CITY COUNCIL REGULAR MEETING

Fruita Civic Center
Tuesday, February 07, 2023 at 7:00 PM

AGENDA

The link to join the join the meeting electronically will be posted prior to the meeting at https://www.fruita.org/citycouncil/page/council-meeting-information. You may also contact the City of Fruita at (970) 858-3663 for information to connect to the meeting. This agenda is for informational purposes only and items may be added or deleted at the discretion of the City Council. An executive session may be requested for any item appearing on the agenda.

1. CALL TO ORDER AND ROLL CALL

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

3. AGENDA - ADOPT/AMEND

4. PROCLAMATIONS AND PRESENTATIONS

A. PRESENTATION – Fruita Students and Teachers of the Month for February 2023: Monument Ridge Elementary School

B. PROCLAMATION - Affirming a Commitment to Countering Antisemitism

C. PRESENTATION – Downtown Advisory Board

5. PUBLIC PARTICIPATION

This section is set aside for the City Council to LISTEN to comments by the public regarding items that do not otherwise appear on this agenda. Generally, the City Council will not discuss the issue and will not take an official action under this section of the agenda. Please limit comments to a three-minute period.

6. CONSENT AGENDA

These are items where all conditions or requirements have been agreed to or met prior to the time they come before the Council for final action. These items will be approved by a single motion of the Council. Members of the Council may ask that an item be removed from the consent section and fully discussed. All items not removed from the consent section will then be approved. A member of the Council may vote no on specific items without asking that they be removed from the consent section for full discussion. Any item that is removed from the consent agenda will be placed at the end of the regular agenda.

A. MINUTES - A request to approve the minutes of the December 6, 2022 Regular City Council meeting

B. MINUTES - A request to approve the minutes of the December 20, 2022 Regular City Council Meeting

C. MINUTES - A request to approve the minutes of the January 3, 2023 Regular City Council Meeting

D. LIQUOR LICENSE RENEWAL – A request to approve the renewal of an Optional Premises – Malt, Vinous and Spirituous Liquor License for Imondi Wake Zone, LLC dba Imondi Wake Zone located at 1583 Cipolla Rd.

E. SUPPLEMENTAL GRANT FUNDING REQUEST - A request to approve a letter to the Colorado Department of Local Affairs (DOLA) requesting supplemental grant funding in the amount of $300,000 for the H2S Mitigation Project

F. MINI GRANT AWARD - A request to approve a recommendation from the Fruita Tourism Advisory Council for a Mini Grant Award for Roam Fest Fruita

G. MINI GRANT AWARD - A request to approve a recommendation from the Fruita Tourism Advisory Council for a Mini Grant Award to the Fruita Area Chamber of Commerce for production of a Fruita Guidebook

H. ORDINANCE 2023-01 - FIRST READING – An Introduction of an Ordinance amending the Official Zoning Map of the City of Fruita by zoning approximately 9.1 acres of property located at Parcel #2697-162-21-001 to a Community Residential zone for public hearing on March 7, 2023 ***(18 & K Roads Rezone)***

I. RESOLUTION 2023-03 – A Request to Adopt a Resolution naming the Fruita Bark Park located near the Dinosaur Journey Museum

J. RESOLUTION 2023-04 – Approving the lease of the Fruita Museum Property located at 432 E Aspen Avenue to the Fruita Chamber of Commerce

K. RESOLUTION 2023-05 - A Resolution of the Fruita City Council setting a hearing date for April 18, 2023, to determine the eligibility of annexation of approximately 3.46 acres of property located at 1806 J 3/10 Road to be annexed into the city limits and consider initiation of annexation procedures (***Berg Annexation)***

7. PUBLIC HEARINGS

Public hearings are held to obtain input from the public on various items. Public hearings are either Legislative in nature or Quasi-Judicial in nature. Public Input is limited to 3 minutes per person. People speaking should step up to the microphone and state their name and address. Speakers should be to the point and try not to repeat the points others have made. Each is described as follows:

LEGISLATIVE – Legislative public hearings are held when the City Council is considering an item that establishes legislation such as an ordinance amending or establishing laws of the city. Interactions by members of the public with the City Council or individual members is permissible on items of a legislative nature.

ORDINANCES - After introduction of an Ordinance (First Reading), a public hearing date is set and notice of the hearing is published in the newspaper. Staff presents the ordinance on Second Reading and the hearing is opened to the public for public input. After comments from the public, the Mayor will close the hearing and bring the Ordinance back to the

City Council for discussion and potential action. The Council will make a motion to approve the Ordinance or take no action. In the event the ordinance is approved, it will become effective 30 days after adoption.

QUASI-JUDICIAL – Quasi-judicial public hearings are held when the City Council is acting in a judicial or judge like manner and a person with a legitimate interest is entitled to an impartial decision made on the basis of information presented and laws in effect. Quasi-judicial hearings are commonly held for land use hearings and liquor license hearings. Since the City Council is acting in a fair and impartial manner, it is NOT permissible for City Council members to have any ex-parte communication (contact between the applicant, members of the public, or among other members of the City Council) outside of the Public Hearings and meetings on the subject application. The City Council must limit its consideration to matters which are placed into evidence and are part of the public record. Quasi-judicial hearings are held in the following manner:

1. Staff presentation - Staff will present the comments and reports received from review agencies and offer a recommendation.
2. Applicant Presentation - The petitioner is asked to present the proposal. Presentations should be brief and to the point and cover all of the main points of the project.
3. Public Input (limit of 3 minutes per person) Speakers must step up to the microphone and state their name and address. Speakers should be to the point and try not to repeat the points others have made.
4. The public hearing is closed to public comments.
5. Questions from the Council. After a Council member is recognized by the Mayor, they may ask questions of the staff, the applicant, or the public.
6. Make a motion. A member of the City Council will make a motion on the issue.
7. Discussion on the motion. The City Council may discuss the motion.
8. Vote. The City Council will then vote on the motion.

A. QUASI-JUDICIAL HEARINGS

B. LEGISLATIVE HEARINGS

8. ADMINISTRATIVE AGENDA

9. CITY MANAGER'S REPORT

10. COUNCIL REPORTS AND ACTIONS

A. Council Reports and Actions

B. EXECUTIVE SESSION – To convene in Executive Session with the City Attorney for the following purposes:

To discuss the consideration of possible purchase of real property pursuant to C.R.S. Section 24-6-402(4)(a)

To discuss the consideration of and the process of a possible sale of real property owned by the City, specifically Enochs Lake and its water rights pursuant to C.R.S. Section 24-6-402(4)(a)

To discuss the consideration of and the process of a possible sale of real property owned by the City, specifically property located at the lagoon properties pursuant to C.R.S. Section 24-6-402(4)(a)

To receive legal advice from the City Attorney regarding specific legal questions concerning water rights and the lagoon properties pursuant to C.R.S. Section 24-6-402(4)(b)

11. ADJOURN

An executive session may be called for any item on the agenda.

In accordance with the Americans with Disabilities Act, persons who need accommodation in order to attend or participate in this meeting should contact the City Clerk's Office at 970-858-3663 within 48 hours prior to the meeting in order to request such assistance.