

AGENDA
REGULAR MEETING OF THE CITY COUNCIL
480 S. ALLISON PARKWAY
CITY OF LAKEWOOD, COLORADO
HYBRID MEETING
SEPTEMBER 23, 2024
7:00 PM

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

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 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.

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

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

ITEM 1 – CALL TO ORDER

ITEM 2 – ROLL CALL

ITEM 3 – PLEDGE OF ALLEGIANCE

ITEM 4 – STATEMENT OF CONFLICT OF INTEREST

ITEM 5 – MAYOR'S INSPIRATION AWARDS

ITEM 6 – PROCLAMATION - OCTOBER AS CYBER SECURITY AWARENESS MONTH

ITEM 7 – RESOLUTION 2024-51 – ESTABLISHING PROJECTS AND PROJECT FUNDING LEVELS FOR THE 2024 CAPITAL IMPROVEMENT AND PRESERVATION PROGRAM (CIPP) NEIGHBORHOOD PARTICIPATION PROGRAM

PUBLIC COMMENT ON RESOLUTION 2024-51

ITEM 8 – INITIAL PUBLIC COMMENT

This initial period of public comment allows for up to ten total in-person speakers to provide their public comment earlier in the meeting and shall prioritize those with special needs when the City Clerk is made aware of such needs in advance of the meeting. Speaking during this initial period of public comment requires signing up to speak with the City Clerk in advance of the meeting. There is no pooling of time during the initial public comment period.

**CONSENT AGENDA
ORDINANCES ON FIRST READING**

ITEM 9 – RESOLUTION 2024-53 – REAPPOINTING A MEMBER TO THE LAKEWOOD BOARD OF APPEALS

ITEM 10 – RESOLUTION 2024-52 – APPOINTING MEMBERS TO THE LAKEWOOD JUDICIAL REVIEW COMMISSION

ITEM 11 – ORDINANCE O-2024-26 – DECLARING THE INTENT OF THE CITY OF LAKEWOOD TO ACQUIRE INTEREST IN PROPERTY FOR PUBLIC PURPOSES FOR THE CONSTRUCTION OF PEDESTRIAN IMPROVEMENTS AT THE NORTHEAST CORNER OF WEST JEWELL AVENUE AND HOYT STREET AND AUTHORIZING NEGOTIATIONS WITH PROPERTY OWNERS, ACCEPTANCE OF CONVEYANCE INSTRUMENTS AND CONDEMNATION OF REAL PROPERTY INTERESTS (SUBJECT TO FURTHER COUNCIL APPROVAL)

ITEM 12 – APPROVING MINUTES OF THE CITY COUNCIL MEETINGS

- A. CITY COUNCIL REGULAR MINUTES FOR AUGUST 12, 2024
- B. CITY COUNCIL SPECIAL MINUTES FOR AUGUST 26, 2024
- C. CITY COUNCIL REGULAR MINUTES FOR AUGUST 26, 2024

END OF CONSENT AGENDA

PUBLIC COMMENT ON CONSENT AGENDA

**ORDINANCES ON SECOND READING
AND PUBLIC HEARINGS**

ITEM 13 – ORDINANCE O-2024-23 – DECLARING THE INTENT OF THE CITY OF LAKEWOOD TO ACQUIRE INTEREST IN PROPERTY FOR PUBLIC PURPOSES FOR THE CONSTRUCTION OF STORM SEWER FACILITIES FROM TELLER STREET TO PIERCE STREET BETWEEN WEST COLFAX AVENUE AND WEST 16TH AVENUE, FOR THE

COMPLETION SIDEWALK CONNECTIONS ON WEST 16TH AVENUE, REED STREET, AND LAKEWOOD PLACE, AND AUTHORIZING NEGOTIATIONS WITH PROPERTY OWNERS, ACCEPTANCE OF CONVEYANCE INSTRUMENTS AND CONDEMNATION OF REAL PROPERTY INTERESTS (SUBJECT TO FURTHER COUNCIL APPROVAL)

PUBLIC COMMENT ON ORDINANCE O-2024-23

ITEM 14 – ORDINANCE O-2024-24 – AMENDING LAKEWOOD MUNICIPAL CODE CHAPTER 10.15.010 TO REDUCE THE SPEED LIMIT IN RESIDENCE DISTRICTS IN THE CITY OF LAKEWOOD TO TWENTY-FIVE MILES PER HOUR

PUBLIC COMMENT ON ORDINANCE O-2024-24

ITEM 15 – ORDINANCE O-2024-25 – ADOPTING TITLE 10, CHAPTER 46, OF THE LAKEWOOD MUNICIPAL CODE REGARDING THE ESTABLISHMENT OF AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM

PUBLIC COMMENT ON ORDINANCE O-2024-25

ITEM 16 – GENERAL PUBLIC COMMENT

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

ITEM 17 – GENERAL BUSINESS

- A. COUNCIL REQUEST - COUNCILORS LABURE AND NYSTROM
- B. COUNCIL REQUEST - COUNCILORS LABURE AND NYSTROM
- C. COUNCIL REQUEST - COUNCILOR CRUZ

ITEM 18 – EXECUTIVE REPORT

- A. CITY MANAGER

ITEM 19 – MAYOR AND CITY COUNCIL REPORTS

- A. MAYOR
- B. COUNCIL MEMBERS BY WARD

ITEM 20 – ADJOURNMENT

The City Council will conduct a check-in at 11:00 p.m. and every hour thereafter to determine whether the agenda is on target for completion at a time when members of the public will be able to hear all of the business of the City, including Reports of the City Manager and elected officials.

PROCLAMATION

RECOGNIZING OCTOBER 2024 AS NATIONAL CYBER SECURITY AWARENESS MONTH

WHEREAS, National Cybersecurity Awareness Month emphasizes making cybersecurity a shared responsibility and empowering our community with knowledge and resources to protect their digital lives and promote safe online practices; and

WHEREAS, the City of Lakewood relies on digital information systems to support essential functions, emergency response, and public safety services; and

WHEREAS, advances in technology bring increasing threats of cyberattacks that can cause financial losses and privacy breaches; and

WHEREAS, education and collaboration enhance our cybersecurity posture, encouraging vigilance and proactive behaviors to prevent cyber incidents; and

WHEREAS, the City of Lakewood is dedicated to identifying, preventing, and responding to cyberattacks to protect sensitive information and ensure operational continuity; and

WHEREAS, as we observe the 21st anniversary of Cybersecurity Awareness Month, we recognize the progress in cybersecurity education, the need for ongoing vigilance, and the professionals protecting our digital world; and

WHEREAS, the City of Lakewood joins the nation in recognizing October as National Cybersecurity Awareness Month.

NOW, THEREFORE, on behalf of the City Council and the people of the City of Lakewood, I, Wendi Strom, Mayor of the City of Lakewood, Colorado, by virtue of the authority vested in me, do hereby proclaim

OCTOBER 2024 AS NATIONAL CYBER SECURITY AWARENESS MONTH

GIVEN under my hand and Seal of the City of Lakewood, this 23rd day of September 2024.

Wendi Strom, Mayor

STAFF MEMO

DATE OF MEETING: SEPTEMBER 23, 2024 / AGENDA ITEM NO. 7

To: Mayor and City Council
From: Travis Parker, Chief of the Sustainability & Community Development Branch
Subject: **Neighborhood Participation Program**

SUMMARY STATEMENT: Staff is requesting that City Council review and approve the recommended projects identified in Table 2 for funding in the 2024 Neighborhood Participation Program year.

BACKGROUND INFORMATION: The Neighborhood Participation Program (NPP) was adopted by City Council in 1992 as part of the Five-Year Capital Improvement and Preservation Program (CIPP). Applications are accepted once a year and applications compete directly for funding with others received for that year. Applications for the 2024 program were accepted from December 1, 2023, until July 1, 2024.

The intent of the Neighborhood Participation Program is to encourage neighborhood groups to identify unmet needs in their immediate neighborhood and propose projects that qualify for funding under this program. These projects are usually small and might not otherwise be addressed as a priority item in the CIPP. One hundred and sixty-seven (167) projects have been selected for the program since its inception. Many different types of neighborhood projects have been completed through this program, including playground improvements, public art installations and community gardens.

City Council Resolution 2015-34 (Attachment A) describes how the program is to be administered and identifies criteria for project selection. Briefly summarized, the evaluation process begins with a staff team representing Sustainability and Community Development, Public Works, and Community Resources thoroughly reviewing each application for completeness and clarity, followed by field visits to every project site. Preliminary cost estimates are prepared for each project submitted. Projects that meet program requirements are then evaluated based on the criteria set forth in the resolution. These criteria are weighted by relative importance in order to arrive at an overall ranking for each project. This evaluation approach represents a reasoned method of ranking projects of a very disparate nature.

2023 Program

The status of project implementation for the 2023 program year is summarized below in Table 1.

Table 1: Status of 2023 Projects		
Project No.	Description	Status
2023-01	Creighton Middle School: Multiuse Courts Resurfacing	Completed
2023-02	Lakewood West Colfax Safety Project: Gateway Sculpture Installation	Pending
2023-07	Water Fountain at O’Kane Park	Underway (Installation scheduled for 10/2024)
2023-09	Grills at Meadowlark Park	Pending (Playground and site to be renovated in 2025)

2023-10	Game Tables at Meadowlark Park	Pending (Playground and site to be renovated in 2025)
2023-13	GaGa Ball Pit at Carmody Park	Completed

2024 Program

The 2024 program is funded with \$160,000 for project construction with an additional \$20,000 available for project contingencies and/or consultant design work. Sixteen (16) applications were received for an estimated \$651,600 in total construction costs.

To facilitate the City Council's project approval, the applications that ranked the highest and fit within the overall program budget are recommended.

- Table 2 lists the recommended projects for funding in 2024.
- Table 3 lists the projects not recommended for funding in 2024.
- Table 4 identifies the 2024 applications that were not ranked as they did not meet the intent or requirements of the program.

Table 2: 2024 Projects Recommended for Funding		
Project No.	Project Name	Estimated Cost
2024-03	Detention Pond Walkway Improvement Project	\$40,000
2024-04	Green Gables Elementary School Tree Planting	\$26,000
2024-10	Creighton Middle School Basketball Court	\$60,000
2024-12	Bike Repair Station on 1st Ave by Balsam Pond	\$7,000
2024-16	Hutchinson Elementary Prairie Path and Garden	\$26,000
TOTAL		\$159,000

Table 3: 2024 Projects Not Recommended for Funding		
Project No.	Project Name	Estimated Cost
2024-05	Bonvue Park Renovation	\$60,000
2024-11	Improved Landscaping and Sign on Island in Median	\$1,200
2024-14	Art Sculpture at Balsam Pond Park	\$23,000
2024-15	Between You, Me, and the Wall	\$52,000
TOTAL		\$136,200

Table 4: 2024 Projects Not Ranked – Do Not Meet Program Criteria		
Project No.	Project Name	Estimated Cost
2024-01	Yale Streetscape Project	\$60,000
2024-02	Holbrook Park Playground Modernization	\$60,000
2024-06	Lakewood Estates Park Playground Equipment Update	\$60,000
2024-07	Sun Valley West Community Improvements, Sustainability and Innovations	\$52,000
2024-08	Ravines Open Space Park Revitalization	\$60,000
2024-09	Washington Heights Park Open Area Improvements	\$60,000
2024-13	Benches for Meadowlark Park	\$4,400
TOTAL		\$356,400

BUDGETARY IMPACTS: The 2024 Neighborhood Participation Program is currently funded through the 2024 Capital Improvement and Preservation Program from the Capital Improvement Fund and the Open Space Fund.

STAFF RECOMMENDATIONS: Staff recommends City Council confirms the projects recommended by staff to be constructed in the 2024 Neighborhood Participation Program and approves the resolution to adopt these projects and funding levels.

ALTERNATIVES: The City Council may modify staff’s project recommendations.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council. Additionally, the Neighborhood Participation Program was promoted through City communication channels from December 2023 until the July 2024 application deadline. This included promotion in the Friday Report, Looking@Lakewood, the City’s website and social media, and emails to all registered organizations. Staff will reach out to all applicants to notify them of the final project selection.

NEXT STEPS: Staff will work with the applicant of each awarded project to begin project design and implementation.

ATTACHMENTS: 1. Resolution 2015-34
2. Resolution 2024-51

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

A RESOLUTION

ADOPTING REVISED FUNDING LEVELS, PROJECT REQUIREMENTS, SCHEDULE AND CRITERIA AND SCHEDULE FOR ADMINISTERING THE NEIGHBORHOOD PARTICIPATION PROGRAM IN THE CAPITAL IMPROVEMENT AND PRESERVATION PROGRAM (CIPP)

WHEREAS, the City of Lakewood has established the Neighborhood Participation Program; and

WHEREAS, the intent of the program is to encourage neighborhood organizations to identify needs in their respective neighborhoods and propose projects that qualify for City resources. The program will allow the funding of any improvement that the City is normally capable of constructing; and

WHEREAS, the program is funded at an amount set by City Council for the design and construction of projects; and

WHEREAS, the City Council desires to revise the existing funding levels, project policies, criteria and schedule for the program established by Resolution 94-74.

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

SECTION 1: PROGRAM APPROACH

The following policies are hereby established to be used in administering this program.

- 1.1 Projects must be located on publicly owned property.
- 1.2 Organized groups that represent neighborhoods will be the vehicle to request these funds. These groups can encompass the entire range from a neighborhood organization registered with the City to neighbors who organize themselves to apply for a specific project. Groups must demonstrate that they are representative of the interests of the neighborhood area, and not just representing the special interests of a few individuals.
- 1.3 Projects will be funded primarily by the City, with cost and/or in-kind participation by neighborhoods encouraged.

- 1.4 Project management will be primarily administered by the City with neighborhood participation to the extent agreed upon by the City and the specific neighborhood group.
- 1.5 The program is intended to fund construction projects and not maintenance activities.
- 1.6 When an application is submitted for a project on public school property:
 - a. A letter must be provided by the school principal where the project is proposed stating the school supports both the project and the joint use of the site by the City and the District; and
 - b. A letter must be provided by the school district stating it will be responsible for the upkeep and maintenance of the project once it is constructed.

The program is not intended to fund projects on public school property that bring school facilities up to the school district's minimum standards. Projects on public school property shall be for projects that exceed the minimum standards of the school district only

Improvements shall be available to the general public during non-school hours.

- 1.7 The program is not intended to fund incremental project implementation unless the project is clearly part of a multifaceted project. Supporting documentation that demonstrates the project is part of a comprehensive plan must be submitted with the application.
- 1.8 The Neighborhood Participation Program may be used as a matching grant only if it is demonstrated that the additional matching grant(s) have been committed at the time the application is submitted to the City.

SECTION 2: ELIGIBLE PROJECTS

- 2.1 The program is intended for projects such as the following:
 - a. Connecting sidewalk installation
 - b. Recreational facilities
 - c. Improvements to existing public facilities that serve neighborhoods
 - d. Bike path and trail connections
 - e. Tree planting and removal

- f. Installation of play and picnic amenities in a park
- g. Entrance improvements to reinforce neighborhood identification
- h. Renovations that improve access by disabled persons

2.2 The program is not intended for projects such as the following:

- a. Sidewalk repair
- b. Traffic signals
- c. Street lights
- d. Street paving
- e. Speed humps
- f. Electric speed display signs
- g. Small drainage improvement projects

SECTION 3: PROJECT SELECTION COMMITTEE

A project selection committee has been established that consists of staff members from affected departments in the City with representation to assure efficient coordination with the 5-Year Capital Improvement and Preservation Program.

SECTION 4: PROJECT AND APPLICATION REQUIREMENTS

The types of projects proposed and the information supplied as part of the project application shall meet the following requirements:

Project Requirements:

- 4.1 The project must have a general benefit to an entire neighborhood rather than a benefit to only a limited number of properties.
- 4.2 The project must not significantly increase City maintenance requirements.
- 4.3 The funding level is not intended to exceed \$60,000 per project.
- 4.4 The project is not already in the 5-Year Capital Improvement and Preservation Program.

Application Requirements:

- 4.5 A neighborhood resident must be designated as a representative for each project application. This person will be the primary point of communication with the City.
- 4.6 The quality of the application, including completeness and clarity, will be considered in the selection process. The application must include:

- a. A detailed project description;
- b. A project cost estimate based on consultation with City staff;
- c. A discussion of the relationship to the Project Selection Criteria as appropriate;
- d. A minimum of five (5) signatures from neighborhood representatives in support of the project application. Additional demonstrated support may be submitted with the application through letters, petitions, or other means.

In addition to the required five (5) signatures identified above, signatures of approval from all affected property owners must be included in the application. Affected property owners will be determined by staff in consultation with the project representative.

SECTION 5: PROJECT SELECTION CRITERIA

The application criteria set forth in this section shall be used in evaluating projects and allocating funding. Applications for projects will compete directly with all others received for that year. Non-funded applications may re-apply the following year.

- 5.1 Benefit vs. cost. Project costs will be evaluated compared to the number of people benefitting from the project and will be ranked accordingly.
- 5.2 Health and safety. Projects related to health and safety will be given additional consideration.
- 5.3 Adopted citywide plans. Projects will be evaluated as to whether they specifically address needs identified in adopted plans, including the Comprehensive Plan, the Community Resources Master Plan, and specific site master plan(s).
- 5.4 Demonstrated neighborhood support. A minimum of five (5) signatures from neighborhood representatives in support of the project application must be submitted with the application.
- 5.5 Neighborhood funds and/or in-kind contributions. Neighborhood groups that make commitments for partial funding or in-kind contributions may be given additional consideration.
- 5.6 Maintenance requirements. Projects that will not substantially add to the City's maintenance responsibilities will be given additional consideration.

SECTION 6: SELECTION PROCESS

The selection process is to occur on an annual cycle in the following sequence:

- 6.1 Program publicity. The program shall be publicized extensively. Staff is available to meet with neighborhoods or neighborhood representatives individually to explain the program and assist with the application criteria.
- 6.2 All applications received meeting application requirements will be reviewed and ranked by the staff selection committee. Staff recommendations will be forwarded to the City Manager's office for review and approval prior to presenting the recommendations at a City Council study session.
- 6.3 Staff recommendations will be presented to City Council at a study session at which time the City Council may concur with the recommended projects and request that a resolution approving the recommended projects be brought before City Council at a public meeting, or request modifications to staff recommendations before City Council approval by resolution.
- 6.4 City Council approves the recommended projects by resolution.

SECTION 7: ANNUAL SCHEDULE

The following schedule is established, but may be revised as needed in future program years provided adequate time for publicizing the program has been allowed.

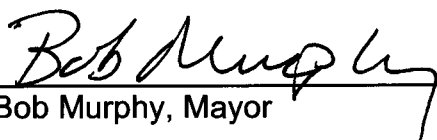
Date	Activity
Spring	Program advertisement
Early Fall	Deadline for receiving applications
Late Fall	Project recommendations developed by staff selection committee and forwarded to City Manager's Office
Winter	Projects submitted to City Council for endorsement

SECTION 8: RESOLUTION REVISIONS

The City Manager is hereby authorized to revise the procedures, requirements, schedule and criteria in this resolution when, in his or her sole discretion, such revisions are necessary.

INTRODUCED, READ AND ADOPTED by a vote of 10 for and 0 against at a regular meeting of the City Council on April 27, 2015, at 7 o'clock p.m. at Lakewood City Hall, 480 South Allison Parkway, Lakewood, Colorado.




Bob Murphy, Mayor

ATTEST:


Margy Greer, City Clerk

APPROVED AS TO FORM:


Tim Cox, City Attorney

A RESOLUTION

ESTABLISHING PROJECTS AND PROJECT FUNDING LEVELS FOR THE 2024
CAPITAL IMPROVEMENT AND PRESERVATION PROGRAM (CIPP)
NEIGHBORHOOD PARTICIPATION PROGRAM

WHEREAS, the City of Lakewood has established the Neighborhood Participation Program (NPP);

WHEREAS, the intent of the NPP is to encourage neighborhood organizations to identify their needs in their respective areas and propose projects that qualify for City resources and support;

WHEREAS, the City Council adopted Resolution 2015-34 on April 27, 2015, which revised funding levels, project requirements, schedule, and criteria for administering the NPP in the CIPP;

WHEREAS, in 2024 one hundred and sixty thousand dollars (\$160,000.00) has been allocated to the NPP for projects and \$20,000 for contingencies and design; and

WHEREAS, five project proposals submitted by neighborhood organizations have been selected at an estimated cost of one hundred and fifty-nine thousand dollars (\$159,000.00).

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

The City Council of the City of Lakewood hereby approves the projects listed in the following table and directs these projects be funded for the 2024 Neighborhood Participation Program at the amounts stated.

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2024 Recommended Projects		
Project No.	Description	Estimated Cost
2024-03	Detention Pond Walkway Improvement Project	\$40,000
2024-04	Green Gables Elementary School Tree Planting	\$26,000
2024-10	Creighton Middle School Basketball Court	\$60,000
2024-12	Bike Repair Station on 1st Ave by Balsam Pond	\$7,000
2024-16	Hutchinson Elementary Prairie Path and Garden	\$26,000
	Total of Recommended Projects	\$159,000

INTRODUCED, READ AND ADOPTED by a vote of ____ for and ____ against at a hybrid regular meeting of the City Council on September 23, 2024, at 7 o'clock p.m., at the Lakewood Civic Center, 480 South Allison Parkway, Lakewood, Colorado.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: SEPTEMBER 23, 2024 / AGENDA ITEM NO. 9

To: Mayor and City Council
From: Jay Robb, City Clerk
Subject: **Reappointing a Board of Appeal Member**

SUMMARY STATEMENT: The Council Screening Committee has requested the resolution reappointing a member to the Lakewood Board of Appeals for a partial three-year term beginning April 1, 2024, and ending March 31, 2027.

BACKGROUND INFORMATION: The Screening Committee held interviews on August 29, 2024, and unanimously recommended Diane Vollmer to be reappointed to the Lakewood Board of Appeals to serve a partial three-year term which began on April 1, 2024, and will end on March 31, 2027.

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: Approval of the resolution.

ALTERNATIVES: Denial of the recommended appointments.

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

NEXT STEPS: If the resolution is approved by the City Council, the member will be contacted by City staff to begin serving again on the Board.

ATTACHMENTS: 1. Resolution 2024-52

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

A RESOLUTION

REAPPOINTING A MEMBER TO THE BOARD OF APPEALS

WHEREAS, Chapter 14.12 of the Lakewood Municipal Code establishes the Board of Appeals consisting of seven members appointed by the City Council, for terms of three years.

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

SECTION 1. Diane Vollmer, a Lakewood resident, is hereby reappointed to the Board of Appeals to serve a partial three-year term that commenced on April 1, 2024, and will end March 31, 2027.

INTRODUCED, READ, AND ADOPTED by a vote of ____ for and ____ against at a hybrid regular meeting of the Lakewood City Council on September 23, 2024, at 7 o'clock p.m. at the Lakewood Civic Center, 480 S. Allison Parkway, Lakewood, Colorado.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

Approved as to form:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: SEPTEMBER 23, 2024 / AGENDA ITEM NO. 10

To: Mayor and City Council
From: Jay Robb, City Clerk
Subject: **Appointing Judicial Review Commission Members**

SUMMARY STATEMENT: The Council Screening Committee has requested the resolution appointing three members to the Lakewood Judicial Review Commission for partial four-year terms beginning April 1, 2024, and ending March 31, 2028.

