



FRUITA COLORADO

CITY COUNCIL REGULAR MEETING

Fruita Civic Center

Tuesday, November 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 Teachers/Students of the Month for November 2023: Shelledy Elementary School
- B. PROCLAMATION - Proclaiming Saturday, November 11, 2023 as Veterans Day in the City of Fruita to be accepted by Lou Brackett on behalf of Amercian Legion Post 2006
- C. PROCLAMATION - Proclaiming November 15 - 21, 2023 as "Interfaith Awareness Week" in the City of Fruita to be accepted by Grand Valley Interfaith Network Vice-President Carlene Goldthwaite and Chair Rev. Dr. Carla Ryan
- D. PROCLAMATION - Honoring the King Family and their Sunflower Farm

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 September 5, 2023 Regular City Council meeting
- B. MINUTES - A request to approve the minutes of the September 29, 2023 Special City Council meeting
- C. MINUTES - A request to approve the minutes of the September 19, 2023 Regular City Council meeting
- D. MINUTES - A request to approve the minutes of the September 26, 2023 City Council Workshop meeting
- E. LIQUOR LICENSE RENEWAL – A request to approve the renewal of a Retail Liquor Store – malt, vinous and spirituous liquor license for CTL Fruita, LLC dba Center Town Liquors located at 161 N. Park Square, Unit B
- F. LIQUOR LICENSE RENEWAL – A request to approve the renewal of an Optional Premises – Malt, Vinous and Spirituous Liquor License for Adobe Creek National, LLC dba Adobe Creek Golf Course located at 876 18 ½ Road
- G. LIQUOR LICENSE RENEWAL – A request to approve the renewal of a Hotel and Restaurant – Malt, Vinous & Spirituous Liquor License for Mezcalera, LLC dba El Mescal Family Mexican Restaurant & Bar located at 439 Highway 6 & 50
- H. BOARDS AND COMMISSIONS REAPPOINTMENT – A request to approve the reappointment of James Jackson to the Police Commission for another three-year term to expire in November of 2026
- I. ORDINANCE 2023-14 - First Reading - Submitting to the Registered Electors Voting in the Regular Municipal Election, to be held April 2, 2024 a Ballot Issue Concerning the Retention of Revenue in Excess of TABOR Limits
- J. RESOLUTION 2023-31 – Approving the lease of a room located in the Fruita Civic Center located at 325 E Aspen to Mesa County for Motor Vehicle Registrations and Related Services
- K. RESOLUTION 2023-32 – Supporting an application to the Colorado Department of Local Affairs (DOLA) for the construction of the Kingsview Lift Station Project
- L. MEMORANDUM OF UNDERSTANDING (MOU) - A request to approve a Memorandum of Understanding between the City of Fruita and the One Riverfront Foundation
- M. CITY MANAGER FORMAL EVALUATION SCHEDULE AND FORM - A request to approve a proposed schedule for the Annual Formal Evaluation of the City Manager and a request to approve the Evaluation Form

7. ACKNOWLEDGMENT OF NEWLY APPOINTED OR 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) ORDINANCE 2023-13, SECOND READING, An Ordinance amending the official zoning map of the City of Fruita by zoning approximately 131 acres of property located south of Snooks Bottom and west of the intersection of Kings View Road and Highway 340 to a Planned Unit Development zone and approval of a Preliminary PUD Plan (Sunset Pointe PUD) - *City Planner Henry Hemphill*

B. LEGISLATIVE HEARINGS

8. ADMINISTRATIVE AGENDA

- A. 2024 BUDGET PRESENTATIONS – Quality of Place and Community Wellness, and Personnel and Employee Retention – *Assistant City Manager Shannon Vassen*

9. CITY MANAGER’S REPORT

10. COUNCIL REPORTS AND ACTIONS

- A. Establishing a Committee to Review Possible “Localism” Board
- B. Council Reports and Actions
- C. EXECUTIVE SESSION – To convene in Executive Session pursuant to C.R.S. Section 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

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.