



## Council Newsletter

---

### CITY MANAGER'S NOTES December 6, 2018

#### Upcoming Council Meetings

City Council will meet on **Monday, December 10, 2018**. The Study Session will begin at 6:00 p.m. in the Community Room.

**The Special Meeting originally set for Wednesday, December 12, 2018, has been rescheduled. The new date has not yet been determined.**

City Council will meet on **Monday, December 17, 2018**. The Council Holiday Dinner will begin at 5:30 p.m. off-site. The Regular Meeting will begin at 7:00 p.m. in Council Chambers.

#### Informational Items

The following attachments are in response to City Council requests, as well as other informational items.

1. Englewood Herald article: Englewood shines for the Holidays
2. Englewood Herald article: Some claim 'taxpayer money not accounted for' in EEF
3. The Grey Area News article: Colorado: An Immersive Arts Experience, Natura Obscura, Opens Jan. 11
4. Public Works Department Update – December 2018
5. Calendar of Events
6. Tentative Study Session Topics



# PHOTOS: Englewood shines for holidays

## Holiday Concert and tree lighting kick off season

PHOTOS BY ELLIS ARNOLD

Posted Tuesday, December 4, 2018 3:21 pm

**Ellis Arnold**

[earnold@coloradocommunitymedia.com](mailto:earnold@coloradocommunitymedia.com)

A large crowd gathered around a Christmas tree more than two-dozen feet tall at the Holiday Concert and tree lighting Dec. 1 in front of the Englewood Civic Center.

The festivities at 1000 Englewood Parkway included a concert by Englewood Schools students, and city officials made appearances at the event. Former Mayor Randy Penn, Mayor Pro Tem Rita Russell and other Englewood city councilmembers stood alongside children as they counted down to the tree's lighting. Santa and Mrs. Claus attended the event, which featured a photo booth. The Greater Englewood Chamber of Commerce and City of Englewood put on the event.

Families posed and took photos in front of the tree, including the Iniguez family, who lives in Englewood.

Sofia Iniguez, 8, was bundled up with a purple Christmas hat.

Her favorite part of the event?

"When they turn on the tree," she said.



# Some claim 'taxpayer money not accounted for' in EEF

## Englewood Environmental Foundation is entity with complex history

Posted Monday, December 3, 2018 10:40 am

**Ellis Arnold**

[earnold@coloradocommunitymedia.com](mailto:earnold@coloradocommunitymedia.com)

An Englewood resident stood at the lectern and delivered an address that won applause from some in the audience, asking the question:

"Millions of dollars of taxpayer money are not accounted for. Why?" said Chris Duis, addressing the Englewood City Council at its meeting Aug. 20.

Duis voiced support for a forensic audit of the Englewood Environmental Foundation and Englewood McLellan Reservoir Foundation, two nonprofit corporations that are separate from the city but run by high-level city employees. Known as EEF and EMRF, the city created them in the late 1990s to oversee property the city has indirect influence over, including the Englewood Civic Center and the surrounding CityCenter Englewood shopping development under EEF.

Following months of scrutiny over claims of various kinds of past financial improprieties — like allegedly giving work to friends — city staff recommended in early November that the council look into the claims against EEF with an audit.

"The truth will come out, as it always does," Duis said in August.

But a look into EEF's history presents a more nuanced story, and whether alleged mismanagement occurred isn't clear from what's publicly known about the organization that has dominated recent political attention in Englewood.

### 'Piggy bank' alleged

JJ Margiotta, a local business owner and perhaps the loudest resident engaged in criticizing EEF, has claimed the public has been "kept in the dark for many years."

"I think we're going to find the checkbook for EEF was used as someone's personal piggy bank for a while and checks were written out to friends and family of (EEF) board members and city employees," Margiotta said at the Nov. 5 city council meeting.

An examination of EEF by the 18th Judicial District Attorney's Office in 2017 included statements from a previous public-works director for the city — who was also a former board member for EEF and EMRF — that outlined he had played hockey and golf, respectively, with two individuals who did work for EEF and EMRF. But the DA's office's report said no city employees “offered any evidence to support” allegations of improper contracts or getting “kickbacks.”

“It appeared to be speculation,” the DA's investigator, Brian Ahlberg, wrote in the report.

