

**FRUITA CITY COUNCIL
REGULAR MEETING
FEBRUARY 2, 2010
7:00 P.M.**

1. INVOCATION AND PLEDGE OF ALLEGIANCE

- A. Boy Scout Troop 323 of Fruita presents the colors and leads in the Pledge of Allegiance
- B. Proclamation: February 8, 2010 as the 100th Anniversary of the Boy Scouts of America presented to Scout Master Steve Erickson

2. CALL TO ORDER AND ROLL CALL

3. AGENDA - ADOPT/AMEND

4. 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.**

5. PROCLAMATIONS AND PRESENTATIONS

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. A Single **Public Hearing** will be opened for all items on the Consent Agenda. These items will be approved by a single motion of the Council. The Mayor will ask if there is anyone present who has objection to such procedure as to certain items. Members of the Council may also 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 of January 19, 2010 City Council meeting – A request for approval of the minutes
- B. Mail Ballot Election Plan – Informational Purposes
- C. RESOLUTION 2010-06 – A request to approve a Resolution setting forth the ballot question for the April 6, 2010 Regular Municipal Election concerning the imposition of a 5% sales tax on the sale of medical marijuana and medical marijuana paraphernalia, with revenues derived therefrom to be collected and spent as a voter approved revenue change
- D. ORDINANCE 2010-04 – Second Reading – Lower Valley Fire Protection District
A request to approve an Ordinance vacating a Right-of-Way for an alley located between Mesa and Mulberry Streets south of Pabor Ave.

- E. Annual Plan of Annexation
- F. RESOLUTION 2010-09 – A request for approval of a First Release of the Subdivision Improvements Agreement (SIA) for Elmwood Horizon Subdivision

7. PUBLIC HEARINGS

Public Hearings are the formal opportunity for the city council to LISTEN to the public regarding the issue at hand. For land use hearings and liquor license hearings; the Council is required to act in a quasi-judicial capacity. When acting as a quasi-judicial body, the Council is acting in much the same capacity as a judge would act in a court of law. Under these circumstances, the judicial or quasi-judicial body must limit its consideration to matters which are placed into evidence and are part of the public record. The council must base their decision on the law and evidence presented at the hearing.

- 1) **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.
- 2) **Staff presentation** (15 minutes max) Staff will present the comments and reports received from review agencies, and offer a recommendation.
- 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) **Applicant Rebuttal (limited to 5 minutes)** The mayor will ask for the applicant's rebuttal. During this brief time, the applicant should answer the questions raised by the public.
- 5) **The hearing is then closed to public comments**
- 6) **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.
- 7) **Make a motion.** A member of the city council will make a motion on the issue
- 8) **Discussion on the motion.** The city council may discuss the motion.
- 9) **Vote.** The City Council will then vote on the motion.

A. PEREGRINE VILLAGE

- 1) Concept Plan and Sketch Plan - Withdrawal
- 2) RESOLUTION 2010-08 – A resolution of the Fruita City Council finding that approximately 186 acres of property located west of the Big Salt Wash, north of Highway 6 & 50 and south of L Road is eligible for annexation into the City of Fruita
- 3) ORDINANCE 2010-07 – First Reading - An Ordinance Annexing approximately 186 acres of property located north of Highway 6 & 50, south of L Road and directly west of Big Salt Wash (Pergrine Village)
- 4) ORDINANCE 2010-08 – First Reading – Amending the official zoning map and zoning approximately 186 acres of property located north of Highway 6 & 50, south of L Road and directly west of Big Salt Wash (Pergrine Village) to *Planned Unit Development*

B. PALMER HEIGHTS SUBDIVISION – A request to approve the Preliminary Plan for Palmer Heights Subdivision

C. WCCI MAJOR SUBDIVISION – A request to approve the Preliminary Plan for WCCI Major Subdivision

8. ADMINISTRATIVE AGENDA

- 9. COUNCIL REPORTS AND ACTIONS**
- 10. EXECUTIVE SESSION**
- 11. ADJOURN**