

FRUITA CITY COUNCIL
APRIL 5, 2011
7:00 P.M.

1. INVOCATION AND PLEDGE OF ALLEGIANCE

- A. Invocation to be given by Mr. David Eisner of Grand Junction's Reform Jewish Synagogue (invited by Mayor Henry)

2. CALL TO ORDER AND ROLL CALL

3. AGENDA - ADOPT/AMEND

4. PROCLAMATIONS AND PRESENTATIONS

- A. Sunday, May 1 through Sunday, May 8, 2011 as "Days of Remembrance" in memory of the victims of the Holocaust and in honor of the survivors, rescuers and liberators - Accepted by Mr. David Eisner
- B. April 2011 as "Month of the Young Child" – Accepted by Romona Schultz and Maria Zamora of the Partnership for Children and Families
- C. April as "National Child Abuse Prevention Month" – Accepted by Donna Bennett, Chair of "How Are The Children," subcommittee of the Partnership for Children and Families

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 March 15, 2011 City Council meeting
- B. SPECIAL EVENT PERMIT APPLICATION – A request to approve the Special Event Permit Application from the Fruita Rotary Club to sell beer at the **Fat Tire Festival** on April 29, 2011 and April 30, 2011 at Civic Center Park from 12:00 p.m. to 10:00 p.m. with the beer taps being shut off at 9:30 p.m. on both days

- C. SPECIAL EVENT PERMIT APPLICATION – A request to approve the Special Event Permit Application from the Fruita Rotary Club to sell beer at the **Mike the Headless Chicken Festival** at Civic Center Park on May 20, 2011 from 3:00 pm to 10:00 pm and May 21, 2011 from 11:00 am to 10:00 p.m. with the beer taps being shut off at 9:30 p.m. on both days
- D. LIQUOR LICENSE RENEWAL - CAMILLA’S KAFFE - A request to approve the renewal of a Beer and Wine Liquor License for A & C, Inc. dba Camilla’s Kaffe located at 206 E. Aspen Ave.
- E. LIQUOR LICENSE RENEWAL - FIESTA GUADALAJARA - A request to approve the renewal of a Hotel and Restaurant Liquor License – Malt, Vinous, and Spirituous for Fiesta Guadalajara located at 103 US Highway 6 & 50
- F. LIQUOR LICENSE RENEWAL - FEEDLOT RESTAURANT AND BAR - A request to approve the renewal of a Hotel and Restaurant Liquor License – Malt, Vinous, and Spirituous for Parker Enterprises, Inc. dba the Feedlot Restaurant and Bar located at 456 Kokopelli Blvd., Unit J
- G. ARBOR DAY PROCLAMATION – A request to approve a Proclamation officially proclaiming April 16, 2011 as “Arbor Day” in the City of Fruita
- H. FRUITA CHAMBER BOARD OF DIRECTORS - A request to recommend the appointment of Terry Moss as Fruita City Council liaison to the Chamber Board of Directors
- I. REDCLIFFS PARK – A request to approve the procedure for renaming of Red Cliffs Park
- J. RESOLUTION 2011-17 – A request to approve an Intergovernmental Agreement with the Colorado Department of Transportation for a Safe Routes to School Grant
- K. RESOLUTION 2011-14 – A request to approve a Resolution for the First Release of the Subdivision Improvements Agreement (SIA) for the Dolan Replat 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.** ORDINANCE 2011-04 – Second Reading – A request to approve an Ordinance repealing and reenacting Chapter 13.28 of the Fruita Municipal Code concerning sewer charges and implementing a water consumption-based billing methodology for non-residential customers (*continued from March 15, 2011 Council meeting*)
- B.** RESOLUTION 2011-11 – A request to approve a resolution adopting a sewer rate stabilization policy to provide for a phased implementation approach to monthly non-residential sewer charges for customers with significant rate increases (*continued from March 15, 2011 Council meeting*)

8. ADMINISTRATIVE AGENDA

- A.** Community Development Director Dahna Raugh
- 1) ORDINANCE 2011-07 – First Reading - An introduction of an Ordinance amending the Land Use Code of the Fruita Municipal Code concerning zoning regulations governing cultivation of medical marijuana by patients and caregivers in residential and non-residential zone districts for publication of public hearing on May 3, 2011
 - 2) ORDINANCE 2011-08 – First Reading - An introduction of an Ordinance repealing and reenacting Chapter 5.15 of the Fruita Municipal Code concerning licensing and regulating of medical marijuana businesses for publication of public hearing on May 3, 2011

9. COUNCIL REPORTS AND ACTIONS

10. ADJOURN