

**FRUITA CITY COUNCIL
REGULAR MEETING
MARCH 3, 2009
7:00 P.M.**

INVOCATION AND PLEDGE OF ALLEGIANCE

1. CALL TO ORDER AND ROLL CALL

2. AGENDA - ADOPT/AMEND

3. 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.**

4. PROCLAMATIONS AND PRESENTATIONS

5. 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 February 17, 2009 City Council meeting – A request for approval of the minutes
- B.** LIQUOR LICENSE REPORT OF CORPORATE CHANGES – A request for approval of changes to the Hotel/Restaurant Liquor License for The End Zone, 152 S. Mesa, removing James Bradley Joplin as Secretary and Registered Manager and nominating Christopher Gardner as Secretary/Treasurer and naming Cheryl Gardner as Registered Manager
- C.** RESOLUTION 2009-17 – A Resolution supporting a Great Outdoors Colorado (GOCO) grant application for the continued development of the Little Salt Wash Park Project
- D.** ORDINANCE 2009-01 – Dissolving the Downer Sewer SID – Second Reading
- E.** ADOBE VIEW NORTH PUD SUBDIVISION – Second request for an extension of time to August 1, 2009 to submit the Final Plat

- F. HARVEST MOON PUD SUBDIVISION and STELLARIS PARK PUD SUBDIVISION – A request for an extension of time to September 3, 2009 to submit the Preliminary Plans for both developments
- G. ORDINANCE 2009-04 - LOWER VALLEY FIRE PROTECTION DISTRICT SITE PLAN AND REZONE – An Ordinance amending the Official Zoning Map to Rezone the LVFPD property located between Mesa and Mulberry Streets south of Pabor Ave. from Downtown Commercial Residential Design to Community Services Recreational (CSR)
- H. PROTECHNICS SITE PLAN – A request for approval of a Site Plan to be located on approximately 1.68 acres in the Greenway Business Park Plan area

6. 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. TUXEDO PARK II PRELIMINARY PUD PLAN – A request for approval of a Preliminary PUD Plan for 16 lot single family subdivision on approximately 8 acres of land currently zoned Rural Residential located at S. Maple St. and Hartford Ct.
 - B. Community Development Director

- 1) ORDINANCE 2009-02 – A Request for approval of an Ordinance repealing and reenacting Title 17, Fruita Land Use Code, of the Fruita Municipal Code

7. ADMINISTRATIVE AGENDA

8. COUNCIL REPORTS AND ACTIONS

- A. RECOMMENDATION to put Ken Henry on the Ute Water Board

9. ADJOURN