

September 8, 2021

To: Durango City Council  
Durango City Manager

## **RE: Downtown Fire Station Location**

By way of introduction, I am Greg Hoch. After 35 years of working for the City of Durango, 29 of which as Community Development Director, I retired in October 2016. I refrained from engaging in City matters until recently.

I was urged to become involved in this Fire Station issue by long-time friends who own some of the most potentially affected adjoining properties to the old High School building, hereafter referred to as the 9R site. My first involvement was on Sunday, August 15, when I attended a meeting at the old Mason school park.

Key: Hal Doughty and the Durango Fire Protection District = **DF**, School District 9R = **9R**, The Boulevard Neighborhood Association = **BNA**, Durango City Council = **CiCo**, Durango Police Department = **PD**, River City Hall = **RCH**

I first want to say that I, like many others at that meeting and in this overall community, highly appreciate and value the services and professionalism exhibited by all our community's first responders. Moreover, I believe that Chief Doughty is a competent, dedicated and experienced Fire Chief, and I find him pleasant and engaging.

However, the purpose of my letter is to examine why the current situation and process this community, and CiCo as well, resulted in a flawed outcome. I am one among many who see this outcome as not in the best interests of this community. I believe our community needs to revisit this decision in a new timely process and reach agreement on a location for the City's primary downtown fire station in an open and public way.

To accomplish this, I recommend the Council consider the following:

- 1) what got us to where we are now
- 2) how the 9R site was selected
- 3) involving and engaging the public - and the City
- 4) should the City co-locate its PD with DF at the 9R site
- 5) possibilities to revisit the decision to locate a new downtown fire station

### **1) What Got Us To Where We Are Now**

DF and 9R are two legally established governmental entities that have jurisdiction within their own sphere. However, their process was neither open nor transparent, and it violated a common courtesy protocol of making sure that the City of Durango knew what was going on between 9R and DF.

This apparent decision not to communicate with the City happened despite decades of regularly scheduled monthly meetings of the “Coordinating Committee,” e.g., the administrative heads and typically at least one of the elected members of the City, the County, FLC, 9R, CDOT, and DF. The purpose and protocol of this group, to share each institution’s current and relevant information to avoid surprises and prevent mishaps or blow-ups among the various public entities, has not been followed in this fire station location decision.

Cities traditionally have a general role of public land stewardship, playing a key if not major role in influencing where major public land uses should be located and developed within the municipality.

School districts make their own decisions as to where and when to build new schools, but they typically consult with municipalities in doing so for obvious reasons (streets, utilities, public services, etc.).

Fire services are typically provided by municipalities, as was the case with the Durango Fire Department of 1881 until the late 1990s/early 2000s. Regardless of whether they are departments, authorities, or districts, they of necessity work closely with municipalities about streets, hydrants, safe building construction, etc.

It appears 9R and DF chose not to consult with the City of Durango until they had a “done deal”. DF has stated it could not afford to have the details made public until final negotiations had concluded via contract execution. But DF informing the City Manager (normally the conduit for intergovernmental communications) of its intentions would not have made the details public. One could also take the position that the deal, not necessarily the details, should absolutely have been made public.

Given this unexpected departure from normal protocol, it’s understandable if the Durango City Council, City administrative staff, and the overall Durango community were to feel surprised, shocked, or even blindsided by this procedural failure to maintain established or commonly accepted communication protocols.

## **2) How the 9R Site Was Selected**

In my opinion, DF did not follow a viable process to reach its decision to select the 9R site. It wasn’t a standard site selection process; it appears there were no established selection criteria, it was not an open and transparent process, the overall functionality of the selected site was not addressed, and in the end, the selected site appears to have a major “fatal flaw” for the following reasons.

A Site Selection Process is what is typically used nationally when a Fire Department or Fire Authority is planning a new major fire station location. A Site Selection process is a deliberate, crucially methodical, step-by-step analysis of potential sites with pros and cons.

A common feature of such processes is the utilization of Site Evaluation Criteria. Probably the most common site criterion is whether the proposed site has access onto a primary street. In Durango, a primary street is called an arterial street, or on occasion a minor arterial. This criterion is extremely important to ensure the fastest possible response times to an emergency. It seems to reason that a site accessed only from a local street system is an inferior site. Read more about this at the end of this Section 3.

