

AGENDA
REGULAR MEETING OF THE CITY COUNCIL
480 S. ALLISON PARKWAY
CITY OF LAKEWOOD, COLORADO
HYBRID MEETING
FEBRUARY 9, 2026
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

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ITEM 1 – CALL TO ORDER

ITEM 2 – ROLL CALL

ITEM 3 – OPENING ITEMS

3A PLEDGE OF ALLEGIANCE

3B STATEMENT OF CONFLICT OF INTEREST

3C INITIAL PUBLIC COMMENT

**CONSENT AGENDA
ORDINANCES ON FIRST READING**

ITEM 4 – RESOLUTIONS

4A – R-2026-12 – ESTABLISHING CERTAIN SANITARY SEWER FEES FOR CUSTOMERS OF THE CITY OF LAKEWOOD SEWER UTILITY

4B – R-2026-13 – ESTABLISHING CERTAIN WATER FEES FOR CUSTOMERS OF THE CITY OF LAKEWOOD WATER UTILITY

- 4C** A RESOLUTION ENCOURAGING THE REGISTERED ELECTORS OF THE CITY OF LAKEWOOD TO VOTE “NO” ON BALLOT QUESTION 1 AT THE APRIL 7, 2026, SPECIAL MUNICIPAL ELECTION REGARDING A REFERENDUM SEEKING REPEAL OF ORDINANCE 2025-27, AN ORDINANCE CONCERNING REPLACING ARTICLES 6-14 OF TITLE 17 OF THE LAKEWOOD MUNICIPAL CODE.

ITEM 5 – ORDINANCES ON FIRST READING

- 5A – O-2026-8** – ADOPTING TITLE 14, CHAPTER 30, OF THE LAKEWOOD MUNICIPAL CODE ESTABLISHING A BUILDING PERFORMANCE PROGRAM FOR THE CITY OF LAKEWOOD, COLORADO
- 5B – O-2026-9** – AUTHORIZING A SUPPLEMENTAL APPROPRIATION OF GENERAL FUNDS TO THE 2026 ANNUAL BUDGET IN THE AMOUNT OF \$155,000 AND AUTHORIZING THE EXPENDITURE OF THESE FUNDS BY THE CITY CLERK’S OFFICE TO PAY FOR EXPENSES RELATED TO THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON APRIL 7, 2026

ITEM 6 – APPROVING MINUTES OF THE CITY COUNCIL MEETINGS

NONE

ITEM 7 – – ITEMS REMOVED FROM CONSENT AGENDA

END OF CONSENT AGENDA

**ORDINANCES ON SECOND READING
AND PUBLIC HEARINGS**

ITEM 8 – PUBLIC HEARINGS — ORDINANCES ON SECOND READING

- 8A – O-2026-7** – DECLARING THE INTENT OF THE CITY OF LAKEWOOD TO ACQUIRE INTEREST IN PROPERTY FOR PUBLIC PURPOSES FOR THE CONSTRUCTION OF STORM AND SANITARY SEWER FACILITIES ALONG YUKON STREET, YARROW STREET, ALLISON STREET, AND ALONG COLFAX AVENUE FROM YARROW STREET TO DOVER STREET AND AUTHORIZING NEGOTIATIONS WITH PROPERTY OWNERS, ACCEPTANCE OF CONVEYANCE INSTRUMENTS AND CONDEMNATION OF REAL PROPERTY INTERESTS (SUBJECT TO FURTHER COUNCIL APPROVAL)

ITEM 9 – CLOSING ITEMS

ITEM A. – GENERAL PUBLIC COMMENT

ITEM B. – GENERAL BUSINESS

9B COUNCIL DISCUSSION -- SINGLE WASTE HAULER

9C EXECUTIVE REPORT

9D MAYOR AND CITY COUNCIL REPORTS

ITEM 10 – ADJOURNMENT

STAFF MEMO

DATE OF MEETING: FEBRUARY 9, 2026 / AGENDA ITEM NO. 3

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

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

NEXT STEPS: None

ATTACHMENTS: None

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

STAFF MEMO

DATE OF MEETING: FEBRUARY 9, 2026 / AGENDA ITEM NO. 3C

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

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

NEXT STEPS: None

ATTACHMENTS: None

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

STAFF MEMO

DATE OF MEETING: FEBRUARY 9, 2026 / AGENDA ITEM NO. 4A

To: Mayor and City Council
From: Maria D'Andrea, Director of Public Works
Subject: **Establishing Certain Sewer Fees for Lakewood Sewer Utility Customers**

SUMMARY STATEMENT: The attached resolution would establish modified sanitary sewer fees for customers of the City of Lakewood Sewer Utility. Staff recommends that the City Council approve the resolution modifying the sanitary sewer fees effective April 1, 2026.

BACKGROUND INFORMATION: The Lakewood Sewer Utility serves approximately 7,000 properties that contribute wastewater flows to City-owned sewer mains. The Sewer Utility operates and maintains a system of sewer mains with a total length of roughly 106 miles. The service area is located primarily within the northern part of the City, (see attached map).

The Sewer Utility does not own or operate wastewater treatment facilities. Instead, all collected wastewater from the Sewer Utility's mains is sent to the Metro Water Recovery District (Metro) for treatment. Metro serves approximately 2.2 million people in an 817 square-mile service area that includes Denver, and parts of Adams, Arapahoe, Douglas, Jefferson, and Weld counties through partnerships with 65 local governments, comprised of cities, counties, sanitation districts, and water and sanitation districts.

The Sewer Utility is managed as an enterprise fund. Thus, the Sewer Utility does not receive revenue through taxes. Instead, revenue is collected through rates paid by customers served by the Utility.

The Sewer Utility also collects wastewater from four sewer providers (Bonvue Water & Sanitation District, West Alameda Heights Sanitation Services, Daniels Sanitation District, and the Federal Center) in its mains, which subsequently flow to Metro for treatment. The four districts are billed quarterly by the City for their flows (metered or non-metered) and City-provided services. The recommended rate increase for these districts is included in the attached resolution. The quarterly rates in the resolution are not the actual charges to the other sewer providers' customers, as the districts also have costs to operate and maintain their systems, which would be additional costs included in the bills to Lakewood customers.

BUDGETARY IMPACTS: Lakewood annually evaluates the sanitary sewer rates to determine the necessary charges for these services to fund maintenance, operations, and critical infrastructure improvements that keep these systems operating reliably and efficiently. The fees established for the Sewer Utility pay for the infrastructure, equipment, and expertise to collect and treat wastewater in the service area.

Increases in the Sewer Utility's rates are necessary to fund the cost of treating wastewater as well as operating, maintaining, and replacing City-owned sewer infrastructure. The City is invoiced monthly by Metro to treat the wastewater collected from the Sewer Utility, based on actual, metered flows. This cost makes up the majority (more than 70%) of the annual expenses within the Sewer Utility. In

2025, the total amount paid to Metro by the Sewer Utility was approximately \$3.57 million. Metro's fees for treating wastewater increased by roughly 8% for 2026. The proposed rate increases, shown in the table below, are necessary to cover the increases in Metro's charges to the City as well as increases in the Utility's operations & maintenance expenses, and capital costs. In 2025, the City initiated a comprehensive Sanitary Sewer Master Plan to evaluate necessary capital improvements as well as capacity (sewer main size) needs related to future development. The results of the Plan will be incorporated into the 2027 rate analysis.

The bi-monthly bill to Sewer Utility properties is the sum of:

1. Bi-monthly Service Charge, plus
2. Monthly Volume Charge.

The volume charge is based on winter water use, which is a measure of the amount of wastewater that reaches the mains. Since outdoor water (primarily used in the summer months for irrigation and outdoor use) doesn't flow to the sanitary sewer mains, a property's actual winter water use (specifically December & January) is utilized as the basis to approximate the volume of wastewater actually discharged to the system. This is the method typically used by other sewer entities.

	<u>2025 Rate</u>	<u>2026 Rate</u>	<u>Increase</u>
Service Charge*	\$10.16	\$10.62	\$0.46
Volume Charge**	\$5.89	\$6.16	\$0.27

*-The Service Charge rate reflects a bi-monthly (every two months) charge to each property.

** -The Volume Charge rate is per 1,000 gallons of sewage.

A typical property generates about 8,000 gallons of sewage per month. Therefore, the bi-monthly sanitary sewer bill, for a typical usage property, would increase as shown in the table below. This is an example only, as more or less volume would change the total.

	<u>2025 Rates</u>	<u>2026 Rate</u>	<u>Bi-Monthly Increase</u>
Bi-Monthly Sanitary Sewer Cost, Typical Property	\$57.28	\$59.90	\$2.62

Thus, the rate increase will add \$2.62 to the total for a two-month sewer bill, for a typical property.

STAFF RECOMMENDATIONS: Staff recommends increasing the 2026 Sewer Utility rates to those set forth in the attached resolution.

ALTERNATIVES: The City Council can choose to delay the rate increases, modify the recommended rates, or not increase rates at this time. If rates are not increased at this time, and because the rates must cover all utility costs, higher rate increases would be expected in the future to meet the needs of the system.

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

NEXT STEPS: Notification of the City Council's decision regarding rates will be sent to the city's Sewer Utility customers and the wholesale providers. The first bills reflecting the new rates for the city's Sewer Utility's customers will be sent at the end of May 2026, which would be due in June

2026. The first bill reflecting the new wholesale rates will be sent in July 2026.

ATTACHMENTS: 1. Resolution R-2026-12
 2. Sewer Service Area Map

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

R-2026-12

A RESOLUTION

ESTABLISHING CERTAIN SANITARY SEWER FEES FOR CUSTOMERS OF THE
CITY OF LAKEWOOD SEWER UTILITY

WHEREAS, Section 13.04.120 of the Lakewood Municipal Code directs the City Council to establish by resolution sewer rates for customers of the sewer utility of the City of Lakewood;

WHEREAS, as an enterprise, the Lakewood sewer utility must impose rates that are sufficient to cover all costs of service, including the cost of wastewater treatment, maintenance and replacement of capital facilities, and the provision of billing services; and

WHEREAS, a sewer rate study confirms that in order to cover all costs of service, it is necessary to amend the sewer rates charged to the customers of the City of Lakewood sewer utility.

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

SECTION 1. The following rates are hereby established, effective April 1, 2026, as the sewer rates for the sewer utility of the City of Lakewood.

The sewer rates for all customers of the City of Lakewood sewer utility, except for non-metered, wholesale customers, shall be based upon the following rate schedule. All sewer customers, except for non-metered, wholesale customers, shall pay a standard, unvarying bimonthly service charge, and a variable volume charge.

Service Charge

\$10.62 per bimonthly billing

Volume Charge

\$6.16 per 1,000 gallons

SECTION 2. The following rates are hereby established, effective April 1, 2026, as the sewer rates for City of Lakewood non-metered, wholesale customers:

\$83.44 per single-family residential equivalent tap per quarter.

SECTION 3. The following fees are hereby established, effective April 1, 2026, as the tap fees for City of Lakewood:

Connection Type	Water Tap Size	Lakewood Tap Fee*
Single Unit Dwelling	¾ inch	\$1,500
Multi-Unit Dwelling		
	¾ inch	\$1,200
	1 inch	\$1,800
	1 ½ inch	\$2,600
	2 inch	\$3,100
	3 inch	\$4,900
	4 inch	\$7,300
	6 inch	\$12,000
Commercial/Industrial		
	¾ inch	\$1,340
	1 inch	\$2,020
	1 ½ inch	\$2,910
	2 inch	\$3,470
	3 inch	\$5,490
	4 inch	\$8,180
	6 inch	\$17,900

*Per dwelling unit or per 20 fixture units for commercial/Industrial properties.

INTRODUCED, READ, AND ADOPTED by a vote of _ for and _ against at a hybrid regular meeting of the Lakewood City Council on February 9, 2026, at 7 o'clock p.m. at the Lakewood Civic Center, 480 S. Allison Parkway, Lakewood, Colorado.

Wendi Strom, Mayor

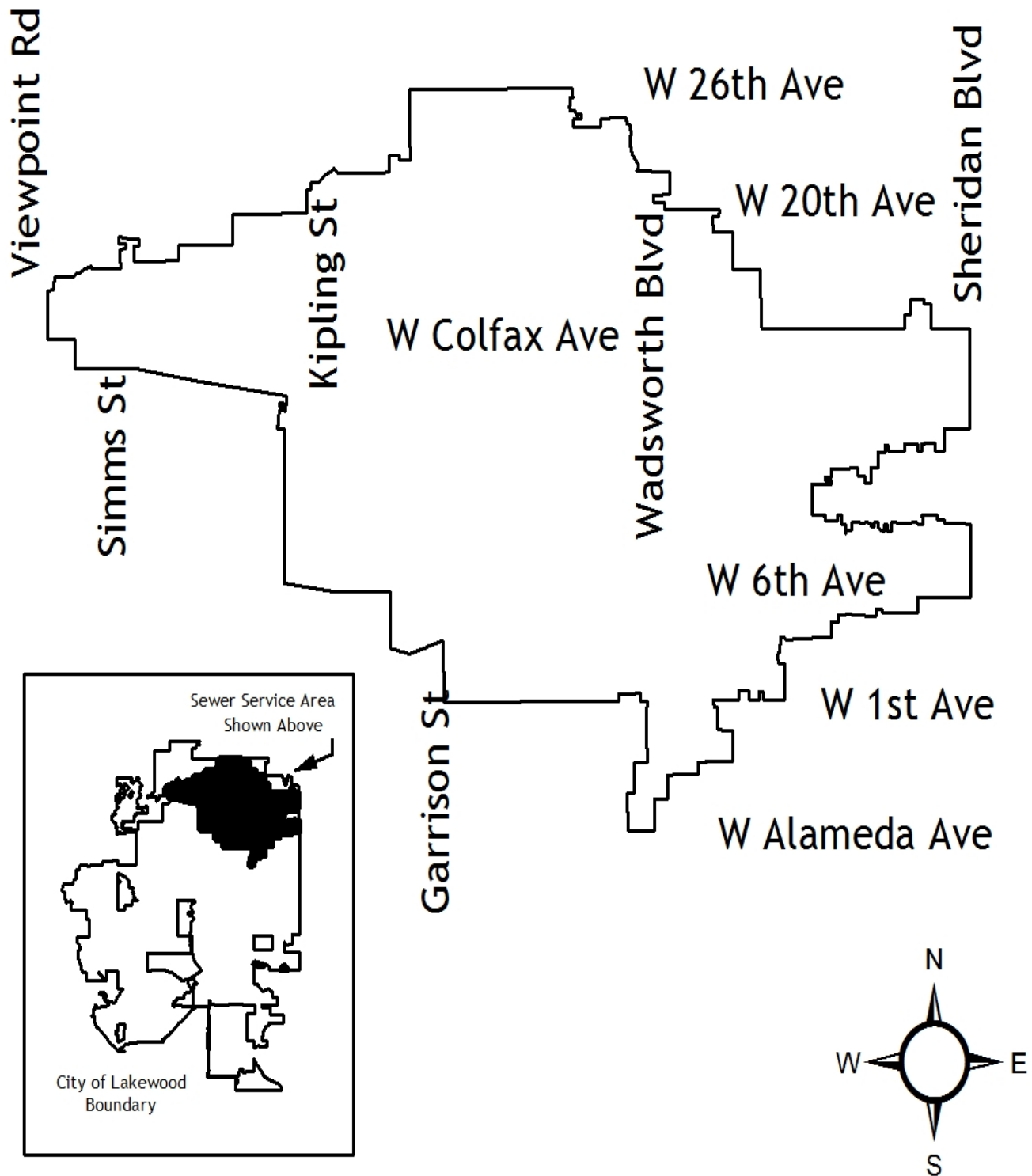
ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

Lakewood Sewer Utility Service Area



STAFF MEMO

DATE OF MEETING: FEBRUARY 9, 2026 / AGENDA ITEM NO. 4B

To: Mayor and City Council
From: Maria D'Andrea, Director of Public Works
Subject: **Establishing Certain Water Fees for Lakewood Water Utility Customers**

SUMMARY STATEMENT: The attached resolution would establish modified water fees for customers of the City of Lakewood Water Utility. Staff recommends that the City Council approve the resolution modifying the water fees effective April 1, 2026.

