

FRUITA CITY COUNCIL
JULY 5, 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

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 June 21, 2011 City Council meeting**
- B. LIQUOR LICENSE RENEWAL – IN THE MIDDLE LIQUORS – A request for approval of the renewal of a Retail Liquor Store License – Malt, Vinous, and Spirituous for In the Middle Liquors located at 303 US Highway 6 & 50**
- C. BOARDS AND COMMISSIONS – A request to approve the appointment of James Williams to the Fruita Tourism Advisory Council for a three-year term to expire in July of 2014**
- D. BOARDS AND COMMISSIONS – A request to approve the appointment of Janet Brazfield to the Planning Commission to fill an unexpired term plus an additional three-year term to expire in May of 2016**
- E. RESOLUTION 2011-22 – A request to approve a Resolution adopting the City of Fruita Employee Handbook**
- F. LATIGO SUBDIVISION – A request for an extension of time to submit the Final Plat for the Latigo Subdivision to November 24, 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 2011-13 – Second Reading – A request to adopt an Ordinance of the City of Fruita, Colorado, imposing a moratorium on the submission, acceptance, processing, and approval of applications for new licenses or permits to operate Medical Marijuana Businesses until June 30, 2012

8. ADMINISTRATIVE AGENDA

- A. Community Development Director Dahna Raugh
- 1) ORDINANCE 2011-14 – First Reading – An introduction of an Ordinance amending Chapters 3 (Definitions), 4 (Land Use Categories), and 7 (Zoning, Uses and General Requirements) of Title 17, Fruita Land Use Code, of the Fruita Municipal Code to allow up to eight children in home based childcare centers without a Conditional Use Permit and to allow certain types of outdoor storage in Limited Industrial & Research & Development (LIRD) zone without a Conditional Use Permit and other amendments for publication of public hearing on August 2, 2011

9. COUNCIL REPORTS AND ACTIONS

- A. EXECUTIVE SESSION – City Manager review (Council only)

10. ADJOURN