

BOISE, IDAHO
JANUARY 8, 2002

Council met in regular session Tuesday, January 8, 2002, Mayor BRENT COLES, presiding.

The Presentation of Colors was given by the Boise Firefighters Honor Guard.

The National Anthem was sung by Carla Reno, Human Resources Division.

Invocation was given by the Reverend Michael Ross, St. Paul's Baptist Church.

Roll call showed the following members present:
BAKER, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Moved by TERTELING-PAYNE and seconded by MAPP that the minutes from the December 18, 2001, City Council Meeting be approved.

Roll call on the motion resulted as follows: YEAS:
BAKER, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Motion carried.

Mayor COLES announced that this was the time and place set for Finding of Fact and Conclusions of Law regarding CAR01-00041/Rezone/James Griffin.

Moved by TERTELING-PAYNE and seconded by MAPP that Finding of Fact and Conclusions of Law regarding CAR01-00041/Rezone/James Griffin be approved.

Roll call on the motion resulted as follows: YEAS:
FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL. ABSTAIN:
BAKER.

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Motion carried.

Moved by TERTELING-PAYNE and seconded by MASON that CAR01-00042 and CUP01-00119 be rescheduled to February 12, 2002 from January 15, 2002.

Roll call on the motion resulted as follows: YEAS:
BAKER, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Motion carried.

Councilmember BAKER left at 7:50 P.M.

Mayor COLES announced that this was the time and place set for the Oath of Office.

The Honorable Linda Copple Trout, Chief Justice, Idaho Supreme Court, administered the Oath of Office to H. Brent Coles as Mayor; Vernon Bisterfeldt, Jerome Mapp and Mike Wetherell as Boise City Council Members.

Moved by TERTELING-PAYNE and seconded by FORNEY that the Boise City Checks No. 087282 thru 087867 in the total amount of \$3,898,391.49 as of December 19, 2001 be approved.

Roll call on the motion resulted as follows: YEAS:
BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Motion carried.

Moved by TERTELING-PAYNE and seconded by FORNEY that the Boise City Checks No. 087868 thru 088289 in the total amount of \$1,752,385.47 as of December 26, 2001 be approved.

Roll call on the motion resulted as follows: YEAS:
BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Motion carried.

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Moved by TERTELING-PAYNE and seconded by FORNEY that the Boise City Checks No. 088290 thru 088682 in the total amount of \$1,626,762.48 as of January 2, 2002 be approved.

Roll call on the motion resulted as follows: YEAS:
BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Motion carried.

The Bid Results for F/B 02-011: Willow Lane Athletic Complex Field 4, 5, 6 Lighting were before Mayor and Council as enumerated in staff report dated December 10, 2001.

RECOMMENDATION: The Purchasing Division concurs with Parks and Recreation in recommending that F/B 02-011: Willow Lane Athletic Complex Field 4, 5, 6 Lighting be awarded to the lowest responsive and responsible bidder, Colvico, Inc., in a total amount not to exceed \$331,354.

Moved by TERTELING-PAYNE and seconded by FORNEY that the recommendations be followed and the bid be awarded to Colvico, Inc., in a total amount not to exceed \$331,354.

Roll call on the motion resulted as follows: YEAS:
BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Motion carried.

The Bid Results for RFP 02-006A through RFP 02-006C: Programming and Development Services for Miscellaneous Software Projects were before Mayor and Council as enumerated in staff report dated December 5, 2001.

RECOMMENDATION: The Purchasing Division concurs with the MIS Division in recommending that RFP 02-006A through RFP 02-006C: Programming and Development Services for Miscellaneous Software Projects be awarded to the best qualified proposers, CRI Advantage, Best Consulting, and ITG-Intermountain Technology.

Moved by TERTELING-PAYNE and seconded by FORNEY that the recommendations be followed and the bid be awarded to CRI Advantage, Best Consulting, and ITG-Intermountain Technology.

Roll call on the motion resulted as follows: YEAS:
BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

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Motion carried.

The Bid Results for F/B 02-014: One (1) Large Area Rotary Mower were before Mayor and Council as enumerated in staff report dated December 7, 2001.

RECOMMENDATION: The Purchasing Division concurs with Parks and Recreation in recommending that F/B 02-014: One (1) Large Area Rotary Mower be awarded to the lowest responsive and responsible bidder, Turf Equipment of Idaho, in a total amount not to exceed \$28,129.

