

FRUITA CITY COUNCIL
MAY 3, 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. PROCLAMATION** – August 2011 as Colorado Masonic Month in the City of Fruita in celebration of the Mason’s Grand Lodge of Colorado’s Sesquicentennial year

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 April 19, 2011 City Council meeting
- B. LIQUOR LICENSE RENEWAL – THE END ZONE** – A request to approve the renewal of a Tavern Liquor License – Malt, Vinous, and Spirituous and Dance Hall license for the Brew Company, Inc. dba the End Zone Sports Pub located at 152 S. Mesa
- C. BOARDS AND COMMISSIONS APPOINTMENT** – A request to approve the appointment of Leanne Ingwersen to the Fruita Tourism Advisory Council to fill an unexpired vacancy plus an additional three-year term to expire in January 2016
- D. RESOLUTION 2011-19** – A request to approve a Resolution appropriating additional sums of money to defray expenses in excess of amounts budgeted for 2011 for the City of Fruita, Colorado – public hearing
- E. RESOLUTION 2011-20** – A request to approve a Resolution transferring funds from the General Fund Contingency Account to the Capital Projects Fund for a Riverfront Trail Easement

- F. RESOLUTION 2011-07 – First Reading – An introduction of an Ordinance Prohibiting the operation of Medical Marijuana Businesses for publication of public hearing on May 17, 2011
- G. ORDINANCES 2011-08 and 2011- 09 – Second Reading – Medical Marijuana – A request to continue the public hearings to May 17, 2011 although advertised for May 3, 2011 as part of the Planning Commission public notice
- H. MEDICAL MARIJUANA – An update regarding the issues discussed at the last City Council work session
- I. ORDINANCE 2011-11 – First Reading – An introduction of an Ordinance amending Chapter 33, Animal Regulations, of Title 17, Fruita Land Use Code, of the Fruita Municipal Code for publication of public hearing on June 14, 2011
- J. RESOLUTION 2011-21 – A request to approve a Resolution Authorizing the City Manager to execute a Grant Agreement with Great Outdoors Colorado for Lower Little Salt Wash Trail
- K. RESOLUTION 2011-24 – A request to approve a Resolution for and Intergovernmental Agreement (IGA) with the Grand Valley Drainage District for the South Mesa Storm Drain project
- L. INDUSTRIAL INSULATION GROUP (IIG) MAJOR SUBDIVISION – A request for approval of a Preliminary Plan for the IIG Major Subdivision
- M. CITY MANAGER EVALUATION FORM – A request for approval of the City Manager Evaluation Form so that it may be published and a review scheduled for July 19, 2011

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 the April 5, 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 the April 5, 2011 Council meeting*)

8. ADMINISTRATIVE AGENDA

- A. Community Development Director Dahna Raugh
 - 1) Fruita Area Bicycle and Pedestrian Circulation Study presentation

9. COUNCIL REPORTS AND ACTIONS

10. ADJOURN