The fact that DF had only one week to prepare its bid for the 9R site would not allow enough time to conduct a thorough Site Selection Process or utilize Site Selection Criteria for a property that had not been previously considered. It appears that DF was able to submit a complete bid to 9R for the high school site only because it had previously prepared a bid for Buckley Park.

At one point, DF expressed interest in acquiring the existing fire station at River City Hall. As stated publicly by DF on August 15th and 31<sup>st</sup>, DF says it was told by the City that there were higher and better uses for the River City Hall site. However, no record exists as to when any formal decision about the possible use of the River City Hall site was ever made by either a City Manager or a City Council.

On August 31<sup>st</sup>, I heard something new: DF reached that conclusion based upon recent individual meetings with each City Councilor. Unless the CiCo later discussed their own individual comments with each other together in a group setting, that conclusion reached by DF that the Council opposed allowing the River City Hall site to be used for the downtown fire station is not verifiable.

There appear to be several practical or functional problems about the 9R site which remain unaddressed, including the following: *(see attached map for locations)*

- a) It appears that access into the 9R site will be limited to E. Second Avenue from 14<sup>th</sup> up to 13<sup>th</sup> or from Main Avenue up to E. Second on 13<sup>th</sup>. Both streets are uphill from an access point of view, and E. Second is on a north facing slope which ices up in bad weather. The City does not have the full typical ROW section on the East side of E. Second, as a portion of it was abandoned many decades ago to the School District, which subsequently sold it as part of the Smiley Building sale. Making these two streets be the only access into the 9R site may pose significant problems for all tenants of the 9R site.
- b) The very busy intersection of 13<sup>th</sup> and E. Second and its already existing conflicts between automobiles and pedestrians has yet to be discussed but will soon have to be in City public meetings, relating to new or enhanced public sidewalks on and around the Smiley Building property. This intersection already has heavy vehicle traffic, causing unsafe conditions for pedestrians including school children. The addition of all of DF's emergency vehicle traffic, and then adding the potential of police vehicle traffic, needs to be fully evaluated for traffic and safety reasons.

- c) Access out of the 9R site, at least by all the emergency response vehicles, is proposed to occur only onto 12<sup>th</sup> Street. Any emergency responses that necessitate access onto Florida Road will, as promised by DF, not travel East on 12<sup>th</sup> Street and then North on E. Third Avenue to Florida Road, to respond to objections from E. 3<sup>rd</sup> Avenue residents. [NOTE: once DF learns the difference in emergency response times by not using E. Third Avenue to access Florida Road, it may end up having to reconsider that promise.] This means that all emergency responses to the north side of town or northeast up Florida Road will of necessity need to go down 12<sup>th</sup> Street to Main Avenue, and then up Main to and through the 14<sup>th</sup> Street intersection. This will not only entail the elimination of most if not all the diagonal parking spaces from Main up to E. Second, as there will not be enough room for emergency vehicles to navigate the already limited space between the rows of diagonal parking. Shifting to parallel parking spaces will not work because parallel parking spaces on hilly streets does not work during winter months, as every street from 7<sup>th</sup> to 14<sup>th</sup> Street between Main and E. Second has proven.
- d) The proposed access pattern will likely require a specialized traffic signal at Main & 12<sup>th</sup>.
- e) If DF does determine the preferred route north is up Main, there will be no day-long and week-end long closures allowed for Main between 12<sup>th</sup> and 13<sup>th</sup>. The City should anticipate pushback from park users who typically request that closure (BrewFest being the most recent event to do so).
- f) DF has stated that any parking spaces lost by eliminating the 12<sup>th</sup> Street diagonal spaces, as well as accommodating the PD's parking needs (should the City decide to allow for the PD's move) can be provided on the 9R site. The required parking study will address these issues. But the ability of the site to accommodate the anticipated parking demand seems unlikely. Even during the time, the building has been used for school administration only, 9R has never been able to meet its parking needs on site. Unless DF plans to remove the mature trees on the West side of the 9R building (which will depend upon on the location of where the 9R subdivision line will end up), there is virtually no room to create more parking spaces on the site. Adjoining streets are already maxed out in terms of available parking.
- g) The City's land subdivision process is the one process where the City can require the completion of any outstanding public improvements, most frequently the installation of public sidewalks. In the soon-to-be-considered subdivision review, the City should require the installation of the missing segment of public sidewalk along 9R's northern property line, to connect the unbuilt sidewalk from the ascending Buckley Park property up to the intersection of 13<sup>th</sup> Street and E. Second Avenue. Construction challenges are likely because of slopes and mature trees but these challenges could be alleviated by the City allowing for a sidewalk bulb-out into the public ROW. This is a very important connection to ensure safe passage for students and users in the Smiley building from the (already very busy) 13th/2<sup>nd</sup> Avenue intersection down into Buckley Park and onto Main Avenue sidewalks. This cost of installing sidewalks is typically borne by the subdivider of the property, in this case 9R.

