
Council Newsletter



CITY MANAGER'S NOTES April 22, 2010

Upcoming Council Meetings

City Council will meet on **Monday, April 26, 2010**. An Executive Session will begin at 6:00 p.m. in the City Council Conference Room. The Study Session will begin at 6:30 p.m. in the Community Room. There is no Regular Meeting scheduled. The agendas are attached. Sandwiches will be available at 5:30 p.m.

The next City Council meeting will be held on **Monday, May 3rd**.

Informative Memoranda

The following are memoranda in response to Council's requests, as well as other informational items.

1. Article from the HUB entitled "May Meetings Set for Post Office Update."
2. Article from the HUB entitled "Humming along in the slow lane."
3. Article from the HUB entitled "Englewood off the leash."
4. Article from **5280** entitled "Reefer Madness."
5. CML Statehouse Report, April 16, 2010.
6. Letter from Urban Drainage and Flood Control District concerning awareness of and readiness for flooding in the Denver area.
7. Memorandum concerning the Project Update.
8. Calendar of Events.
9. Tentative Study Session Topics.
10. Minutes from the Planning and Zoning Commission meeting of "April 6, 2010."

Your Hub.com
4-22-10

ENGLEWOOD

MAY MEETINGS SET FOR POST OFFICE UPDATE

The public is invited to attend two upcoming meetings that will provide an update on the Broadway Post Office historical designation application.

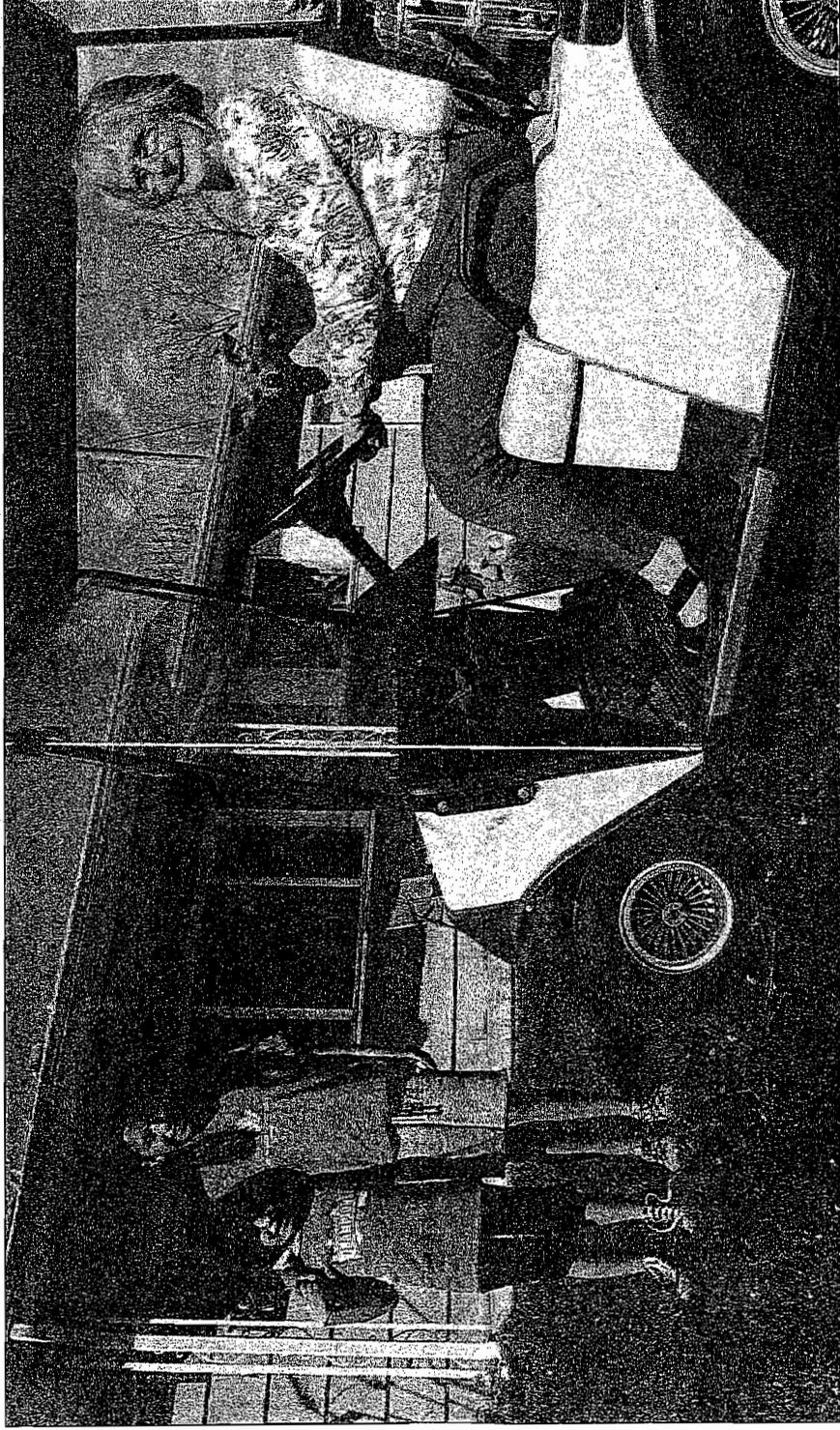
The first meeting will take place at 3 p.m. May 10 at the Malley Center, 3380 S. Lincoln St. in Englewood; the second meeting will be held at 7 p.m. May 13 in Hampden Hall at the Englewood Civic Center, 1000 Englewood Parkway.

At both meetings, Historical Preservation Consultant Diane Wray-Tomasso will review the draft application for historical designation of the post office. She will be available after the review for comments and questions.

City of Englewood

Humming along in the slow lane

Cities consider letting "golf cars" drive on some streets »4L



Ruth Krueck, right, of Englewood, poses in her golf cart while her grandkids Isabela, 7, and Lina, 11, stand in the yard at their home last week in Englewood. The city is considering regulations for golf carts on some streets. Krueck has used the cart to take Isabela to school, shuttle back and forth from her residence to her son's house and drive her grandkids around the neighborhood. *Kristin Mortin, YourHub.com*

Cleanup will benefit area nonprofits »4L

Five Leaves brews up coffee and music »6L

Rec district board candidate Q&As »10L

Police Blotter2L
Contributions20L
Prep Sports30L
Sudoku33L

News

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Your City

Street-legal cart cruising

Cities look at allowing golf cart-type vehicles on some streets



Dean Trujillo, of Colorado Golf and Turf at 11757 S. Wadsworth Blvd. in Jefferson County, shows the battery compartment on a "street legal" golf car, equipped with windshield, lights and turn signals. *Daniel Smith, YourHub.com*

By Daniel Smith
YourHub.com

Englewood and Littleton are taking preliminary looks at allowing electric vehicle like street-legal golf carts on low-speed city streets.

While there are plenty of reasons to like the idea, there are serious issues as well.

The use of so-called golf cars and other neighborhood electric vehicles, or NEVs, with certain requirements, are already allowed in some metro communities, like Commerce City and Bow Mar.

Commerce City requires NEVs have a windshield, headlamps, stop lamps, tail lamps or reflectors, turn signals, a horn and mirrors. Drivers of NEVs must have a license, registration and vehicle insurance as state law dictates.

In late March, resident Brad Bertram presented a proposal to Englewood City Coun-

ports the proposal.

"I'm 100 percent behind it," he said. "(It is) eco-friendly, which seems to be the trend of everybody."

Gillit said it only makes sense to help an aging population that still wants to get around.

"I would love for there to be cart zones to help people get back and forth ..." he said.

Littleton City Attorney Suzanne Staiert has begun working on an ordinance to be tied to a traffic code update for city council review. She clarified that it's necessary because some older golf carts, even properly equipped, can't be registered because they have no vehicle identification number (VIN).

Staiert said she'll solicit comments from Littleton police, too, regarding whether some busy city streets could be problematic even if they are lower-speed routes.

A draft ordinance could come before

his residence in a golf cart equipped with slow moving vehicle insignia and tall orange warning flag to baby sit his children when she could no longer drive a car.

Her cart came equipped with an enclosure for winter. He said while it may have been technically illegal, there was never any problem with the arrangement, and he favors such a provision in the law.

"Yeah, I don't see any reason why it shouldn't be," he said noting the vehicle can be limited to streets with lower speed limits.

Bret Cottrell, police chief for Columbine Valley, which also polices Bow Mar, said there haven't been many problems with the properly equipped carts operating on low-speed streets, and Columbine Valley has cart lanes designed for them. He also said the state statutes regarding the vehicles' use are rather vague.

Englewood off the leash

Mayor: Letting dogs run free during certain hours working



Irish terrier Keegan sits in the sunshine last week at Jason Park in Englewood. Kristin Morin, YourHub.com

By Daniel Smith
YourHub.com

Since March 1, the City of Englewood is trying a new approach to dogs in parks — part-time, off-leash park hours for dog owners to let fido run free.

Mayor Jim Woodward said the program has been working well.

“That’s exactly what we’ve tried to do is find that happy medium where we could allow people to utilize those parks that wouldn’t interfere with soccer and other athletic events ... so people could enjoy the parks,” Woodward said.

Jason Park is one where dogs are allowed off-leash from 6 to 11 a.m. and 6 to 11 p.m.

“They are not ‘dog parks’ — they’re people parks with (off leash) privileges,” Woodward said.

Woodward said he has not heard many complaints, outside those opposed to the idea generally, though there was long discussion at some council meetings leading up to the new regulation being adopted.

Woodward complimented Englewood Unleashed, which pushed the off-leash idea, as good stewards who sponsor events like cleanup days in the parks, and help edu-

cate people about the rules.

Englewood Unleashed is co-sponsoring the annual Chili Cook-off April 24 at the Malley Center, with the new South Platte Valley Humane Society also taking part.

In some other south metro communities, off-leash areas and parks don’t exist, but Joe Stafford, field services manager for the Humane Society of the Pikes Peak Region, which Centennial contracts with for animal control, said people still just like to let dogs run in open areas and parks.

“About this time every year we need to make the concerted effort to make sure that everybody (knows) that the park is there for the benefit of everyone — dog owners and non-dog owners — and make sure they have their dogs on leashes so there’s not problems associated with that,” Stafford said.

He likes the idea of specialized dog parks, but said not every municipality has the space for one.

In Littleton, there’s one off-leash area in Wynetka Ponds Park and another at David A. Lorenz Regional Park of just south of County Line Road (in Douglas County). It has about two acres, one acre of which is utilized at a time, according to Jean Ray of

Off-leash parks

Dogs can be off of a leash from 6 to 11 a.m. and from 6 to 11 p.m.

Englewood Canine Corral, 4848 S. Windermere St. (west side of Belleview Park)

Centennial Park, 4630 S. Decatur St.

Duncan Park, 4800 S. Pennsylvania St.

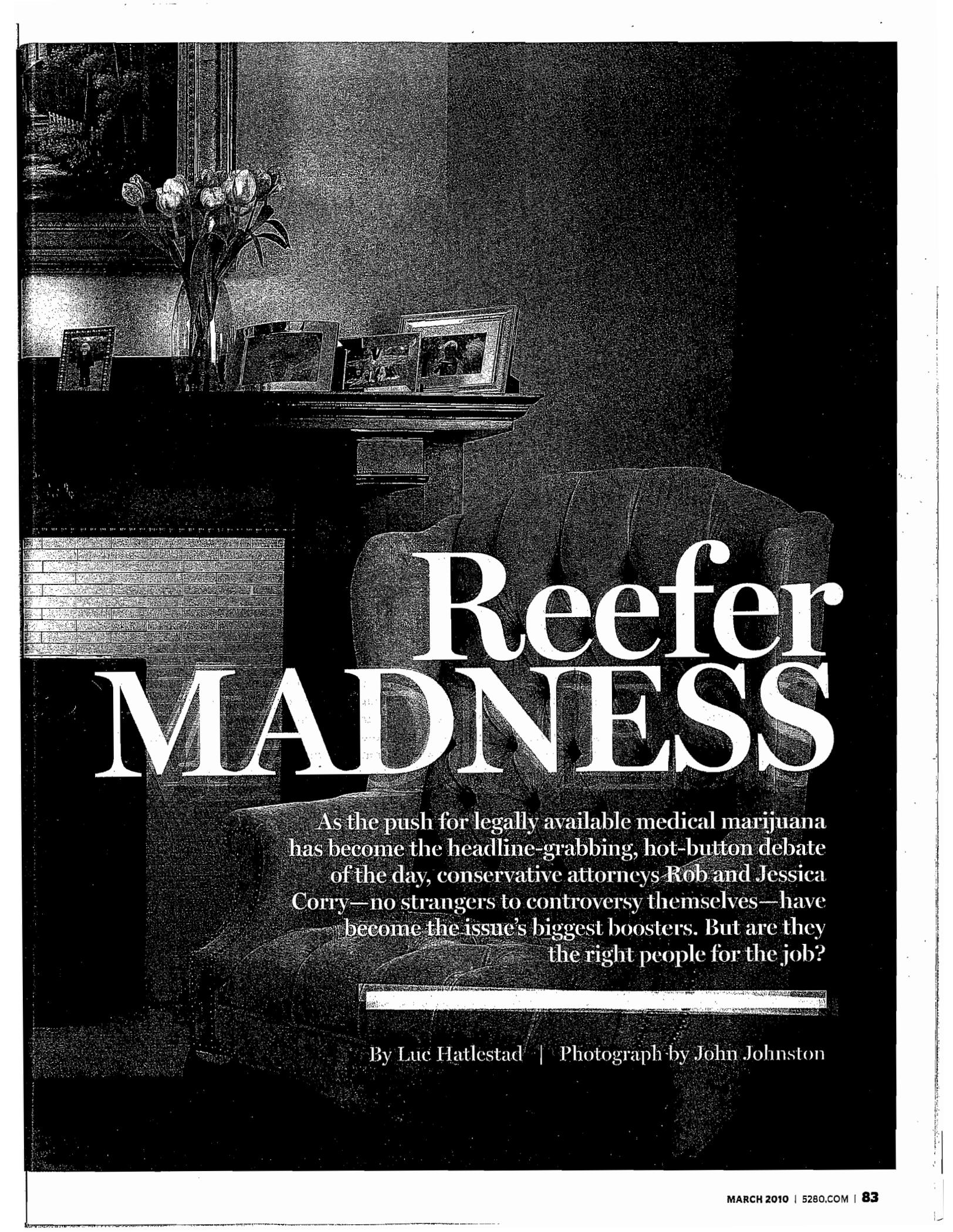
Jason Park, 4299 S. Jason St.