Margiotta, who is [embroiled in a legal fight](#) with the city over allegations of failure to file tax returns for his business, did not provide evidence of his above claims about EEF.

### **'There would still be expenses'**

The city created EEF in 1997 to oversee redevelopment of the former Cinderella City mall into the CityCenter Englewood site — in the areas along Englewood Parkway east of South Santa Fe Drive — and to “shield the city from potential environmental liability” from issues including asbestos and gasoline contamination leaching from nearby property at the time, according to a city fact sheet.

At the outset, the city council approved a transfer of \$1.1 million on Sept. 2, 1997, that went to EEF for the acquisition and remediation of property on the site and to pay for property management and other related costs, according to a letter from the federal Internal Revenue Service to EEF. That letter was posted on the city's website as part of the public information for the Nov. 13 city council study session meeting.

Most of the property was donated by Cindermak Associates in August 1997, according to the Nov. 13 information packet.

EEF oversees CityCenter's maintenance, which is paid for each year by common-area maintenance payments, or CAM. That cost is shared by those who control land on the CityCenter site. The Englewood Civic Center, home of the city's library and government offices, is owned by EEF, and the city, as a tenant, pays into the CAM.

In 2017, Englewood paid about \$260,700 of the \$1.4 million in total CAM costs, according to the Nov. 13 packet. That total includes items like electricity, snow removal, landscaping and security, according to a July city memorandum.

Elaine Hults, another frequent council critic, implied at the Nov. 19 council meeting that the loss of Englewood's fire department in 2015 wouldn't have happened without alleged financial problems with the nonprofits.

“All you have to do is look at the figures of EMRF and EEF and really realize what's been going on,” the Englewood resident told the council.

Broadly, EEF and EMRF are not funded through Englewood's general fund budget, but the city does pay to lease the civic center from EEF. The annual lease payment is about \$1.45 million per year with five years remaining, said Benny Stiemsma, city spokesman.

Stiemsma responded to concerns like Hults' in a Nov. 21 statement.

“While the redevelopment costs could have been utilized in a different manner,” Stiemsma said, “there would still be ongoing expenses to the city for City Hall, a library, meeting space” and so on.

## **'I had no evidence'**

The DA's office's 2017 report on EEF and EMRF contained interviews with about a dozen city employees and administrators and centered around alleged practices of the previous public-works director in question. Englewood's then-assistant city manager brought the matter to the office's attention in 2016.

The report looked into the allegations to determine if a criminal investigation would be warranted, but the report itself was not a criminal investigation.

A main source of concern surrounding EEF and EMRF is that they are not required to put work out to bid — in other words, they don't have to search for offers from different companies to seek the best price, the way the city does. The nonprofits were not bound by city policies, the report said.

City employees believed overpayment for services and kickbacks — the public-works director pocketing money based on his relationship with the service providers — to be taking place, but no one had direct knowledge or evidence to back up the accusations, the report said.

Although it's a separate entity from the city, EEF's governing board consists of the directors of the city's Public Works, Community Development and Finance departments.

In the report, the public-works director acknowledged that he and an individual who did work with EMRF had “played golf together on occasion and they speak regularly, but said they were business acquaintances and not personal friends.”

The city itself at one point declined to use him as a vendor, but the director continued to use him for services for EMRF starting around July 2013, the report said.

He also said the EMRF ground was maintained by an “off duty City police officer” but later learned the arrangement could be at odds with a police department rule, “meaning the arrangement would not be repeated.”

The city's finance director — who was also a board member for EEF and EMRF — said he was hopeful that when the then-new city manager, Eric Keck, arrived in late 2014, the improprieties would stop, the report said. When it appeared to him “that would not be the case,” he resigned.

But he said he “believed and/or understood” there was no evidence to support allegations of misconduct by the public-works director, the report said.

“The overall review determined there was no evidence to support a criminal investigation and no further investigation is warranted,” the investigator, Ahlberg, wrote.

## **'Not out of the ballpark'**

Keck wanted the public-works director to start putting out work for bid, the report said, something the city staff currently plans to do for EEF.

“Keck noted the CAM rate seemed a little high but not out of the ball park for being realistic,” the report said. “This was based on Keck's previous experience in commercial real estate development and portfolio management.”

