



Council Newsletter

CITY MANAGER'S NOTES December 27, 2018

Upcoming Council Meetings

City Offices will be closed on Monday, December 31, 2018 and Tuesday, January 1, 2019 in observance of the New Year Holiday.

City Council will meet on Thursday, January 3, 2019 at 5:45 p.m. for the Board and Commission Interviews.

Informational Items

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

1. Englewood Herald article: New Bishop building to 'deepen roots'
2. Englewood Herald article: Details emerge on some questions about EEF
3. Calendar of Events
4. Tentative Study Session Topics



New Bishop building to 'deepen roots'

Groundbreaking kicks off last of Englewood Schools' projects

ELLIS ARNOLD

Posted Thursday, December 27, 2018 10:25 am

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The last of Englewood Schools' five construction projects — all undertaken on the strength of a \$97.5 million bond voters approved in 2016 — symbolically kicked off Dec. 20 with a groundbreaking ceremony at Bishop Elementary School.

The bond was “an incredible investment in our community,” said Wendy Rubin, superintendent for the school district, thanking parents in the crowd for voting for the measure.

Construction on the new building to replace the current Bishop site is expected to wrap up in December 2019, and Bishop students will attend school in the old Maddox Early Childhood Education Center building — the preschool that will also be replaced by a new building set to open for students in January — in the meantime. Bishop students will start school in the new Bishop building around January 2020.

At the groundbreaking, dozens of parents and community members gathered along with a large crowd of Bishop students and listened to words from Rubin, Bishop Principal Shanna Martin and two students who reminisced about Bishop and the teachers that influenced them.

“These teachers taught me that no matter what, you should never stop trying,” said Reily Malcomb, a sixth-grader and vice president of the school's student council.

Malcomb was followed by Luzmia Hernandez, sixth-grader and student council president, who highlighted teachers who have “always been there” for her and life lessons she's learned.

“It's OK to make mistakes,” Hernandez said one teacher taught her.

Rubin spoke of a 1903 photo of students at North school, as the Bishop site at 3100 S. Elati St. was originally named. A new building was erected there in 1956, and the new one in 2020 will serve to “deepen the roots” of the school in Englewood, Rubin said. A table in a school hallway during the ceremony displayed scrapbooks and memorabilia related to Bishop and Englewood — books of newspaper clippings and school-related documents lay among the materials.

A person who lived through some of that Bishop history firsthand was a face in the crowd — Susan Pepper, 52, walked through the building for the first time since she was 10.

“It hasn’t changed a bit,” Pepper said fondly. “My first-grade teacher, I remember her, Ms. Mac. I went in the classroom today, and it looks an awful lot the same.”

Pepper, who lives in Denver now, grew up in Englewood and attended Bishop from kindergarten through most of fifth grade.

“I loved it — the school, the neighborhood. I had a great time here. Certainly enough to come back to this,” she laughed.

Englewood Schools began construction on Clayton Elementary School and Charles Hay World School in mid-2017, and construction at Cherrelyn Elementary School began in summer 2018. Construction broke ground at Maddox, at 700 W. Mansfield Ave., in December 2017.

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Details emerge on some questions about EEF

Officials shed light on contracts, public nature of Englewood Environmental Foundation

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Posted Thursday, December 27, 2018 10:24 am

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Amid months of scrutiny over accusations of financial improprieties in a nonprofit body run by City of Englewood officials, some questions have seen more sunshine, and some remain unclear.

The Englewood Environmental Foundation, known as EEF — created by the city in the late 1990s — oversees property that the city has indirect influence over, including the Englewood Civic Center and the surrounding CityCenter Englewood shopping development.

A flurry of concerns has followed EEF and a similar nonprofit, the Englewood McLellan Reservoir Foundation, including claims a former official gave work to friends and received kickbacks — and that overpayment for services occurred.

Thus far, alleged mismanagement hasn't been proven.