Northwest Greenbelt (Zuni Street to Pecos Street along Harvard Gulch near Vassar Avenue)

South Suburban Parks and Recreation. Both are very popular with dog owners. Both dog areas are fenced and feature doggie drinking fountains, Ray said.

Picking up after the pet is a ubiquitous concern — even at the dog parks, where park workers and volunteers from Englewood Unleashed clean up. Officials are united in urging pet owners to carry a bag or pooper-scooper.

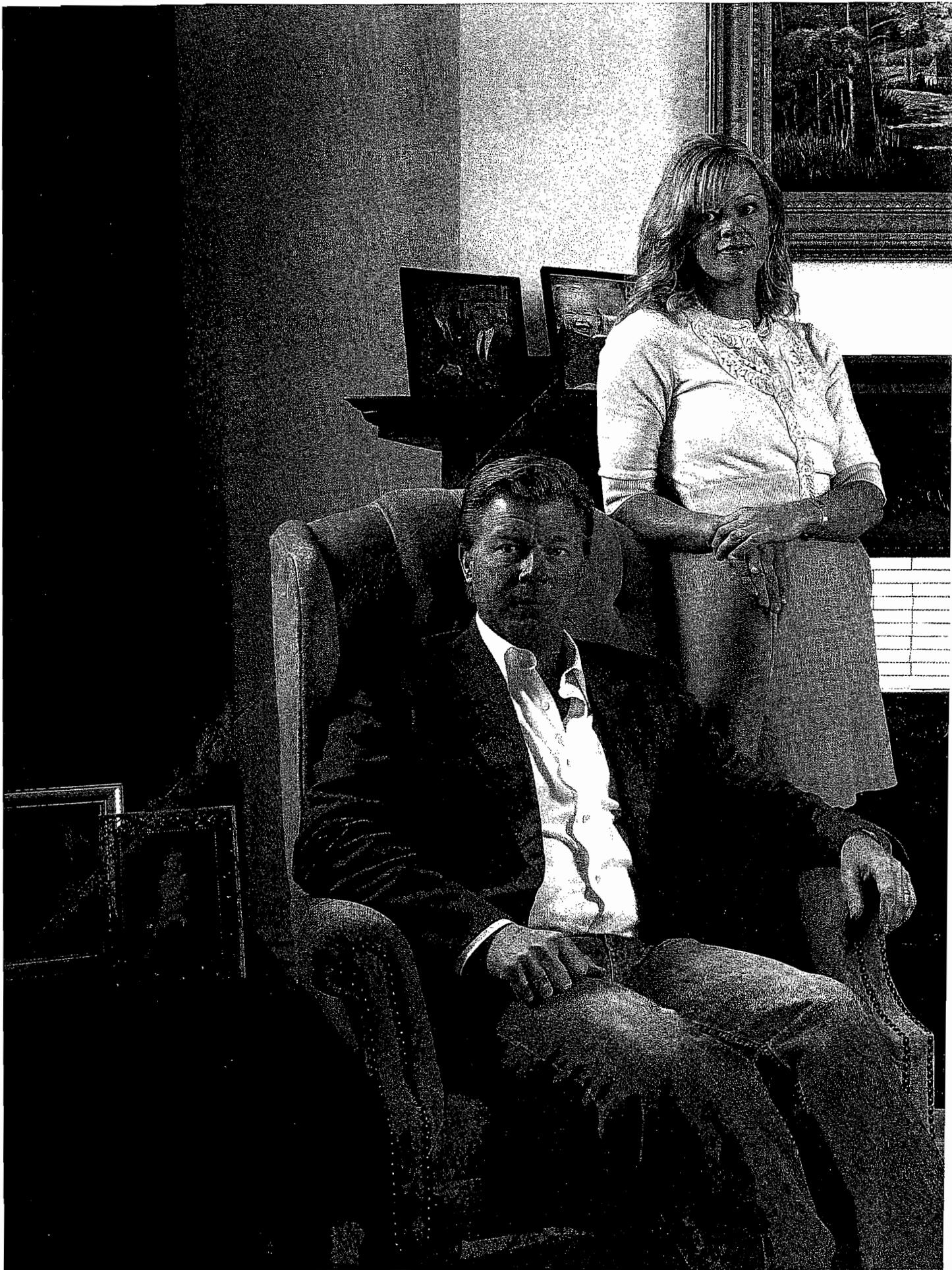
Daniel Smith: 303-954-2671 or smithd@yourhub.com



Reefer MADNESS

As the push for legally available medical marijuana has become the headline-grabbing, hot-button debate of the day, conservative attorneys Rob and Jessica Corry—no strangers to controversy themselves—have become the issue's biggest boosters. But are they the right people for the job?

By Luc Hatlestad | Photograph by John Johnston



It's a mid-December evening and, high above downtown Denver, Rob Corry looks out the window of his corner office, watching the city lights twinkle toward the purple mountain backdrop.

The crisp white shirt and navy power tie, the modern wooden desk, and the chair with the Stanford University nameplate all nod to conservative, corporate America. But Corry's hipster eyeglasses and straw-colored hair, flipped smoothly over his forehead, give him the look of a preppie surfer, and his dimpled chin and boyish smirk make it seem like mischief is just a moment away.

The memorabilia that papers his office walls tips off Corry's latest middle-finger crusade: There are clips from notable medical marijuana cases he's won, awards and pictures of him with clients, and a brightly colored poster with the familiar snapshot of a youthful, fedora-wearing Barack Obama smoking something that might be a joint, surrounded by a colorfully psychedelic spin on the president's campaign slogan: *Yes We Cannabis*.

I'm here in Corry's 28th-floor office to discuss, among other things, his current case, in which his clients are suing the city of Centennial for shutting down a medical marijuana dispensary on the grounds that it violates federal law. Corry confesses that, even though he believes the facts are on his clients' side, their chances of winning aren't promising. Even so, win or lose, Corry will continue to get paid, because the verdict will likely trigger similar cases.

Corry's going over the next day's agenda when his wife enters. Jessica Peck Corry is a newly minted attorney whose office with the firm Hoban & Feola is a few floors down. Because the Centennial case may turn on questions of land use, a specialty of

her colleague, Bob Hoban, Rob and Jessica will be cocounsel in her first hearing since passing the bar.

The Corrys seem to love nothing more than politics and policy, and, over the course of our time together, they readily riff on the medical marijuana talking points: how it's markedly less harmful than alcohol or pharmaceuticals, why it may be the key to reviving our moribund economy, and how media reports of the movement's security issues and supposed threat to children are canards that obscure municipal restrictions that may well be unconstitutional.

They also seem to love nothing more than spirited conversation. Because my interview with Rob has run long this evening, he's late to meet Jessica. "We could have gone and gotten a drink at the Brown Palace," she says, intimating that we could finish our conversation at the bar.

"Next time," I say, although both Rob and Jessica know I haven't had a drink in more than 13 years.

"*Next time*," she repeats back to me.

"You'd be getting drunk alone," Rob, who claims he's quit drinking, says to Jessica.

"*I know*," Jessica says playfully. "That's a problem."

"We're sober teetotalers here," I say. "Although we could figure out a way to get some kind of a buzz."

Rob knows I'm a registered medical marijuana patient, but he's never admitted to me that he's a marijuana smoker. Perhaps it's because he's cautious around reporters; perhaps it's because of his background, which includes two short stays in jail. It's about the only thing that he's circumspect about. But, then, Corry surprises me.

"I do get samples from time to time," he says.

I'm not sure how to react, so I ask Jessica about her upcoming birthday, which happens to be the day before mine.

As we're chatting, Rob reaches under his desk, grabs a small, plastic bottle that reads "ibuprofen" on the label, and slides it across the desk.

"What's this?" I ask.

"That's for you."

After we wrap up the interview, I leave Corry's office and head out into the cold night. Walking along Welton Street, I open up the ibuprofen bottle and find two leafy green buds of marijuana tucked inside.



A TALE OF TWO CORRYS This past July, Rob addressed the Colorado Board of Health as Jessica looked on. The two have always pressed their most dearly held causes, like medical marijuana, with vehemence and spin.

To the delight of some and the alarm of others, obtaining marijuana in Colorado—not very difficult to begin with—has never been easier, and the Corrys have spent years arguing, advocating, and often litigating for why it still isn't easy enough. Even though qualified Coloradans have enjoyed the right to use the controversial alternative medicine since voters approved Amendment 20 in 2000 (codified as Article XVIII, Section 14, in the Colorado Constitution), several factors have caused the issue to bloom into the frenetic circus that now commands daily headlines. The amendment is open to interpretation—particularly the part that qualifies “severe pain” as grounds for medical marijuana use, as well as its lack of clear legal guidelines for dispensaries or caregivers—but its passage had little impact initially. Marijuana possession and use was (and remains) against federal law, and for years the number of legalized patients hovered in the low four figures, most of them supplied by a small handful of dispensaries.

Things began to change in 2007, when a state court lifted the five-patient limit for each caregiver. The following year, Barack Obama was elected president, and soon after he took office the U.S. Department of Justice announced formally that federal law-enforcement officials would make marijuana offenses a low priority. This past July, the Colorado Board of Health held a public, daylong meeting at Metro State that was attended by impassioned medical marijuana advocates; the board essentially took no steps to further reg-

ulate the business. On top of everything else, the dismal economy has motivated more people to explore medical marijuana as a viable business and has caused politicians of unexpected persuasions—most notably Republican Governor Arnold Schwarzenegger of California—to more openly discuss whether a less restrictive national marijuana policy might provide welcome tax revenue while also neutralizing Mexican drug cartels.

By last fall the “green rush” was on, and as of January, amid mounting efforts to curb the industry’s growth, the number of Colorado medical marijuana patients was hovering around 40,000 while dispensaries in and around Denver, as estimated by sales tax-license filings, suddenly outnumbered Starbucks outlets. These developments, depending on your perspective, are either a sign of marijuana’s budding cultural and commercial legitimacy or of the impending apocalypse.

Despite the controversy, there’s not much debate about marijuana’s ability to relieve the symptoms of certain medical conditions. It makes cancer patients undergoing chemotherapy less nauseated, calms muscle spasms for multiple sclerosis sufferers, and provides anti-inflammatory relief for people with chronic pain—after more than a year of taking steroid injections and prescription painkillers for a herniated disc in my lower back, with unsatisfying results and unwanted side effects, I became a registered patient last fall. Marijuana possesses other effects that keep sufferers from relying too

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heavily on other drugs, particularly prescription painkillers, which now kill more people than traffic accidents in Colorado and 15 other states.

Still, the medical marijuana movement has boomed so suddenly that it's left many

people wary, and manic media coverage has fueled their concerns. Local news outlets have run dozens of stories about dispensaries: openings, governmental efforts to limit them, and robberies. These accounts often quote anonymous law enforcement sources and tend to alarm rather than to illuminate the issue. (During a week last December when there were 14 bank robberies in the Denver area, local coverage of the medical marijuana situation outweighed bank stories by almost three to one. There was no discussion about the

threat bank thefts pose to public safety.)

