

JANUARY 16, 2007

BOISE, IDAHO
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Council met in regular session Tuesday, January 16, 2007, Mayor DAVID H. BIETER, presiding.

Roll call showed the following members present:
BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Invocation was given by Pastor Dave Petterson, Parkview Bible Fellowship.

Moved by CLEGG and seconded by JORDAN that the minutes from the January 9, 2007, Boise City Council Work Session Meeting be approved.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

Moved by CLEGG and seconded by JORDAN that the minutes from the January 9, 2007, Boise City Council Meeting be approved.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

Mayor BIETER announced that this was the time and place set for Ratification of Nomination and Appointment of Jim Reed to the Boise City Ada County Housing Authority.

Councilmember CLEGG requested unanimous to ratify the nomination and appointment of Jim Reed to the Boise City Ada County Housing Authority.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

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Moved by EBERLE and seconded by SHEALY to reconsider CAR06-00045 and companion items, CUP06-00099 and SUB06-00070, and defer to February 6, 2007.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

Moved by CLEGG and seconded by JORDAN that the Boise City Checks No. 237287 thru 237807 in the total amount of \$2,766,224.16 as of January 10, 2007 be approved.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

The Bid Results for RFP 07-009: Federal Government Relations Services, Office of the Mayor were before Mayor and Council as enumerated in staff report dated January 5, 2007.

RECOMMENDATION: The Purchasing Division concurs with the Office of the Mayor in recommending that RFP 07-009: Federal Government Relations Services be awarded to the lowest responsive and responsible bidder, Ball Janik LLP, in a total amount not to exceed \$66,000.

Moved by CLEGG and seconded by JORDAN that the recommendations be followed and the bid be awarded to Ball Janik LLP, in the total contract amount of \$66,000, for a one year service contract.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

The Bid Results for RFP 07-023A, B & C: Citizen Survey and Focus Group Services, Office of the Mayor were before Mayor and Council as enumerated in staff report dated January 4, 2007.

RECOMMENDATION: The Purchasing Division concurs with the Office of the Mayor in recommending that RFP 07-023A, B & C: Citizen Survey and Focus Group Services awarded to the Most Qualified Proposers; RFP 07-023(A) Northwest Research Group, RFP 07-023 (B) Strategic Intelligence and RFP 07-023(C)

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Clearwater Research Inc. for future related work in which a specific scope and fee to be awarded on a Task Order Basis.

Moved by CLEGG and seconded by JORDAN that the recommendations be followed and the bid be awarded to Northwest Research Group, Strategic Intelligence and Clearwater Research Inc. for future related work in which a specific scope and fee to be awarded on a Task Order Basis.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

The Bid Results for F/B 07-036: Heights Drive Sewer, CSP-925, Public Works Department were before Mayor and Council as enumerated in staff report dated December 28, 2006.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that F/B 07-036: Heights Drive Sewer, CSP-925, be awarded to the lowest responsive and responsible bidder, Hills Construction, in a total amount not to exceed \$50,637.

Moved by CLEGG and seconded by JORDAN that the recommendations be followed and the bid be awarded to Hills Construction in the total contract amount of \$50,637, subject to compliance with bonding and insurance requirements.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

The Bid Results for were RFP 07-064: State Government Relations Services, Office of the Mayor before Mayor and Council as enumerated in staff report dated January 4, 2007.

RECOMMENDATION: The Purchasing Division concurs with the Office of the Mayor in recommending that RFP 07-064: State Government Relations Services be awarded to the most qualified proposer, Gallatin Group, in a total amount not to exceed \$45,000, for a one year service contract.

Moved by CLEGG and seconded by JORDAN that the recommendations be followed and the most qualified proposer

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awarded to Gallatin Group in the total contract amount of \$45,000, for a one year service contract.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

The Bid Results for were Authorization to Procure Tires off State Contract No. SBPO 1257, Purchasing Contract 07-CON-079, Aviation and Public Transportation Department before Mayor and Council as enumerated in staff report dated January 2, 2007.

