

FEBRUARY 6, 2007

BOISE, IDAHO
FEBRUARY 6, 2007

Council met in regular session Tuesday, February 6, 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 Tim Bridgewater, Park Center Assembly of God Church.

Moved by BISTERFELDT and seconded by EBERLE that the minutes from the January 30, 2007, Boise City Council Work Session Meeting be approved.

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

Motion carried.

Moved by BISTERFELDT and seconded by EBERLE that the minutes from the January 30, 2007, Boise City Council Meeting be approved.

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

Motion carried.

Mayor BIETER announced that this was the time and place set for the presentation regarding the 2009 Special Olympics World Winter Games.

Jim Grossman and Gary Hunter, Special Olympics Board of Directors, gave Council the presentation regarding the 2009 Special Olympics World Winter Games.

Moved by CLEGG and seconded by TIBBS that the Boise City Checks No. 238851 thru 239312 in the total amount of \$1,489,543.28 as of January 31, 2007 be approved.

FEBRUARY 6, 2007

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

Motion carried.

The Bid Results for F/B 07-069: Conventional Grain Drill, Public Works Department were before Mayor and Council as enumerated in staff report dated January 25, 2007.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that F/B 07-069 be awarded to the lowest responsive and responsible bidder, Schlofman Tractor, in a total amount not to exceed \$45,114.

Moved by CLEGG and seconded by TIBBS that the recommendations be followed and the bid be awarded to Schlofman Tractor, in the total contract not to exceed \$45,114.

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

Motion carried.

The Bid Results for F/B 07-073: Zoo Boise Generator, Parks and Recreation Department were before Mayor and Council as enumerated in staff report dated January 22, 2007.

RECOMMENDATION: The Purchasing Division concurs with Parks and Recreation Department in recommending that F/B 07-073 be awarded to the lowest responsive and responsible bidder, Smith Power Products, in a total amount not to exceed \$42,644.

Moved by CLEGG and seconded by TIBBS that the recommendations be followed and the bid be awarded to Smith Power Products, in the total contract amount of \$42,644, 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.

FEBRUARY 6, 2007

The Bid Results for Approval of Sole Source Purchase, 07-CON-108: Replacement of West Boise Influent Pumps No. 1 and 2 Impellers (WBP039), Public Works Department were before Mayor and Council as enumerated in staff report dated January 26, 2007.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that 07-CON-108 a Sole Source contract to Davidson Sales, in a total amount not to exceed \$68,000.00.

Moved by CLEGG and seconded by TIBBS that the recommendations be followed and the sole source be Davidson Sales, in the total contract amount not to exceed \$68,000.00.

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

Motion carried.

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

- a) Wanda Dowd, Property Damage

Moved by CLEGG and seconded by TIBBS 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 March 6, 2007, in Council Chambers be confirmed for a public hearing on:

- a) 2007 Boise Municipal Irrigation District (BMID) Assessment, Mayor and Council sitting as Board of Correction to hear and correct assessments levied for operation and maintenance of the Boise City Municipal Irrigation System for the 2007 irrigation season.

Moved by CLEGG and seconded by TIBBS that March 6, 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:

- a) Employee Health Plan Trust Trustees Minutes, December 27, 2006
- b) Sole Source Purchase: Public Works Department - West Boise Influent Pumps No. 1 & 2 Impellers (WBP039)

Moved by CLEGG and seconded by TIBBS 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-56-07) 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, A RENEWAL OF RFP 04-090B; BODY REPAIR AND PAINT FOR CITY VEHICLES, BOISE POLICE DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND HAROLD'S AUTO BODY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by TIBBS that the proposed resolution (R-56-07) be adopted and that same be numbered Resolution 19470.

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

Motion carried.

Proposed resolution (R-57-07) by the Council:

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

FEBRUARY 6, 2007

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, A RENEWAL OF RFP 04-090A; BODY REPAIR AND PAINT FOR CITY VEHICLES, BOISE POLICE DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND CUSTOM COLLISION, INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by TIBBS that the proposed resolution (R-57-07) be adopted and that same be numbered Resolution 19471.