But city staff, including members of EEF's board of directors, recommended in November and December that the city look into concerns surrounding EEF with a non-routine audit. City council appears poised to move forward with it, but exactly which aspects the probe will examine are undecided.

In the meantime, the city has answered more questions about EEF's closeness to the city government and released the contracts for one of its main workers, shedding light on what kinds of payments the nonprofit corporation made.

Private or public?

The question of how separate the nonprofit is from Englewood's government has dogged EEF as the spotlight followed it in 2018.

On one hand, its board consists of the directors of the city's Public Works, Community Development and Finance departments, who occupy the EEF board by virtue of the city positions they hold — not by choice, the city has said.

What complicates that is the view that EEF and EMRF were not bound by city policies, an idea mentioned in a report by the 18th Judicial District Attorney's Office. That April 2017 report looked into claims of mismanagement and included a former city official's view that the nonprofits aren't part of the city “subject to city policies.”

The Englewood Herald has previously described the nonprofits as private bodies. City Councilmember Laurett Barrentine has mentioned them as private, and an Englewood Police Department spokesman has referred to EEF as a private entity. Former City Manager Eric Keck characterized the bodies as independent of the city.

But a ruling issued by the federal Internal Revenue Service in 1998 deemed EEF tax exempt — as an “integral part” of the city — and a “governmental unit” under the Internal Revenue Code. A copy of the IRS letter is included in the public information for the city council's Nov. 13 study-session agenda on the city's website, which contained dozens of pages of history and legal and financial documents related to EEF.

“EEF and EMRF are component parts of the City of Englewood,” said Benny Stiemsma, city spokesman. “Their finances are audited annually as part of the municipal audit process.”

City council is also liable for EEF board actions because who sits on the board is ultimately the council's responsibility, Dorothy Hargrove, interim city manager, argued at the Nov. 13 meeting. As it has evolved, the board defers to council to review and affirm all of its recommended actions other than minor day-to-day operating decisions, Dan Poremba, Englewood's chief redevelopment officer, has said.

Brad Power told council he will resign from the EEF board effective Jan. 1 and argued his role with EEF was a potential conflict of interest with his post as director of the Community Development Department, Stiemsma said. The department oversees several aspects of development in Englewood. Power took the position with the department in 2016.

Council can appoint another board member if it chooses, Stiemsma said.

Despite the public nature of the nonprofit, signs that tag EEF's land as private property punctuate the area near civic center — Englewood's city hall — including near the adjacent RTD bus and light rail station.

The “portion of the civic center property used for public purposes (is) managed as public properties,” Stiemsma said. “That portion of the civic center property used for private businesses (is) maintained as private properties.”

The signs stand in parts like the grass and fountain area in front of the civic center, as well as at and near the bus station.

On the dotted line

The view that the nonprofits are separate from the city was used by a former public-works director, according to the DA's office's report, to argue the bodies don't have to put work out to bid — in other words, that they don't have to search for offers from different companies to seek the best price, the way the city generally does.

EEF oversees maintenance for the CityCenter site — including the civic center — which is paid for each year by those who control land on the site. The costs include items like electricity, snow removal, landscaping and security.

The DA's office's report included statements from the former public-works director — who was also a 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 report said no city employees “offered any evidence to support” allegations of improprieties involving contracts or getting “kickbacks.”

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

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

One entity the partially redacted document discusses is Angle's Specialty Services, a main contractor with EEF that has overseen services like snow removal, power washing and day-porter services. It's owned by Charles Angle Jr., 62.

Angle, who oversees and pays subcontractors, took in \$67,555 from EEF for snow removal for January 2017, according to the city's records in the Nov. 13 study-session information. Multiple workers would be paid from that amount, such as people hand-shoveling snow for around \$30 per hour, Angle said. He's had 250 man-hours in just one day for shoveling before, and 92 hours just for plow trucks, he said, which take about \$75 per hour. The cost of fuel factors in generally for work done with vehicles, he added.

Angle has about 18 people putting up and taking down lights in the holiday season, he said, and his company took in about \$52,000 for that service in 2017, which included the cost of buying new lights, Angle said.

