

**CITY COUNCIL STUDY SESSION
CITY HALL, 949 EAST 2ND AVENUE, SMITH CHAMBERS**

**11/13/2018
4:00 PM**

A G E N D A

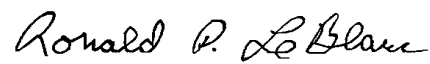
MAYOR:	Anita (Sweetie) Marbury
MAYOR PRO-TEM	Melissa Youssef
COUNCIL MEMBERS:	Dick White Dean Brookie Chris Bettin
CITY MANAGER:	Ron LeBlanc

Discussion Items

Discussion to Consider Possible Amendments to the City Code Regarding Camping, Sheltering, Trespass and Other Provisions Related to the Authorized and Unauthorized Use and Occupancy of Parks, Open Space, Rights of Way and Other Public and Private Property	4:00 PM
City Council Priorities	4:40 PM
Legislative/Election Update	5:15 PM
New Business	5:45 PM
Review of Future Calendar	5:50 PM
Review of Preliminary Agenda for November 19, 2018	5:55 PM

Adjournment

NOTE THAT ALL TIMES ARE APPROXIMATIONS


City Manager Ronald P. LeBlanc

- c. The presence or use of a campfire, camp stove or other heating source or cooking device and activities related to preparation of food or meals.
- d. The keeping or storing of personal property on or near the location.
- e. The duration of the use, particularly a use that is longer than the period from sunset to sunrise of each day.

“Shelter” or “Sheltering” means a use of property authorized by the written action of the City Manager or other designated officer that allows for temporary overnight sleeping arrangements for a period not to exceed the time between sunset and sunrise of the next day, with or without the use of cover or other protection from the elements. Sheltering in designated areas may be allowed by written action of the City Manager or other designated officer if adequate overnight sheltering is not otherwise available in or near the City. The use of any property as Shelter shall require that all tents, cover or other personal belongings be removed from the location each day, and no personal belongings may be stored or left on the property following each use. Any use of a location for Sheltering shall otherwise be done in compliance with the provisions of the City Code.

Review of the Application of the Code to Specific types of property:

1. Private commercial or residential property.

Existing Trespass Ordinances should remain in place. No occupancy of any kind of private property, either commercial or residential, shall be made without the permission of the owner.

The owner or manager of the property may provide notice of trespass and police will enforce if violation is found to be substantiated.

2 Public property owned by entity other than the City, but not managed by the City such as Schools, County property, Post Office.

Treated like other private property. Existing Trespass Ordinance remains in place, no occupancy of any non-city publicly owned property without the permission of the owner or manager.

Owner or manager may provide notice of trespass and police will enforce if violation is found to be substantiated.

Camping is allowed on non-city public property with the consent of the owner under extenuating or emergency circumstances, including uses such as camps for fire crews, emergency evacuation shelters, and similar unusual or emergency uses, which uses are intended to be temporary during the period of the emergency. Those uses could also arise as part of special permitted events such as Ride the Rockies.

3. Green Parks.

Green parks will be defined as developed and maintained public parks and playgrounds located around the City.

The city should keep the current curfew in Green Parks so that Green Parks are closed to everyone from midnight to 5:00 a.m. of each day per Code section 18-33.

Camping or overnight Sheltering in Green Parks are not allowed at any time. Incidental napping or resting and picnicking during times when the Green Parks are open is not prohibited.

4. Animas River Trail, and all City owned or managed property along the Animas River Corridor

No Camping or Sheltering allowed at any time.

Incidental napping or resting and picnicking is allowed as long as it does not interfere with the primary recreational uses.

6. City Owned Open Space and Trails

No Camping allowed at any time.

Sheltering from the hours of sunset to sunrise of each day may be allowed in designated areas on a temporary basis by written action of the City Manager or other designated official if adequate overnight sheltering is not otherwise available in or near the City.

7. Other City owned or managed trails including hard surface trails (Goeglein Gulch trail, Three Springs Trail) and other recreational areas (e.g. Nighthorse Reservoir).

