



FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: DEBRA WOODS, DEPUTY CITY CLERK

DATE: AUGUST 20, 2024

AGENDA TEXT: LIQUOR LICENSE RENEWAL – A request to approve the renewal of a Fermented Malt Beverage and Wine Liquor License – Malt and Vinous (City) (Off-Premises) for Dillon Companies, LLC dba City Market #13 located at 135 S. Plum Street

BACKGROUND

The Fermented Malt Beverage and Wine Liquor License (Off Premises) for City Market #13 located at 135 S Plum is up for renewal. Their current license expires on **September 21, 2024**. The Police Department report indicates that there have not been any violations or incidents reported to them in the last year and there is nothing unusual or of concern that would hinder renewal of the license. The City Clerk's office has not been advised of any issues or concerns related to the liquor license during the past year. The City Clerk's office has no current TIPS certificate on file; however, employees are trained through City Market.

The following information is provided as background on the liquor license renewal process:

This item is placed on the Consent agenda for the Council to determine if there is any cause for a hearing to be held on the renewal of the liquor license. If there is no cause for a hearing, the City Council should approve the renewal of the existing license. If there is cause for a hearing, the City Council should set a date to hold a quasi-judicial hearing to determine if there are sufficient grounds for suspension or revocation of the liquor license. The City Council may also temporarily suspend any license, without notice, pending any prosecution, investigation or public hearing. No such suspension shall be for a period of more than 15 days.

With the adoption of Ordinance 2024-13 – liquor license renewals may be administratively approved subject to a report from the Fruita Police Department that there have not been any negative incidents pertaining to the liquor license or other violations of the Liquor Code reported by the Colorado Liquor Enforcement Division. Ordinance 2024-13 was adopted by the Fruita City Council on August 6, 2024; however, pursuant to the Fruita City Charter, Ordinances shall become effective thirty (30) days after adoption, meaning that administrative approvals may begin on September 5, 2024. Because City Market's liquor license will expire September 21, 2024, staff wants to make sure the renewal gets sent to the Colorado Liquor Enforcement Division in plenty of time for the state to renew it and send it back to the local authority, who then sends it on to City Market.

Following this renewal, the City Council will no longer see liquor license renewals on Council Consent Agendas unless there is an issue reported by the Fruita Police Department or state Liquor Enforcement

that warrants placing it on an agenda for the Council to determine if there is any cause for a hearing to be held on the renewal of the liquor license.

FISCAL IMPACT

None.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The City of Fruita is charged with protection of the public health, safety and welfare. The review and renewal of liquor licenses ensures that licensed establishments are operating by the rules and regulations adopted by the City and State concerning the sale or service of beer and alcoholic beverages.

OPTIONS AVAILABLE TO THE COUNCIL

1. Renew the Fermented Malt Beverage and Wine (City) Liquor License (Off-Premises) for City Market #13 in Fruita.
2. Schedule a hearing date to determine if there is good cause for the license to be suspended or revoked.

RECOMMENDATION

It is the recommendation of staff that the Council move to:

- **RENEW THE FERMENTED MALT BEVERAGE AND WINE LIQUOR LICENSE FOR DILLON COMPANIES, LLC DBA CITY MARKET #13 LOCATED AT 135 S. PLUM STREET**