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

Motion carried.

Proposed resolution (R-58-07) 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 GRANTING OF A SANITARY SEWER LINE EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF LAKEMORE FORCE MAIN; RATIFYING THE MAYOR AND CITY CLERK'S EXECUTION AND ATTESTATION OF SAID RIGHT-OF-WAY CONTRACT ON BEHALF OF BOISE CITY; APPROVING THE GRANT OF EASEMENT TO THE EAGLE SEWER DISTRICT; ACCEPTING PAYMENT FOR THE GRANTING OF THE SANITARY SEWER EASEMENT; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by TIBBS that the proposed resolution (R-58-07) be adopted and that same be numbered Resolution 19472.

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

Motion carried.

Proposed resolution (R-59-07) by the Council:

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

Titled: A RESOLUTION APPROVING AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN BOISE CITY (DEPARTMENT OF AVIATION AND PUBLIC TRANSPORTATION) AND BUSS AUTOMOTIVE, LLC AND BUSS MECHANICAL SERVICES, INC., FOR THE LEASE OF CERTAIN PREMISES UPON BOISE AIR TERMINAL (GOWEN FIELD); AUTHORIZING THE MAYOR

FEBRUARY 6, 2007

AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by TIBBS that the proposed resolution (R-59-07) be adopted and that same be numbered Resolution 19473.

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

Motion carried.

Proposed resolution (R-60-07) by the Council:

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

Titled: A RESOLUTION APPROVING AN AMENDMENT NUMBER TWO TO THE LEASE AGREEMENT BETWEEN BOISE CITY (DEPARTMENT OF AVIATION AND PUBLIC TRANSPORTATION) AND WESTERN AIRCRAFT INC. FOR THE LEASE OF CERTAIN PREMISES UPON BOISE AIR TERMINAL (GOWEN FIELD); AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by TIBBS that the proposed resolution (R-60-07) be adopted and that same be numbered Resolution 19474.

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

Motion carried.

Proposed resolution (R-61-07) by the Council:

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

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST A RELEASE AND SATISFACTION OF A SEWER REIMBURSEMENT AGREEMENT WITH BASALT BLUFFS DEVELOPMENT, LLC FOR THE EXTENSION OF SEWER TO SERVE THE BASALT BLUFFS SUBDIVISION; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by TIBBS that the proposed resolution (R-61-07) be adopted and that same be numbered Resolution 19475.

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

FEBRUARY 6, 2007

Motion carried.

Proposed resolution (R-62-07) by the Council:

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

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST A RELEASE AND SATISFACTION OF A SEWER REIMBURSEMENT AGREEMENT WITH BARBER FAMILY PARTNERSHIP, L.P., MARTY CHAMBERLANGO, AND RICHARD HENDERSON FOR THE EXTENSION OF SEWER TO SERVE THE CALISTOGA SUBDIVISION; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by TIBBS that the proposed resolution (R-62-07) be adopted and that same be numbered Resolution 19476.

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

Motion carried.

Proposed resolution (R-63-07) by the Council:

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

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST A RELEASE AND SATISFACTION OF A SEWER REIMBURSEMENT AGREEMENT WITH LIBERTY DEVELOPMENT, INC. FOR THE EXTENSION OF SEWER TO SERVE THE DEVONSHIRE PLACE NO. 1 SUBDIVISION; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by TIBBS that the proposed resolution (R-63-07) be adopted and that same be numbered Resolution 19477.

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

Motion carried.

Proposed resolution (R-64-07) by the Council:

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

FEBRUARY 6, 2007

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST A RELEASE AND SATISFACTION OF A SEWER REIMBURSEMENT AGREEMENT WITH MATRIX CONSTRUCTION, INC. FOR THE EXTENSION OF SEWER TO SERVE THE SOUTHPARK SUBDIVISION; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by TIBBS that the proposed resolution (R-64-07) be adopted and that same be numbered Resolution 19478.

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

Motion carried.