No Camping or Sheltering allowed at any time.

Incidental napping or resting and picnicking is allowed as long as it does not interfere with the recreational uses in those areas.

8. City owned buildings and surrounding grounds

No Camping or Sheltering allowed at any time on building grounds.

Incidental napping allowed inside City buildings that are generally open to the public (Library, Transit Center, Recreation Center), provided that person shall not recline or lay down on couches, floors or other furniture or disturb other occupants or users of the property.

9. Other City owned or managed public property (Airport, Parking lots and grounds not open to the public)

No Camping or Sheltering allowed at any time.

10. Streets, sidewalks and rights of way.

No Camping or Sheltering allowed at any time.

11. Proposed Rules regarding occupancy of Recreational Vehicles, Campers, cars and other motor vehicles:

The current City regulations prohibit “lodging in or camping” in the rights of way, but do not define those terms and do not specifically mention sleeping in or occupying motor vehicles in the rights of way for that purpose. The Land Use and Development Code (LUDC) prohibits anyone from occupying a recreational vehicle (RV) anywhere in the City other than in an approved RV park.

Enforcement of sleeping in motor vehicles is difficult for a number of reasons, including issues with getting those vehicles towed. Since there are no parking officers or code enforcement officers on duty at night, the enforcement of these provisions would fall to an already understaffed police department.

The use of recreational vehicles, travel trailers, vans, boats, campers, or converted commercial vehicles such as a panel vans, bread trucks or school buses in any City right of way or other City property for the purposes of living or sleeping is particularly troublesome since those uses tend to be more self-contained and therefore more permanent than similar uses in a typical passenger vehicle. They also tend to be more visible and take up more room than cars, thereby causing more disruption in the neighborhoods and in neighborhood parking.

Due to those factors, the City staff suggests that Council consider adopting code provisions that prohibit camping, sheltering or sleeping in all recreational vehicles, travel trailers, vans, boats, campers, or converted commercial vehicles such as a panel vans, bread trucks or school buses in any City right of way or in other city public property such as city parking lots. Council can plan to review those regulations after a period of enforcement to determine whether amendments are required or whether the regulations should be extended to passenger vehicles.

The unauthorized parking or occupancy of motor vehicles on private property will be subject to the current trespass ordinances.

Any person who allows unauthorized camping or parking of RVs on their property would be subject to the provisions of the LUDC that would limit those uses.

Following input by Council, staff will continue to review these issues and schedule a public hearing on proposed code changes. That public hearing will be followed by the preparation, review and possible adoption of an ordinance to implement the changes.

FISCAL IMPACT

There is no fiscal impact associated with this study session.

APPLICABILITY TO COMPREHENSIVE PLAN/GOALS

This meets Council's Goals and Objectives, 4.2 promote responsible land use planning within a growing community while addressing matters that affect life, health, property and public peace within the City.



Ronald P. LeBlanc, City Manager

4. Character District Plans for College and E 8th Avenues
5. Sign Code
6. Webb Ranch
7. College and 8th Road Safety Project
8. Participate in defining a Creative District for arts, culture and the creative economy
9. LUDC Code amendments to align the LUDC with the Comp Plan, Character District Plans and Housing Plan
10. Continue to update the Public Improvement Standards Manual
11. Phase III of the Storm Drainage Master Plan
12. Homelessness Strategic Plan
13. Permanent supportive housing
14. ADU Code Revisions
15. VR Regulation & Enforcement
16. Property Maintenance Code
17. La Posta Road Area Plan (including Airpark Mesa)
18. Airpark Mesa Development Issues
19. Urban Renewal Authority
20. Code Enforcement
21. Durango Mesa Park – negotiations with Marc Katz regarding the land transfer to the City would occur in Executive Session with Council until the final agreement is reached
22. Santa Rita Park and Cundiff Park Design – direction on the redevelopment of Santa Rita Park is critical for the timing of the project involving the Water Reclamation Facility contractor
23. Parks, Open Space, Trails and Recreation Master Plan – adoption by Council is feasible
24. ART North Extension – Construction project to be awarded in November
25. Oxbow Park Construction – Construction project bids received in November
26. Mason Center Future – Recommendation in Parks, Open Space, Trails and Recreation Master Plan
27. Stormwater infrastructure financing
28. New gun range
29. Fire Impact Fee
30. New Fire Station
31. Standardized Definitions for sales tax
32. Lodgers Tax Increase
33. Small Cell Technology
34. Fiber infrastructure and connectivity
35. Identify gaps and priority actions for improving STAR Communities Rating to 4-STAR
36. Improve energy and water efficiency of City buildings
37. Assess vulnerability of City Operations to Climate Change and integrate climate considerations into decision making
38. Complete and publish municipal and community-wide greenhouse gas emissions inventories
39. Promote water conservation methods
40. Watershed protection public drinking water supply (Florida River, Animas River)
41. Existing Water Treatment Plant Upgrades
42. Ridges Basin WTP (location study, site acquisition, design, debt election, etc.)
43. Utility Rate Study
44. Airport Terminal
45. Sustainable Transit Funding