RECOMMENDATION: The Purchasing Division concurs with Aviation & Public Transportation in recommending that 07-CON-079 awarded to Les Schwab Tire Center, in a total amount not to exceed \$46,000.

Moved by CLEGG and seconded by JORDAN that the recommendations be followed and the bid be awarded to Les Schwab Tire Center, in the total contract amount of \$46,000.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

The Bid Results for Authorization to Procure Vehicles as needed from the State of Idaho Annual Vehicle Contracts, SBPO's 1258, 1259, 1261, and 1262 Purchasing Contract 07-CON-084: 2007 Purchase of City Vehicles from State Contracts, Purchasing Division before Mayor and Council as enumerated in staff report dated January 5, 2007.

RECOMMENDATION: The Purchasing Division concurs with Purchasing Division in recommending approval of the State of Idaho Annual Vehicle Contracts, SBPO's 1258, 1259, 1261, and 1262, Purchasing Contract 07-CON-084.

Moved by CLEGG and seconded by JORDAN that the recommendations be granted to buy vehicles as needed from SBPO's 1258 (Karl Tyler Motors Chevy), 1259 (Dennis Dillon Auto Park GMC), 1261 (Dan Weibold Ford), and 1262 (Bonanza Motors Chrysler, Dodge & Jeep), Purchasing Contract 07-CON-084; 2007 Purchase of City Vehicles from State Contracts, from the Low Bidder for each Particular Type of Vehicle.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

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Motion carried.

The Bid Results for Ratification and Confirmation of an Emergency to Replace a Failed Turntable and Sweep Arm Drive Mechanism in Clarifier No. 1 at Lander Street WWTF, Public Works Department before Mayor and Council as enumerated in staff report dated January 12, 2007.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending for Ratification and Confirmation of an Emergency to Replace a Failed Turntable and Sweep Arm Drive Mechanism in Clarifier #1 at Lander Street WWTF.

Councilmember TIBBS requested unanimous consent that the Ratification and Confirmation of an Emergency to Replace a Failed Turntable and Sweep Arm Drive Mechanism in Clarifier No. 1 at Lander Street WWTF be deferred to January 23, 2007.

Unanimous consent was granted.

The Bid Results for Award of Contract, 07-CON-094; Ratification and Confirmation of an Emergency to Replace a Failing Cooling Tower Required for Computer Server Room, Public Works Department before Mayor and Council as enumerated in staff report dated January 12, 2007.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that Contract, 07-CON-094; Ratification and Confirmation of an Emergency to Replace a Failing Cooling Tower Required for Computer Server Room.

Moved by CLEGG and seconded by JORDAN to recommend approval of the Declaration of an Emergency, waiving formal bidding requirements and awarding the contract to the low bidder, Total System Services, Inc. for all labor and materials to detach, remove, and dispose of the existing tower, provide and install the new BAC cooling tower including new pipe insulation and metal jacketing, and to provide startup and verification of the system in the amount of \$29,248 plus an additional \$5,000 should it be needed for other miscellaneous items in order to complete the project.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

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

- a) Kevin Rodriguez, Property Damage
- b) Ruth Byram, Property Damage and Personal Injury

Moved by CLEGG and seconded by JORDAN 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, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

The City Clerk requested February 20, 2007, in Council Chambers be confirmed for a public hearing on:

- a) CAR06-00072/Rezone/Sheryl Yochum requests approval for a rezone of +/-0.24 acres located at 3512 W. Overland Road from L-OD (Limited Office with Design Review) to C-1D (Neighborhood Commercial with Design Review).
- b) CAR06-00077/DA/Colson & Colson Construction, Co. requests approval to modify a Development Agreement to allow multi-family development for seniors, (CAR98-00045/DA) located at 4840 N. Cloverdale Road in an L-OD/DA (Limited Office with Design Review and a Development Agreement) zone.
- c) CAR06-00069/Annexation/Highland Development, LLC requests approval for annexation of +/-12.13 acres located at 8302 W. Sloan Street with a zoning designation of R-1C (Single Family Residential).

