The City of Durango encourages the participation of all its citizens in its public meetings. If an accommodation is needed, please contact the City of Durango ADA Coordinator at (970) 375-5005.

CITY COUNCIL REGULAR MEETING
DURANGO CITY HALL, SMITH CHAMBERS
07/05/2023
5:30 PM

MAYOR
Melissa Youssef

MAYOR PRO-TEM
Jessika Buell

CITY COUNCILORS
Olivier Bosmans – David Woodruff - Gilda Yazzie

CITY MANAGER
José Madrigal

ASSISTANT CITY MANAGER
Erin Hyder

MANAGING DIRECTOR
Bob Brammer, Public Safety

CITY ATTORNEY
Mark Morgan

CHIEF FINANCIAL OFFICER
Tommy Gonzalez, Interim

CITY CLERK
Faye Harmer

AIRPORT
Tony Vicari, Director

911 COMMUNICATIONS
Zeta Fail, Director

LIBRARY SERVICES
Luke Alvey-Henderson, Director

PARKS AND RECREATION
Ture Nycum, Director

TRANSPORTATION
Sarah Hill, Director

INFORMATION TECHNOLOGY
Justin Carlton, Director

PUBLIC WORKS
Allison Baker, Director

HUMAN RESOURCES
Bonnie Kling, Director

COMMUNITY DEVELOPMENT
Scott Shine, Director

MISSION
The City of Durango and our employees provide efficient city services, effectively maintain city assets and manage growth, are accountable, ethical and fiscally responsible, and collaborate with regional partners to improve the quality of life for our entire community.

VISION
Durango is an authentic, diverse, multigenerational, and thriving community. Our residents value and enjoy our unique natural environment and benefit from the management of our city’s resources in a fiscally responsible, environmental, and socially sustainable manner.

VALUES
- Teamwork
- Dependability
- Professionalism
- Service
- Respect
- Innovation
- Well-Being

STRATEGIC GOALS
- Affordability & Economic Opportunity (AEO)
- Diversity, Equity, Inclusion (DEI)
- Effective Infrastructure Network (EIN)
- Enhanced Livability & Sense of Place (ELSP)
- Environmental Sustainability & Resilience (ESR)
- Financial Excellence & High Performing Government (FE)
- Engaged & Collaborative Governance (ECG)
Hybrid Meeting Information

This meeting is being held in a Virtual/In Person format based on City of Durango Resolution R 2022-0017 adopted on April 5, 2022 by the Durango City Council.

The link to the virtual meeting is available here:
http://durangogov.org/zoom

Please note: If this link does not take you directly to the meeting list, please copy and paste it into the address bar of your web browser.

1. CALL TO ORDER AND ROLL CALL 5:30 PM

2. INTRODUCTION OF TRANSLATOR

3. OPENING REMARKS BY MAYOR AND COUNCIL - Information Only

4. PRESENTATIONS/PROCLAMATIONS - No Item

5. REQUESTS FOR EXCUSED ABSENCES - No items

6. CITY MANAGER UPDATES

7. PUBLIC COMMENT ON AGENDA ITEMS ONLY (Items 8, 9, 10 and 11) 5:20 PM

8. CONSENT AGENDA - Action Items without discussion 5:40 PM

8.1. Approval of Meeting Minutes

8.1.1. Approval of Minutes June 6, 2023 City Council Regular Meeting

8.1.2. Approval of Minutes June 20, 2023 City Council Study Session

8.1.3. Approval of Minutes June 20, 2023 City Council Regular Meeting

8.2. Final Reading of Ordinances

8.2.1. Final Reading of Ordinance O 2023 0011 Creating an Open Space Parks Ranger Position and Adding it to the Durango Municipal Code

8.3. Adoption of Resolution(s) by Consent - No Items

This meeting is being held in a virtual/In Person format (Durango Resolution R 2022-00017 dated 4/5/2022). Link to the virtual meeting at http://durangogov.org/zoom. If this link fails, please copy and paste it into your browser.
8.4. Approval of Other Administrative Items - No Items

9. ITEMS PULLED FROM THE CONSENT AGENDA

10. RESOLUTIONS - CONSIDERATION OF ADOPTION - Action Items with discussion 5:50 PM

10.1. Discussion and Possible Action Concerning Possible Approval of a Resolution Allocating the 2022 Lodgers’ Tax Overage for Sustainable Tourism Marketing

11. ORDINANCES - CONSIDERATION OF ADOPTION - Action items with discussion - No Items

12. COMMITTEE, BOARD AND LIAISON REPORTS - No items

13. INTRODUCTION OF ORDINANCES


14. OTHER NEW BUSINESS - Non Dispositive with limited discussion 6:30 PM

14.1. A Request for a Public Hearing to Consider an Ordinance Authorizing a Contract to Exchange Real Estate of 1235 Camino Del Rio and 201 E. 12th Street Between the Durango Fire Protection District and the City of Durango (July 18, 2023)

14.2. Discussion and Possible Action to Appoint 2 Candidates to the Board of Ethics and 2 Candidates to the Design Review Board

15. OTHER MATTERS - Non Dispositive with limited discussion - No Items

16. EXECUTIVE SESSION 6:45 PM

16.1. Discussion and Possible Action to Convene in Executive Session to Receive Legal Advice on Specific Legal Questions Pursuant to C.R.S. 24-6-402(4)(b) Concerning Litigation Filed by Matt Roane, Specifically Roane v. City of Durango, 2023CV30039, filed in La Plata County District Court

16.2. Consideration and Possible Action on Mr. Roane’s Offer to Settle Roane v. City of Durango, 2023CV30039, filed in La Plata County District Court

16.3. Discussion and Possible Action to Convene in Executive Session to Receive Legal Advice on Specific Legal Questions Pursuant to CRS 24-6-402(4)(b) Concerning Litigation Involving Matt Roane Specifically Roane v City of Durango et al v Matt Roane 2023CV30034, filed in La Plata County District Court

16.4. Consideration and Possible Action on Mr. Roane’s Offer to Settle City of Durango, et al. v. Matt Roane, 2023CV30034, filed in La Plata County District Court

17. PUBLIC COMMENT ON NON-AGENDA ITEMS - No discussion 7:15 PM

18. ADJOURNMENT 7:30 PM
This meeting is being held in a virtual/In Person format (Durango Resolution R 2022-00017 dated 4/5/2022). Link to the virtual meeting at http://durangogov.org/zoom. If this link fails, please copy and paste into your browser.
NOTE THAT ALL TIMES ARE APPROXIMATIONS

The public may view the meeting live on Zoom at durangogov.org/zoom or on YouTube at https://www.youtube.com/@CityofDurango6512. An email link for public comment is located at DurangoGov.org/meetings at the top of the page as well as on the agenda itself under Public Participation. Comments must be submitted no later than noon on the Monday preceding the meeting. Each email should contain the corresponding agenda item in the subject line of the email if there is one. The sender’s full name and address should be included for the record. If comment by email is not possible, comments may also be placed in the drop box located in front of City Hall no later than noon on the Monday preceding the meeting. All written comments will be provided to the Council for review. Written comments may be read into the record and/or attached to the minutes of the meeting at the direction/discretion of Council. Email comments should be directed to: PublicComment@durangogov.org.