When asked if monthly amounts appear to be reasonable costs for the services, the city did not directly answer, instead noting that city staff will be “issuing detailed requests for proposals/bids” in early 2019 “to establish new contracts to ensure the city is receiving reasonable costs for all services,” Stiemsma said.

For 12 of 17 vendors related to maintenance service, no contract was found in the city's records, according to the Nov. 13 information. The city released Angle's maintenance contracts in response to a records request by the Englewood Herald.

The first, for the 1997-98 snow season — EEF was formed in 1997 — lists rates similar to what Angle mentioned above: \$30 per hour for removal by hand. The contract in 2000 added a retainer — a monthly “stand by” payment — and the invoice for any work required in a month was to be deducted from that month's retainer. If no maintenance is required, Angle was to keep the retainer as a standby fee, the contract said.

For the months September 2011 through April 2012, the retainer ranged from \$2,000 to \$5,000 per month, according to the 2011 contract.

Angle said retainers are a common practice with shopping centers, but he said Keck, the former city manager, “cannot stand that,” so that part of the contract was discontinued; a handwritten note on it reflects that.

Angle physically oversees the CityCenter site virtually every day, he said.

“When it snows, I get there at midnight, and I'll start calling people in (to work) at 3, 4, 5 a.m.,” Angle said. “Depending on what the weather said.” He trims the trees and checks sprinklers himself, he said.

‘Not getting rich’

Aside from paying those he oversees, Angle puts thousands of dollars into maintaining service vehicles, Angle said.

“I've got a lot of money in equipment.” Angle said. “I had to get new cutting edges on trucks — that was \$3,000. \$2,000 for tires for two trucks.”

When asked how much personal income he makes in a month like January 2017, he declined and said, “I couldn't begin to tell you,” adding that some money goes to insurance. He said his yearly personal salary isn't far from \$30,000, and he only works at CityCenter.

“The reason you stick to it is pride in what I do,” Angle said. “I enjoy it. I'm not getting rich. If I were getting rich, I probably could have left five years ago ... you should remember, I gotta pay the street sweeper (about) \$3,000 a month ... I don't make a penny off that.”

In recent years, city staff, including Keck, had been wanting to put services out to bid, Angle said. The DA's report mentioned Keck supported that.

“I've written up everything I could to try to make it easy on them,” Angle said, noting he talked to EEF officials about putting out bids. “They just didn't have time to do it; they were so busy with other stuff.”

He maintains he largely hasn't raised his prices in about 16 years, and the contracts show only change of a few dollars per hour for most services between 1997 and 2011.

“I still have a lot of friends in the business — landscaping, sprinkler,” Angle said. “I tell them how much I charge, and they laugh at me. Nobody charges what I charge.”

‘Not buddy-buddy’

Angle said he played hockey through a local men's league and played with the former public-works director for maybe a year or two after he was hired, and that the former director was his coach around two decades before that, but said they weren't close.

In response to allegations of kickbacks, Angle said, “I never gave (him) a penny” and that he never heard of such conduct. The director was the one who asked Angle if he'd like to work at the CityCenter, said Angle, who had a sprinkler business before that since around the early 1980s.

“For 10 years, I think I had lunch with him and (another city official) three times,” Angle said. “Never went to dinner with the guy, never went to his house ... we aren't buddy-buddy.”