Step 2. Add, delete, or modify list of issues and projects. City Council will be asked to review this list and seek clarification of issues that need further explanation. City Council can then add, delete, or modify the list.

Step 3. Discuss “Impact” and “Effort”. Associated with each issue/project Council will be asked to categorize into the following 4 categories:

- High Impact/High Effort (Major Projects)
- High Impact/Low Effort (Quick Wins)
- Low Impact/High Effort (Not Worth Doing)
- Low Impact/Low Effort (Low Hanging Fruit)


Step 4. Staff capacity, work schedule, and Council availability. The various issues/projects fall disproportionately on the Community Development Department, City Attorney’s Office and the City Manager’s Office. In many cases, city staff are waiting on other city staff to complete assignments before they will be available to work on new assignments. Sometimes, city staff is waiting for other agencies, e.g. La Plata County, Bureau of Reclamation, CDOT, etc.

Council should also be mindful that there is a limit to what we can reasonably expect from staff. Members of the Executive Team, as well as other exempt employees, currently work long hours and have accumulated hundreds of hours of unused PTO. Expecting staff to work long hours in the short term is typical but expecting exempt staff to put in extra time without using PTO can result in fatigue and produce an inferior work product. In small departments, it results in successive weeks with “short staff”. When facing a “short staff” situation, remaining staff pick up the day to day workload burden, taking time away from issues/project assignments. It would be helpful for the City Council to understand the staffing requirements and efforts to accomplish this list of priorities.

Step 5. Vote on priorities. City Council will be given 7 dots to indicate each of their top 7 priorities.

Step 6. Tally priorities, adjust to fit staff capacity and schedule.

Step 7. Staff will memorialize the list of priorities and provide City Council with a written summary.


Ronald P. LeBlanc, City Manager

CITY COUNCIL STUDY SESSION

Agenda Documentation

Study Session Date: November 13, 2018



TO: DURANGO CITY COUNCIL

FROM:

**AMBER BLAKE
ASSISTANT CITY MANAGER**

SUBJECT: 2018 ELECTION UPDATE

PURPOSE/BACKGROUND

The 2018 November Election took place on November 6, 2018. In this election there were more than 150 municipal ballot measures in 80 cities across Colorado, additionally there were a number of crucial statewide initiatives that held the potential for significant impacts on local municipalities.

During this study session, staff will provide City Council with an overview of the results of municipal and statewide measures.