Members of the public who wish to provide verbal comments can use the Virtual Meeting Information at the top of this agenda to join the meeting. Please ensure you have the Zoom app installed on your computer or mobile device prior to the meeting (https://zoom.us/download). The mayor will provide additional details during the meeting when public comment is accepted.
DURANGO CITY COUNCIL
CITY COUNCIL REGULAR MEETING
VIRTUAL/IN PERSON MEETING
TUESDAY JUNE 6, 2023
5:30 PM

1. CALL TO ORDER
Mayor Youssef called the meeting to order at 5:31 p.m.

2. ROLL CALL
Present on behalf of the Durango City Council were Mayor Youssef, Mayor Pro Tem Buell, and Councilors Yazzie and Woodruff. Councilor Bosmans was not in attendance.

Also present were City Manager José Madrigal, City Attorney Mark Morgan, Deputy Clerk Ben Florine, Commanders Dunlop and Shaline from the Durango Police Department, Parks and Recreation Director Ture Nycum, Housing Innovation Manager Eva Henson, City Planner Mark Williams, and Community Events Supervisor Ellen Babers.

3. INTRODUCTION OF TRANSLATOR
CLC Translation provided translation services in Spanish for this meeting.

4. IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST
No conflicts were identified.

5. PROCLAMATIONS/PRESENTATIONS
No Items.

6. PUBLIC PARTICIPATION
Jeanine Schmidt was concerned with a homelessness survey conducted around the county, which she indicated drove down housing supply and increased demand. She said subsidized housing was expanding and causing a housing crisis for those not on subsidies.

There were no other comments.

7. CITY OPERATIONAL UPDATES
7.1. City Manager Updates
City Manager Jose Madrigal had no updates for the group, however, noted the Durango Police Department would update Council on spring policing activities

7.2. Update from the Durango Police Department on the Police Services Technician
Commander Jacob Dunlop provided Council the latest successes within the Police Service Technician program. He gave a history of the program, including staffing expansion over the years. The PSTs handled a variety of non-emergency situations and Mr. Dunlop identified how many calls for service they had responded to. They had also worked with detectives to increase closure rates to 56%. Commander Dunlop reviewed future operations including having and Open Space and Park Ranger to ensure compliance with local laws and ordinances.

7.3. Spring Crime Strategies
Commander Deck Shaline presented Council updates on crime in Durango, including new strategies they were using to support public safety in town. He noted an increase of crime due to seasonal visitors and identified the areas of town it was affecting. They had increased foot and bike patrols, communication with business partners, and video surveillance in crime hot spots. The police department was also employing crime prevention strategies through education on social media, environmental design, and extra enforcement.

Councilor Woodruff and Commander Shaline discussed how police have changed the ways they have patrolled hot spots.

Commander Shaline noted crime had increased over the first quarter compared to 2022.
The group talked more about crime in various areas of town and how each officer responds to crime hot spots.

7.3. Update on 4th of July Event – Activities and Schedule

Ellen Babers, Community Events Supervisor, gave information on the upcoming 4th of July event schedule and how the upcoming events support the city's strategic plan goals. The city would be partnering with the Chamber of Commerce, visit Durango, and La Plata County to host over 25 events between July 1st and July 4th. Much of the programming was intended to entice locals to stay in town to enjoy the festivities. The councilors appreciated the update.

8. REVIEW OF THE CONSENT AGENDA

8.1. Approval of Minutes May 16, 2023 City Council Study Session
8.2. Approval of Minutes May 16, 2023 City Council Regular Meeting
8.3. Discussion and Possible Action to Excuse the City Manager's Absence from the Study Session and Regular City Council Meeting on June 20, 2023
8.4. Discussion and Possible Action to Approve an Amendment to Resolution R 2023-0006 Previously Adopted on April 4, 2023 Establishing the Financial Advisory Board
8.5. A Request for a Public Hearing to Consider an Amendment to Chapter 2 of the Code of Ordinances, Delegating Enforcement Authority to the Open Space & Parks Ranger to Enforce Ordinances Contained Within the Code (June 20, 2023)
8.6. A Request for a Public Hearing to Consider Future Land Use Map Amendments for Durango Crossings, including multiple parcels located near the Florida Road and CR 250 intersection (June 20th, 2023) - AEO

Deputy City Clerk Ben Florine read the consent agenda as published.

9. APPROVED CONSENT AGENDA ITEMS

Mayor Pro Tem Buell motioned to approve the consent agenda. The motion was seconded by Councilor Yazzie. A roll call vote was taken, and the motion passed unanimously.

The motion passed: 4 in favor; 0 opposed; Abstain 0; Absent 1

10. REMOVED CONSENT AGENDA ITEMS

No items removed.

11. PUBLIC HEARINGS

11.1 Legislative and Policy-related Hearings:
No Items.

11.2 Quasi-judicial Hearings:

11.2.1 A Public Hearing Regarding the Elk Grove Annexation, Initial Zoning and Conceptual Planned Development (455 and 589 High Llama Lane) - AEO

Community Development Planner Mark Williams brought the councilors information on a proposed annexation with initial zoning and conceptual planned development for 62 single family homes on High Llama Lane. He reviewed the development site and described amenities including sidewalks, streets, and landscaping.

Mayor Youssef opened the public hearing.

Jeanine Schmidt, was concerned for the money allotted for low income housing and investor ownership.

Tom Stoltz objected to the traffic that would be present with the development. He also thought the price of the homes was not going to be modest.

Mr. Williams noted that ten of the homes would be affordable housing and the rest would be owned at a market rate.

Mayor Youssef closed the public hearing.

Mayor Pro Tem Buell made a motion to approve the Elk Grove Annexation, Initial Zoning of PD and Conceptual Planned Development review with the finding and conditions as outlined in the staff report and discussed at the public hearing. The motion was seconded by Councilor Woodruff.
Mr. Williams and Councilors Woodruff and Yazzie discussed the Fair Share program and how the planned development would support affordable housing. They talked about price points, square footage, and the subsidies that would support the below market rate homes. The Fair Share in-lieu fee and Housing Innovation Fund would support the affordable units.

Mayor Youssef reopened the public hearing.

Wes Hill, the project developer, commented on their commitment to have the homes listed in the $500 thousand dollar range.

Eva Henson, Housing Innovation Manager, commented on the logistics and negotiations in keeping the Elk Grove below market rate units affordable.

The group reviewed homeowners’ associations and how they would be established in the process.

Jeanine Schmidt spoke again with her concerns on application for the below market rate units. She wanted to make sure the application process was equitable.

Mayor Youssef closed the public hearing.

Mr. Williams said it was not confirmed if there would be an application process for the below market rate homes but the details would be worked out.

A roll call vote was taken, and the motion passed unanimously.

The motion passed: 4 in favor; 0 opposed; Abstain 0; Absent 1

12. INTRODUCTION OF ORDINANCES

No Items.

13. GENERAL BUSINESS ITEMS 105:50

13.1 Discussion and Possible Action to Appoint a Member of Council as Representative on the Wildfire and Watershed Protection Fund Advisory Board - EL&SP

Parks and Recreation Director Ture Nycum said staff were intending to identify a council member who could be liaison to the Wildfire and Watershed Protection Fund Advisory Board. The board manages funds that reduce wild land fire impacts in the community. The group reviewed quarterly meeting dates and staff involvement on the board.

Councilor Woodruff said he could be the council liaison.

Councilor Yazzie motioned to have Councilor Dave Woodruff as council liaison to the Wildfire and Watershed Protection Fund Advisory Board. The motion was seconded by Mayor Pro Tem Buell. A roll call vote was taken, and the motion passed unanimously.