Moved by CLEGG and seconded by JORDAN that February 20, 2007 in Council Chambers be confirmed as requested.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

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:

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- a) Boise Public Library Board of Trustees Minutes, December 13, 2006
- b) Boise Public Library Interim Director's Report, January 2007
- c) Administrative Policy Group Minutes, October 9, 2006, October 23, 2006, November 13, 2006, November 27, 2006 and December 11, 2006
- d) Employee Health Plan Trust Trustee Minutes, December 18, 2006
- e) Treasury Division State of Treasury Report, December 2006
- f) Sole Source Purchase: Police Department - Advertising with USA, Today

Moved by CLEGG and seconded by JORDAN 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, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

Proposed resolution (R-19-07) by the Council:

BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: A RESOLUTION APPROVING A LICENSE AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS DEPARTMENT) AND THE SHARVER LATERAL WATER USERS ASSOCIATION FOR THE CONSTRUCTION OF A SEWER LINE UNDER THE LATERAL AS PART OF CITY SEWER PROJECT SWS-137; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID LICENSE AGREEMENT ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by JORDAN that the proposed resolution (R-19-07) be adopted and that same be numbered Resolution 19434.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

Proposed resolution (R-20-07) by the Council:

BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

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Titled: A RESOLUTION VACATING A SANITARY SEWER ACCESS EASEMENT LOCATED IN THE SOUTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 2 EAST, BOISE MERIDIAN, ADA COUNTY IDAHO WHICH SEWER ACCESS EASEMENT IS NO LONGER NEEDED FOR SEWER PURPOSES; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by JORDAN that the proposed resolution (R-20-07) be adopted and that same be numbered Resolution 19435.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

Proposed resolution (R-21-07) by the Council:

BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: A RESOLUTION APPROVING A RIGHT-OF-WAY CONTRACT BY AND BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS DEPARTMENT) AND THE EAGLE SEWER DISTRICT FOR THE ACQUISITION OF A SANITARY SEWER EASEMENT FOR THE CONSTRUCTION OF LAKEMORE FORCE MAIN; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID RIGHT-OF-WAY CONTRACT ON BEHALF OF BOISE CITY; ACCEPTING THE GRANT OF A SANITARY SEWER EASEMENT FROM THE EAGLE SEWER DISTRICT; AUTHORIZING PAYMENT FOR THE ACQUISITION OF THE SANITARY SEWER EASEMENT; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by JORDAN that the proposed resolution (R-21-07) be adopted and that same be numbered Resolution 19436.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

Proposed resolution (R-22-07) by the Council:

BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: A RESOLUTION ACCEPTING THE GRANT OF A SANITARY SEWER EASEMENT FROM LIBERTY DEVELOPMENT LLC TO THE CITY OF BOISE CITY FOR CONSTRUCTION OF CITY SEWER PROJECT SWS-173; AND PROVIDING AN EFFECTIVE DATE, was read in full.

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Moved by CLEGG and seconded by JORDAN that the proposed resolution (R-22-07) be adopted and that same be numbered Resolution 19437.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

Proposed resolution (R-23-07) by the Council:

BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: A RESOLUTION ACCEPTING THE GRANT OF A SANITARY SEWER EASEMENT FROM ROBERT ROBERTS TO THE CITY OF BOISE CITY FOR CONSTRUCTION OF CITY SEWER PROJECT DRI-1411; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by JORDAN that the proposed resolution (R-23-07) be adopted and that same be numbered Resolution 19438.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

Proposed resolution (R-24-07) by the Council:

BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: A RESOLUTION (CAR06-00041/QUASAR DEVELOPMENT) TO AMEND THE BOISE CITY COMPREHENSIVE PLAN LAND USE MAP TO CHANGE 1.738 ACRES FROM "COMMERCIAL" TO "MIXED-USE" LAND DESIGNATION USE FOR PROPERTY LOCATED AT 916 E. PARK BOULEVARD; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by JORDAN that the proposed resolution (R-24-07) be adopted and that same be numbered Resolution 19439.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

Proposed resolution (R-25-07) by the Council:

