



**FRUITA CITY COUNCIL  
MAY 19, 2020  
7:00 P.M.**

- 1. INVOCATION AND PLEDGE OF ALLEGIANCE**
- 2. CALL TO ORDER AND ROLL CALL**
- 3. AGENDA - ADOPT/AMEND**
- 4. PROCLAMATIONS AND PRESENTATIONS**

**A. PROCLAMATION:** Proclaiming May 17 – 23, 2020 as “National Public Works Week” (“It Starts Here”) in the City of Fruita to be accepted by Public Works Director Ken Haley

**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 five-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:**

- 1) A request to approve the minutes of the April 23, 2020 Special City Council Virtual Meeting
- 2) A request to approve the minutes of the May 5, 2020 Regular City Council Virtual Meeting

**B. LIQUOR LICENSE RENEWAL:** A request to approve the renewal of a Hotel & Restaurant – Malt, Vinous and Spirituous for Karma Kitchen located at 229 E. Aspen Avenue

**C. LIQUOR LICENSE RENEWAL:** A request to approve the renewal of a Beer & Wine (City) Liquor License for Pablo’s Pizza Fruita located at 456 Kokopelli Blvd, Unit C

**D. FINANCIAL REPORTS – A request to approve the April 2020 Financial Reports**

**E. ORDINANCE 2020-03 – First Reading – An introduction to an Ordinance vacating certain street right-of-way along North Sycamore Street located within the City of Fruita for publication of public hearing on June 2, 2020**

## **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. 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 – SECOND READING.** 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 and the hearing is opened to the public for comment. After comment from the public, the Mayor will close the hearing to the public 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** (15 minutes max) Staff will present the comments and reports received from review agencies and offer a recommendation.
  - 2) **Applicant Presentation** (15 minutes max) 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 5 minutes per person. If two people in the audience are willing to cede their time to the speaker, that speaker may receive a total of 10 minutes, referred to as banking time). 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.
  - 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) Dwell PUD Concept Plan approval – Dan Caris, Planning & Development Director

## **8. ADMINISTRATIVE AGENDA**

### **A. COVID-19 Update**

- 1) Financial Update – Margaret Sell, Finance Director
- 2) General COVID Update – Michael Bennett, City Manager

## **9. CITY MANAGER’S REPORT**

## **10. COUNCIL REPORTS AND ACTIONS**

## **11. ADJOURN**