BACKGROUND INFORMATION: The Screening Committee held interviews on August 29, 2024, and unanimously recommended George Davenport, Jesse Hendricks, and Bo Ramsour to be appointed to the Lakewood Judicial Review Commission to serve partial four-year terms which began on April 1, 2024, and will end on March 31, 2028.

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: Approval of the resolution.

ALTERNATIVES: Denial of the recommended appointments.

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

NEXT STEPS: If the resolution is approved by the City Council, the new members will be contacted by City staff to receive orientation and begin serving on the Board.

ATTACHMENTS: 1. Resolution 2024-53

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

2024-53

A RESOLUTION

APPOINTING MEMBERS TO THE JUDICIAL REVIEW COMMISSION

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

SECTION 1. The following individuals are hereby appointed to the Judicial Review Commission to partial four-year terms which commenced April 1, 2024, and will end on March 31, 2028:

George Davenport, a Lakewood registered elector;

Jesse Hendricks, a Lakewood registered elector; and

Bo Ramsour, a Lakewood registered elector.

INTRODUCED, READ AND ADOPTED by a vote of ___ for and ___ against at a hybrid regular meeting of the City Council on September 23, 2024, at 7 o'clock p.m. at Lakewood City Hall, 480 South Allison Parkway, Lakewood, Colorado.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: SEPTEMBER 23, 2024 / AGENDA ITEM NO. 11

To: Mayor and City Council
From: Max Kirschbaum, Director of Public Works
Subject: **ADA Compliant Curb at W Jewell Ave. and Hoyt St.**

SUMMARY STATEMENT: This ordinance would authorize steps necessary to acquire interests in property to construct an ADA Compliant curb ramp at the northeast corner of Jewell Avenue and Hoyt Street as part of the Jewell Avenue Sidewalk Project at Kendrick Lake Park.

BACKGROUND INFORMATION: This sidewalk will enhance pedestrian safety along the north side of Jewell Avenue along the frontage with Kendrick Lake Park. The sidewalk will be detached from Jewell Avenue and will be 8 feet wide. A permanent and temporary easement is necessary to construct an ADA compliant curb ramp at the eastern end of the project (at the northeast corner of Jewell Ave and Hoyt St). This new curb ramp will improve the continuity of the sidewalk on the north side of Jewell Avenue.

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

A map is attached that conceptually illustrates the property rights that are anticipated to be needed. It is anticipated that one temporary easement for the construction period, illustrated in yellow on the map, will be required. The temporary easement is required to perform minor re-grading and landscape restoration to blend the area behind the new sidewalk and curb ramp into the surrounding site features and yard. One permanent easement is required for this project, where the public improvements need to be constructed on private property.

BUDGETARY IMPACTS: Design and Construction of the Jewell Ave Sidewalk Project at Kendrick Lake Project is funded by the TABOR Fund. Adequate funds for this project are approved in the 2024 budget.

STAFF RECOMMENDATIONS: Approval of the ordinance.

ALTERNATIVES: If this Ordinance is not approved, the City will not replace the existing curb ramp. The sidewalk project will be able to proceed, but the transition to the existing sidewalk east of Hoyt will remain substandard.

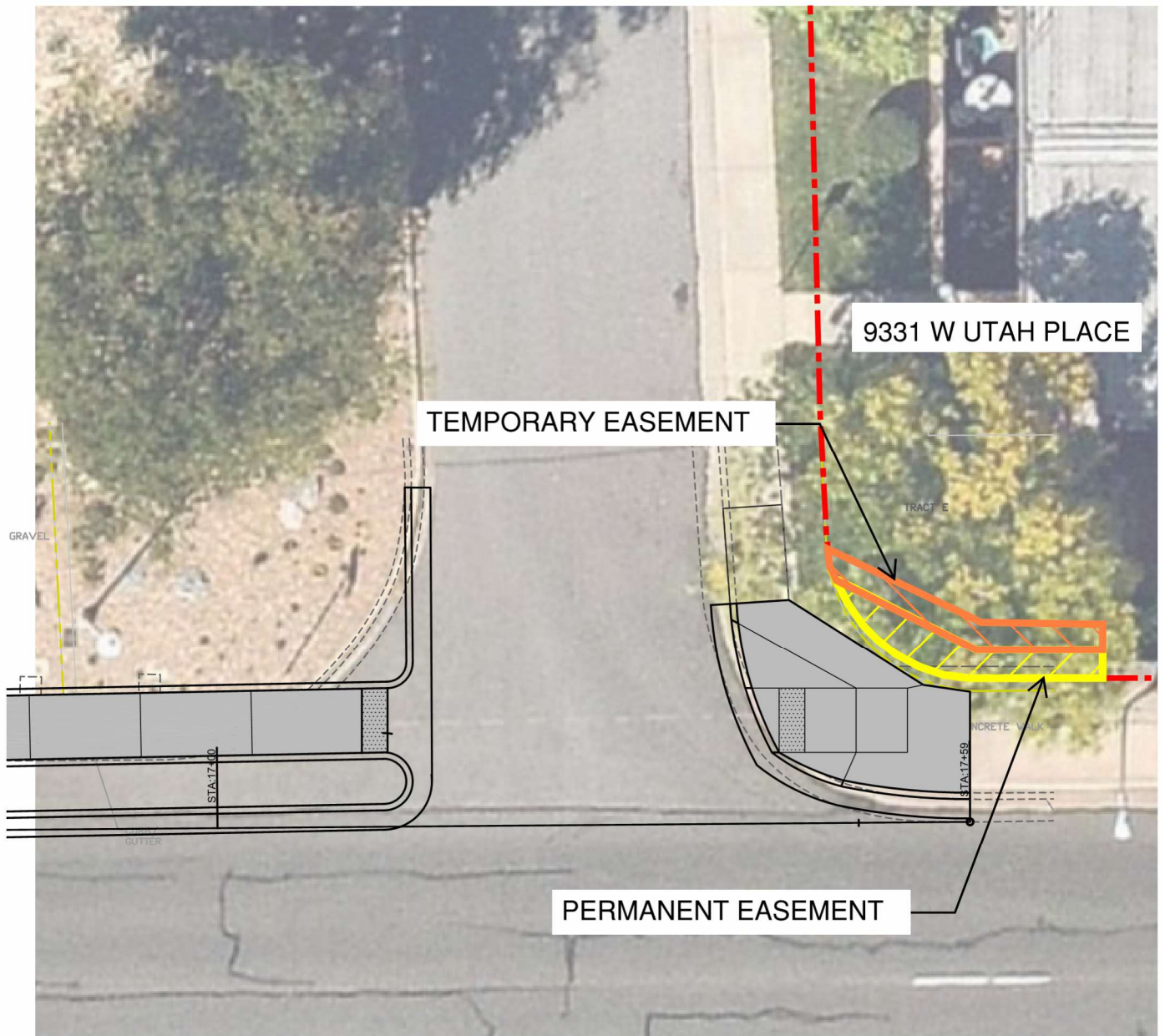
PUBLIC OUTREACH: City staff has contacted the affected property owners seeking to discuss the project. Notification of City Council's consideration of this ordinance has been mailed to the property owner. The notification includes clear language that there could be no discussion of land value at the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

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

NEXT STEPS: If this ordinance is approved, Staff will begin the acquisition process and complete preparation of construction documents for the ADA compliant curb ramp.

ATTACHMENTS: 1. Easement Map
 2. Ordinance O-2024-26

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



Lakewood
Public Works

470 South Allison Pkwy
Civic Center North
Lakewood, Co 80226
Phone: 303-987-7500

Jewell Ave Sidewalk Project Easement Map

Designer: Kevin Salgado Martinez

Detailer: Ray Hill

O-2024-26
AN ORDINANCE

DECLARING THE INTENT OF THE CITY OF LAKEWOOD TO ACQUIRE INTEREST IN PROPERTY FOR PUBLIC PURPOSES FOR THE CONSTRUCTION OF PEDESTRIAN IMPROVEMENTS AT THE NORTHEAST CORNER OF WEST JEWELL AVENUE AND HOYT STREET AND AUTHORIZING NEGOTIATIONS WITH PROPERTY OWNERS, ACCEPTANCE OF CONVEYANCE INSTRUMENTS AND CONDEMNATION OF REAL PROPERTY INTERESTS (SUBJECT TO FURTHER COUNCIL APPROVAL)

WHEREAS, to enhance pedestrian safety and accessibility at the northeast corner of West Jewell Avenue and Hoyt Street, the City of Lakewood (the "City") desires to construct an ADA Compliant curb ramp (the "Improvements") as part of the Jewell Avenue Sidewalk Project at Kendrick Lake Park (the "Project");

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

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

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

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

WHEREAS, approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies any particular proposal related to this proposal identified herein.

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

SECTION 1. The Jewell Avenue Sidewalk Project at Kendrick Lake Park (the "Project") will serve a public purpose by enhancing the pedestrian safety and accessibility

along West Jewell Avenue, and it is necessary to acquire certain Property Interests from adjacent property owners, further described in Section 2 herein, to advance such public purpose.

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

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

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

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

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

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

necessary for the purposes of the condemnation authorized by this Ordinance and the aforesaid resolution, and the City's Chief Financial Officer is directed to pay the costs and expenses of employing such expert witnesses and appraisers.

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

SECTION 9. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided such remaining portions or application of the Ordinance are not determined by the court to be inoperable.

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

I hereby attest and certify that within and foregoing Ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 23rd day of September, 2024; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 26th day of September, 2024; set for public hearing to be held on the 14th day of October, 2024; read, finally passed and adopted by the City Council on the 14th day of October, 2024; and signed by the Mayor on the _____ day of October, 2024.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

EXHIBIT A

Property Interests for the following addresses:

49-223-15-001
9331 W UTAH PLACE
LAKEWOOD, CO 80232

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

7:00 PM

August 12, 2024

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

ITEM 1 – CALL TO ORDER

Mayor Strom called the HYBRID meeting to order at 7:05 p.m.

ITEM 2 – ROLL CALL

Councilors Present: Mayor Wendi Strom, Presiding
Councilor Rich Olver
Councilor Sophia Mayott-Guerrero
Councilor Rebekah Stewart
Councilor Dave Rein
Councilor Jeslin Shahrezaei
Councilor Jacob LaBure
Councilor Roger Low
Councilor Isabel Cruz
Councilor Glenda Sinks

Absent: Councilor Paula Nystrom

Others in attendance: Kathy Hodgson, City Manager
Ben Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney
Jay Robb, City Clerk
Bernadette Salazar, Deputy City Clerk

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

ITEM 3 – PLEDGE OF ALLEGIANCE

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

ITEM 4 – STATEMENT OF CONFLICT OF INTEREST

Mayor Strom read the Statement of Conflict of Interest.

**CONSENT AGENDA
ORDINANCES ON FIRST READING**

Mayor Strom removed Item 5 from the Consent Agenda.

City Clerk Robb read the Consent Agenda into the record as amended

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

VOTE TO ADOPT THE CONSENT AGENDA AS AMENDED

	AYES	NAYS		AYES	NAYS
STROM	X		LABURE	X	
OLVER	X		NYSTROM		ABSENT
MAYOTT-GUERRERO	X		LOW	X	
STEWART	X		CRUZ	X	
REIN	X		SINKS	X	
SHAHREZAEI	X				
			TOTAL	10	0

Result: The motion passed.

ITEM 6 – RESOLUTION 2024-37 – AUTHORIZING THE ASSIGNMENT TO THE HOUSING AUTHORITY OF THE CITY OF LAKEWOOD, COLORADO D/B/A METRO WEST HOUSING SOLUTIONS OF THE CITY OF LAKEWOOD’S 2024 PRIVATE ACTIVITY BOND VOLUME CAP ALLOCATION PURSUANT TO THE COLORADO PRIVATE ACTIVITY BOND CEILING ALLOCATION ACT

ITEM 7 – ORDINANCE O-2024-20 – AMENDING CHAPTER 14.06 OF TITLE 14 OF THE LAKEWOOD MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2023 NATIONAL ELECTRICAL CODE AS ADOPTED BY THE STATE OF COLORADO BY AND THROUGH THE STATE ELECTRICAL BOARD

ITEM 8 – APPROVING MINUTES OF THE CITY COUNCIL MEETINGS

- A. CITY COUNCIL REGULAR MEETING MINUTES JUNE 24, 2024
- B. DRAFT CITCITY COUNCIL REGULAR MEETING MINUTES JULY 8, 2024Y
COUNCIL REGULAR MEETING MINUTES 07-08-2024

END OF CONSENT AGENDA

ITEM 9 – RESOLUTION 2024-38 – TO SUBMIT TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF LAKEWOOD AT THE STATE GENERAL ELECTION ON NOVEMBER 5, 2024, A BALLOT ISSUE FOR THE

PURPOSE OF AUTHORIZING A VOTER-APPROVED REVENUE CHANGE
FOR THE CITY OF LAKEWOOD

City Clerk Robb read Resolution 2024-38 into the record.

Councilor Stewart, Chair of the Budget and Audit Board, introduced the item and summarized the work, and recommendation of Resolution 2024-38 to submit a ballot issue to the November 5, 2024, General Election ballot.

Councilor Stewart introduced Ryan Winger, from Magellan Strategies, who gave a presentation to the Council. Members of the Budget and Audit Board present include Mayor Pro Tem Shahrezaei and Councilor Cruz David Engle, Debra Hinsvark, and Bobbie Wolf.

Council discussed the proposed item. Mr. Winger responded to questions from the Council Members.

Public Comment received via Lakewood Speaks: 14 (see attached)
Public Comment received in person:

Kip Kolkmeier, Ward 1, spoke in support of the Resolution.

Wendy Shrader, Ward 4, spoke against the Resolution.

Natalie Menten, Ward 5, spoke against the Resolution.

Mayor Strom invited the resident members of the Budget and Audit Board to speak.

Debra Hinsvark, Ward 3, spoke about the work of the Board in reaching the recommendation of Resolution 2024-38.

Mayor Pro Tem Shahrezaei made a motion to adopt Resolution 2024-38.
The motion was seconded.

The Council Members discussed the Resolution.

VOTE TO ADOPT RESOLUTION 2024-38

	AYES	NAYS		AYES	NAYS
STROM	X		LABURE	X	
OLVER		X	NYSTROM		ABSENT
MAYOTT-GUERRERO	X		LOW	X	
STEWART	X		CRUZ	X	
REIN	X		SINKS	X	
SHAHREZAEI	X				
			TOTAL	9	1

Result: The motion passed.

ITEM 10 – RESOLUTION 2024-39 – APPROVING PARTICIPATION BY THE CITY OF LAKEWOOD IN A COORDINATED ELECTION TO BE CONDUCTED ON NOVEMBER 5, 2024, BY THE JEFFERSON COUNTY CLERK AND RECORDER

City Clerk Robb read Resolution 2024-39 into the record.

Mayor Strom summarized the item.

There was no public comment on Resolution 2024-39.

Mayor Pro Tem Shahrezaei made a motion to adopt Resolution 2024-39.
The motion was seconded.

VOTE TO ADOPT RESOLUTION 2024-39

	AYES	NAYS		AYES	NAYS
STROM	X		LABURE	X	
OLVER	X		NYSTROM		ABSENT
MAYOTT-GUERRERO	X		LOW	X	
STEWART	X		CRUZ	X	
REIN	X		SINKS	X	
SHAHREZAEI	X				
			TOTAL	10	0

Result: The motion passed.

ITEM 5 – RESOLUTION 2024-36 – ADOPTING THE 2024 REVISED CITY COUNCIL POLICIES AND PROCEDURES MANUAL

City Clerk Robb read Resolution 2024-36 into the record.

There was no public comment on Resolution 2024-36.

Mayor Pro Tem Shahrezaei made a motion to adopt Resolution 2024-36.
The motion was seconded.

Councilor Mayott-Guerrero asked to clarify the procedure for amending the Policies and Procedures manual, and City Attorney McKenney Brown responded.

Mayor Pro Tem Shahrezaei rescinded the motion to adopt the resolution to allow for discussion for consideration of amendments to the Policies and Procedures manual.

Councilor Rein made a motion to include three amendments in sections 05.0, 05.5, and 05.9 of the Policies and Procedures manual. The motion was seconded.

Discussion ensued regarding the amendments offered by Councilor Rein.

Councilor Rein rescinded his motion.

Councilor Rein moved for the adoption of 5.0 and 5.9 with the language added by Councilor Low. The motion was seconded.

**VOTE TO ADOPT AMENDMENTS TO THE COUNCIL POLICY AND PROCEDURES
MANUAL SECTIONS 05.0 AND 05.9**

	AYES	NAYS		AYES	NAYS
STROM	X		LABURE	X	
OLVER	X		NYSTROM		ABSENT
MAYOTT-GUERRERO	X		LOW	X	
STEWART	X		CRUZ	X	
REIN	X		SINKS	X	
SHAHREZAEI	X				
			TOTAL	10	0

Result: The motion passed.

The Council discussed amending Section 5.5 of the Policies and Procedures.

Cruz motioned to amend Policies and Procedures section 05.1V.
The motion was seconded.

The Council discussed the amendment and City Clerk Robb responded to questions regarding requests for accommodations.

**VOTE TO ADOPT AMENDMENTS TO THE COUNCIL POLICY AND PROCEDURES
MANUAL SECTION 05.1V**

	AYES	NAYS		AYES	NAYS
STROM	X		LABURE	X	
OLVER	X		NYSTROM		ABSENT
MAYOTT-GUERRERO	X		LOW	X	
STEWART	X		CRUZ	X	
REIN	X		SINKS	X	
SHAHREZAEI	X				
			TOTAL	10	0

Result: The motion passed.

Mayor Pro Tem Shahrezaei motioned to amend Section 05.7 of the Policies and Procedures. The motion was seconded.

The Council discussed the amendment and deadlines related to the submission of council forms and requests.

**VOTE TO ADOPT AMENDMENTS TO THE COUNCIL POLICY AND PROCEDURES
MANUAL SECTION 05.7**

	AYES	NAYS		AYES	NAYS
STROM	X		LABURE	X	
OLVER		X	NYSTROM		ABSENT
MAYOTT-GUERRERO	X		LOW	X	
STEWART	X		CRUZ	X	
REIN	X		SINKS	X	
SHAHREZAEI	X				
			TOTAL	9	1

Result: The motion passed.

Mayor Pro Tem Shahrezaei made a motion to adopt Resolution 2024-36 as amended.
The motion was seconded.

VOTE TO ADOPT RESOLUTION 2024-36 AS AMENDED

	AYES	NAYS		AYES	NAYS
STROM	X		LABURE	X	
OLVER		X	NYSTROM		ABSENT
MAYOTT-GUERRERO	X		LOW	X	
STEWART	X		CRUZ	X	
REIN	X		SINKS	X	
SHAHREZAEI	X				
			TOTAL	9	1

Result: The motion passed.

**ORDINANCES ON SECOND READING
AND PUBLIC HEARINGS**

**ITEM 11 – ORDINANCE O-2024-19 – AMENDING TITLE 2, SECTION 2.02.020, OF
THE LAKEWOOD MUNICIPAL CODE TO ADOPT BOB’S RULES OF
PROCEDURE AS THE PROCEDURAL RULES OF THE CITY COUNCIL
AND REVISE OTHER ANCILLARY PROVISIONS**

City Clerk Robb read Ordinance O-2024-19 into the record.

Mayor Strom opened the public hearing at 7:35 p.m.

There was no public comment on Ordinance O-2024-19.

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

Mayor Strom closed the public hearing.

VOTE TO ADOPT ORDINANCE O-2024-19

	AYES	NAYS		AYES	NAYS
STROM	X		LABURE	X	
OLVER	X		NYSTROM		ABSENT
MAYOTT-GUERRERO	X		LOW	X	
STEWART	X		CRUZ	X	
REIN	X		SINKS	X	
SHAHREZAEI	X				
			TOTAL	10	0

Result: The motion passed.

ITEM 12 – GENERAL PUBLIC COMMENT

Public Comment received via Lakewood Speaks: 4 (see attached)

Mark Skinner, Ward 1, addressed Council regarding the property surrounding Vivian Elementary School. (Attachment A)

Patrick Fox addressed Council regarding crime and drug issues in the community.

Joan Poston addressed Council regarding residents leaving the Lakewood community and other community issues.

ITEM 13 – GENERAL BUSINESS

Councilor Rein motioned to request that the Planning Commission propose zoning code and ordinance changes related to requirements to implement a comprehensive electric vehicle charging plan. The motion was seconded.

Councilor Mayott-Gurrero offered a friendly amendment to use Go EV Cities in research that was accepted by Councilor Rein.

VOTE TO PROCEED WITH COUNCILOR REIN'S RESEARCH PROPOSAL AS AMENDED

	AYES	NAYS		AYES	NAYS
STROM	X		LABURE	X	
OLVER	X		NYSTROM		ABSENT
MAYOTT-GUERRERO	X		LOW	X	
STEWART	X		CRUZ	X	
REIN	X		SINKS	X	
SHAHREZAEI	X				
			TOTAL	10	0

Result: The motion passed.

Councilor Rein withdrew his second request for research regarding high-speed internet.

ITEM 14 – EXECUTIVE REPORT

There was no executive report.

ITEM 15 – MAYOR AND CITY COUNCIL REPORTS

The Councilors and Mayor provided updates regarding upcoming Ward meetings and other events in the community.

ITEM 16 – ADJOURNMENT

Seeing no further business, Mayor Strom adjourned the meeting at 9:13 p.m.

Respectfully submitted,

Jay Robb, City Clerk

Public Comments of August 12, 2024 meeting of the Lakewood City Council

Item 9 - Authorizing a Voter-Approved Revenue Change

Ludmila · Aug 12, 2024 · 7:12pm

Nickel and dime your Constituents. Tabor has been around for a long time and during that time the City funded parks police all the necessary services and recreational needs that their constituents requested wanted and needed. Lo and behold, the greedy Mayor and city council members decided their constituents can do without Tabor. When is enough enough. Record high inflation our property taxes groceries insurance every penny counts except to the City of Lakewood. Councilman Janssen presented a proposal to the Lakewood City Council Last year to lower property taxes. The reduction amounted to approximately \$28. During public comment a lady begged city council to vote for the proposal so she could buy groceries. Only a few city councilors members voted for the proposal the rest of the cold hearted city council members voted no, and now they want to take away Tabor, hell no ! The city Manager the city attorney the city judges etc. should Voluntarily Take a pay cut from their very generous (over paid!) salaries to fund our budget from the kindness of their heart as a gift to the people that have paid their salaries for years and yet have had to watched their city and their quality of life diminish.