BACKGROUND INFORMATION: The Lakewood Water Utility serves approximately 800 properties that receive drinking water from City-owned water mains. The Water Utility operates and maintains a system of water mains with a total length of roughly 13 miles. The system also includes many valves, fire hydrants, and other equipment that the Utility maintains and operates to provide water within the service area. The service area is located primarily within the northeast corner of the City (see attached map).

The Water Utility does not own or operate water treatment facilities. Instead, the Utility purchases water from Denver Water for distribution to the properties in the service area. Denver Water serves approximately 1.5 million people in the city of Denver and many surrounding areas through various cities and districts.

The Water Utility is managed as an enterprise fund. Thus, the Water Utility does not receive revenue through taxes. Instead, revenue is collected through rates paid by customers served by the Utility.

BUDGETARY IMPACTS: Lakewood annually evaluates the water rates to determine the necessary charges to fund maintenance, operations, and critical infrastructure improvements that keep the system operating reliably and efficiently. The fees established for the Water Utility pay for the infrastructure, equipment, and expertise to treat and distribute water in the service area.

Increases in the Water Utility's rates are necessary to fund the cost of treating & delivering water as well as operating, maintaining, and replacing City-owned water infrastructure. Significant repairs are needed on several critical water mains, including installation of a 12-inch diameter main in Colfax Avenue from Harlan Street to Sheridan Boulevard. The cost of this main is estimated to be \$9 million. Denver Water has also identified other necessary, costly improvements. In 2026, the Utility will be creating a Water Master Plan to determine the extent of needed capital investment and a plan for implementation. The results of the Plan will be incorporated into the 2027 rate analysis.

The City is invoiced monthly by Denver Water to treat and deliver the water to the Water Utility, based on actual, metered flows. This cost makes up the majority (more than 75%) of the annual expenses within the Water Utility. In 2025, the total amount paid to Denver Water by the Water Utility was approximately \$1.13 million. Denver Water's fees for treating & delivering water increased by roughly 4.3% for 2026. The proposed rate increases, shown in the table below, are necessary to cover the

increases in Denver Water’s charges to the Utility as well as increases in the Utility’s operations & maintenance expenses, and capital costs.

The bi-monthly bill to Water Utility properties is the sum of:

1. Bi-monthly Service Charge, plus
2. Monthly Volume Charge, plus
3. Fire Protection Charge, (only for properties with a 1-inch or greater size meter).

Rates are based on the size of the water meter serving the property. Increases, as shown in the attached resolution, are proposed for all three charges. For a single-family property with a ¾-inch meter, using 8,000 gallons every 2 months in the winter months (a typical property), the fees will increase according to the following table. Different meter sizes and types of property would have different rate increases than those shown below.

	<u>2025 Rate</u>	<u>2026 Rate</u>	<u>Increase</u>
Service Charge*	\$31.68	\$34.76	\$3.08
Volume Charge**	\$6.97	\$7.74	\$0.77
Fire Protection Charge	n/a	n/a	n/a

*-The Service Charge rate reflects a bi-monthly (every two months) charge to each property.

** -The Volume Charge rate is per 1,000 gallons of water (up to 22,000 gallons)

As mentioned above, a typical single-family property has a ¾-inch meter and uses about 8,000 gallons of water every two months, during the winter months. Therefore, the bi-monthly water bill would increase as shown in the table below. This is an example only, as more or less usage would change the total.

	<u>2025 Rate</u>	<u>2026 Rate</u>	<u>Bi-monthly Increase</u>
Bi-monthly Water Cost (Typical Single-Family Property)	\$87.44	\$96.68	\$9.24

Thus, the rate increase will add \$9.24 to the total for a two-month water bill, for a typical property..

STAFF RECOMMENDATIONS: Staff recommends increasing the 2026 Water Utility rates to those shown in the attached resolution.

ALTERNATIVES: The City Council can choose to delay the rate increases, modify the recommended rates, or not increase rates at this time. If rates are not increased at this time, and because the rates must cover all utility costs, higher rate increases would be expected in the future.

PUBLIC OUTREACH: Notice to the public about this City Council meeting occurred through the normal channels for a City Council meeting.

NEXT STEPS: Notification of the City Council’s decision regarding rates will be sent to the city’s Water Utility customers. The first bills reflecting the new rates will be sent at the end of May 2026, which will be due in June 2026.

ATTACHMENTS: 1. Resolution R-2026-13
2. Water Service Area Map

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

A RESOLUTION

ESTABLISHING CERTAIN WATER FEES FOR CUSTOMERS
OF THE CITY OF LAKEWOOD WATER UTILITY

WHEREAS, Section 13.04.120 of the Lakewood Municipal Code directs the City Council to establish by resolution water rates for customers of the water utility of the City of Lakewood;

WHEREAS, as an enterprise, the Lakewood water utility must impose rates that are sufficient to cover all costs of service, including the cost of purchasing water, maintenance and replacement of capital facilities, and the provision of billing services; and

WHEREAS, a water rate study confirms that in order to cover all costs of service, it is necessary to amend the water rates charged to the customers of the City of Lakewood water utility.

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

SECTION 1. The following rates are hereby established, effective April 1, 2026 as the water rates for the water utility of the City of Lakewood:

The water rates for customers of the City of Lakewood water utility shall be based upon the following rate schedule. All water customers shall pay a standard, unvarying bimonthly service charge based upon meter size, and a variable volume charge based on the amount of water used. Additionally, commercial customers with fire protection systems shall pay an unvarying bimonthly charge based on the size of connection.

Service Charge

Meter Size (Inches)	Bimonthly (\$)
5/8	30.49
3/4	34.76
1	43.30
1-1/2	67.48
2	98.30
3	303.65
4	363.77
6	572.04
8	899.55

Volume Charge

Use	\$ per 1,000 gallons
Single Family	
First 22,000 gallons	7.74
Next 38,000 gallons	9.28
Over 68,000 gallons	11.59
Multi-Family (2 Units)	
First 30,000 gallons	7.74
Over 30,000 gallons	9.28
Multi-Family (3 Units)	
First 42,000 gallons	7.74
Over 42,000 gallons	9.28
Multi-Family (4 Units)	
First 54,000 gallons	7.74
Over 54,000 gallons	9.28
Multi-Family (5 Units)	
First 66,000 gallons	7.74
Over 66,000 gallons	9.28
All Other Customers	
Winter	7.74
Summer	9.28

Fire Protection Charge

Connection Size (Inches)	Bimonthly (\$)
1	20.87
1-1/2	20.87
2	20.87
3	34.78
4	52.02
6	113.11
8	258.96

INTRODUCED, READ, AND ADOPTED by a vote of _ for and _ against at a hybrid regular meeting of the Lakewood City Council on February 9, 2026, at 7 o'clock p.m. at the Lakewood Civic Center, 480 S. Allison Parkway, Lakewood, Colorado.

Wendi Strom, Mayor

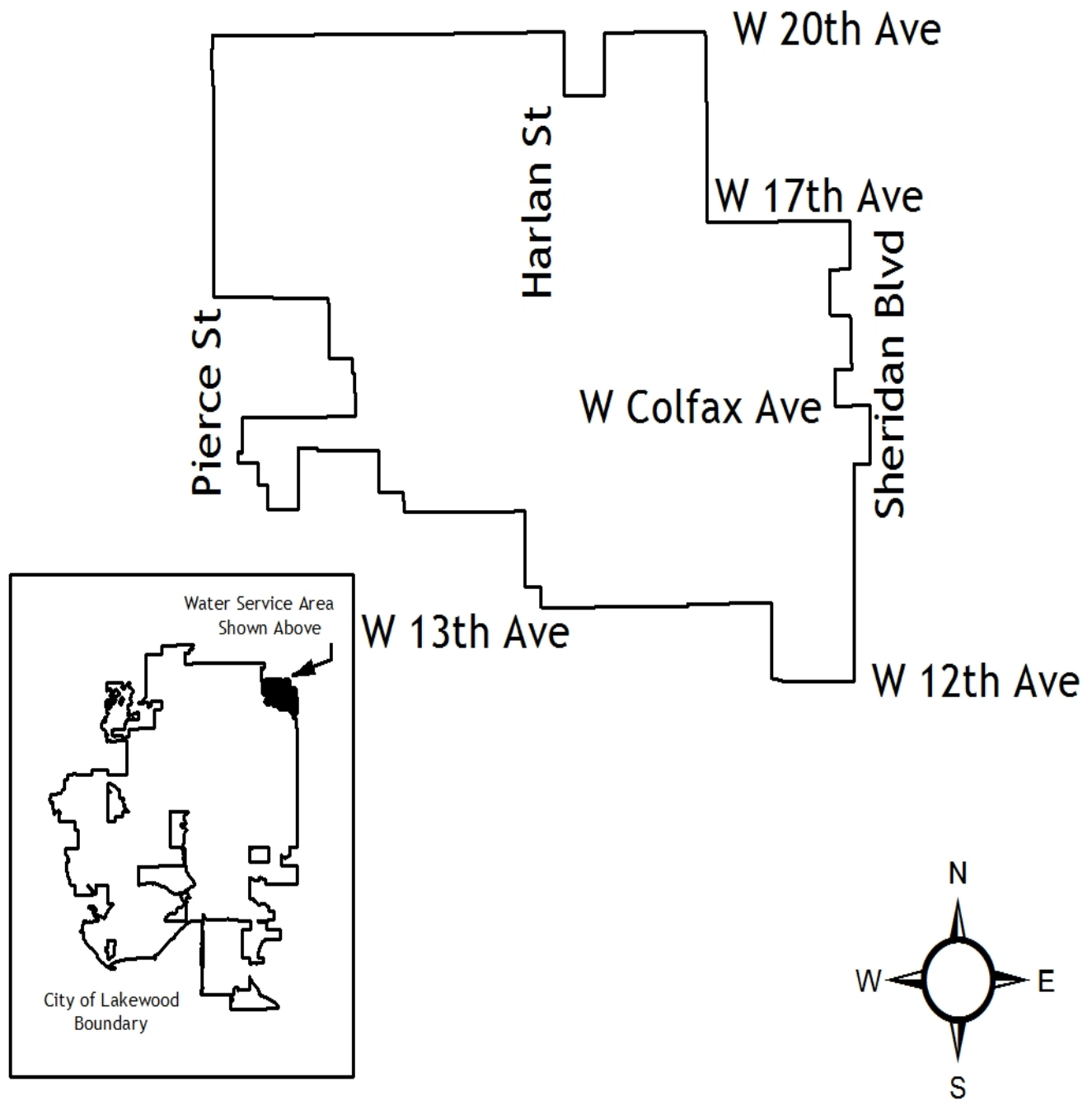
ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

Lakewood Water Utility Service Area



STAFF MEMO

DATE OF MEETING: FEBRUARY 9, 2026 / AGENDA ITEM NO. 4C

To: Mayor and City Council

From:

Subject: **Resolution of Support**

SUMMARY STATEMENT: The City Council shall consider whether to adopt a resolution stating a position of support for a ballot question at the April 7, 2026, Special Municipal Election.

BACKGROUND INFORMATION: C.R.S. § 1-45-117(1)(b)(III)(A) and Lakewood Municipal Code 2.54.060(B)(III)(A), expressly authorize the City Council to pass a resolution taking a position of advocacy in regard to Ballot Question 1.

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

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

NEXT STEPS: None

ATTACHMENTS: None

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

STAFF MEMO

DATE OF MEETING: FEBRUARY 9, 2026 / AGENDA ITEM NO. 5A

To: Mayor and City Council

From: Jeffrey Wong, Principal Sustainability Planner
Travis Parker, Chief of the Sustainability & Community Development Branch

Subject: **Building Energy Benchmarking**

SUMMARY STATEMENT: Building energy use is the largest source of greenhouse gas (GHG) emissions in Lakewood. During the February 23, 2026 City Council regular meeting, staff will propose an ordinance that would create a building energy benchmarking program in Lakewood. The benchmarking program would require property owners of the city's largest buildings to report their energy use annually.

Staff previously presented background information about a proposed benchmarking program to City Council at a [Study Session on March 23, 2025](#). City Council was generally supportive of a program, noting that program funding was a significant barrier for adoption. Since then, staff secured a \$1.5 million of grant funding from DRCOG that would support this program through September 2029.

BACKGROUND INFORMATION: The city's Greenhouse Gas (GHG) inventories consistently show that the building sector is the largest contributor of GHG emissions in Lakewood. In 2024, building energy use represented 37% of overall emissions (this data is still being finalized). While sustainable development standards in the Zoning Ordinance address GHG emissions mitigation for new construction, they do not include solutions for emissions reductions for the majority of the city's existing building stock. Staff is creating a building performance program for Lakewood's largest buildings as part of a strategy to meet the city's GHG emissions reduction goals. The first phase of the project is to create an energy benchmarking program, which is the focus of this Ordinance. The second phase of the project is the development of a performance standard program that would set individual long-term energy or emissions targets for Lakewood's largest buildings in support of the city's goal of net zero 2050 GHG emissions.

Energy benchmarking is the regular monitoring and reporting of an individual building's energy consumption to track changes over time (typically one year) and monitor progress towards increased efficiency and decreased GHG emissions. The data can inform building owners and managers of their existing energy use, how their properties perform compared to other buildings of similar type, and potential improvements that can be made to lower utility bills. An EPA study of over 35,000 buildings showed that on average, benchmarking can reduce annual energy consumption for a building by 2.4% for the first three years of reporting. Other jurisdictions across the country have already adopted building benchmarking and building performance standard programs (see Attachment 1). This includes the State of Colorado, which requires property owners of all buildings 50,000+ square feet in gross floor area to benchmark and report their energy use annually.

Following community engagement and several advisory group meetings in 2024, and City Council feedback from the 2025 study session, staff proposes an Ordinance that requires energy benchmarking for all multifamily, commercial (including manufacturing), and public buildings with

gross floor areas of 10,000 square feet and above. Preliminary analysis of the city's existing building stock shows that this square footage threshold would include about 830 buildings, including about 200 buildings that already must comply with state benchmarking requirements. Staff would provide several resources for property owners to enable successful compliance with a Lakewood benchmarking program.

BUDGETARY IMPACTS: Staff estimates that the development and implementation of an energy benchmarking program for Lakewood's largest buildings will cost \$375,000 annually, including the addition of two full-time staff. Staff has secured a \$1.5 million DRCOG grant (with no city cost share) that would support this program through September 2029. The \$5 million Department of Energy (DOE) grant that was previously awarded to the City to support this program remains frozen and under review by the current federal administration.

