

AGENDA
REGULAR MEETING OF THE CITY COUNCIL
CITY OF LAKEWOOD, COLORADO
VIRTUAL MEETING
JUNE 14, 2021
7:00 P.M.

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

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

or

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

Phone Number for Public Comment:

Webinar ID:

(press # after entering the webinar id then press # once more to join the meeting)

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

Press *6 to Unmute

After speaking, you can hang up or hold to speak on a different agenda item

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ITEM 1 - CALL TO ORDER

ITEM 2 - ROLL CALL

ITEM 3 - PLEDGE OF ALLEGIANCE

ITEM 4 - PUBLIC COMMENT

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

ITEM 5 - EXECUTIVE REPORT

CITY MANAGER

ITEM 6 - MOTION TO EXTEND EMERGENCY DECLARATION - TO JUNE 28, 2021

**CONSENT AGENDA
ORDINANCES ON FIRST READING**

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

ITEM 7 - ORDINANCE O-2021-13 - AN ORDINANCE TO CREATE A BALLOT QUESTION FOR THE NOVEMBER 2, 2021 ELECTION REGARDING A RETAIL MARIJUANA SPECIAL TAX AND EXCISE TAX

ITEM 8 - ORDINANCE O-2021-14 - AN ORDINANCE TO CREATE A BALLOT QUESTION FOR THE NOVEMBER 2, 2021 ELECTION REGARDING A MEDICAL MARIJUANA SPECIAL TAX AND EXCISE TAX

ITEM 9 - ORDINANCE O-2021-15 - AN ORDINANCE TO CREATE A BALLOT QUESTION FOR THE NOVEMBER 2, 2021 ELECTION REGARDING A SPECIAL TAX ON CIGARETTES AND OTHER TOBACCO PRODUCTS

ITEM 10 - ORDINANCE O-2021-16 - AUTHORIZING A SUPPLEMENTAL APPROPRIATION OF \$1,920,312 TO THE 2021 ANNUAL BUDGET AND AUTHORIZING EXPENDITURE OF GRANT FUNDS FROM JEFFERSON COUNTY OPEN SPACE TO MAKE IMPROVEMENTS TO THE BEAR CREEK TRAIL AND GREENBELT

ITEM 11 - ORDINANCE O-2021-17 - AUTHORIZING A SUPPLEMENTAL APPROPRIATION OF \$750,000 TO THE 2021 ANNUAL BUDGET AND AUTHORIZING EXPENDITURE OF GRANT FUNDS FROM THE LAND AND WATER CONSERVATION FUND THROUGH THE COLORADO DEPARTMENT OF NATURAL RESOURCES TO MAKE IMPROVEMENTS TO THE BEAR CREEK TRAIL AND GREENBELT

ITEM 12 – APPROVING MINUTES OF CITY COUNCIL MEETINGS
City Council Meeting May 24, 2021

ITEM 13 – ACCEPTING BOARDS AND COMMISSIONS MEETING MINUTES

Board of Adjustment Meeting	January 15, 2020
Board of Adjustment Meeting	January 22, 2020
Board of Adjustment Meeting	June 24, 2020
Board of Adjustment Meeting	July 22, 2020
Board of Adjustment Meeting	August 5, 2020
Board of Adjustment Meeting	August 19, 2020
LAC - Executive Committee Meeting	May 5, 2021
Planning Commission Meeting	June 3, 2020
Planning Commission Meeting	August 19, 2020
Planning Commission Meeting	October 21, 2020
Planning Commission Meeting	November 18, 2020
Planning Commission Meeting	January 20, 2021

END OF CONSENT AGENDA

RESOLUTIONS

ITEM 14 – RESOLUTION 2021-21 – APPROVING A CHAPTER 14.27 BLIGHT DESIGNATION PURSUANT TO CHAPTER 14.27 OF THE LAKEWOOD MUNICIPAL CODE FOR THE PROPERTY LOCATED AT 1350 AND 1370 LAMAR STREET IN LAKEWOOD, COLORADO