Moved by TERTELING-PAYNE and seconded by FORNEY that the recommendations be followed and the bid be awarded to Turf Equipment of Idaho, in a total amount not to exceed \$28,129.

Roll call on the motion resulted as follows: YEAS: BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Motion carried.

The Bid Results for F/B 02-016: Five (5) 2WD, Four Wheel Utility Vehicles were before Mayor and Council as enumerated in staff report dated December 7, 2001.

RECOMMENDATION: The Purchasing Division concurs with Parks and Recreation in recommending that F/B 02-016: Five (5) 2WD, Four Wheel Utility Vehicles be awarded to the lowest responsive and responsible bidder, Ady Kawasaki, in a total amount not to exceed \$35,005.

Moved by TERTELING-PAYNE and seconded by FORNEY that the recommendations be followed and the bid be awarded to Ady Kawasaki, in a total amount not to exceed \$35,005.

Roll call on the motion resulted as follows: YEAS: BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Motion carried.

Request for Procurement from State of Idaho Contract, 02-CON-23: Purchase of Microsoft Software Direct from Microsoft (Microsoft Enrollment Agreement) was before Mayor and Council as enumerated in staff report dated December 11, 2001.

RECOMMENDATION: The Purchasing Division recommends Procurement from State of Idaho Contract, 02-CON-23: Purchase of Microsoft Software Direct from Microsoft (Microsoft Enrollment Agreement), as needed to purchase software, in an estimate annual amount of \$138,500.

Moved by TERTELING-PAYNE and seconded by FORNEY that the recommendations be followed and the bid be awarded to Microsoft (Microsoft Enrollment Agreement), as needed to purchase software, in an estimate annual amount of \$138,500.

Roll call on the motion resulted as follows: YEAS:
BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Motion carried.

The City Clerk requested the following claims(s) be acknowledged and referred to the office of the Treasurer:

- a) Stephanie Zeller, Property Damage
- b) Laidlaw Transit Services, Inc., Supplemental Notice of Claim

Moved by TERTELING-PAYNE and seconded by FORNEY that the claim(s) be acknowledged and referred to the office of the Treasurer as requested.

Roll call on the motion resulted as follows: YEAS:
BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Motion carried.

The City Clerk requested February 5, 2002, in Council Chambers be confirmed for a public hearing on:

- a) CUP01-00141/Appeal/Dean Gunderson is appealing the Boise City Planning and Zoning Commission's decision to approve a request for a conditional use permit (CUP01-00141/Bobbie Aitchison) to operate an independent living program for up to six adolescent adults between the ages of 18-20 years at 2110 W. State Street.

Moved by TERTELING-PAYNE and seconded by FORNEY that February 5, 2002 in Council Chambers be confirmed as requested.

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Roll call on the motion resulted as follows: YEAS:
BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Motion carried.

The City Clerk requested the following minutes, reports and requests be received by Council and directed filed in the office of the City Clerk:

- a) Airport Commission Minutes, October 25, 2001
- b) City of Boise Treasury Division, State of the Treasury Report, November 2001
- c) Ada County Highway District Commission Minutes, November 7, 2001
- d) Ada County Housing Authority Resolution No. 219
- e) Boise City Housing Authority Resolution No. 376
- f) Boise City/Ada County Housing Authority, Shoreline Plaza, Inc. Commission Minutes, May 11, June 19, August 8, September 12, October 11 and October 25, 2001
- g) Mayor's Budget Team Minutes, December 12, 2001

Moved by TERTELING-PAYNE and seconded by FORNEY that the minutes, reports and requests be received and directed filed in the office of the City Clerk as requested.

Roll call on the motion resulted as follows: YEAS:
BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Motion carried.

Proposed ordinance (0-92-01) by the Council:

BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Titled: AN ORDINANCE (CAR01-00012/BOISE CITY FOR PROPERTY LOCATED SOUTH OF INTERSTATE-84 AND EAST OF S. COLE ROAD INCLUDING PROPERTIES ON CENTURY WAY, CENTURION PLACE, AIRWAY COURT AND 1700-2300 S. COLE ROAD AND 2201 S. COLE ROAD) ANNEXING CERTAIN LANDS AND TERRITORY, SITUATED IN ADA COUNTY, IDAHO, AND ADJACENT AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF BOISE CITY; ESTABLISHING AND DETERMINING THE LAND USE CLASSIFICATION OF SAID LANDS AS M-1D (LIMITED INDUSTRIAL WITH DESIGN REVIEW); PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE ADA COUNTY

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ASSESSOR, THE ADA COUNTY RECORDER, AND THE IDAHO STATE TAX COMMISSION, AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE, was read for the third time.