Keck directed that going forward, contracts should be put out for bid, but the public-works director said Keck couldn't say the contracts had to be bid because the nonprofits aren't subject to city policy, the report said.

Now, city staff "will be issuing detailed requests for proposals/bids in the first quarter of 2019 to establish new contracts to ensure the city is receiving reasonable costs for all services," Stiemsma said.

City staff [recommended in November](#) that EEF undergo a forensic audit that could examine mismanagement or alleged criminal behavior. Another option would be a performance audit, which evaluates the effectiveness of how an organization runs. The council could seek an audit for both forensic and performance matters, according to Interim City Manager Dorothy Hargrove.

Council was set to discuss steps toward putting an audit in motion at its study session meeting Dec. 3, after the Englewood Herald's press time.

#### **EEF AND CIVIC CENTER**

The Englewood Environmental Foundation oversees the maintenance of the CityCenter Englewood development, which includes Walmart, apartments, other businesses and the Englewood Civic Center, where the municipal offices sit.

CityCenter runs generally from South Santa Fe Drive to South Elati Street, between West Hampden and Floyd avenues.

The city leases the civic center building from EEF, a nonprofit corporation created to oversee property the city has indirect influence over.

The annual lease payment is about \$1.45 million with five years left, according to the city. That payment equals the debt service the city owes on what's called a Certificate of Participation, or COP, where a government agrees to lease the use of an asset over a period of time, according to a July 13 memorandum from City Attorney Alison McKenney Brown to city council.

After that period, the title for the asset transfers to the government, the memo said, meaning the city would own the civic center at that point.

The city entered into the COP to finance the purchase of the civic center and environmental remediation during the redevelopment of the area, where the former Cinderella City mall sat, according to the memo.

Because the city can discontinue the lease at any time, COPs are not a multi-year fiscal obligation and thus can be issued without voter approval, the memo said.

#### **ONGOING COVERAGE**

Developments surrounding the Englewood Environmental Foundation over the past few months:

Claims about EEF abounded during the election that aimed to recall Councilmember Laurrett Barrentine. The former Englewood mayors who led the recall effort pushed back against the idea that the election aimed to cover anything up: [Claims fly during recall election](#)

A large portion of the former Cinderella City mall site changed hands in a foreclosure sale in August, and the city is eyeing what it says is an opportunity to reimagine the shopping center in a time of nationwide retail decline. How EEF plays into that: [5 things to know about CityCenter foreclosure](#)

City of Englewood staff advocates for an audit after months of scrutiny on EEF: [Englewood City Council debates path amid claims about EEF corruption](#)

<https://greyareanews.com/news/local-co/englewood-natura-obscura-2019/>



THE GREY AREA NEWS

"LOCAL AND NATIONAL UNUSUAL NEWS™" -- EASTERN NORTH CAROLINA, THE US & BEYOND

## Colorado: An Immersive Arts Experience, Natura Obscura, Opens Jan. 11

December 5, 2018 [Guest Author or Contributor local-co](#)

The Museum of Outdoor Arts and Prismajic feature 25 Colorado-based artists in this self-guided exploration through a surrealist forest

Natura Obscura, an immersive arts experience featuring more than 30 Colorado-based artists and creatives, opens at the Museum of Outdoor Arts (MOA) on Friday, **January 11, 2019** and runs through **April 28, 2019**.

The Museum is located at **1000 Englewood Parkway, Suite 2-230, Englewood, Colorado**.

The installation, open to all ages, begs the question, "What's your nature?," inviting the public to step into a self-guided exploration through a surrealist, dreamlike forest that combines art, sculpture, and the latest in virtual, augmented and digital technologies.

MOA and Prismajic designed and produced the installation, collaborating with well-known Colorado artists and 10 intern emerging artists from MOA's Design and Build education program. Natura Obscura features installations by local artists Chris Bagley, Nicole Banowetz, Tiffany Matheson, Travis Powell, Scott Soffa, and Ian Wagner. In addition, Grammy award-winning recording engineer, Mickey Houlihan, along with MOA, produced a custom cloud chamber environment in MOA's Sound Gallery as part of the immersive experience.