The final and most important point to be made about this selection process is the "fatal flaw," i.e., why the 9R site is truly not the best location for the fire station.

Durango Fire has made it abundantly clear how many sites have been considered during their challenging and frustrating multi-year process of finding a downtown fire station site. The sites referenced included:

- The City owned tract of land used for railroad passenger parking at 6<sup>th</sup> and Camino
- The North end of the former tailings site, now the dog park, off US 160 west
- The 7<sup>th</sup> and Camino site known as the Commons
- The City parking lot abutting the Transit Center
- Privately owned commercial lots on the East side of Camino between 8<sup>th</sup> and 9<sup>th</sup>
- The existing City owned River City Hall site on Camino North of 11<sup>th</sup>
- The Manufacturer's Marketplace at 14<sup>th</sup> and Camino
- The three privately owned commercial lots North of 15<sup>th</sup> on the East side of Main

All these sites have one common characteristic: they are all located on an arterial (primary) street, Camino del Rio (or in one instance West U.S. Hwy 160). This is not surprising, because when I worked for the City and assisted in the exploration of possible fire station sites, the most important criterion used by DF was that any site had to be located on an arterial street. That is why all the above referenced sites were explored.

We now find ourselves as a community faced with a DF selected fire station location which is NOT on an arterial street. Rather, DF, with just a week to consider the 9R site, proposes to use access into and out of a challenging network of only local streets. Before finalizing its decision, DF should determine whether fire insurance rates will increase for Durango businesses and residents with no primary street access for the main fire station. In addition to the other reasons listed above, this lack of direct access is the most obvious reason why the selection of the 9R site is flawed.

### **3) Involving and Engaging the Public – and The City**

As someone who spent a good portion of his professional life managing public involvement processes, I started questioning DF's public involvement approach in my first exposure to it at the August 15<sup>th</sup> public meeting. I found the announcement of the meeting odd – notice was provided only to the BNA. But some property owners or residents on E. Third Avenue are not BNA members. And the BNA includes only E. Third Avenue properties. No effort was made to notify any other immediately adjacent property owners in the vicinity who are directly affected, more so than any of the property owners on the east side of the Boulevard.

The meeting started out with DF's introductory comment that they felt it a good idea for those neighbors in attendance to meet their new neighbors, referring to a very large contingent of DF employees present who outnumbered the neighbors in attendance.

I was later told by some who attended that they felt the introduction of DFPD employees to the existing neighbors as their new neighbors was a clear effort by DF to intimidate them and to convey that DF's move into the neighborhood was essentially a fait accompli.

At the Council's joint study session on August 31, I realized that this less-than-open, not transparent, and deficient public process was indeed DF's strategy all along.

Here are some comments made by Durango Fire at the joint study session:

- We haven't met with City Council previously – we thought that the right time was AFTER we had executed our contract with 9R
- Why didn't we involve the City Council in this decision to locate our fire station on the 9R property? We couldn't reveal real estate details because we were one of the bidders.
- If it feels this conversation was long overdue, it was. But we're excited to start that communication now.
- Our purpose in having this joint study session is to ask the City to partner with us in moving the Police Station to the site (marking the first time this concept was presented to the City).
- Regarding public comment about this process, it IS true that we've worked behind the scenes. Why? Because since the City usually gets pulled in all directions, we felt we should go after this and pull the City along after us.
- We welcome community engagement but because we are now contractually obliged, we don't want to raise expectations because we cannot move backward.

For many reasons, it appears DF clearly made calculated decisions designed to keep the City and its citizenry from knowing anything about DF's site selection and "public involvement" processes until it was too late for legitimate City and citizenry involvement and too late for DF to 1) reconsider its approach, 2) slow its process down, or 3) to reverse course. As set forth in Section 5, I believe it is not too late for any or all these three options referenced in the preceding sentence to become possible.

#### **4) Should the City Co-Locate its Police Department with DF at the 9R Site**

The facts here are: DF first advanced this topic at the August 31<sup>st</sup> joint study session for the City to consider partnering with them to co-locate the City Police Department onto the 9R site to create an Emergency Services Center. And DF asked that the City make its decision within 6 weeks (after seeking an even shorter timeframe which the City said it simply could not do).

This sudden "do it now" request reveals DF's after-the-fact realization that it doesn't know what to do with the 44,000 sq.ft. of indoor space within the existing 9R building (by way of comparison, the Albertsons store has a sq.ft. footage of around 48,000 sq.ft.).

Because the City has been looking for ways to create a new police station for decades, it seems reasonable, on the surface, for DF to offer up this partnership. But DF is asking the City to pursue its partnership in the same timeframe and apparently with the same lack of process (no Site Selection process, no Selection criteria, no independent professional third-party consultation and advice) as DF did in making its decision to purchase the 9R site, no matter the risk or cost to Durango citizens.

Two other contradictory considerations the City Council should consider on behalf of those citizens in the immediate vicinity are siren noise and parking. DF has responded to noise concerns by stating that their emergency vehicles won't start their sirens until they reach a public street. However, the PD will likely be hard pressed to do the same. This could cancel out solutions to reduce siren noise in the neighborhood, one which includes Durango's only mortuary, several churches, and numerous homes and apartments.

More concerning is the issue of accommodating the parking needs of the PD at the 9R site. Does DF believe it can accommodate the parking demands of its emergency service crews on the selected site, as well as accommodate the PD's parking needs, without having a negative impact on the topographically challenged local streets and on immediate neighbors like the Smiley Building and Hood Mortuary with their fluctuating but intense parking needs? DF will also need to anticipate providing required parking for any additional tenants.

The City will require both a traffic and parking studies in consort with DF's Major Site Plan submittal. But given DF's full-speed-ahead approach and timeframe, will these considerations be valid and reliably studied? Only TIME will tell.

One final consideration here.: Does the City need a new Police Station in downtown Durango? Former City Manager Bob Ledger opined decades ago that perhaps the PD would best be served with a new location on a highway accessible to many areas of the City, e.g., old State Highway 3, as police officers are almost always on the move in their police cars conducting their official duties.

## 5) **Possibilities to Revisit the Decision to Locate the New Fire Station**

The process DF used was hasty, secretive and broke the public trust.

Is there anything CiCo legitimately can do to call for a reconsideration of DF's decision without the Council being accused of contract interference? Yes, there is.

CiCo can direct that, on behalf of the overall Durango community, an open, public and timely process to decide what is the best location for a new downtown fire station be conducted.

If CiCo is willing to consider the sale of RCH, it will make RCH the only *currently available* site within the downtown *on a primary/arterial street*, automatically making it preferable to the 9R site. Since RCH has been used as a fire station site for 38 years, it will engender no neighborhood opposition.

DF recently said it was concerned with the residual tailings and floodplain issues at RCH. I am confident, based upon professional experience with those issues specifically on that site, they will not constitute an impediment to construction or reconstruction on the site. However, a formal evaluation of the site relative to these issues in a reopened fire station site selection process should be conducted.

Is there a higher and better use for RCH? My 40-year experience leads me to believe that any higher and better use proposals at RCH would likely be inhibited by cost/benefit and intensity-of-use considerations, parking demands, access and site size limitations, and permanence of abutting uses (e.g., Iris Park, Discovery Museum, Animas River Trail).

I recommend that CiCo first decide whether RCH should be for sale as a future fire station site.

Then and only then, CiCo could recommend that DF's accelerated flawed review-and-development process be purposely slowed down with the recommendation that an independent comparative professional evaluation comparing the two sites be conducted. If desired, the evaluation could include more than these two sites.

- Will pursuing this course of action be detrimental to the DF? Only if they want to dig their heels in and defend their flawed process openly and publicly.
- Will DF be irreparably damaged by delaying their approval process of the 9R site? No.
- Will DF ultimately need to terminate their contract with 9R? Possibly, but DF has commented publicly that there purportedly is an "escape clause" in their contract with 9R.
- Will 9R be left high and dry if DF decides to terminate their contract? Unlikely, as there were 3 other bidders for the 9R property.
- Will this request by the City to revisit the question of what is the best location for a downtown fire station constitute contract interference by the City? I sought and received one attorney's opinion that it will not.