Proposed resolution (R-65-07) by the Council:

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

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST A RELEASE AND SATISFACTION OF A SEWER REIMBURSEMENT AGREEMENT WITH INDEPENDENT DEVELOPMENT COMPANY, LLC FOR THE EXTENSION OF SEWER TO SERVE THE EMMA'S CORNER SUBDIVISION; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by TIBBS that the proposed resolution (R-65-07) be adopted and that same be numbered Resolution 19479.

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

Motion carried.

Councilmember TIBBS requested unanimous consent to pull proposed resolutions (R-66-07) and (R-67-07) from tonight's Council Consent agenda.

Unanimous consent was granted.

Proposed resolution (R-66-07) by the Council:

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

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST A RELEASE AND SATISFACTION OF A SEWER REIMBURSEMENT AGREEMENT WITH

FEBRUARY 6, 2007

INDEPENDENT DEVELOPMENT COMPANY, LLC FOR THE EXTENSION OF SEWER TO SERVE THE EMMA'S CORNER SUBDIVISION; AND PROVIDING AN EFFECTIVE DATE.

Proposed resolution (R-67-07) by the Council:

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

Titled: A RESOLUTION APPROVING AN AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS DEPARTMENT) AND SANITARY SERVICES COMPANY FOR THE LEASE OF THE BOISE CITY ENVIROGUARD HAZARDOUS MATERIALS COLLECTION VEHICLES FOR USE AT CITY OF MERIDIAN HAZARDOUS WASTE COLLECTION EVENTS; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE.

Proposed resolution (R-68-07) by the Council:

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

Titled: A RESOLUTION APPROVING RENEWAL OF THE HOUSEHOLD AND CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR HAZARDOUS MATERIAL COLLECTION SERVICE AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS DEPARTMENT), ADA COUNTY AND CLEAN HARBORS EL DORADO, LLC TO PROVIDE HAZARDOUS MATERIAL COLLECTION, PACKAGING, TRANSPORTATION, STORAGE, RECYCLING, TREATMENT AND DISPOSAL SERVICES; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT RENEWAL ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by TIBBS that the proposed resolution (R-68-07) be adopted and that same be numbered Resolution 19480.

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

Motion carried.

Proposed resolution (R-69-07) by the Council:

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

Titled: A RESOLUTION DECLARING THE RETIREMENT OF POLICE CANINE THOR; AUTHORIZING THE DONATION OF POLICE CANINE THOR TO HIS HANDLER; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by TIBBS that the proposed resolution (R-69-07) be adopted and that same be numbered Resolution 19481.

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

Motion carried.

Proposed resolution (R-70-07) by the Council:

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

Titled: A RESOLUTION APPROVING THE BUDGET ESTIMATE OF THE FUNDS NECESSARY FOR THE EXPENSES OF MAINTAINING, OPERATING, IMPROVING, EXTENDING AND ENLARGING THE CITY OF BOISE MUNICIPAL IRRIGATION SYSTEM FOR FISCAL YEAR 2007; APPROVING THE APPORTIONMENT OF THE BUDGET ESTIMATE TO BENEFITED PROPERTIES WITHIN THE SYSTEM; SETTING A DATE FOR THE COUNCIL TO SIT AS AN IRRIGATION BOARD OF CORRECTION; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by TIBBS that the proposed resolution (R-70-07) be adopted and that same be numbered Resolution 19482.

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

Motion carried.

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-13-07) by the Council:

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

Titled: AN ORDINANCE AMENDING BOISE CITY CODE TITLE 5, CHAPTER 5, SECTION 15 PERTAINING TO ALCOHOLIC BEVERAGE CATERING PERMITS TO REMOVE FROM THE VIOLATIONS SECTION THE REQUIREMENT THAT ALL BEVERAGES BE SERVED IN PAPER OR PLASTIC CONTAINERS; RENUMBERING THE REMAINING SECTIONS; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

FEBRUARY 6, 2007

Proposed ordinance (O-14-07) by the Council:

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

Titled: AN ORDINANCE AMENDING TITLE 1, CHAPTER 2, BOISE CITY CODE: TO CLARIFY THAT THE CITY COUNCIL MAY APPOINT ADMINISTRATIVE STAFF IN ACCORDANCE WITH THE CITY'S PERSONNEL PROCEDURES AND WITHIN BUDGETED APPROPRIATIONS; THAT ADMINISTRATIVE STAFF ARE DESIGNATED EMPLOYEES AT-WILL; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

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

Unanimous consent was granted.