Lenore Herskovitz · Aug 11, 2024 · 11:14pm

The recommendation of the Budget and Audit Board to permanently eliminate TABOR for the City of Lakewood entails more than merely asking the public to give up their refunds. This termination also removes the requirement that voters must approve any increase in tax rates. TABOR was created in part to hold our government accountable when it comes to spending and that will be taken away from our Lakewood residents. In 2017 when voters approved to lapse TABOR until 2025, the City had collected \$12,536,504 in TABOR revenues. How much is presently available in that fund? If the Board had recommended restoring TABOR refunds in 2025 there would be no need for a ballot measure. However, if the Council accepts the Board's decision, it is required that it go to a vote of the people. The argument for eliminating TABOR is that these funds are needed for City services. Isn't the purpose of establishing a budget to allocate sufficient money to provide residents with parks, recreation, open space, public safety, infrastructure, etc. The City spent \$74,000 for 2 surveys which would eventually lead the hired strategist (Magellan) to recommend how to best use the results to reach the City's goal of eliminating TABOR. Most people struggle to live within a budget. No one is providing them with a perpetual supplemental supply of money. It is Council's decision whether to accept or reject the Budget and Audit Board's recommendation. In the alternative, they could simply let the lapse expire in 2025 or they could set a new sundown date as opposed to retaining funds forever. If this does become a November ballot issue, I hope voters realize they are being asked to give up far more than a refund check. In this past week's City mailing of the Friday Report there is a link to a short animated video on TABOR. It briefly explains pros and cons on this issue. (I apologize for not providing the link myself but I admit to being technologically challenged). It was helpful to learn more about the ways TABOR protected the public. Having attended several Board meetings in person, it has been clear that the City wanted to get rid of this for good for quite some time. They just needed a way to sell the public on this. It would be unfortunate to see this means of addressing accountability disappear. Do checks and balances matter to voters? If this goes to ballot on November 5 we'll see what choice they make.

John Mohatt · Aug 11, 2024 · 10:26am

TABOR is the single best gift we voters have ever given ourselves and future generations. The TABOR Amendment, which was approved by voters in 1992, limits the amount of revenue State and local government can retain and spend. The TABOR Amendment requires voter approval for tax increases and voter approval for new multi-year financial obligations, including unsecured debt. The TABOR amendment passed because Colorado voters were frustrated by the wasteful out-of-control government spending. Almost since its inception, TABOR's opponents have sought to weaken its effects by convincing voters to allow a temporary "time-out" from TABOR's spending limits and by redefining taxes as fees (which do not require voter approval to raise). TABOR supporters will no longer tolerate the weakening or elimination of TABOR as more politicians try to get their hands on more of our money. The City of Lakewood needs to tighten their belts to live within their means. Lakewood should be looking at how to reduce the size and scope of government rather than asking to keep TABOR refunds. A better TABOR approach would be to reduce taxes to match the spending limit imposed by TABOR. Then there would be no need to waste money processing refunds or a need to convince voters to allow the city to keep our TABOR refund because taxes would not be over collected. Why is Lakewood spending hundreds of thousands of our tax dollars for marketing research to convince voters to allow the city to keep our TABOR refund? I am sure Parks, Police and Roads could make much better use of the funds that were wasted on marketing research. TABOR was passed by voters to stop this kind of wasteful spending. Voters have been extremely skeptical of approving tax increases, no matter what the alleged purpose. It would be easier and more practical to eliminate wasteful/unnecessary programs and prioritize spending than going against the will of the people. I urge you to vote no on Resolution 2024-38 and to stop any further wasteful spending on this issue. The people have already spoken - they voted for TABOR because they prefer a limited government with low taxes. If Lakewood continues efforts to eliminate TABOR, the people will become frustrated with the government money grab and that will lead to unintended consequences. I urge you to exercise due diligence on this issue.

Connor C · Aug 9, 2024 · 7:14pm

I am generally in favor of this. I would like to see it opened up a bit more, to hasten the adoption of statewide policies to increase housing, specifically adding more planning staff and other necessary review staff as well. And/or allow it to update the much needed storm infrastructure throughout the city. I imagine the city does not see much of the property tax increase. I would rather the city keep the tax and spend it rather than the time and money spent to distribute the refunds.

Joshua Comden · Aug 9, 2024 · 2:25pm

I support investing in Lakewood, and I support putting it to a vote from all residents.

Glen Newell · Aug 9, 2024 · 9:17am

Thanks as always to the Mayor and Council for considering this, putting it in front of the public and moving it to a public vote. As for the rest of you (at the great risk of seeming uncivil, as I have been accused by some on City Council), let me get this straight: You want more Police and Infrastructure, but you'd actually rather not anyone get any more money to do that? You're so intent on being anti-tax, and anti-everything that you feel justified ignoring the facts, and would rather get back a couple dollars on

whatever principle, than support an actual solution to your complaints? The facts have been well represented repeatedly, including in the actual ballot language, and here in the comments. The rest is well known as well: there will always be those who would rather complain and struggle than work and contribute to making Lakewood be what the vast majority of us want this city to be, and it's clear who you are- and I'll give you a hint for free: it's not the young men and women just trying to live, and offering to wash your windows at stoplights for spare change.

John Claus · Aug 8, 2024 · 12:18pm

Thank you so much to the Budget and Audit Board for putting this forward. I implore City Council to push this initiative to the November ballot and let people of Lakewood vote for it. I'm very much in favor of investing in our collective infrastructure, public safety, parks, and community investment.

Richard Plastino · Aug 7, 2024 · 10:13am

This proposal is going to face some headwinds. Jefferson County property tax line item combined went up 21% for my house this last budget year. This does not include R1 school district. I don't know how they did this because, as far as I know, the County has not been exempted from TABOR. I asked their finance person via email and received no answer. This is not the City of Lakewood, but it casts a dark shadow over the TABOR question. The one City service that matters most to me, but not to most police departments, is traffic enforcement for speeders and reckless drivers. Yes, I know enforcement for murder, robbery, domestic abuse and serious crimes should and does take priority. But one of the detriments to the quality of life for non-criminals, like most of the citizens of Lakewood, is driving. Driving marked police cars around is not going to stop the reckless and speeding drivers. Only unmarked vehicles like a Ford F 150 or Toyota Camry's will do that. I've always thought an unmarked car could drive up and down Wadsworth all day and issue tickets endlessly. Other than the above, existing City services are great. One commenter said something to the effect, "Government spends all money available and always wants more". But let's put some of the blame where it belongs as well. Citizens always want more and demand their government provide it. Thanks for reading.

D Martinez · Aug 7, 2024 · 7:41am

Although I don't always agree with radical politicians & amendments, the statesman that drafted & campaigned for TABOR, had the citizens of Colorado's best interest in state & city residents. Like the households you govern, the City of Lakewood needs to tighten their belts to live within your means. Make the hard decisions like we do everyday, to live within our budgets. This would include cutting all unnecessary & useless city positions/jobs and departments that do not serve us at all, cut programs that do not impact those already in need and be a lot more transparent with your budget to help cut the fat. Show us how you plan to do so and how you have done so, just like the newly created police report about crime. Be smart doing business with outside companies so that these projects benefit we residents & not just make Lakewood attractive. You collect millions from these companies. Where are you spending these funds? Under the table deals are no longer unnoticed by us. We see you. Beef up your "Economic Development" department to assist growth of the smallest, local, neighborhood businesses. Make it easier and less costly to do business here for them. You're taxing them right out of business. Teach them. Small businesses make up the majority of the American & local communities. Get off of their necks with taxes, fees & basic cost of doing business in Lakewood. Help the citizens of Lakewood stay in their communities that they grew up & welcome new residents who want to live in an

affordable property & sales tax city. I can afford to live here because I made a plan right out of college in the 70s. The increase of property taxes, general cost of living and rise in crime & racing/speeding through our 25-30 mph speed limit neighborhoods has made my decision to move back to southern Colorado this fall. STOP relying on your citizens to bail you out. Many are so far under, they now couch surfing and living on our streets. NO, you may not keep the overpayment of our taxes under TABOR because you are unwilling to make the hard decisions, like we all do, and live within your means every single day!!

Michael Newman · Aug 6, 2024 · 7:23pm

Thank you, council members, for your work for Lakewood. Thank you for seeking input from the public and taking it seriously as you weigh how the city should be run. I welcome the opportunity to allow the taxpayers in Lakewood to decide if they want to allow an exception to the Tabor limits on revenue collection. My only concern would be that the wording should reflect a fair and accurate description of both options. I personally enjoy my rights afforded by Tabor and generally opt to retain limits on revenue, as I think this is an effective method to ensure government thinks creatively and soberly how best to spend the revenue it does have. But my opinion is just one of many, and every taxpayer should get to voice their opinion. Please allow us, as Lakewood residents, the chance to choose between fair and representative statements describing each option. I often see Tabor described in such a way that is readily apparent that the person doing the describing is not a fan. That is not right. Thank you for taking the time to read this.

Wayne Rosala · Aug 6, 2024 · 3:56pm

This is typical big government wanting more money "Feed the beast". Last year the county assessors throughout the state raised property values by 25% to 40%. The city of Lakewood, which used to be a nice little bedroom community to the city of Denver is now a big metropolis and our politicians are part of the problem. The residents of Lakewood wanted to cap development and voted on such a cap but the prior mayor and city council found a way around the cap as a result we see high rises and more apartment complexes going up all over the place, that are in excess of the 1% growth rate (Thanks for listening to the citizens of Lakewood). Why is it that Government can't live within its means, while the rest of us have to. The big lie here is that there will be no more new taxes. That's just like saying that lobbying isn't like bribing a public official or Trump saying that he didn't instigate the January 6th assault on the Capital it's all semantics. The fact is that the Government is over taxing the people and the TABOR Amendment pointed that out and said that the Government owes the people a refund for the amount of the over taxation so if the City of Lakewood take that refund back it is higher taxes on the public. The point I was getting at is, that with property values going up and with more people in the City of Lakewood that tax base has had to increase significantly so why do you want to steal more money from the taxpayers and when is enough enough? Another question I have is why does the City of Lakewood have to hire outside consultants all the time to run surveys and hire staff? Maybe the City of Lakewood is not hiring the right people to do the jobs they were hired to do. What a waste of our tax dollars.

JERRY · Aug 6, 2024 · 3:17pm

I am opposed to putting this Tabor item on the ballot. The original intent of Tabor was to return the money to the taxpayers, and now cities want to change the rules and keep the money.

Tom Krol · Aug 6, 2024 · 2:35pm

I support this effort.

Kip Kolkmeier · Aug 2, 2024 · 10:44pm

I strongly urge the City Council to approve this resolution because it empowers the voters to decide whether we should retain revenue from existing taxes for the most important city funding priorities. Our citizens will likely hear a lot of false information about what this resolution would do. But the truth is irrefutable. (1) No new taxes! The plain language clearly states “without increasing current taxes, or adding any new tax”. This measure, if approved by the voters, would not impose even one penny of new taxes. Rather, it simply allows the retention of existing tax revenue. (2) This is exactly what the Taxpayers Bill of Rights (TABOR) requires and was designed to do. If you support TABOR, you have to support this resolution. TABOR prohibits retaining revenues UNLESS the voters approve. The voters can’t approve or reject revenue retention UNLESS they get the opportunity to vote. (3) This measure is limited in what the retained revenue can be used for; only parks, recreation, open space, public safety, and infrastructure like roads, sidewalks and bikeways. There is nothing more central to city government than keeping us safe, keeping our aging infrastructure repaired, and preserving and expanding our fantastic parks and recreation opportunities. If you oppose new or higher taxes, you should support this resolution. If you support more real democracy by empowering citizens, you should support this. If you believe in the principles behind TABOR, you should support this. If you want our city to prioritize public safety, infrastructure, and parks, you should support this. I applaud the Budget and Audit Board for putting this forward and ask the City Council to support their recommendation. I want my chance to vote on this crucial issue. Please give all of us the chance to vote!

Item 12 - General Public Comment

Hannah Luebe · Aug 12, 2024 · 4:02pm

On the decision for the land around Vivian Elementary, my family and everyone we have talked to would far prefer it to remain open to use. It is a community hub where people meet and form community ties. It would be a huge loss to the community to lose this valuable third space. However I understand that the space should be used for something, and I’ve put some ideas below on how it could be best utilized, in order of preference. 1. Convert the building into a community use space, and leave the green space and playground. -The elementary school could be converted into a community center. Spaces could be rented out to groups like clubs, political groups, religious groups, Boy Scouts, Girl Scouts etc. Additionally it could become a space for potential government services offices, and continue as a community hub, hosting farmers markets, etc. -While this would require investment from the city, it could benefit the community by adding services to a space that already serves them so much. For instance, the Lakewood library down the street has meeting spaces to rent, but only one medium size room. This would allow groups a place to meet and further create community. 2. Rezone the space into multi-family housing and preserve large parts of the green space and playground -We are in a housing crisis. Rezoning the land would allow for multi-family housing to address this housing crisis by providing more homes and more variety of homes so people of various needs and economic abilities would be able to have a home. This is more equitable than single family housing. -Some important things that would make multi-family housing more palatable to the surrounding community would be: -Making sure that the surrounding roads don’t bear the brunt of the increased traffic but plotting space within the boundaries of the land for adequate parking and space to get in and out of the multi-family complex. - Being mindful of how removing green space and adding more buildings and pavement would affect the

drainage and environment of the neighborhood, and planning adequate solutions. -Focusing on creating a sustainable multi-family complex by adding things such as a community garden, a bus stop, bike racks, and prioritizing sustainable materials and walkability. -Include within the multifamily housing commercial services such as small corner store, little clinic, co-working space, coffee shop etc. This would bring services into the neighborhood that would not only benefit the residents but also make it a productive space as well as being more sustainable by placing the services people need within walking or biking distance. -Lakewood has already made bold moves to integrate housing, commercial, and sustainable development i.e. Belmar and could do it again here. Refer to Happy City by Charles Montgomery for examples of community development such as this. Also see this website: <https://happycities.com/> 3. Rezone the space into single family housing and preserve large parts of the green space and playground. -While single family homes would not adequately meet the need in our housing crisis climate, they would provide homes, and preserving the green space and playground would continue to meet the needs of the community.

Megan Pluskis · Aug 12, 2024 · 10:47am

Over 600 people have signed this petition to in favor of saving the open space at Vivian Elementary School: <https://www.change.org/p/save-vivian-s-open-space> This overwhelming support from the community shows how important this open space and park land is for the neighborhood. City Council and Jeffco Public Schools should strongly take this into consideration as a decision is made on how to use the land.

Joshua Comden · Aug 9, 2024 · 2:22pm

Dear neighbors, I would ask that we not light our green spaces on fire. Sometimes when it does not rain, green spaces turn brown and dry, as was the case over the past few weeks until this latest rain. These are the worst times to sneak out late at night to light off fireworks. I have attached a picture of a park in Lakewood (Union Ridge Park) that was set on fire a week and a half ago. I live only two buildings over from where the fire was. One of my life preferences is to not be burned alive, die from smoke inhalation, or be unexpectedly displaced from my home. Thank you for your understanding.

[Attachment](#)

Kyle Gatton · Aug 4, 2024 · 7:50pm

Property located at 1340 Upham st, Lakewood, CO 80214 should be designated as “blighted” pursuant to chapter 14.27 of the Lakewood municipal code. This property has fallen into complete disrepair, has multiple vagrants living on the outskirts of the property as well as in RV trailers. Furthermore, there are children living in one of these trailers, raising further concerns beyond just the “blighted” designation. There has been garbage and human waste disposed of in and around the street of the property, causing environmental concerns, particularly due to the aquifer running directly underneath. Police have been notified several times about the trailers, but nothing has changed and trash has continued to accumulate as well as draw further vagrants. This has severely reduced the walkability of the street, which is roughly 2 blocks from the wadsworth light rail station.

Item 13 - City Council Request

Kip Kolkmeier · Aug 4, 2024 · 4:35pm

Research on best practices to promote installation of electric vehicle charging stations is a perfect assignment for the Lakewood Advisory Commission and I urge Council to vote in favor of sending this to the LAC. This research is vitally important as the City considers our new Comprehensive Plan and changes to our zoning ordinance. Our Planning Department staff do not have the time nor resources to dig deeply into all the land use related issues that arise in this process. We should take full advantage of our resident volunteers working to bring innovative ideas to Council. Thank you Councilor Rein for suggesting this LAC project.

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

6:00 P.M.

August 26, 2024

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

ITEM 1 – CALL TO ORDER

Mayor Strom called the in-person Special Meeting to order at 6:03 p.m.

ITEM 2 – ROLL CALL

Councilors present:

Mayor Wendi Strom, Presiding

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

Absent:

Others in attendance:

Alison McKenney Brown, City Attorney
Jay Robb, City Clerk

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

ITEM 3 - STATEMENT OF CONFLICT OF INTEREST

Mayor Strom read the Statement of Conflict of Interest.

ITEM 4 – MOTION FOR EXECUTIVE SESSION

Mayor Pro Tem Shahrezaei made a motion to go into an executive session to receive legal advice on specific legal matters pursuant to c.r.s. section 24-6-402(4)(b) and Lakewood Municipal Charter 2.15(c)(4), regarding legal issues and concerns arising out of CCU v. Lakewood, 22ca1202 (2023). The motion was seconded.

VOTE TO MOVE INTO EXECUTIVE SESSION.

	AYES	NAYS		AYES	NAYS
STROM	X		LABURE	X	
OLVER		X	NYSTROM	X	
MAYOTT-GUERRERO	X		LOW	X	
STEWART	X		CRUZ	X	
REIN	X		SINKS	X	
SHAHREZAEI	X				
			TOTAL	10	1

Result: The motion passed.

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

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

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

No further business arose from the executive session.

ITEM 6 – ADJOURNMENT

Mayor Strom adjourned the Special Meeting at 7:04 p.m.

Submitted by:

Jay Robb, City Clerk



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

7:00 PM

August 26, 2024

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

ITEM 1 – CALL TO ORDER

Mayor Strom called the HYBRID meeting to order at 7:11 p.m.

ITEM 2 – ROLL CALL

Councilors	Mayor Wendi Strom, Presiding
Present:	Councilor Sophia Mayott-Guerrero
	Councilor Rebekah Stewart
	Councilor Dave Rein
	Councilor Jeslin Shahrezaei
	Councilor Jacob LaBure
	Councilor Paula Nystrom
	Councilor Roger Low
	Councilor Isabel Cruz
	Councilor Glenda Sinks

Absent:	Councilor Rich Olver
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Others in attendance:	Ben Goldstein, Deputy City Manager
	Alison McKenney Brown, City Attorney
	Jay Robb, City Clerk

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

ITEM 3 – PLEDGE OF ALLEGIANCE

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

ITEM 4 – STATEMENT OF CONFLICT OF INTEREST

Mayor Strom read the Statement of Conflict of Interest.

**CONSENT AGENDA
ORDINANCES ON FIRST READING**

City Clerk Robb read the Consent Agenda into the record.

Public Comment received via Lakewood Speaks: 1 (see attached)

Mayor Pro Tem Shahrezaei moved to approve the Consent Agenda. The motion was seconded.

VOTE TO APPROVE THE CONSENT AGENDA

	AYES	NAYS		AYES	NAYS
STROM	X		LABURE	X	
OLVER		ABSENT	NYSTROM	X	
MAYOTT-GUERRERO	X		LOW	X	
STEWART	X		CRUZ	X	
REIN	X		SINKS	X	
SHAHREZAEI	X				
			TOTAL	10	0

Result: The motion passed.

ITEM 5 – RESOLUTION 2024-40 – AMENDING CERTAIN ALCOHOL BEVERAGE FEES FOR THE CITY OF LAKEWOOD

ITEM 6 – RESOLUTION 2024-41 – APPROVING AN INTERGOVERNMENTAL AGREEMENT TO ESTABLISH A CONSORTIUM TO ACCESS AND ALLOCATE FUNDS FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE HOME INVESTMENT PARTNERSHIPS PROGRAM

ITEM 7 – RESOLUTION 2024-42 – APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE COLORADO DEPARTMENT OF TRANSPORTATION TO DIVIDE AND DELINEATE OPERATION AND MAINTENANCE RESPONSIBILITIES FOR THE 12TH AND WADSWORTH WATER QUALITY POND AND ASSOCIATED PERMANENT WATER QUALITY FACILITIES

ITEM 8 – RESOLUTION 2024-43 – APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH URBAN DRAINAGE AND FLOOD CONTROL DISTRICT D/B/A MILE HIGH FLOOD DISTRICT REGARDING FINAL DESIGN SERVICES FOR DRAINAGE AND FLOOD CONTROL IMPROVEMENTS IN DRY GULCH FROM VANCE STREET TO TELLER STREET AND SIDEWALK IMPROVEMENTS ON W 10TH AVENUE FROM WADSWORTH BOULEVARD TO SAULSBURY STREET

- ITEM 9 – RESOLUTION 2024-44 – APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH URBAN DRAINAGE AND FLOOD CONTROL DISTRICT D/B/A MILE HIGH FLOOD DISTRICT TO UPDATE THE CITY OF LAKEWOOD STORM DRAINAGE AND TECHNICAL CRITERIA MANUAL**
- ITEM 10 – RESOLUTION 2024-45 – AUTHORIZING THE PURCHASE OF REAL PROPERTY FOR PARK PURPOSES INCLUDING ACCEPTANCE OF A DEED THEREFOR**
- ITEM 11 – ORDINANCE O-2024-21 – AN ORDINANCE AMENDING ORDINANCE 2023-39 REGARDING THE ACCEPTANCE OF THE DEVOLUTION OF CERTAIN PROPERTY FROM THE COLORADO DEPARTMENT OF TRANSPORTATION TO THE CITY OF LAKEWOOD AND APPROVING AN INTERGOVERNMENTAL AGREEMENT THERETO TO CORRECT THE LEGAL DESCRIPTION**
- ITEM 12 – ORDINANCE O-2024-22 – AMENDING CHAPTER 14.02 OF TITLE 14 OF THE LAKEWOOD MUNICIPAL CODE TO ALLOW SLEEPING UNITS THAT ARE PART OF A CITY APPROVED TRANSITIONAL HOUSING PROGRAM TO BE CONSIDERED TEMPORARY SHELTERS THAT ARE EXEMPT FROM STRICT COMPLIANCE WITH THE REQUIREMENTS OF THE INTERNATIONAL BUILDING CODE**
- ITEM 13 – APPROVING MINUTES OF THE CITY COUNCIL MEETINGS**
- A. DRAFT CITY COUNCIL REGULAR MINUTES 07-22-2024

**ORDINANCES ON SECOND READING
AND PUBLIC HEARINGS**

- ITEM 14 – ORDINANCE O-2024-20 – AMENDING CHAPTER 14.06 OF TITLE 14 OF THE LAKEWOOD MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2023 NATIONAL ELECTRICAL CODE AS ADOPTED BY THE STATE OF COLORADO BY AND THROUGH THE STATE ELECTRICAL BOARD**

City Clerk Robb read Ordinance O-2024-20 into the record.

Mayor Strom opened the public hearing at 7:19 p.m.

Connie Rettig, Ward 3, addressed Council regarding the national electrical code.

Mayor Strom closed the public hearing.

Mayor Pro Tem Shahrezaei made a motion to adopt Ordinance O-2024-20. The motion was seconded.

VOTE TO ADOPT ORDINANCE O-2024-20

	AYES	NAYS		AYES	NAYS
STROM	X		LABURE		ABSENT
OLVER		ABSENT	NYSTROM	X	
MAYOTT-GUERRERO	X		LOW	X	
STEWART	X		CRUZ	X	
REIN	X		SINKS	X	
SHAHREZAEI	X				
			TOTAL	10	0

Result: The motion passed.

ITEM 15 – GENERAL PUBLIC COMMENT

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

Public Comment received via Lakewood Speaks: 8 comments (see attached).

Public Comment received in person:

James Mace, Ward 1, addressed Council regarding concerns with the Lakewood Police Department.

Fred Clifford, Ward 1, addressed Council regarding the Colorado Taxpayer's Bill of Rights.

Sandie Weathers, Ward 3, addressed Council regarding support for a cease-fire in Gaza.

Arnie Carter, Ward 3, addressed Council regarding support for a cease-fire in Gaza.