The motion passed: 4 in favor; 0 opposed; Abstain 0; Absent 1

13.2 Discussion and Possible Action Concerning Approval of a Resolution Authorizing the Extension of the Term for 2022 Fair Share Program Amounts and Maximum Affordable Prices for Fair Share Agreements – AEO

Eva Henson, Housing Innovation Manager, gave information and updates on the 2022 Fair Share Program and the potential to extend the program amounts for up to one year before the new program would be adopted and implemented. She outlined the existing Fair Share Program, which established polices for developers to support affordable and attainable housing by providing alternative means of compliance. The fee in lieu payments in 2023 had greatly exceeded prior year payments and she outlined the trends that contributed to the change. Staff were seeking to pause any updates to the program so they could assess the program and make necessary adjustments down the line.

Ms. Henson and Councilor Woodruff talked about the potential of the program updates to encourage more affordable housing development instead of fees in lieu paid by developers.

Mayor Pro Tem Buell motioned to approve a Resolution Authorizing the Extension of the Term for 2022 Fair Share Program Amounts and Maximum Affordable Prices for Fair Share Agreements. The motion was seconded by Councilor Yazzie. A roll call vote was taken, and the motion passed unanimously.

The motion passed: 4 in favor; 0 opposed; Abstain 0; Absent 1

14. COUNCIL REPORTS/ACTIONS
14.1 Excused Absences Discussion

City Attorney Mark Morgan commented on Councilor Bosman’s request for Council to excuse his absence from the current meeting along with the June 20th meetings.

Mayor Pro Tem Buell motioned to approve Councilor Bosman’s absence from the current meeting and the June 20th meetings. The motion was seconded by Councilor Yazzie. A roll call vote was taken, and the motion passed unanimously.

The motion passed: 4 in favor; 0 opposed; Abstain 0; Absent 1

14.2 Board and Commission Council Liaison Reports

Councilor Woodruff had recently met with Community Development staff Scott Shine and Tommy Crosby regarding activities with the Durango Creative District and working with the group prior to when the board would dissolve. He appreciated the onboarding opportunities to keep their work moving forward.

Mayor Pro Tem Buell had attended the Infrastructure Advisory Board meeting and worked with the group on current capital projects.

Councilor Yazzie had spoken with residents about recent Council activities.

Mayor Youssef reminded the group of her upcoming office hours, in which councilors would rotate in their own office hour meetings. She also attended the Airport Commission where they met with a marketing company who supports the airport’s marketing efforts. The Mayor had also attended the police department’s Citizen’s Academy to thank the graduates with Councilor Woodruff.

17. ADJOURNMENT

Mayor Noseworthy adjourned the meeting at 7:15 p.m.

APPROVED: ATTESTED:

_________________________________ ______________________________
Melissa Youssef, Mayor City Clerk
Mayor Youssef called the meeting to order at 2:16 p.m. Present were Mayor Youssef, Mayor Pro Tem Buell, Councilor Yazzie, and Councilor Woodruff. Councilor Bosmans was not in attendance. Also present was City Clerk Faye Harmer, City Attorney Mark Morgan, City Manager José Madrigal, and Assistant City Manager Erin Hyder.

**Future New Business and Review of Agendas**

Mayor Youssef and the group reviewed the July 5th Study Session agenda and there were no comments. There were also no concerns with the current day’s agendas either.

**INFORMATION ONLY ITEMS**

**Durango Mesa Park Semi Annual Update**

City of Durango Staff Ture Nycum, Erin Hyder, Scott McClain, Vicki Vandegrift, and Jordan Rupe were in attendance to update the group on the Durango Mesa park developments. Durango Mesa Park Foundation members were in attendance as well for the semi-annual update.

Mora Montrose-Compton spoke about recently established goals for 2023, many which were currently in progress. They had also hosted a public outreach meeting in March to update the public on the processes and plans involved. She noted annexation information would go before the Planning Commission in July 2023, along with information and hearings before Council in August and September.

Mayor Youssef and Ms. Montrose-Compton reviewed the land that would be annexed. They also reviewed how public partnerships could be organized through the process. Though the land would be owned by the Durango Mesa Park Foundation it would be policed by the City of Durango after the annexation. Also, because of increased costs post-covid, the foundation was working with HDR (a local planning company) to find ways to phase in construction. HDR was also coordinating the utilities implementation with multiple agencies in the area, while determining costs for multiple aspects of the project.

Mayor Youssef wanted to see the costs broken out for each phase of construction. That information was not available, however, HDR indicated they planned to roll out each phase so that no work was duplicated. They would provide costs for each phase as soon as possible.

The group talked about the county’s role in Durango Mesa Park’s development and which items would be part of the Phase 1 construction, which they hoped to put out to bid in the winter of 2023/2024.

Gaige Sippy, with Durango Mesa Park Foundation, shared details of the Demonstration Trail project which was currently being built up at Durango Mesa Park.

Mr. Nycum said there were plans to connect the Animas River Trail to Durango Mesa Park, though not currently funded.

Mr. Sippy commented the existing trailhead at Horse Gulch would be modified to allow people to access Durango Mesa Park.

Mayor Youssef and Mr. McClain reviewed increasing parking at the Horse Gulch trailhead. The parking lot at Durango Mesa park would reduce traffic for people entering the biking area at multiple points.

The project managers commented there would be a hub in Durango Mesa Park where the area trails would intersect, with it being capable of hosting biking clinics.

Joel McCourt, with Progressive Designs, was in attendance virtually to give an update on the bike park master plan. He commented on their design ideas that would support a range of riders with a variety of terrain. The space they designed was future oriented, however, still modifiable long term.

Parks and Recreation Director Ture Nycum briefly commented on operational costs and that they intended to hire an operations manager in 2024, along with building the park in 2025. Operating Agreements and a Memorandum of Understanding would be developed as well.

Council said they would appreciate quarterly updates if developments came quickly.
Mayor Pro Tem Buell and Progressive Designs talked about BMX park costs.

The group talked about a day they could do a site visit and would confirm a day in July or August.

**MidTown Safety Improvement Project Update**

Devin King, Transit Multi-Modal Administrator, provided City Council on planned safety updates at 15th Street heading towards Florida Road. He said traffic and pedestrian counts had been done in the area along with traffic studies with the Colorado Department of Transportation. He commented on sidewalk deficiencies on 15th Street and on 2nd Avenue near where Florida Road begins that they intended to make improvements through the Multi Modal Safety Improvement Project. He also proposed that east 2nd Avenue could be one way traveling south and could be a roundabout at the 15th Street and Florida interchange. The project was flexible with using current infrastructure modifications and various project alternatives.

The group talked about pushback from residents and businesses in the area and ways they could address the concerns. They also talked about design options that would be best for when accidents occurred. Traffic impacts from construction were also briefly discussed, and Mr. King confirmed he would bring that information back to Council.

Mr. King noted that city staff would continue the design processes with stakeholders and keep council updated.

**Retreat Follow Up Transit Funding**

Transit Director Sarah Hill was present to give staff recommendations for Transit funding based on a recent City Council Retreat. She reviewed ridership statistics of daily riders, including challenges that area residents face in multimodal transit.

The group reviewed a video that highlighted Durango’s transit and riders.