The key statewide initiatives included:

- Amendment 74 – Property rights - Failed
- Proposition 112 – Oil and gas setbacks - Failed
- Proposition 109 and 110 – Transportation funding - Failed

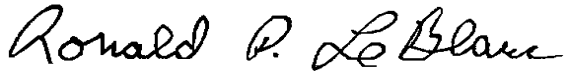
This table illustrates the results of the municipal tax and bond issues:

Municipality	Tax initiative	Pass	Fail	Reauthorization/ Extension
Moffat	Marijuana tax	x		
North Glenn	Marijuana tax	x		
Snowmass Village	Marijuana tax	x		
Grand Junction	Lodgers Tax	x		
Green Mountain Falls	Lodgers Tax	x		
Buena Vista	Lodgers Tax		x	
Canon City	Lodgers Tax		x	
Hudson	Lodgers Tax		x	
Gilcrest	Lodgers Tax		x	
Ouray	Lodgers Tax			x
Glendale	Lodgers Tax			x
Boulder	Oil and Gas Pollution Tax	x		
Lafayette		x		
Central City	Sales Tax (Public Safety)	x		
Glenwood Springs	Sales Tax (Public Safety)	x		

Municipality	Tax initiative	Pass	Fail	Reauthorization/ Extension
Federal Heights	Sales Tax (Public Safety)		x	
Frederick	Sales Tax (Public Safety)		x	
Del Norte	Sales Tax (Public Safety & Roads)		x	
Mead	Sales Tax (Public Safety & Roads)		x	
Evans	Sales Tax (Roads)		x	
Kersey	Sales Tax (Roads)		x	
Kiowa	Sales Tax (Roads)		x	
Pitkin	Sales Tax (Roads)		x	
Rockvale	Property Tax (Roads)	x		
Greeley	Sales Tax (Transportation and Infrastructure)			x
Greeley	Sales Tax (Public Safety)			x
Durango	Property and Sales Tax (Public Safety & Infrastructure)		x	
Berthoud	Sales Tax (Parks and Rec)	x		
Georgetown	Sales Tax (Parks and Rec)	x		
Delta	Sales Tax (Parks and Rec)		x	
Steamboat Springs	Sales Tax (Education)			x
Steamboat Springs	Sales Tax (Air Carriers)		x	
Denver	Sales Tax (Parks and Open Space)	x		
Denver	Sales Tax (Healthy Food + Education to kids)	x		
Denver	Sales Tax (Mental Health Services & Treatment)	x		
Denver	Sales Tax (Scholarships for College Students)		x	
Black Hawk	Use Tax	x		
Fleming	Use Tax	x		
Minturn	Use Tax	x		
Avon	Sales Tax (Tabaco Products)			
Cripple Creek	Sales Tax (support for local community foundation and resource center)			x
Telluride	Property Tax (Affordable Housing)	x		
Telluride	Debt (Affordable Housing) from property tax above	x		
Telluride	Sales Tax + Debt (Affordable Housing)		x	
Arvada	Debt (Roads)	x		
Dinosaur	Debt (Wastewater)	x		
Fleming	Debt (Sanitation)	x		
Longmont	Debt (City Buildings , Fire Station, Recreation CIP)	x		
Berthoud	Debt (Parks and Rec)		x	
Sterling	Debt (Wastewater)		x	

“Historically, municipalities have passed a majority of the TABOR-related questions that have been asked, with a 61% approval rate of tax questions, 69% approval rate for debt questions, and 86% approval rate for revenue retention questions since voter approval was first required in 1993. This year shows a similar trend of voters saying yes to local TABOR questions more often than not: 56% of tax questions were approved, 78% of debt questions were approved, and 86% of revenue retention questions were approved” (Sam Mamet – Colorado Municipal League).

Attached is a news release from the Colorado Municipal League, which summarizes the 2018 municipal election results.

A handwritten signature in black ink that reads "Ronald P. LeBlanc". The signature is written in a cursive, flowing style.

Ronald P. LeBlanc, City Manager



GET THE MUNICIPAL GOVERNMENT PERSPECTIVE

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NEWS RELEASE

For immediate release

Fall 2018 Municipal Election Results

November 7, 2018, Denver, CO – Yesterday, voters in more than 80 cities and towns across Colorado spoke out on a combined total of more than 150 municipal tax issues and other questions. Nearly 20 of these municipalities also had candidate elections. The following results are unofficial and subject to change.