STAFF RECOMMENDATIONS: Staff recommends that City Council adopt the proposed Ordinance O-2026-8.

ALTERNATIVES: City Council may approve proposed Ordinance O-2026-8 with or without modifications, continue for further discussion, or deny proposed Ordinance O-2026-8.

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

NEXT STEPS: Second reading and public hearing of the ordinance is scheduled for February 23, 2026. If approved, the ordinance would go into effect in late March 2026.

ATTACHMENTS:

1. Ordinance O-2026-8
2. Benchmarking Public Hearing Slides

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

O-2026-8

AN ORDINANCE

ADOPTING TITLE 14, CHAPTER 30, OF THE LAKEWOOD MUNICIPAL CODE
ESTABLISHING A BUILDING PERFORMANCE PROGRAM
FOR THE CITY OF LAKEWOOD, COLORADO

WHEREAS, the City of Lakewood 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 (City Charter);

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

WHEREAS, the City Council prioritized sustainability work including reducing greenhouse gas emissions to minimize the negative impacts of climate change;

WHEREAS, City staff began evaluating a benchmarking and building performance program for existing commercial, multifamily, and public buildings of a certain size as part of an overall building emissions reduction strategy to achieve net zero greenhouse gas emissions from buildings by 2050;

WHEREAS, City Council finds and determines that adopting a benchmarking program is in the best interests of the City and its residents;

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 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. Title 14, Chapter 30, of the Lakewood Municipal Code shall be adopted as follows:

Chapter 14.30 - Building Performance Program

14.30.010 Purpose.

The purpose of this Code is to establish a Building Performance Program (BPP) for existing commercial, multifamily, and public buildings of a certain size to monitor and improve building performance as part of an overall building emissions reduction strategy. This Code's purpose is also to reduce greenhouse gas emissions from buildings in support of the City of Lakewood's commitment to achieve communitywide net zero greenhouse gas emissions by 2050.

14.30.020 Definitions.

For the purposes of this Code, the following words and terms shall be defined as follows, unless the context in which they are used clearly indicates otherwise.

Benchmarking means measuring a Covered Building's energy performance using the Benchmarking Tool.

Benchmarking Tool means the ENERGY STAR Portfolio Manager web-based tool developed by the United States Environmental Protection Agency, or any alternative system or tool approved by the Sustainability Division, that measures and tracks a Covered Building's energy use and greenhouse gas emissions and rates the performance of a Covered Building in relation to similar buildings and accounts for the impacts of year-to-year weather variations, building size, location, and several operating characteristics.

Chief means the Chief of the Sustainability and Community Development Department at the City of Lakewood or designee.

City means the City of Lakewood, Colorado.

Covered Building means any commercial, multifamily, or public building at least ten thousand (10,000) square feet in Gross Floor Area in the City except for those exempted in Section 14.30.070 of this Code.

Energy means electricity, natural gas, heating oil, or other product sold by a utility to a property for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses captured by the Benchmarking Tool.

Gross Floor Area means the total area of a Covered Building, measured and calculated pursuant to the rules and regulations adopted in accordance with this Code.

Owner means any of the following:

- A. An individual or entity possessing title to a Covered Building;
- B. The board of the owners' association, in the case of a condominium;
- C. The master association, in the case of a condominium, where the powers of an owners' association are exercised by or delegated to a master association;
- D. The board of directors, in the case of a cooperative apartment corporation;

- E. An agent authorized to act on behalf of any of the above; or
- F. The successors and assigns of any of the above.

Site Energy Use Intensity or EUI means a building's site energy use expressed as energy per square foot per year as a function of its size, normalized for weather and other characteristics that are significant drivers of energy performance as feasible with the reporting platform used.

Sustainability Division means the Community Sustainability, Climate, and Zero Waste Division within the Sustainability and Community Development Department in the City.

14.30.030 Applicability.

The BPP shall apply to all commercial, multifamily, and public buildings within the City with a Gross Floor Area equal to or greater than ten thousand (10,000) square feet.

14.30.040 Authority.

The Chief shall have the authority to promulgate rules and regulations for the proper administration of this Code and make necessary amendments to the rules and regulations as needed.

14.30.050 Benchmarking and Reporting.

- A. Beginning in 2026, each Owner of a Covered Building shall benchmark the building's energy usage using the Benchmarking Tool and shall accurately report 2025 energy performance information to the Sustainability Division by December 31, 2026. In 2027 and each year thereafter, Owners of a Covered Building shall benchmark the building's energy usage using the Benchmarking Tool and shall accurately report the previous calendar year's energy performance information to the Sustainability Division on or before June 1st.
- B. An Owner shall include, at a minimum, the following energy performance information in the report to the Sustainability Division: a Covered Building's annual EUI, ENERGY STAR portfolio manager score (if eligible for a score), greenhouse gas emissions, and any other data fields needed to calculate the ENERGY STAR portfolio manager score for auditing and verification purposes.
- C. An Owner of a Covered Building shall keep records of monthly energy consumption for a minimum of twenty-four (24) months. Such records shall be made available to the Sustainability Division for inspection upon request.
- D. The Sustainability Division may consider additional performance metrics as outlined in the rules and regulations and may consider third-party data verification requirements.

14.30.060 Compliance with State Benchmarking.

Notwithstanding the requirements in Section 14.30.050 above, if an Owner of a Covered Building is required to comply with both City and State of Colorado benchmarking reporting requirements then:

- A. The Owner need only comply with the State of Colorado's benchmarking reporting schedule and deadlines for such Covered Building. The Owner shall add the City as an additional reporting entity in the Benchmarking Tool when submitting the energy performance data to the State of Colorado for such Covered Building; and
- B. The Owner shall submit, at a minimum, the energy performance information and other related data required by the State of Colorado to the Sustainability Division.

14.30.070 Extensions, Adjustments, and Exemptions.

- A. The Sustainability Division may grant an extension, adjustment, or exemption to the requirements in Section 14.30.050 for a Covered Building whose Owner submits a request, at least sixty (60) days prior to any submission deadline, if the Covered Building meets any of the following criteria:
 - 1. The Covered Building is a single family, duplex, or triplex residential home inclusive of accessory structures;
 - 2. A demolition permit has been issued for the entirety of the Covered Building and demolition work has commenced on or before the date the benchmarking report is due;
 - 3. The primary use of the Covered Building changes significantly, as determined by the Chief, and no longer meets the requirements of this Code;
 - 4. The Covered Building did not have a certificate of occupancy or temporary certificate of occupancy for all twelve (12) months of the calendar year for which benchmarking is required;
 - 5. The Covered Building was not occupied, due to renovation, for all twelve (12) months of the calendar year for which benchmarking is required;
 - 6. The Covered Building is experiencing qualifying financial hardship, as described in the rules and regulations; and/or
 - 7. The Covered Building is used primarily for manufacturing, industrial, or agricultural processes and meets specified requirements pursuant to the rules and regulations. This exclusion only applies if a facility where the majority of energy is consumed for manufacturing, agriculture, or for other process loads submits and receives an approved exemption by the Sustainability Division. Process loads are energy consumed for bona fide

purposes other than heating, cooling, ventilation, domestic hot water, cooking, lighting, appliances, office equipment, data centers, or other plug loads.

- B. Any extension, adjustment, or exemption request under this Section shall be accompanied by supporting documentation in a form pre-approved by the Sustainability Division. Any extension, adjustment, or exemption granted will be limited to the benchmarking submission for which the request was made and does not extend to past or future submittals under this Code.

14.30.080 Benchmarking Violations and Enforcement.

- A. It is unlawful to violate any provision of this Code or any rules and regulations adopted pursuant to this Code.
- B. The Chief is empowered to enforce the provisions of this Code and any rules and regulations adopted pursuant to this Code.
- C. If the Chief believes that a violation of any provision of this Code exists or that a violation of any provision of the rules and regulations adopted pursuant to this Code exists, the Chief shall issue a notice of violation to an Owner alleged to be in violation. If the Chief issues a notice of violation regarding 2025 energy performance information, an Owner has ninety (90) days to correct the violation. If the Chief issues a notice of violation regarding 2026 or any subsequent year energy performance information, an Owner has thirty (30) days to correct the violation.
- D. An Owner of a Covered Building who fails to correct the violation pursuant to this Section shall be required to pay a civil penalty each year the Owner's Covered Building fails to achieve compliance. The civil penalty shall amount to two thousand dollars per violation (\$2,000.00). If an Owner has multiple Covered Buildings that are not compliant with this Code, each non-compliant Covered Building is considered a separate violation.
- E. If a Covered Building subject to the civil penalty above fails to pay the civil penalty within one hundred eighty (180) days, the City may elect to place a lien on the Covered Building. The lien shall be a perpetual lien on the Covered Building's property, and is superior and prior to all other liens, regardless of their dates of recordation, except for liens for general taxes and prior special assessments, until the civil penalty owed, delinquent interest, and recording fees have been paid in full. The Chief must record the lien with the Jefferson County Clerk and Recorder.
- F. In addition to the remedies set forth in this Code, the City may elect to recover or collect any amounts, including interest, owing under this Code. Interest shall be calculated as described in the rules and regulations adopted pursuant to this Code.
- G. If a Covered Building is required to comply with both City and State of Colorado

benchmarking reporting requirements, and such Covered Building has failed to comply with both City and State requirements, the City may decline to impose a civil penalty under this Code if a penalty has been imposed or is being pursued by the State under state law for the same violation, in order to avoid duplicative penalties.

14.30.090 Benchmarking Funds.

- A. All funds collected from payment of civil penalties under this Code shall be utilized to support administration of the BPP.
- B. All funds collected and, if applicable, any interest earned on the funds, shall not revert to the unrestricted fund balance of the City's General Fund at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in this Code.

14.30.100 Appeals.

- A. The process for filing an appeal of any action set forth within this Code shall be in accordance with this Section and supplemented by the rules and regulations adopted pursuant to this Code.
- B. An Owner may file a written appeal of a notice of violation with the Chief within fourteen (14) days of such notice being issued to the Owner in accordance with the process set forth within this Code and the rules and regulations. The appeal shall be heard within thirty (30) days of filing such an appeal or at a mutually agreed upon date outside of the thirty (30) day period. The appeal shall be heard by an administrative hearing officer appointed by the Chief. After hearing all evidence presented, the administrative hearing officer shall make findings of fact and conclusions of law as to whether the violations set forth within the notice of violation occurred based on a preponderance of the evidence, the individual identified as an Owner is in fact an Owner of the Covered Building, and the Covered Building exists within the City. If the administrative hearing officer finds each of the aforementioned elements to be true, then the administrative hearing officer shall issue findings and a civil penalty in accordance with Section 14.30.080(D).
- C. An appeal by one Owner of a Covered Building having multiple Owners shall be reviewed as if all Owners had filed such appeal. All Owners shall be jointly and severally responsible for all violations of this Code.
- D. The administrative hearing officer's decision shall be a final decision and may be appealed to the Jefferson County District Court pursuant to the Colorado Rules of Civil Procedure 106(a)(4).

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 such remaining portions or application of the 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 February, 2026; published by title in the Denver Post and in full on the City of Lakewood's website at www.lakewood.org on the 12th day of February, 2026; set for public hearing to be held on the 23rd day of February, 2026; read, finally passed and adopted by the City Council on the 23rd day of February, 2026; and signed by the Mayor on the ___ day of February, 2026.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney



Ordinance O-2026-7 Building Performance Program – Energy Benchmarking

**City Council Meeting
February 23, 2026**

Building Energy Benchmarking City Council Meeting

Building Performance Program for Lakewood's Largest Buildings

Phase 1: Benchmarking development

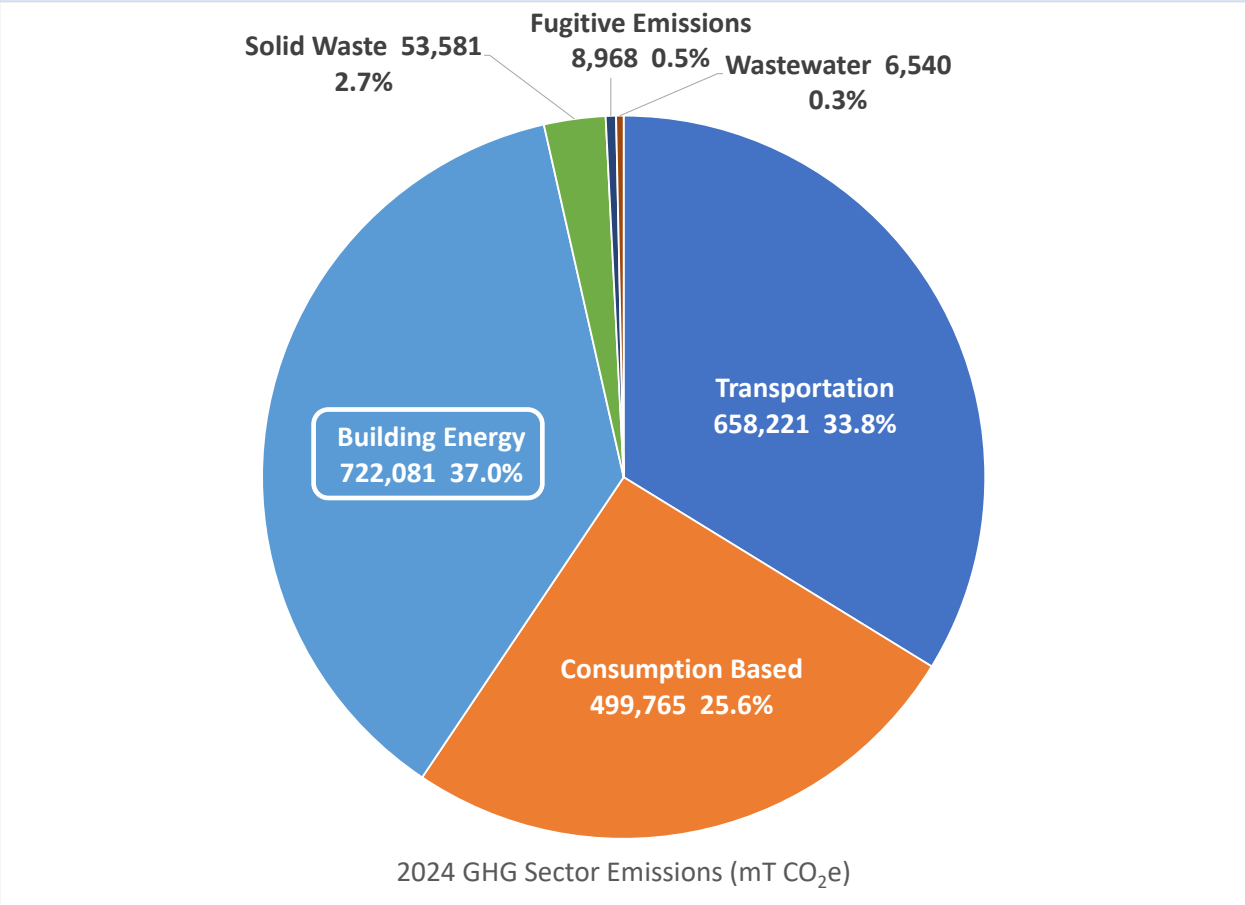
- Annual tracking and reporting of energy use to measure performance of Lakewood's largest existing buildings

