

**FRUITA CITY COUNCIL
REGULAR MEETING
MAY 5, 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.** A Proclamation to declare May 10 – 16, 2009 as Police Week and May 15, 2009 as Peace Officers' Memorial Day (accepted by Police Chief Mark Angelo and the Colorado State Patrol)
- B.** A Proclamation to declare 2009 as the 125th Anniversary of the City of Fruita with a cake-cutting ceremony to be held at the Mike the Headless Chicken Festival on May 15, 2009 at 5:00 p.m.

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 April 21, 2009 City Council meeting – A request for approval of the minutes
- B.** LIQUOR LICENSE RENEWAL – A request to approve the renewal of a Hotel and Restaurant Liquor Store License for Fiesta Guadalajara located at 103 E. Highway 6 & 50
- C.** LIQUOR LICENSE RENEWAL – A request to approve the renewal of a Retail Liquor Store License for the Fruita Liquor Mart located at 423 E. Highway 6 & 50
- D.** LIQUOR LICENSE REPORT OF CHANGES – A request to approve the Report of Changes (to add 2 officers to the Liquor License) to a 3.2 Percent Beer Retail Liquor Store License for Loco Travel Stop located at 555 W. Raptor Road

- E. FRUITA AREA CHAMBER OF COMMERCE – An update on the progress being made on the Market Analysis Project
- F. RESOLUTION 2009-25 – A request to approve supplemental budget appropriation for SH6 Pedestrian Path grant funds, law enforcements grant and training funds and building maintenance for the dinosaur museum
- G. RESOLUTION 2009-26 – A request to approve the reimbursement of expenses associated with construction of Wastewater Treatment Facility collection lines and appurtenances from proceeds of the loan/bond financing
- H. RESOLUTION 2009-27 – A request to approve a Resolution removing Councilor Terry Moss as a member of the City of Fruita Police Commission and appointing Councilor Stacy Mascarenas to the City of Fruita Police Commission
- I. RESOLUTION 2009-28 – A request to approve the First Release and Amendment of the Subdivision Improvements Agreement for the River Rock PUD Subdivision
- J. RESOLUTION 2009-29 and RESOLUTION 2009-30 – A request to approve Resolutions accepting Right-of-Way for 15 Road and an Adjacent Easement south of Highway 6 & 50 and Right-of-Way for I Road between S. Pine St. and S. Fremont St.
- K. GRAND VALLEY ESTATES SUBDIVISION – Filing 1 Problems update

6. ADMINISTRATIVE AGENDA

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 2009-10 - Second 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

8. COUNCIL REPORTS AND ACTIONS

- A. DISCUSSION and possible action to begin exploring potential development of the Kingsview River Bottom area for a park
- B. OTHER

9. ADJOURN