**CITY OF ENGLEWOOD
2019 CALENDAR OF EVENTS**

Wed. Jan. 2	11:00 a.m.	Mayor Manager Meeting
	5:45 p.m.	Cultural Arts Commission, Englewood Public Library, Perrin Room
Thur., Jan. 3	5:45 p.m.	Board and Commission Interviews, City Council Conf-Room
Mon., Jan. 7	6:00 p.m.	City Council Study Session, Community Room
	7:00 p.m.	City Council Regular Meeting, Council Chambers
Tues., Jan. 8	5:30 p.m.	Keep Englewood Beautiful, City Council Conference Room
	7:00 p.m.	Planning and Zoning Commission, City Council Conference Room/Council Chambers
	7:00 p.m.	Public Library Board, Englewood Public Library, Altenbach Room
Wed., Jan. 9	6:30 p.m.	Englewood Urban Renewal Authority, City Council Conference Room
	7:00 p.m.	Board of Adjustment and Appeals, Council Chambers
	4:00 p.m.	Englewood Housing Authority, 3460 South Sherman Street
	11:30 a.m.	Alliance for Commerce in Englewood, City Council Conf-Room
Thur. Jan 10	5:30 p.m.	Parks and Recreation Commission, Malley Recreation Center
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	2:00 p.m.	Malley Center Trust Fund, Malley Recreation Center
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
Wed. Feb. 6	5:45 p.m.	Cultural Arts Commission, Englewood Public Library, Perrin Room
Mon., Feb. 11	6:00 p.m.	City Council Study Session, Community Room
Tues. Feb. 12	2:30 p.m.	Police Pension Board, Public Works Conf-Room

	3:30 p.m.	NERP Pension Board, Public Works Conf-Room
	7:00 p.m.	Public Library Board, Englewood Public Library, Altenbach Room
Wed., Feb. 13	6:30 p.m.	Englewood Urban Renewal Authority, City Council Conference Room
Thur. Feb. 14	3:00 p.m.	Firefighters' Pension Board, Public Works Conf-Room
	5:30 p.m.	Parks and Recreation Commission, Englewood Recreation Center
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
Wed. Mar. 6	5:45 p.m.	Cultural Arts Commission, Englewood Public Library, Perrin Room
Mon., Mar. 11	6:00 p.m.	City Council Study Session, Community Room
Tues. Mar. 12	7:00 p.m.	Public Library Board, Englewood Public Library, Altenbach Room
Wed., Mar. 13	6:30 p.m.	Englewood Urban Renewal Authority, City Council Conference Room
Thur. Mar.14	5:30 p.m.	Parks and Recreation Commission, Community Development 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
Mon., Mar. 25	6:00 p.m.	City Council Study Session, Community Room
Tues., Mar. 26	5:15 p.m.	Budget Advisory Committee, City Council Conf-Room
Mon., Apr. 1	7:00 p.m.	City Council Regular Meeting
Tues., Apr. 2	7:00 p.m.	Planning and Zoning Commission, City Council Conference

TENTATIVE
STUDY SESSIONS TOPICS
FOR ENGLEWOOD CITY COUNCIL

Jan 3	Board and Commission Interviews (Thurs., 5:45 p.m.)
Jan 7	Study Session CityCenter Redevelopment Opportunities and Critical Next Steps
Jan 7	Regular Meeting
Jan 14	Study Session SPWRP Supervisory Committee Discussion Board and Commission Appointment Discussion Broadway Medians Pavement Management & Concrete Utility Program Overview
Jan 15	Special Meeting – Search Firm Interviews
Jan 17	Special Meeting – Search Firm Interviews
Jan 22	Study Session
Jan 22	Regular Meeting
Jan 28	Study Session Comprehensive Plan – Intensity Map Procurement Policy
Feb 4	Study Session Citizen of the Year Process Standard Definitions
Feb 4	Regular Meeting
Feb 11	Study Session Storm Water Analysis and Alternatives Feasibility Study Update
Feb 19	Study Session Business Licensing Council Policy Manual
Feb 19	Regular Meeting
Feb 25	Study Session Garbage and Recycling Communications - Special Events
March 4	Regular Meeting

March 11 Study Session
March 18 Regular Meeting
March 25 Study Session
April 1 Regular Meeting
April 8 Study Session
April 15 Regular Meeting
April 22 Study Session
April 29 5th Monday

FUTURE STUDY SESSION TOPICS

Council Policy Manual Finalization
Board & Commission Presentations
Home Rule Charter Amendment Discussion
Home Rule Charter Review

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