Phase 2 (future): Building Performance Program development

- Set long-term energy/emissions targets for existing large buildings and provide roadmap for long-term efficiency improvements, resources, and financial incentives to achieve improved building performance

Building Energy Benchmarking City Council Meeting

2024 GHG Emissions Inventory



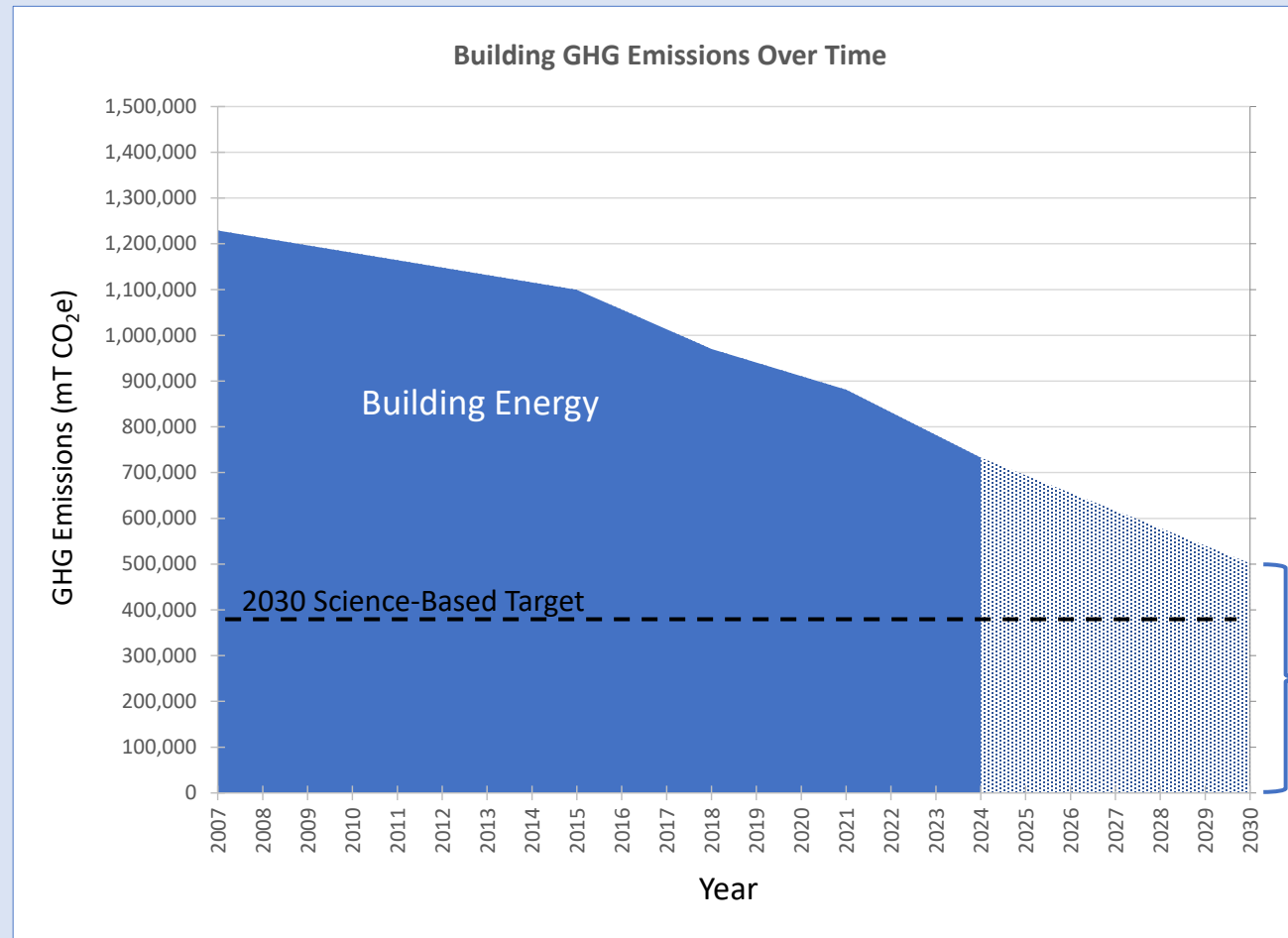
Note: 2024 GHG Inventory is being finalized

Building Energy Benchmarking City Council Meeting

Lakewood GHG Buildings Emissions Over Time

GHG Reduction Goals: Science-Based Targets

1. 60.7% below 2018 by 2030
2. Net zero by 2050



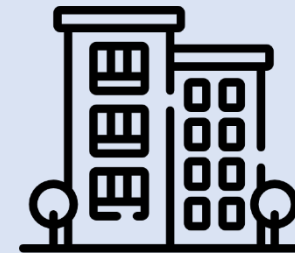
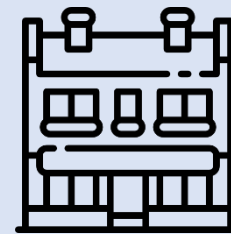
Building Energy Benchmarking City Council Meeting

Lakewood Building Stock Profile

Total Structures:	50,000
Total Gross Floor Area:	119.4 million SF
Total 2024 Building GHG Emissions	722,000 mT CO ₂ e

Building Energy Benchmarking City Council Meeting

Lakewood Building Stock Profile by Square Footage



Category (SF):	<u>< 5,000</u>	<u>5,000 – 9,999</u>	<u>10,000 – 24,999</u>	<u>25,000 – 49,999</u>	<u>>= 50,000</u>
Structures:	48,500	590	435	195	199
Gross Floor Area (SF):	77 million	4 million	6.8 million	6.9 million	24.6 million
GHG Emissions / Structure (mT CO ₂ e):	9	71	164	383	1,326

Note: Approximate data from 2024

Building Energy Benchmarking City Council Meeting

How much energy do our buildings use now?

- Existing data sources for building energy use
 - CBECS & Energy Star Portfolio Manager: Regional average data based on building type and climate zones
 - Xcel Energy: Aggregated data categorized as residential or non-residential
- No localized Lakewood energy data at individual building level
- Data gap remains at the individual building level → communities are turning to energy benchmarking programs

Building Energy Benchmarking City Council Meeting

What is Energy Benchmarking?

- Measure and report energy performance of a single building over a period of time
- Compare to other buildings of similar type to gauge performance
- 2.4% annual energy savings
- Provides baseline for individual building energy use to inform potential Building Performance Standards (Phase 2)

Building Energy Benchmarking City Council Meeting

What are the benefits of building energy benchmarking?

Building Owner / Occupant



Lower utility bills

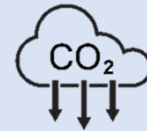


Prioritize efficient building improvements



Increase occupant comfort and building quality

City



Decrease energy use and GHG emissions



Measure progress towards emissions goals



Increase economic investment

Building Energy Benchmarking City Council Meeting

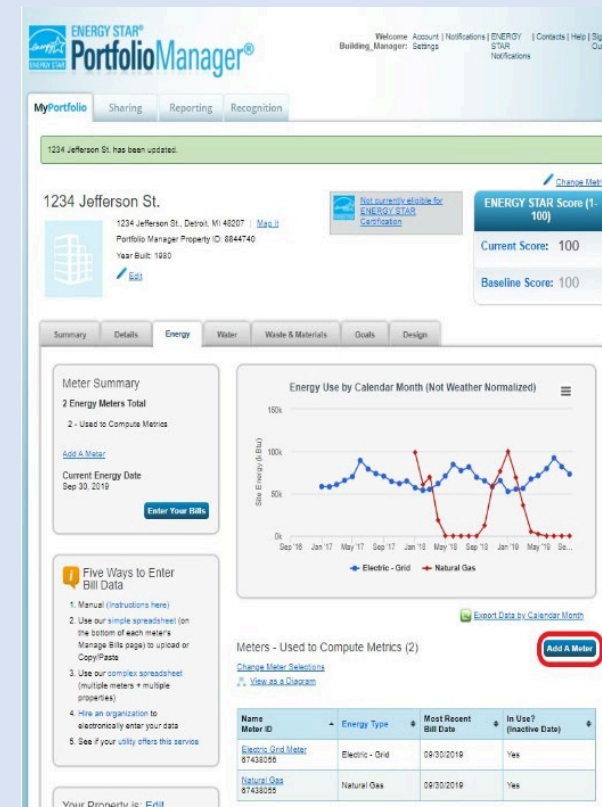
Benchmarking process for Property Owners

Initial Account Setup

1. Setup EnergyStar Portfolio Manager (ESPM) account
2. Connect Xcel Energy account to ESPM
3. Add City of Lakewood as reporting entity

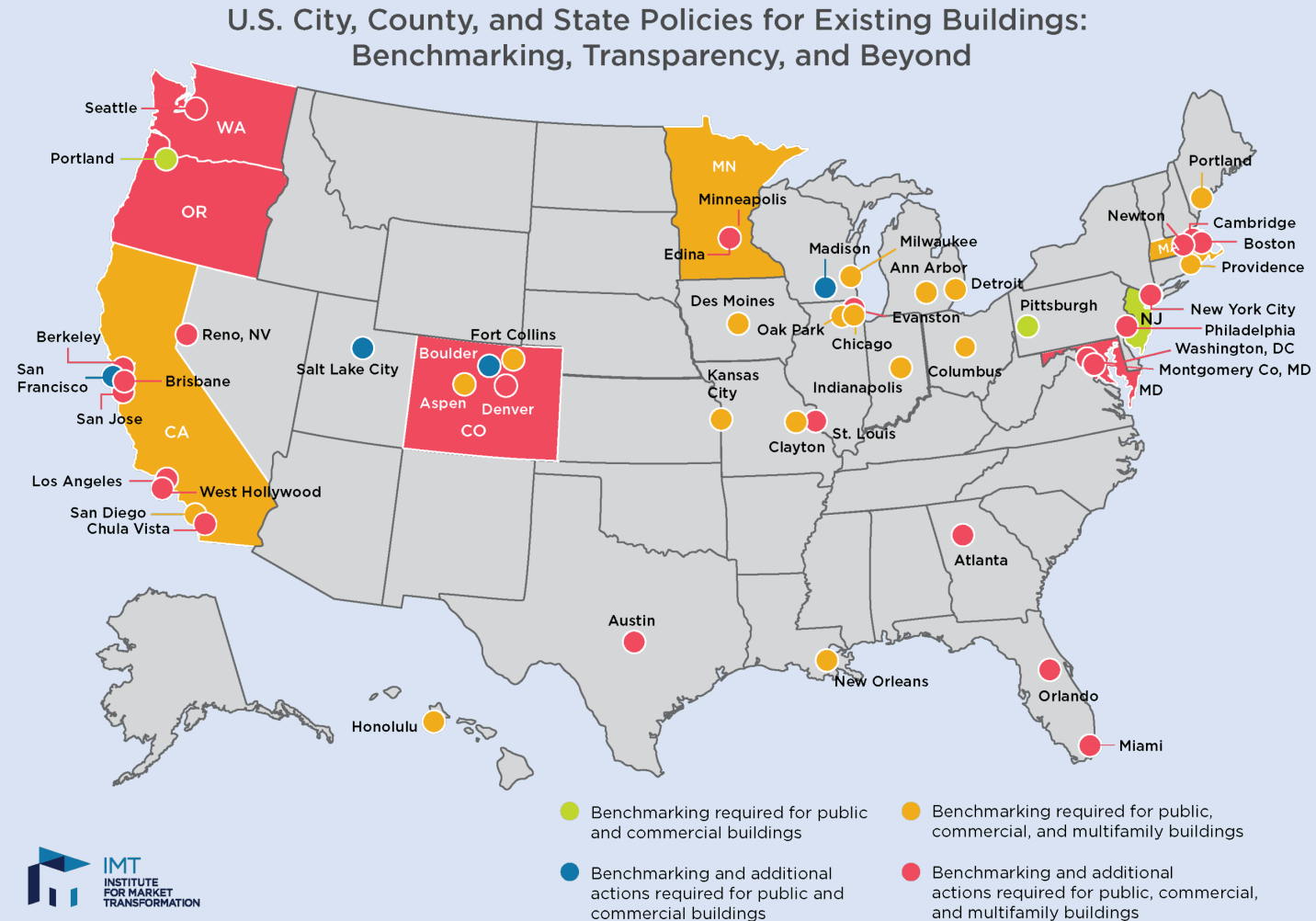
Once a Year

1. Submit data to Lakewood



Building Energy Benchmarking City Council Meeting

Which communities are adopting Benchmarking policies?



Building Energy Benchmarking City Council Meeting

Proposed Benchmarking Policy

Building Energy Benchmarking City Council Meeting

Benchmarking Program Goals

We want a benchmarking program that:

- Is effective, implementable, and reflective of community priorities
- Increases energy efficiency + lowers GHG emissions
- Addresses inequities (energy burden, housing affordability, etc.)
- Presents solutions for identified risks, barriers, and unintended outcomes
- Aligns with a potential future Building Performance Standard program (Phase 2)

Building Energy Benchmarking City Council Meeting

Ongoing Stakeholder Engagement



Advisory Group Representatives

- City Commissions: *LAC, Planning Commission reps*
- Business: *Alameda Connects, 1st Bank, Building Owners and Manager Association, Lafayette Company (Alameda Crossing)*
- Affordability: *MetroWest Housing, Energy Outreach Colorado*
- Finance: *C-PACE*
- Market Transformation: *USGBC, Southwest Energy Efficiency Project*
- Education: *JeffCo Public Schools, Red Rocks CC*
- Technical / industry experts

Building Energy Benchmarking City Council Meeting

Considerations for Lakewood's approach to Benchmarking

- Building applicability (square footage, use type, other)
- Impact and cost to building owner and occupants
- Resources needed for building owners
- Equity – Affordability, energy burden, time
- City's program administration requirements

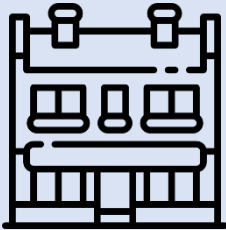
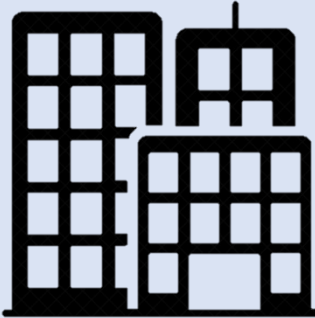
Building Energy Benchmarking City Council Meeting

Proposed Benchmarking Applicability

- Multi-family and Non-Residential buildings $\geq 10,000$ SF gross floor area
 - Multi-family: Shared water heating or air heating/cooling systems
 - Non-residential includes commercial, public, and manufacturing buildings
- Buildings $\geq 50,000$ SF (~200 buildings) will report to both Lakewood and State, but only subject to State enforcement
- Federal buildings not included

