



**FRUITA CITY COUNCIL
AUGUST 4, 2020
7:00 P.M.**

Public Link to Meeting

When: August 4, 2020 7:00 PM Mountain Time (US and Canada)

Topic: City Council Meeting – 8/4/2020

The link to join the meeting electronically will be posted on 8/4/20 prior to the meeting at www.fruita.org/covid19 under City Council meetings. 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. PLEDGE OF ALLEGIANCE

3. AGENDA - ADOPT/AMEND

4. PROCLAMATIONS AND PRESENTATIONS

- A. PROCLAMATION** – Proclaiming August 3 – 9, 2020 as the “3rd Annual Interfaith Awareness Week” in the City of Fruita to be accepted by Grand Valley Interfaith Network (GVIN) President, Reverend Dr. Carla Ryan and Create Real Growth President, Carlene Goldthwaite

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 21, 2020 Regular City Council Virtual Meeting

- B. LIQUOR LICENSE RENEWAL – A request to approve the renewal of a Fermented Malt Beverage (FMB) Liquor License for City Market #13 located at 135 S. Plum St.
- C. LIQUOR LICENSE RENEWAL – A request to approve the renewal of a Beer and Wine – Malt and Vinous Liquor License for Munchies Pizza & Deli, LLC located at 550 Kokopelli Blvd.
- D. ONE RIVERFRONT APPOINTMENTS – A request to approve the appointments of J. Fred Barbero, Rondo Buecheler, Joel Sholtes and Jennifer Reyes to the One Riverfront for three-year terms each to expire in 2023 and the appointment of David DeKeyser to a mid-year term (in the event of a vacancy occurring before a term expires)
- E. RESOLUTION 2020-29 – Approving the Final Release of the Subdivision Improvements Agreement for the Brandon Estates Filing 3, Phase 2D Subdivision

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** (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 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) **ORDINANCE 2020-02 – Second Reading – Amending Chapter 28 of Title 2 and Chapter 11 of Title 9 of the Fruita Municipal Code to provide for more efficient enforcement of and monetary penalties related to public nuisance violations – Dan Caris, Community Development Director**

- 2) RESOLUTION 2020-33 – Approving a Supplemental Budget Appropriation for the 2020 Budget to appropriate additional funds for the North Fruita Desert survey work and for COVID-19 pandemic related expenses – *Margaret Sell, Finance Director*

B. QUASI-JUDICIAL HEARINGS

- 1) RESOLUTION 2020-30 – Approving a Conditional Use Permit to operate a Vacation Rental by Owner (Bed & Breakfast) in a Community Residential Zone located at 506 E. Pabor Avenue – *Henry Hemphill, City Planner*
- 2) RESOLUTION 2020-31 – Approving a Conditional Use Permit to operate a Vacation Rental by Owner (Bed & Breakfast) in a Community Residential Zone located at 221 N. Elm Street – *Henry Hemphill, City Planner*

8. ADMINISTRATIVE AGENDA

9. CITY MANAGER’S REPORT

10. COUNCIL REPORTS AND ACTIONS

- A. RESOLUTION 2020-32 – Adopting a Boards and Commissions Policy to provide general guidance and uniformity for Boards and Commissions of the City – *Margaret Sell, City Clerk/Finance Director*

- B. Council Reports and Actions

11. ADJOURN