Ms. Hill reviewed funding of transit services, including in 2027 where she was anticipating funding reductions that would reduce transit operations. She said $2.5 million dollars in additional funding would be needed annually to maintain current operations without any reductions in service. She reviewed past ways her department explored increasing transit funding in case Council was interested in alternative funding options. Grant revenues, parking fine increases, and tax increases had been considered in prior years. Currently, there was a potential La Plata County ballot measure that could support transit in the future.

Councilors Woodruff and Mayor Pro Tem Buell talked about ways taxes could support transit funding.

Acting City Manager Erin Hyder commented that the historical focus of transit funding was through long term partnerships. She also confirmed the initiative was county based and that there would be public discussions around the initiative starting in July of 2023.

**Adjournment**

Mayor Youssef adjournded the meeting at 4:23 p.m.

**APPROVED:**

_____________________________

**ATTESTED:**

_____________________________

Melissa Youssef, Mayor

City Clerk
1. CALL TO ORDER
Mayor Youssef called the meeting to order at 5:31 p.m.

2. ROLL CALL
Present on behalf of the Durango City Council were Mayor Youssef, Mayor Pro Tem Buell, and Councilors Yazzie and Woodruff. Councilor Bosmans was not in attendance.

Also present were Acting City Manager Erin Hyder, City Attorney Mark Morgan, City Clerk Faye Harmer, Housing Innovation Manager Eva Henson, City Planner Dan Armentano, Public Information Office Tom Sluis, Sustainability Manager Marty Pool, and Police Chief Bob Brammer.

3. INTRODUCTION OF TRANSLATOR
CLC Translation provided translation services in Spanish for this meeting.

4. IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST
No conflicts were identified.

5. PROCLAMATIONS/PRESENTATIONS
5.1. Proclamation Recognizing the Dedication of the Durango Botanic Literary Gardens
Mayor Pro Tem Buell introduced the proclamation recognizing Durango Botanic Gardens and their new Literary Garden that was installed at the Durango Public Library. She appreciated the group’s maintenance and work at the library and their service to the community dating back to 2010. She proclaimed June 29th, 2023 as the dedication of the Durango Botanic Literary Gardens and encouraged the public to attend the dedication at 3:30 p.m.

A member of the Durango Botanic Gardens accepted the proclamation and thanked the City of Durango for their support.

5.2. Proclamation Recognizing National Boys and Girls Club Week
Mayor Youssef read the proclamation recognizing National Boys and Girls Club Week, distinguishing the Boys and Girls Club of La Plata County and the valuable services they provided the community and area youth. She proclaimed June 26-30 as Boys and Girls Club Week.

Tiffany Lee, with the Board of Directors of La Plata County Boys and Girls Club, was honored to accept the proclamation and read a letter from her board. They were proud to have quality youth programs that develop academic success and community values in Durango.

6. PUBLIC PARTICIPATION
Mayor Youssef confirmed that Council could hear comments on General Business Items at the current public participation forum.

Rachel Brown, Executive Director of Visit Durango, was concerned with the lodgers’ tax overage allocations. She wanted to see an appropriate amount of the revenue support destination management and sustainability, totaling $245,500. They had been given less funding than was originally requested and wanted the lodgers’ tax overages to support what they were intended for.

Victor Locke, a city resident, spoke regarding the Common Threads art project to be installed at the Highway 550/160 interchange. He noted the coordination that went into the project and how the plans had stalled with the art pieces remaining at the service center. He commented that the installation of the project had gone out to bid with no responses unfortunately. Mr. Locke said the excess lodgers’ tax should support the installation of the Common Threads art project.

Kate Hordis, a city resident and Interim Director of Durango Baseball and Softball, spoke about a recent league tournament with a very successful turnout. She thought allocating excess lodgers’ tax...
should support youth sporting events under sustainable tourism and asked Council to consider having the funds support their field rental and water use fees.

There were no other comments.

7. CITY OPERATIONAL UPDATES

7.1. City Manager Updates

Acting City Manager Erin Hyder updated the group on the Growth and Momentum Learning Series where the group was recently offered mental health training. These staff were now trained to offer mental health first aid to those experiencing a crisis both internally and in the community.

7.2. Housing Program Update

Housing Innovation Manager Eva Henson gave Council an update on the Housing Program including initiatives and focuses in the first half of 2023. She reviewed how their goals support Affordability and Economic Opportunity. Ms. Henson shared updates to the housing website, including resources for the community on how the Housing Program was funded, where projects were located, and information on the Fair Share Program. She outlined current residential projects that were in review, approved, or under construction. 121 Certificates of Occupancy were issued in the first half of 2023, exceeding the annual averages in the past ten years. Ms. Henson also highlighted a Community Development Block Grant request that was fully funded to be distributed under the Homes Fund organization.

Councilor Yazzie thanked Ms. Henson for growing the affordable housing inventory and the rest of Council appreciated her hard work.

8. REVIEW OF THE CONSENT AGENDA

8.1. Approval of Minutes June 6, 2023

City Clerk Faye Harmer read the consent agenda as published.

9. APPROVED CONSENT AGENDA ITEMS

Mayor Pro Tem Buell motioned to approve the consent agenda. The motion was seconded by Councilor Yazzie. A roll call vote was taken, and the motion passed unanimously.

The motion passed: 4 in favor; 0 opposed; Abstain 0; Absent 1

10. REMOVED CONSENT AGENDA ITEMS

No items removed.

11. PUBLIC HEARINGS

11.1 Legislative and Policy-related Hearings:

11.1.1. A Public Hearing to Consider an Ordinance to Amend Chapter 2 of the Code of Ordinances, Delegating Enforcement Authority to the Open Space & Parks Rangers to Enforce Ordinances Contained Within the Code

Mayor Pro Tem Buell motioned to have a public hearing to Consider an Ordinance to Amend Chapter 2 of the Code of Ordinances, Delegating Enforcement Authority to the Open Space & Parks Rangers to Enforce Ordinances Contained Within the Code. The motion was seconded by Councilor Woodruff.

The public hearing was opened and Chief Bob Brammer shared details of the ordinance, which would delegate enforcement authority to the Open Space and Parks Ranger. The ordinance update was a coordinated effort with the police and parks and recreation departments.

There was no one from the publish who wished to speak.

Councilors appreciated the new abilities of the Open Space and Parks Ranger and thought it would help keep Durango’s natural areas safe.

A roll call vote was taken, and the motion passed unanimously.

The motion passed: 4 in favor; 0 opposed; Abstain 0; Absent 1
11.1.2. A Public Hearing to Consider Future Land Use Map Amendments for Durango Crossings (even addresses from 1480-1540 Florida Road)

Councilor Woodruff motioned to have a Public Hearing to Consider Future Land Use Map Amendments for Durango Crossings (even addresses from 1480-1540 Florida Road) The motion was seconded by Mayor Pro Tem Buell.

Dan Armentano, Planner with Community Development, outlined the project which would create affordable and workforce housing opportunities on City-owned land. The Comprehensive Plan’s future land use map would be amended with new land uses to facilitate public and private partnerships. If Council approved the land use changes to allow more units per acre, it would allow up to 100 units to be built at the location. There was a recent neighborhood meeting where there was broad support, with some concerns about developmental impacts. Mr. Armentano noted next steps, including annexation and a conceptual plan development review.

Sunny Hawler, who lived on Florida Road, commented at the community meeting there was no one who lived on Florida Road who spoke in support of the development. She was also concerned about wildlife that live in the development area.

