

**FRUITA CITY COUNCIL
DECEMBER 17, 2013
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. UTE WATER PRESENTATION – Ute Water Executive Director Larry Cleaver and Ute Water Board Representative Ken Henry will give a presentation (invited by Mayor Buck)

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 December 3, 2013 City Council meeting
- B. LIQUOR LICENSE REPORT OF CHANGES – A request to approve a Report of Changes to add a new Registered Manager for a Hotel/Restaurant – Malt, Vinous and Spirituous Liquor License for El Tapatio located at 402 Jurassic Ave.
- C. BOARDS AND COMMISSIONS APPOINTMENT – A request to approve the appointment of Mike Perry to the Tourism Advisory Board for a three-year term to expire in December of 2016
- D. RESOLUTION 2013-32 – A request to approve a Resolution requesting that the US Congress accept financial responsibility for storm water originating on federal lands
- E. RESOLUTION 2013-33 – A request to approve a Resolution amending the Supplemental Health Insurance Copayment policies and procedures

- F. WESCOTT SERIAL ANNEXATIONS – FINDING PROPERTIES ELIGIBLE FOR ANNEXATION**
- 1) RESOLUTION 2013-35 – A request to approve a Resolution finding that approximately 0.455 acres of property located at 989 17 Road (State Highway 340) is eligible for annexation into the City of Fruita (***Westcott 1 Serial Annexation***)
 - 2) RESOLUTION 2013-36 – A request to approve a Resolution finding that approximately 0.455 acres of property located at 989 17 Road (State Highway 340) is eligible for annexation into the City of Fruita (***Westcott 2 Serial Annexation***)
- G. WESCOTT SERIAL ANNEXATIONS – ANNEXING AND ZONING**
- 1) ORDINANCE 2014-01 – First Reading - An introduction of an Ordinance annexing approximately 0.455 acres of property located at 989 17 Road (State Highway 340) into the City of Fruita for publication of public hearing on January 21, 2014 (***Westcott 1 Serial Annexation***)
 - 2) ORDINANCE 2014-02 – First Reading - An introduction of an Ordinance annexing approximately 0.455 acres of property located at 989 17 Road (State Highway 340) into the City of Fruita for publication of public hearing on January 21, 2014 (***Westcott 2 Serial Annexation***)
 - 3) ORDINANCE 2014-03 – First Reading - An introduction of an Ordinance amending the official zoning map of the City of Fruita by rezoning approximately 0.455 acres of property located at 989 17 Road (State Highway 340) to Rural Residential Zone for publication of public hearing on January 21, 2014 (***Westcott 1 & 2 Serial Annexation***)
- H. RESOLUTION 2013-37 – A request to approve a Resolution transferring funds from the Fleet Maintenance Contingency Account to the Fleet Maintenance Supplies and Equipment Account**
- I. RESOLUTION 2013-38 – A request to approve a Resolution to vacate a public utility easement located between Mulberry and Mesa Streets south of Pabor Avenue**
- J. NOVEMBER FINANCIAL REPORTS – A request to approve the November 2013 Financial Reports**

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. City Manager Clint Kinney

- 1) ORDINANCE 2013-16 – Second Reading – A request to approve an Ordinance authorizing the conveyance of water rights and land and authorizing a long term lease of water from the City of Fruita to Ronald Tipping (Et al) in exchange for repair work to Fruita reservoirs
- 2) RESOLUTION 2013-34 – Discussion and possible action to consider Resolution 2013-34 – A Resolution of the Fruita City Council adopting the Civic Center Memorial Park and Downtown Streetscape Improvements Plan as part of the City's Master Plan

8. ADMINISTRATIVE AGENDA

A. City Manager Clint Kinney

- 1) RAIL (TROLLEY) CAR – Discussion regarding Steve Vigil's proposal for the Rail (Trolley) Car

9. COUNCIL REPORTS AND ACTIONS

10. ADJOURN