



# FRUITA COLORADO

## CITY COUNCIL REGULAR MEETING

Fruita Civic Center

Tuesday, March 05, 2024 at 7:00 PM

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### 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 - Student and Teacher of the Month for March 2023: Fruita 8/9 School

B. PRESENTATION – Biannual Update from the Fruita Area Chamber of Commerce

C. PRESENTATION – The Fruita Youth Action Council will present 2023 highlights and 2024 goals

**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 Hotel and Restaurant – Malt, Vinous & Spirituous Liquor License for Colorado Summit, LLC dba Aspen Street Coffee located at 136 E. Aspen Ave.
- B. LIQUOR LICENSE RENEWAL – A request to approve the renewal of a Hotel and Restaurant Liquor License – Malt, Vinous and Spirituous for Karma Kitchen located at 229 E. Aspen Ave.
- C. BOARDS AND COMMISSIONS APPOINTMENTS – A request to approve multiple appointments of persons to the City’s various Boards and Commissions for three-year terms as specified by Mayor Kincaid and with the approval of Mayor Pro Tem Berman and Councilors Miller and Hancey
- D. LETTER OF SUPPORT FOR CITY OF FRUITA – A Request to Authorize the Mayor to Sign Letters of Support for the City of Fruita’s Congressional Directed Spending Request
- E. RESOLUTION 2024-07 – A request to approve a Professional Services Agreement between the City of Fruita and Zambelli Fireworks for Firework Production Services and authorize the City Manager to execute the agreement
- F. ORDINANCE 2024-05 – 1st Reading - Amending Section 3.18.240 of the Fruita Municipal Code concerning membership requirements for the Tourism Advisory Council

## **7. ACKNOWLEDGMENT OF NEWLY 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. LEGISLATIVE HEARINGS**

- 1) RESOLUTION 2024-06 - Public Hearing – Amending the 2024 Budget with Supplemental Appropriations of Funds for Capital Projects and Capital Equipment initially included in the 2023 Annual Budget - *Assistant City Manager Shannon Vassen*
- 2) Ordinance 2024-09 – Second Reading – An Ordinance approving a Lease Agreement between City of Fruita and Region 10 for the Use and Management of the Fruita Carrier Neutral Location and authorizing the City Manager to execute the agreement - *Assistant City Manager Shannon Vassen*
- 3) Ordinance 2024-08 – Second Reading - An Ordinance authorizing the City Manager to execute a contract with Farm, LLC for its purchase of City property known as 169 S. Mulberry Street, Fruita, Colorado and to execute all documents to perfect the sale. (*Kim Crawford, Special Counsel & Mary Elizabeth Geiger, City Attorney*)

## **B. QUASI-JUDICIAL HEARINGS**

- 1) NEW LIQUOR LICENSE APPLICATION – A request to approve a new Hotel and Restaurant – Malt, Vinous and Spirituous Liquor License for Blue Lotus Vietnamese Restaurant, LLC dba Blue Lotus Vietnamese Restaurant located at 152 S. Mesa Street (formerly Koko's) - *Deputy City Clerk Deb Woods*
- 2) ORDINANCE 2024-07, SECOND READING, An Ordinance amending the official zoning map of the City of Fruita by zoning approximately 5.07 acres of property located at 614 Raptor Road to a Planned Unit Development zone (Geode Flats PUD) - *City Planner Henry Hemphill*

## **9. ADMINISTRATIVE AGENDA**

- A. RESOLUTION 2024-08, A Resolution of the City Council authorizing the City Manager to execute the COOP Tower Facade Lease Agreement and all documents necessary to effectuate the lease. (*City Attorney, Mary Elizabeth Geiger*)

## **10. CITY MANAGER'S REPORT**

## **11. COUNCIL REPORTS AND ACTIONS**

### **A. COUNCIL REPORTS AND ACTIONS**

- B. EXECUTIVE SESSION – 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 development agreements and contracts with 2Forks Ventures for the redevelopment of the lagoon property area sometimes referred to as “The Beach”

## **12. 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.*