Medical marijuana makes strange bedfellows out of people; the Corrys, its two most vocal and visible advocates in Denver—and throughout the state—are registered Republicans. And this niche health-care debate is happening just as other conservatives are feverishly arguing that the U.S. government should stay out of the interactions between doctors and patients—generally the arrangement medical marijuana advocates want. Things have turned so upside down that some observers think Republicans should adopt a pro-marijuana stance as a purist constitutional issue. Although these trends terrify social conservatives, they could help the GOP lure back the young voters and independents they've lost in recent election cycles. Mason Tvert, the executive director of the pro-legalization Safer Alternative For Enjoyable Recreation (SAFER), and a close friend of the Corrys, expects medical marijuana, and perhaps legalization, to soon become a conservative talking point. He notes that right-leaning columnists Kathleen Parker and George Will already have suggested legalization as a remedy for the violence being perpetrated by Mexican drug cartels.

This unprecedented paradigm shift—or at least the debate about whether one is under way—has vaulted the Corrys into a prominent public position. In the January issue of this magazine, Rob was named one of the 50 most influential people in Denver, and Jessica commands a similar amount of influence. Despite a couple of self-inflicted public humiliations, these publicity-hungry, media-savvy activists remain loyally wedded to their pet causes. They don't see the world—be it marijuana, marriage, or morality—the way many people do. Their goal is a return to the purest definitions of American freedom—the kind of freedom that enables adults to exercise personal choice in all walks of life without the intrusive presence of federal (or state, or local) government. Today, that belief, the one that pays the Corrys' mortgage, is expressed in fighting to give adults the right to sell, buy, and ingest marijuana. Tomorrow, without a doubt, it will be something else. Because anyone who thinks he can silence the Corrys simply doesn't grasp this couple's taste for uphill battles, especially ones that enable them to bask in the spotlight, no matter how harsh its glare might become.

On a frigid January night one block from Cheesman Park, the Corrys' stately home pulses with a bright, welcoming glow.

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The broad front porch has three doors, an uncorrected remnant of when, years ago, the home was subdivided into six units. Although only one family lives here now, the frenetic energy of the Corrys' brood, along with an open-door policy that would make Lady Liberty herself proud, gives the house a buzz it likely had decades ago.

The tired, poor, and huddled masses yearning to breathe free are all welcome at the Corry house. In addition to hosting parties for their coterie of political friends—Mason Tvert has played Santa Claus for the Corrys' two young daughters, and their annual political scandal-themed Halloween bash draws local pols of all affiliations—the family has been known to hire homeless people to do yard work. Later tonight, the Corrys' young nanny, who happens to be a liberal vegan, will move his things into the attic apartment; his presence will make it easier for the parents to maintain their impossibly busy schedule. This weekend, Jessica will pen a column for the left-leaning *Huffington Post*. She and Rob will end up cowriting a second *HuffPo* post on Saturday after state Senator Chris Romer suddenly withdraws his con-

troversial regulation proposal. And Rob still has to prepare an alternative resolution to regulate the industry and present it to the state Legislature with the hope of snaring a sponsor.

While the food cooks—a multicultural smorgasbord of sushi, Middle Eastern skewers, salad, pita, and cannolis for dessert—the Corrys' older daughter, a white-blond four-year-old named Cate, precociously assembles a small plate of cheese, crackers, and berries, while two-year-old Caroline watches a video in another room. Over a soundtrack of protest-era Stevie Wonder, Rob describes how the late-19th century French colonial home may have once been a speakeasy, during the time when alcohol was even more frowned upon than marijuana is now, and he notes that his basement offers ideal conditions for a grow room. "Maybe I'll set that up once I'm done practicing law," he jokes. "Make some real money."

Dinner offers a well-rehearsed scene; the two often slip into playfully adversarial Hepburn-Tracy-like banter in front of others, highlighted by rapid-fire exchanges that Jessica sometimes punctuates with a

flirty air kiss or a wink toward her husband. As Rob and Jessica chatter back and forth, Cate and Caroline happily climb into and out of their mother's lap while her food gets cold. Rob's told me that he's still hoping to have a son—despite the fact that the marriage might charitably be described as having had its ups and downs—and when I mention this to Jessica later, she says that if they did it they'd probably need a surrogate. She has a rare vascular condition that requires regular procedures to reinvigorate her blood flow, which could make it too risky to carry another child to term. (She's also diabetic.) The 31-year-old mom describes all this frankly, except when she doesn't want her daughters to hear too much. "It's a terminal condition, but so is life, right?" she says with a glance toward her girls. "Last year it looked so bad for a while that the doctors said it might have K-I-L-L-E-D me before I turned 40, but they were able to get it under control."

"You should try medical marijuana for appetite stimulation," Rob says to Jessica.

"I know it's good for that, but I just don't like how it makes me feel," Jessica says. (Despite her vociferous activism for mari-

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juana rights, she claims to no longer smoke or eat it.)

"For whatever reason," Rob shrugs, "it doesn't give me the munchies." He turns to his daughter Cate and, in a playful Cookie Monster voice, says, "The munchies are gonna getcha! The munchies are gonna getcha!"

In the Corrys' world, children's delicate ears should be protected from topics like death and disease, but marijuana is nothing to be afraid of, and Rob frames recent governmental attempts to limit the spread of dispensaries as a classic Wild West showdown. "I'm confident we have the law and the facts on our side," he says. "They can't ban this. But any time you take on city hall, you take on The Man."

Rob's contempt for authority blossomed in middle America, amid the corn fields of Iowa. He smoked his first joint when he was 14, joined the National Organization for the Reform of Marijuana Laws (known as NORML) because he thought it was cool, and in a mid-'80s government class at his Iowa City high school, he once shepherded a bill legalizing marijuana through a mock legislative session. Corry did his

undergraduate work at CU-Boulder, his libertarianism emboldened by his famously liberal surroundings. As a member of student government in the late-'80s, he opposed a measure that would have paid for a group of students to attend a Martin Luther King Jr. conference in Atlanta because he couldn't understand why the money should come from the students' general fund. He lost and then was nominated to attend the conference, his first experience as a minority himself. Later, at Stanford Law School, Corry sued the university over a speech code that prohibited politically incorrect statements, and won. "As long as I've been able to think about politics, I've been pro-freedom, just leave me alone," he says. "It's a minority philosophy in places like that, but I feel like I got a superior education because I was more challenged by my professors and peers. My views were tested and were modified when I couldn't survive the test."

Corry graduated from Stanford and worked for the Pacific Legal Foundation in Sacramento—the "libertarian ACLU"—for two and a half years, before moving to Washington, D.C., for a position with the

House Judiciary Committee in 1997. It was a dream job for any ambitious conservative, with the prestige of serving for an esteemed organization whose mission was to scrutinize the Clinton administration's Department of Justice just as the president's Oval Office shenanigans were snowballing into an impeachment scandal.

The iconoclastic Corry was sticking it to The Man at the highest levels—until his own poor judgment torpedoed everything. One night in 1998, Corry was out drinking and returned home with three people he'd just met. He says they'd noticed that he kept his wallet in the breast pocket of his jacket, and soon after he hung it up, they snatched the jacket and took off. Corry followed them outside with a rifle. Although he never pulled the trigger, the next morning police came and found the rifle, two more guns, and hundreds of rounds of ammunition, and they arrested him for brandishing a weapon.

The Department of Justice also happens to be Washington's prosecuting arm, and so Corry found himself in a particularly difficult spot; the DOJ's officials were only too happy to go after the conservative hotshot

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who'd been an active opponent. Corry spent 40 days in jail, where he was housed alone in a cell for his own protection. The conviction cost him his job, but he rebounded to lobby for the Prison Fellowship ministries, one of the few places, Corry says, where having done time was an asset.

Corry returned to Colorado in 2001 to build a criminal defense practice and began dabbling in marijuana-related cases. He was working on a civil-rights bill when he met Jessica Peck, a CU-Boulder student who had arrived at the school with every intention of rebelling against her conservative upbringing. Instead, the experience cemented her libertarianism.

Jessica grew up in Arvada, the youngest of four, in a teetotaling, conservative, Christian family. As a child, Jessica played on boys' basketball teams, and her father had her attend part of a murder trial in Denver when she was 12 years old—on Father's Day—purely for the educational experience. She later nurtured her pugnacious tenacity in testosterone-laden environments: on the sideline at CU-Boulder football games, as a runner for ESPN, and as a newspaper reporter. "With Jessica

there was never a fear that she'd follow the group off the edge of a cliff," says her sister Jennifer Radack, "because she was always the first one to jump." Jessica says her father steered her and her siblings this way so she'd never be someone who'd make excuses. "He gave me every opportunity a boy would have," she says, "so that when I became an adult I'd never be able to claim that I was a victim."

Last December I met Jessica Corry in the Ship Tavern in the Brown Palace Hotel. It was late afternoon, and the place was mostly empty except for a family of five: two grandparents, two parents, and a young boy. Coincidentally, the grandfather was former state Senate president and staunch conservative John Andrews, whom Jessica once worked for—and whom she considers a second father. They greeted each other warmly, but when she told him she was there to speak with me about the "MMJ issue"—abbreviating medical marijuana in front of the senator's grandson—Andrews said nothing and looked down at the floor, visibly uncomfortable. If Jessica noticed any tension, she didn't let on.

The Corrys' unapologetic advocacy for marijuana rights makes such awkward encounters with fellow conservatives fairly common, yet they blithely ignore any rigidity that might greet them if it doesn't mesh with their convictions. Jessica—the *High Times* magazine Freedom Fighter of the March 2010 issue—often demonstrates eloquently fierce intelligence right alongside an almost childlike obliviousness to decorum. From CU to Johns Hopkins University, where she studied public policy, and on to Washington, D.C., where she served as a press secretary for Republican senators Fred Thompson and Olympia Snowe, Jessica always has vocally opposed anything she sees as politically correct nonsense. At CU she started a group called Equal Opportunity Alliance, which tried to get the race box eliminated from college applications. For a while, it seemed to have broad support. "But when people found out there was this Republican white girl behind it, there was all this backlash," she says. "The bill failed, and I remember thinking, 'Screw this, I'm done with politics.'" Then, not long before she graduated, she got a call from a Denver lawyer named Rob Corry,

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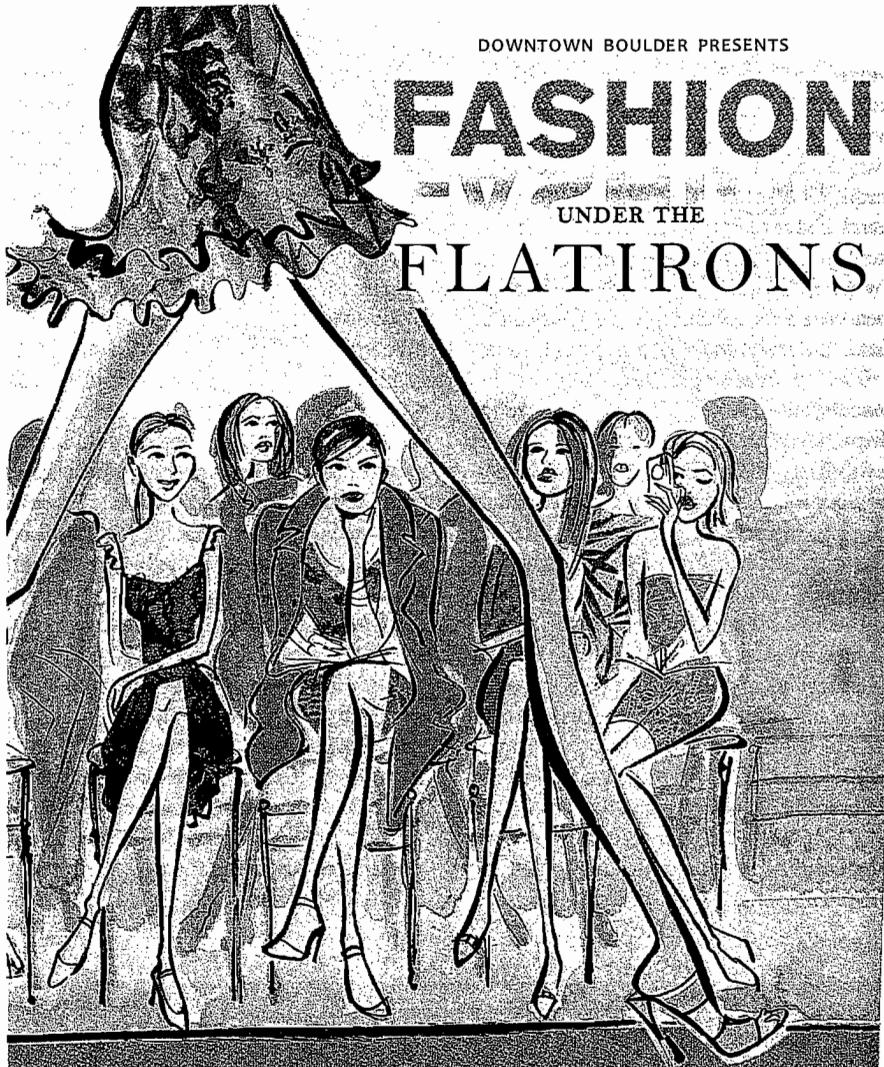
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who had read about her work. He was 11 and a half years her senior, had attended CU and shared her love for Buffalo football, had lived in the same D.C. neighborhood she once had, and was a libertarian Republican. The two bonded instantly as friends and colleagues, and Rob courted Jessica over the next year. "Everything was, me too, me too, me too," she says.