Building Energy Benchmarking City Council Meeting

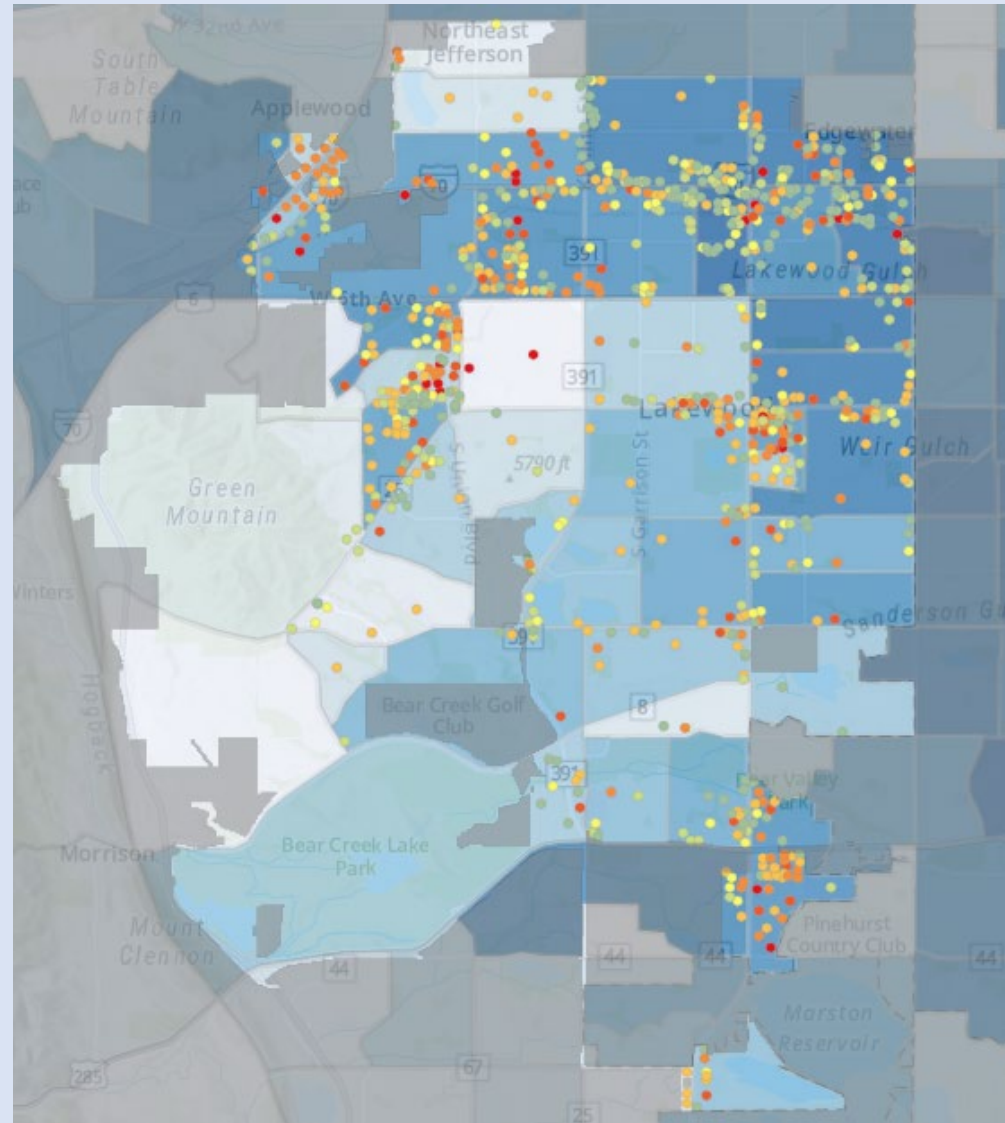
Proposed Benchmarking Applicability – Building Stock Profile

				
Category (SF):	<u>10,000 – 24,999</u>	<u>25,000 – 49,999</u>	<u>>= 50,000</u>	<u>Total</u>
Structures:	435	195	199	829
Gross Floor Area (SF):	6.8 million	6.9 million	24.6 million	38.3 million
% Total GHG Emissions:	8%	8%	31%	47%
\$4.5 million in annual utility bill savings				

Building Energy Benchmarking City Council Meeting

Map of Covered Buildings

Structures by Gross Floor Area



Building Energy Benchmarking City Council Meeting

Proposed Exemptions / Waivers

- Property owner responsible for submitting waiver request
- Qualifying exemptions
 - Proof of square footage less than minimum threshold
 - Unoccupied or limited occupancy building entire year
 - No Certificate of Occupancy
 - Renovation for entire year
 - Demolition permit has been issued
 - Financial hardship
 - Manufacturing / Industrial: Show proof of energy efficiency plan

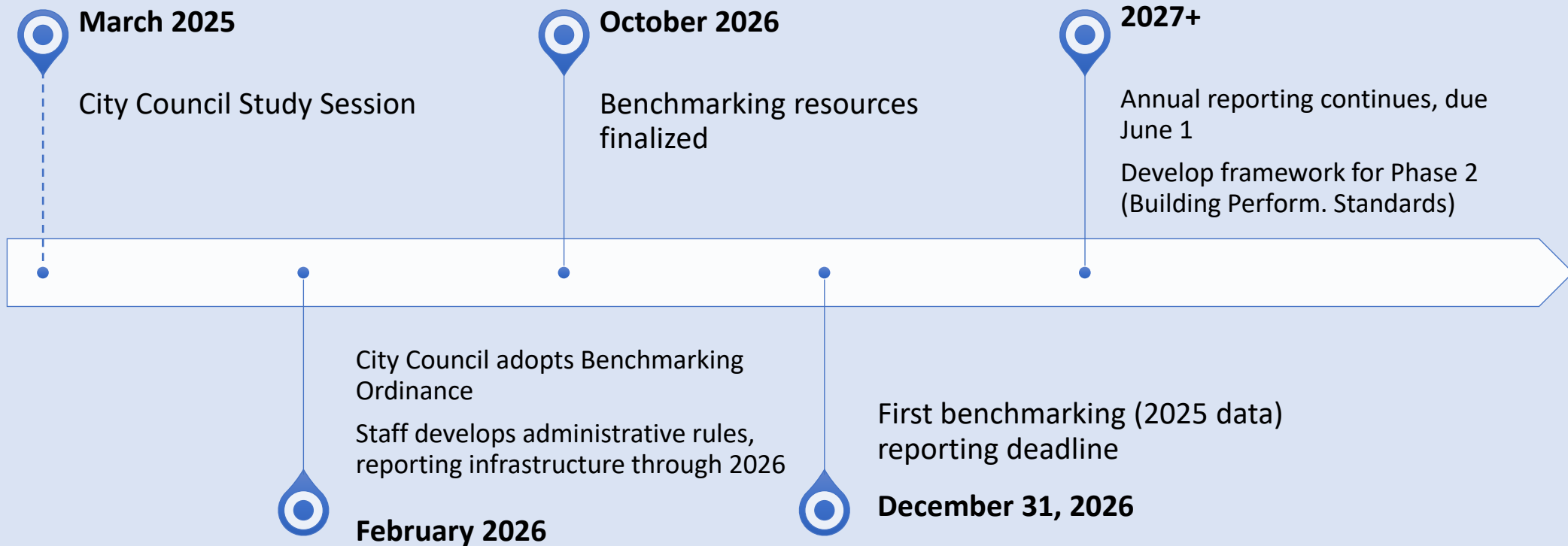
Building Energy Benchmarking City Council Meeting

Proposed Benchmarking Compliance & Enforcement

- Owners submit benchmarking data annually, no fee to submit
- Violation: Owner doesn't submit annual benchmarking data or a waiver/exemption by annual deadline
- Notice of Violation for non-compliance
 - 90-days to correct in 2026
 - 30-days to correct in 2027+
- Civil penalty: \$2,000 per violation (annually)
 - Survey of 3rd party benchmarking services: \$295-\$850 / building (3 responses)
 - Closely aligned with State and Denver violation amounts

Building Energy Benchmarking City Council Meeting

Proposed Benchmarking Timeline (Phase 1)



Building Energy Benchmarking City Council Meeting

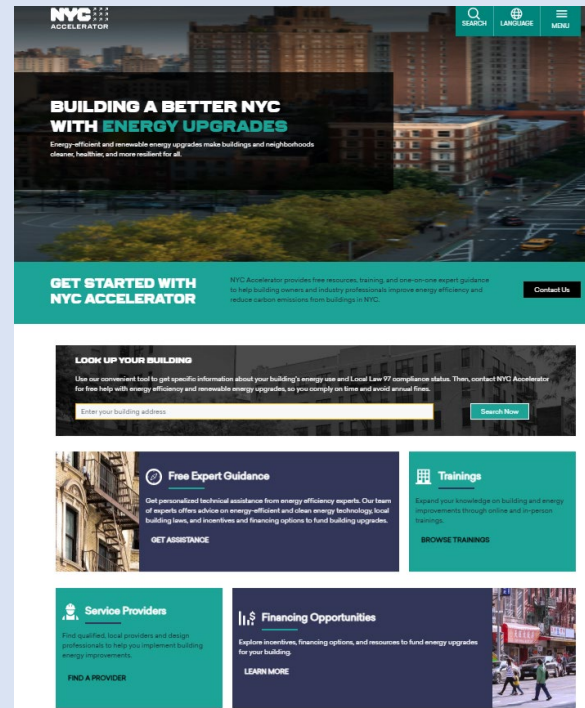
Supporting Our Property Owners

	Potential Barriers	Potential Solutions
	Understanding requirements	Education and community outreach
	Time and Administration	In-person and online Help Desk, trainings, 3 rd party benchmarking
	Cost	No cost for annual filing; 3 rd party benchmarking is less than violation amount
	Equity	Spanish-only training, on-site assistance

Building Energy Benchmarking City Council Meeting

Supporting Resources for Owners

- Online resource hub with information for compliance
- User-friendly owner portal, report card
- Help desk: phone, chat, e-mail
- In-person trainings



Building Energy Benchmarking City Council Meeting

Program Funding

- \$5 million DOE grant funding (Jan 2025) is still on hold
- City received a \$1.5 million DRCOG Subaward in October 2025 to support benchmarking program
 - Estimated cost: \$375,000 per year
 - Fully grant funded (no city match required) for 4 years

Building Energy Benchmarking City Council Meeting

Next Step

- Staff Recommendation: Approve proposed Ordinance O-2026-7 (Building Performance Program - Energy Benchmarking)

STAFF MEMO

DATE OF MEETING: FEBRUARY 9, 2026 / AGENDA ITEM NO. 5B

To: Mayor and City Council
From: Jay Robb, City Clerk
Subject: **Supplemental Appropriation for a Special Election**

SUMMARY STATEMENT: If approved, O-2026-9 will appropriate \$155,000 from the city's General Fund to help cover the cost of the April 7, 2026, city-wide special election. The total cost of the election is estimated to be between \$225,000 to \$250,000, but the City Clerk's Office has some election funds budgeted in the Department's 2026 budget. The \$155,000 appropriation will help cover the costs of vendors, contractors, election judges, and supplies required to conduct the election.

BACKGROUND INFORMATION: At the January 26, 2026, Regular City Council meeting, the Lakewood City Council called a special municipal election on April 7, 2026, for registered voters to decide on four ballot questions concerning recent updates to the City's Zoning Code. These four ballot questions resulted from referendum petitions filed by residents in response to Ordinances O-2025-27, O-2025-28, O-2025-29, and O-2025-30.

BUDGETARY IMPACTS: If O-2026-9 is adopted, the City Clerk's Office will receive a one-time appropriation of \$155,000 from the city's General Fund from the 2026 budget to pay for the April 7th city-wide election. The total cost of the election is estimated to be between \$225,000 to \$250,000, but the City Clerk's Office has some election funds budgeted in the Department's 2026 budget.

The appropriated funds will cover the costs of vendors, contractors, election judges, and supplies required to conduct the special election while ensuring funds are still available for any other election costs in 2026.

STAFF RECOMMENDATIONS: Staff recommends approving O-2026-9 to fund the April 7, 2026, special election.

ALTERNATIVES: City Council could deny approval, which would mean the additional budget funds needed to secure the City Clerk's Office vendor contracts would not be appropriated and the election would not be able to occur in April. The funds would need to be secured in the revised 2026 budget process, delaying the election until the 4th quarter of 2026.

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

NEXT STEPS: If adopted on first reading, O-2026-9 will be considered by the City Council at a public hearing scheduled on February 23, 2026.

ATTACHMENTS: 1. Ordinance O-2026-9

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

O-2026-9

AN ORDINANCE

AUTHORIZING A SUPPLEMENTAL APPROPRIATION OF GENERAL FUNDS
TO THE 2026 ANNUAL BUDGET IN THE AMOUNT OF \$155,000
AND AUTHORIZING THE EXPENDITURE OF THESE FUNDS BY THE CITY
CLERK'S OFFICE TO PAY FOR EXPENSES RELATED TO THE SPECIAL
MUNICIPAL ELECTION TO BE HELD ON APRIL 7, 2026

WHEREAS, Article XII, section 8 of the City Charter allows City Council to make supplemental appropriations by ordinance during the fiscal year for unanticipated expenditures required for the operation of the City of Lakewood ("City") using monies not anticipated in the adopted budget;

WHEREAS, Section 3.04.060 of the Lakewood Municipal Code ("L.M.C.") requires approval by the City Council for any unbudgeted purchase or any purchase of more than eighty thousand dollars (\$80,000.00) that has a change in funding source;

WHEREAS, on January 26, 2026, the City Council voted to approve Resolutions R-2026-8, R-2026-9, R-2026-10, and R-2026-11, to refer Ordinances O-2025-27, O-2025-28, O-2025-29, and O-2025-30, respectively, to a vote of the registered electors of the City of Lakewood at a special municipal election to be held on April 7, 2026;

WHEREAS, the City Clerk's Office estimates that it will cost the City approximately two hundred twenty-eight thousand, one hundred forty-one dollars (\$228,141.00) to hold the special municipal election on April 7, 2026 (the "Election Cost");

WHEREAS, the City did not anticipate the Election Cost expenditure when preparing the 2026 City Budget, and the Election Cost is anticipated to result in a shortfall of approximately one hundred fifty-five thousand dollars (\$155,000.00) in the City Clerk's Office's 2026 budget;

WHEREAS, as a result of the Election Cost, the City will need to expend one hundred fifty-five thousand dollars (\$155,000.00) that was not anticipated in the 2026 City Budget;

WHEREAS, the unbudgeted City expenditure of one hundred fifty-five thousand dollars (\$155,000.00) requires City Council approval pursuant to Section 3.04.060 of the L.M.C.;

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. Appropriation and Expenditure. The City Council hereby appropriates one hundred fifty-five thousand dollars (\$155,000.00) from the City's General Fund for fiscal year 2026 and authorizes the expenditure of such funds by the City Clerk's Office for the purpose of paying for the expenses related to the special municipal election to be held on March 31, 2026.

Section 2. This Ordinance shall become effective 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 February, 2026; published by title in the Denver Post and in full on the City of Lakewood's website at www.lakewood.org on the 12th day of February, 2026; set for public hearing to be held on the 23rd day of February, 2026; read, finally passed and adopted by the City Council on the 23rd day of February, 2026; and signed by the Mayor on the ___ day of February, 2026.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

Approved as to form:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: FEBRUARY 9, 2026 / AGENDA ITEM NO. 7

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

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

NEXT STEPS: None

ATTACHMENTS: None

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

STAFF MEMO

DATE OF MEETING: FEBRUARY 9, 2026 / AGENDA ITEM NO. 8A

To: Mayor and City Council
From: Maria D'Andrea, Director of Public Works
Subject: **North Dry Gulch Project-Phase 4**

SUMMARY STATEMENT: This ordinance would authorize steps necessary to acquire property interests to construct portions of the North Dry Gulch Phase 4 Project, including properties adjacent to Yukon Street, Yarrow Street, Allison Street, and Colfax Avenue from Yarrow Street to Dover Street.