Councilor Woodruff amended his motion to adopt the proposed future land use map amendments with the findings as described in the staff report and discussed at this public meeting. Mayor Pro Tem Buell seconded the motion.

Councilor Woodruff and Mr. Armentano reviewed the community meeting attendees to determine who lived near the site. They also talked about the upcoming traffic study for the site as well.

A roll call vote was taken, and the motion passed unanimously.

The motion passed: 4 in favor; 0 opposed; Abstain 0; Absent 1

11.2 Quasi-judicial Hearings:
No Items.

12. INTRODUCTION OF ORDINANCES
No Items.

13. GENERAL BUSINESS ITEMS 105:50

13.1 Discussion and Possible Action Concerning Possible Approval of a Resolution Allocating the 2022 Lodgers’ Tax Overage

Public Information Officer Tom Sluis began a presentation on the 2022 lodgers’ tax overage and staff recommendations for those allocations. He commented the tax overage for sustainable tourism marketing needed to be reallocated. The full collection of 3.64 million dollars was allocated to different items such as administrative fees, TABOR overages, Arts and Culture, Transit, and an amount for Council discretion. The remaining $361,084 in needed to be allocated. He said the remaining money could be allocated in various ways as long as the basic intent of the ballot language was honored.

Mr. Sluis and staff recommended that the remaining funds support sustainability, transportation, and Visit Durango. The Sustainability Department wanted the funds to support electric vehicle chargers given that many tourists use them. Transportation signage needed additional funding to support better parking coordination downtown for visitors. Visit Durango’s funding would support local events, trails, bike racks, and destination advancement grants.

Mayor Pro Tem Buell moved to approve Resolution R-2023-0027 for a budget adjustment to the 2023 appropriations to reflect and additional allocation of $361,084 of the 2022 Lodgers’ Tax related to sustainable tourism marketing as follows; Sustainability $133,000, Transportation $100,000 and Visit Durango $128,000. Mayor Youssef seconded the motion.

Mayor Pro Tem Buell and Marty Pool discussed the electric vehicle charging stations and how they track “unique users” which indicated 75% of the users were most likely one-time visitors. He said there was a big increase in usage from 2021 to 2022.
Councilor Yazzie wanted to see actual figures on the charging stations from staff and Mr. Pool gave a few statistics from recent dates. Ms. Yazzie was also concerned that electric vehicle charging stations didn’t provide a benefit for people who had gas vehicles.

Marty Pool said that all car manufactures were shifting to electric vehicles, and that many folks’ next cars would be electric. He also said that the City of Durango could determine the electricity rates instead of private businesses establishing them in the future.

Dave Woodruff opposed the reallocation of the excess funds. He thought it set a precedent where future councils could allocate the money in ways that were not intended in the initial ballot language. He reviewed the definition of marketing services with the group. He thought the funds should be used explicitly for promotion of the city through marketing and that people would not travel here just for vehicle chargers.

Mayor Youssef thought the suggested allocations would support Durango’s tourists who would be interested in being eco-conscious. She also thought signage would reduce traffic flow and congestion.

Councilor Yazzie thought the initial ballot language should be maintained within using the excess funds and they should support items that regular people would benefit from. She motioned to table the discussion, which was not seconded and failed.

Mayor Pro Tem Buell, Councilor Woodruff, and Mayor Youssef discussed their opinions on funding only marketing versus funding transit, signage, and electric vehicle chargers.

A roll call vote was taken for the original motion, and it failed with Mayor Youssef and Mayor Pro Tem Buell voting yes, and Councilors Yazzie and Woodruff voting no.

The motion passed: 2 in favor; 2 opposed; Abstain 0; Absent 1

Mayor Youssef motioned to table the discussion to the July 5th City Council Meeting and Mayor Pro Tem Buell seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

The motion passed: 4 in favor; 0 opposed; Abstain 0; Absent 1

13.2 Discussion and Possible Action Regarding a Resolution to Implement an Enhanced Demand-Based Parking Strategy at High-Occupancy Parking Meters

Sarah Hill, Transportation Director, said staff were recommending a resolution for a demand-based parking strategy as recommended in the Comprehensive Plan.

Mayor Pro Tem Buell motioned to approve a Resolution authorizing an enhanced Demand-Based parking strategy at high-occupancy meters during peak season, and to authorize the administration to lower or raise rates not to exceed the maximum rate of $1.50 per hour, in conformity with the Comprehensive Parking Management Plan. The motion was seconded by Mayor Youssef.

Ms. Hill, continued her presentation, noting that staff were directed to complete a parking study under the 2022 Strategic Operating Plan, including new demand-based parking rates. She confirmed there were parking concentration problems during peak demand which the new rates would help mitigate.

Councilor Yazzie asked Ms. Hill discussed possible revenue increases, however, the information was not readily available.

Councilor Woodruff was concerned about other mountain towns’ parking rates and Wade Moore said there were a variety of rates in other communities. Mr. Moore said Durango’s focus was to disperse parking to more areas of town. They also talked about public outreach on the rate adjustments.

The group wanted updates as the parking requirements evolved over the summer and after the pilot program.

A roll call vote was taken, and the motion passed unanimously.

The motion passed: 4 in favor; 0 opposed; Abstain 0; Absent 1

14. COUNCIL REPORTS/ACTIONS

Page 4 of 5 ~ City Council Regular Meeting ~ Minutes June 20, 2023
14.1. Board and Commission Council Liaison Reports

Councilor Yazzie had attended the Library Advisory Board meeting and had a broad introduction to from the members and learned more about Friends of the Library.

Mayor Pro Tem Buell had attended the La Plata Economic Development Alliance meeting where the group worked on their 3 Year Strategic Plan and did an overview on a summit meeting later in the year.

Councilor Woodruff had attended the Chamber of Commerce meeting and reviewed their new format for the Chamber and their committees. He reviewed business activities and programs that were occurring in the city. He also had a large attendance at his office hours.

Mayor Youssef commented there would be a community forum for upcoming capital improvement projects, hosted by the Financial Advisory Board on June 21st at the Recreation Center at 5:00 p.m.

Councilor Yazzie confirmed with City Attorney Mark Morgan that she could attend the public meeting, however, Mr. Morgan cautioned her on giving her opinion to staff or the board.

Mayor Youssef noted that in the next month the meeting formats would change along with processes. The meetings would be easier to follow and have practical function for the hosts and attendees.

17. ADJOURNMENT

Mayor Youssef adjourned the meeting at 7:34 p.m.

APPROVED: ATTESTED:

_________________________________________ ________________________________
Melissa Youssef, Mayor City Clerk
ORDINANCE NO. O-2023-0011

AN ORDINANCE CREATING AN OPEN SPACE PARKS RANGER POSITION AND ADDING IT TO THE DURANGO MUNICIPAL CODE.