Bradley Bruce, Ward 2, addressed Council regarding support for a cease-fire in Gaza.

Aaron Brooks addressed Council regarding support for a cease-fire in Gaza.

Rick Cresswell, Ward 5, addressed Council regarding support for a cease-fire in Gaza.

Hugo Weinberger and Ilan Reissner, property owners of 1320-1330 Zephyr Street in Ward 2, addressed Council regarding health and safety concerns in the community.

Connie Rettig, Ward 3, addressed Council regarding poor living conditions and safety issues found in housing units managed by Metro West Housing Solutions.

Dawn Austin, Ward 3, addressed Council regarding various public safety concerns.

ITEM 16 – GENERAL BUSINESS

There was no General Business.

ITEM 17 – EXECUTIVE REPORT

Deputy City Manager Ben Goldstein provided an executive report.

ITEM 18 – MAYOR AND CITY COUNCIL REPORTS

The Councilors and Mayor provided updates regarding upcoming events and Ward meetings in the community.

ITEM 19 – ADJOURNMENT

Seeing no further business, Mayor Strom adjourned the meeting at 8:23 p.m.

Respectfully submitted,

Jay Robb, City Clerk

Public Comments of August 12, 2024 meeting of the Lakewood City Council

Public Comment on Consent Agenda

S Stillwell · Aug 26, 2024 · 9:22am

Lakewood and Jeffco should take a page out of San Francisco's recent exec order; "Homelessness in San Francisco The mayor's memo stated that police officers will look for small homeless camps and will work with Public Works staff to address them and prevent them from becoming larger encampments. Breed stated in an executive order issued Aug. 1: "We will not be a city with a reputation for being able to solve the housing and behavioral health needs of people across our country." The executive order requested that all city workers first offer relocation services to homeless persons, enabling those from outside San Francisco to return to their hometowns, before offering other services such as shelter. According to the executive order, 40 percent of unsheltered people in San Francisco did not live there before they arrived. San Francisco had a homeless population of 8,323 as of Jan. 30, among whom 4,354 were unsheltered, according to the Department of Homelessness and Supportive Housing (HSH). The San Francisco Police Department's (SFPD) Healthy Streets Operations Center (HSOC), the main entity implementing the encampment sweepings, was launched in January 2018 before Breed assumed office in July 2018. The purpose of HSOC is "to coordinate the City's response both to homeless encampments and to behaviors that impact quality of life," according to a report from the Controller's Office. The task force combines city staff from SFPD, Public Works, the Department of Public Health, HSH, and the Department of Emergency Management. In HSOC's first year, it reduced the number of tents citywide from 568 in July 2018 to 341 in January 2019, and it reduced the number of encampments with 5 or more tents or structures from 17 to 5 in the same time span, the Controller's Office reported. However, HSH reported that in January 2020 the number of large encampments was 19. In February 2020, HSH counted 1,545 tents and structures. Large encampments, defined as those with more than five tents or structures, have higher levels of substance abuse and infectious disease and can increase public health and safety concerns in and around them, according to an HSOC presentation in 2018. Homeless individuals are also at constant risk of having their belongings stolen. Eric Smith, who lives in the Haight-Ashbury District and has been homeless since the COVID-19 pandemic began, told The Epoch Times that he has been robbed multiple times but often finds his possessions lying on the street, including items that used to belong to his mother or grandmother. To Smith, homelessness was like being "a refugee in my own country."

Item 15 - General Public Comment

Rev. Ben A. David Hensley · Aug 26, 2024 · 5:23pm

I am offering a comment this evening related to the ongoing humanitarian travesty occurring in Gaza. Before any geopolitical, religious, or historical debate on the conflict between Palestine and Israel is this harrowing truth: thousands, tens of thousands, of children have been killed in more than 10 months of conflict in Gaza since October 7. There is no need to take sides in this story of war to recognize this tragedy and urge for a ceasefire. It is not anti-semitic to wish for the cessation of the ongoing death of Palestinian children due to this horrific conflict. The city of Lakewood is one of the primary and most populous municipal entities within Colorado's 7th Congressional District--represented in Congress by

Rep. Brittany Pettersen. Pettersen has been consistently and stubbornly resistant to calls from her constituency to call publicly for a ceasefire, so it is time for the city of Lakewood to publicly call for a ceasefire in this conflict. Now, some might say this is not in the purview of a municipality of a state in this country! That argument makes sense, I certainly felt that way not too long ago. But I remain horrified at the deluge of blood that is collectively on our hands as United States citizens given that our federal government, using our tax dollars, is providing military assistance in the billions of dollars to the better-equipped and more-powerful of the aggressors in this conflict between Palestine and Israel. And I think that the city of Lakewood does have the power to be heard by the Congressional representatives who vote for policy on our behalf in Washington, DC. It is time for Lakewood to urgently pass a resolution calling for a ceasefire so that the voice of CD7's constituency can finally reach the ears, long closed, of Rep. Pettersen and others who represent us in the US Congress. Just think: the resolution could be delivered directly to her office, which happens to be in the city of Lakewood, just across Wadsworth from the halls of our City Council, as a matter of fact.

John Claus · Aug 26, 2024 · 3:57pm

Given another recent car accident in Applewood, it seems prudent for City Council again to consider allowing funds to be spent on physical traffic curbing measures on along the leg of W. 20th between Youngfield and Simms, as well as, Youngfield between Colfax and W. 20th. It seems the Traffic Engineering department's current means of determining problem road segments could use amendments. Based on past experiences, Traffic Engineering tends to average the speed of cars during the given measurement. However, we all know that averages can blur anomalies that are most important. I'm asking Council for three things: 1) to work with Traffic Engineering to improve their methods for determining problem segments by highlighting the upper bound anomalies, 2) to start putting money aside for physical traffic calming infrastructure along the aforementioned segments of road and 3) to install pedestrian crosswalks at the intersections of W. 20th Ave. and Applewood Dr., as well as, W. 20th Ave. and Willow Lane. These intersections along W. 20th Ave. have become even more dangerous for pedestrians as traffic along Youngfield has increased due to the Clear Creek development.

Steven Buckley · Aug 26, 2024 · 3:33pm

It is important to underscore the point that the former Pointe Athletic Club at 533 Van Gordon is an abandoned, blighted, waste of space because the Lakewood City Council voted 6-5 to keep it that way on December 14, 2020, by rejecting a redevelopment proposal that would have built approximately 230 apartments on the site. The Council had this power to stop needed housing construction and prevent the beneficial redevelopment of this property that was already a vacant eyesore even back then, because under the Residential Growth Limitation Ordinance that was passed in 2019, projects with 40 or more residential units had to be approved by a vote of the City Council. Ironically, municipal code section 14.27.010 states that the "Purpose and Intent" of the Residential Growth Limitation Ordinance is to, among other things, 1) "assure the preservation of [Lakewood's] unique environment and exceptional quality of life," 2) "Encourage redevelopment of blighted and distressed areas," 3) "Encourage preservation of larger open space parcels," and 4) "Avoid increases in crime and urban decay." Looking back on this project that was never to be nearly four years later, it is unmistakably clear that without the Residential Growth Limitation Ordinance, the "redevelopment of" this site into homes would have happened, but that because it was stopped, we instead have a "blighted and distressed" site at 533 Van Gordon that is surrounded and closed off by an ugly fence (literally the opposite of "open

space"), is a magnet for "urban decay" and vandalism, all of which negatively impact the "exceptional quality of life" of the nearby residents who are now commenting here on LakewoodSpeaks about what a disaster the site is and demanding Council take steps to do something about it. Fortunately, a wiser City Council than the one we had in 2020 has taken an initial step forward, and they did so in August of 2023, when they voted to sunset the Residential Growth Limitation Ordinance in August of 2025. Maybe a year from now, when that ordinance is totally and truly gone and dead forever, some developer will build something useful on this blighted mess of a site and Lakewood can benefit by getting more housing that it desperately needs, in a perfect location for housing that is close to and compatible with other neighboring high-density housing, and is nearby to parks, jobs, and transportation corridors like the light rail and US 6. I want to once again thank the City Councilmembers who voted to sunset the Residential Growth Limitation Ordinance last year. If 533 Van Gordon isn't plain evidence in front of our eyes of the utter failure of that ordinance, and how it has caused exactly the opposite effects of what its proponents always claimed it would, I don't know what is. Lakewood will be stronger and better off without it.

Joshua Comden · Aug 26, 2024 · 12:52pm

Dear City Council, I would like to ammend my previous comment based on new information provided by Mx. Citizen. My preference is to have the abandoned building be developed into a shelter, transitional homes, or affordable housing. However, I understand that the property is privately owned by a profit-seeking entity that had plans to come in front of council a couple of years ago to get its multi-family development plans approved in accordance with the sunseting Strategic Growth Initiative (SGI), but backed out due to lack of council support. Perhaps the property owner would reconsider its original development plans after the SGI sunsets.

P Citizen · Aug 26, 2024 · 12:12pm

To Joshua and Bianca - you may want to avoid asking local gov't officials for help on this as they will likely tax and use public funds to turn it into a homeless shelter or "transportation" center while allowing favored entities to secure the contracts. Precedent has already been set with this type of arrangement. Let private industry decide on best use, it may take a bit longer but you will end up with a much more area friendly development.

Joshua Comden · Aug 26, 2024 · 10:44am

I agree with Bianca. I live about 100 yards from the Pointe Athletic club abandoned building. The property should be redeveloped into something that fits within its zoned uses. I'm pretty sure that abandoned building does not fit within a use by right.

S Stillwell · Aug 26, 2024 · 9:28am

Lakewood and Jeffco should take a page from San Francisco's recent exec order; "Homelessness in San Francisco The mayor's memo stated that police officers will look for small homeless camps and will work with Public Works staff to address them and prevent them from becoming larger encampments. Breed stated in an executive order issued Aug. 1: "We will not be a city with a reputation for being able to solve the housing and behavioral health needs of people across our country." The executive order requested that all city workers first offer relocation services to homeless persons, enabling those from outside San Francisco to return to their hometowns, before offering other services such as shelter.

According to the executive order, 40 percent of unsheltered people in San Francisco did not live there before they arrived. San Francisco had a homeless population of 8,323 as of Jan. 30, among whom 4,354 were unsheltered, according to the Department of Homelessness and Supportive Housing (HSH). The San Francisco Police Department's (SFPD) Healthy Streets Operations Center (HSOC), the main entity implementing the encampment sweepings, was launched in January 2018 before Breed assumed office in July 2018. The purpose of HSOC is "to coordinate the City's response both to homeless encampments and to behaviors that impact quality of life," according to a report from the Controller's Office. The task force combines city staff from SFPD, Public Works, the Department of Public Health, HSH, and the Department of Emergency Management. In HSOC's first year, it reduced the number of tents citywide from 568 in July 2018 to 341 in January 2019, and it reduced the number of encampments with 5 or more tents or structures from 17 to 5 in the same time span, the Controller's Office reported. However, HSH reported that in January 2020 the number of large encampments was 19. In February 2020, HSH counted 1,545 tents and structures. Large encampments, defined as those with more than five tents or structures, have higher levels of substance abuse and infectious disease and can increase public health and safety concerns in and around them, according to an HSOC presentation in 2018. Homeless individuals are also at constant risk of having their belongings stolen. Eric Smith, who lives in the Haight-Ashbury District and has been homeless since the COVID-19 pandemic began, told The Epoch Times that he has been robbed multiple times but often finds his possessions lying on the street, including items that used to belong to his mother or grandmother. To Smith, homelessness was like being "a refugee in my own country."

Bianca Barriskill · Aug 26, 2024 · 7:58am

In 2018 I purchased a condo in Lakewood and have enjoyed the location and community here for many years now. But there is a concerning issue that my small neighborhood is being looked over on: the Point Athletic Club with the address: 533 Van Gordon St (the corner of the 6th Avenue frontage road near Wright Street) has been an abandoned building since at least 2018. I emailed a city council member months ago, I believe it was Jeslin Shahrezaei and now would like clarification on what the next steps are for this blighted compound. The abandoned lot attracts vandalism to the neighborhood and the building has been closed since I purchased my property in 2018. Lakewood can be a wonderful community, but allowing certain corners to fall into disrepair and misuse compounds the struggles average residents endure, therefore the council needs to explain the future plans and outcomes for this deteriorating and abandoned lot. Please help residents understand how they can help move this process forward. Thank you.

STAFF MEMO

DATE OF MEETING: SEPTEMBER 23, 2024 / AGENDA ITEM NO. 13

To: Mayor and City Council
From: Max Kirschbaum, Director of Public Works
Subject: **Intent to Acquire Property Interest for North Dry Gulch Phase 3**

SUMMARY STATEMENT: This ordinance would authorize steps necessary to acquire interests in property to construct the North Dry Gulch Phase 3 Project and sidewalk improvements Lakewood Place and Reed Street.

BACKGROUND INFORMATION: The North Dry Gulch 100-year floodplain is generally within one block of Colfax Avenue from Dover Street to Newland Street. There are approximately 150 properties, 130 buildings and 36 residences in the North Dry Gulch 100-year floodplain. The main goal of this project is to mitigate the flooding that has occurred along North Dry Gulch and remove properties and structures from the 100-year floodplain after the entire project is completed. The area shown in blue on the attached map is the existing 100-year floodplain. The 100-year flood is defined as a storm with a one percent chance of happening in any year. Existing properties and structures in the floodplain are at risk of flooding and are restricted in their potential use. Storm sewer facilities in this area are inadequate and aging, which prevents improvements upstream of this area.

The North Dry Gulch Project is divided into four major phases:

- Phase 1, located along West 14th Avenue from Wadsworth Boulevard and Lamar Street, is currently under construction and is anticipated to be complete this fall.
- Phase 2, located along Colfax Avenue from the detention pond at Newland Street west to Pierce Street, is anticipated to begin construction at the end of 2024.
- Phase 3 (the subject of this ordinance) is located north of Colfax Avenue along Pierce Street to Lakewood Place, along Lakewood Place from Pierce Street to Reed Street, continuing west along the extended alignment of Lakewood Place through private properties south of 16th Avenue from Reed Street to Teller Street. Construction is anticipated in 2025 after the necessary property interests have been obtained.
- Phase 4, located along 16th Avenue from Wadsworth Boulevard to Dover Street, is anticipated to begin construction in 2026.

Refer to the attached conceptual illustration for a depiction of all project phases.

The North Dry Gulch Phase 2 project has been paired with a sidewalk project in the Sidewalks and Shared-use Paths Program. The sidewalk project will complete a missing sidewalk section that will allow safer pedestrian travel extending along West 16th Avenue and along Reed Street from West 16th Avenue to Aviation Park.

This ordinance declares the City's intent to acquire property interests necessary for the project and initiates the negotiation process between the City and the property owners for necessary property rights. It also authorizes acceptance of conveyance instruments and, if needed, condemnation of property interests. However, condemnation would not occur prior to additional City Council approval by resolution. Also, separate acquisition ordinances will be presented to City Council for future phases of the North Dry Gulch project.

Three maps are attached that conceptually illustrate the property rights (Right-of-Way/fee simple, permanent, and temporary easements) that are needed for this project. Property interests are needed on a total of 31 properties. Nine (9) fee simple parcels are needed to construct curb ramps per ADA Standards and to allow adequate width to install and maintain the proposed storm sewer. Twenty-two (22) permanent easements are required to allow adequate width to install and maintain the sidewalk improvements and storm sewer. Thirty (30) temporary construction easements will be required to perform minor re-grading, make adjustments to existing driveways or parking lots and restore existing landscaping.

BUDGETARY IMPACTS: Design and Construction of North Dry Gulch Project is funded by combined funds from the Mile High Flood District and Lakewood's Stormwater Enterprise Fund. The costs to obtain property rights will be paid for by the Stormwater Enterprise fund. Adequate funds for this project are approved in the 2024 budget.

Design and Construction of the sidewalk portion of the project is funded by the Capital Improvement Fund through the sidewalks and shared-use paths program. Adequate funds for this project are approved in the 2024 budget.

STAFF RECOMMENDATIONS: Approval of the ordinance.

ALTERNATIVES: If this Ordinance is not approved, the City and the Mile High Flood District cannot proceed with this phase of the North Dry Gulch project. Without these storm sewer improvements, flooding will continue to be a problem and properties and structures will remain in the 100-year floodplain. Likewise, if this ordinance is not approved, the City will not be able to proceed with the sidewalk improvements.

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

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

NEXT STEPS: If this ordinance is approved, staff will begin the acquisition process and complete preparation of construction documents.

ATTACHMENTS:

1. Ordinance O-2024-23
2. NDG Conceptual Illustration
3. Right-of-Way Maps

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

AN ORDINANCE

DECLARING THE INTENT OF THE CITY OF LAKEWOOD TO ACQUIRE INTEREST IN PROPERTY FOR PUBLIC PURPOSES FOR THE CONSTRUCTION OF STORM SEWER FACILITIES FROM TELLER STREET TO PIERCE STREET BETWEEN WEST COLFAX AVENUE AND WEST 16TH AVENUE, FOR THE COMPLETION SIDEWALK CONNECTIONS ON WEST 16TH AVENUE, REED STREET, AND LAKEWOOD PLACE, AND AUTHORIZING NEGOTIATIONS WITH PROPERTY OWNERS, ACCEPTANCE OF CONVEYANCE INSTRUMENTS AND CONDEMNATION OF REAL PROPERTY INTERESTS (SUBJECT TO FURTHER COUNCIL APPROVAL)

WHEREAS, to enhance safety of nearby residents and motorists and to reduce property damage, the City of Lakewood (the “City”) desires to implement the North Dry Gulch Improvements, Construction Package Number 3, Reach 2 Project (the “Project”), which will install storm sewer improvements that will collect and convey storm flows that have caused flooding along Teller Street, West 16th Avenue, Reed Street, Lakewood Place;

WHEREAS, the Project will also enhance pedestrian safety by installing pedestrian facilities along West 16th Avenue, Reed Street, and Lakewood Place;

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

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

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

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

WHEREAS, approval of this Ordinance on first reading does not constitute a representation that the City Council, or member of the City Council, supports, approves, rejects, or denies any particular proposal related to this proposal identified herein.

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

SECTION 1. The North Dry Gulch Improvements, Construction Package Number 3, Reach 2 Project (the “Project”) will serve a public purpose by enhancing resident and motorist safety and reducing property damage through collection and conveyance of stormwater flows that have historically caused flooding along West 16th Avenue, Lakewood Place, and West Colfax Avenue. The Project will serve an additional public purpose by enhancing pedestrian safety through the installation of sidewalks along West 16th Avenue, Reed Street, and Lakewood Place, and it is necessary to acquire certain Property Interests, further described in Section 2 herein, to advance such public purposes.

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

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

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

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

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

SECTION 7. All interested parties are hereby advised that, in the event the City Council approves the exercise of the City's eminent domain power over one or more Property Interests identified in such resolution, the City Attorney, on behalf of the City, shall commence condemnation proceedings with respect to such Property Interests and shall be authorized to apply to the proper court for immediate possession of the Property Interests to be acquired by condemnation, and the City's Chief Financial Officer and all other officers and agents of the City shall cooperate with the City Attorney in the condemnation action, make any deposits and payments as may be necessary for acquisition of the Property Interests, and pay the costs thereof and any condemnation award as it may be finally determined. The City Attorney shall additionally be authorized to employ such expert witnesses, including appraisers, as the City Attorney determines necessary for the purposes of the condemnation authorized by this Ordinance and the aforesaid resolution, and the City's Chief Financial Officer is directed to pay the costs and expenses of employing such expert witnesses and appraisers.

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

SECTION 9. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided such remaining portions or application of the Ordinance are not determined by the court to be inoperable.

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

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 9th day of September, 2024; 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 September, 2024; set for public hearing to be held on the 23rd day of September, 2024, read, finally passed and adopted by the City Council on the 23rd day of September, 2024 and, signed by the Mayor on the ____ day of September, 2024.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

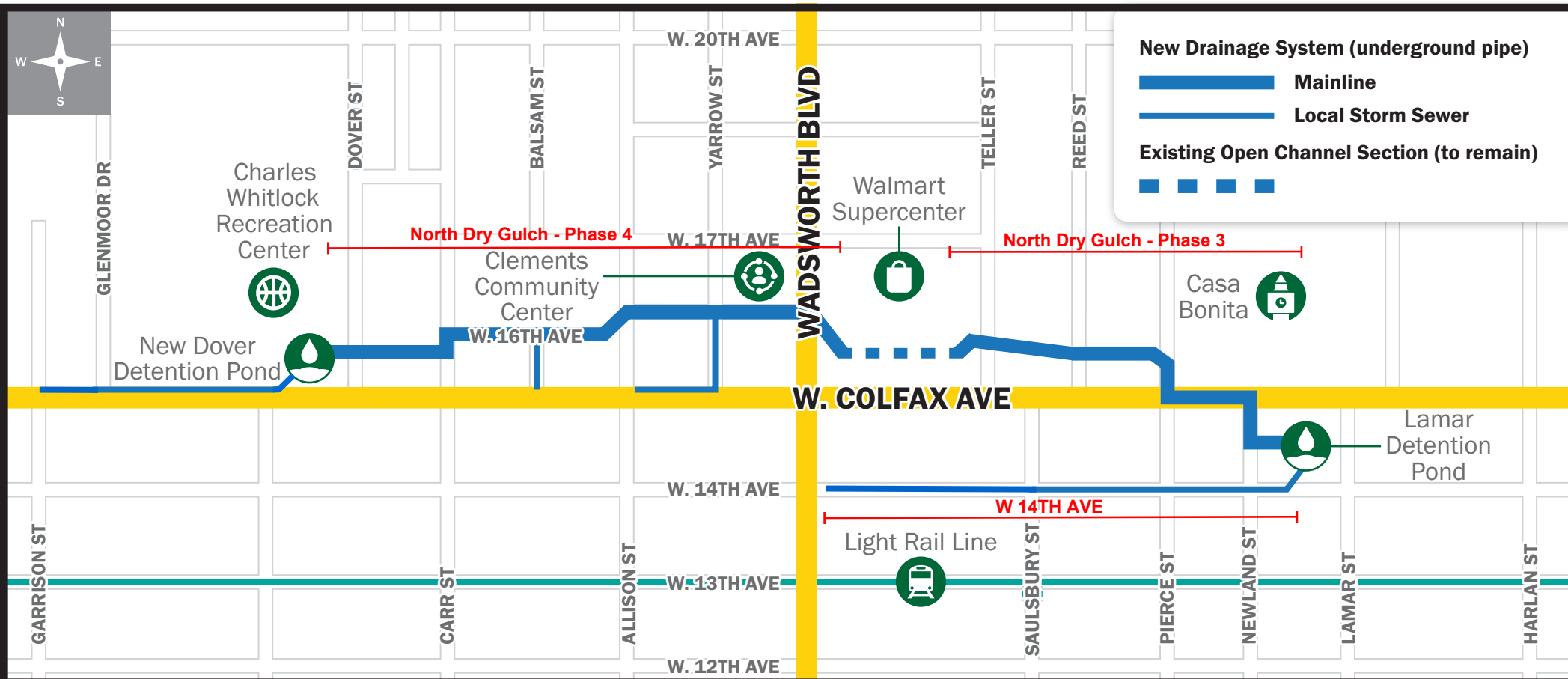
Alison McKenney Brown, City Attorney

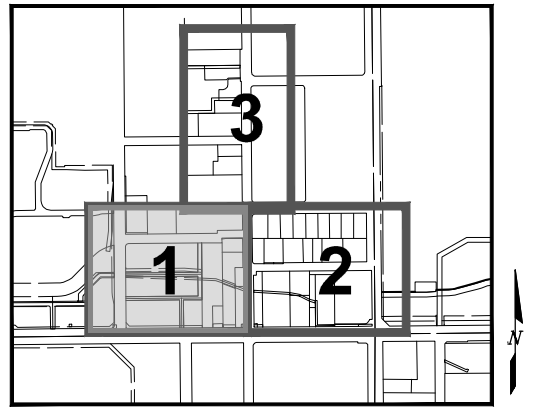
EXHIBIT A
Property Interests for the following addresses:

