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**TO:** FRUITA CITY COUNCIL AND MAYOR

**FROM:** DEBRA WOODS, DEPUTY CITY CLERK

**DATE:** JUNE 20, 2023

**AGENDA TEXT:** EXECUTIVE SESSION – To convene in Executive Session for:

1. Instructing negotiators pursuant to CRS 24-6-402(4)(e) with regard to the sale of real property and water rights at Enoch's Lake pursuant to CRS 24-6-402(4)(a) and receiving legal advice from the City attorney pursuant to CRS 24-6-402(4)(b) regarding the same.
2. Discussion of the purchase of real property by the City (Lagoon Property owned by Mesa County) pursuant to CRS 24-6-402(4)(a) and instructing negotiators pursuant to CRS 24-6-402(4)(e) and receiving legal advice pursuant to CRS 24-6-402(4)(b) from the City attorney regarding the same
3. Receiving legal advice regarding the Amended and Restated Agreement with the Ute Water Conservancy District pursuant to CRS 24-6-402(4)(b).

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### BACKGROUND

The City Council has reason to convene in Executive Session for all three purposes above. To convene in executive session, state law requires that a motion with specific language requesting the executive session be passed with 2/3 of the governing body voting in the affirmative for said motion.

### FISCAL IMPACT

N/A

### APPLICABILITY TO CITY GOALS AND OBJECTIVES

N/A

### OPTIONS AVAILABLE TO THE COUNCIL

N/A

### RECOMMENDATION

It is the recommendation of the Fruita City Staff that the Council:

**MOVE TO CONVENE IN EXECUTIVE SESSION FOR:**

- 1. INSTRUCTING NEGOTIATORS PURSUANT TO CRS 24-6-402(4)(E) WITH REGARD TO THE SALE OF REAL PROPERTY AND WATER RIGHTS AT ENOCH'S LAKE PURSUANT TO CRS 24-6-402(4)(A) AND RECEIVING LEGAL ADVICE FROM THE CITY ATTORNEY PURSUANT TO CRS 24-6-402(4)(B) REGARDING THE SAME.**
- 2. DISCUSSION OF THE PURCHASE OF REAL PROPERTY BY THE CITY (LAGOON PROPERTY OWNED BY MESA COUNTY) PURSUANT TO CRS 24-6-402(4)(A) AND INSTRUCTING NEGOTIATORS PURSUANT TO CRS 24-6-402(4)(E) AND RECEIVING LEGAL ADVICE PURSUANT TO CRS 24-6-402(4)(B) FROM THE CITY ATTORNEY REGARDING THE SAME**
- 3. RECEIVING LEGAL ADVICE REGARDING THE AMENDED AND RESTATED AGREEMENT WITH THE UTE WATER CONSERVANCY DISTRICT PURSUANT TO CRS 24-6-402(4)(B).**