, however that at least two City Council appointed members must be present. An affirmative vote of a majority of the members present shall be necessary to pass any item.
- C. Voting on Applications. The Commission shall vote to approve, approve with modifications or deny each completed application that comes before it. In the event of a tie vote, the application shall be deemed denied.

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 virtual regular meeting of the Lakewood City Council on the 26th day of July, 2021; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 29th day of July, 2021; set for public hearing to be held on the 9th day of August, 2021, read, finally passed and adopted by the City Council on the 9th day of August, 2021 and, signed by the Mayor on the _____ day of August, 2021.

Adam Paul, Mayor

ATTEST:

Bruce Roome, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney