



FRUITA COLORADO

CITY COUNCIL REGULAR MEETING

Fruita Civic Center

Tuesday, January 16, 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

- A. PROCLAMATION - Proclaiming January 2024 as "National Crime Stoppers Month" in the City of Fruita to be accepted by Kathy Daniels and other board members of Crime Stoppers of Mesa County
- B. PRESENTATION – The Fruita Arts and Culture Board will give a presentation regarding the Reed Park merry-go-round art
- C. PRESENTATION - Recognition of four individuals whose actions saved the life of a patron at the Fruita Community Center

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 October 24, 2023 City Council Workshop Meeting
- B. LIQUOR LICENSE RENEWAL – A request to approve the renewal of a Fermented Malt Beverage (FMB) and Wine Retail Liquor License (Off-Premises) for CF Altitude, LLC dba Alta #6317 located at 555 W. Raptor Road
- C. LIQUOR LICENSE RENEWAL – A request to approve the renewal of a Hotel and Restaurant – malt, vinous and spirituous liquor license for El Tapatio located at 402 Jurassic Ave
- D. LIQUOR LICENSE RENEWAL – A request to approve the renewal of a Hotel and Restaurant – malt, vinous and spirituous liquor license for Strayhorn Grill located at 456 Kokopelli Blvd., Unit 10
- E. LIQUOR LICENSE RENEWAL – A request to approve the renewal of a Brew Pub Liquor License – Malt, Vinous and Spirituous (City) for Suds Brothers Brewery located at 127 E. Aspen Ave.
- F. 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.
- G. BOARDS AND COMMISSIONS APPOINTMENT – A request to approve the appointment of Justice Sweet Baker to the Arts and Culture Board to fulfill an unexpired term plus an additional three-year term to expire in July of 2027
- H. TRASH COLLECTION SERVICES CONTRACT – A Request to Approve the First Amendment to the Contract between the City of Fruita and Waste Management for Trash and Recycling Services and Authorizing the Mayor to Execute and Sign the Amendment.
- I. ANNUAL REVIEW OF RED FLAG POLICY (Identity Theft Prevention Program)
- J. RESOLUTION 2024-01 – Designating the Place for Posting of Notices of Meetings of the Fruita City Council and all Boards and Commissions of the City of Fruita
- K. CITY MANAGER EMPLOYMENT AGREEMENT – A request to approve the amended and restated City Manager Contract for 2024
- L. ORDINANCE 2024-04 – 1ST Reading - Introduction of an Ordinance amending Chapters 2.41 and 2.42 of the Fruita Municipal Code to eliminate voting rights for Council members appointed to the Police and Parks and Recreation Commissions, and excluding them from quorum calculations. Public hearing set for February 20, 2024
- M. ORDINANCE 2024-05 – 1ST Reading - Introduction of an Ordinance amending Section 3.18.240 of the Fruita Municipal Code concerning membership requirements for the Tourism Advisory Council for public hearing set for February 20, 2024

- N. ORDINANCE 2024-06, FIRST READING, An introduction of an Ordinance amending the Official Zoning Map of the City of Fruita by zoning approximately 14.52 acres of property located 1873 K Road to a Community Residential zone for publication of public hearing on February 6, 2024 (**1873 K Road Rezone**)
- O. ASSOCIATE MUNICIPAL COURT JUDGE ONE-YEAR CONTRACT RENEWAL – A request to approve a one-year Personal Service Agreement with Greg Mueller as Associate Municipal Court Judge for the City of Fruita
- P. NOTICE OF AWARD – A Notice of Award to Merge 2 Media for clothing and merchandise needs for the 2024 Sweetheart Run
- Q. FINANCIAL REPORTS – A request to approve the Preliminary December 2024 Financial Reports

7. ACKNOWLEDGMENT OF NEW APPOINTED 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) NEW LIQUOR LICENSE APPLICATION – A request to approve a new Hotel and Restaurant – Malt, Vinous and Spirituous Liquor License for Hot Tomato Pizzeria, LLC dba Hot Tomato Pizzeria located at 124 N. Mulberry Street - (*Deputy City Clerk Deb Woods*)
- 2) SITE DESIGN REVIEW – A request to approve a Planned Unit Development (PUD) Site Design Review application for Wildcat Residences (*City Planner Henry Hemphill*)
- 3) RESOLUTION 2024-02, A Resolution of the Fruita City Council finding approximately 14.52 acres of property located at 1873 K Road eligible to be annexed into the City of Fruita (**1873 K Road Annexation**) - (*City Planner Henry Hemphill*)

B. LEGISLATIVE HEARINGS

- 1) ORDINANCE 2024-03, SECOND READING, An Ordinance annexing approximately 14.52 acres of property located at 1873 K Road into the City of Fruita (**1873 K Road Annexation**) - (*City Planner Henry Hemphill*)
- 2) ORDINANCE 2024-02 – Second Reading – Approving a long-term lease with Capital Business Systems, Inc. for a copier system and related services at the Fruita Police Department - *Dave Krouse, Chief of Police*
- 3) ORDINANCE 2024-01 – An Ordinance Amending Section 2.10.040 of the Fruita Municipal Code Regarding City Council Compensation. *Shannon Vassen, Assistant City Manager.*

8. ADMINISTRATIVE AGENDA

9. CITY MANAGER'S REPORT

10. COUNCIL REPORTS AND ACTIONS

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.