

**FRUITA CITY COUNCIL
REGULAR MEETING
APRIL 7, 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

A. MONTH OF THE YOUNG CHILD: APRIL 2009 – Accepted by Lori Weber, Mesa District Group

B. NATIONAL CHILD ABUSE PREVENTION MONTH: APRIL 2009 – Accepted by Donna Bennett, How are the Children Initiative

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 March 17, 2009 City Council meeting – A request for approval of the minutes

B. SENIOR TASK FORCE ADVISORY BOARD REAPPOINTMENT - A request to approve the reappointment of Minda Kay Doebbeling to the Senior Task Force for a 3-year term to expire April of 2012

C. PARKS AND RECREATION BOARD REAPPOINTMENT – A request to approve the reappointment of Marjorie F. Kelly to the Parks and Recreation Board for a 3-year term to expire April of 2012

D. COMMUNITY CENTER – Discussion and possible action to authorize the City Manager to submit a grant for Energy Impact Assistance Funding for the Community Center

- E. COMMUNITY CENTER – A request for approval of a construction contract with Francis Constructors, Inc. for the Community Center
- F. MEMORANDUM OF UNDERSTANDING – Discussion and possible action to authorize the City Manager to execute a Memorandum of Understanding with the Fruita Area Chamber of Commerce to conduct a Market Analysis
- G. PHONE EQUIPMENT – Discussion and possible action to authorize the City Manager to enter into a 3-year contract for phone services
- H. TRASH COLLECTION SERVICES – Discussion and possible action to authorize the execution of a Consent to Assignment Agreement for solid waste services
- I. MAVERICK CONVENIENCE STORE ADMINISTRATIVE SUBDIVISION AND SITE PLAN – Approval of a Site Plan
- J. RESOLUTION 2009-16 – A request for approval of the First Release of the Subdivision Improvements Agreement for Brandon Estates, Filing #1, Phase 1
- K. ORDINANCE 2009-04 – Second Reading – A request to approve an Ordinance Amending the Official Zoning Map of the City of Fruita to rezone the Lower Valley Fire Protection District property located between Mesa and Mulberry Streets south of Pabor Avenue from Downtown Commercial Residential Design (DCRD) to Community Services Recreational (CSR)
- L. FEE SCHEDULE – A request to approve changes to the fee schedule to conform with the updated Land Use Code

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. RIVER GLEN ESTATES - A public hearing to determine whether the city should use money available through the Subdivision Improvements Agreement (SIA) to resolve outstanding problems with irrigation, asphalt improvements, and landscaping
- B. GRAND VALLEY ESTATES – A public hearing to determine whether the city should use money available through the Subdivision Improvements Agreement (SIA) to resolve outstanding problems with drainage, irrigation, and landscaping
- C. ORDINANCE 2009-10 - First Reading – A request to approve an Ordinance repealing and reenacting Chapter 41, Signs, of Title 17, Fruita Land Use Code of the Fruita Municipal Code

7. ADMINISTRATIVE AGENDA

8. COUNCIL REPORTS AND ACTIONS

9. ADJOURN