WHEREAS, the City of Durango does not currently have the position of open space parks ranger in the Code of Ordinances (Code) to assist with enforcement of the Code on open space and parks properties; and

WHEREAS, Article II, §11(a) of the Charter of the City of Durango, Colorado requires the adoption of an ordinance to Adopt or amend an administrative code or establish, alter or abolish any city department, office or agency; and

WHEREAS, a public hearing has heretofore been held before the City Council of the City of Durango, and the Council has determined, subsequent to said public hearing, that the creation of the open space and parks ranger position would be in the best interests of the citizens of the City of Durango;

NOW, THEREFORE, THE CITY OF DURANGO HEREBY ORDAINS:

Section 1. Subject to the approval by the City Manager of the employment terms and conditions of the position of the open space and parks ranger position, the City Council of the City of Durango does amend the Code and add the position of open space parks ranger, adding new Code section 2-98 as follows:

Sec. 2-98. – Open Space Parks Ranger.
The city manager is authorized to create the position and appoint city employees as open space park rangers for purposes of enforcing the ordinances contained within this Code. Open space park rangers, subsequent to their appointment, shall enforce city ordinances on city trails, open space, parks, including but not limited to Lake Nighthorse, or any other area as specified by the city manager. Enforcement action is limited to the issuance of warnings, written directions, citations or summons to municipal court. The specific duties of open space park ranger may include, but are not limited to, parking enforcement at parks and trailheads, animal control violations, or other violations of the Code of Ordinances of the City of Durango. Appointment by the city manager as a open space park ranger shall remain in full force and effect until such time as the appointment is revoked by the city manager, in writing.

Section 2. This ordinance shall become effective ten (10) days after its passage and final publication as provided by law.
CITY COUNCIL OF THE CITY OF DURANGO

Attest:

_________________________________________________________
Mayor

City Clerk

STATE OF COLORADO  )
COUNTY OF LA PLATA  ) ss.

I, Faye Harmer, City Clerk of the City of Durango, La Plata County, Colorado, do hereby certify that Ordinance No. O-2023-0011 was regularly introduced and read at a regular meeting of the City Council of the City of Durango, Colorado on the 20th day of June, 2023, and was ordered published in accordance with the terms and conditions of the statutes in such cases made and provided, in the Durango Herald, a newspaper of general circulation, on the 25th day of June, 2023, prior to its final consideration by the City Council.

_________________________________________________________
City Clerk

I further certify that said Ordinance No. O-2023-0011 was duly adopted by the Durango City Council on the 5th day of July, 2023, and that in accordance with instructions received from the Durango City Council, said Ordinance was published by title only in the Durango Herald on the 9th day of July, 2023.

_________________________________________________________
City Clerk
June 20, 2023 regular meeting

Lodgers’ tax excess 2022 marketing funds

Tom Sluis,
Visit Durango staff liaison
$361,084 from Lodgers’ Tax dedicated to sustainable tourism marketing needs to be allocated.

Strategic plan objective - FEHPG

“Identify partnership opportunities to leverage dollars, capacities, and efficiencies, including grants and volunteers to offset city expenditures.

Recommended motion

“I move to approve Resolution R 2023 27 for a budget adjustment to the 2023 appropriations to reflect an additional allocation of $361,000 of the 2022 Lodgers’ Tax related to sustainable tourism marketing as follows; Sustainability $133,000, Transportation $100,000 and Visit Durango $128,000.”
2022: $3.64 million Lodgers’ Tax collected

Administrative fee (2%): $67,672
TABOR overage: $253,742*

Council (11%): $364,752
Arts/Culture (14%): $464,230
Transit (20%): $663,185

Marketing (55%): $1.82 million

*To be distributed per November 2022 election (66% housing, 20% transportation, 14% arts)
## MARKETING EXPENSES AND BALANCE

**Allocation**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visit Durango</td>
<td>$ (1,183,300)</td>
</tr>
<tr>
<td>DMMP</td>
<td>$ (97,000)</td>
</tr>
<tr>
<td>10% reserve</td>
<td>$ (182,376)</td>
</tr>
<tr>
<td><strong>Total expense:</strong></td>
<td><strong>$ (1,462,676)</strong></td>
</tr>
<tr>
<td><strong>Balance:</strong></td>
<td><strong>$ 361,084</strong></td>
</tr>
</tbody>
</table>
• April 2021 language: “55% for sustainable tourism marketing, including advertising and attracting conferences, conventions and meeting.”

• (Nelson) Marketing: “Promotion of the city and the attraction of tourists and other visitors to the city by various means and media.”

• (Nelson) Council has some flexibility regarding marketing “so long as the basic intent of the ballot language is honored.”
REQUESTS

- Sustainability: $133,000
- Transportation: $100,000
- Visit Durango: $128,000
REQUEST NO. 1: EV CHARGERS

$133,000

Need:
○ Existing stations = 250% increase in use over past year.
○ Example: 16 unique drivers 6/9-6/10 used two stations.

Benefits:
○ Capitalizes on rare opportunity for rare state and federal grant funding.
○ $200,000 city funds = 5x leverage for $1 million project.
○ State identifies Durango as a key location for EV corridors, travel, and tourism.
○ Visitors are No. 1 user of stations.

Outcomes:
○ Four additional fast chargers at the Transit Center.
○ Meets goal 1.3 of Strategic Plan’s Environmental Sustainability and Resilience (pursue funding for infrastructure).
REQUEST NO. 2: PARKING WAYFINDING & SIGNAGE REQUEST

$100,000

“Signage and wayfinding throughout downtown is lacking & inconsistent. Additional information for visitors, customers, & employees is needed to direct users to the appropriate facilities.”

Funding will provide:
- Inventory of current wayfinding and parking signage.
- Development of signage plan.
- Design and acquisition of new signage.
- Installation of new signage.

Comprehensive Parking Management Plan, 2023

$100,000
REQUEST NO. 3:
VISIT DURANGO EVENTS, PROJECTS GRANTS

$128,000

Local Events - $123,000
  • Local Event Marketing Grants - $85,000
  • Programmatic Events - $38,000
Trail & Infrastructure Enhancement Projects - $57,500
  • Adopt a Trail Program - $12,500
  • Bike Racks - $45,000
Destination Advancement Grant - $65,000

Total Request: $245,500

Requested Fund Categories

- Local Events: 35%
- Programmatic Events: 26%
- Adopt a Trail Program: 18%
- Bike Racks: 15%
- Destination Advancement Grant: 5%

Total Request: $245,500
RECOMMENDED MOTION

“I move to approve Resolution R 2023 27 for a budget adjustment to the 2023 appropriations to reflect an additional allocation of $361,000 of the 2022 Lodgers’ Tax related to sustainable tourism marketing as follows; Sustainability $133,000, Transportation $100,000 and Visit Durango $128,000.”
RESOLUTION R-

A RESOLUTION TO AMEND THE 2023 BUDGET FOR THE PURPOSE OF BUDGET ADJUSTMENTS TO THE 2023 APPROPRIATIONS

WHEREAS, under the provisions of Article V, Section 10 of the Durango City Charter, the City Council may make additional appropriations during the budget year for unanticipated expenditures required by the city not exceeding, however, actual revenues and unappropriated surplus; and

WHEREAS, to accomplish the goals of City Council and foster a team oriented working environment resulted in budget impacts and incorporates several unanticipated budget adjustments increasing, transferring, or amending the appropriations for expenditures and revenues; and

WHEREAS, there exists sufficient funds within fund balance;

NOW, THEREFORE, BE IT RESOLVED, as follows

Section 1. That the City Council of the City of Durango, in regular meeting assembled, that 2023 budget shall reflect the changes and the appropriations for 2023 are increasing, transferring, or amending according to the tables below:

<table>
<thead>
<tr>
<th>Lodgers Tax</th>
<th>Budget Increase/(Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Account Number</td>
<td>Project Number</td>
</tr>
<tr>
<td>23-4821-39699</td>
<td></td>
</tr>
<tr>
<td>23-4817-39699</td>
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<tr>
<td>23-4821-31499</td>
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</tr>
<tr>
<td>Net Effect on Fund Balance</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Trash and Recycle Fund</th>
<th>Budget Increase/(Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Account Number</td>
<td>Project Number</td>
</tr>
<tr>
<td>45-1000-66629</td>
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<td>45-5501-31499</td>
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<tr>
<td>Net Effect on Fund Balance</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Transportation Services</th>
<th>Budget Increase/(Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Account Number</td>
<td>Project Number</td>
</tr>
<tr>
<td>Revenues</td>
<td></td>
</tr>
<tr>
<td>Expenditures</td>
<td></td>
</tr>
<tr>
<td>Net Effect on Fund Balance</td>
<td></td>
</tr>
</tbody>
</table>

Approved and adopted this 20th day of June, 2023.