BACKGROUND INFORMATION: The North Dry Gulch 100-year floodplain is generally situated within one block of Colfax Avenue from Dover Street to Newland Street. There are approximately 150 properties, including 130 buildings and 36 residences, in the North Dry Gulch 100-year floodplain. The primary goal of the overall project is to mitigate the flooding that has occurred along North Dry Gulch and remove properties and structures from a revised 100-year floodplain.

The project is being constructed in multiple phases, in conjunction with the Mile High Flood District. The area shown in blue on the attached map is the existing 100-year floodplain. A 100-year flood is defined as a storm with a one percent chance of occurring in any given year. Existing properties and structures in the floodplain are vulnerable to flooding and are limited in their potential for use. Storm sewer facilities in this area are inadequate and aging, which also prevents improvements upstream of this area.

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

- Phase 1 is located along West 14th Avenue from Wadsworth Boulevard to Newland Street. Construction of this phase is complete.
- Phase 2 is located along West Colfax Avenue from the detention pond at Newland Street west to Pierce Street. Construction of Phase 2 was completed in August 2025.
- Phase 3 is located north of West Colfax Avenue along Pierce Street to Lakewood Place, along Lakewood Place from Pierce Street to Reed Street, then along West 16th Avenue to Teller Street. Construction is in progress.
- Phase 4 spans across Wadsworth Boulevard, along West Colfax Avenue to Dover Street. Construction is anticipated to begin in 2026.

Work within a particular phase may be divided into smaller projects, also referred to as construction packages, due to construction timing and coordination. At this time, staff is pursuing work within Phase 4 that extends up Yukon Street, Yarrow Street, and Allison Street, and along Colfax Avenue from Yarrow Street to Dover Street. The attached conceptual illustration depicts Phase 4 in relation to all project phases.

This ordinance declares the City's intent to acquire property interests necessary for areas of the project along Yukon Street, Yarrow Street, and Allison Street, and along Colfax Ave from Yarrow

Street to Dover Street. It also initiates the negotiation process between the City and property owners to acquire the necessary property rights. It authorizes acceptance of conveyance instruments and, if needed, condemnation of property interests. However, condemnation would not occur until additional City Council approval is sought, at a future date, via resolution. Separate acquisition ordinances will be presented to the City Council for future areas of the North Dry Gulch project.

The attached map conceptually illustrates the property rights that are needed for this phase of the project. Property interests consisting of 18 permanent easements, 19 temporary easements, and 8 right-of-way acquisitions on 19 total properties are required. These easements allow for the construction and maintenance of storm sewer infrastructure, including inlets, curb and gutters, and pipes.

BUDGETARY IMPACTS: Design and construction of the North Dry Gulch Project is funded by combined funds from the Mile High Flood District and Lakewood's Stormwater Utility Enterprise Fund. The costs to obtain property rights will be paid for by the Stormwater Enterprise Utility fund. Adequate funds for this project were approved in the 2026 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 project. Without these storm sewer improvements, flooding will continue and properties and structures will remain in the 100-year floodplain.

PUBLIC OUTREACH: City staff have contacted the affected property owners seeking to discuss the project. Notification of the City Council's consideration of this ordinance has been mailed to each affected property owner. The notification includes clear language that there will be no discussion of land value at the public hearing, as this action authorizes staff to initiate the acquisition process, and no land values have yet been determined. In addition, this item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

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

ATTACHMENTS:

1. Ordinance O-2026-7
2. NDG Conceptual Illustration
3. NDG Phase 4 Property Acquisition 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 AND SANITARY SEWER FACILITIES ALONG YUKON STREET, YARROW STREET, ALLISON STREET, AND ALONG COLFAX AVENUE FROM YARROW STREET TO DOVER 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 safety of nearby residents and motorists and to reduce property damage, the City of Lakewood (the "City") desires to continue the implementation of the North Dry Gulch Improvements Project, Phase 4 (the "Project"), which was previously the subject of Ordinances O-2025-23 and O-2025-36, and which will install storm sewer improvements that will, in part, collect and convey storm flows that have caused flooding from Wadsworth Boulevard to Dover Street along Colfax Avenue (the "Improvements");

WHEREAS, in order to install the Improvements, the City must acquire certain property interests from the owners of property adjacent to the Project (the "Property Interests") in addition to those property interests identified in Ordinances O-2025-23, and O-2025-36;

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 North Dry Gulch Improvements Project, Phase Number 4 (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 from Wadsworth Boulevard to Dover Street along Colfax 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 property from which the Property Interests are currently anticipated to be acquired is 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 26th day of January, 2026; published by title in the Denver Post and in full on the City of Lakewood's website at www.lakewood.org on the 26th day of January, 2026; set for public hearing to be held on the 9th day of February, 2026; read, finally passed and adopted by the City Council on the 9th day of February, 2026; and signed by the Mayor on the ___ day of February, 2026.

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:

39-353-18-032 1565 WADSWORTH BLVD LAKEWOOD, CO 80214	49-022-05-001 8200 W COLFAX AVE LAKEWOOD, CO 80214
39-353-10-011 1601 YUKON ST LAKEWOOD, CO 80214	49-022-06-001 8300 W COLFAX AVE LAKEWOOD, CO 80214
39-353-10-012 1606 YARROW ST LAKEWOOD, CO 80214	49-022-06-002 8390 W COLFAX AVE LAKEWOOD, CO 80214
39-353-17-002 7833 W COLFAX AVE LAKEWOOD, CO 80214	39-344-18-095 8405 W COLFAX AVE LAKEWOOD, CO 80215
39-353-17-004 7800 W 16TH AVE LAKEWOOD, CO 80214	39-344-18-001 8425 W COLFAX AVE LAKEWOOD, CO 80215
39-353-11-013 1655 YARROW ST LAKEWOOD, CO 80214	39-344-18-002 8437 W COLFAX AVE LAKEWOOD, CO 80215
49-022-01-006 7800 W COLFAX AVE LAKEWOOD, CO 80214	39-344-18-003 8465 W COLFAX AVE LAKEWOOD, CO 80215
49-022-02-007 7950 W COLFAX AVE LAKEWOOD, CO 80214	39-344-18-004 8485 W COLFAX AVE LAKEWOOD, CO 80215
39-353-17-001 7999 W COLFAX AVE LAKEWOOD, CO 80214	39-344-18-005 8525 W COLFAX AVE LAKEWOOD, CO 80215
39-353-11-022 1660 ALLISON ST LAKEWOOD, CO 80214	39-344-18-096 8555 W COLFAX AVE LAKEWOOD, CO 80215
39-353-00-028 8001 W COLFAX AVE LAKEWOOD, CO 80214	39-344-18-097 8591 W COLFAX AVE LAKEWOOD, CO 80215
39-353-00-026 1575 ALLISON ST LAKEWOOD, CO 80214	49-031-00-001 8400 W COLFAX AVE LAKEWOOD, CO 80214
39-353-00-029	49-031-00-002

1585 ALLISON ST LAKEWOOD, CO 80215	8410 W COLFAX AVE LAKEWOOD, CO 80215
39-353-00-016 1613 ALLISON ST LAKEWOOD, CO 80214	49-031-00-003 8420 W COLFAX AVE LAKEWOOD, CO 80215
39-353-00-012 1679 ALLISON ST LAKEWOOD, CO 80214	49-031-00-004 8460 W COLFAX AVE LAKEWOOD, CO 80215
39-353-00-007 1651 ALLISON ST LAKEWOOD, CO 80214	49-031-00-005 8490 W COLFAX AVE LAKEWOOD, CO 80215
39-353-12-020 1661 ALLISON ST LAKEWOOD, CO 80214	49-031-00-006 8500 W COLFAX AVE LAKEWOOD, CO 80215
39-353-19-002 8101 W COLFAX AVE LAKEWOOD, CO 80214	49-031-00-007 8550 W COLFAX AVE LAKEWOOD, CO 80215
39-353-19-001 8125 W COLFAX AVE LAKEWOOD, CO 80214	49-031-00-008 8560 W COLFAX AVE LAKEWOOD, CO 80215
39-353-00-020 8195 W COLFAX AVE LAKEWOOD, CO 80214	49-031-00-009 8580 W COLFAX AVE LAKEWOOD, CO 80215
49-022-04-012 8100 W COLFAX AVE LAKEWOOD, CO 80214	49-031-00-010 8590 W COLFAX AVE LAKEWOOD, CO 80215
49-022-04-011 8190 W COLFAX AVE LAKEWOOD, CO 80214	39-353-12-019 8035 W 16TH PL LAKEWOOD, CO 80214
39-353-15-007 8275 W COLFAX AVE LAKEWOOD, CO 80214	49-031-00-001 8600 W COLFAX AVE LAKEWOOD, CO 80215

NORTH DRY GULCH IMPROVEMENTS PROJECT

MAY 2025



PHASE 4

CONSTRUCTION
PACKAGE #4

REACH 2

CONSTRUCTION
PACKAGE #3

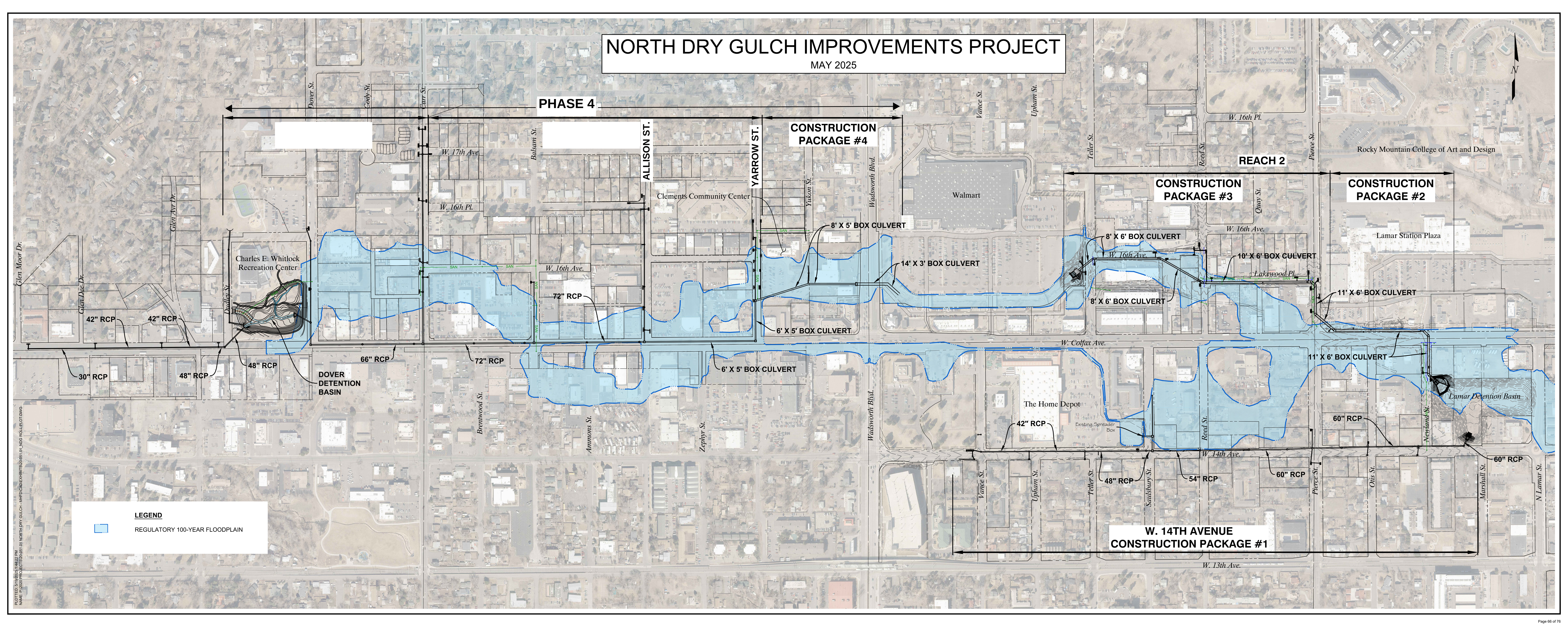
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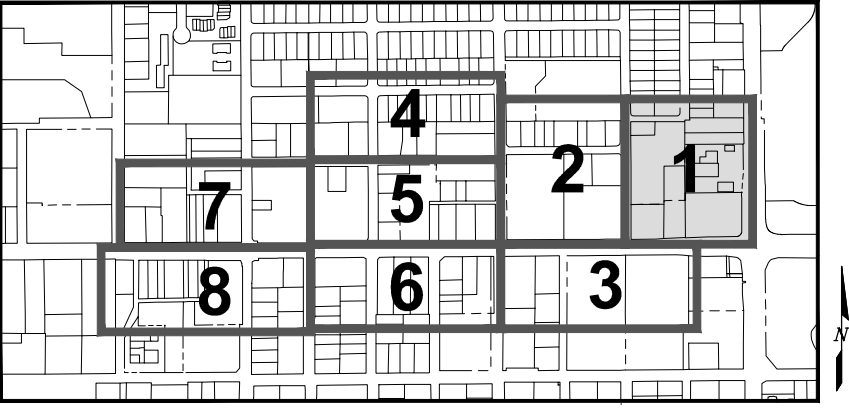
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LEGEND

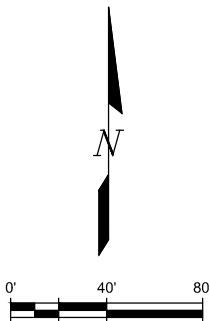
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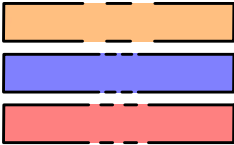


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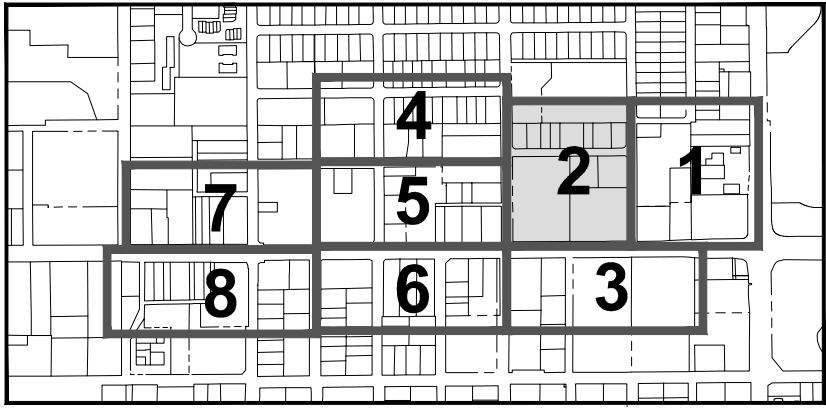


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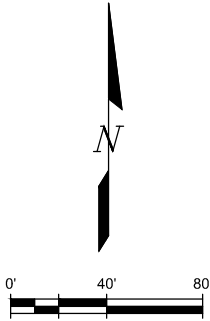
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- PE = PERMANENT EASEMENT
- RW = RIGHT OF WAY



