CITY COUNCIL REGULAR MEETING

Fruita Civic Center
Tuesday, January 18, 2022 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.

1. CALL TO ORDER AND ROLL CALL

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

3. AGENDA - ADOPT/AMEND

4. PROCLAMATIONS AND PRESENTATIONS

A. PRESENTATIONS – Fruita Teachers/Students of the Month for January 2022: Fruita Middle School

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. LIQUOR LICENSE RENEWAL – A request to approve the renewal of a Beer and Wine Liquor License for the Hot Tomato Pizzeria, LLC located at 124 N. Mulberry Street

B. Associate Municipal Court Judge Mueller one year contract renewal

C. ANNUAL REVIEW OF RED FLAG POLICY (Identity Theft Prevention Program)

D. RESOLUTION 2022-01 – Designating the Place for Posting of Notices of Meetings of the Fruita City Council and all Boards and Commissions of the City of Fruita

E. FINANCIAL REPORTS – A request to approve the PRELIMINARY December 2021 Financial Reports

F. ORDINANCE 2022-08 – 1st Reading – An Ordinance amending the official zoning map of the City of Fruita by zoning approximately 1.18 acres of property located at 280 Clements Way to a Planned Unit Development (PUD) zone for publication of public hearing on February 15, 2022

G. ORDINANCE 2022-09, 1st reading – an Ordinance amending certain section of Title 17.47 of the Fruita Land Use Code concerning the timing of payment of Impact Fees and amending the Drainage Impact Fee Base Value for publication of public hearing on February 15, 2022

H. ORDINANCE 2022-10, 1st reading – an Ordinance amending certain section of Title 17 of the Fruita Municipal Code concerning Mobile Food Vendors and Mobile Vendor Courts for publication of public hearing on February 15, 2022

7. ADMINISTRATIVE AGENDA

8. CITY MANAGER'S REPORT

9. COUNCIL REPORTS AND ACTIONS

10. PUBLIC HEARINGS

A. QUASI-JUDICIAL 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.

1. SPECIAL EVENT LIQUOR PERMIT APPLICATION – A request to approve an application from the Fruita Area Chamber of Commerce to sell alcoholic beverages (malt, vinous and spirituous) at the Fruita Chamber Annual Awards Banquet to be held on Saturday, February 5, 2022 from 5:00 to 11:00 p.m. at the Fruita Community Center

2. DWELL PLANNED UNIT DEVELOPMENT – A request for approval of the Dwell Final PUD Plan and approval of Ordinance 2022-06, a 2nd Reading, amending the Official Zoning Map of the City of Fruita by zoning approximately 5.09 acres of property located at 1136 17 ½ Road to a Planned Unit Development (PUD) zone.

11. ADJOURN

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.