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BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: A RESOLUTION (CAR06-00050/GEMSTAR PROPERTIES) TO AMEND THE BOISE CITY COMPREHENSIVE PLAN LAND USE MAP TO CHANGE 9.8 ACRES FROM "ESTATE DENSITY" (3 DU/ACRE) TO "LOW DENSITY RESIDENTIAL" (6 DU/ACRE) LAND DESIGNATION USE FOR PROPERTY LOCATED AT 3750 S. MAPLE GROVE ROAD; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by JORDAN that the proposed resolution (R-25-07) be adopted and that same be numbered Resolution 19440.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

Proposed resolution (R-26-07) by the Council:

BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: A RESOLUTION (CAR06-00053/COSTA PACIFIC COMMUNITIES) TO AMEND THE BOISE CITY COMPREHENSIVE PLAN LAND USE MAP TO CHANGE 42.28 ACRES FROM "INDUSTRIAL USE" TO "MIXED-USE" LAND DESIGNATION USE FOR PROPERTY LOCATED AT 10230 W. FRANKLIN ROAD; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by JORDAN that the proposed resolution (R-26-07) be adopted and that same be numbered Resolution 19441.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

Proposed resolution (R-27-07) by the Council:

BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, AN AGREEMENT FOR F/B 07-036; HEIGHTS DRIVE SEWER, CSP-925, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND HILLS CONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE, was read in full.

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Moved by CLEGG and seconded by JORDAN that the proposed resolution (R-27-07) be adopted and that same be numbered Resolution 19442.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

Proposed resolution (R-28-07) by the Council:

BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, AN AGREEMENT FOR RFP 07-064 STATE GOVERNMENT RELATIONS SERVICES, OFFICE OF THE MAYOR, BETWEEN THE CITY OF BOISE CITY AND GALLATIN GROUP; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by JORDAN that the proposed resolution (R-28-07) be adopted and that same be numbered Resolution 19443.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

Proposed resolution (R-29-07) by the Council:

BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, AN AGREEMENT FOR RFP 07-009; FEDERAL GOVERNMENT RELATIONS SERVICES, OFFICE OF THE MAYOR, BETWEEN THE CITY OF BOISE CITY AND BALL JANIK LLP; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by JORDAN that the proposed resolution (R-29-07) be adopted and that same be numbered Resolution 19444.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

Proposed resolution (R-30-07) by the Council:

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BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, AN AGREEMENT FOR RFP 07-009; FEDERAL GOVERNMENT RELATIONS SERVICES, OFFICE OF THE MAYOR, BETWEEN THE CITY OF BOISE CITY AND BALL JANIK LLP; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by JORDAN that the proposed resolution (R-30-07) be adopted and that same be numbered Resolution 19445.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

Proposed resolution (R-31-07) by the Council:

BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled:, A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, AN AGREEMENT FOR RFP 07-023B CITIZEN SURVEY AND FOCUS GROUP SERVICES, OFFICE OF THE MAYOR, BETWEEN THE CITY OF BOISE CITY AND STRATEGIC INTELLIGENCE; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by JORDAN that the proposed resolution (R-31-07) be adopted and that same be numbered Resolution 19446.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

Proposed resolution (R-32-07) by the Council:

BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, AN AGREEMENT FOR RFP 07-023A CITIZEN SURVEY AND FOCUS GROUP SERVICES, OFFICE OF THE MAYOR, BETWEEN THE CITY OF BOISE CITY AND NORTHWEST RESEARCH GROUP; AND PROVIDING AN EFFECTIVE DATE, was read in full.

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Moved by CLEGG and seconded by JORDAN that the proposed resolution (R-32-07) be adopted and that same be numbered Resolution 19447.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

Proposed resolution (R-33 -07) by the Council:

BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, TASK ORDER NUMBER 1 TO RFP 07-023A CITIZEN SURVEY AND FOCUS GROUP SERVICES, OFFICE OF THE MAYOR, BETWEEN THE CITY OF BOISE CITY AND NORTHWEST RESEARCH GROUP; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by JORDAN that the proposed resolution (R-33-07) be adopted and that same be numbered Resolution 19448.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

Proposed resolution (R-34-07) by the Council:

BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, RATIFICATION AND CONFIRMATION OF EMERGENCY 07-CON-094; REPLACE A FAILING COOLING TOWER FOR COMPUTER SERVER ROOM, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND TOTAL SYSTEM SERVICES, INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by JORDAN that the proposed resolution (R-34-07) be adopted and that same be numbered Resolution 19449.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

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Councilmember CLEGG requested unanimous consent that all ordinances on first reading be read by number and title only and filed for the Second Reading Calendar.