CITY OF DURANGO, COLORADO

By: ____________________________
Mayor
ATTEST:

By: ____________________________

Faye Harmer, City Clerk
AGENDA DOCUMENTATION

Item 10.1
Meeting Date: July 5, 2023

TO: DURANGO CITY COUNCIL
FROM: TOM SLUIS, PUBLIC INFORMATION OFFICER AND LIAISON TO VISIT DURANGO

SUBJECT: LODGERS TAX 2022 OVERAGE DISTRIBUTION FOR SUSTAINABLE TOURISM MARKETING

RECOMMENDATION:

Approve a resolution to either:

- Allocate $361,084 of 2022 lodgers’ tax related to sustainable tourism marketing among the city’s sustainability division, transportation department and Visit Durango as recommended by staff, or;
- Allocate $361,084 of 2022 lodgers’ tax related to sustainable tourism marketing among recipients agreed upon by councilors.

BACKGROUND SUMMARY:

The city of Durango collects lodgers’ tax levied on hotel rooms. Part of it is dedicated to sustainable tourism marketing.

There is approximately $361,000 that needs to be allocated for further sustainable tourism marketing efforts.

Council was presented with staff’s recommendation to allocate this overage at the June 4 study session. Staff was directed to return with the proposal at the June 20 regular meeting to enable councilors to more fully deliberate the proposal (attached to this agenda documentation). The motion to adopt staff’s recommendation failed by a 2-2 vote on June 20, and council requested an agenda item on the 7/5/23 regular meeting to discuss further.

STRATEGIC PLAN ALIGNMENT:

Financial Excellence and High-Performing Government

ALTERNATIVE OPTIONS CONSIDERED:

N/A

FISCAL IMPACT:

Adjustment is needed to the 2023 budget appropriations to reflect the additional allocation of $361,000.

POTENTIAL ADVERSE IMPACTS:

There is some potential duplication between Visit Durango efforts regarding lodgers’ tax expenditures for sustainable tourism marketing and current city department efforts, specifically the “trail and infrastructure enhancement projects” identified by Visit Durango as part of its request that include bike racks, trash receptacles, and trail-adoption programs. Clarity in the various entities’ roles and responsibilities should be taken into account by council when deciding how to allocate the 2022 lodgers’ tax overage for sustainable tourism marketing efforts.

The projects that staff has associated with the proposal currently put before council do not have alternative sources of funding identified. The EV charger funding is associated with a match to one-time state and federal grant funding opportunities currently available. If match funding for these grant opportunities is not identified, the City would have to pass up on the opportunity to capitalize on $800,000 in grant funding for these infrastructure upgrades. Self-funding the installation of four EV fast chargers in the future without grant funding would cost the City upwards of $1 million and would not be financially feasible. The Transportation department also does not have alternate sources of funding identified for the proposed signage efforts.

NEXT STEPS AND TIMELINE:

Vote on allocated amounts implemented by council resolution.
ORDINANCE O-2023-00__

AN ORDINANCE AMENDING, IN PERTINENT PART, THE DURANGO CODE OF ORDINANCES CHAPTER 2- ADMINISTRATION- ARTICLE VII- CODE OF CONDUCT AND CODE OF ETHICS- SECTION 2-201 – DEFINITIONS, as follows:

(Red type indicates addition of text, strike through indicates original text removed, empty brackets [ ] indicate omitted and unchanged text)

Sec. 2-201. - Definitions.

The following words and phrases used in this article shall have the following meanings unless the context clearly indicates otherwise: [ ]

City employee means any non-appointed, non-elected, person holding any paid position of employment with the city. [ ]

Officer means all appointed officers, including but not limited to:

(1) Mayor;
(2) Other city council members;
(3) City attorney;
(4) Municipal judge;
(5) City manager.

WHEREAS, the City of Durango’s Ethics Advisory Board is appointed by the city councilors; and

WHEREAS, exercising quasi-judicial powers over persons with appointment authority creates a conflict of interest and undermines public confidence in both the appointed board and the appointing elected officials;

NOW, THEREFORE, THE CITY OF DURANGO HEREBY ORDAINS, the Durango Code of Ordinances Chapter 2- ADMINISTRATION- ARTICLE VII- CODE OF CONDUCT AND CODE OF ETHICS- Section 2-201 – Definitions, shall be amended in pertinent part as follows:

Sec. 2-201. - Definitions.

The following words and phrases used in this article shall have the following meanings unless the context clearly indicates otherwise: [ ]

City employee means any non-appointed, non-elected, person holding any paid position of employment with the city. [ ]

Officer means all appointed officers, including but not limited to:

(1) City attorney;
(2) Municipal judge;
(3) City manager.
TO:  DURANGO CITY COUNCIL  
FROM:  JOSÉ R. MADRIGAL, CITY MANAGER  

SUBJECT:  A REQUEST FOR A PUBLIC HEARING TO CONSIDER AN ORDINANCE AUTHORIZING A CONTRACT TO EXCHANGE REAL ESTATE OF 1235 CAMINO DEL RIO AND 201 E. 12TH STREET BETWEEN THE DURANGO FIRE PROTECTION DISTRICT AND THE CITY OF DURANGO.  (JULY 18, 2023)  

RECOMMENDATION:  

It is recommended that City Council, by motion, set a public hearing to consider an ordinance authorizing a contract to exchange real estate of 1235 Camino del Rio and 201 E. 12th Street between the Durango Fire Protection District and the City of Durango at the next regularly scheduled City Council meeting, July 18, 2023.  

BACKGROUND SUMMARY:  

The City Council of the City of Durango and the Board of Durango Fire Protection District met in a joint meeting in January 2023. During this meeting, staff from both entities notified the Council and Board that a joint Fire Station and Police Station was not feasible at the River City Hall Site located at 1235 Camino Del Rio.  

Staff proposed to the Council and Board that the City Manager and Fire Chief discuss the feasibility and negotiate a potential swap of the River City Hall Site and the Durango Fire Protection District property formerly owned and used as the 9R Administration Building and Big Picture High School. The Durango Fire Protection District property would be used for a Civic Center Campus consolidating City Hall, River City Hall, Carnegie Building, and the Police Department. The River City Hall site would continue to be used as a Fire Station Site but rebuilt to fit the needs of the fire district and the community.  

City staff held a public open house at City Hall in March 2023 to receive comments about the Durango Fire Protection District property's potential use as a Civic Center Campus. The comments from the public were very supportive of the concept, with the concern being raised to ensure the site has adequate parking and does not affect the neighboring businesses and neighborhoods.  