Proposed ordinance (O-10-07) by the Council:

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

Titled: AN ORDINANCE (CAR01-00020/BRUCE BLASER FOR PROPERTY LOCATED AT 11794 W. BRONTE WAY) 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 A (OPEN) TO R-1C (SINGLE FAMILY RESIDENTIAL); SETTING FORTH FINDINGS OF FACT IN SUPPORT OF SUCH ZONE CHANGE; AND PROVIDING AN EFFECTIVE DATE, was read for the second time.

Proposed ordinance (O-11A-07) by the Council:

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

Titled: AN ORDINANCE TO RENUMBER BOISE CITY CODE TITLE 9, CHAPTER 14 AS BOISE CITY CODE TITLE 13, CHAPTER 3; TO ADD DEFINITIONS; TO GRANT THE CITY CLERK AUTHORITY TO ISSUE PERMITS FOR THE USE OF FIREWORKS WITHIN ANN MORRISON PARK, SUBJECT TO PRIOR COMMISSION REVIEW AND APPROVAL; TO CLARIFY AND CONSOLIDATE THE PROVISIONS REGARDING POSSESSION OF BEER AND WINE IN PARKS; TO CORRECT TYPOGRAPHICAL ERRORS; TO ALLOW NIGHT PARKING BY PERMIT IN DESIGNATED AREAS; TO CHANGE THE REVIEW PROCESS FOR PROPOSED EASEMENTS ON PARK PROPERTY; TO CHANGE THE MAXIMUM FINE FOR A VIOLATION OF THE CHAPTER FROM THREE HUNDRED DOLLARS (\$300.00) TO ONE THOUSAND DOLLARS

(\$1000.00) TO CONFORM WITH MISDEMEANOR PENALTIES PRESCRIBED BY STATE LAW AND OTHER SIMILAR PROVISIONS OF THE BOISE CITY CODE; AND PROVIDING AN EFFECTIVE DATE, was read for the second time.

Proposed ordinance (0-12-07) by the Council:

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

Titled: AN ORDINANCE APPROVING THE EXCHANGE OF APPROXIMATELY 13,810+/- SQUARE FEET (0.32 ACRES) OF REAL PROPERTY BELONGING TO THE CITY OF BOISE AND LOCATED ON FRONT STREET BETWEEN FIFTH AND SIXTH STREETS, BOISE, ADA COUNTY, IDAHO, FOR FOUR UNDEVELOPED LOTS LOCATED IN A.O. MILLER'S ADDITION BOISE, ADA COUNTY, IDAHO, AND BELONGING TO THE URBAN RENEWAL AGENCY OF BOISE CITY, IDAHO, AKA CAPITAL CITY DEVELOPMENT CORPORATION, A TAX SUPPORTED GOVERNMENTAL UNIT; REAFFIRMING A PREVIOUS FINDING THAT THE CITY-OWNED PROPERTY IS UNDERUTILIZED AND NOT BEING USED FOR PUBLIC PURPOSES; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE, was read for the second time.

Moved by CLEGG and seconded by TIBBS that further reading of (0-9-07) be dispensed with and the record show that it has been read the third time in full.

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

Motion carried.

Proposed ordinance (0-9-07) by the Council:

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

Titled: AN ORDINANCE AMENDING BOISE CITY CODE TITLE 5, CHAPTER 6, SECTIONS 1 AND 16 PERTAINING TO SIDEWALK CAFES TO PROVIDE SPECIFIC HOURS OF OPERATION AND TO INCLUDE ADDITIONAL VIOLATIONS, APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE, was read for the third time.

Moved by CLEGG and seconded by EBERLE that the proposed ordinance (0-9-07) be passed and that the same be numbered Ordinance 6537.

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

FEBRUARY 6, 2007

Motion carried.