Unanimous consent was granted.

Proposed ordinance (O-3-07) by the Council:

BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: AN ORDINANCE (CAR05-00056/DA/MIKE HOMAN FOR PROPERTY LOCATED AT 4041 N. EDELWEISS STREET) AMENDING ZONING CLASSIFICATIONS FO THE CITY OF BOISE CITY TO CHANGE THE CLASSIFICATION OF REAL PROPERTY PARTICULARLY DESCRIBED IN SECTION ONE OF THIS ORDINANCE FROM A-1 (OPEN LAND) TO R-1B-DA (SINGLE FAMILY RESIDENTIAL WITH A DEVELOPMENT AGREEMENT); SETTING FORTH FINDINGS OF FACT IN SUPPORT OF SUCH ZONE CHANGE; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Proposed ordinance (O-4-07) by the Council:

BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: AN ORDINANCE AMENDING BOISE CITY CODE TITLE 8, CHAPTER 11, SECTION 6.03 TO ELIMINATE THE SOUTHWEST INTERCEPTOR FEE; AMENDING TITLE 8, CHAPTER 11, SECTION 7.01 TO INCREASE THE RESIDENTIAL TRUNK CONNECTION FEES, RESIDENTIAL TREATMENT CONNECTION FEES, THE COMMERCIAL CONNECTION FEES, EQUIVALENT ASSESSMENT FEES AND PUBLIC SERVICE LINE FEES AND TO ELIMINATE THE SOUTHWEST INTERCEPTOR FEES; ENACTING TITLE 8, CHAPTER 11, SECTION 7.03(I) TO ESTABLISH A DECANT FACILITY SERVICE FEE; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Proposed ordinance (O-5-07) by the Council:

BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: AN ORDINANCE (CAR06-00059/LG INVESTMENTS, LLC. FOR PROPERTY LOCATED AT 1330 S. DIVISION) AMENDING ZONING CLASSIFICATIONS OF THE CITY OF BOISE CITY TO CHANGE THE CLASSIFICATION OF REAL PROPERTY PARTICULARLY DESCRIBED IN SECTION ONE OF THIS ORDINANCE FROM R-2 (COMBINED RESIDENTIAL) AND R-1C (SINGLE FAMILY RESIDENTIAL) TO R-3D (MULTI-FAMILY RESIDENTIAL WITH DESIGN REVIEW OVERLAY); SETTING FORTH FINDINGS OF FACT IN SUPPORT OF SUCH ZONE

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CHANGE; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Proposed ordinance (O-6-07) by the Council:

BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: AN ORDINANCE (CAR06-00052/ALEX GALENKO FOR PROPERTY LOCATED AT 12242 W. GINGER CREEK) AMENDING ZONING CLASSIFICATIONS OF THE CITY OF BOISE CITY TO CHANGE THE CLASSIFICATION OF REAL PROPERTY PARTICULARLY DESCRIBED IN SECTION ONE OF THIS ORDINANCE FROM R-1A (SINGLE FAMILY RESIDENTIAL) TO R-1B (SINGLE FAMILY RESIDENTIAL); SETTING FORTH FINDINGS OF FACT IN SUPPORT OF SUCH ZONE CHANGE; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Proposed ordinance (O-7-07) by the Council:

BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: AN ORDINANCE (CAR06-00042/QUASAR DEVELOPMENT FOR PROPERTY LOCATED AT 916 E. PARK BOULEVARD) AMENDING ZONING CLASSIFICATIONS OF THE CITY OF BOISE CITY TO CHANGE THE CLASSIFICATION OF REAL PROPERTY PARTICULARLY DESCRIBED IN SECTION ONE OF THIS ORDINANCE FROM C-3D (SERVICE COMMERCIAL WITH DESIGN REVIEW TO R-OD (RESIDENTIAL OFFICE WITH DESIGN REVIEW); SETTING FORTH FINDINGS OF FACT IN SUPPORT OF SUCH ZONE CHANGE; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Proposed ordinance (O-8-07) by the Council:

BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: AN ORDINANCE (CAR06-00036/THERRIN ROBERTSON FOR PROPERTY LOCATED AT 5103 W. BETHEL STREET) AMENDING ZONING CLASSIFICATIONS OF THE CITY OF BOISE CITY TO CHANGE THE CLASSIFICATION OF REAL PROPERTY PARTICULARLY DESCRIBED IN SECTION ONE OF THIS ORDINANCE FROM C-2D (GENERAL COMMERCIAL WITH DESIGN REVIEW OVERLAY) TO M-1D (LIMITED INDUSTRIAL WITH DESIGN REVIEW OVERLAY); SETTING FORTH FINDINGS OF FACT IN SUPPORT OF SUCH ZONE CHANGE; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Morrison Park Condominiums SUB06-00106 Preliminary and Final Plat, Boise City Subdivision, was before Mayor and Council.

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Councilmember CLEGG requested unanimous consent that Morrison Park Condominiums SUB06-00106 Preliminary and Final Plat be withdrawn per the applicant's request.

Unanimous consent was granted.

Mayor BIETER announced that this was the time and place set for a public hearing on CUP06-00090/Appeal/Mellin Properties, LTD PTR appeal of the Planning and Zoning Commission's decision to approve request by Idaho Power Company for Conditional Use permit to expand an existing substation and for a height exception to construct a 138 kV overhead sub-transmission line, the power poles will not exceed 90' high. The sub-transmission line will run north from the existing substation located at 2398 S. Maple Grove Road along the east right-of-way of Maple Grove to Franklin Road it will then run west along Franklin Road on the north right-of-way to connect with the existing sub-transmission line.

Councilmember CLEGG requested unanimous consent that CUP06-00090/Appeal/Mellin Properties, LTD PTR be withdrawn per the appellant's request.

Unanimous consent was granted.

Molly Hardy, Consent to Vacate Easement and Partial Plat Note, SOS06-00019, Boise City Subdivision, was before Mayor and Council.

David Abo, Planning and Development Services, presented the staff report.

Moved by CLEGG and seconded by EBERLE that Molly Hardy, Consent to Vacate Easement and Partial Plat Note, SOS06-00019 be granted as requested subject to conditions stated in staff.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

Roosevelt Corner Condominiums SUB06-00099 Preliminary Plat, Boise City Subdivision, was before Mayor and Council.

David Abo, Planning and Development Services, presented the staff report.

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Moved by CLEGG and seconded by EBERLE that Roosevelt Corner Condominiums SUB06-00099 Preliminary Plat, Boise City Subdivision be granted as requested subject to conditions stated in staff report.

Roll call on the motion resulted as follows:
YEAS: CLEGG, EBERLE, JORDAN and SHEALY. NAYS: TIBBS.
ABSTAIN: BISTERFELDT.

Motion carried.

Tenth and Main Condominiums SUB06-00103 Preliminary and Final Plat, Boise City Subdivision, was before Mayor and Council.

David Abo and Hal Simmons, Planning and Development Services, presented the staff report.

Gary Christensen, 950 W. Bannock Street, applicant representative, addressed the Council in support of the condominiums.

Moved by CLEGG and seconded by EBERLE that Tenth and Main Condominiums SUB06-00103 Preliminary and Final Plat, Boise City be granted as requested subject to conditions stated in staff report.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

Mayor BIETER announced that this was the time and place set for a public hearing on CAR06-00032/Depot Bench Neighborhood Association request for approval for an amendment to the Boise City Comprehensive Plan to adopt the Depot Bench Neighborhood Plan by reference for approximately 985 acres of property, bounded by Crescent Rim Drive, Federal Way, Overland Road and Roosevelt Street. The Neighborhood Plan outlines long range goals and policies for the future development of the neighborhood.

