

**FRUITA CITY COUNCIL
FEBRUARY 15, 2011
7:00 P.M.**

1. INVOCATION AND PLEDGE OF ALLEGIANCE

2. CALL TO ORDER AND ROLL CALL

3. AGENDA - ADOPT/AMEND

4. PROCLAMATIONS AND PRESENTATIONS

- A. Presentation to Joe Silva for Bronze Star and service to the community

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 five-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. 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 – A request for approval of the minutes from the February 1, 2011 City Council meeting
- B. BOARDS AND COMMISSIONS – A request to approve the appointment of Janet Brazfield to the Board of Adjustments for a three-year term to expire in February of 2014
- C. RESOLUTION 2011-08 – A request to approve a Resolution adopting by reference the Colorado Municipal Records Retention Schedule for the City of Fruita, Colorado as it may be amended from time to time by the Colorado State Archives Office
- D. ORDINANCE 2011-02 – Second Reading – A request to approve an Ordinance repealing and reenacting Sections of Chapter 10.04 of the Fruita Municipal Code which provides for the regulation of traffic; adopting by reference the 2010 Edition of the Model Traffic Code and providing penalties for violation thereof
- E. RESOLUTION 2011-07 - ELMWOOD HORIZON SUBDIVISION – A request for Final Release of the Subdivision Improvements Agreement (SIA) for the Elmwood Horizon Subdivision

- F. RESOLUTION 2011-09 – A request to approve a Resolution clarifying and formalizing direction to the City Manager regarding Fruita Community Center operations

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.

8. ADMINISTRATIVE AGENDA

A. City Clerk/Finance Director Margaret Steelman

- 1) ORDINANCE 2011-04 – First Reading – An introduction of an Ordinance amending Chapter 13.28 of the Fruita Municipal Code concerning sewer fees and charges for commercial users for publication of public hearing to be held March 15, 2011
- 2) January 2011 Financial Reports

9. COUNCIL REPORTS AND ACTIONS

- ### A. Executive Session – Discussion and possible action to consider a motion to convene in Executive Session to discuss the potential purchase of real property under C.R.S. Section 24-6-402 (4) (A)

10. ADJOURN