



FRUITA COLORADO

CITY COUNCIL REGULAR MEETING (DATE CHANGE)

Fruita Civic Center

Monday, June 17, 2024 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**
- 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 Brew Pub Liquor License – Malt, Vinous and Spirituous (City) for Copper Club Brewing Co. located at 153 N. Mulberry St.
- B. LIQUOR LICENSE RENEWAL – A request to approve the renewal of a Hotel and Restaurant Liquor License – Malt, Vinous and Spirituous (City) for Onnie & Zhong, Inc. dba Dragon Treasure located at 576 Kokopelli Blvd.

- C. LIQUOR PERMIT RENEWAL – A request to approve the renewal of an Art Gallery (Liquor) Permit for Orbit Artspace located at 138 S. Park Square #102
- D. BOARDS AND COMMISSIONS REAPPOINTMENT – A request to approve the reappointment of Mary Midgett to the Board of Adjustment for another three-year term to expire in June of 2027
- E. BOARDS AND COMMISSIONS REAPPOINTMENT – A request to approve the reappointment of R. Bruce Bonar to the Board of Adjustment for another three-year term to expire in June of 2027
- F. LETTER OF SUPPORT – A Request to Authorize the Mayor to Sign a Letter of Support for a River Corridor Master Planning Process.
- G. RESOLUTION 2024-18 – Approving A Three-Year Agreement with Xpress Bill Pay for Processing Online Utility Payments and Paperless Utility Billing and Authorizing the City Manager to Execute the Agreement.
- H. RESOLUTION 2024-19, A Resolution of the Fruita City Council approving the final release of the Subdivision Improvements Agreement and Development Improvements Agreement for Filing 1 of the Iron Wheel Subdivision.
- I. RESOLUTION 2024-20 – A Resolution Authorizing the City Manager To Sign An Amendment To The Memorandum Of Understanding With 2 Forks Ventures, Inc To Extend The One-Year Exclusive Right To Negotiate A Public-Private Partnership Agreement To Develop Certain City-Owned Property

7. ACKNOWLEDGEMENT OF NEWLY REAPPOINTED BOARDS AND COMMISSIONS MEMBERS

8. 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

- 1) SPECIAL EVENT LIQUOR PERMIT APPLICATION – A request to approve an application from the Museums of Western Colorado to provide alcoholic beverages at the “Dinos on the Rocks” fundraiser event on Saturday, August 3, 2024 from 5:30 – 10:00 p.m. at Dinosaur Journey located at 550 Jurassic Court – *Deputy City Clerk Deb Woods*

B. LEGISLATIVE HEARINGS

9. ADMINISTRATIVE AGENDA

10. OPEN FRUITA HOUSING AUTHORITY MEETING

A. AUTHORITY REPORTS AND ACTIONS

- 1) EXECUTIVE SESSION – A request to convene in Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations and instructing negotiators pursuant to C.R.S. Section 24-6-402(4)(e) with regard to requests by TWG Development for Housing Authority support with regard to applications to the Colorado Housing and Finance Authority for the Geode Flats project and receiving legal advice from the Housing Authority Attorney and the Housing Authority’s Special Counsel pursuant to C.R.S. Section 24-6-402(4)(b) regarding the same

11. RETURN TO OPEN HOUSING AUTHORITY MEETING FOR POTENTIAL ACTION

A. HOUSING AUTHORITY POTENTIAL ACTION

- B. EXECUTIVE SESSION – A request to convene in Executive Session for the purpose of receiving legal advice from the Housing Authority Attorney and the Housing Authority’s Special Counsel pursuant to C.R.S. Section 24-6-402(4)(b) regarding proposals for affordable housing projects proposed by IndiBuild, Headwaters Housing Partners and for general legal advice regarding partnerships with the Housing Authority

12. RETURN TO OPEN HOUSING AUTHORITY MEETING TO ADJOURN

13. RETURN TO CITY COUNCIL MEETING

14. CITY MANAGER'S REPORT

15. COUNCIL REPORTS AND ACTIONS

A. Council Reports and Actions

B. EXECUTIVE SESSION – To convene in Executive Session to discuss the consideration of possible purchase of real property pursuant to C.R.S. Section 24-6-402(4)(a) and a conference with the City Attorney regarding the same pursuant to C.R.S. Section 24-6-402(4)(b)

16. 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.