



FRUITA COLORADO

CITY COUNCIL REGULAR MEETING

Fruita Civic Center

Tuesday, December 19, 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. PROCLAMATION - Proclaiming Monday, January 15, 2024 as Martin Luther King, Jr. Day in the City of Fruita to be accepted by David Combs (and potentially others) with Black Citizens and Friends of Grand Junction

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. BOARDS AND COMMISSIONS REAPPOINTMENT – A request to approve the reappointment of Shannon Wadas to the Parks and Recreation Advisory Board for another three-year term to expire in December of 2026

- B. RESOLUTION 2023-40 - A Request to Approve a Resolution Amending the 2023 Budget and Transferring Funds from the General Fund and Fruita Community Center Contingency Accounts for Legal Expenses, Supplies and Utilities, and Building Maintenance Expenses
- C. DEBTBOOKS MULTI-YEAR AGREEMENT - A request to approve a 3-year Subscription Based Information Technology Arrangement (SBITA) Agreement with DebtBooks for management of lease and SBITA agreements in accordance with Governmental Accounting Standard Board (GASB) statements 87 and 96 and authorize the City Manager to sign the agreement.
- D. FINANCIAL REPORTS – A request to approve the November 2023 Financial Reports
- E. ORDINANCE 2024-01 – First Reading – An Introduction of an Ordinance Amending Section 2.10.040 of the Fruita Municipal Code regarding compensation of the City Council and Mayor for public hearing on January 16, 2024
- F. ORDINANCE 2024-02 – First Reading – Introduction of an ordinance approving a long-term lease with Capital Business Systems, Inc. for a copier system and related services at the Fruita Police Department for public hearing on January 16, 2024
- G. ORDINANCE 2024-03 - First Reading - An introduction of an Ordinance annexing approximately 14.52 acres of property located at 1873 K Road into the City of Fruita for publication of public hearing on January 16, 2024 (*1873 K Road 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

- 1) ORDINANCE 2023-17 - Second Reading - An Ordinance authorizing the conveyance of water rights and real property of the City referred to as Enoch's Lake located on Pinon Mesa – *Public Works Director Kimberly Bullen and City Attorney Mary Elizabeth Geiger*
- 2) RESOLUTION 2023-37 – Establishing the Schedule for Fees and Charges for the 2024 Budget Year - *Assistant City Manager Shannon Vassen*
- 3) RESOLUTION 2023-38 – A Resolution Adopting the 2024 Annual Budget – Public Hearing Continued from November 21, 2023 - *Assistant City Manager Shannon Vassen*
- 4) RESOLUTION 2023-39 – A Resolution Appropriating Funds for the 2024 Annual Budget - *Assistant City Manager Shannon Vassen*
- 5) RESOLUTION 2023-41 – Establishing the Property Tax Mill Levy for the 2024 Budget - *Assistant City Manager Shannon Vassen*
- 6) ORDINANCE 2023-15 – 2nd Reading - Amending Chapter 3.18 of the Fruita Municipal Code concerning exclusions for the sale or purchase of lodging and amending the definition of lodging - *City Clerk/Finance Director Margaret Sell*

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 pursuant to C.R.S. Sec. 24-6-402(4)(e) for determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators and pursuant to C.R.S. Sec. 24-6-402(4)(a) for the possible sale or lease thereof with regard to the redevelopment of 169 N. Mulberry Street
- C. EXECUTIVE SESSION – Discussion and possible action to consider a motion to convene in Executive Session regarding personnel issues under C.R.S. Section 24-6-402(4)(f) regarding the City Manager's annual formal review where the City Manager has not requested an open meeting

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.