The new couple also had a shared passion for thumbing their noses at the establishment. In 2004, when Jessica ran unsuccessfully for state senator, she ignored advisers who told her to not have Rob speak publicly about marijuana issues. She also revealed her own full-throated taste for controversy in 2006, when, to celebrate her older daughter's first birthday, she penned a column for the *Denver Post* that argued for marijuana legalization around the same time she helped launch the advocacy group GOCAMP (Guarding Our Children Against Marijuana Prohibition). "I got letters from prominent Republicans, some of them elected officials, saying that I was writing my political eulogy, but I told them, 'I'm just getting started,'" she says. "Many of them are friends who will whisper about how insane the drug war is, but people steer clear of it because it still can be a politically devastating issue."

Jessica doesn't whisper about anything; to hear her tell it, she's already convinced all kinds of people like herself. Anyone who has hand-wringing angst over the medical marijuana movement's disdain for children will hear Jessica's argument that American drug policy is generational child abuse that bankrupts our economy and obfuscates the truth about marijuana, to the eternal harm of children everywhere. In fact, many women, including moms, are diving into the business because of a belief in the cause as well as the financial opportunity. "It's an interesting line to walk being a mom and also part of this movement," says Jan Cole, one of Rob's clients and a mother of two who owns the Greenleaf Farms dispensary in Boulder. "I worried that I might not get invited to the PTA meetings, or that my daughters might get shoved aside," she says. "But, if anything, it's been very warm and welcoming. I'm hoping these places will evolve to where women can walk in, feel safe, and find a healthier alternative to pharmaceuticals."

Those who tout marijuana's benefits are bewildered that the drug is so demonized by a culture that not only condones, but celebrates, alcohol use. Marijuana is generally acknowledged to be less harmful



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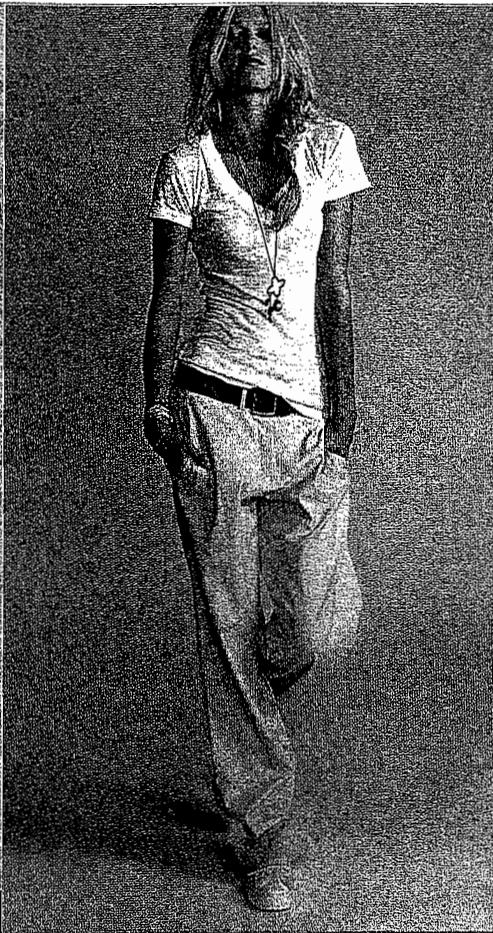
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Reefer Madness

than booze, especially in that, unlike alcohol, marijuana does not incite its users to violence. (Government studies have estimated that alcohol contributes to up to 30 percent of all violent crime in the United States, and the National Institute on Alcohol Abuse and Alcoholism has shown that about 35,000 Americans die annually from the overuse of alcohol; meanwhile, no study has ever connected long-term marijuana use to higher rates of death or violence.) Even state Senator Romer, a prominent advocate for regulating medical marijuana, admits that he might eventually see the wisdom of legalizing it altogether. "Given my children's experience, the most dangerous thing I see on college campuses right now is binge drinking, not marijuana," he says. SAFER's Mason Tvert says our national love affair with booze, combined with our knee-jerk suspicion of marijuana, borders on the absurd. "Can you imagine if our baseball stadium was called Cannabis Therapeutics Park?" he asks. "That seems crazy, but why is it crazier than Coors Field?"

The Corrys' own experience with alcohol offers a graphic illustration of just how much chaos booze can trigger. In 2005, married and with their first daughter just months old, the Corrys hosted a party at their home in Arvada, where they lived at the time. One of the guests was a family friend who decided to spend the night in a spare bedroom. Sometime after 2 a.m., as the workaholic Jessica fired off e-mails in another part of the house—her work-related messages are often time-stamped well past midnight—Rob slipped into the woman's room and found her asleep. The woman claimed Rob took advantage of her while she was in a narcoleptic state—she suffered from the sleep disorder—and news reports say that in her grogginess she initially thought Rob was her boyfriend, who also had attended the party but had left earlier. In statements to police, the woman said that she awoke to find herself naked while a man was trying to have sex with her. The pair did not have intercourse; however, she momentarily performed oral sex on Corry before the sound of his voice roused her enough that she shoed him from the room.

The woman reported the incident to the Arvada police a few days later, and the police department investigated the case for almost two months. The investigation included surreptitiously taped conversations between the woman and Rob; she also



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alleged that the Corrys had her followed and alternately tried to intimidate her and buy her silence, which the Corrys deny. Finally, in November 2005, police charged Rob with two counts of sexual assault and one count of unwanted sexual contact.

The Corrys have always pressed their most dearly held causes with vehement spin, and this one has been no exception. Both contend that there was personal and political motivation behind the charges, from the accuser and the authorities. That's why, Rob and Jessica now say, the couple that fell in love because of their shared tenacity and appetite for a good fight, instead chose to cut and run. Worried that a conviction on any count could mean that Rob would be forbidden from living under the same roof as his child, Rob's attorneys devised a treatment plan designed to placate both the prosecution and the court. In January 2007, Rob pled guilty to third-degree assault, a class one misdemeanor, which means he is not legally considered to be a sex offender. The judge sentenced him to 60 days in jail, five years' probation, and substance-abuse evaluation.

Although the presiding judge accepted the plea deal, the sentencing hearing transcript leaves little doubt about how she viewed the evidence. In it, she slapped away the Corrys' attempt to frame the case as being about adultery, saying that, although she hoped they could find a way to save their marriage, "It has nothing to do with this case. What this has to do with is that [Rob] chose to go into the room and physically and sexually assault a woman who did not want that." She added that Rob's decision to sexually violate someone is why she "[could] not in good conscience allow [him] to walk out of the courtroom today," and she sentenced him to 60 days in jail, despite the defense attorney's ardent request for probation only.

Despite having now served two jail sentences, Rob's professional persona seems perpetually coated in Teflon. After the Arvada incident, the Colorado Supreme Court's Attorney Regulation Counsel (ARC) reviewed the case and, in October 2007, suspended him for one year and one day. But ARC stayed the penalty pending his successful completion of a three-year probation. (ARC's probation, which expires later this year, runs concurrently with Rob's five-year probation from the Arvada case, which ends in early 2012.)

Rob Corry has never stopped practicing law; even during his trial and jail terms, he merely sent associates to cover

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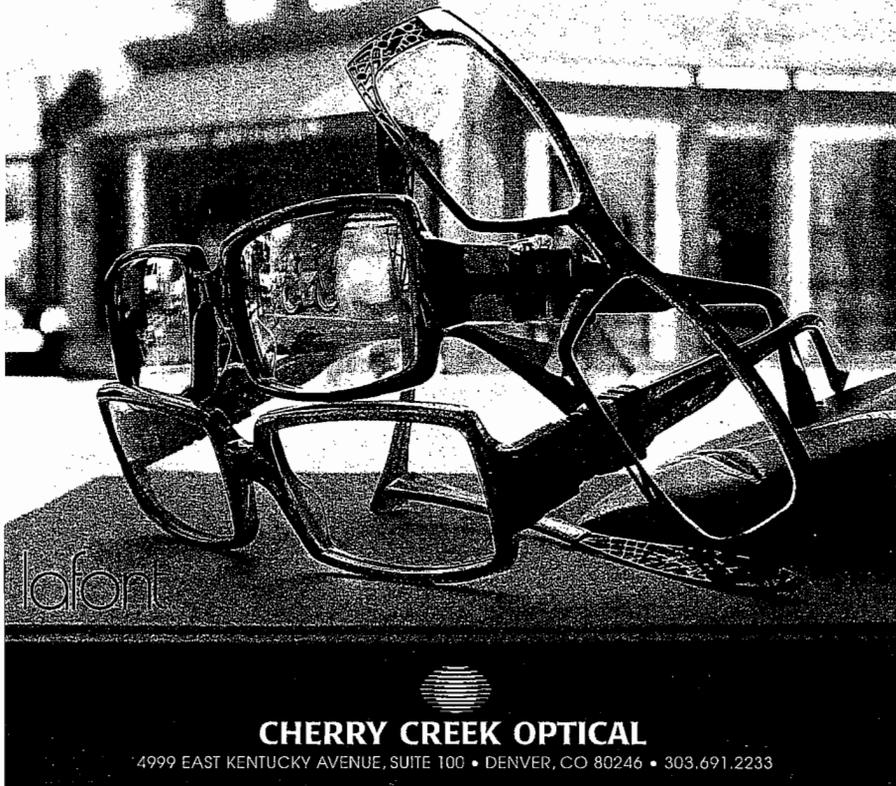
for him whenever necessary. In fact, he says he actually increased his client base after pleading guilty because he met a few people in jail who later hired his services, and he still spins the Arvada case as being more about adultery than anything more nefarious. "I've got two strikes," he says. "I know I was morally wrong on the night I went into that room to cheat on my wife." The Corrys still insist that Rob has never committed a crime. The two have gone through extensive marriage counseling, and Rob says the process of reconciliation remains "very difficult, and always will be." He knows his convictions will forever be attached to his name and used to undermine his credibility, and he's resigned to it, even though, in the eyes of some, he's getting off easy.

More than four years after that night in Arvada, after countless hours of soul-searching and even some informal short-term separations—Jessica euphemizes them as "breathers"—the Corrys say they remain committed to each other. Whether it's out of marital duty or a keen sense of personal ambition—Rob's medical marijuana crusade continues, and Jessica says she might run for office again someday—is anyone's guess. "We were humbled, and it's made us better people, lawyers, advocates, and parents," Jessica says. "I wouldn't wish this on anyone, but I'm *almost* at a point where I can say it was an essential part of what I've become. I can no longer walk around pretending to be the perfect PTA mom with the perfect husband, house, and educational pedigree, because that's not who I am anymore. I've seen so many people in politics try to fool everyone into thinking they're perfect, and in the process they only end up fooling themselves."

One Sunday in December, a hotel meeting room near the junction of I-25 and I-70 is packed for the Cannabis Holiday Health Fair. Dozens of plastic monochrome decorations—silver, black, and white icicles, orbs, and stars—dangle from the low ceiling, and beneath this space-age mistletoe the true believers mill about, soldiers in enthusiastic support of the cause. Although the object of their affection and devotion is officially unavailable, the unmistakable pungency of marijuana permeates the room.

Many registered Republicans would recoil at such a scene; the Corrys embrace it, as equally comfortable among suit-clad, American flag pin-wearing patriots as they are with tie-dyed hippies. If you advo-

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Reefer Madness

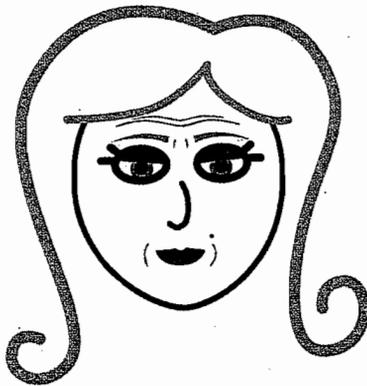
cate personal freedom, question accepted notions of morality, and are suspicious of an overzealous government, the Corrys will always have your back. In medical marijuana, they have found a complex, contradictory, and sometimes inscrutable issue, which is why having this complex, contradictory, and often inscrutable duo as its most vocal champions might just be the perfect marriage.

When it comes to politics, Rob and Jessica will forever be of one voice, even if someday the Corrys split into two. Because while they may not have a "till death do us part" view of marriage, they do share a conviction that keeps them fighting for marijuana patients' and dispensaries' rights in places like Centennial, where the Corrys ended up winning a ruling that allowed their clients to reopen their business, although the city has since erected more procedural roadblocks. This fervent, sometimes reckless devotion to their political beliefs is the Corrys' one true love, that thing that keeps them plugging along, case by case, until, as they like to say with one of their favorite showy sound bites, Americans no longer have to live under this repressive era of marijuana prohibition.