I see no reason why DF should not reconsider and contemplate this proposed course of action, partly because it could end up with a more modern, streamlined, state-of-the-art station at less expense with better access, and partly because by doing so DF will be able to avoid a serious loss of public confidence and trust in their organization.

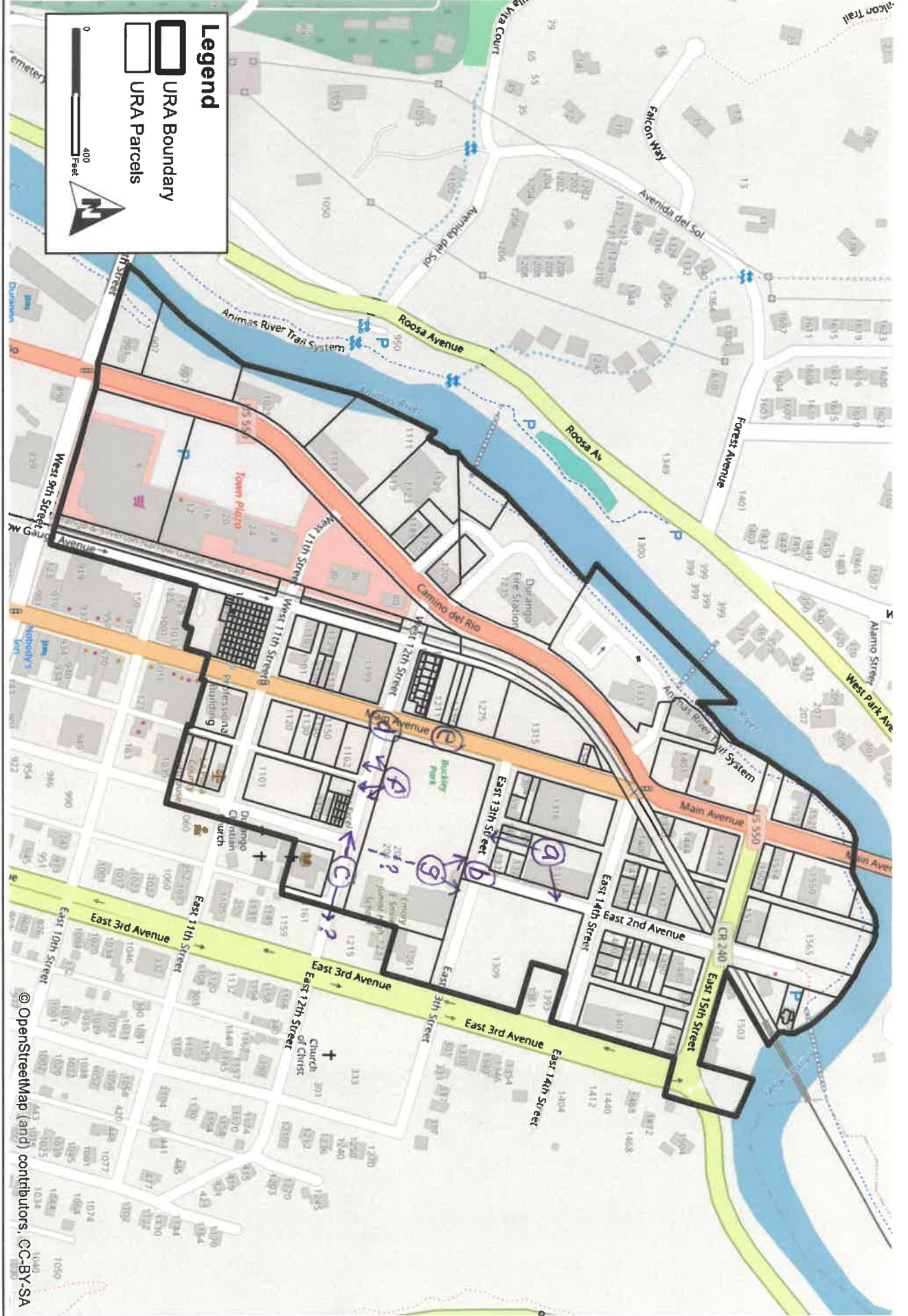
Thank you for allowing me to share my opinions with you.

Sincerely,



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**Legend**

- URA Boundary
- URA Parcels

0 400 Feet

**N**

Project Number: DURPL 156124  
 Print Date: 7/01/2020



**Midtown URA Boundary  
 City of Durango, Colorado**

**FIGURE 1A  
 Parcel Map and Aerial**

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