CITY OF LAKEWOOD ORDINANCE MAP
PROPERTY INTERESTS FOR THE NORTH DRY GULCH IMPROVEMENTS - PHASE 4 - WADSWORTH TO DOVER PROJECT
DECEMBER 2025

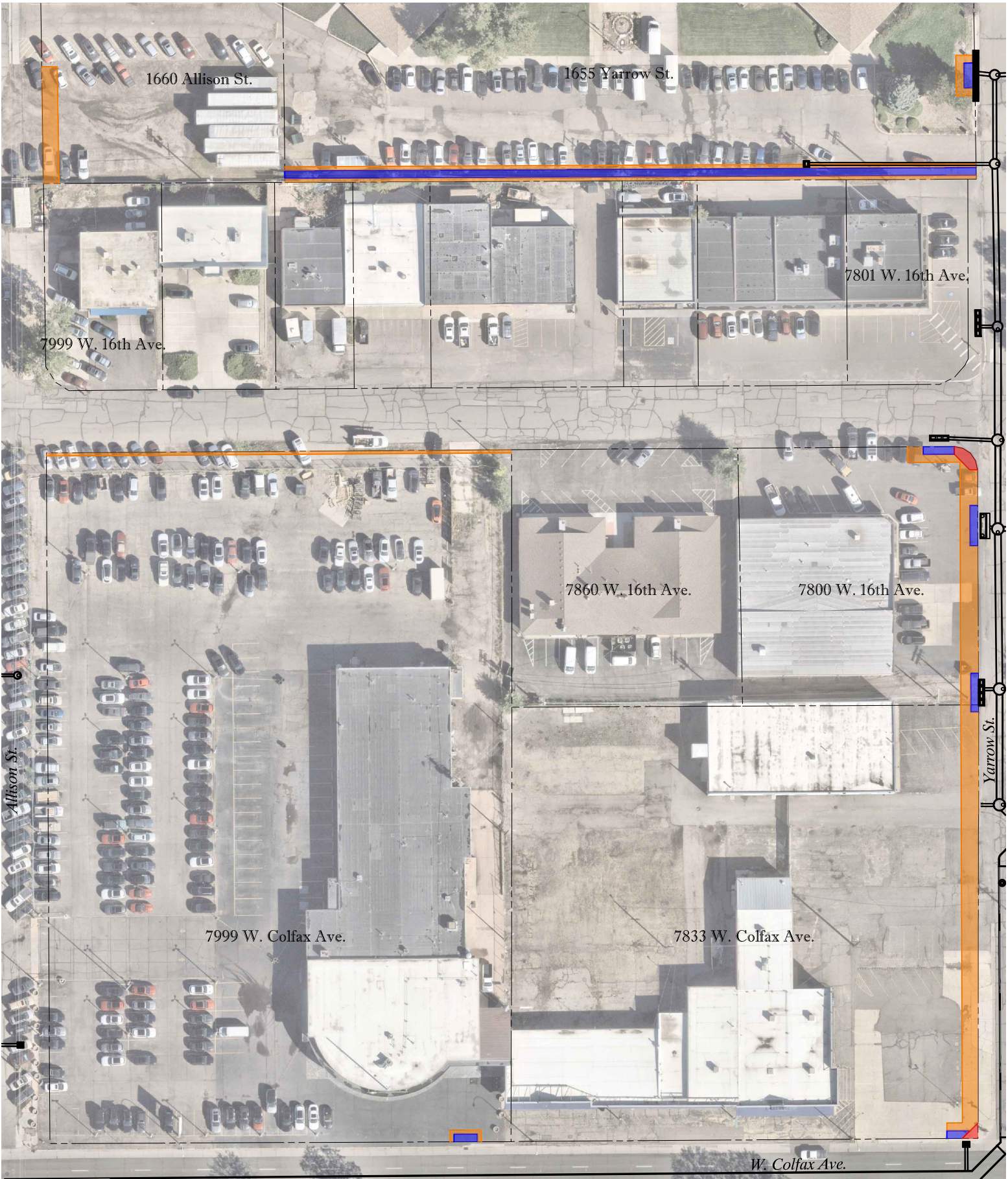


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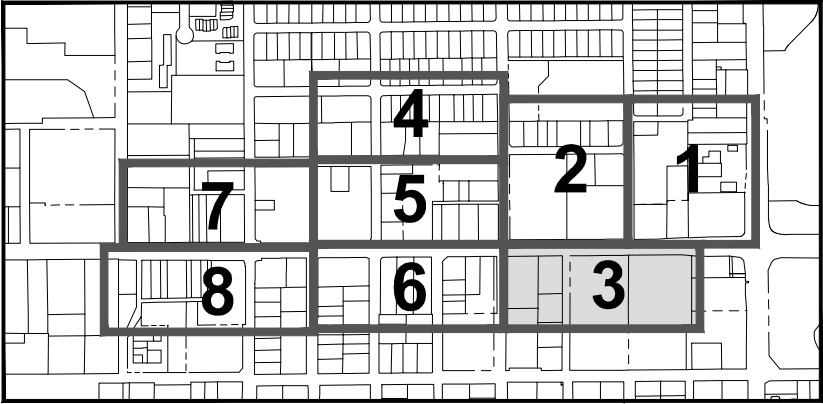


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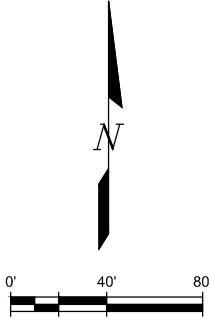
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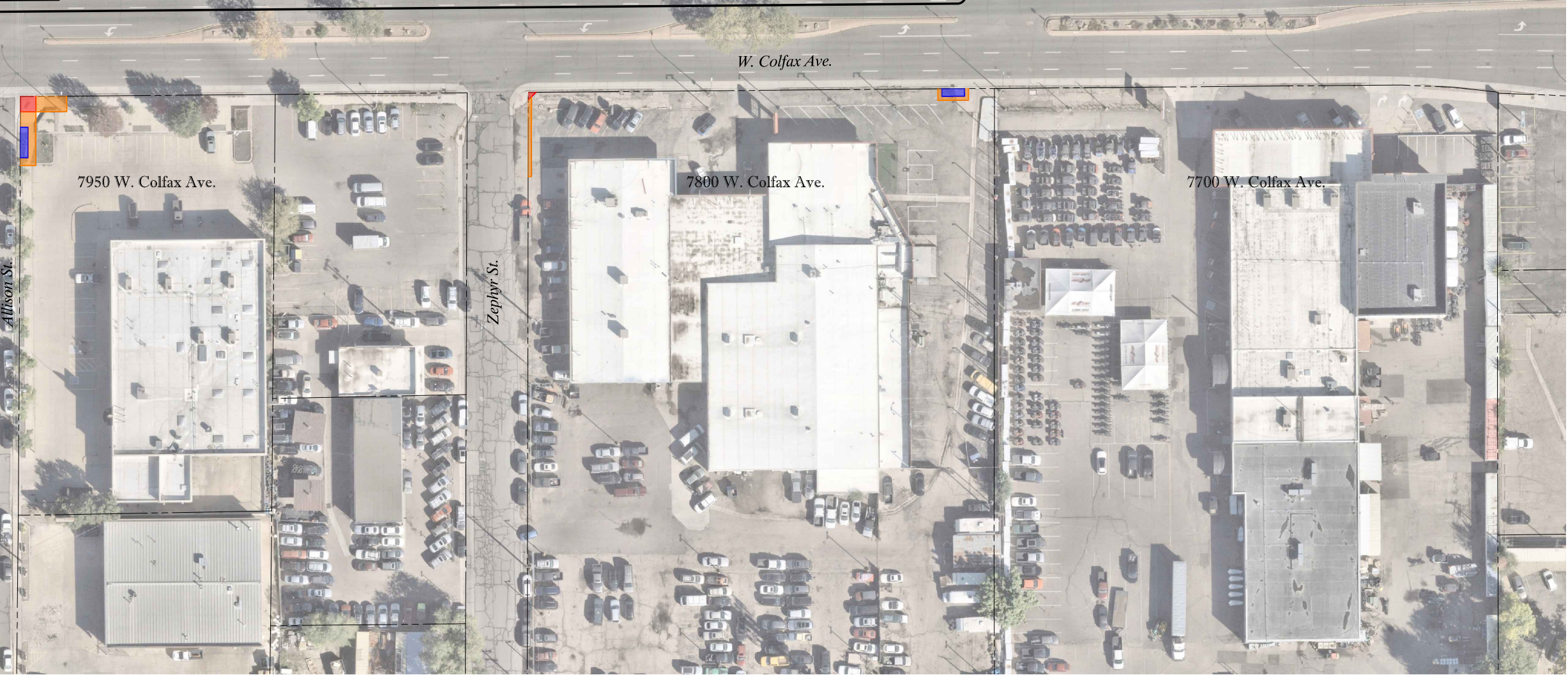
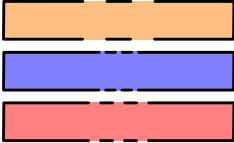


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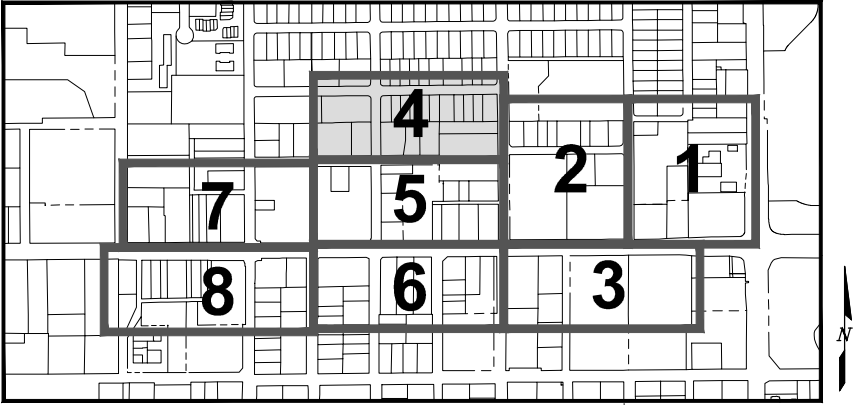


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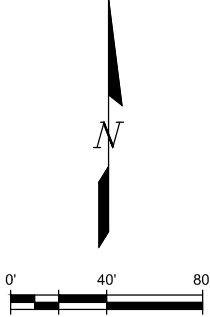
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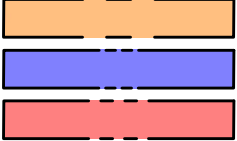


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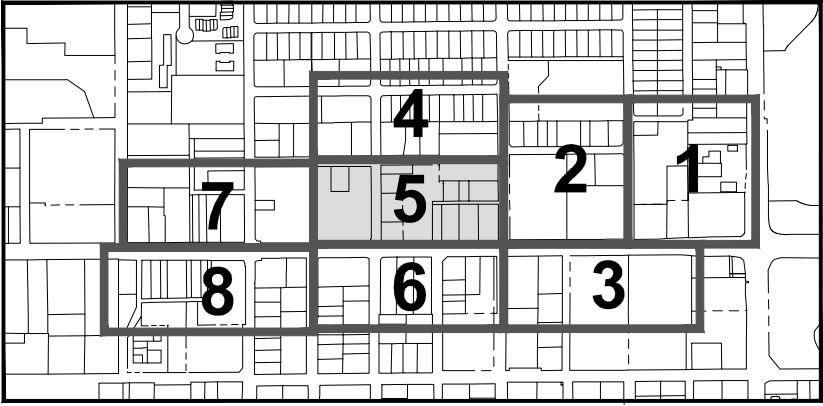


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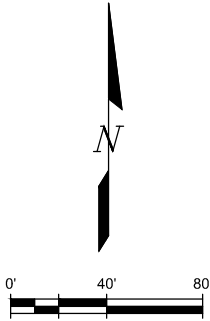
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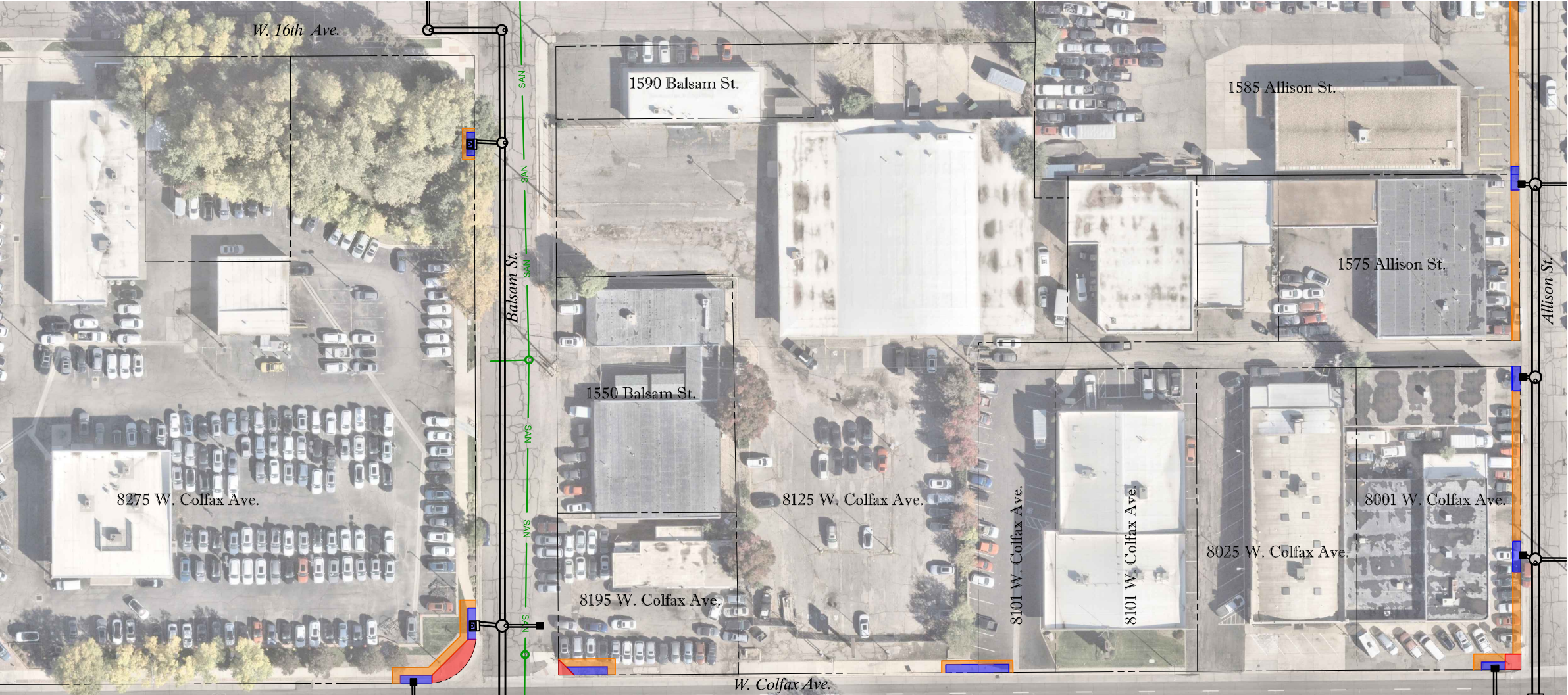
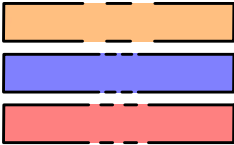