That's why, in this room full of political lefties, the right-leaning Rob Corry is a hero. He inches through the crowd—followed by two men filming his maneuverings for a documentary—because everyone wants to pay tribute, ask his advice, or snag an autograph. There are copies of the February issue of *High Times* floating around, and several people ask Rob to sign theirs because he's mentioned in an article about Colorado's marijuana movement. He's careful to keep two copies for himself. Back home, he and Jessica keep baby books for their two girls that chronicle everything Mom and Dad do—well, almost everything—while their daughters are too young to remember, so maybe one day they'll see how their parents tried to help make their kids' world a little bit better. The books include the standard stuff: family pictures, clippings; and other keepsakes. They also include Jessica's pro-marijuana column and pictures of the parents and children with prominent political figures—and soon they'll include copies of *High Times*, one for Cate, one for Caroline. "I want to give these to them," Rob says as he signs another autograph. "So maybe someday they'll think I'm cool." ▲

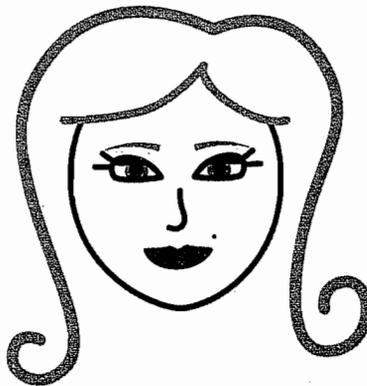
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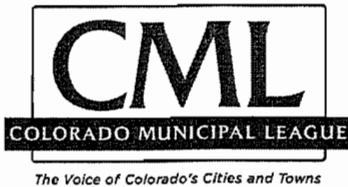
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STATEHOUSE report

APRIL 16, 2010

BUILDING A STRONG PARTNERSHIP WITH COLORADO'S CITIES AND TOWNS

FEDERAL UPDATE: MANDATORY COLLECTIVE BARGAINING FOR PUBLIC SAFETY EMPLOYEES

Recently, the United States Senate moved one step closer to scheduling a vote on a mandatory collective bargaining bill when Senate Majority Leader Harry Reid, D-Nev., re-introduced the Public Safety Employer–Employee Cooperation Act, S. 3194. He did so under a Senate rule that allows the bill to come to the floor in as little as 48 hours after introduction and without committee review. S. 3194 is identical to S. 1611, which Sen. Judd Gregg, R-NH, introduced last year, and is nearly identical to H.R. 413, the House version of the bill.

The U.S. House also seems to be preparing for a vote on mandatory collective bargaining legislation sometime this month with Rep. George Miller, D-Calif., the chair of the House Education and Labor Committee and one of the bill's leading advocates, saying he expected H.R. 413 to pass Congress in April. Rep. Diana DeGette of Denver is one of the bill's 209 co-sponsors.

If and when both chambers adopt identical bill language, it will be sent to the president who is expected to sign it. (He supported the bill when he was a member of the U.S. Senate.) There will likely be a court challenge to the legislation as a violation of the 10th Amendment.

The National League of Cities and the Colorado Municipal League continue to oppose this legislation because it would grant the federal government authority over fundamental employment decisions historically reserved to states and local governments. As you will recall, Gov. Bill Ritter vetoed similar legislation at the request of CML and many local officials last summer, for which we remain deeply appreciative.

S.3194 – without consideration for state or local laws – would:

- grant every police officer, firefighter, and emergency medical technician at the state or local level the right to form and join a labor union;
- direct local governments to recognize the employees' labor union;
- require cities and towns to collectively bargain over hours, wages, and the terms and conditions of employment other than pensions;
- require states and municipal governments to establish an impasse resolution process;
- require that state courts enforce the rights established by this mandatory collective bargaining bill; and
- direct every state — even if that state currently recognizes employee collective bargaining rights — to conform to federal regulations around mandatory collective bargaining within two years of the bill's effective date and without regard to state or local laws.

CML's position

The League opposes the Public Safety Employer–Employee Cooperation Act for the following reasons:

- The federal government should not play a role in making decisions about collective bargaining requirements for states and localities.
- The separation between state and federal authority over collective bargaining was recognized by the Federal government when it adopted the National Labor Relations Act of 1934. That act, specifically exempts states and local governments from coverage.
- Thirty-five states and the District of Columbia have some form of collective bargaining; those states without collective bargaining rights for public sector employees do not because of decisions made by their legislatures and citizens. Various cities in Colorado already have collective bargaining arrangements. Other cities have rejected collective bargaining with local votes.

We have been contacting the members of the federal delegation and urging them to vote “no” as a preemption of local authority.

For further information, contact CML Executive Director Sam Mamet at smamet@cml.org.

Affordable housing: Voluntary agreements affecting rent

This legislation was amended in the Senate, and the House concurred with the amendments last week. Gov. Bill Ritter will sign the legislation. As amended, the bill removes the cloud of doubt surrounding voluntary agreements between developers

and local governments for agreements and deed restrictions related to rent.

Bill: HB 10-1017, Voluntary agreements affecting rent

Sponsors: Rep. Daniel Kagan, D-Denver; Sen. Betty Boyd, D-Lakewood

Status: Before governor

Position: Support

Lobbyist: Kevin Bommer

Beer and liquor: Grocery store liquor licenses

The House Business Affairs and Labor Committee passed HB 10-1279 on a close 6-5 vote last week and sent it on to the House Finance Committee where it faces a stiffer challenge. The committee passed a problematic amendment to the bill that requires the purchase of two licenses (not one, as introduced) to be merged and

INSIDE STATEHOUSE REPORT

Page 1: Federal update: Mandatory collective bargaining for public safety employees, Affordable housing, Beer and liquor;

Page 2: Construction, Enterprise zones, Labor, Medical marijuana, Get to know Sen. Mark Scheffel; Page 3: Your CML advocacy team, Public safety, Severance tax, Transportation, Page 4: Urban renewal, Water

Attachments: Box score, General Assembly by municipalities, Committee assignments

converted to a single license for a grocery store. More problematic is the imposition of a ten-year moratorium on new state licenses for retail liquor stores that creates logistical and technical issues for license issuance at the local level. Municipalities still retain the full authority for local control of licensing as with any license, but if the bill survives the House Finance and House Appropriations Committees, CML will have to deal with the problematic language on the House floor.

Bill: HB 10-1279, Grocery store liquor licenses

Sponsors: Rep. "Buffie" McFadyen, D-Pueblo; Sen. Suzanne Williams, D-Aurora

Status: H. Finance

Position: No position

Lobbyist: Kevin Bommer

Construction: Contract retainage

A significantly scaled-back version of HB 10-1162 was passed by House Appropriations on Friday. Basically, what the bill now does is reduce the amount of retainage allowed in a construction contract from the current 10 percent to 5 percent. We will be evaluating all the amendments made in Appropriations in the coming days. The state architect told the Appropriations Committee that with the amendments the bill now parallels existing state construction contract practices.

Retainage is the amount of a construction contract that can be held back from payment until the parties agree that work has been satisfactorily completed.

Bill: HB 10-1162, Construction contract retainage

Sponsors: Rep. John Soper, D-Thomton; Sen. Bob Bacon, D-Fort Collins

Status: H. 2nd Reading

Position: Oppose

Lobbyist: Mark Radtke

Enterprise zones: Tax credits

HB 10-1396 has come before the House Finance Committee twice — and has been twice laid over. The bill eliminates state income tax credits for businesses locating in enterprise zones. This action would take away an important economic tool from many municipalities, especially towns in the rural areas of the state. The tax credits on the chopping block include those for remodeling buildings, new staff hires, and job training.

Bill: HB 10-1396, Enterprise zone tax credits

Sponsors: Rep. Joe Judd, D-Denver

Status: H. Finance

Position: Oppose

Lobbyist: Mark Radtke

GET TO KNOW OUR STATE LEGISLATORS



GET TO KNOW Senator Mark Scheffel

R-Parker, Senate District 4

What motivated you to get involved in public service?

Colorado is somewhat unique in that it has a citizen legislature. After having been engaged in the political process as a volunteer, encouraging and helping others to serve in the state legislature, I was approached by supporters to run for office. I decided to answer the call and to do my part to serve the citizens of Senate District 4 and the State of Colorado.

What are your top priorities for the 2010 session?

As Colorado continues to experience a very difficult economy, my priority is to facilitate an environment that allows businesses to recover and flourish. Such a priority requires government discipline to not constantly inject itself as a source of solutions but rather restrain itself and allow entrepreneurs and ingenuity to fuel the economic recovery. Specifically, I will continue to look for opportunity to reduce the tax and regulatory burden on business, including the discussion on how to phase-out the business personal property tax.

"Local control" means the authority of local elected officials to make decisions — even when state legislators in Denver may disagree. As a legislator, how do you feel about municipalities being allowed to make decisions with which you may personally disagree?

All levels of government have their appropriate role to play in governing society. Government is best when it governs in the least onerous way and when it governs closest to the people. I support "local control" and believe that proposed legislation should include considerations that promote local control over state control, and in turn, state control over federal control.

Labor: Peace Officers Bill of Rights

SB 84 was amended in the Senate Judiciary Committee to strip out the entire section mandating procedure for internal non-criminal investigations. An attempt by the committee chair, a co-sponsor of the bill, to remove the state's peace officers from this legislation that declares a "matter of statewide concern" was defeated with the assistance of the committee Republicans and Sen. Linda Newell, D-Littleton. As amended, the bill still includes unfunded mandates on local governments and the state for mandatory dues check-off and third-party binding arbitration. In addition, the bill is a blatant preemption of home rule authority and local control. The Colorado Fraternal Order of Police claims the bill will have "little, if any" fiscal impact on local governments, yet CML understands the sponsor will still attempt to exempt the thousands of peace officers employed by the State of Colorado from the bill. Clearly, there is a fiscal impact, and CML strongly believes that if mandates such as SB 84 are good enough for the state to force onto local governments, then the legislature should be

willing to apply it to the state's own employees, as well.

Bill: SB 10-084, Police Officer Bill of Rights

Sponsors: Sen. Lois Tochtrop, D-Thornton; Rep. Sara Gagliardi, D-Arvada

Status: S. 2nd Reading

Position: Oppose

Lobbyist: Kevin Bommer

Medical marijuana: Dispensaries

The full House is expected to debate HB 10-1284 early this week. The bill was sent to the floor by House Appropriations on Friday. The bill creates a state and local licensing process for medical marijuana centers (dispensaries), grow operations, and food products that contain marijuana. The League has been successful in gaining local control and flexibility in the licensing process. We continue our work on a floor amendment to restore a provision that allows cities and towns to vote on prohibition of dispensaries. The League's goal is to allow municipalities to decide what is appropriate for their communities.

Bill: HB 10-1284, Medical marijuana regulations

Sponsors: Rep. Tom Massey, R-Poncha Springs; Sen. Chris Romer, D-Denver

Status: H. 2nd Reading

Position: Oppose unless amended

Lobbyist: Mark Radtke

Public safety: 9-1-1 prepaid wireless surcharge

SB 120 passed the House Business Affairs & Labor Committee after a spirited debate about the 2 percent vendor fee retailers would retain under the bill. Rep. Larry Liston, R-Colorado Springs, offered several amendments that would increase the vendor fee, all of which were defeated. However, CML has committed to our friends representing the Colorado Retail Council that if they can "show their work" on direct cost impacts of SB 120, then we would be willing to negotiate on the vendor fee. We trust this issue can be sorted out and be fair to all parties. Ultimately, SB 120 will finally close the last remaining gap in 9-1-1 funding by all devices that can access 9-1-1.

Bill: SB 10-120, Prepaid wireless 9-1-1 surcharges

Sponsors: Sen. Al White, R-Hayden; Rep. Joe Rice, D-Littleton

Status: H. Appropriations

Position: Support

Lobbyist: Kevin Bommer

Severance tax: State rainy day fund

Rep. Kathleen Curry, U-Gunnison, intends to spark conversation about a long-term savings account for the state to use in economic downturns, and introduced HCR 1003. A concurrent resolution must pass both chambers by a two-thirds vote, after which it would be placed directly on the November ballot as a referred constitutional question.

HCR 1003 would take \$25 million off the top of severance taxes in any year in which they exceed \$50 million and direct the revenue to a rainy day fund. The diverted money would reduce severance taxes to the Department of Local Affairs (DOLA) and Department of Natural Resources by \$12.5 million each. For DOLA, that means \$3.75 million annually not returned to impacted local governments via direct distribution and \$8.25 million not placed in the Energy Impact Assistance Grants program for impacted local governments. In addition, the constitutional measure means that small communities that will otherwise be able to receive Small Community Water and Wastewater Assistance grants under SB 09-165 (in years in which total severance tax exceeds \$200 million).

CML believes the double whammy on programs intended to assist local governments facing ominous infrastructure costs — many mandated by the federal standards — makes HCR 1003 an inappropriate mechanism for the state to solve its own fiscal problems. Ultimately, it continues to divert attention away from more serious state fiscal questions.

