CITY COUNCIL REGULAR MEETING

Fruita Civic Center
Tuesday, August 16, 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. PRESENTATION – The Fruita City Council is hosting the Mesa County Commissioners for a Town Hall as one item of this Council agenda. The Town Hall will be opened by Fruita Mayor Joel Kincaid. It will begin with a brief presentation by the Mesa County Commissioners, followed by questions from the City Council of the Commissioners and concluding with questions from the audience (limited to three (3) minutes each) of the Commissioners on topics specific to the Fruita area. Approximately 30 minutes will be devoted to this item before the Fruita Council proceeds with the remaining City Council agenda.

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 July 19, 2022 regular City Council meeting

B. MINUTES - A request to approve the minutes of the July 26, 2022 City Council workshop meeting

C. LIQUOR LICENSE RENEWAL - A request to approve the renewal of a Beer and Wine Liquor License for Bestslope Coffee Co. located at 129 N. Peach St.

D. LIQOUR LICENSE RENEWAL - A request to approve the renewal of a Fermented Malt Beverage (FMB) Off Premise liquor license for Dillon Companies, LLC dba City Market #13 located at 135 S. Plum St.

E. LIQUOR LICENSE TRANSFER OF OWNERSHIP - A request to approve a Transfer of Ownership on a Hotel and Restaurant - Malt, Vinous and Spirituous Liquor License from Strayhorn, LLC dba Strayhorn Grill located to 4K Enterprises, LLC dba Strayhorn Grill at 456 Kokopelli Blvd., #10

F. BOARDS AND COMMISSIONS APPOINTMENT – A request to approve the appointment of Allie Daniel to the Arts and Culture Board to fulfill an unexpired term to expire in October of 2025

G. RESOLUTION 2022-21 – Supporting a grant application to the Mesa County Federal Mineral Lease District for the purchase of two variable message signs

H. RESOLUTION 2022-22 – Supporting an application to the Colorado Department of Local Affairs (DOLA) for the construction of the removable oxidation ditch aeration system at the City of Fruita Wastewater Reclamation Facility (WWRF)

I. ORDINANCE 2022-21 – FIRST READING - An introduction of an Ordinance amending the Fruita Municipal Code to allow for spirituous tastings for publication of public hearing on September 20, 2022

J. RESOLUTION 2022-24 - A request to authorize the City Manager to enter into a Memorandum of Agreement between the City of Fruita, City of Grand Junction, Town of Palisade, and Mesa County, Colorado for a FY 2022 "Safe Streets and Roads for All (SS4A)" Action Plan grant

K. FINANCIAL REPORTS – A request to approve the July 2022 Financial Reports

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

1) SPECIAL EVENT LIQUOR PERMIT - A request to approve a Special Event Liquor Permit for the Fruita Area Chamber of Commerce to sell Fermented Malt Beverages at the "Fruita Food & Brews" event to be held at Civic Center Memorial Park on Friday, August 26, 2022 from 4:00 to 10:00 p.m. - *Deputy City Clerk Deb Woods*

2) ORDINANCE 2022-17 - SECOND READING - An Ordinance annexing approximately 4.99 acres of property located at 1834 J Road into the City of Fruita (Latigo Annexation) - *City Planner Henry Hemphill*

3) ORDINANCE 2022-18 - SECOND READING - An Ordinance amending the Official Zoning Map of the City of Fruita by zoning approximately 4.99 acres of property to a Community Residential zone (Latigo Zoning) - *City Planner Henry Hemphill*

4) ORDINANCE 2022-19 - SECOND READING - An Ordinance annexing approximately 15.05 acres of property located at 1024 19 Road into the City of Fruita (Adeles Annexation) - *City Planner Henry Hemphill*

5) ORDINANCE 2022-20, SECOND READING, An Ordinance amending the Official Zoning Map of the City of Fruita by zoning approximately 15.05 acres of property to a Community Residential zone (Adeles Zoning) - *City Planner Henry Hemphill*

B. LEGISLATIVE HEARINGS

8. ADMINISTRATIVE AGENDA

9. CITY MANAGER'S REPORT

10. COUNCIL REPORTS AND ACTIONS

A. 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) for the City Manager's annual informal review

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.