In May 2023, the Durango City Council and Durango Fire Protection Board had a joint meeting in which the tentative agreement for the real estate exchange was presented. The agreement is as outlined below:  

- The City will receive the Durango Fire Protection District Property at 201 E. 12th Street, formerly known as the 9R Administration and Big Picture High School Buildings.  
- The Durango Fire Protection District will receive the City Owned property at 1235 Camino del Rio, known as the River City Hall Property.  
- The City of Durango will pay the Durango Fire Protection District $3,586,275, representing the difference in property values and considering the City retaining Veteran’s Park, the Animas River Trail, and public parking areas.  
- The City of Durango will subdivide the River City Hall property to exclude Veteran’s Park, Animas River Trail, and public parking areas before exchanging properties.  
- The Durango Fire Protection District will dedicate the road to the City, and the City will be responsible for its maintenance.  

The direction was given by the City Council and Durango Fire Protection District Board for the Fire Chief, City Manager, District Attorney, and City Attorney to proceed with drafting the agreements for the exchange for both entities' approval.  

STRATEGIC PLAN ALIGNMENT:  

Financial Excellence & High Performing Government  
1. Fiscal Sustainability  
1.1 Identify partnership opportunities to leverage dollars, capacities, and efficiencies, including grants and volunteers to offset city expenditures.  

Enhanced Livability & Sense of Place  
1. Safety: police and emergency services  
1.2 Increase public safety operation efficiency
ALTERNATIVE OPTIONS CONSIDERED:

A downtown fire station location has a substantial history that predates my arrival in the City. The alternative options considered during my tenure are as follows:

- The City-owned parking lot parcel is known as the “train parking lot.” During a joint meeting, the Durango Fire Protection Fire District Chief mentioned that this parcel would not work for their needs and was not a site they were interested in. He identified the River City Hall site as the downtown site he was most interested in.
- We considered a joint project with the Durango Fire Protection District for a combined fire station and police station. This option was abandoned because of site limitations, and cost would not make the project feasible.

FISCAL IMPACT:

The cost of this exchange will cost the City of Durango $3,586,275. At final approval of the Ordinance on August 1st, staff will also present an accompanying budget resolution that would delegate the funding for the purchase amount, which has been identified in the unrestricted fund balance in the general fund.

POTENTIAL ADVERSE IMPACTS:

None have been identified.

NEXT STEPS AND TIMELINE:

Under Section 11 of Article II of the Durango City Charter, the conveyance of any interest in real property owned by the City requires the adoption of an ordinance. The noticing and holding of a public hearing is a prerequisite to adopting any ordinance by the Council.

Following the completion of a public hearing and potential Council approval of the resulting ordinance, formal execution of the real estate exchange remains contingent upon Durango Fire Protection District Board approval. After that potential between both Boards, staff will continue working on the subdivision of the property and closing documents to complete the transfer.
TO: DURANGO CITY COUNCIL
FROM: FAYE HARMER, CITY CLERK

SUBJECT: DISCUSSION AND POSSIBLE ACTION TO APPOINT 2 CANDIDATES TO THE BOARD OF ETHICS AND 2 CANDIDATES TO THE DESIGN REVIEW BOARD

RECOMMENDATION:

It is recommended that:

_Council move to appoint two members to the Board of Ethics and two members to the Design Review Board with an effective date to begin serving at the next scheduled meeting of the respective boards._

BACKGROUND SUMMARY:

During the second round of open applications, which closed on June 18, 2023, two candidates applied for the Design Review Board and two candidates applied for the Board of Ethics. No other applications were received during this time.

The Council appointed interview teams have reviewed the applications and are ready to provide their recommendations to the whole of council.

STRATEGIC PLAN ALIGNMENT:

Engaged and Collaborative Governance (ECG)

ALTERNATIVE OPTIONS CONSIDERED:

It is possible to leave these positions vacant; however, quorum issues may arise.

FISCAL IMPACT:

None known

POTENTIAL ADVERSE IMPACTS:

It is possible to leave these positions vacant; however, quorum issues may arise.

NEXT STEPS AND TIMELINE:

Open positions continue to exist on the Durango La Plata County Airport Commission (1); the Local Licensing Authority (1); the Planning Commission (alternate 1) and the Retirement Board (2). We are currently advertising for additional candidates and applications will be accepted through August 4, 2023. Advertising is posted in the Durango Herald and the City’s electronic bulletin boards. News releases and social media posts will be posted after the appointments by Council at this meeting.
AGENDA DOCUMENTATION
Item Number 16.1
Meeting Date: July 5, 2023

TO: DURANGO CITY COUNCIL  FROM: MARK MORGAN, CITY ATTORNEY

SUBJECT: DISCUSSION AND POSSIBLE ACTION TO CONVENE IN EXECUTIVE SESSION TO RECEIVE LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS PURSUANT TO C.R.S. 24-6-402(4)(B) CONCERNING LITIGATION FILED BY MATT ROANE, SPECIFICALLY ROANE V. CITY OF DURANGO, 2023CV30039, FILED IN LA PLATA COUNTY DISTRICT COURT

RECOMMENDATION:
Motion: Discussion and possible action to convene in executive session to receive legal advice on specific legal questions pursuant to C.R.S. 24-6-402(4)(b) concerning litigation filed by Matt Roane, specifically Roane v. City of Durango, 2023CV30039, filed in La Plata County District Court

BACKGROUND SUMMARY:
There is a need for the City Council to meet in Executive Session to receive legal advice on specific legal questions related to litigation filed by Matt Roane under 2023CV30039.

State Law requires that two thirds of the quorum present must vote in the affirmative in order to convene in Executive Session.

STRATEGIC PLAN ALIGNMENT:
Engaged and Collaborative Governance ECG

ALTERNATIVE OPTIONS CONSIDERED:
None

FISCAL IMPACT:
Unknown

POTENTIAL ADVERSE IMPACTS:
Unknown

NEXT STEPS AND TIMELINE:
Unknown at this time
AGENDA DOCUMENTATION
Item Number 16.2
Meeting Date: July 5, 2023

TO: DURANGO CITY COUNCIL
FROM: MARK MORGAN, CITY ATTORNEY

SUBJECT: DISCUSSION AND POSSIBLE ACTION TO CONVENE IN EXECUTIVE SESSION TO RECEIVE LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS PURSUANT TO C.R.S. 24-6-402(4)(B) CONCERNING LITIGATION INVOLVING MATT ROANE, SPECIFICALLY CITY OF DURANGO, ET AL. V. MATT ROANE, 2023CV30034, FILED IN LA PLATA COUNTY DISTRICT COURT

RECOMMENDATION:
Motion: Discussion and possible action to convene in executive session to receive legal advice on specific legal questions pursuant to C.R.S. 24-6-402(4)(b) concerning litigation involving Matt Roane, specifically City of Durango, et al. v. Matt Roane, 2023CV30034, filed in La Plata County District Court

BACKGROUND SUMMARY:
There is a need for the City Council to meet in Executive Session to receive legal advice on specific legal questions related to litigation involving Matt Roane under 2023CV30034.

State Law requires that two thirds of the quorum present must vote in the affirmative in order to convene in Executive Session.

STRATEGIC PLAN ALIGNMENT:
Engaged and Collaborative Governance ECG

ALTERNATIVE OPTIONS CONSIDERED:
None

FISCAL IMPACT:
Unknown

POTENTIAL ADVERSE IMPACTS:
Unknown

NEXT STEPS AND TIMELINE:
Unknown at this time