



**FRUITA CITY COUNCIL
SEPTEMBER 15, 2020
7:00 P.M.**

Public Link to Meeting

When: September 15, 2020 7:00 PM Mountain Time (US and Canada)

Topic: City Council Meeting – 9/15/2020

The link to join the meeting electronically will be posted on 9/15/20 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 October as “Random Acts of Kindness Month” in the City of Fruita to be accepted by Kevin Barclay, Executive Director of the National Alliance on Mental Illness Western Slope (NAMI)
- 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 September 1, 2020 Regular (Virtual) City Council Meeting
 - B. FINANCIAL REPORT** – A request to approve the August 2020 Financial Report

- C. ORDINANCE 2020-04 – First Reading – An introduction of an Ordinance amending Section 17.21, Subdivision and Development Improvements Agreements, of Title 17, Land Use Code of the Fruita Municipal Code for publication of public hearing on October 6, 2020
- D. ORDINANCE 2020-05 – First Reading – An introduction of an Ordinance amending Section 17.47, Vested Rights, of Title 17, Land Use Code of the Fruita Municipal Code for publication of public hearing on October 6, 2020
- E. LETTER OF COMMITMENT – A request to approve a Letter of Commitment to commit matching funds for a grant application to the Colorado Tourism Office for the Matching Marketing Grant Program and authorizing the Mayor to sign the Letter of Commitment
- F. AMENDMENT TO LEASE AGREEMENT – Approving an amendment to the Lease Agreement with the Museum of Western Colorado
- G. RESOLUTION 2020-35 – Approving a transfer from the General Fund Contingency Accounts to the Public Works Building Maintenance Program for building maintenance repairs and COVID-related expenses
- H. RESOLUTION 2020-36 – Approving the Final Release of the Subdivision Improvements Agreement for Pinewood Estates 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. QUASI-JUDICIAL HEARINGS

- 1) MI RANCHITO LIQUOR LICENSE PUBLIC HEARING - A request to approve a new Hotel and Restaurant – Malt, Vinous and Spirituous Liquor License Application for Mi Ranchito located at 439 U.S. Highway 6 & 50 (formerly Mi Ranchito Taco Shop, LLC) – *Deputy City Clerk Deb Woods*
- 2) SPECIAL EVENT LIQUOR PERMIT APPLICATION – SUPPER ON SOUTHSIDE - A request to approve a Special Event Liquor Permit Application for the Fruita Area Chamber of Commerce to sell beer, wine and spirituous liquors on Saturday, September 19, 2020 from 4:30 to 10:00 pm in the Kokopelli Marketplace parking lots - *Deputy City Clerk Deb Woods*
- 3) SPECIAL EVENT LIQUOR PERMIT APPLICATION – BREW FEST & CORNHOLE TOURNAMENT - A request to approve a Special Event Liquor Permit Application for the Fruita Area Chamber of Commerce to sell beer on Friday, September 25, 2020 from 2:00 to 9:00 pm in Civic Center Park located at 325 E. Aspen Avenue - *Deputy City Clerk Deb Woods*
- 4) SPECIAL EVENT LIQUOR PERMIT APPLICATION – DINNER DOWNTOWN - A request to approve a Special Event Liquor Permit Application for the Fruita Area Chamber of Commerce to sell beer, wine and spirituous liquors on Saturday, September 26, 2020 from 3:00 to 9:00 pm in Civic Center Park located at 325 E. Aspen Avenue - *Deputy City Clerk Deb Woods*
- 5) RESOLUTION 2020-37 – Regulating the use of public rights-of-way within the City of Fruita to encourage and permit outdoor dining and to assist local businesses in response to the City’s local Disaster Emergency regarding COVID-19 – *City Attorney Paul Wisor*
- 6) RESOLUTION 2020-38 – Implementing the provisions of State of Colorado Executive Order D 2020 093 pertaining to local authorization of the suspension of laws prohibiting public consumption of alcoholic beverages but only within limited areas of the City of Fruita and only as to takeout alcoholic beverages - *City Attorney Paul Wisor*

8. ADMINISTRATIVE AGENDA

9. CITY MANAGER’S REPORT

- A. Update on draft of 2020 – 2022 Action Items

10. COUNCIL REPORTS AND ACTIONS

- A. A request to reschedule the September City Council workshop meeting from September 22nd to September 29, 2020

11. ADJOURN

