# CITY COUNCIL REGULAR MEETING

**Fruita Civic Center**
**Tuesday, June 06, 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 Saturday, June 17th, 2023 as "Juneteenth Day" in the City of Fruita

B. PROCLAMATION - Proclaiming June 2023 as "LGBTQ+ Awareness Month" in support of the LGBTQ+ community to be accepted by Jared Prochnow

C. PROCLAMATION - Affirming the Fruita City Council's commitment to ensure that all members of our community are free from acts that are rooted in fear, ignorance, prejudice, and hate to be accepted by Karen Leonhart on behalf of Fruita for Equality

D. PRESENTATION - Presentation of the Government Finance Officers Association Distinguished Budget Award to the City of Fruita by City Manager Mike Bennett

**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 April 18, 2023 regular City Council meeting

B. MINUTES - A request to approve the minutes of the April 25, 2023 City Council workshop meeting

C. MINUTES - A request to approve the minutes of the May 2, 2023 regular City Council meeting

D. MINUTES - A request to approve the minutes of the May 16, 2023 regular City Council meeting *(virtual only)*

E. MINUTES - A request to approve the minutes of the May 23, 2023 Special City Council meeting

F. MINUTES - A request to approve the minutes of the May 23, 2023 City Council workshop meeting

G. BOARDS AND COMMISSIONS REAPPOINTMENT – A request to approve the reappointment of Thomas McNamara to the Livability Commission for another three-year term that will expire in June of 2026

H. BOARDS AND COMMISSIONS REAPPOINTMENT – A request to approve the reappointment of Shanachie Carroll to the Parks and Recreation Advisory Board for another three-year term to expire in June of 2026

I. A request for approval of a multi-year sponsorship agreement with Fruita Rotary for the "HeART of Fruita" rotating sculpture program

J. FINANCIAL REPORTS – A request to approve the April 2023 Financial Reports

K. RESOLUTION 2023-14 - A Request to Approve a Resolution Amending the 2023 Budget and Transferring Funds from the Sewer Fund Contingency Account for Emergency Sewer Line Repairs and Emergency Equipment Repairs at the Wastewater Reclamation Facility

## 7. ACKNOWLEDGEMENT OF NEWLY APPOINTED AND 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) RESOLUTION 2023-15 - A Resolution of the Fruita City Council finding approximately 6.6 acres of property located at 1824 J 2/10 Road eligible to be annexed into the City of Fruita. ***(1824 J 2/10 Road Annexation)*** - *City Planner Henry Hemphill*

2) ORDINANCE 2023-05, SECOND READING, An Ordinance amending the Official Zoning Map of the City of Fruita by zoning approximately 6.6 acres of property located 1824 J 2/10 Road to a Community Residential zone ***(1824 J 2/10 Road Rezone)*** - *City Planner Henry Hemphill*

3) PRELIMINARY PLAN – A request to approve the Adeles Acres Subdivision Preliminary Plan – *City Planner Henry Hemphill*

## B. LEGISLATIVE HEARINGS

1) ORDINANCE 2023-04, SECOND READING, An Ordinance annexing approximately 6.6 acres of property located at 1824 J 2/10 Road into the City of Fruita ***(1824 J 2/10 Road Annexation)*** - *City Planner Henry Hemphill*

## 8. ADMINISTRATIVE AGENDA

A. ORDINANCE 2023-06, 1st Reading – An Ordinance amending certain sections of Chapter 17.47 of the Fruita Land Use Code concerning Impact Fees for publication of public hearing on July 18, 2023 – *Planning & Development Director Dan Caris*

## 9. CITY MANAGER'S REPORT

## 10. COUNCIL REPORTS AND ACTIONS

A. RESOLUTION 2023-13 – Rescinding the City Manager's Declaration of Local Emergency of March 24, 2020 and Resolution 2020-20 – Extending the City of Fruita Emergency Declaration of March 24, 2020

B. Council Reports and Actions

C. EXECUTIVE SESSION – To convene in Executive Session for:

Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators pursuant to CRS Sec. 24-6-402(4)(e) with regard to a proposal for the City's lagoon property redevelopment; and

For the purpose of discussing the possible sale of a two acre parcel (Mesa County Parcel ID: 3223-053-00-002) and a four acre parcel (Mesa County Parcel ID: 3223-053-00-001), both owned by the City, pursuant to C.R.S. Sec. 24-6-402(4)(a), instructing negotiators regarding the same pursuant to C.R.S. Sec. 24-6-402(4)(e), and a conference with the City attorney regarding the same pursuant to C.R.S. Sec. 24-6-402(4)(b); and

For the purpose of instructing negotiators regarding a request by IndiBuild LLC for an Impact Fee waiver or possible loan for the affordable housing Fruita Mews Project pursuant to C.R.S. Sec. 24-6-402(4)(e), and a conference with the City Attorney regarding the same pursuant to C.R.S. Sec. 24-6-402(4)(b).

## 11. ADJOURN

An executive session may be called for any item on the agenda.

*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.*