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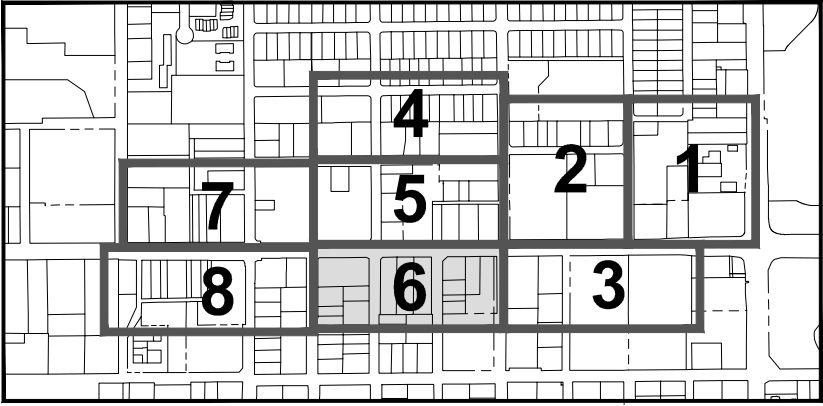


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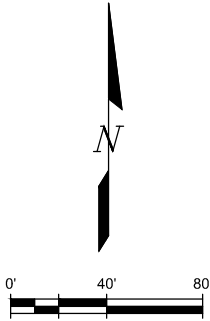
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DECEMBER 2025

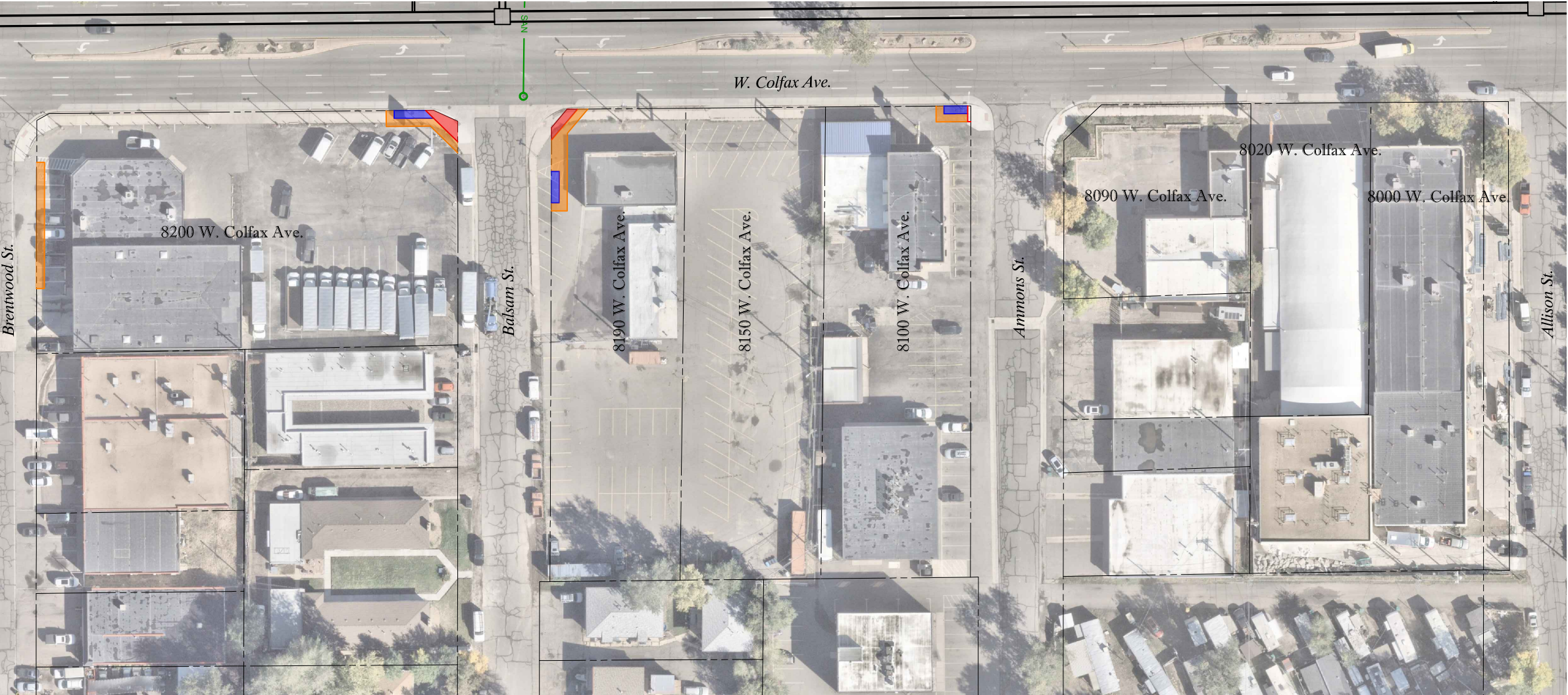


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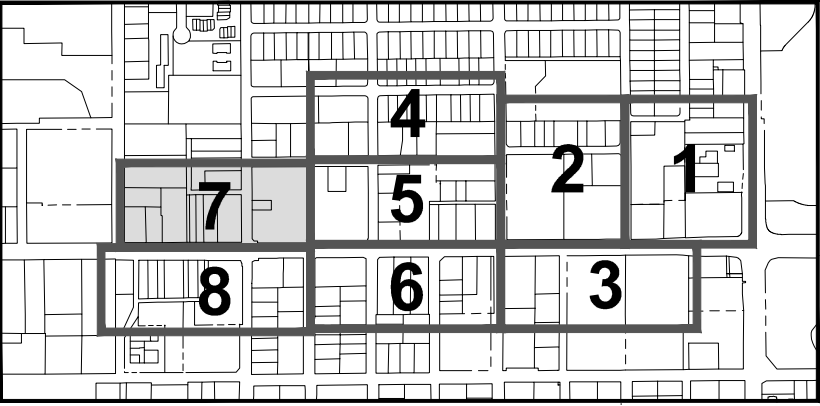


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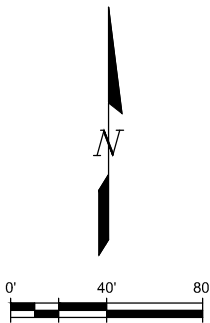
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DECEMBER 2025

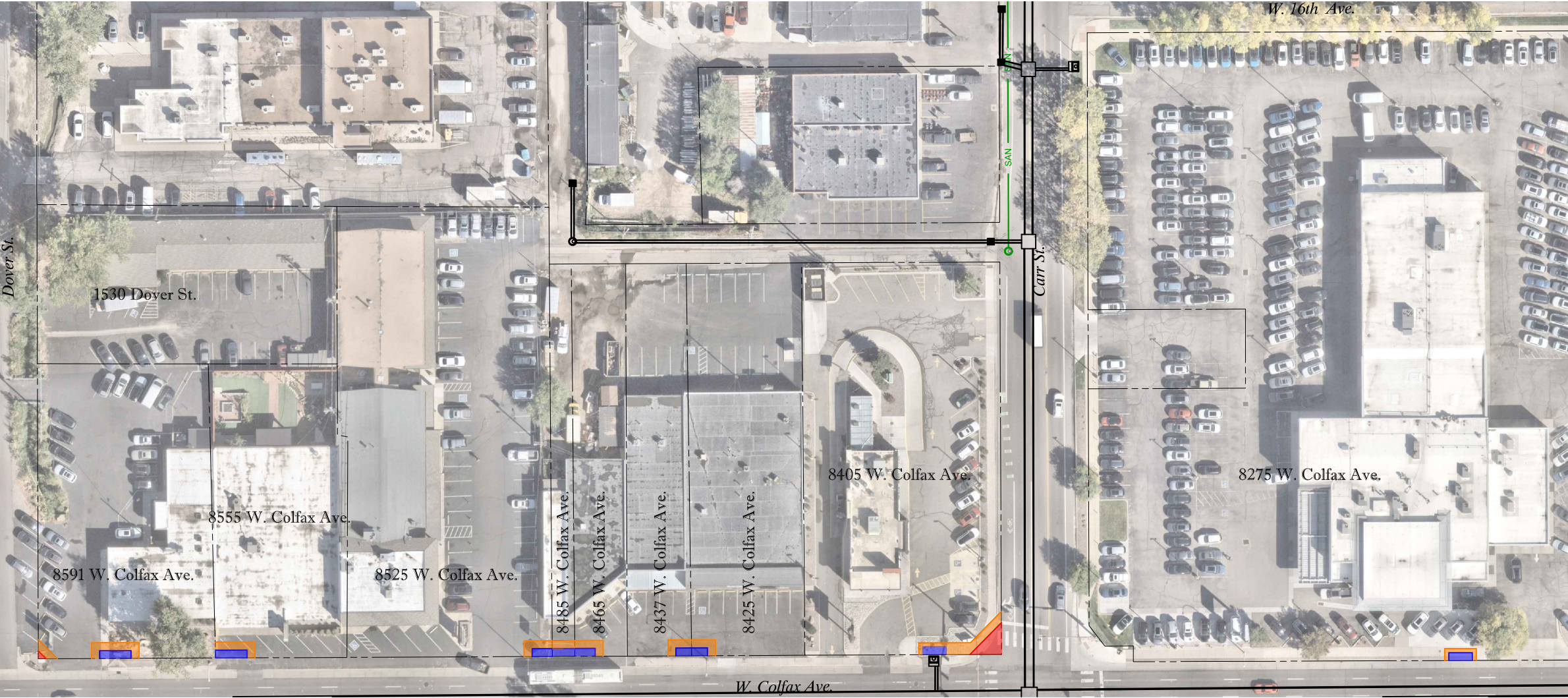
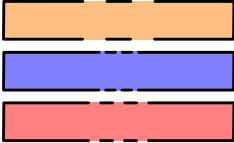


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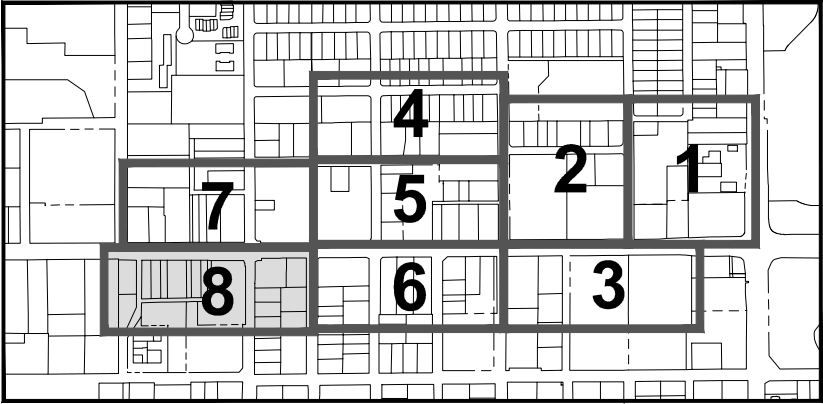


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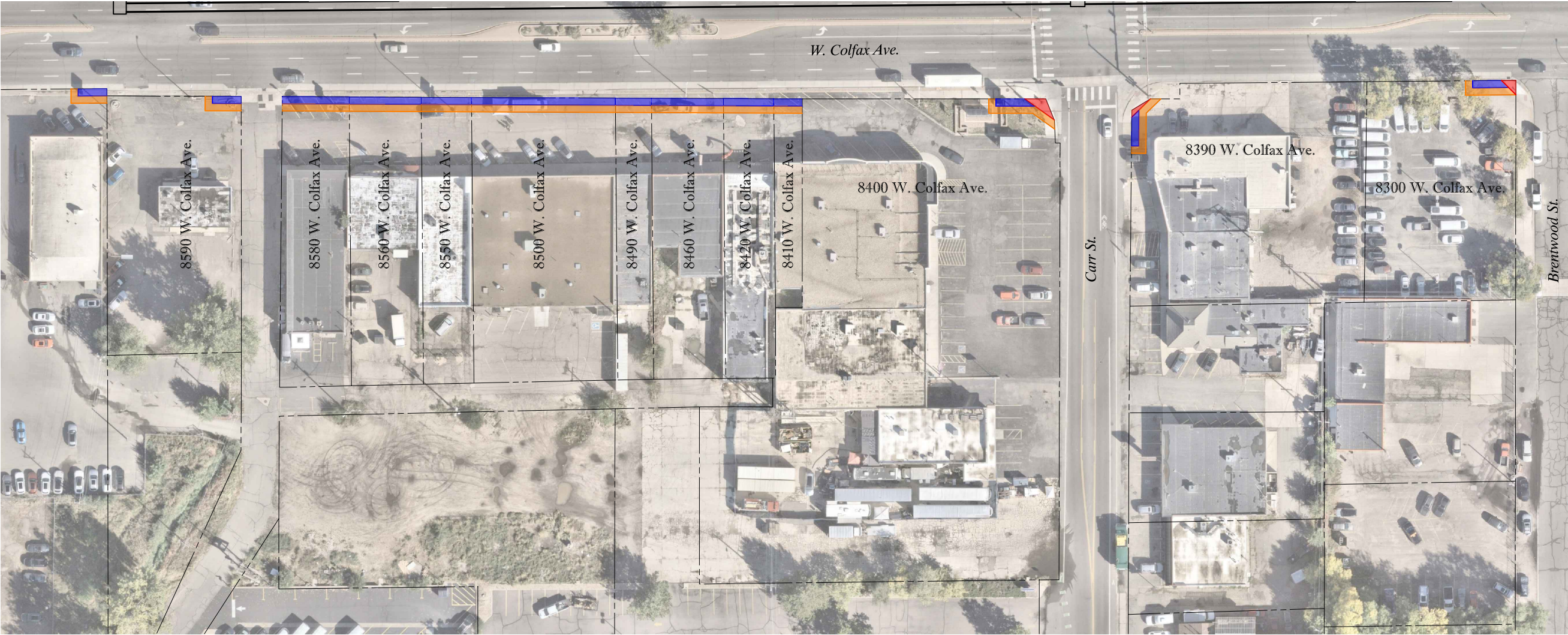
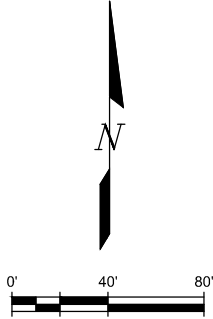
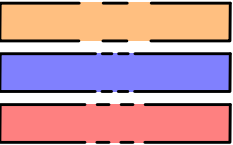
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PROPERTY INTERESTS FOR THE NORTH DRY GULCH IMPROVEMENTS - PHASE 4 - WADSWORTH TO DOVER PROJECT
DECEMBER 2025



KEYMAP

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**CITY OF LAKEWOOD ORDINANCE MAP
PROPERTY INTERESTS FOR THE NORTH DRY GULCH IMPROVEMENTS - PHASE 4 - WADSWORTH TO DOVER PROJECT
DECEMBER 2025**

STAFF MEMO

DATE OF MEETING: FEBRUARY 9, 2026 / AGENDA ITEM NO. 9

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

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

NEXT STEPS: None

ATTACHMENTS: None

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

STAFF MEMO

DATE OF MEETING: FEBRUARY 9, 2026 / AGENDA ITEM NO. 9B

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

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

NEXT STEPS: None

ATTACHMENTS: None

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