"For more than 35 years, MOA has curated a variety of immersive experiences. Natura Obscura is the most innovative indoor environment MOA has produced to date. We anticipate thousands of people will engage with our space in a unique way over the duration of the installation," said Cynthia Madden Leitner, MOA president. "We encourage people to wander among the surrealist forest where they will encounter fantastical woodland creatures and hopefully leave with a feeling of inspiration and excitement."

The exhibition will be open:

- Tuesdays and Wednesdays from 10am to 6pm
- Thursdays from 10am to 9pm

- Fridays and Saturdays from 10am to 10pm
- Sundays from 10am to 5pm

Tickets will be honored until *one hour before the closing time* to provide enough time to experience the installation.

Tickets range in price from \$10 to \$20 based on day of the week and time of purchase. To purchase online tickets, visit [www.naturaobscura.org](http://www.naturaobscura.org).

Free Scientific and Cultural Facilities District ([SCFD](#)) days will take place on the first Tuesday of February, March and April 2019. Contact MOA (303.806.0444) if you are interested in a school or group tour of the exhibition.

Follow the magic of Natura Obscura on Facebook ([NaturaOb](#) and [MOA](#)), Twitter ([@NaturaOb](#) and [MOA](#)), and Instagram; engage with the installation using the hashtag *#NaturaObscura*.

Founded in 1981, MOA (Museum of Outdoor Arts) is a nonprofit arts organization dedicated to making the visual and performing arts accessible to everyone by implementing its mission of “Making Art a Part of Everyday Life.” MOA owns and operates Fiddler’s Green Amphitheatre in collaboration with its tenant AEG Presents and features more than 150 pieces in its outdoor collection. Additionally, MOA is home to art studios and indoor galleries hosting several exhibitions per year, an artist in residence program and its signature education program, Design and Build, an annual opportunity for young artists, students and creative minds to work with professional artists on collaborative art projects. MOA receives partial funding from the City of Englewood, and the Scientific and Cultural Facilities District (SCFD) of Arapahoe County.

For more information on MOA, visit [www.moaonline.org](http://www.moaonline.org).

Founded and run by Eric Jaenike and Jennifer Mosquera, Prismajic creates immersive arts experiences that combine physical art installations along with the latest in digital technologies. For more than five years, the company worked in the corporate event market as Artistry Events & Design, building and creating for clients, including Microsoft, The Ritz Carlton and JP Morgan Chase. The same team is leveraging their experience to create cutting-edge art for the public with Natura Obscura. Prismajic is currently seeking partners and supporters for a large immersive space of their own. Learn more at [www.prismajic.com](http://www.prismajic.com).



## PUBLIC WORKS DEPARTMENT DECEMBER 2018 UPDATE

### OPERATIONS & MAINTENANCE

#### **Street Crack Sealing**

The Streets Division is currently sealing cracks in the streets to extend the life of the pavement by preventing water intrusion during the freeze/thaw cycles of winter. The crack seal will be applied to 42 blocks throughout the city as weather permits; three blocks have been treated to date.

#### **US 285 Traffic Signal Modifications – Inca Street to Logan Street**

In cooperation with CDOT, six traffic signals, from Inca Street to Logan Street, on US 285 will be modified to improve driver safety. Currently, vehicles can turn left with a green ball (permissive) or with a green arrow (protected). The eastbound and westbound left turn arrows will be changed to be protected left turn arrows only, during daytime hours. Staff is also implementing the Flashing Yellow Arrow permissive signal for overnight hours, where the signal is compatible with this change.

Work will begin the week of December 3 and may last into January or February, depending on availability of staff. Motorists on US 285 may experience a slight increase in delay.

#### **Traffic Video Camera Upgrades**



The current video camera system is functionally obsolete and does not integrate with the digital systems in place in surrounding jurisdictions. Staff is procuring two different camera models to test, in preparation for a system-wide, 45-camera replacement effort. The new system will allow cameras to be accessed remotely. The replacement will take place over a 1 – 2 year period, depending on availability of funding.

### PROJECTS UPDATE

#### **Broken Tee Maintenance Building Restoration**

The golf course maintenance building suffered extensive damage during the July 24 storm and will be restored to meet current building and safety codes. Work began on November 28 and will be completed by December 31.