Moved by TERTELING-PAYNE and seconded by FORNEY that the proposed ordinance (O-92-01) be passed and that the same be numbered Ordinance 6118.

Roll call on the motion resulted as follows: YEAS:
BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Motion carried.

Proposed ordinance (O-93-01) by the Council:

BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Titled: AN ORDINANCE (CAR01-00032/BOISE CITY) AMENDING TITLE 11, CHAPTER 14/HILLSIDE AND FOOTHILLS AREAS DEVELOPMENT ORDINANCE, TO UPDATE UNIFORM BUILDING CODE REFERENCES; REDEFINE WHO CAN PREPARE TECHNICAL REPORTS; ADOPT A TECHNICAL REQUIREMENT MANUAL THAT FURTHER IDENTIFIES WHAT INFORMATION IS REQUIRED IN HILLSIDE TECHNICAL REPORTS AND THE QUALIFICATIONS OF THE IDAHO LICENSED PROFESSIONAL PREPARING THOSE REPORTS; APPROVING A SUMMARY; AND PROVIDING AN EFFECTIVE DATE, was read for the third time.

Moved by TERTELING-PAYNE and seconded by FORNEY that the proposed ordinance (O-93-01) be passed and that the same be numbered Ordinance 6119.

Roll call on the motion resulted as follows: YEAS:
BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Motion carried.

Proposed ordinance (O-95-01) by the Council:

BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Titled: AN ORDINANCE (CAR01-00028/BOISE CITY) AMENDING TITLE 11, CHAPTER 3, 4 AND 6 BY APPROVING FINDINGS OF FACT; SETTING FORTH HOURS OF OPERATION FOR SEXUALLY ORIENTED BUSINESSES, PROVIDING FOR EXPANDED PRE-APPLICATION AND HEARING NOTICE, ELIMINATING SEXUALLY ORIENTED BUSINESSES AND BIKINI BARS FROM CONSIDERATION IN THE T-1 AND T-2 TECHNOLOGY ZONES; AND SETTING FORTH A MINIMUM SEPARATION

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FOR BIKINI BARS FROM RESIDENTIAL USES AND ZONES; PROVIDING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Proposed ordinance (O-97-01) by the Council:

BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Titled: AN ORDINANCE (CAR01-00048) FOR AMENDING THE BOISE CITY COMPREHENSIVE PLAN LAND USE MAP BY CHANGING THE LAND USE DESIGNATION OF LANDS GENERALLY DESCRIBED AS 320 ACRES LOCATED AT SOUTH OF VICTORY ROAD, WEST OF COLE ROAD, EAST OF MAPLE GROVE ROAD AND NORTH OF THE PROPOSED MURGOITIO CITY PARK, FROM ESTATE DENSITY (2DU/ACRE) TO A COMBINATION OF ESTATE DENSITY (3DU/ACRE) AND EDUCATIONAL/SCHOOL; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Proposed ordinance (O-98-01) by the Council:

BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Titled: AN ORDINANCE AMENDING BOISE CITY CODE TITLE 8, CHAPTER 11, SECTION 2.01 TO ALLOW A TWELVE MONTH WATER CONSUMPTION AVERAGE TO BE USED FOR DETERMINING WINTER WATER USE; AMENDING BCC 8-11-6.04 TO CLARIFY THE DATE WHEN SEWER PAYMENTS ARE DUE; AMENDING BCC 8-11-8.02 TO ALLOW DEFERRED RESTAURANT CONNECTION FEES TO BE PAID ONLY ON A MONTHLY OR QUARTERLY BASIS; AND APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Proposed resolution (R-513-01) by the Council:

BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE, AN AGREEMENT FOR RFP 02-006C; PROGRAMMING AND DEVELOPMENT SERVICES FOR MISCELLANEOUS SOFTWARE PROJECTS, MIS DIVISION, BETWEEN THE CITY OF BOISE AND ITG-INTERMOUNTAIN TECHNOLOGY GROUP; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by TERTELING-PAYNE and seconded by FORNEY that the proposed resolution (R-513-01) be adopted and that same be numbered Resolution 16835.

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Roll call on the motion resulted as follows: YEAS:
FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Motion carried.