39-354-12-024 7205 W COLFAX AVE	39-354-12-016 7455 W COLFAX AVE	39-354-15-003 7101 W COLFAX AVE
39-354-15-002 1560 TELLER ST	39-354-15-001 7130 W 16TH AVE	39-354-20-002 1600 TELLER ST
39-354-11-002 7165 W 16TH AVE	39-354-11-021 1601 REED ST	39-354-15-005 7013 W COLFAX AVE
39-354-15-010 1597 REED ST	39-354-15-007 7007 W COLFAX AVE	39-354-15-009 1551 REED ST
39-354-15-008 7001 W COLFAX AVE	39-354-16-007 6990 W 16TH AVE	39-354-16-006 1560 REED ST
39-354-16-005 6965 LAKEWOOD PL	39-354-16-004 6915 LAKEWOOD PL	39-354-16-003 6905 LAKEWOOD PL
39-354-16-002 6901 LAKEWOOD PL	39-354-16-001 1565 PIERCE ST	39-354-16-016 1565 PIERCE ST
39-354-18-001 6999 W COLFAX AVE	39-354-18-002 6955 W COLFAX AVE	39-354-18-003 6898 LAKEWOOD PL
39-354-18-006 6890 LAKEWOOD PL	39-354-18-007 6851 W COLFAX AVE	39-354-18-008 6801 W COLFAX AVE
39-363-05-140 6615 W COLFAX AVE	39-354-11-020 1615 REED ST	39-354-11-022 1625 REED ST
39-354-11-018 1635 REED ST	39-354-01-140 7005 W 16TH PL	39-354-01-132 1675 REED ST
39-354-01-131 1679 REED ST	39-354-01-130 1679 REED ST	39-354-01-125 1695 REED ST
39-354-01-143 1725 REED ST	39-354-01-121 1900 REED ST	

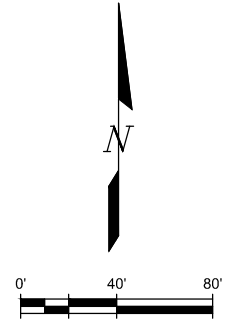
NORTH DRY GULCH IMPROVEMENTS

Conceptual Illustration





KEYMAP

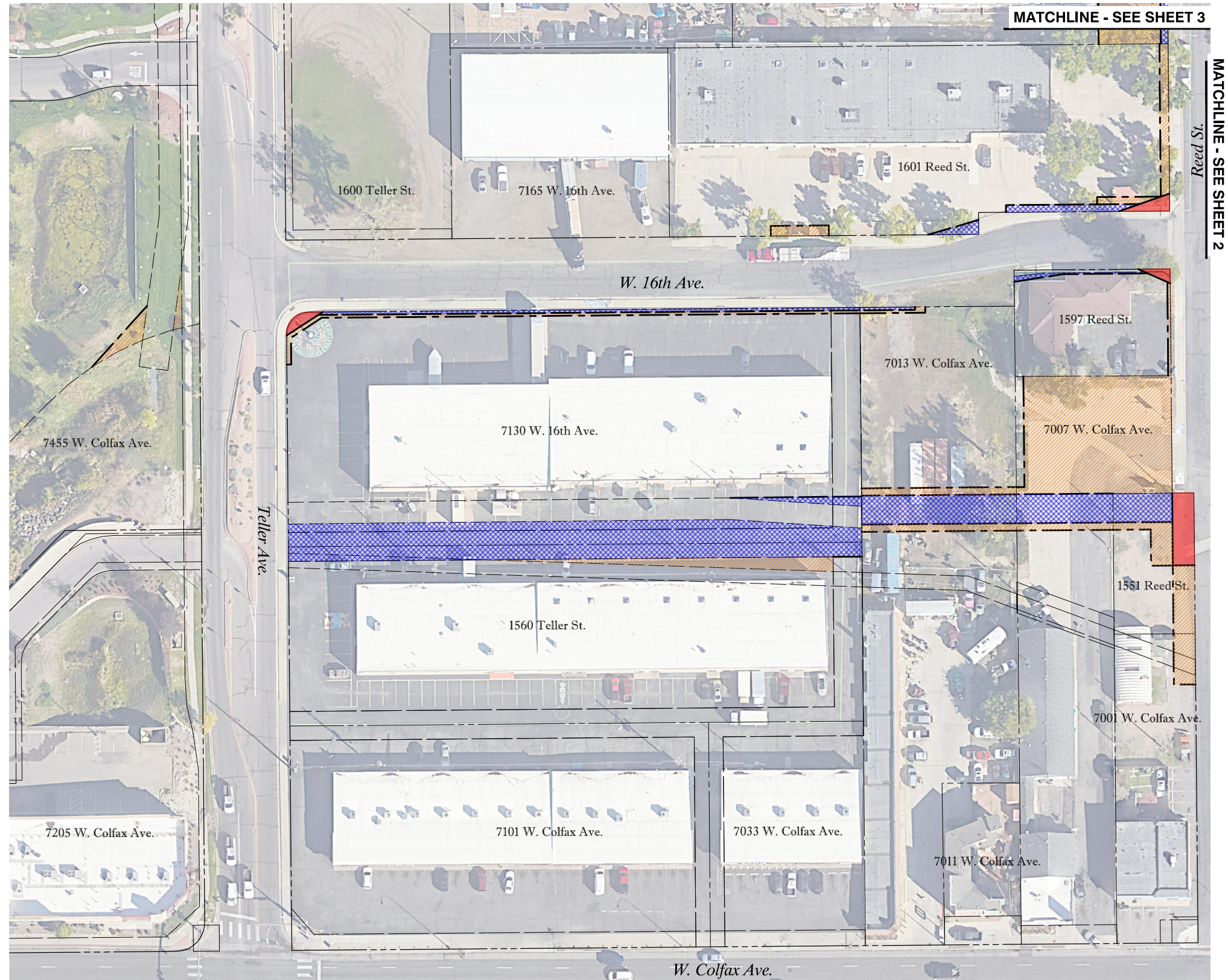
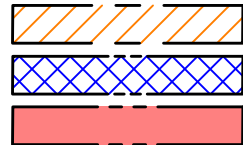


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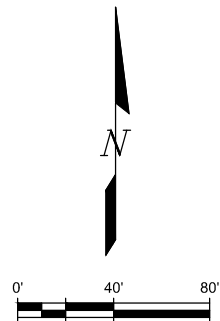
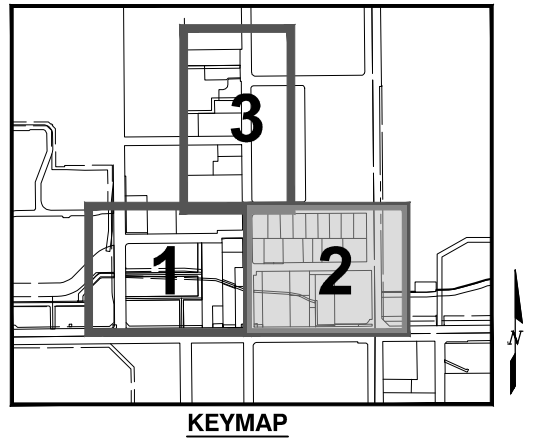
TE = TEMPORARY EASEMENT

PE = PERMANENT EASEMENT

RW = RIGHT OF WAY



CITY OF LAKEWOOD ORDINANCE MAP
PROPERTY INTERESTS FOR THE NORTH DRY GULCH IMPROVEMENTS CP#3 - REACH 2 - TELLER TO PIERCE PROJECT
AUGUST 2024

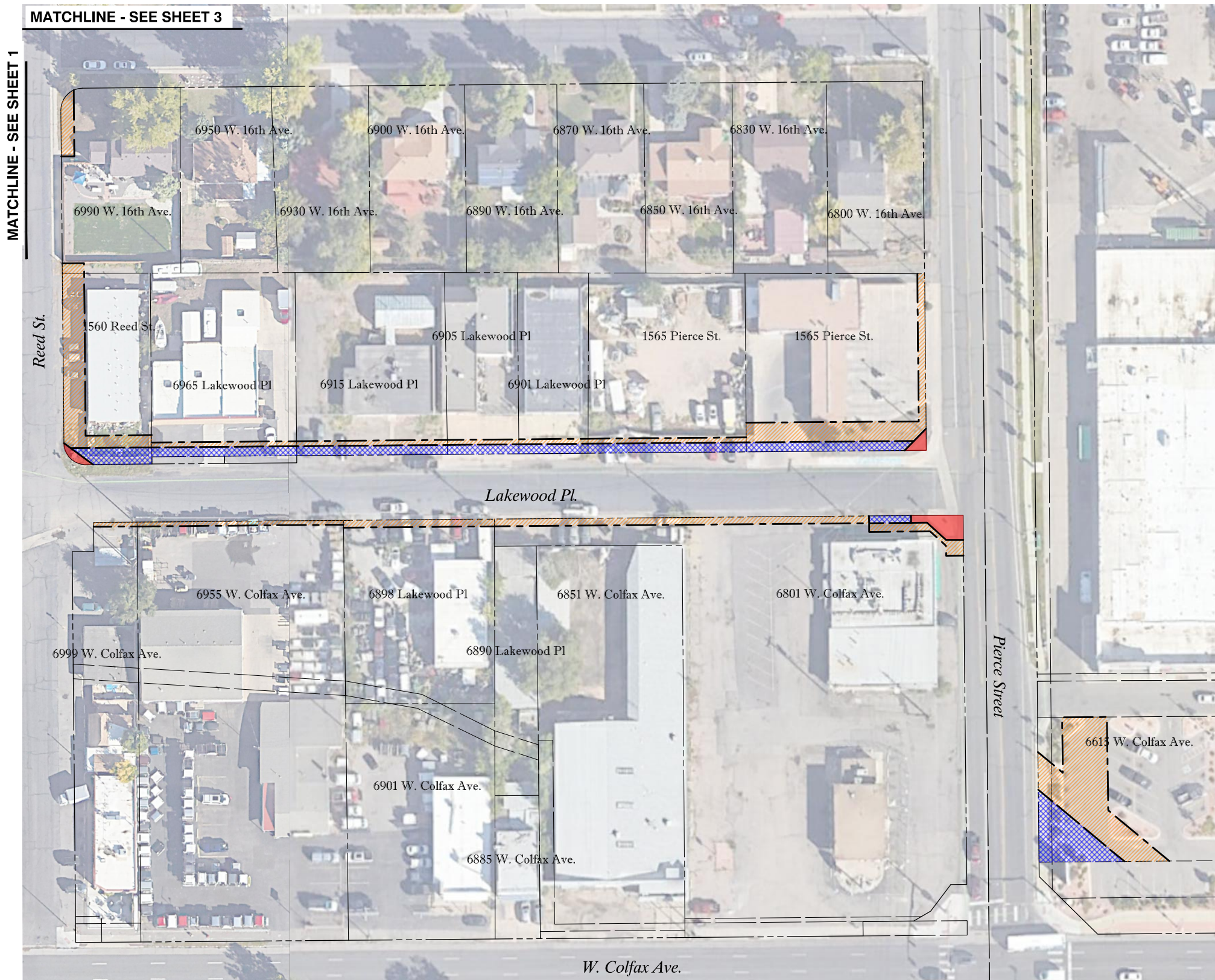
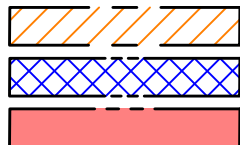


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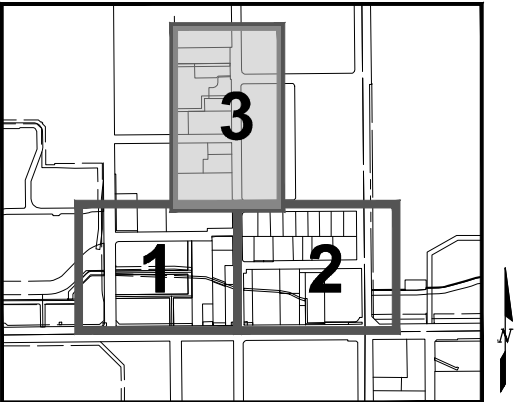
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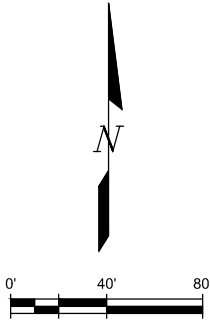
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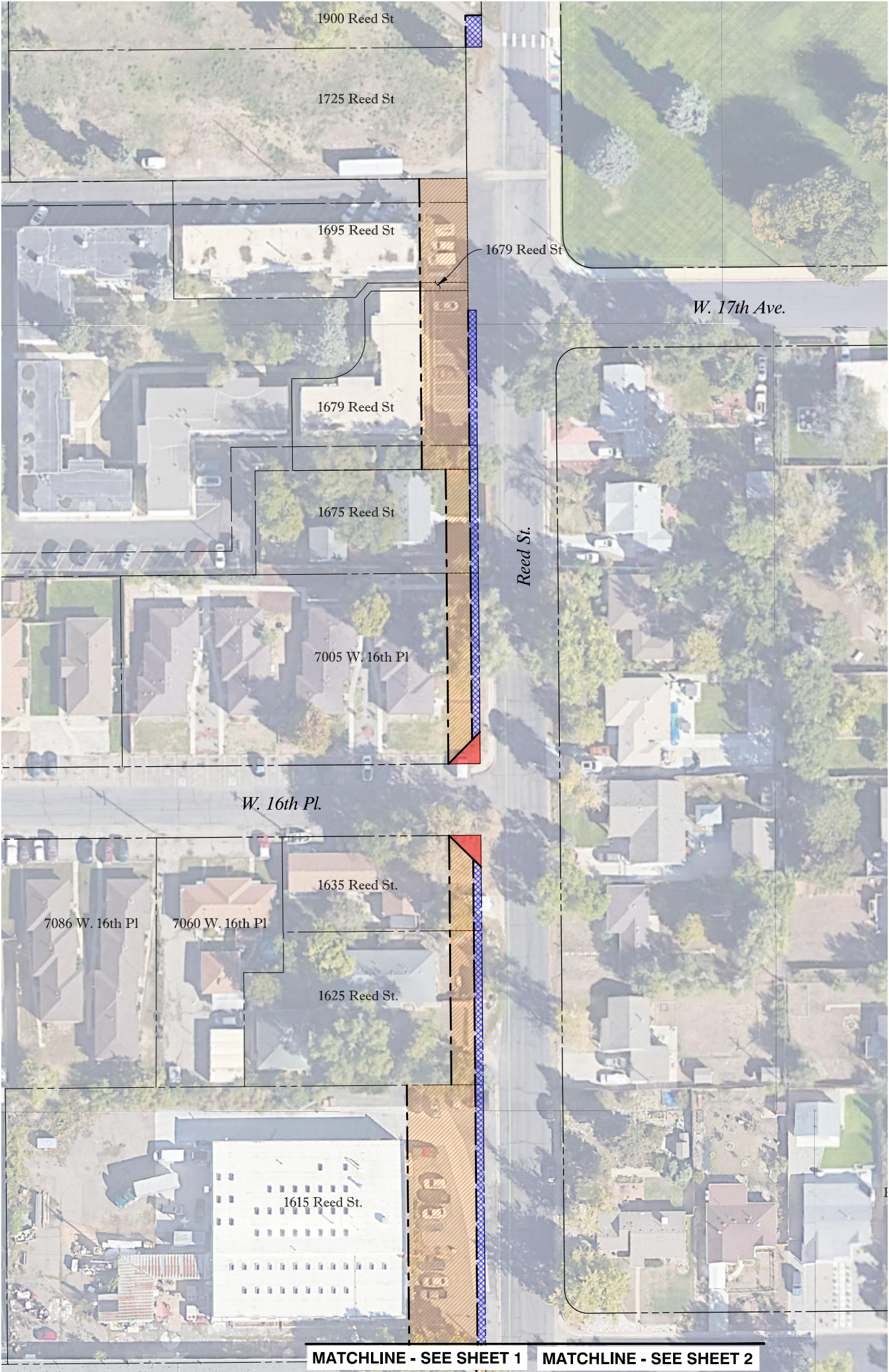
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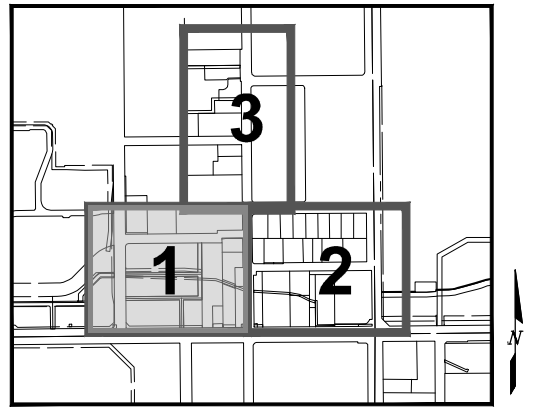


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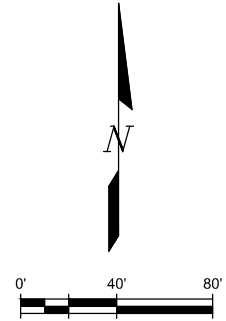


CITY OF LAKEWOOD ORDINANCE MAP
PROPERTY INTERESTS FOR THE NORTH DRY GULCH
IMPROVEMENTS CP#3 - REACH 2 - TELLER TO PIERCE PROJECT
AUGUST 2024





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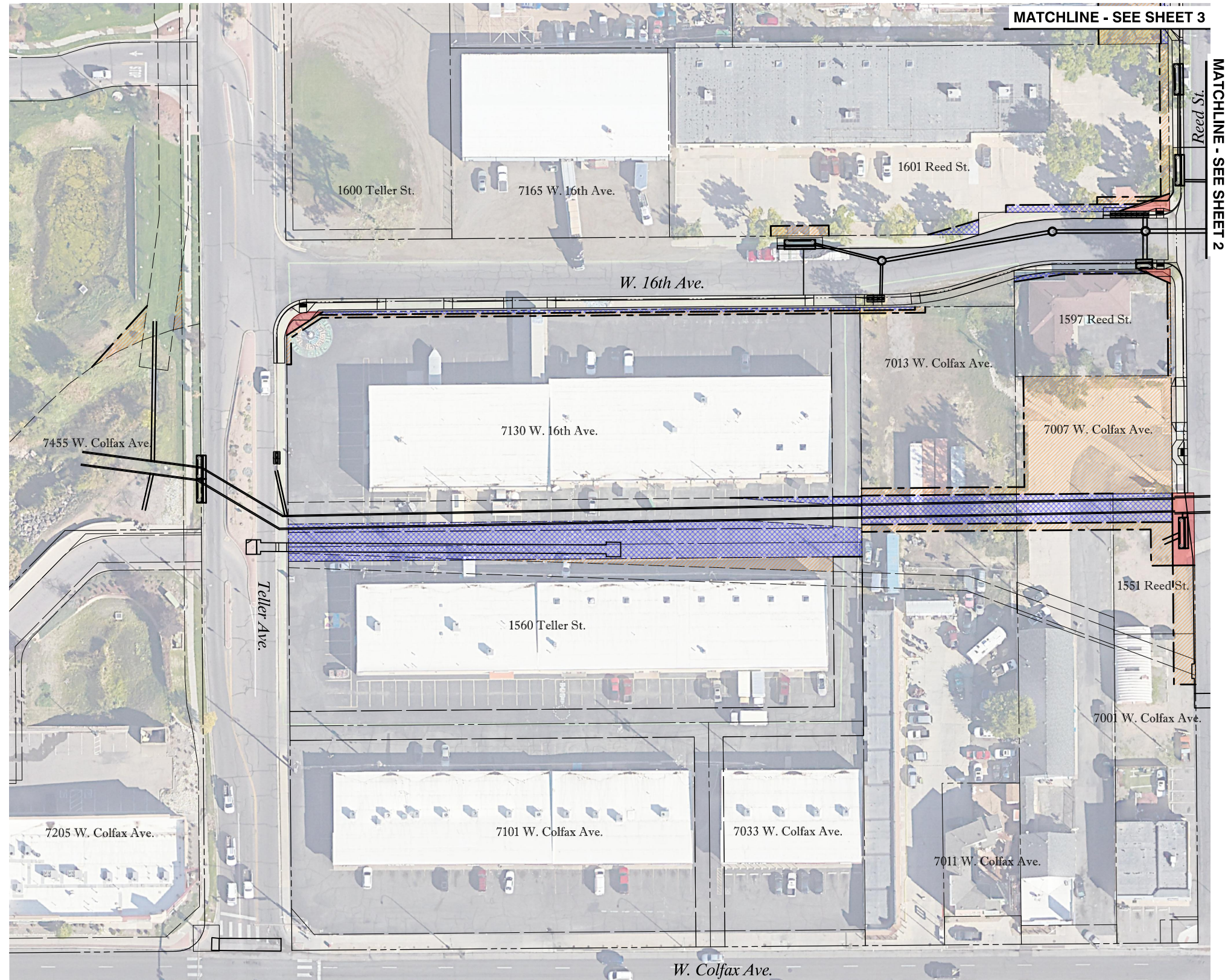
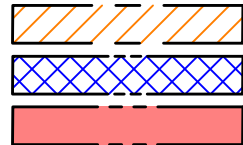


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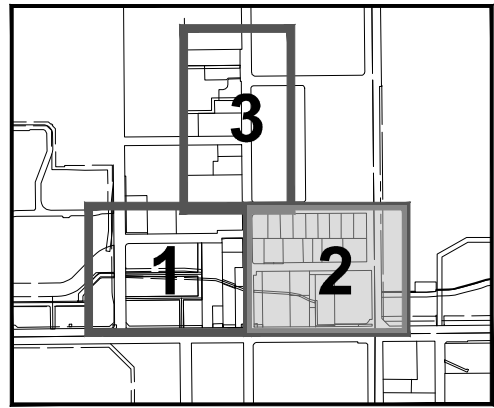
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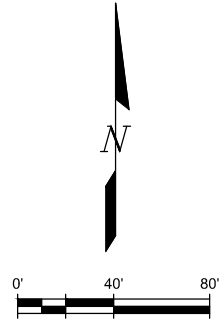
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CITY OF LAKEWOOD
NORTH DRY GULCH IMPROVEMENTS CP#3 - REACH 2 - TELLER TO PIERCE PROJECT
AUGUST 2024