#### **ServiCenter Front Gate Relocation**

Relocation of the entrance to the ServiCenter at 2800 South Platte River Drive is complete. The new gate will provide easier access for vehicles entering and exiting the facility by providing dedicated lanes. The new gate increases security at the facility to protect city assets from theft and vandalism.



### **Elati Street Closure**

As a part of the construction of the new Police Department Headquarters building, improvements will be made to Elati Street including installation of ADA-compliant pedestrian ramps, sidewalks and driveways along the property. The street is closed to all but emergency traffic while construction is underway. Upon completion of the work, Elati Street will be a one-way only street in the northbound direction.



### **3800 South Broadway Sidewalk**



The Hilltop development project (located on Broadway at Lehigh Ave.) is currently progressing through the foundation construction. The footings for the foundation have been poured; the walls are being framed and should be constructed by the second week in December. Upon completion of the wall construction, the public sidewalk will be reconstructed and opened to the public.

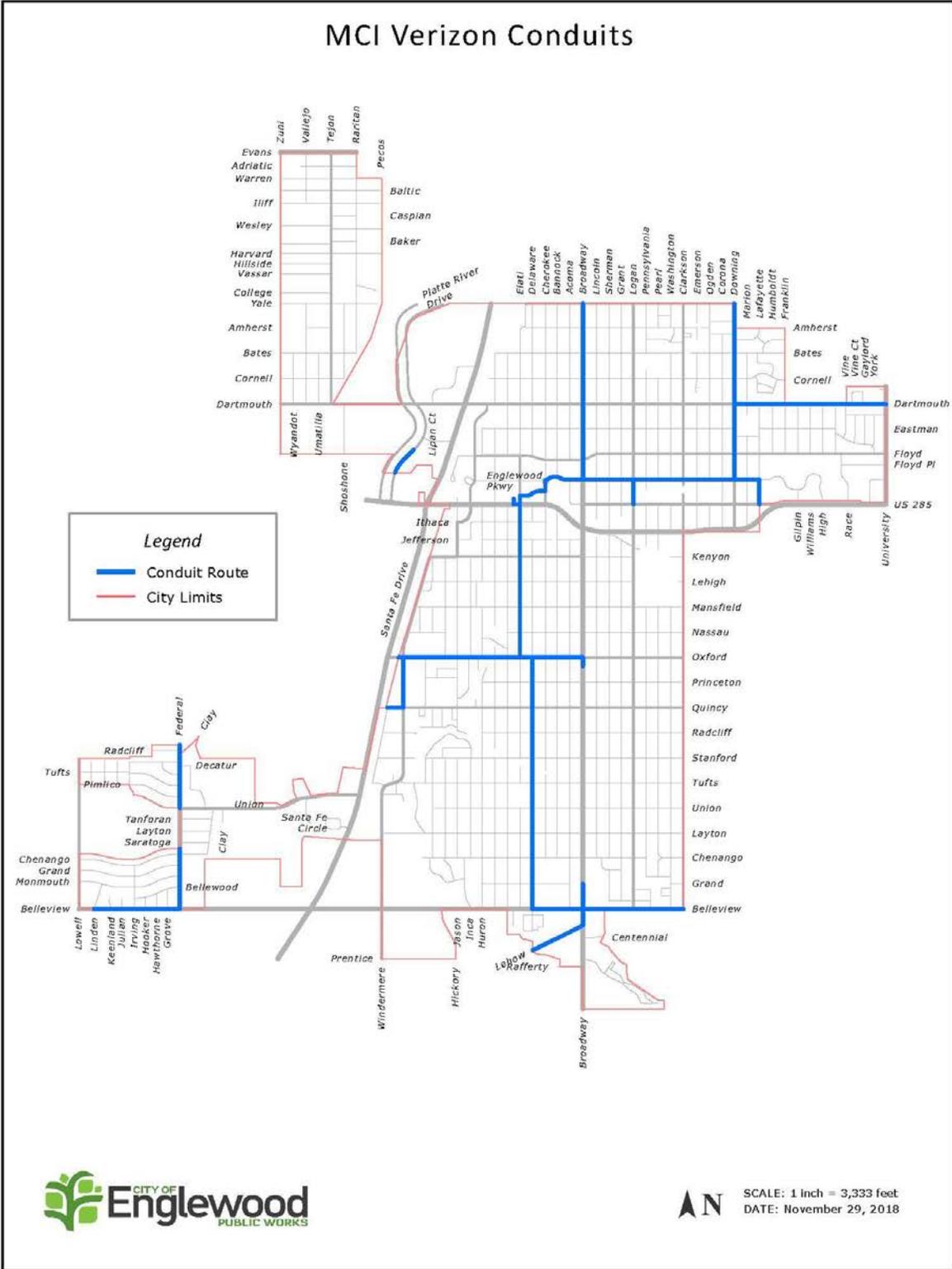
### **Fiber Optic Installations**

MCImetro Access Transmission Services Corp., a Verizon subsidiary, will begin installing several fiber optic lines in December to provide high-speed broadband telecommunications services, including internet access, to business and government customers. The lines will be installed using directional drilling technology (boring) so surface disturbance will be kept at a minimum. This work will require the installation of hand holes in and behind the sidewalk (but in the public right of way) in several locations. It will take several months to complete

Work is occurring at the locations shown on the attached map;

- W. Oxford Ave, from S. Santa Fe Dr. to Broadway
- Belleview from S. Delaware St. to S. Clarkson St.