ITEM 15 - RESOLUTION 2021-28 - APPROVING A CHAPTER 14.27 BLIGHT DESIGNATION PURSUANT TO CHAPTER 14.27 OF THE LAKEWOOD MUNICIPAL CODE FOR THE PROPERTY LOCATED AT 1120 DEPEW COURT IN LAKEWOOD, COLORADO

ORDINANCES ON SECOND READING AND PUBLIC HEARINGS

ITEM 16 - ORDINANCE O-2021-10 - ENDORSING THE SUBSTANTIAL AMENDMENT TO THE CITY OF LAKEWOOD 2019 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND DECLARING AN EMERGENCY

ITEM 17 - ORDINANCE O-2021-12 - AN ORDINANCE SETTING THE SALARIES OF MUNICIPAL COURT JUDGES

ITEM 18 – GENERAL BUSINESS

A. CITY COUNCIL AGENDA ITEM REQUEST FOR CONSIDERATION

ITEM 19 – MAYOR AND CITY COUNCIL REPORTS

- A. COUNCIL MEMBERS BY WARD
- B. MAYOR

ITEM 20 – ADJOURNMENT



Lakewood
Colorado

STAFF MEMO

DATE OF STUDY SESSION: JUNE 14, 2021 / AGENDA ITEM NO. 9

To: Mayor and City Council

From: Holly Björklund, Chief Financial Officer, 303-987-7601

Subject: **AN ORDINANCE TO CREATE A BALLOT QUESTION FOR THE NOVEMBER 2, 2021 ELECTION REGARDING A SPECIAL TAX ON CIGARETTES AND OTHER TOBACCO PRODUCTS**

SUMMARY STATEMENT: This ordinance is being brought forward for City Council to determine whether to proceed with a ballot question for the November 2, 2021 election to impose an additional sales tax (“special tax”) on cigarettes and other tobacco products.

BACKGROUND INFORMATION: This ordinance would authorize the City to submit to the registered voters of the City of Lakewood a ballot question regarding the imposition of an additional sales tax (20%) on the sale of cigarettes and other tobacco products. In addition, this ordinance would authorize the City Council to increase those rates up to 50% without further voter approval. Such revenue would be retained by the City (TABOR-exempt) to fund education and public health programs associated with tobacco and nicotine consumption and other general expenses of the City.

Members of the City Council should be aware of the following:

- Much of the language used within the ballot measure is established by law. Therefore, even though the phrasing often seems in need of wordsmithing very little of the phrasing may be changed.
- The fixing of a ballot title occurs “upon the final action of a local government legislative body to settle or decide the wording of the ballot title.” On that date upon which a Ballot Ordinance is submitted to the City Council for the purpose of having a title “fixed” the rules and limitations of the Campaign and Political Finance in Municipal Elections Code become applicable to that ballot measure (See L.M.C. 2.54.060 and C.R.S. 31-11-111). For the purposes of the City of Lakewood this generally occurs upon first reading of the ordinance.
- No agency, department, board, division, bureau, commission, or council of the City of Lakewood shall expend any moneys from any source, or make any contributions, to urge electors to vote in favor of or against any local ballot issue that has been submitted for the

purpose of having a title fixed pursuant to Section 31-11-111 or that has had a title fixed pursuant to that section.

- A member or employee of any such agency, department, board, division, bureau, commission, or council who has policy-making responsibilities may expend not more than \$50.00 of public moneys in the form of letters, telephone calls, or other activities incidental to expressing his or her opinion on any such issue described in subparagraph (I) of this paragraph (a).
- An agency, department, board, division, bureau, commission, or council of the City of Lakewood from expending public moneys or making contributions to dispense a factual summary, which shall include arguments both for and against the proposal, on any issue of official concern before the electorate in the jurisdiction. Such summary shall not contain a conclusion or opinion in favor of or against any particular issue.
- Passing a resolution or taking a position of advocacy on any issue and reporting the passage of or distributing such resolution through established, customary means, other than paid advertising.

BUDGETARY IMPACTS: Revenue is estimated to be \$19,140,000/year based on State and other municipal data. There are many unknown factors; therefore, to remain in conformance with the requirements of TABOR, estimates are based on the high side of the estimated range of revenue.