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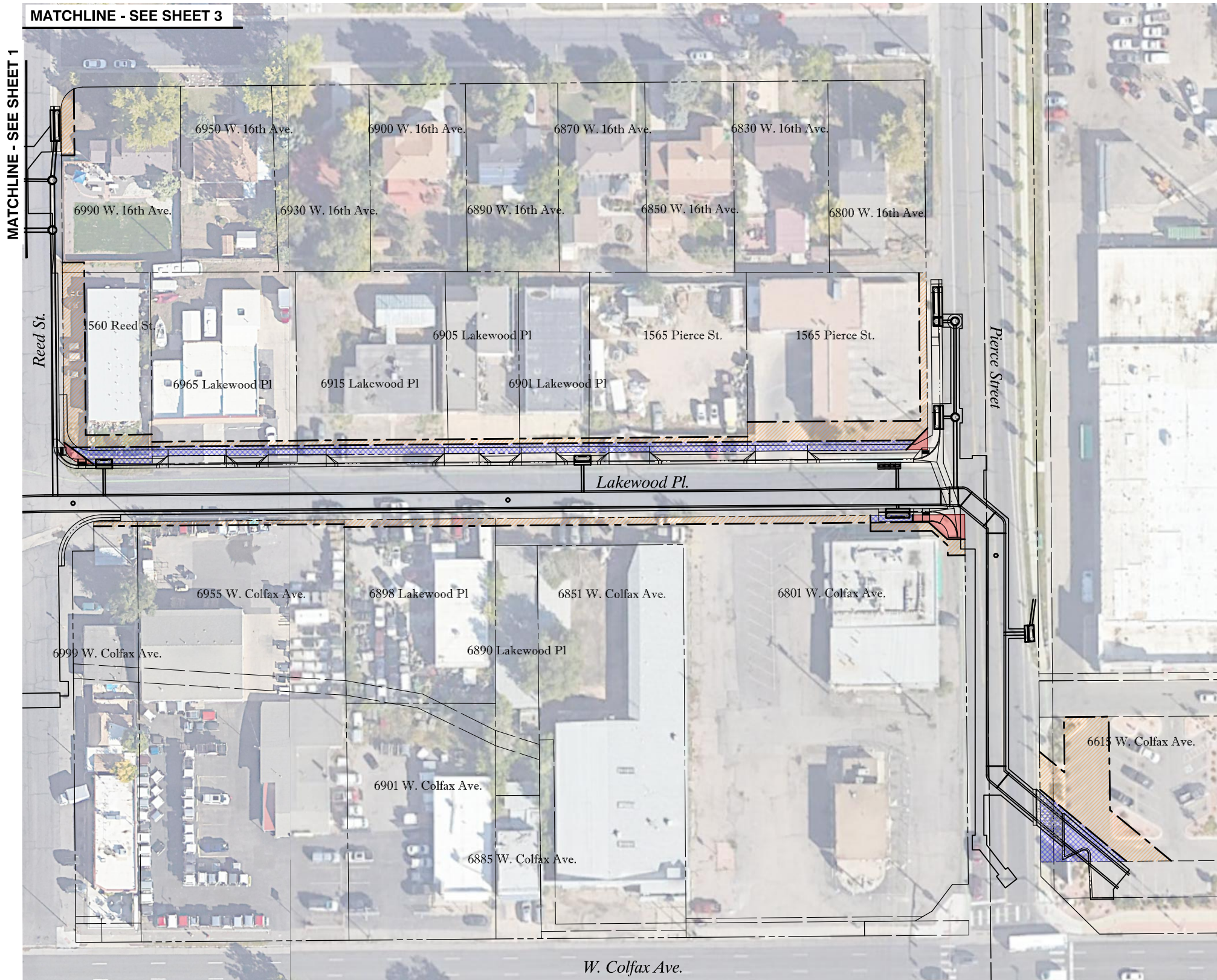
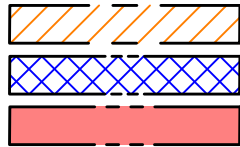


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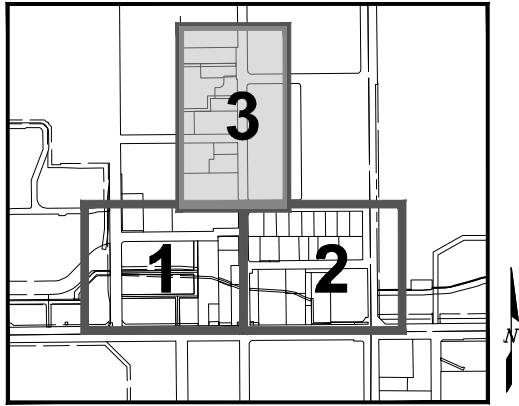
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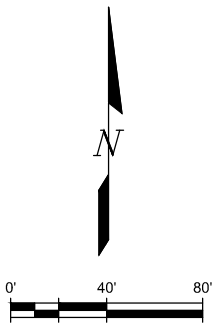
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**CITY OF LAKEWOOD
NORTH DRY GULCH IMPROVEMENTS CP#3 - REACH 2 - TELLER TO PIERCE PROJECT
AUGUST 2024**



KEYMAP



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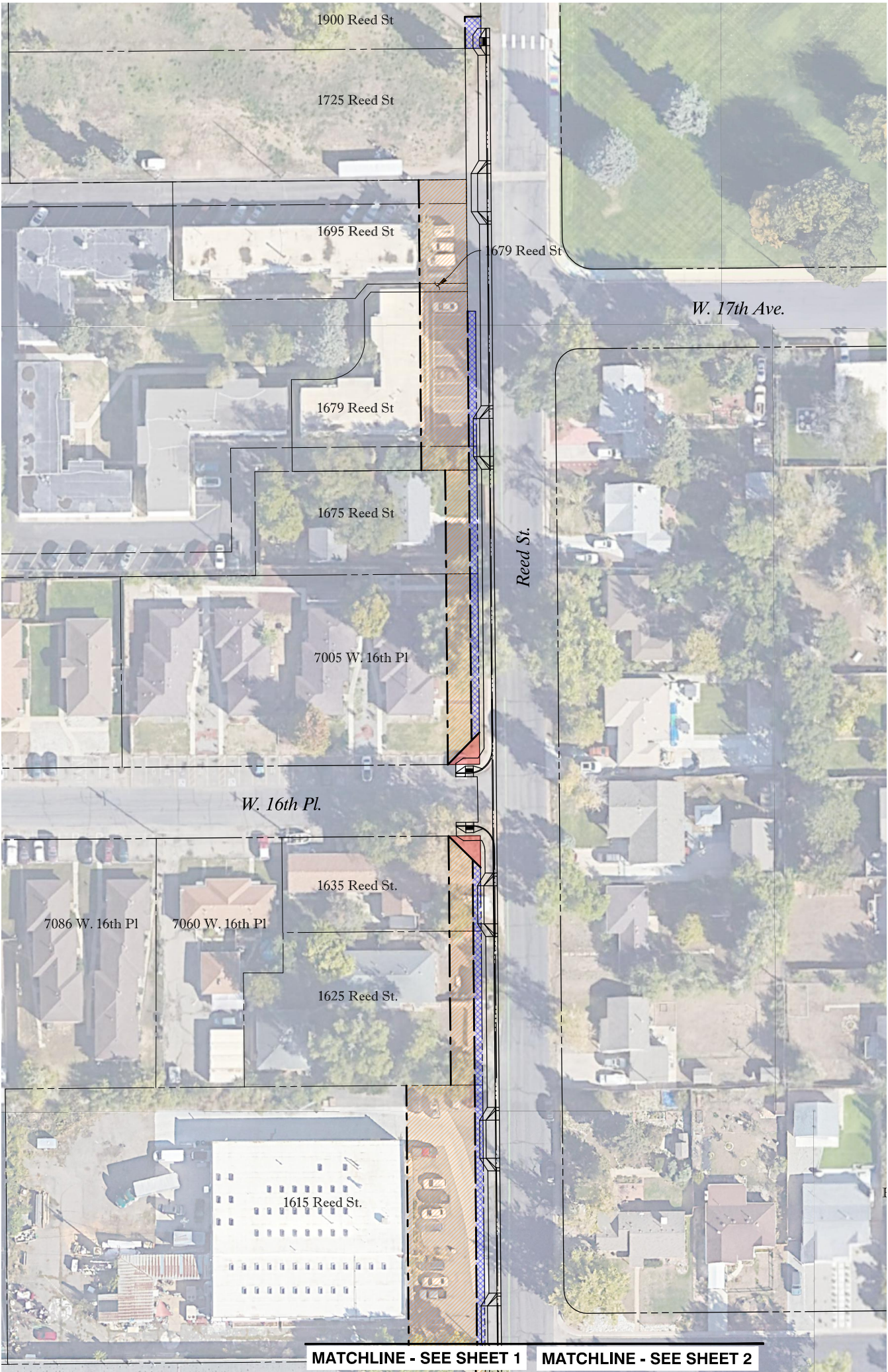
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**CITY OF LAKEWOOD ORDINANCE MAP
PROPERTY INTERESTS FOR THE NORTH DRY GULCH IMPROVEMENTS CP#3 -
REACH 2 - TELLER TO PIERCE PROJECT
AUGUST 2024**



STAFF MEMO

DATE OF MEETING: SEPTEMBER 23, 2024 / AGENDA ITEM NO. 14

To: Mayor and City Council
From: Max Kirschbaum, Director of Public Works
Subject: **Amending Default Speed Limits on Local Streets**

SUMMARY STATEMENT: This is an ordinance to modify Lakewood Municipal Code (LMC) section 10.15.010(B)(2) to reduce the default speed limit in residential districts to more closely match many adjacent municipalities.

BACKGROUND INFORMATION: The City Council previously requested the Lakewood Advisory Commission (LAC) research different types of traffic control devices that could be implemented in areas of Lakewood where speeding is a concern. The LAC presented their recommendations to the City Council on June 12th, 2023. The LAC were seeking City Council direction regarding which components of their recommendation the City Council wanted staff to develop, including identifying the necessary code changes and budget requirements.

On April 1st, 2024, at a study session of the City Council, the City Staff brought forward follow-up research and recommendations on this topic, and sought direction from the City Council regarding those traffic control measures the City Council was interested in implementing and those it was not prepared to implement. One of the primary recommendations from City staff at that study session was to reduce the default speed limit for residential districts, although City Staff recommends a more modest reduction in the speed limit than was proposed by the LAC.

The recommendation to reduce the default speed limit for residential districts from 30 mph to 25 mph aligns with Wheat Ridge, Edgewater, Morrison, and Jefferson County. Arvada and Littleton are still using the state model traffic code default of 30 mph. Denver and Golden have adopted 20 mph, which was also the LAC recommendation. Denver's residential district speed limit was previously 25 mph for decades before that City reduced it to 20 mph, which was a relatively modest reduction. On the other hand, Golden lowered its default speed limit officially from 30 to 20, but that City's engineer believes that because most of Golden's neighborhoods were already enforcing a 25 mph residential speed it is likely drivers didn't feel like a big change when the City took its action.

Lakewood staff proposes a stepped approach from 30 mph to 25 mph to allow drivers a period of time to accept the new speed and adjust their driving habits before deciding on further reductions.

It is important to note that just changing the number on the signs doesn't significantly change driver behavior. A change will likely increase the number of speeding complaints, most streets will likely qualify for traffic-calming measures, and the number of drivers who receive costlier tickets and insurance points will likely increase.

Additional related items to consider are emissions, fuel economy and traffic-calming. Staff will likely need to review the type of traffic-calming necessary to achieve the desired traffic speeds within residential areas and will also need to limit the number of traffic-calming locations installed each year based on the City's budget.

Lakewood Municipal Court Traffic Fine Schedule. The City's Traffic Fine Schedule assesses \$30 per point

+ \$30 for each prior violation within the last two years +\$30 additional for an accident. Plus a 10% victim / witness surcharge and a \$35 court cost or processing fee. Fines will double in a construction or school zone. Fines are based on the original charge and are not modified in response to any type of plea agreement reached in resolution to such charge.

Without Accident

	1 or 2 pt vio	3 pt vio	4 pt vio	6 pt vio	8 pt vio	12 pt vio
No Prior	\$60 + \$6	\$90 + \$9	\$120 + \$12	Fines are set by the judge at his/her discretion		
1 prior	\$90 + \$9	\$120 + \$12	\$150 + \$15			
2 prior	\$120 + \$12	\$150 + \$15	\$180 + \$18			
3 prior	\$150 + \$15	\$180 + \$18	\$210 + \$21			
4 prior	\$180 + \$18	\$210 + \$21	\$240 + \$24			

With Accident

	1 or 2 pt vio	3 pt vio	4 pt vio	6 pt vio	8 pt vio	12 pt vio
No Prior	\$90 + \$9	\$120 + \$12	\$150 + \$15	Fines are set by the Judge at his/her discretion		
1 prior	\$120 + \$12	\$150 + \$15	\$180 + \$18			
2 prior	\$150 + \$15	\$180 + \$18	\$210 + \$21			
3 prior	\$180 + \$18	\$210 + \$21	\$240 + \$24			
4 prior	\$210 + \$21	\$240 + \$24	\$270 + \$27			

*This is a suggested fine schedule. All fines are assessed at the judge's discretion. The maximum penalty for a traffic offense is a \$1,000 fine and/or 364 days in jail. The maximum penalty for a traffic infraction is a \$400 fine. The fine schedule is also available on the City's website.

BUDGETARY IMPACTS: There will be a minor impact to the existing approved budget to create new "notice" signs and exchange the few existing 30 mph signs on local streets.

STAFF RECOMMENDATIONS: Change the default speed limit in the Lakewood Municipal Code for residential districts from 30 mph to 25 mph.

ALTERNATIVES: Leave the default speed on local streets at 30 mph or change the default speed on local streets to 20 mph.

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

NEXT STEPS: A second reading of the ordinance and public comment is proposed for September 23rd. If the City Council approves the ordinance change, staff will install signs at major entry points to Lakewood with the associated notification message. Staff will also start replacing signs on some local streets that are currently posted at 30 mph to reflect the newly adopted speed limit.

ATTACHMENTS: 1. Ordinance O-2024-24

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

AN ORDINANCE

AMENDING LAKEWOOD MUNICIPAL CODE CHAPTER 10.15.010 TO REDUCE THE SPEED LIMIT IN RESIDENCE DISTRICTS IN THE CITY OF LAKEWOOD TO TWENTY-FIVE MILES PER HOUR

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

WHEREAS, pursuant to Colorado Revised Statute (C.R.S.) § 42-4-111(1)(i), local authorities are authorized to exercise police power over the streets and highways under their jurisdiction by altering or establishing speed limits, consistent with state law;

WHEREAS, pursuant to C.R.S. § 42-4-1101(7), local authorities are authorized to adopt by ordinance absolute speed limits as the maximum lawful speed limits for residence districts in their jurisdictions;

WHEREAS, Lakewood Municipal Code (L.M.C.) § 10.15.010(B)(2) currently sets the maximum lawful speed limit in residence districts in the City at thirty miles per hour;

WHEREAS, after receiving numerous complaints regarding the speed of vehicles traveling within residence districts, the City of Lakewood studied the reasonable and safe maximum speed limit in residence districts in the City of Lakewood and determined that speed limit to be twenty-five miles per hour;

WHEREAS, approval of this ordinance on first reading is intended only to confirm that the City Council desires to comply with the City’s Charter by setting a public hearing to provide City staff and the public the 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. Chapter 10.15.010 of the Lakewood Municipal Code is hereby amended as follows:

10.15.010 Speed limits.

- A. No person shall drive a vehicle on a street or highway within this municipality at a speed greater than is reasonable and prudent under the conditions then existing.

- B. Except when a special hazard exists that requires lower speed, the following speeds shall be lawful:
1. Twenty-five miles per hour in any business district;
 2. ~~Thirty~~ Twenty-five miles per hour in any residence district;
 3. Fifteen miles per hour on any alley or alleyway;
 4. Forty-five miles per hour for all vehicles in the business of transporting trash, where higher speeds are posted, when said vehicle is loaded as an exempted vehicle pursuant to Section 42-4-507(3)(a), C.R.S.;
 5. Any speed not in excess of a speed limit designated by an official traffic control device.
- C. Notwithstanding any other provision of this section, no person shall drive a vehicle on a street or highway within this municipality in excess of a maximum lawful speed of 65 miles per hour. No speed limit shall be authorized above 65 miles per hour, and all 65 mile-per-hour speed limits shall be considered maximum lawful speed limits and not prima facie speed limits.
- D. Except as otherwise provided in subsection (C) of this section, any speed in excess of the lawful speeds set forth in subsection (B) of this section shall be prima facie evidence that such speed was not reasonable or prudent under the conditions then existing.
- E. The conduct of a driver of a vehicle which would otherwise constitute a violation of this section is justifiable and not unlawful when:
1. It is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of said driver and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh the desirability of avoiding the consequences sought to be prevented by this section; or
 2. With respect to authorized emergency vehicles, the applicable conditions for exemption, as set forth in Section 10.63.070, exist.
- F. The minimum requirement for the commission of a violation of this section is the performance by a driver of prohibited conduct, which includes a voluntary act or the omission to perform an act which said driver is physically capable of performing.
- G. It shall not be a defense to prosecution for a violation of this section that:

1. The defendant's conduct was not performed intentionally, knowingly, recklessly, or with criminal negligence; or
 2. The defendant's conduct was performed under a mistaken belief of fact, including, but not limited to, a mistaken belief of the defendant regarding the speed of the defendant's vehicle; or
 3. The defendant's vehicle has a greater operating or fuel-conserving efficiency at speeds greater than the reasonable and prudent speed under the conditions then existing or at speeds greater than the maximum lawful speed limit.
- H. A violation of driving one to 24 miles per hour in excess of reasonable and prudent speed or in excess of the maximum lawful speed limit of 55 miles per hour is a Class 3 traffic offense; a violation of driving 25 or more miles per hour in excess of the reasonable and prudent speed or in excess of the maximum lawful speed limit of 55 miles per hour is a Class 2 traffic offense.
- I. A violation of driving in excess of the speed limit set forth in a maintenance, repair, or construction zone shall be subject to the increased penalties and surcharges as set forth in Section 10.15.015.
- J. Notwithstanding any other provisions of this section, no person shall drive a low-power scooter on a roadway at a speed in excess of 40 miles per hour.

SECTION 2. This Ordinance shall take effect thirty (30) days after final publication and after the City has placed official signs or other traffic control devices at or upon the entrances to roadways in residence districts to give notice to drivers of the reduced speed limit.

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

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 9th day of September, 2024; 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 September, 2024; set for public hearing to be held on the 23rd day of September, 2024, read, finally passed and adopted by the City Council on the 23rd day of September, 2024 and, signed by the Mayor on the _____ day of September, 2024.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: SEPTEMBER 23, 2024 / AGENDA ITEM NO. 15

To: Mayor and City Council
From: Phillip Smith, Chief of Police
Subject: **Use of Automatic Vehicle ID Systems (AVIS)**

SUMMARY STATEMENT: Staff is recommending an automated vehicle identification system (AVIS) in the City of Lakewood for red light and speeding enforcement.

BACKGROUND INFORMATION: The City Council requested the Lakewood Advisory Commission (LAC) to research different types of traffic control devices that could be implemented in areas within the City of Lakewood where speeding is a concern. The LAC presented its recommendations to the City Council on June 12th, 2023, and staff presented information regarding various Automated Vehicle ID Systems during a City Council Study Session on April 1, 2024. At the request of the Council, staff has developed the necessary code changes and is seeking additional guidance from the Council on the implementation and approval of program expenses and staff, which are outside the current budget.

Additionally, the state legislature recently modified the utilization of automated vehicle identification systems (AVIS) for increased traffic law enforcement, including relaxed restrictions on where systems can be deployed. See attachment of the signed law SB23-200 and SB24-195.

AVIS cameras are supported by LAC and staff recommendations with the following phased-in deployment: Deployment of a fixed location system at arterial/arterial intersections or other high-speed intersections with high crash rates from red light violations. Most fatal crashes and serious bodily injury crashes in Lakewood are on arterial roadways. In 2023, the City of Lakewood saw 20 fatal traffic collisions, many of which speed was a recognized factor. The top five intersections for collisions were W 6th Ave/Wadsworth Blvd (73 collisions), W 6th Ave/Sheridan Blvd (55), W 6th Ave/Simms/Union (52), W Colfax Ave/Wadsworth Blvd (46), S Wadsworth Blvd/W Jewel Ave (45).

Deployment of mobile-automated speed enforcement is recommended at schools within the city as they see a disproportionately high number of vulnerable road users during school drop-off and pick-up times of the day. Annually, the police department receives numerous citizen complaints about traffic in school zones.

Installing an AVIS system on any state highway requires coordination and approval from the Colorado Department of Transportation (CDOT). Based on legislation, AVIS systems for speed monitoring are now restricted to use in school zones, within a residential neighborhood, within a maintenance, construction, or repair zone per 42-4-614, along a street that borders a park, or along a street that by ordinance or resolution, city council has designated as an automated vehicle identification corridor. To be designated an automated vehicle identification corridor, the city must show a 5-year history of crashes, speeding, reckless driving, or community complaints. Automated speed enforcement is currently very controversial in many communities. In discussions with other agencies presently participating in automated speed enforcement, they report an immediate impact during the enforcement because of the necessary signage and vehicle presence. However, they noted that drivers almost immediately revert to driving at high speeds when the signage and equipment aren't present.

Permanent installation of equipment has an immediate and prolonged impact, but with the required signage, the

number of citations decreases after an initial surge after installation. Major crash incidences decrease while minor (fender bender) collisions remain consistent after an initial surge post-installation.

Staff recommends that any revenue from the citations should be dedicated to the cost of the AVIS program, extra police enforcement dedicated to traffic safety, such as DUI patrols, extra enforcement on high crash corridors, etc., and physical roadway safety improvements, such as median pedestrian islands, crosswalk warning systems, radar feedback signs, raised crosswalks, speed cushions, bike lane separation or other traffic-calming and safety improvements.

BUDGETARY IMPACTS: The budget for an AVIS program is dependent on the size of the program. To adequately staff the program, the addition of an FTE AVIS program supervisor with an approximate salary/benefits of \$114,980.34, along with an FTE AVIS technician with an approximate salary/benefits of \$107,462.51. A well-trained employee can review up to 100 citations an hour.

The AVIS equipment cost is not currently well-defined, but each camera installation is expected to cost between \$5,500 and \$6,000 monthly. For example, the staff recommendation of deploying 11 cameras would incur a monthly cost of \$55,000-\$60,000. After the initial installation citation surge, each camera is expected to document 15-20 red light violations daily and 25-40 speed violations per day, depending on deployment locations. One vendor is so confident the revenue from citations will be greater than their fees that they are willing to offer cost-neutrality language in the contract.

STAFF RECOMMENDATIONS: Staff recommends installing an AVIS program at intersections for red light violations and automated speed enforcement. Initial deployment is recommended at five (5) intersections covering two (2) directions, each based on collision data (speed and red-light violation to be verified by the vendor before installation). Additionally, staff recommends deploying one (1) mobile unit to be moved throughout the city on a scheduled basis to maintain equitable coverage with an emphasis on school safety zones. To support this system, staff recommends the addition of an AVIS supervisor with an AVIS technician to handle the workload during the initial installation.

ALTERNATIVES: Do not create an automated vehicle identification program for red light violations or speed enforcement.

Create an automated vehicle identification program for speed zones and red-light violations.

Create an automated vehicle identification program for speed zones only.

Create an automated vehicle identification program for red-light violations only.

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

NEXT STEPS: If you confirm the necessary municipal code changes for the official adoption of an AVIS program and devote budgetary resources, staff will work to develop recommended locations and related budgets and initiate a contract with a vendor.