- Englewood Parkway/Girard St., from S. Cherokee St. to S. Lafayette St.
- E. Dartmouth Ave., from S. Downing St. to S. University Blvd.
- S. Broadway from Yale Ave., to Englewood Parkway
- S. Elati St. from Englewood Parkway to W. Oxford Ave.
- S. Delaware St. from W. Oxford Ave. to W. Belleview Ave.

# MCI Verizon Conduits



**CITY OF ENGLEWOOD  
2018 CALENDAR OF EVENTS**

Mon., Dec. 10	6:00 p.m.	City Council Study Session
Tues., Dec. 11	11:00 a.m.	Mayor/Manager Meeting
	3:00 p.m.	NonEmergency Employees Retirement Plan
	CANCELLED	Water & Sewer Board, Community Development Conf. Room
	5:15 p.m.	Budget Advisory Committee, Public Works Conference Room
	5:30 p.m.	Keep Englewood Beautiful, City Council Conference Room
	7:00 p.m.	Public Library Board, Englewood Public Library, Altenbach Room
Wed., Dec. 12	CANCELLED	Englewood Urban Renewal Authority, City Council Conference Room
	11:30 a.m.	Alliance for Commerce in Englewood, City Council Conference Room
	RESCHEDULED	City Council Special Meeting, Council Chambers
	7:00 p.m.	Board of Adjustment and Appeals, Council Chambers
Thurs., Dec., 13	5:30 p.m.	Parks and Recreation Commission, Englewood Recreation Center, Aquatics Room, 1155 W. Oxford Ave.
	6:00 p.m.	Englewood Transportation Advisory Committee, City Council Conference Room
Mon., Dec. 17	5:30 p.m.	Council Holiday Dinner
	7:00 p.m.	City Council Regular Meeting
Tues., Dec. 18	CANCELLED	Planning and Zoning Commission, City Council Conference Room/Council Chambers
Wed., Dec. 19	5:30 p.m.	Code Enforcement Advisory Committee
	6:30 p.m.	Historic Preservation Commission, Community Development Conference Room

Christmas Holidays

**2019 CALENDAR OF EVENTS**

Thur., Jan. 3	5:30 p.m.	Board and Commission Interviews
Mon., Jan. 7	7:00 p.m.	City Council Regular Meeting
Tues., Jan. 8	7:00 p.m.	Planning and Zoning Commission, City Council Conference Room/Council Chambers
Wed., Jan. 9	6:30 p.m.	Englewood Urban Renewal Authority, City Council Conference Room