Governance

Castle Pines voters took a step toward increased local control by approving the formation of a home rule charter commission. **Green Mountain Falls** voters selected to reduce the number of trustees from six to four, and **Fort Morgan** voters decided to amend the charter to designate the chief of police as an appointed official reporting directly to the city council. Voters in **Victor** declined to make the office of the city clerk appointed rather than elected.

Broadband

Eight municipalities requested and received permission to provide or partner to provide broadband services: **Aurora, Blue River, Cañon City, Erie, Florence, Fountain, Las Animas, and Wheat Ridge**. This election brings the total of cities and towns that have received voter authorization to 101.

Marijuana

Aurora voters approved medical marijuana cultivation and manufacturing, and rejected a tax on medical marijuana sales. **Delta's** voters split the four questions on their ballots: medical marijuana sales and related establishments were approved, while retail marijuana sales and related establishments were rejected.

In **Palmer Lake**, a question to allow retail marijuana sales was denied, though a marijuana sales tax was approved should sales be approved in the future. Similarly, **Bayfield** voters said no to both medical and retail establishments while also approving a tax on retail sales. **Las Animas** voters approved medical and retail marijuana sales, cultivation, manufacturing, and testing facilities, but did not approve a marijuana sales tax. **Hudson** voters said no to retail marijuana sales and a retail marijuana sales tax, while **Saguache** voters rejected both retail and medical marijuana establishments as well as a special marijuana tax.

Marijuana taxes were approved in **Moffat, Northglenn, and Snowmass Village**, while voters in **Nunn** agreed to amend the town's marijuana tax code to conform to state statute.

Revenue retention

Hot Sulphur Springs voters agreed to exempt the town from the statutory 5.5% limitation on property tax, though the same question failed in **Lochbuie**. **Olathe** voters chose to exempt the town from all revenue limitations, and **Rockvale's** voters approved a similar measure expiring in 2027.

Boulder received permission to retain all revenue from a 2016 sugar-sweetened beverage tax, and **Wheat Ridge** will be able to retain all revenue from a 2016 sales and use tax to fund capital projects. **Lakewood's** request to be exempt from TABOR revenue limitations through 2025 to pay for open space, public safety, and infrastructure also was approved.

Tax and bond issues

Lodging taxes passed in **Grand Junction** and **Green Mountain Falls**, but failed in **Buena Vista**, **Cañon City**, **Hudson**, and **Gilcrest**. **Ouray** received authorization to change its method of levying the existing lodging tax, while **Glendale** received authorization to reallocate a portion of its revenues.

Both **Boulder** and **Lafayette** voters approved an oil and gas pollution tax.

Cities and towns asking tax questions to fund public safety and roads saw mixed results. **Central City** voters approved a sales tax for public safety and emergency services, and **Glenwood Springs** voters approved a property tax increase for the same. Voters in **Federal Heights** and **Frederick** turned down sales tax requests to fund public safety and emergency services. **Del Norte** and **Mead's** requested sales tax increases to fund public safety and roads also failed, as did sales tax increases for roads in **Evans**, **Kersey**, **Kiowa**, and **Pitkin**. **Rockvale** was granted a property tax increase for road improvements, and **Greeley's** two sales tax extensions were also approved, one for public safety, and one for transportation and infrastructure.

Voters in **Durango** declined a mill levy increase and additional sales and use tax to fund public safety and infrastructure improvements.

Berthoud and **Georgetown** received permission for sales tax increases to fund parks and recreation improvements, while **Delta's** voters said no to a similar request. In addition to the new tax that was approved, Berthoud received authorization to re-allocate an existing sales tax to fund parks, recreation, open space, and trails.

Steamboat Springs voters were split on their two tax questions: They approved an extension of a sales and use tax for public education and defeated a new sales and use tax to support air carriers in providing flights to the region.

Of the four sales tax questions on **Denver's** ballot, three passed: to fund parks and open space, to provide healthy food and food-based education to children, and to fund mental health services and treatment. The one tax rejected by Denver voters was to fund scholarships and support services for college students.

Use taxes were approved in **Black Hawk**, **Fleming**, and **Minturn**.