Lance Evans, Planning and Development Services, presented the staff report.

Karen Marker, 1008 Glen Haven, applicant representative; Kay Reed, 3200 Agate Court, applicant representative; Karen Lockhart, 3606 Talare Drive, applicant representative; Jim Pickett, 3501 Windsor Drive; Tim Luke,

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3401 Morris Hill Road; Cindy Roberts, 2905 Gem Street; Michelle Crawforth, 3220 Crescent Rim Drive and Laura Lyda, 3314 Morris Hill Road, addressed the Council in support of the amendment.

Mayor BIETER announced that the public hearing was closed.

Moved by EBERLE and seconded by JORDAN that CAR06-00032/Depot Bench Neighborhood Association request for approval for an amendment to the Boise City Comprehensive Plan to adopt the Depot Bench Neighborhood Plan by reference for approximately 985 acres of property, bounded by Crescent Rim Drive, Federal Way, Overland Road and Roosevelt Street be remanded back to staff to work with the neighborhood representatives to re-structure the language to meet the standards of a comprehensive plan, meaning: the words should guide an ordinance making, not supersede an ordinance; to remove pejorative language; to identify which goals are not controlled by ordinance and which are, and particularly the language of the Ada County Highway District (ACHD) and schools needs to be revetted; place where possible language in the positive, rather than the negative, and then when you get down to the hard nuts, if the neighborhood association absolutely feels that their plan is direct contradiction of ordinances, then identify those as a possible overlay district; and that it come back to Council within 90 days.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

RECESS: 8:30 P.M.

RECONVENE: 8:40 P.M.

Mayor BIETER announced that this was the time and place set for a public hearing on CAR06-00064/Annexation/Phil Bennett request for approval for annexation of +/-1.06 acres located at 7775 W. Hill Road with a zoning designation of R-1C (Single Family Residential) and Outdoor Terrace Subdivision SUB06-00097 Preliminary Plat, Boise City (proposed single family residential subdivision with four buildable lots and two common lots on approximately 1.06 acres located on the south side of W. Hill Road, west of Gary Lane.

Hal Simmons, Planning and Development Services, presented the staff report.

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Amy Woodruff, 17 12th Avenue South, Nampa, applicant representative; Evelyn Grime, 720 Idaho Street, applicant representative; Zach Wilcox, 7556 Willow Creek Drive; Philip Bennett, 7775 W. Hill Road, applicant and Patricia Bennett, 5683 N. Cattail Way, addressed the Council in support of the annexation and subdivision.

Eugene Pullman, 7597 Hill Road and Maureen Sellers, 8053 Hill Road, addressed the Council in opposition of the annexation and subdivision.

Dave Hanneman, Fire Department, answered the Council's questions.

Mayor BIETER announced that the public hearing was closed.

Moved by JORDAN and seconded by EBERLE that CAR06-00064/Annexation/Phil Bennett request for approval for annexation of +/-1.06 acres located at 7775 W. Hill Road with a zoning designation of R-1C (Single Family Residential) be approved, but to include a development agreement that limits this parcel to 4 units.

Roll call on the motion resulted as follows:
YEAS: CLEGG, EBERLE, JORDAN, SHEALY and TIBBS. NAYS:
BISTERFELDT.

Motion carried.

Moved by JORDAN and seconded by CLEGG that Outdoor Terrace Subdivision SUB06-00097 Preliminary Plat, Boise City be granted as requested in the staff report, with the additional conditions that both a plat note and a posting of the possibility of street extension be included in the development, and that the applicant prior to returning with the final plat, have solved the emergency access, most likely through the pathway area with the Fire Department and the Fire Department has approved that emergency access.

Roll call on the motion resulted as follows:
YEAS: CLEGG, EBERLE, JORDAN, SHEALY and TIBBS. NAYS:
BISTERFELDT.

Motion carried.

There being no further business the meeting adjourned at 9:35 o'clock P.M.

APPROVE :

MAYOR

ATTEST :

CITY CLERK