Mon., Jan. 14	6:00 p.m.	City Council Study Session, Community Room
Wed., Jan. 16	6:30 p.m.	Historic Preservation Commission, Community Development Conference Room
Tues., Jan. 22	7:00 p.m.	City Council Regular Meeting
Tues., Jan. 22	5:15 p.m.	Budget Advisory Committee, City Council Conf-Room
Wed., Jan 23	7:00 p.m.	Planning and Zoning Commission, City Council Conference Room/Council Chambers
Mon., Jan. 28	6:00 p.m.	City Council Study Session, Community Room
Mon., Feb. 4	7:00 p.m.	City Council Regular Meeting
Tues., Feb. 5	7:00 p.m.	Planning and Zoning Commission, City Council Conference Room/Council Chambers
Wed., Feb. 6	11:00 a.m.	Liquor and Marijuana Licensing Authority
Mon., Feb. 11	6:00 p.m.	City Council Study Session, Community Room
Wed., Feb. 13	6:30 p.m.	Englewood Urban Renewal Authority, City Council Conference Room
Tues., Feb. 19	7:00 p.m.	City Council Regular Meeting
Wed., Feb. 20	6:30 p.m.	Historic Preservation Commission, Community Development Conference Room
	7:00 p.m.	Planning and Zoning Commission, City Council Conference Room/Council Chambers
Mon., Feb. 25	6:00 p.m.	City Council Study Session, Community Room
Tues., Feb. 26	5:15 p.m.	Budget Advisory Committee, City Council Conf-Room
Mon., Mar. 4	7:00 p.m.	City Council Regular Meeting
Tues., Mar. 5	7:00 p.m.	Planning and Zoning Commission, City Council Conference Room/Council Chambers
Wed., Mar. 6	11:00 a.m.	Liquor and Marijuana Licensing Authority
Mon., Mar. 11	6:00 p.m.	City Council Study Session, Community Room
Wed., Mar. 13	6:30 p.m.	Englewood Urban Renewal Authority, City Council Conference Room
Mon., Mar. 18	7:00 p.m.	City Council Regular Meeting
Tues., Mar. 19	7:00 p.m.	Planning and Zoning Commission, City Council Conference Room/Council Chambers
Wed., Mar. 20	6:30 p.m.	Historic Preservation Commission, Community Development Conference Room

**TENTATIVE**  
**STUDY SESSIONS TOPICS**  
**FOR ENGLEWOOD CITY COUNCIL**

Dec 10	Study Session Capital/Infrastructure Discussion MOA Lease Discussion Council Decorum
Dec 17	Council Holiday Dinner (5:30 p.m.)
Dec 17	Regular Meeting
Dec 24	Holidays
Jan 3	Board and Commission Interviews (Tues., 5:45 p.m.)
Jan 7	Regular Meeting Redevelopment Plan Update
Jan 14	Study Session Board and Commission Appointment Discussion Broadway Medians Comprehensive Plan – Intensity Map Pavement Management & Concrete Utility Program Overview
Jan 21	Role of City Council with SPWRP Supervisory Committee
Jan 21	Regular Meeting
Jan 28	Study Session Cultural Arts Discussion
Feb 4	Regular Meeting
Feb 11	Study Session Storm Water Analysis and Alternatives Feasibility Study Update
Feb 19	Regular Meeting
Feb 25	Study Session Garbage and Recycling Special Events
March 4	Regular Meeting
March 11	Study Session

March 18 Regular Meeting

March 25 Study Session

## **FUTURE STUDY SESSION TOPICS**

### Special Events

Council Policy Manual Finalization  
Board & Commission Presentations  
Small Cell Technology Discussion  
Youth Commission Discussion  
Building Use Tax Discussion  
Home Rule Charter Amendment Discussion  
Home Rule Charter Review  
ULI Healthy Corridor Report Study  
Joint meeting with the Planning and Zoning Commission  
Procurement Policy Discussion  
After Action Report on Flooding  
Citizen of the Year  
Long Term Financing

### Boards and Commissions

Board and Commission Interviews (January and June)  
Alliance for Commerce in Englewood Committee  
Board of Adjustment and Appeals  
Budget Advisory Committee  
Code Enforcement Advisory Board (May)  
Cultural Arts Commission  
Election Commission  
Englewood Housing Authority (February)  
Keep Englewood Beautiful Commission (May)  
Liquor Licensing Authority  
Fire Pension, Police Pension and Retirement Board  
Parks and Recreation Commission  
Planning and Zoning Commission (February)  
Public Library Board (June)  
Transportation Advisory Committee  
Urban Renewal Authority  
Water and Sewer Board