Finally, while the rainy day fund can be tapped with a 60 percent vote of both houses in an economic downturn, there is no mandate that any of the money will go back to assist local governments.

Bill: HCR 10-1003, Severance tax state rainy day fund

Sponsors: Rep. Kathleen Curry, U-Gunnison; Sen. Josh Penry, R-Grand Junction

Status: H. Appropriations

Position: Oppose

Lobbyist: Kevin Bommer

Transportation: HUTF diversion

CML and its FASTER partners were successful in gaining a Senate amendment to HB 1387 that makes the diversion of \$20 million in Highway Users Tax Fund money to the general fund a temporary action. The bill has returned to the House floor where they will consider accepting the Senate amendment. The diversion of driver's license fee dollars dedicated to the HUTF will be for a two year period. The bill backed by the Joint Budget Committee was written to make that diversion permanent. The League supported the temporary diversion to shore up the state general fund during the current fiscal crisis. However, HUTF is wrestling with its own long-term fiscal crisis and cannot afford to permanently lose this significant revenue source.

Bill: HB 10-1387, Finance driver's licenses

Sponsors: Rep. Jack Pommer, D-Boulder; Sen. Al White, R-Hayden

Status: H. considers S. amendments

Position: Formerly opposed

Lobbyist: Mark Radtke

Transportation: State highway abandonment

Not only is this bill back for a third year in a row — it is back for the second time this year after we defeated it earlier this session. HB 10-1405 would require the Colorado Department of Transportation to conduct a study of abandoning state highways (with the exception of interstate highways) in the MPO areas of the state — covering the front range from Pueblo to Fort Collins and Greeley, as well as Mesa County. On the bright side, the study would require a look at adjusting the Highway Users Tax Fund distribution formula. While that may sound attractive, the facts are that there is not enough money available to compensate municipalities and counties for the costs of taking ownership over state highways in their jurisdictions. Obviously, someone is going to lose on this deal, or we wouldn't be talking about it. What is needed is additional

Your CML advocacy team:



Kevin Bommer advocates municipal interests on beer and liquor, severance tax and federal mineral lease, pensions, water and wastewater, workers compensation, health care, public safety communications, homeland security and more.
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Mark Radtke advocates municipal interests on transportation, energy, sustainability, tax and fiscal policy, and other issues of municipal interest concerning state legislation and regulations.
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Geoff Wilson advocates municipal interests on sales and use taxation, telecommunications, elections and environmental matters.
gwilson@cml.org

Important phone numbers

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Senate
303-866-2316 or
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Legislative Council
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Department of Local Affairs
303-866-2771

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revenue for transportation, and no one wants to face that fact.

Bill: HB 10-1405, State highway abandonment

Sponsors: Rep. Glenn Vaad, R-Mead; Sen. Nancy Spence, R-Aurora

Status: H. Transportation

Position: Oppose

Lobbyist: Mark Radtke

Urban renewal: Ag land

The governor has signed HB 10-1107, which prohibits the inclusion of land assessed as agricultural in a URA with six exceptions:

- if the land is a brownfield site;
- if the land is at least two-thirds contiguous to urban level development and one half of the area is urban level development;
- if the land is an enclave surrounded by urban level development;
- if there is an agreement to its inclusion by all affected taxing entities;
- if the land is included in URA as of effective date of bill; or
- if the site is a manufacturing facility that includes in-state and out-state distribution.

If ag land is added to a URA, it will come in at market value — rather than at ag value — which will decrease the amount of property tax available for the TIF. Effective June 1.

Bill: HB 10-1107, URA ag land

Sponsors: Rep. Randy Fischer, D-Fort Collins; Sen. Morgan Carroll, D-Aurora

Status: Signed by governor

Position: Support

Lobbyist: Mark Radtke

Water: Usage and conservation reporting

A strike-below amendment to this bill eliminates the main issue that CML opposed, and creates a process for developing guidelines that will include stakeholders. By 2014, covered water providers (those providing more 2,000 acre/feet) will report certain usage and conservation data to the Colorado Water Conservation Board, but no penalty will apply to providers that are unable to report. The Colorado Water Congress managed the negotiations among stakeholders and CML is comfortable that the amendment will not be burdensome on municipalities. Regardless, the legislation is silent on how the information will be used by the state, and how local governments and citizens might benefit from the effort that would go into submitting data to the state.

Bill: HB 10-1051, Water conservation plans annual data reporting

Sponsors: Rep. Jack Pommer, D-Boulder; Sen. Bruce Whitehead, D-Hesperus

Status: Passed House

Position: Oppose

Lobbyist: Kevin Bommer

CML LEGISLATIVE BOX SCORE

2010 Regular Session

April 16, 2010

Check for the latest box score at www.cml.org

Subject

* means with amendments

SUPPORT

| | | |
|---------|---|---|
| SB 22 | <i>Pensions – FPPA Defined Benefit Member Contribution.</i> Allows FPPA members to elect to increase member contributions to the statewide defined benefit plan upon approval by employers per FPPA rules. (Kevin Bommer) | Signed by Governor* |
| SB 25 | <i>Water – Water conservation plan requirement.</i> Extends the grant funding for development and implementation of mandatory water conservation plans. (Kevin Bommer) | Before Governor |
| SB 100 | <i>Energy - Cross-Boundary Energy Improvement Districts.</i> Allows renewable energy improvements to cross county boundaries and allows such a district formed by a county to be created in 2 or more counties. (Mark Radtke) | Before Governor* |
| SB 109 | <i>Medical Marijuana – Physician/Patient Relationship.</i> Requires a physical exam to take place before a physician can recommend the use of medical marijuana. Requires follow-up visits and that the recommendation become part of the patient's medical record. Prohibits the physician from accepting payment from a caregiver for recommending medical marijuana for a patient. (Mark Radtke) | Conference Committee Report Adopted* |
| SB 110 | <i>Transportation – Seatbelts/Child Restraints.</i> Allows law enforcement officers to stop and cite drivers for carrying a child not riding in the proper child seat. (Mark Radtke) | H. 2 nd Reading* |
| SB 120 | <i>9-1-1 – Inclusion of Prepaid Wireless in the Requirement to Remit 9-1-1 Surcharge.</i> Establishes a 9-1-1 surcharge to be collected at the point of sale of wireless devices and purchased minutes. Requires the Department of Revenue to collect the surcharge and distribute to local 9-1-1 Authority Boards based on call volume. (Kevin Bommer) | H. Appropriations* |
| SB 142 | <i>Taxes - Local Sales Tax Appeal Time Limit.</i> Resolves certain disputes related to sales and use tax paid to a local government. (Geoff Wilson) | Signed by Governor* |
| SB 162 | <i>Economic Development – Enterprise Zone Act Modifications.</i> Clarifies that census data will be used to determine eligibility for creation of an enterprise zone and increases the population limitation. Replaces the current process for employer qualification to a pre-certification. (Mark Radtke) | H. 2 nd Reading* |
| SB 181 | <i>Water – Land leasing.</i> Allows statutory entities to lease land, which it has purchased in order to acquire the water rights. The law currently only permits municipalities to sell such land. (Geoff Wilson) | H. Local Government |
| SCR 001 | <i>Fiscal Policy - Fiscal Policy Constitutional Commission.</i> Referred Constitutional amendment for the November ballot. Creates a temporary constitutional commission limited to considering constitutional changes regarding fiscal policy and empowered to bring forward one or more constitutional amendments directly to the 2012 ballot. Needs 2/3 vote in both chambers for passage. (Mark Radtke) | S. State, Veterans, and Military Affairs |
| SJR 18 | <i>Water – Opposing Davis-Bacon wage requirement.</i> Resolution to oppose EPA's interpretation of the 2010 Appropriations Act leading to retroactive application of federal prevailing wages on water/wastewater projects. Also urges federal officials to act to prevent jeopardizing existing approved projects, and urges Congress to take corrective legislative action. (Kevin Bommer) | Postponed indefinitely |
| HB 1017 | <i>Affordable Housing – Voluntary rental agreements and deed restriction.</i> Clarifies that nothing prohibits or restricts voluntarily entering into and enforcing an agreement that controls rent on a private residential housing unit or includes a deed restriction on the property. (Kevin Bommer) | Before Governor* |

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| HB 1019 | <i>Transportation – Reserved Disabled Parking Enforcement.</i> Allows law enforcement to confiscate handicapped parking tags that are misused or are fraudulent, provides for towing of illegally parked vehicles, and protects a person displaying a handicapped tag from citation in a parking lot that does not provide an accessible payment system. (Mark Radtke) | H. 2 nd Reading* |
| HB 1063 | <i>Legal notices – Newspaper for Official Notices.</i> Permits the publication of legal notices in “free” newspapers if no “paid-circulation” newspaper is available locally. (Geoff Wilson) | Signed by Governor |
| HB 1107 | <i>Urban Renewal – Greenfields Urban Renewal.</i> Prohibits the inclusion of agricultural lands within Urban Renewal Authorities with specific exceptions. Replaces the current agricultural assessed value of land for tax increment purposes to market value that would increase the TIF base figure. (Mark Radtke) | Signed by Governor* |
| HB 1143 | <i>Land Use/Transportation – Uses at RTD Transfer Facilities.</i> Allows residential development to be included in RTD transfer facilities, subject to local zoning provisions. (Mark Radtke) | Before Governor* |
| HB 1165 | <i>Land Use – State Land Board Conveyances to Local Government.</i> Allows the state board of land commissioners to convey land to units of local government if the conveyance would add value to adjoining or nearby state trust property, benefit board operations, or comply with local land use regulations. (Geoff Wilson) | Before Governor* |
| HB 1211 | <i>Transportation – Non-motorized Vehicle Registration Fees.</i> Reduces FASTER vehicle late registration penalties for non-motorized trailers to a flat \$10. (Mark Radtke) | H. Adhered to House version* |
| HB 1212 | <i>Transportation – Registration Late Fees.</i> Directs the Department of Revenue to formulate rules that would allow County Clerks to waive motor vehicle registration late penalties in certain circumstances, such as medical conditions, weather, office and closures.(Mark Radtke) | Before Governor* |
| HB 1276 | <i>Transportation – Sale of Railroad Right-of-way for Public Purpose.</i> Clarifies that railroads may sell portions of their right-of-way for use by public passenger rail without an order of abandonment from the federal Surface Transportation Board. (Mark Radtke) | Before Governor* |
| HB 1328 | <i>Economic Development - Statewide Improvement District for Energy Efficiency.</i> Operates similar to a general improvement district with voluntary owner participation. Property owners allowed to borrow funds to construct energy efficiency or alternative energy projects on their home or business from the District, repaid through an assessment on their annual property tax bill. (Mark Radtke) | S. 2 nd Reading* |
| HB 1342 | <i>Energy – Community Solar Gardens.</i> Directs the PUC to adopt new rules under which standard offers can apply to solar generation facilities that are beneficially owned by 10 or more customers at a shared location, called a “community solar garden.” (Mark Radtke) | S. 2 nd Reading* |

OPPOSE

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| SB 84 | <i>Labor – Peace Officers Bill of Rights.</i> Requires all state and local governments that employ peace officers to provide several guarantees as part of their employment. (Kevin Bommer) | S. 2 nd Reading |
| SB 86 | <i>Taxes – Business Personal Property Tax.</i> Eliminates fully depreciated business personal property from the business personal property tax. Establishes a four-year phase out schedule. (Mark Radtke) | Postponed indefinitely |
| SB 135 | <i>9-1-1 – Low Income 9-1-1 Exemption.</i> Exempts customers receiving free wireless telephone service under the federally subsidized “Lifeline” program from paying a 911 charge. (Kevin Bommer) | Postponed indefinitely |

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| SB 137 | <i>Transportation – No Street Use Vehicle Registration.</i> Allows a vehicle owner to “idle” a vehicle through a special registration and halves specific ownership tax for idled vehicles. Vehicle registration fees would be pro rated if vehicle is returned to street use. (Mark Radtke) | Postponed indefinitely |
| HB 1012 | <i>Workers Compensation - Limitation on the Use of Surveillance.</i> Prohibits an insurer or employer from conducting surveillance of an employee the insurer or employer has a reasonable basis to suspect that the employee has committed fraud or made a material misstatement concerning the claim. (Kevin Bommer) | S. Judiciary* |
| HB 1088 | <i>Transportation – State Highway Abandonment.</i> Requires the Transportation Commission to identify state highways that meet certain criteria and then transfer those state highways from state to local ownership. (Mark Radtke) | Postponed indefinitely |
| HB 1124 | <i>Animal Welfare - Animal Protection Enforcement.</i> Adds new employment requirements for county animal control officers. Requires repayment of care and feeding bond unless a person is found guilty of a cruelty charge or a dog’s “dangerous dog” status is upheld. (Kevin Bommer) | Postponed indefinitely |
| HB 1162 | <i>Contracts – Reduce Construction Contract Retainage.</i> Reduces by half the amount of retainage that municipalities would be able to include in construction contracts. (Mark Radtke) | H. 2 nd Reading* |
| HB 1368 | <i>Land Use - Subjecting municipal projects to county PUD zoning.</i> Enable counties to block extraterritorial municipal projects and special district projects through use of county PUD power. (Geoff Wilson) | H. Local Government |
| HB 1405 | <i>Transportation – State Highway Abandonment Study.</i> Requires the transportation commission or CDOT to study and report which state highways are commuter highways and recommend which to devolve to local responsibility along with recommended changes in funding policies. (Mark Radtke) | H. Transportation & Energy |
| HCR 1003 | <i>Severance Tax – State Rainy Day Fund.</i> Diverts \$25 million in severance tax to a state rainy day fund prior to distribution to Department of Local Affairs and Department of Natural Resources. (Kevin Bommer) | H. Appropriations* |