ATTACHMENTS:

1. Ordinance O-2024-25
2. Senate Bill 24-195
3. Brochure - Conduent DriveSafe™ Enforcement System
4. Image of Portable Camera Unit

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

AN ORDINANCE

ADOPTING TITLE 10, CHAPTER 46, OF THE LAKEWOOD MUNICIPAL CODE
REGARDING THE ESTABLISHMENT OF AN AUTOMATED VEHICLE
IDENTIFICATION SYSTEM

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 of Lakewood desires to conform to the requirements of C.R.S. 42-4-110.5 (2024) regarding the establishment of automated vehicle identification systems to allow for the enforcement of traffic laws via camera systems;

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 10, Chapter 46. Title 10, Chapter 46 of the Lakewood Municipal Code shall be adopted as follows:

10.46.010 Purpose.

The Automated Vehicle Identification System Code is enacted for the purpose of promoting the health, safety, and welfare of the citizens of the City of Lakewood by allowing for civil traffic enforcement through the use of Automated Vehicle Identification Systems (AVIS) and the issuance of corresponding notices of traffic violations.

10.46.020 Definitions.

As used in this chapter, unless the context otherwise requires, the following words and terms shall be defined as follows:

a) *Automated vehicle identification system (AVIS)* – shall mean a system whereby:

(A) A machine is used to automatically detect a violation of a traffic regulation and simultaneously record a photograph or video of the vehicle, the operator, and/or the license plate of the vehicle; and

(B) A notice of violation and civil penalty assessment may be issued to the registered owner of the motor vehicle, or alternatively to the operator of the vehicle if later identified.

- b) *AVIS corridor* means a roadway designated by Resolution of the City Council upon which the City may enforce traffic laws via an AVIS system, such Resolution containing data collected within the past five years describing incidents of crashes, speeding, reckless driving, or community complaints on such roadway unless the automated vehicle identification system will be used exclusively to detect unauthorized usage of one or more transit-only lanes.
- c) *Civil Penalty Assessment* shall mean a notice mailed via first class mail or personally served to a registered owner of a vehicle or identified vehicle operator involved in any traffic violation that has previously received a Notice of Violation.
- d) *Deadline for Payment* shall mean a date included within a Notice or Civil Penalty Assessment that is not less than forty-five days after the issuance date of such Notice.
- e) *Deadline to Request a Hearing* shall mean a date included within a Notice that is not less than forty-five days after the issuance date of such Notice.
- f) *Enforcement Officer* shall mean a peace officer, designated civilian employee, vendor or contractor for the City designated by the Chief of Police to enforce the provisions of this Code.
- g) *Issuance Date of the Notice* shall mean the day such Notice was mailed to the responsible party via First Class mail.
- h) *Notice of Violation (Notice)* shall mean a notice mailed via first class mail to a registered owner of a vehicle involved in any traffic violation detected by an AVIS advising such owner that a violation has been detected, or a similar notice mailed to the operator of a vehicle, as later identified, advising such operator that they were identified as the operator of a vehicle detected to have committed a violation.
- i) *Personal service* shall mean an owner or operator has failed to respond to a Notice served via first class mail and such failure is understood to be a decision by the owner or operator to not waive in-person service and to accept the costs of personal service. Personal service can be effected upon the owner or operator of the vehicle identified by an AVIS and pursued at the discretion of a Lakewood enforcement officer. The costs of personal service shall be due and payable along with payment of the penalty assessed for the violation.
- j) *Residential neighborhood* shall mean any block on which a majority of the improvements along both sides of the street are residential dwellings and the speed limit is thirty-five miles per hour or less.
- k) *Vendor* shall mean an entity operating pursuant to a contract with the City to perform any element of the City's Automated Vehicle Identification System in accordance with applicable provisions of C.R.S. § 42-4-110.5.

10.46.030 Automated Vehicle Identification System – Notices of Violation – General.

- a) **Responsible Party.** When an enforcement officer, based on evidence obtained in whole or in part by means of an AVIS, has probable cause to believe that a traffic violation has been committed, the enforcement officer may issue a Notice to the registered owner of the vehicle based upon a license plate, or any other identification of the vehicle, as the party responsible for the violation of the applicable law. If the vehicle is registered in more than one person's name, the Notice may either be issued to the first named registrant or to the registrant whom the enforcement officer determines, under all the facts and circumstances, was the person most likely operating the vehicle.
- b) **Identified vehicle operator.** A person designated in writing by the owner of the vehicle as being the operator of the vehicle at the time the violation occurred may be served a subsequent Notice of Violation. Any Notice of Violation served to an identified vehicle operator shall include all information set forth in subsection (e) below as well as information showing the registered owner has certified in writing such individual to have been the operator of the vehicle at the time of the alleged violation. The City shall not require a registered owner of a vehicle to disclose the identity of a driver of the vehicle who is detected through the use of an AVIS. However, the registered owner may be required to submit evidence that the owner was not the driver at the time of the alleged violation if such registered owner is challenging identification at the time of the AVIS violation.
- c) **Rental Vehicles.** If the registered owner of a motor vehicle involved in a traffic violation is engaged in the business of leasing or renting motor vehicles, the registered owner remains liable for payment of the civil penalty even if the registered owner was not driving the motor vehicle but payment from the lessor or renter of the motor vehicle received by the City will satisfy any penalty resulting from a notice of violation.
- d) **Issuance of a Notice.** A Notice issued as part of an AVIS program shall be mailed by first class mail to the responsible party, as identified in subsection (a) above, within thirty (30) days following such violation having occurred or within sixty (60) days if the vehicle is registered outside of the State. If the responsible party identifies another individual to have been the vehicle operator at the time of the violation the Notice shall be issued to such identified vehicle operator within thirty (30) days of the City, or its vendor, having received such notification in writing.
- e) **Contents of a Notice.** A Notice shall contain:
 - 1. The date the notice was issued, which shall be the date such notice was mailed in accordance with this code;
 - 2. The name and address of the registered owner of the motor vehicle involved in the alleged violation, or alternatively, the name and address of the identified vehicle operator;
 - 3. The license plate number of the vehicle involved;
 - 4. A citation of the State, county or municipal law alleged to have been violated;
 - 5. A brief description of the alleged violation;

6. The date and location of the alleged violation;
7. The amount of any civil penalty prescribed for the alleged violation; and
8. Information on how the registered owner or identified operator may either dispute the alleged violation at a hearing or satisfy the prescribed penalty.

10.56.040 Enforcement Zones.

- a) The City may issue a Notice of Violation identified through its AVIS system for violations of a county, city and county, municipal traffic ordinance or a traffic violation under State statute that occur:
 1. Within a school zone;
 2. Within a Residential Neighborhood;
 3. Within a maintenance, construction, or repair zone designated pursuant to C.R.S. § 42-4-614;
 4. Along a street that borders a City park; or
 5. Along a street, or portions of a street, which the City Council has designated by Resolution as an AVIS corridor.
- b) Prior to utilizing an AVIS to enforce a local speed ordinance the City will post an appropriate temporary or permanent sign in a conspicuous place not fewer than two hundred feet before the area in which the AVIS is to be used notifying the public that an AVIS is in use immediately ahead.
- c) Prior to utilizing an AVIS to detect disobedience to a traffic control device the City will post a sign notifying the public that an AVIS is in use immediately ahead. The sign shall:
 1. Be placed in a conspicuous location not fewer than two hundred feet nor more than five hundred feet before the AVIS; and
 2. Use lettering that is at least four inches high for upper case letters and two and nine-tenths inches high for lower case letters.
- d) Prior to utilizing an AVIS to enforce an AVIS corridor the City will post permanent signage in compliance with C.R.S. § 42-4-110.5(2)(g)(1.7).
- e) Prior to designating a State highway or county road an AVIS corridor the City shall comply with the provisions of C.R.S. § 42-4-110.5(2)(g)(1.6).

10.46.050 Traffic Offenses.

When an enforcement officer, based on evidence obtained in whole or in part by means of an AVIS, has probable cause to believe that a vehicle was traveling 25 miles per hour or more in excess of the posted speed limit, the violation will be investigated as a traffic offense. The traffic offense is subject to referral to sworn police personnel for investigation.

10.46.060 Payment of automated vehicle identification system penalty assessment notices.

A prescribed civil fine or penalty specified in the AVIS Notice may be paid on or before the penalty due date through the United States Postal Service by first class mail to an address specified on the Notice of Violation, or through a website portal. Payment of the prescribed penalty and costs to the City through one of the methods specified on the Notice shall be deemed a judgment and satisfaction of the judgment for the violation.

10.46.70. Protest of a Notice.

To contest a Notice the responsible party must request, in writing, a hearing to dispute the alleged violation prior to the deadline to request a hearing specified within the Notice. The Notice shall direct the responsible party to a website portal where, prior to the deadline for requesting a hearing, the responsible party may complete the form to request a virtual hearing before a judge of the Lakewood Municipal Court.

If the registered owner of the motor vehicle fails to request a hearing to dispute the alleged violation by the deadline stated in the Notice of Violation, the registered owner waives any right to contest the violation or the amount of the prescribed civil penalty stated within the Civil Penalty Assessment.

10.46.080 Civil Penalty Assessment.

- a) If the City does not receive the prescribed civil penalty or a written notice requesting a hearing to dispute the alleged violation by the deadline stated on the Notice of Violation, the City shall issue, or cause its vendor to issue, by first-class mail, personal service, or by any mail delivery service offered by an entity other than the United States postal service that is equivalent to or superior to first-class mail with respect to delivery speed, reliability, and price, a Civil Penalty Assessment notice for the alleged violation to the party that received the corresponding Notice of Violation. Such Civil Penalty Assessment shall be issued no later than thirty days after the deadline on the Notice of Violation.
- b) Such Civil Penalty Assessment shall contain the following information:
 1. The date the notice was issued, which shall be the date such notice was mailed in accordance with this code;
 2. The name and address of the registered owner of the motor vehicle involved in the alleged violation;
 3. The license plate number of the vehicle involved;
 4. A citation of the law alleged to have been violated;
 5. A brief description of the alleged violation;
 6. The date and approximate place of the alleged violation;
 7. The amount of any civil penalty prescribed for the alleged violation.
- c) If the registered owner of the motor vehicle fails to pay in full the prescribed civil penalty by the deadline stated in the civil penalty assessment notice, a final order of liability shall be entered against the registered owner of the vehicle.

- d) Final orders of liability may be sent to a collection agency by the City or a vendor contracting with the City, and additional costs and fees may be associated with a final order of liability sent to a collection agency.
- e) Final orders may be appealed as to matters of law and fact to the Jefferson County Court. Any appeal shall be pursuant to applicable Colorado law.

10.46.090 Hearings for AVIS Notices.

- a) In the event the responsible party disputes the allegations in a Notice issued pursuant to this Code and requests a hearing prior to the entry of a default judgment, a hearing pursuant to this Code shall be held.
- b) The hearing shall be before a judge of the Lakewood Municipal Court. The hearing will be virtual unless the responsible party requests, in writing, an in-person hearing. At the hearing, the City will not require the registered owner to disclose the identity of the driver of the vehicle who was detected through the use of the AVIS but if the identity of the operator is at issue the City may require the registered owner to submit evidence that the owner was not the driver at the time of the alleged violation.
- c) If the responsible party is found guilty or fails to appear at such hearing, judgment shall be entered and a penalty assessed with any applicable fees and costs as provided by this Code, and any Resolution adopted pursuant to this Code setting forth fees and costs.

10.46.100 Presumption in reference to Automated Vehicle Identification System Notice.

In any proceeding alleging a traffic violation, proof through the use of an automated vehicle identification system that the particular vehicle described in the Notice used to carry out such violation, together with proof that the person named in the Notice was at the time of the violation the registered owner of the vehicle or the designated operator of the vehicle, shall constitute prima facie evidence that the registered owner of the vehicle was the person who was committing the violation at the point where, and for the time during which, the violation occurred. This presumption may be rebutted if the finder of fact determines by a preponderance of the evidence that the registered owner of the vehicle or the operator designated by the registered owner of the vehicle was not operating the vehicle at the time the violation was committed.

10.46.110 Penalty/Consequences.

- a) The possible penalties set forth in L.M.C. Title 10 shall not apply to any traffic violation detected by the use of any AVIS.
- b) Any violations detected by the use of an AVIS shall be subject to penalties and costs established pursuant to Resolution passed by the City Council establishing such penalties and costs.
- c) Penalties and costs shall be imposed upon entry of judgment against the responsible party.
- d) Regardless of the nature of the violation, the hearing officer is authorized to impose additional costs, not to exceed \$40.00, for service of process upon any responsible

party to obtain personal jurisdiction over the responsible party who did not waive service of process.

- e) The City shall not report to the State Department of Motor Vehicles any conviction or entry of judgment against a responsible party if the violation for which they were convicted was detected through the use of an AVIS.
- f) The City shall not initiate or pursue a collection action against a registered owner of a motor vehicle for a debt resulting from an unpaid penalty assessed pursuant to this section unless the registered owner is personally served the notice of violation or the final order of liability.

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 hybrid regular meeting of the Lakewood City Council on the 9th day of September, 2024; 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 September, 2024; set for public hearing to be held on the 23rd day of September, 2024, read, finally passed and adopted by the City Council on the 23rd day of September, 2024 and, signed by the Mayor on the _____ day of September, 2024.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

An Act

SENATE BILL 24-195

BY SENATOR(S) Winter F. and Cutter, Kolker, Michaelson Jenet, Priola, Sullivan;
also REPRESENTATIVE(S) Lindsay and Lindstedt, Boesenecker, Brown, Duran, Froelich, Jodeh, Kipp, Lieder, Mauro, Parenti, Sirota, Titone, Valdez, Vigil, Woodrow, McCluskie.

CONCERNING PROTECTION OF VULNERABLE ROAD USERS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 42-4-110.5, **amend** (2) introductory portion, (2)(g)(I), (2)(g)(IV), (4)(b)(III), and (4.5); **repeal** (1.7), and (6); and **add** (1.1), (2)(a)(X), (2)(g)(I.3), (2)(g)(I.4), (2)(g)(I.5), (2)(g)(I.6), (2)(g)(I.7), (2.5), and (8) as follows:

42-4-110.5. Automated vehicle identification systems - exceptions to liability - penalty - limits on use of photographs and video - rules - legislative declaration - definitions. (1.1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) (I) "AUTOMATED VEHICLE IDENTIFICATION SYSTEM" MEANS A SYSTEM WHEREBY:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(A) A MACHINE IS USED TO AUTOMATICALLY DETECT A VIOLATION OF A TRAFFIC REGULATION AND SIMULTANEOUSLY RECORD A PHOTOGRAPH OF THE VEHICLE AND THE LICENSE PLATE OF THE VEHICLE; AND

(B) A NOTICE OF VIOLATION OR CIVIL PENALTY ASSESSMENT NOTICE MAY BE ISSUED TO THE REGISTERED OWNER OF THE MOTOR VEHICLE.

(II) "AUTOMATED VEHICLE IDENTIFICATION SYSTEM" INCLUDES A SYSTEM USED TO DETECT A VIOLATION OF PART 11 OF THIS ARTICLE 4 OR A LOCAL SPEED ORDINANCE, A SYSTEM USED TO DETECT VIOLATIONS OF TRAFFIC RESTRICTIONS IMPOSED BY TRAFFIC SIGNALS OR TRAFFIC SIGNS, AND A SYSTEM USED TO DETECT VIOLATIONS OF BUS LANE OR BICYCLE LANE RESTRICTIONS.

(b) "STATE", NOTWITHSTANDING SECTION 42-1-102 (95), MEANS THE STATE OF COLORADO ACTING THROUGH THE COLORADO STATE PATROL IN THE DEPARTMENT OF PUBLIC SAFETY OR THE DEPARTMENT OF TRANSPORTATION.

(c) "STATE HIGHWAY" MEANS ANY HIGHWAY THAT IS OWNED BY OR MAINTAINED BY THE STATE. "STATE HIGHWAY" DOES NOT INCLUDE A PUBLIC HIGHWAY OPERATED BY A PUBLIC HIGHWAY AUTHORITY IN ACCORDANCE WITH THE "PUBLIC HIGHWAY AUTHORITY LAW", PART 5 OF ARTICLE 4 OF TITLE 43.

~~(1.7) (a) (I) Upon request from the department of transportation, the department of public safety shall utilize an automated vehicle identification system to detect speeding violations under part 11 of this article 4 within a highway maintenance, repair, or construction zone designated pursuant to section 42-4-614 (1)(a), if the department of public safety complies with subsections (2) to (6) of this section. An automated vehicle identification system shall not be used under this subsection (1.7) unless maintenance, repair, or construction is occurring at the time the system is being used.~~

~~(II) The department of public safety may contract with a vendor to implement this subsection (1.7), including to:~~

~~(A) Notify violators;~~

~~(B) Collect and remit the penalties and surcharges to the state treasury less the vendor's expenses;~~

~~(C) Reconcile payments against outstanding violations;~~

~~(D) Implement collection efforts; and~~

~~(E) Notify the department of public safety of unpaid violations for possible referral to the judicial system.~~

~~(III) If the department of public safety contracts with a vendor, the contract must incorporate the processing elements specified by the department of public safety.~~

~~(IV) No notice of violation or civil penalty assessment or a penalty or surcharge for a violation detected by an automated vehicle identification system under this subsection (1.7) shall be forwarded to the department for processing.~~

~~(b) The department of transportation shall reimburse the department of public safety for the direct and indirect costs of complying with this subsection (1.7).~~

(2) A county, CITY AND COUNTY, or municipality may adopt an ordinance authorizing the use of an automated vehicle identification system to detect violations of traffic regulations adopted by the county, CITY AND COUNTY, or municipality, or the state, a county, a city and county, or a municipality may utilize an automated vehicle identification system to detect traffic violations under state law, subject to the following conditions and limitations AND, AS APPLICABLE, THE REQUIREMENTS FOR STATE HIGHWAYS SET FORTH IN AND ANY RULES ADOPTED BY THE DEPARTMENT OF TRANSPORTATION PURSUANT TO SUBSECTION (2.5) OF THIS SECTION:

(a) (X) IF THE REGISTERED OWNER OF A MOTOR VEHICLE INVOLVED IN A TRAFFIC VIOLATION UNDER STATE LAW OR UNDER TRAFFIC REGULATIONS ADOPTED BY A COUNTY, CITY AND COUNTY, OR MUNICIPALITY IS ENGAGED IN THE BUSINESS OF LEASING OR RENTING MOTOR VEHICLES, THE REGISTERED OWNER REMAINS LIABLE FOR PAYMENT OF THE CIVIL PENALTY EVEN IF THE REGISTERED OWNER WAS NOT DRIVING THE MOTOR VEHICLE BUT MAY OBTAIN PAYMENT FROM THE LESSOR OR RENTER OF THE MOTOR

VEHICLE AND FORWARD THE PAYMENT TO THE STATE OR THE COUNTY, CITY AND COUNTY, OR MUNICIPALITY IMPOSING THE CIVIL PENALTY.

(g) (I) The state, a county, a city and county, or a municipality shall not issue a notice of violation or civil penalty assessment notice for a violation detected using an automated vehicle identification system unless the violation occurred within a school zone, as defined in section 42-4-615; within a residential neighborhood; within a maintenance, construction, or repair zone designated pursuant to section 42-4-614; along a street that borders a municipal park; or along a street or portion of a street that a county, CITY AND COUNTY, or municipality, by ordinance or by a resolution of its governing body, designates as an automated vehicle identification corridor, on which designated corridor the county, CITY AND COUNTY, or municipality may locate an automated vehicle identification system to detect violations of a county, CITY AND COUNTY, or municipal traffic regulation or a traffic violation under state law. ~~Before a county or municipality begins operation of an automated vehicle identification system in an automated vehicle identification corridor, the county or municipality must:~~

~~(A) Post a permanent sign in a conspicuous place not fewer than three hundred feet before the beginning of the corridor and a permanent sign not fewer than three hundred feet before each camera within the corridor thereafter or a temporary sign not fewer than three hundred feet before any mobile camera;~~

~~(B) Illustrate, through data collected within the past five years, incidents of crashes, speeding, reckless driving, or community complaints on a street designated as an automated vehicle identification corridor; and~~

~~(C) Coordinate between the local jurisdiction, the department of transportation, and the Colorado state patrol.~~

(I.3) BEFORE A COUNTY, A CITY AND COUNTY, OR A MUNICIPALITY DESIGNATES AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR ON A STATE HIGHWAY, THE COUNTY, CITY AND COUNTY, OR MUNICIPALITY SHALL NOTIFY THE DEPARTMENT OF TRANSPORTATION. IF A COUNTY, CITY AND COUNTY, OR MUNICIPALITY DESIGNATES AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR ON A STATE HIGHWAY BY ORDINANCE OR RESOLUTION BEFORE JANUARY 1, 2025, IT MAY PROCEED WITHOUT HAVING PROVIDED THIS NOTIFICATION TO THE DEPARTMENT OF TRANSPORTATION.

(I.4) AFTER A COUNTY, CITY AND COUNTY, OR A MUNICIPALITY DESIGNATES AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR ON A STATE HIGHWAY, THE COUNTY, CITY AND COUNTY, OR MUNICIPALITY SHALL COORDINATE WITH THE DEPARTMENT OF TRANSPORTATION. COORDINATION MUST INCLUDE DEMONSTRATING THAT THE REQUIREMENTS SET FORTH IN SUBSECTION (2)(g)(I.7)(B) OF THIS SECTION HAVE BEEN MET AND, IF NEEDED, APPLYING FOR A SPECIAL USE PERMIT TO INSTALL ANY DEVICES OR SIGNAGE ON DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY IF THE SEGMENT OF HIGHWAY IN QUESTION IS MAINTAINED BY THE STATE. A COUNTY, CITY AND COUNTY, OR MUNICIPALITY SHALL ALERT THE DEPARTMENT OF TRANSPORTATION WHEN THE AUTOMATED VEHICLE IDENTIFICATION CORRIDOR BEGINS OPERATIONS OR PERMANENTLY CEASES OPERATIONS ON A STATE HIGHWAY. THE DEPARTMENT OF TRANSPORTATION SHALL NOTIFY THE COLORADO STATE PATROL WHEN A COUNTY, CITY AND COUNTY, OR MUNICIPALITY COORDINATES WITH THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR ON A STATE HIGHWAY.

(I.5) BEFORE A COUNTY, CITY AND COUNTY, OR MUNICIPALITY BEGINS THE OPERATION OF AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM IN AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR ON A COUNTY ROAD, THE COUNTY, CITY AND COUNTY, OR MUNICIPALITY SHALL NOTIFY THE COLORADO STATE PATROL.

(I.6) BEFORE THE STATE DESIGNATES AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR ON A STATE HIGHWAY LOCATED WITHIN THE BOUNDARIES OF A COUNTY, A CITY AND COUNTY, OR A MUNICIPALITY, AND BEFORE THE STATE BEGINS OPERATION OF AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR ON A STATE HIGHWAY, THE STATE SHALL COORDINATE WITH THE RESPECTIVE COUNTY, CITY AND COUNTY, OR MUNICIPALITY.