Other tax questions approved include **Avon's** request for a sales tax on tobacco and nicotine products, **Parachute's** request for an excise tax on industrial hemp, and **Cripple Creek's** request to extend a sales tax to support a local nonprofit community foundation and resource center.

Debt authority was granted in:

- **Arvada** - \$79.8 million for roads
- **Dinosaur** - \$299,000 for wastewater improvements
- **Fleming** - \$3 million for sanitation
- **Longmont** - \$16.4 million for city buildings, \$9.58 million for fire station renovations, and \$6.8 million for recreation capital improvements

Berthoud voters rejected a request for \$30 million in debt for parks and recreation capital projects, and **Sterling** voters rejected a request for \$37 million in debt for wastewater capital improvements.

Of **Telluride's** three questions on the ballot, all to fund and finance affordable housing, two passed: a property tax increase of 2 mills and authorization for \$8.1 million in debt to be paid by that property tax. The combined request for a sales and use tax increase and authorization for \$12 million in debt failed.

Historically, municipalities have passed a majority of the TABOR-related questions that have been asked, with a 61% approval rate of tax questions, 69% approval rate for debt questions, and 86% approval rate for revenue retention questions since voter approval was first required in 1993. This year shows a similar trend of voters saying yes to local TABOR questions more often than not: 56% of tax questions were approved, 78% of debt questions were approved, and 86% of revenue retention questions were approved.

Publication requirements

To save money on publication costs, **Bayfield**, **Green Mountain Falls**, and **Lochbuie** were authorized to publish ordinances by title only, and to no longer publish the bills list or contracts awarded in a newspaper. **Jamestown** voters approved, and **Rockvale** voters denied, requests to no longer publish the bills list and contracts awarded. **Parachute** was granted permission to post notices of ordinances on the town website rather than the newspaper.

Election changes

Golden voters did not approve a question allowing 16- and 17-year-olds to vote in municipal elections.

Granby and **Hot Sulphur Springs** voters approved moving their regular town elections to November of even-numbered years, while **Gunnison** voters selected to move their election to November of odd years. **Aspen** voters also decided to move their elections, currently held in May, to March of odd years.

Boulder voters approved changes in the petition, signature verification, and initiative, referendum, and recall processes.

Denver voters approved implementing changes regarding Clerk and Recorder employee appointments, the number of signatures required for an initiative or referendum, and contribution limits and the creation of a Fair Elections Fund for candidates.

Charter amendments

Aurora, **Boulder**, **Broomfield**, **Central City**, **Dacono**, **Denver**, **Parachute**, and **Steamboat Springs** voters approved updates to their home rule charters. **Littleton** voters denied four updates to the charter related to council qualifications, city attorney appointment, municipal judge appointment, and revocable licenses, but approved an update providing for executive sessions as allowed under state law. In **Edgewater**, voters approved a charter change related to council absences, but denied changes related to the election commission and filling council vacancies.

Voters in **Castle Rock** approved several charter amendments to support the implementation of the previously approved change to a Mayor elected at-large. **Dacono** voters declined to offer compensation to the appointed members of boards and commissions or to increase pay of elected officials. **Aspen** voters said no to updates regarding city enterprise borrowing and the granting of a franchise.

Other issues

Other issues decided include:

- **Aspen** – advisory vote for location of city offices
- **Aurora** – rejected the continuation of a photo red light enforcement program
- **Berthoud** – approved a 6.259 acre annexation
- **Dacono** – rejected inclusion in High Plains Library District
- **Delta** – approved two separate questions for sale of city owned property
- **Fairplay** – approved dissolution of the sanitation district
- **Fort Morgan** – approved conveyance of property interest to school district
- **Hotchkiss** – approved sale of town owned property
- **Morrison** – rejected rezoning of 345 acres
- **Olathe** – approved sale of town owned property
- **Pitkin** – approved prohibition of short term rentals in residential districts

CML is a nonprofit, nonpartisan organization established in 1923 and represents the interests of 270 cities and towns. For more information on the Colorado Municipal League, please visit www.cml.org or call 303-831-6411.

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