

**FRUITA CITY COUNCIL
OCTOBER 19, 2010
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. Mesa County Clerk and Recorder Janice Rich will report on the activities of the Fruita Branch Motor Vehicle Division and possible effects of proposed budget cuts (invited by Mayor Henry)
- B. Rob Bleiberg of Mesa Land Trust provides their annual presentation to the City Council

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 October 5, 2010 City Council meeting
- B. LIQUOR LICENSE RENEWAL – A request for the approval of a renewal of a Hotel and Restaurant Liquor License – Malt, Vinous, and Spirituous for Dragon Treasure Chinese Restaurant located at 576 Kokopelli Blvd.
- C. RESOLUTION 2010-39 – A request to approve a Resolution transferring funds from the General Fund Contingency to pay for unanticipated Information Technology (IT) and Human Resources recruitment expenses
- D. RESOLUTION 2010-40 – A request to approve a Resolution approving a supplemental appropriation for the presentation of Rachel’s Challenge through the School Resource Officer program

- E. RESOLUTION 2010-41 – A request for the approval of a Final Release of the Subdivision Improvements Agreement (SIA) for the Gewont Townhomes PUD Subdivision
- F. ORDINANCE 2010-13 – First Reading - Introduction of an Ordinance amending Section 9.03.005 (D) of the Fruita Municipal Code concerning regulations in city parks and adding a provision to prohibit smoking in public parks; for publication of public hearing to be held on November 16, 2010

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.

8. ADMINISTRATIVE AGENDA

A. BUDGET PRESENTATIONS

- 1) Marketing Fund presentation by Eric Mello of Cobb & Associates
- 2) Capital Improvement Program presentation by City Engineer Ken Haley

B. City Clerk Margaret Steelman

- 1) LEASE AGREEMENT – A request to approve an amendment to the Lease Agreement with the Museum of Western Colorado
- 2) September 2010 Financial Reports

9. COUNCIL REPORTS AND ACTIONS

10. ADJOURN