(I.7) BEFORE THE STATE, A COUNTY, CITY AND COUNTY, OR MUNICIPALITY BEGINS OPERATION OF AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM IN AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR, THE STATE, COUNTY, CITY AND COUNTY, OR MUNICIPALITY MUST:

(A) POST A PERMANENT SIGN IN A CONSPICUOUS PLACE NOT FEWER THAN THREE HUNDRED FEET BEFORE THE BEGINNING OF THE CORRIDOR; AND

(B) POST A PERMANENT SIGN NOT FEWER THAN THREE HUNDRED FEET BEFORE EACH STATIC CAMERA WITHIN THE CORRIDOR THEREAFTER OR A TEMPORARY SIGN NOT FEWER THAN THREE HUNDRED FEET BEFORE ANY MOBILE CAMERA; EXCEPT THAT, FOR AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR ON WHICH AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM IS USED ON TRANSIT VEHICLES FOR THE PURPOSE OF DETECTING UNAUTHORIZED USE OF A TRANSIT-ONLY LANE, POST PERMANENT SIGNS AT ONE-HALF MILE OR MORE FREQUENT INTERVALS; AND

(C) ILLUSTRATE, THROUGH DATA COLLECTED WITHIN THE PAST FIVE YEARS, INCIDENTS OF CRASHES, SPEEDING, RECKLESS DRIVING, OR COMMUNITY COMPLAINTS ON A STREET DESIGNATED AS AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR UNLESS THE AUTOMATED VEHICLE IDENTIFICATION SYSTEM WILL BE USED EXCLUSIVELY TO DETECT UNAUTHORIZED USAGE OF ONE OR MORE TRANSIT-ONLY LANES.

(IV) THE STATE, a county, A CITY AND COUNTY, or A municipality implementing an automated vehicle identification corridor pursuant to subsection (2)(g)(I) of this section shall publish a report on its website disclosing the number of citations and revenue generated by the automated vehicle identification corridor.

(2.5) (a) THE STATE MAY USE AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM ON ANY PORTION OF A STATE HIGHWAY. THE DEPARTMENT OF TRANSPORTATION MAY PROMULGATE RULES TO IMPLEMENT THE PROVISIONS OF THIS SECTION RELATING TO THE USE OF AUTOMATED VEHICLE IDENTIFICATION SYSTEMS BY THE DEPARTMENT OF TRANSPORTATION ON STATE HIGHWAYS AND PRIORITIZATION FOR THE USE OF AUTOMATED VEHICLE IDENTIFICATION SYSTEMS BY OTHER ENTITIES ON STATE HIGHWAYS, INCLUDING BUT NOT LIMITED TO RULES THAT:

(I) SPECIFY PRIORITIZATION CRITERIA THAT THE DEPARTMENT OF TRANSPORTATION WILL USE TO DETERMINE WHICH ENTITY IS AUTHORIZED TO USE AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM IF MULTIPLE ENTITIES SEEK AUTHORIZATION TO USE AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM ON THE SAME PORTION OF A STATE HIGHWAY. THE CRITERIA MUST SPECIFY THAT THE DEPARTMENT OF TRANSPORTATION MUST GIVE PREFERENCE TO AN ENTITY THAT HAS THE PRIMARY RESPONSIBILITY FOR REGULATION AND ENFORCEMENT OF TRAFFIC RESTRICTIONS ON THE PORTION OF A STATE HIGHWAY ON WHICH AN AUTOMATED VEHICLE

IDENTIFICATION SYSTEM IS TO BE USED.

(II) SPECIFY, CONSISTENT WITH THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION, THE PROCESS THAT THE STATE WILL USE TO NOTIFY A COUNTY, CITY AND COUNTY, OR MUNICIPALITY THAT THE STATE WILL BE USING AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM WITHIN ITS JURISDICTION AND THE ADMINISTRATIVE AND ENFORCEMENT PROCESS THAT THE DEPARTMENT OF TRANSPORTATION WILL USE TO ADMINISTER, HEAR, AND RESOLVE A TRAFFIC VIOLATION DETECTED THROUGH THE USE BY THE DEPARTMENT OF TRANSPORTATION OF AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM;

(III) ESTABLISH, SUBJECT TO THE CAPS SET FORTH IN SUBSECTIONS (4)(b) AND (4.5) OF THIS SECTION AND ANY OTHER PROVISION OF LAW, THE AMOUNT OF CIVIL PENALTIES IMPOSED FOR TRAFFIC VIOLATIONS DETECTED THROUGH THE USE BY THE DEPARTMENT OF TRANSPORTATION OF AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM;

(IV) ESTABLISH AN ADMINISTRATIVE HEARING PROCESS THAT COMPLIES WITH SUBSECTIONS (2)(a)(IV) THROUGH (2)(a)(VIII) OF THIS SECTION, INCLUDING THE ABILITY TO RETAIN AND CONTRACT WITH IMPARTIAL HEARING OFFICERS AND THE ABILITY FOR IMPARTIAL HEARING OFFICERS TO ISSUE FINAL ORDERS REQUIRED BY SUBSECTION (2)(a)(VII) OF THIS SECTION; AND

(V) PROVIDE, CONSISTENT WITH THIS SECTION, ANY ADDITIONAL REQUIREMENTS, GUIDANCE, OR CLARIFICATION THAT THE DEPARTMENT OF TRANSPORTATION DEEMS NECESSARY OR APPROPRIATE TO IMPLEMENT THIS SECTION.

(b) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT OF TRANSPORTATION CONSULT WITH THE COLORADO STATE PATROL WHEN PROMULGATING RULES RELATING TO THE USE OF AUTOMATED VEHICLE IDENTIFICATION SYSTEMS AND BEFORE AUTHORIZING THE USE OF AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM BY THE STATE OR A COUNTY, A CITY AND COUNTY, OR A MUNICIPALITY ON ANY PORTION OF A STATE HIGHWAY. IT IS ALSO THE INTENT OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT OF TRANSPORTATION CONSULT WITH COUNTIES, CITY AND COUNTIES, AND MUNICIPALITIES WHEN PROMULGATING RULES RELATING TO THE USE OF AUTOMATED VEHICLE IDENTIFICATION SYSTEMS.

(c) THE PROVISIONS OF THIS SUBSECTION (2.5) DO NOT APPLY TO AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM ON A STATE HIGHWAY THAT A COUNTY, CITY AND COUNTY, OR MUNICIPALITY HAS IMPLEMENTED OR DESIGNATED BY ORDINANCE OR RESOLUTION BEFORE JANUARY 1, 2025, OR BEFORE THE DEPARTMENT OF TRANSPORTATION ADOPTS RULES PURSUANT TO SUBSECTION (2.5)(a) OF THIS SECTION, WHICHEVER OCCURS LATER. THIS SUBSECTION (2.5) DOES NOT REQUIRE A COUNTY, CITY AND COUNTY, OR MUNICIPALITY TO REMOVE OR STOP THE IMPLEMENTATION OF AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM THAT WAS PLACED ON ANY PORTION OF A STATE HIGHWAY OR DESIGNATED BY ORDINANCE OR RESOLUTION BEFORE JANUARY 1, 2025, OR BEFORE THE DEPARTMENT OF TRANSPORTATION ADOPTS RULES PURSUANT TO SUBSECTION (2.5)(a) OF THIS SECTION, WHICHEVER OCCURS LATER.

(4)(b)(III) Subsection (4)(b)(I) of this section does not apply within a maintenance, construction, or repair zone designated pursuant to section 42-4-614 OR A SCHOOL ZONE, AS DEFINED IN SECTION 42-4-615 (2).

(4.5) (a) If the state, a county, a city and county, or a municipality detects a violation of a county, CITY AND COUNTY, or municipal traffic regulation or traffic violation under state law for disobedience to a traffic control signal through the use of an automated vehicle identification system, the maximum civil penalty that the state, a county, a city and county, or a municipality may impose for such violation, including any surcharge, is seventy-five dollars.

(b) SUBSECTION (4.5)(a) OF THIS SECTION DOES NOT APPLY WITHIN A MAINTENANCE, CONSTRUCTION, OR REPAIR ZONE DESIGNATED PURSUANT TO SECTION 42-4-614 OR A SCHOOL ZONE, AS DEFINED IN SECTION 42-4-615 (2).

~~(6) (a) As used in this section, the term "automated vehicle identification system" means a system whereby:~~

~~(I) A machine is used to automatically detect a violation of a traffic regulation and simultaneously record a photograph of the vehicle, the operator of the vehicle, and the license plate of the vehicle; and~~

~~(II) A notice of violation or civil penalty assessment notice may be issued to the registered owner of the motor vehicle.~~

~~(b) "Automated vehicle identification system" includes a system used to detect a violation of part 11 of this article 4 or a local speed ordinance, a system used to detect violations of traffic restrictions imposed by traffic signals or traffic signs, and a system used to detect violations of bus lane or bicycle lane restrictions.~~

(8) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE AGGREGATE AMOUNT OF REVENUE, EXCLUSIVE OF COURT AND OPERATIONS COSTS, COLLECTED BY THE STATE AS CIVIL PENALTIES FOR VIOLATIONS DETECTED BY AUTOMATED VEHICLE IDENTIFICATION SYSTEMS MUST BE CREDITED TO THE STATE HIGHWAY FUND AND USED BY THE DEPARTMENT ONLY TO FUND ROAD SAFETY PROJECTS, AS DEFINED IN SECTION 43-4-803 (21), OF THE TYPE DESCRIBED IN SECTION 43-4-803 (21)(b). THE DEPARTMENT SHALL PRIORITIZE FUNDING TO THOSE ROAD SAFETY PROJECTS WITH THE HIGHEST POTENTIAL TO REDUCE VULNERABLE ROAD USER INJURIES AND FATALITIES WHILE TAKING INTO ACCOUNT THE PLANNING CAPACITY OF EACH REGION.

SECTION 2. In Colorado Revised Statutes, add 43-1-137 as follows:

43-1-137. Vulnerable road user fatality reduction targets - requirements. (1) AS PART OF ITS EFFORT TO REDUCE FATALITIES FOR VULNERABLE ROAD USERS, AS DEFINED IN SECTION 43-4-803 (29), THE DEPARTMENT SHALL ESTABLISH DECLINING ANNUAL TARGETS FOR VULNERABLE ROAD USER FATALITIES AND SERIOUS BODILY INJURIES AS PART OF ITS PERFORMANCE PLAN REQUIRED BY SECTION 2-7-204 (3).

(2) AS PART OF THE TARGETS ESTABLISHED IN SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT SHALL ESTABLISH ENGINEERING METHODOLOGY AND INTERNAL EDUCATION REQUIREMENTS FOR PRACTICES TO PRIORITIZE SAFETY OVER SPEED ON HIGH-INJURY NETWORKS.

SECTION 3. In Colorado Revised Statutes, 43-4-206, amend (3) as follows:

43-4-206. State allocation. (3) The revenue ~~credited~~ ALLOCATED to the ~~highway users tax fund~~ STATE HIGHWAY FUND pursuant to ~~section~~ SECTIONS 43-4-205 (6.3) AND 43-4-205 (6)(b)(I) ~~shall~~ MUST be expended by the department of transportation only for road safety projects, as defined

in section 43-4-803 (21); except that the department shall, in furtherance of its duty to supervise state highways and as a consequence in compliance with section 43-4-810:

(a) Expend ten million dollars per year of the ~~revenues~~ REVENUE for the planning, designing, engineering, acquisition, installation, construction, repair, reconstruction, maintenance, operation, or administration of transit-related projects, including, but not limited to, designated bicycle or pedestrian lanes of highway, CROSSING IMPROVEMENTS, and infrastructure needed to integrate different transportation modes within a multimodal transportation system that enhance the safety of state highways for transit users; AND

(b) (I) ALLOCATE, FOR STATE FISCAL YEAR 2025-26 AND EACH SUCCEEDING STATE FISCAL YEAR, AFTER ACCOUNTING FOR CRITICAL SAFETY-RELATED ASSET MANAGEMENT SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS ELIGIBLE FOR FUNDING PURSUANT TO SECTION 43-4-803 (21)(a) AND AS DETERMINED BY THE TRANSPORTATION COMMISSION, AT LEAST TEN PERCENT OF THE REMAINING REVENUE BUT NO LESS THAN SEVEN MILLION DOLLARS, AS ADJUSTED PURSUANT TO SUBSECTION (3)(b)(II) OF THIS SECTION FOR STATE FISCAL YEAR 2026-27 AND EACH SUCCEEDING STATE FISCAL YEAR, FOR THE TYPES OF ROAD SAFETY PROJECTS DESCRIBED IN SECTION 43-4-803 (21)(b).

(II) FOR STATE FISCAL YEAR 2026-27 AND EACH SUCCEEDING STATE FISCAL YEAR, THE MINIMUM DOLLAR AMOUNT OF ALLOCATION REQUIRED BY SUBSECTION (3)(b)(I) OF THIS SECTION IS SEVEN MILLION DOLLARS, ADJUSTED FOR THE CUMULATIVE PERCENTAGE CHANGE IN THE AMOUNT OF REVENUE ACTUALLY CREDITED TO THE STATE HIGHWAY FUND PURSUANT TO SECTION 43-4-205 (6.3) FROM STATE FISCAL YEAR 2024-25 THROUGH THE PRIOR STATE FISCAL YEAR.

SECTION 4. In Colorado Revised Statutes, 43-4-803, **amend** (21); and **add** (29) as follows:

43-4-803. Definitions. As used in this part 8, unless the context otherwise requires:

(21) "Road safety project" means:

(a) A construction, reconstruction, or maintenance project that the commission determines is needed to enhance the safety of a state highway, a county determines is needed to enhance the safety of a county road, or a municipality determines is needed to enhance the safety of a city street; OR

(b) A PROJECT THAT IMPROVES TRANSPORTATION SYSTEM INFRASTRUCTURE OR OTHERWISE IMPLEMENTS DATA-DRIVEN STRATEGIES THAT REDUCE THE NUMBER OF COLLISIONS WITH MOTOR VEHICLES THAT RESULT IN DEATH OR SERIOUS INJURY TO VULNERABLE ROAD USERS. ELIGIBLE PROJECTS INCLUDE, BUT ARE NOT LIMITED TO, PROJECTS THAT MEET OR EXCEED THE DEPARTMENT'S COST-TO-BENEFIT RATIO FOR SAFETY PROJECTS AND:

(I) SEPARATE USERS IN SPACE, SUCH AS SEPARATED BIKE LANES, WALKWAYS, CROSSING IMPROVEMENTS, AND PEDESTRIAN REFUGE ISLANDS; OR

(II) INCREASE ATTENTIVENESS AND AWARENESS, SUCH AS CROSSWALK VISIBILITY ENHANCEMENTS, PEDESTRIAN HYBRID BEACONS, AND LIGHTING.

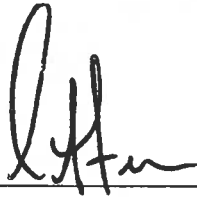
(29) "VULNERABLE ROAD USER" MEANS A NONMOTORIST WITH A FATALITY ANALYSIS REPORTING SYSTEM PERSON ATTRIBUTE CODE FOR A PEDESTRIAN, BICYCLIST, OTHER CYCLIST, AND A PERSON ON A PERSONAL CONVEYANCE OR AN INJURED PERSON THAT IS, OR IS EQUIVALENT TO, A PEDESTRIAN OR PEDAL CYCLIST AS DEFINED IN THE ANSI D16.1-2007 IN ACCORDANCE WITH 23 U.S.C. SEC. 148(a)(15) AND 23 CFR 490.205. "VULNERABLE ROAD USER" DOES NOT INCLUDE A MOTOR CYCLIST BUT DOES INCLUDE:

(a) AN INDIVIDUAL WHO IS WALKING, BIKING, OR ROLLING;

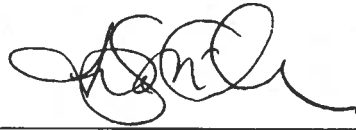
(b) A HIGHWAY WORKER ON FOOT IN A WORK ZONE, GIVEN THEY ARE CONSIDERED A PEDESTRIAN.

SECTION 5. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.



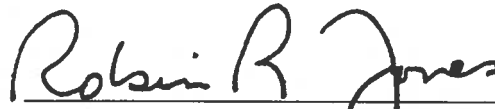
Steve Fenberg
PRESIDENT OF
THE SENATE



Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE



Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED Wednesday June 4th 2024 at 3:45 pm
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

Conduent[®] DriveSafe[™] Enforcement System





Conduent® DriveSafe™ Enforcement System consists of:

- Three 8-megapixel images for a combined total of 24 megapixels
- Video capture
- Artificial Intelligence with Edge Processing of video streams
- Multi-vehicle tracking with smart radar

Conduent® DriveSafe™ Enforcement System provides enforcement for red light, speed, block the box, illegal turn, restricted lane and license plate recognition. The system is powered by CiteWeb® which provides a full turnkey violation management program.

- Does your Vision Zero plan have enforcement as a top initiative?
- Is changing motorists' behavior at intersections a top priority for your community?
- Do you want safer streets in work zones and school zones?

We specialize in operations—not just equipment. That means we can develop a customized photo enforcement solution that meets your operational and safety needs in a variety of areas leveraging the latest software, hardware, and video analytics to make every program a success. As an integrator, we unify the overall operation and provide a single point of contact with full responsibility for the program—making a complex road safety solution simple to execute in your community.

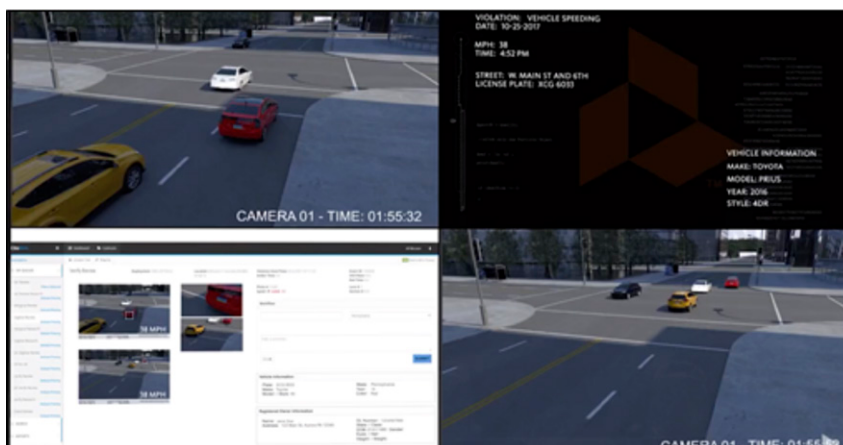
Our photo enforcement systems include:

- Red light enforcement
- Fixed and mobile speed enforcement
- School bus photo enforcement
- Work zone and school zone speed enforcement
- Bus-only lane, restricted lane, and one-way enforcement
- Railroad crossing enforcement
- Over-height enforcement
- High occupancy vehicle lane enforcement
- Low emissions zone enforcement

Each program is built on our expertise as an integrator and is supported by our superior back-end violations processing systems. But no photo enforcement solution is complete without public education. We work with you to tailor an effective public relations plan that conveys key safety messages and addresses the concerns in your community.



The Conduent® DriveSafe™ Enforcement Systems uses video tracking and/or Radar that transmits a 24 GHz beam to track vehicles traveling through the enforcement zone. The position and speed of each vehicle is tracked to determine if a violation is going to occur. Once all violation criteria are met, a series of images and video are captured. The violation data is merged with the image and a data bar is attached. Encryption is completed at the point of the image capture and data is secured in a hard drive.



Violation and camera log data is transferred from the roadside over a secure enterprise router into the Conduent Violations Platform. Data is reviewed by two independent reviewers and the police to ensure accuracy of the violation. Once the reviews are completed and approved, the data is sent for citation issuance. A citation is delivered through mail or email.

The benefits to a state or local government agency are turnkey solution outcomes for:

- program management
- ticket processing
- payment processing
- operational analytics

Contact Us

www.ConduentTransportation.com
transportation@conduent.com







City Council Request for Legislative Modifications



Submitted on	9 September 2024, 10:57PM
Receipt number	66
Related form version	8

Council member sponsor(s)	Paula Nystrom, Jacob LaBure
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Enter email address to receive a copy of this submission	pnystrom@lakewood.org
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Briefly describe the minor modification being requested	This is a request for the City Manager or her designee, to provide Quarterly updates to Council on Sustainability/Climate Change Mitigation initiatives and progress on target goals for these efforts. This is in direct correlation to the objectives established during the 2024 Planning Session as well as the effort to provide more transparency, information and education to the citizens of Lakewood.
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Provide history / background information that supports the request	This was discussed and agreed to with the City Manager and the Mayor. It is of critical importance to bring these efforts to the forefront of current and future planning and budgeting for the City of Lakewood. Climate change is an existential threat to our survival as a species, and we need to build on, enhance and establish new initiatives and goals in order to mitigate the continued degradation of our air quality and increase temperature year over year.
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If it needs expedited handling, please provide an explanation why	This request should be expedited in order to provide staff ample time to calendar these updates and prepare to proceed with the updates as soon as possible.
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Attach file if needed

City Council Request for Legislative Modifications



Submitted on	10 September 2024, 10:39AM
Receipt number	67
Related form version	8

Council member sponsor(s)	Paula Nystrom, Jacob LaBure
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Enter email address to receive a copy of this submission	pnystrom@lakewood.org
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Briefly describe the minor modification being requested	This is a request for the City Manager or her designee to schedule a workshop to establish definitive goals for sustainability and climate change mitigation in the city. The goals should be based on science based targets to reinforce current efforts and drive new initiatives. The "SMART" goals (Specific, Measurable, Achievable, Relevant, and Time-Bound) will ensure we are tracking and reporting on progress made and/or where course corrections are needed. This will enable transparent and informative communication with citizens, as well as data for Council to utilize in decision making and budgeting.
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Provide history / background information that supports the request

If it needs expedited handling, please provide an explanation why

Please expedite this to coincide with the November 4th sustainability updates, as well as to inform the upcoming quarterly updates.

Attach file if needed

City Council Request for Legislative Modifications



Submitted on	13 September 2024, 9:26AM
Receipt number	68
Related form version	8

Council member sponsor(s)	Isabel Cruz, Sophia Mayott-Guerrero
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Enter email address to receive a copy of this submission	icruz@lakewood.org
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Briefly describe the minor modification being requested	Update the Lakewood Water and Sewer Regulations to allow for in-line grease traps where appropriate according to modern engineering standards and technology.
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Provide history / background information that supports the request	Grease interceptors are a critical component of protecting our sanitation systems and infrastructure. However, since the city's regulations have not been substantially updated since 2000, policies around waste management for businesses like coffee and grab-and-go sandwich shops have not kept up with the latest standards and technology. This has directly resulted in uniquely burdensome start-up costs for small businesses trying to open in Lakewood, and even the abandonment of business ventures in projects intended to be mixed-use where retail fronts remain vacant to this day. In alignment with our strategic plan priority to remove barriers for small business and considering mixed-use in our housing development, we are requesting a narrow update to regulations to align our written policy on grease interceptors with modern standards on in-line traps. While more comprehensive updates to these regulations are pending, this specific item needs to be prioritized to better balance protecting our sanitation infrastructure with residents' desire for food and beverage amenities and more mixed-use incorporated in development, as well as making Lakewood a better place for small businesses to thrive. Updating the regulations will better reflect our written policies with the current practices of Public Works to work with businesses, when appropriate, to install in-line traps and reduce barriers to opening coffee, snack, and grab-and-go shops in the city. Without this update, we risk missing out on the benefits of mixed-use projects in the pipeline and shutting out entrepreneurs from opening highly-desired amenities in our communities, especially in Ward 2 and around Colfax where ongoing economic revitalization is vital.
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If it needs expedited handling, please provide an explanation why

Attach file if needed