OPPOSE UNLESS AMENDED

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| HB 1284 | <i>Medical marijuana – State and local licensing.</i> Establishes a framework for state and local licensing of medical marijuana centers, optional premises, and infused product licenses. (Mark Radtke, Kevin Bommer) | H. 2 nd Reading* |
|---------|--|-----------------------------|

FORMERLY OPPOSED

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| SB 98 | <i>Parks and Open Space – Allocation of Conservation Trust Fund Monies for Conservation and Weed Management.</i> Transfers approximately one quarter of CTF monies to the Department of Agriculture for conservation district grants and noxious weed management grants. (Kevin Bommer) | Before Governor* |
| HB 1051 | <i>Water - Water Efficiency Plans Annual Reporting.</i> Requires annual reporting of water usage and conservation data as part of the state mandate for local water conservation plans. (Kevin Bommer) | Passed House* |
| HB 1150 | <i>Beer & Liquor – Caterers Alcohol Beverage License.</i> Allows the state and local licensing authorities to issue caterers license to allow caterers to sell alcohol at events they cater, and requires application for a special events permit if a permit would otherwise be required. (Kevin Bommer) | Postponed indefinitely |

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| HB 1170 | <i>Beer & Liquor – Alcohol Sales in Luxury Boxes and Sports Venues.</i> Changes the liquor code to clarify that open-containers for onsite consumption are allowed in suites and boxes at sports venues. As introduced, local government facilities would be adversely affected. (Kevin Bommer) | Signed by Governor* |
| HB 1387 | <i>Transportation – HUTF to Finance Drivers License Offices.</i> Budget reduction bill. Permanently diverts a portion of drivers' license fees from HUTF to drivers' license offices, impacting approximately \$20 million of state and local transportation project money. (Mark Radtke) | Passed Senate* |



URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

Paul A. Hindman, Executive Director
2480 W. 26th Avenue, Suite 156B
Denver, CO 80211-5304

Telephone 303-455-6277
Fax 303-455-7880
www.udfcd.org

April 14, 2010

Jim Woodward
Mayor
City of Englewood
1000 Englewood Parkway
Englewood, CO 80110

APR 19 2010

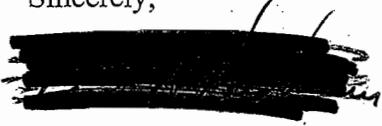
Dear Mayor Woodward:

April through September is the flood season for the Colorado Front Range. The Board of Directors of the Urban Drainage and Flood Control District would like to increase the level of awareness of and readiness for flooding in the Denver region. One of the Board's actions was to adopt Resolution No. 8, Series of 2010 (copy enclosed). We call your attention to Paragraph 3, wherein the District is recommending that all local governments meet with their local emergency preparedness units regarding actions to be taken during a flood emergency. Being prepared is an extremely important aspect of an emergency operation and flooding is the most serious natural hazard threat in the State of Colorado.

We also call your attention to Paragraph 4 of the resolution, which reminds local governments of several significant aspects of the National Flood Insurance Program. We urge you to review your flood insurance coverage and also assure that your floodplain regulation is being correctly enforced when a building is improved by a value of more than 50%. If you have any repetitive loss structures in your community, we would be happy to work with you on the appropriate strategy to address those structures.

The District will be happy to assist you in any way it can.

Sincerely,


Paul A. Hindman
Executive Director

PAH/WGD/mc
Enclosure

THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

RESOLUTION NO. 8, SERIES OF 2010
(Flood Awareness)

WHEREAS, the approaching months of April through September are the months when most floods occur in the Denver area; and

WHEREAS, many citizens within the District live and/or work in areas subject to flooding.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board of Directors of the Urban Drainage and Flood Control District recommends that citizens of the District investigate the possibility of flood hazards existing at their place of residence or work.
2. The Board further recommends the following actions to those citizens who find they do live or work in a flood hazard area:
 - a) Know the extent and nature of the flood hazard.
 - b) Plan escape routes to high ground.
 - c) Buy flood insurance for their own structures and contents.
 - d) During times of heavy rainfall, watch the level of water in the drainageway and stay tuned to radio or television for possible flood warnings.
 - e) Evacuate the flood hazard area in times of impending flood.
3. The Board of Directors of the Urban Drainage and Flood Control District recommends that all local governments meet with their local emergency managers and alert them to the possible flood hazards in their area of responsibility and work out possible actions to be taken in the event of a flood. Communities are also encouraged to conduct flood response and recovery exercises.
4. The Board also reminds local governments of several significant aspects of the National Flood Insurance Program (NFIP): a) the amount of federal disaster assistance which is available for damaged public structures that are under-insured has been reduced, and local governments are encouraged to review their flood insurance coverages; b) federal disaster assistance will be reduced from a cost-share of 75-25 to a cost share of 25-75 for facilities that are damaged more than once in a ten-year period by the same type of event and the facility owner has failed to implement appropriate mitigation measures; c) communities which have suffered repetitive losses are encouraged to develop a strategy that addresses those repetitive loss structures; and d) the NFIP regulations require that a structure which undergoes an improvement valued at 50% or greater of its value must be in conformance to NFIP floodplain regulations regardless of the cause of the improvements.
5. Local governments should be aware of funding which is available through FEMA for pre- and post-disaster mitigation planning and projects.
6. The District shall send an Official Notice to the "occupant" of all addresses located in or adjacent to identified 100-year floodplains within the boundaries of the District

(SEAL)



THE URBAN DRAINAGE AND
FLOOD CONTROL DISTRICT

Date: March 18, 2010

ATTEST:


Secretary


Chairperson

MEMORANDUM



TO: Gary Sears, City Manager

THROUGH: Rick Kahm, Director of Public Works ✓

FROM: David Henderson, Engineering/Capital Projects Administrator ✓

DATE: April 22, 2010

SUBJECT: PROJECT UPDATES – S. Zuni St. Sidewalks, Concrete Utility Program 2010, Community Garden, RTD Light Rail Platform Expansion, Street Maintenance Projects 2010, Pirates Cove Repairs, Ball Field Lighting, CityCenter Site Development, Englewood McLellan Reservoir Foundation, Air Quality/Energy Savings Projects)

S. ZUNI ST. SIDEWALKS

In 2009, Community Development applied for and received a block grant through Arapahoe County to install sidewalks on Zuni St. between Evans and Wesley. **The project is 90% complete. The contractor has demobilized until Qwest and Xcel complete relocations of facilities located in the sidewalk alignment. Qwest relocations should be complete this week. Concrete pours will resume early next week (pending Qwest completing their work).**

CONCRETE UTILITY PROGRAM 2010

Staff continued marking concrete for the 2010 removal and replacement project. Work is expected to begin during the month of May.

COMMUNITY GARDEN

The Parks Division continued preparing the garden site for this summer's plantings. **Crusher fine paths were installed by Denver Urban Gardens volunteers last week. Compost delivery is scheduled for next week. Fencing installation is expected next week.**

RTD LIGHT RAIL PLATFORM EXPANSION

RTD is expanding the Englewood Light Rail Station to accommodate four cars rather than the current three cars. RTD's contractor has installed the new light fixture, however, the contractor has identified a problem with the pole and it will be replaced. Painting of the guardrails is complete.

STREET MAINTENANCE PROJECTS 2010

Street crews are in the process of sealing cracks with hot polymerized rubber. **Crack pouring will continue through Spring as weather allows.**

PIRATES COVE REPAIRS

The concrete pool deck was poured this week. Landscape restoration is expected to begin next week. The Leisure Pool is being re-plastered with "Diamond Brite".

BALL FIELD LIGHTING

The final walkthrough with our contractor was completed last week.

CITYCENTER SITE DEVELOPMENT

Alexan East and West Parcels

438 residential units. Alexan's occupancy level for January, 2009 is 94.7%. Commercial uses: Mile High Coffee, Let It Bead, Curves for Women, State Farm, Cuttin' It Loose, Jackson Hewitt Tax Service, Foothills Physical Therapy, and Creative Perspectives.

Parkway Retail / Office Buildings

Commercial uses: The International House of Pancakes (IHOP), Qdoba, GNC, Supercuts, Nails Center, CityCenter Dental Group, MMB Hearing, Tableaux Interior Design, Englewood Eyecare, Collective Licensing Int'l, Inc., M.P. Hayutin, LLC, CityCenter Wine and Spirits, Quizno's, Miller/Weingarten, Air

Walk, "Insurance Company of the West", Printwear Express, and Fred Astaire Dance Studio, and Wellness Treatment Center.

Bally's Building

Tenants include Bally's, "Blondies Fire House Pub and Restaurant", and MaxFour.

Retail South of the Parkway

Tenants: Petco, Ross, Payless Shoes, Coldstone Creamery, Noodles, Sports Authority, and Office Depot.

Gold Mine Pad

Tenants include: Jamba Juice, Tokyo Joe's, and Mega Wraps. M/W has a new tenant moving into the vacated Old School Burger space. **Tenant finish for "Browncow" (burgers, shakes, and fries) is underway and they expect to open in early May.**

CityCenter Site

EEFI continues project management of all infrastructure on the site. Staff is monitoring the security, sweeping, snow removal, and day porter services performed under the Common Area Maintenance.

Preparations to turn on the fountain continued. We expect to have the fountain turned on by the end of next week.

Bradley Station Environmental

EEFI's environmental consultants prepared an Executive Summary Report (dated July 28, 2008). Updates will be provided as additional information is received.

ENGLEWOOD MCLELLAN RESERVOIR FOUNDATION (EMRF)

PA-84 West

The lease with TT of Denver has been executed and deposit has been made with the title company. EMRF continues to receive \$10,000 draws against the deposit; the most recent draw was received **last week**. Consultants from TT of Denver have received an access license and are on-site performing surveying and geotechnical work in preparation of construction in early summer.

PA-85 (RTD site)

RTD has paid the final billing in the amount of \$591,836.86. Finance has deposited this money in the LTAR fund.

AIR QUALITY/ENERGY SAVING PROJECTS

Flex Fuel Program

Thirty-four of our fleet vehicles are running on E-85 ethanol fuel. All new replacement fleet vehicles (less than ¾ ton) will be compatible with E-85. Approximately 50 Flex Fuel vehicles will be in our fleet within two years. Currently, the cost of E-85 fuel is approximately \$0.45 less than regular unleaded gasoline.

Diesel Retrofit

Nineteen of our older diesel powered vehicles have been retrofitted to meet current air quality standards. The Regional Air Quality Council approved a grant covering 100% of the cost (approximately \$20,000) to retrofit our heavy equipment. Parts are expected to be delivered in 2-3 weeks and the units will be converted by the end of May. Englewood will be one of the few municipalities in Colorado to meet the 2007 emissions standards for off-road vehicles.

Hybrid Vehicle Purchase

We have purchased two 2010 GMC Hybrid Sierra Pickups. These should be delivered around the middle of May and will be utilized within the Englewood Utilities Department.

"Green" Programs

We continue to work with our vendors to expand the Green product line as it becomes available. 90% of our custodial paper supplies are from recycled sources.

Energy Saving Projects

In 2001, the Public Works Traffic Division began an ongoing program to convert traffic signals from incandescent lamps to Light-Emitting-Diode (LED) bulbs. To date, 80% of our City maintained signals have been converted. LED traffic signals use 90% less energy than incandescent lamps, last 5 times longer, and provide better visibility.