STAFF RECOMMENDATIONS: Staff recommends City Council provide any specific questions in advance, so thoughtful answers may be researched and responded to suitably.

ALTERNATIVES: City Council could choose to make (limited) modifications to the ordinance language or choose not to move forward with this ballot question.

PUBLIC OUTREACH: This item was promoted through the regular communication channels for items that come before the City Council.

NEXT STEPS: 2nd Reading on June 28, 2021

ATTACHMENTS: Ordinance O-2021-15

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

O-2021-15

AN ORDINANCE

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

WHEREAS, the City of Lakewood is a home rule city pursuant to Article XX of the Colorado Constitution, with all authority set forth therein, including the power to levy and collect taxes for municipal purposes;

WHEREAS, Article X, Section 20, of the Colorado Constitution requires voter approval of any tax increase or change in tax policy resulting in more than a de minimis change to the net revenue of any taxing district;

WHEREAS, C.R.S. 39-28-12 authorizes home rule municipalities to impose, levy and collect any special sales tax upon sales of cigarettes, tobacco products, and nicotine products; and

WHEREAS, this ordinance would authorize the City to submit to the registered voters of the City of Lakewood, at a coordinated election to be held with Jefferson County, Colorado, on November 2, 2021, a ballot question regarding authorizing the imposition of an additional sales tax of 20% on the price paid for purchase of all cigarettes, tobacco products, and nicotine products in the City, with such sales tax capable of being increased up to a maximum of 50% without further voter approval, with the resulting sales tax revenues to be used for education and public health programs associated with tobacco and nicotine consumption, and other general expenses of the City, and authorize the City to collect, retain and expend all revenues derived from such sales tax and any investment earnings thereon as a voter-approved revenue change and an exception to limits which would otherwise apply under Article X, Section 20 of the Colorado Constitution or any other law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKEWOOD, COLORADO, THAT:

Section 1. The following ballot issue shall be submitted to the registered electors of the City of Lakewood at the coordinated election on November 2, 2021:

SHALL CITY OF LAKEWOOD TAXES BE INCREASED BY \$19,140,000 ANNUALLY IN THE FIRST FULL FISCAL YEAR, BEGINNING JANUARY 1, 2022, AND BY SUCH AMOUNTS AS ARE RAISED ANNUALLY THEREAFTER, BY THE IMPOSITION OF AN ADDITIONAL SALES TAX OF 20% ON THE PRICE PAID FOR PURCHASE OF ALL CIGARETTES, TOBACCO PRODUCTS, AND NICOTINE PRODUCTS IN THE CITY, WITH SUCH SALES TAX CAPABLE OF BEING INCREASED UP TO A MAXIMUM OF 50% WITHOUT FURTHER VOTER APPROVAL, WITH THE RESULTING SALES TAX REVENUES TO BE USED FOR EDUCATION AND PUBLIC HEALTH PROGRAMS ASSOCIATED WITH TOBACCO AND NICOTINE CONSUMPTION, AND OTHER GENERAL EXPENSES OF THE CITY, AND SHALL THE CITY BE PERMITTED TO COLLECT, RETAIN AND EXPEND ALL REVENUES DERIVED FROM SUCH SALES TAX AND ANY INVESTMENT EARNINGS THEREON AS A VOTER-APPROVED REVENUE CHANGE AND AN EXCEPTION TO LIMITS WHICH WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

YES ___ NO ___

Section 2. For purposes of C.R.S. § 1-11-203.5, this Ordinance shall serve to set the title and content of the ballot issue set forth herein and the ballot title for such question shall be the text of the question itself.

Section 3. If any section, paragraph, clause, or other portion of this Ordinance is for any reason held to be invalid or unenforceable, the invalidity or unenforceability shall not affect any of the remaining portions of this Ordinance.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a virtual regular meeting of the Lakewood City Council on the 14th day of June, 2021; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 17th day of June, 2021; set for public hearing to be held on the 28th day of June, 2021, read, finally passed and adopted by the City Council on the 28th day of June, 2021 and, signed by the Mayor on the _____ day of June, 2021.

Adam Paul, Mayor

ATTEST:

Bruce Roome, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney