

**FRUITA CITY COUNCIL  
JULY 5, 2016  
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 - Proclaiming July 6, 2016 as "Family Health West Day" in the City of Fruita to be accepted by FHW President/CEO Mark Francis
- B.** PROCLAMATION – Designation of July 2016 as Parks and Recreation Month in the City of Fruita to be accepted by Tom Casal, City of Fruita Recreation Superintendent

**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 to approve the minutes from the May 17, 2016 City Council meeting
- B.** MINUTES – A request to approve the minutes from the June 7, 2016 City Council meeting
- C.** LIQUOR LICENSE RENEWAL – A request to approve the renewal of a Retail Liquor Store License – Malt, Vinous and Spirituous and Tastings Permit for In the Middle Liquors located at 303 Highway 6 & 50
- D.** RIVERFRONT COMMISSION APPOINTMENTS – A request to approve the Riverfront Commission Appointments

- E.** BOARDS AND COMMISSIONS APPOINTMENT – A request to approve the appointment of Amanda Ewing to the Parks and Recreation Advisory Board to fulfill an unexpired term plus an additional three year term to expire in February of 2021
- F.** ORDINANCE 2016-07 – Second Reading – A request to approve an Ordinance granting a franchise to Bresnan Communications, LLC to construct, operate and maintain a cable television system in the City of Fruita, Colorado
- G.** ORDINANCE 2016-08 – Second Reading – A request to approve an Ordinance amending Chapter 2.28 of the Fruita Municipal Code concerning Municipal Court
- H.** CONDITIONAL USE PERMIT REQUEST – A request to approve a Conditional Use Permit (CUP) for a Vacation Rental by Owner located at 1950 Timber Falls Dr. (the Great Divide Villa)
- I.** CONDITIONAL USE PERMIT REQUEST – A request to approve a Conditional Use Permit (CUP) for a Vacation Rental by Owner located at 107 E. Pabor Avenue (the Sagebrush House Vacation Rental)
- J.** MESA GRAND MINOR SUBDIVISION – A request to approve a minor subdivision with vested rights for the Mesa Grand Minor Subdivision
- K.** RESOLUTION 2016-21 – A request to approve a Resolution setting a hearing date to determine the eligibility of approximately 6.73 acres of property located at 1062 18 Road to be annexed into the City of Fruita and to consider initiation of annexation procedures (Aspen Village Annexation)
- L.** RESOLUTION 2016-22 – A request to approve a Resolution setting a hearing date to determine the eligibility of approximately 7.33 acres of property located at 965 18 Road to be annexed into the City of Fruita and to consider initiation of annexation procedures (Adobe View North Annexation)
- M.** RESOLUTION 2016-23 - A request to approve a Resolution supporting a Great Outdoors Colorado “Connect Initiative” grant application for the Kokopelli Trail connection of the Riverfront Trail

## 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. Community Development Director Dahna Raugh

- 1) **ORDINANCE 2016-09 – First Reading –** An introduction of an Ordinance amending the Official Zoning Map of the City of Fruita by rezoning approximately 0.65 acres of property located at 433 and 503 East Aspen Avenue from Community Residential (CR) to Planned Unit Development (PUD) for publication of public hearing on August 2, 2016 (Sacred Heart Church)

## 8. ADMINISTRATIVE AGENDA

## 9. CITY MANAGER'S REPORT

## 10. COUNCIL REPORTS AND ACTIONS

### A. Council Reports and Actions

- B. **EXECUTIVE SESSION –** A request to convene in Executive Session regarding personnel issues under C.R.S. Section 24-6-402(4)(F) (City Manager Evaluation without the City Manager present)

## 11. ADJOURN