Proposed resolution (R-514-01) by the Council:

BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE, AN AGREEMENT FOR RFP 02-006B; PROGRAMMING AND DEVELOPMENT SERVICES FOR MISCELLANEOUS SOFTWARE PROJECTS, MIS DIVISION, BETWEEN THE CITY OF BOISE AND BEST CONSULTING; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by TERTELING-PAYNE and seconded by FORNEY that the proposed resolution (R-514-01) be adopted and that same be numbered Resolution 16836.

Roll call on the motion resulted as follows: YEAS:
BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Motion carried.

Proposed resolution (R-515-01) by the Council:

BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE, AN AGREEMENT FOR RFP 02-006A; PROGRAMMING AND DEVELOPMENT SERVICES FOR MISCELLANEOUS SOFTWARE PROJECTS, MIS DIVISION, BETWEEN THE CITY OF BOISE AND CRI ADVANTAGE; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by TERTELING-PAYNE and seconded by FORNEY that the proposed resolution (R-515-01) be adopted and that same be numbered Resolution 16837.

Roll call on the motion resulted as follows: YEAS:
BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Motion carried.

Proposed resolution (R-516-01) by the Council:

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BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE, ON BEHALF OF THE CITY OF BOISE, BOISE CITY CONTRACT NUMBER 02-CON-23; AN AGREEMENT FOR THE PURCHASE OF MICROSOFT SOFTWARE DIRECT FROM MICROSOFT (MICROSOFT ENROLLMENT AGREEMENT), FROM A STATE OF IDAHO CONTRACT, CUSTOMER AND SUPPORT SERVICES DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND MICROSOFT; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by TERTELING-PAYNE and seconded by FORNEY that the proposed resolution (R-516-01) be adopted and that same be numbered Resolution 16838.

Roll call on the motion resulted as follows: YEAS:
BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Motion carried.

Proposed resolution (R-517-01) by the Council:

BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE, ON BEHALF OF THE CITY OF BOISE, CHANGE ORDER NUMBER TWO TO F/B 01-132; CATALPA NEIGHBORHOOD PARK DEVELOPMENT, PARKS AND RECREATION DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND EAGLE LANDSCAPE CONTRACTORS; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by TERTELING-PAYNE and seconded by FORNEY that the proposed resolution (R-517-01) be adopted and that same be numbered Resolution 16839.

Roll call on the motion resulted as follows: YEAS:
BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Motion carried.

Proposed resolution (R-518-01) by the Council:

BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE, AN AGREEMENT FOR F/B 02-

011; WILLOW LANE ATHLETIC COMPLEX FIELD 4, 5, 6 LIGHTING, PARKS AND RECREATION DEPARTMENT, BETWEEN THE CITY OF BOISE AND COLVICO, INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by TERTELING-PAYNE and seconded by FORNEY that the proposed resolution (R-518-01) be adopted and that same be numbered Resolution 16840.

Roll call on the motion resulted as follows: YEAS:
BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Motion carried.

Proposed resolution (R-521-01) by the Council:

BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Titled: A RESOLUTION APPROVING AND AUTHORIZING AN AMENDMENT ("AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT") OF THE MILITARY CONSTRUCTION COOPERATIVE AGREEMENT (MCCA), BETWEEN BOISE CITY, THE IDAHO MILITARY DIVISION (IMD) FOR THE STATE OF IDAHO, AND THE NATIONAL GUARD BUREAU (NGB), TO FURTHER DEFINE THE FUNDING ARRANGEMENTS FOR THE PLANNING, DESIGN, AND CONSTRUCTION OF A C-130 MILITARY AIRCRAFT SHORT-FIELD LANDING STRIP; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by TERTELING-PAYNE and seconded by FORNEY that the proposed resolution (R-521-01) be adopted and that same be numbered Resolution 16841.

Roll call on the motion resulted as follows: YEAS:
BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Motion carried.

Mayor COLES announced that this was the time and place set for the election of Council President and Council President Pro Tem.

Moved by TERTELING-PAYNE and seconded by FORNEY that Mike Wetherell be appointed as Council President.

Roll call on the motion resulted as follows: YEAS:
BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

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Motion carried.

Moved by MASON and seconded by TERTELING-PAYNE that Jerome Mapp be appointed as Council Pro Tem.

Roll call on the motion resulted as follows: YEAS:
BISTERFELDT, FORNEY, MAPP, MASON, TERTELING-PAYNE and WETHERELL.

Motion carried.

There being no further business the meeting adjourned at 8:45 o'clock P.M.

APPROVE:

MAYOR

ATTEST:

CITY CLERK