**CITY OF ENGLEWOOD
2010 CALENDAR OF EVENTS**



| | | |
|----------------|------------------|---|
| Mon., Apr. 26 | 6:00 p.m. | Executive Session, City Council Conference Room |
| | 6:30 p.m. | Study Session, Community Room |
| Mon., May 3 | 6:00 p.m. | Study Session, Community Room |
| | 7:30 p.m. | Council Meeting, Council Chambers |
| Tues., May 4 | 7:00 p.m. | Planning & Zoning, Council Chambers |
| Wed., May 5 | 4:00 p.m. | Englewood Housing Auth., 3460 S. Sherman #203, Bd. Rm. |
| | 5:45 p.m. | Cultural Arts Commission, City Council Conference Room |
| | Cancelled | Liquor Licensing, Telephone Poll |
| Mon., May 10 | 7:00 p.m. | Citizen of the Year, Malley Center, 3380 So. Lincoln St. |
| Tues., May 11 | 3:00 p.m. | NonEmergency Employees Retirement Board, Public Works Conference Room |
| | 5:00 p.m. | Water and Sewer Board, Comm. Dev. Conf. Room |
| | 6:30 p.m. | Keep Englewood Beautiful, City Council Conference Room |
| | 7:00 p.m. | Library Board, Library Board Room |
| Wed., May 12 | 6:30 p.m. | Urban Renewal Authority, Comm. Dev. Conf. Room |
| | 7:00 p.m. | Board of Adjustment and Appeals, Council Chambers |
| Thurs., May 13 | 11:30 a.m. | Alliance for Commerce, City Council Conference Room |
| | Cancelled | Police Officers Pension Board, Public Works Conf. Rm. |
| | Cancelled | Firefighters Pension Board, Public Works Conference Room |
| | 5:30 p.m. | Parks & Recreation Commission, Barde Park, 3100 So. Downing |
| | 6:30 p.m. | Transportation Advisory Committee, City Council Conf. Rm. |
| Mon., May 17 | 6:00 p.m. | Study Session, Community Room |
| | 7:30 p.m. | Council Meeting, Council Chambers |
| Tues., May 18 | 7:00 p.m. | Planning & Zoning, Council Chambers |

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| Wed., May 19 | 6:30 p.m. | Code Enforcement Advisory Committee, City Council Conference Room |
| | 7:00 p.m. | Liquor Licensing, Council Chambers |
| Mon., May 24 | 6:00 p.m. | Study Session, Community Room |
| Mon., May 31 | | City Hall Closed – Memorial Day |
| Wed., June 2 | 4:00 p.m. | Englewood Housing Authority, 3460 S. Sherman #203, Board Room |
| | 5:45 p.m. | Cultural Arts Commission, City Council Conference Room |
| | 7:00 p.m. | Liquor Licensing, Council Chambers |
| Mon., June 7 | 6:00 p.m. | Study Session, Community Room |
| | 7:30 p.m. | Council Meeting, Council Chambers |
| Tues., June 8 | 5:00 p.m. | Water and Sewer Board, Community Development Conference Room |
| | 6:30 p.m. | Keep Englewood Beautiful, City Council Conference Room |
| | 7:00 p.m. | Library Board, Library Board Room |
| | 7:00 p.m. | Planning & Zoning, Council Chambers |
| Wed., June 9 | 6:30 p.m. | Urban Renewal Authority, Community Development Conference Room |
| | 7:00 p.m. | Board of Adjustment and Appeals, Council Chambers |
| Thurs., June 10 | 11:30 a.m. | Alliance for Commerce, City Council Conference Room |
| | 5:30 p.m. | Parks and Recreation Commission, Cushing Park, Pavilion #1, 695 West Eastman Avenue |
| Mon., June 14 | 6:00 p.m. | Study Session, Community Room |
| Wed., June 16 | 7:00 p.m. | Liquor Licensing, Council Chambers |
| Mon., June 21 | 6:00 p.m. | Study Session, Community Room |
| | 7:30 p.m. | Council Meeting, Council Chambers |
| Tues., June 22 | 7:00 p.m. | Planning & Zoning, Council Chambers |
| Mon., June 28 | 6:00 p.m. | Study Session, Community Room |

ENGLEWOOD CITY COUNCIL
TENTATIVE STUDY SESSION TOPICS



- May 3** **Regular Meeting**
 Board & Commission Reappointment Discussion
 Health One Pool Recommendation
 Business Improvement District/ City Council
- May 10** **Citizen of the Year Celebration**
- May 17** **Regular Meeting**
 Executive Session - Negotiations
 CAFR
 Financial Report
 Public Improvement Financing
- May 24** **Study Session**
 Community Meeting – Malley Center
- May 31** **Memorial Day Holiday – No Meeting Scheduled**
- June 7** **Regular Meeting**
 Executive Session - Negotiations
 Cities of Service
- June 14** **Study Session**
 Board & Commission Interviews
- June 21** **Regular Meeting**
 Financial Report
- June 28** **Study Session**
- July 6** **Regular Meeting (Tuesday)**
- July 12** **Study Session**
- July 15** **Tentative Meeting with Littleton City Council @ WWTP**
- July 19** **Regular Meeting**
 Financial Report & 6 month update
- July 26** **Study Session**
 Community Meeting – WWTP
- August 2** **Regular Meeting**

| | |
|--------------|---|
| August 9 | Study Session Board/Commission Appreciation Night @ Pirates Cove |
| August 16 | Regular Meeting Financial Report |
| August 23 | Study Session |
| August 30 | No Meeting Scheduled – 5 th Monday |
| September 7 | Regular Meeting – Tuesday |
| September 13 | Study Session |
| September 20 | Regular Meeting Financial Report |
| September 25 | Saturday Budget Workshop - tentative |
| September 27 | Study Session |
| October 4 | Regular Meeting |
| October 11 | Study Session |
| October 18 | Regular Meeting Financial Report |
| October 25 | Study Session |
| November 1 | Regular Meeting |
| November 8 | Study Session |
| November 15 | Regular Meeting Financial Report |

FUTURE STUDY SESSION TOPICS

Historic Preservation
 Unrelated Persons per Household
 Flood Plain District
 Council Bills Publication by Title Only
 July 4th Sponsorships
 Inclusive Cities
 U.S. South Broadway Post Office

**CITY OF ENGLEWOOD PLANNING AND ZONING COMMISSION
REGULAR MEETING
APRIL 6, 2010**

I. CALL TO ORDER



The regular meeting of the City Planning and Zoning Commission was called to order at 7:17 p.m. in the Council Chambers of the Englewood Civic Center, Chair Knoth presiding.

Present: Bleile, Roth, King, Welker, Krieger, Knoth, Fish, Brick, Calonder

Absent: Kinton (alternate)

Staff: Alan White, Community Development Director
Tricia Langon, Senior Planner
Nancy Reid, Assistant City Attorney

II. APPROVAL OF MINUTES

March 16, 2010



Krieger moved:

Fish seconded: TO APPROVE THE MARCH 16, 2010 MINUTES

Chair Knoth asked if there were any modifications or corrections.

There were none.

AYES: Bleile, Roth, Welker, Krieger, Knoth, Fish, King, Brick, Calonder

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

III. PUBLIC HEARING



Case #2010-03: Unified Development Code Amendments Permitting Buy-back, Second-hand, Thrift and Consignment Uses in the MU-B-1 Zone District.

Krieger moved:

Roth seconded: THE PUBLIC HEARING ON CASE#2010-03 BE OPENED

AYES: Bleile, Roth, Welker, Krieger, Knoth, Fish, King, Brick, Calonder
NAYS: None
ABSTAIN: None
ABSENT: None

Motion carried.

 Ms. Langon, Senior Planner, was sworn in. She stated for the Commission's consideration tonight is case #2010-03, Amendments to the Unified Development Code of the Englewood Municipal Code regarding Buy-back, Second-hand, Thrift and Consignment uses in the MU-B-1 zone district. She stated she has already submitted for the record the staff report and proof of publication that notice of the public hearing was published in the *Englewood Herald* on March 19, 2010 and was on the City's website from March 11 through April 6, 2010. Community Development is requesting that the Commission review the proposed Ordinance, take public testimony and forward to City Council a recommendation for approval of the proposed Amendments.

This issue came before the Community Development Department at the request of a citizen for consignment shop use in the MU-B-1 downtown central business district. Per Table 16-5-1.1: Table of Allowed Uses in the Unified Development Code that use is not permitted within the MU-B-1 zone district. City Council directed the issue be forwarded to the Planning and Zoning Commission for review. Director White brought the issue forth on February 27, 2010. The Commission asked for options and possible means of addressing the issue. On March 2, 2010 Staff presented four options to the Commission. After discussion the Commission chose the single step approach option of allowing all uses in the MU-B-1 zone district. The Commission directed Staff to prepare draft amendments. Ms. Langon reviewed those draft amendments with the Commission. She noted the amendments do not include the sale of second-hand motor vehicles, parts or accessories, scrap or waste.

Ms. Langon offered to answer any questions the Commission might have. She cautioned the Commission that if there are any modifications to what Staff has prepared based on past discussions, additional amendments may be required.

Mr. Fish asked about non-conforming uses in the zone district. Ms. Langon stated there is one existing non-conforming use of this type in the MU-B-1 zone district that has been in operation for close to forty years.

 Joann Fetters was sworn in. She stated she is one of the owners of the building at 3431 and 3435 S Broadway. She said when the 3431 space became available the owners decided to put their own business into the space and found The Yellow Rose franchise to be an excellent choice. She said we understand amending the classifications is a process and thanked the Commission for their time and effort toward this change.

 Susie Fetters was sworn in. She stated she is also a part owner of the Oddfellows building and the building just south of it. She said she very much supports the change.

 Bob Fetters was sworn in. He also stated he supports the change.

 Kathy Woodley was sworn in. She stated she has lived in Englewood for over 20 years and feels allowing the change in the zoning rules would do nothing but benefit South Broadway. In allowing this, South Broadway will be able to gain a new business, The Yellow Rose.

 Michael Ribley was sworn in. He stated more foot traffic is needed in downtown Englewood and is in favor of the zoning change.

Chair Knoth asked if anyone else would like to speak. There was no one.

Bleile moved:

Fish seconded: THE PUBLIC HEARING ON CASE #2010-03 BE CLOSED

AYES: Bleile, Brick, Knoth, Roth, Welker, King, Krieger, Calonder, Fish

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.



Fish moved:

Krieger seconded: *CASE #2010-03, AMENDMENTS TO TITLE 16: UNIFIED DEVELOPMENT CODE OF THE ENGLEWOOD MUNICIPAL CODE RELATED TO BUY-BACK, SECOND-HAND, THRIFT AND CONSIGNMENT USES IN THE MU-B-1 ZONE DISTRICT, BE RECOMMENDED FOR APPROVAL TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION FOR ADOPTION.*

Chair Knoth asked if there were any comments.

 Mr. Roth stated he believes the thrift store use could become too much for the downtown MU-B-1 area. He stated he would like to make an amendment to the motion.

Roth moved: TO LIMIT THE SIZE OF BUY-BACK, SECOND-HAND, THRIFT AND CONSIGNMENT USES IN THE MU-B-1 ZONE DISTRICT TO 10,000 SQUARE FEET.

Mr. Fish stated he was not willing to accept the friendly amendment until he fully understood what Mr. Roth was presenting. After discussion he declined to accept the friendly amendment.

Mr. Brick offered a friendly amendment.

Brick moved:
Bleile seconded: TO EXCLUDE THRIFT STORES FROM THE MU-B-1 ZONE DISTRICT.

Chair Knoth asked for a vote on Mr. Brick's friendly amendment.

AYES: Bleile, Brick, Roth
NAYS: Fish, Welker, Krieger, Calonder, King, Knoth
ABSTAIN: None
ABSENT: None

Motion failed.

Chair Knoth called for a vote on the original motion.

Mr. Brick said although he supports The Yellow Rose, he voted no because under Roadmap Englewood: 2003 Englewood Comprehensive Plan Objective 1-3, create a balanced mix of businesses that complement each other, he doesn't believe the overall mix being proposed is a complement to the area.

Ms. Krieger said she voted yes for exactly the opposite reason Mr. Brick gave. She sees Objective 1-3 as saying we should promote a mix of businesses.

Mr. Roth voted yes because Objective 1-2 of Roadmap Englewood 2003: Englewood Comprehensive Plan states, actively engage in attracting new businesses to the City applies as well as Objective 1-3.

AYES: Bleile, Knoth, Roth, Welker, King, Calonder, Krieger, Fish
NAYS: Brick
ABSTAIN: None
ABSENT: None

Motion carried.

IV. LEGAL ISSUES DISCUSSION RELATING TO SIGN CODE AMENDMENTS

 Ms. Langon and Ms. Reid discussed legal issues related to amendments to the sign code. Signs are a form of communication and they are protected under the First Amendment. Ms. Langon stated the issues were brought forth tonight to make the Commission aware of them. Further discussion regarding the sign code amendments will continue at a future study session.

V. PUBLIC FORUM

 No one wished to speak.

VI. DIRECTOR'S CHOICE

 Director White had nothing further to report.

VII. STAFF'S CHOICE

 Upcoming meetings:
April 20: Sign Code and Landscape Amendments
May 4: Sign Code Amendments (Tentative)

VIII. ATTORNEY'S CHOICE

 Ms. Reid had nothing further to report.

IX. COMMISSIONER'S CHOICE

 Mr. Calonder stated he would be absent for several meetings between now and the end of summer. He apologized to the Commission.

Mr. Fish thanked his fellow Commissioners for all they bring forward.

The meeting adjourned at 8:48 p.m.

Barbara Krecklow, Recording Secretary