Councilmember CLEGG requested unanimous consent that Newcastle Heights Condominium No. 1 SUB06-00076 Preliminary and Final Plat and Newcastle Heights Condominium No. 2 SUB06-00077 Preliminary and Final Plat be deferred for one week to February 13, 2007.

Unanimous consent was granted.

Dave Evans, SOS06-00021, Vacation of Easement and Partial Plat Subdivision, was before Mayor and Council.

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

Moved by CLEGG and seconded by EBERLE that Dave Evans, SOS06-00021, Vacation of Easement and Partial Plat Subdivision 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.

Pender Village Condominiums SUB05-00037 Bonding Time Extension Subdivision, was before Mayor and Council.

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

Moved by CLEGG and seconded by EBERLE that Pender Village Condominiums SUB05-00037 Bonding Time Extension 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.

Amalia Place Condominiums SUB06-00105 Preliminary Plat Subdivision, was before Mayor and Council.

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

FEBRUARY 6, 2007

Moved by CLEGG and seconded by EBERLE that Amalia Place Condominiums SUB06-00105 Preliminary Plat 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.

Moorgate Square Subdivision SUB06-00107 Preliminary Plat Subdivision, was before Mayor and Council.

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

Sabrina Whitehead, 1800 W. Overland Road, applicant representative, addressed the Council in support of the subdivision.

Mike Kaltenecker, 6600 Saxton Avenue, addressed the Council in opposition to the subdivision.

Moved by CLEGG and seconded by JORDAN that Moorgate Square Subdivision SUB06-00107 Preliminary Plat be granted as requested subject to conditions stated in staff report with the amended street sections.

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

Motion carried.

RECESS: 7:20 P.M.

RECONVENE: 7:25 P.M.

Mayor BIETER announced that this was the time and place set for a public hearing on CAR06-00030/Zoning Ordinance Amendment/Boise State University request for approval of a Zoning Ordinance Amendment to Chapter 11-04-11 University District, 11-10-06 Off-Street Parking Requirements and 11-10-08 Interim Parking Lots, to modernize and streamline the zoning ordinance to better accommodate the future uses of the Boise State University.

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

FEBRUARY 6, 2007

Whitney Raerick, Stacy Pearson, James McGuire and Jared Everett, 1910 University Drive, applicant representatives and Charles Trainer, 800 South Industry Way, Suite 100, Meridian, ID, Community Planning Association, addressed the Council in support of the amendment.

Fred Fritchman, 1321 Denver Avenue, Southeast Neighborhood Association representative, addressed the Council in opposition to the amendment.

Mayor BIETER announced that the public hearing was closed.

Moved by JORDAN and seconded by SHEALY that CAR06-00030/Zoning Ordinance Amendment/Boise State University request for approval of a Zoning Ordinance Amendment to Chapter 11-04-11 University District, 11-10-06 Off-Street Parking Requirements and 11-10-08 Interim Parking Lots, to modernize and streamline the zoning ordinance to better accommodate the future uses of the Boise State University be approved with the additions: that all interim lots are brought into compliance with this University District within 18 months or July 1, 2009; and, to re-extend the three hundred foot administrative review to the boundaries surrounding the University Neighborhood.

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

Motion carried.

RECESS: 8:50 P.M.

RECONVENE: 8:55 P.M.

Mayor BIETER announced that this was the time and place set for a public hearing on CAR06-00045/Rezone/Conger Management Group request for approval for a rezone of +/-5 acres located at 10121 W. Overland Road from A-1 (Open Land) to N-OD (Neighborhood Office with Design Review); CUP06-00099/Appeal/W.L. Overland, LLC appeal of the Planning and Zoning Commissions denial of their request for a Conditional Use Permit to construct a Mixed-Use Planned Development consisting of 32 residential units and 2 office lots on +/-5 acres located at 10121 W. Overland Road in a proposed N-OD (Neighborhood Office with Design Review) zone and Woodpark Subdivision SUB06-00070 Preliminary Plat, Boise City (proposed mixed use subdivision with 32 residential townhouse lots, two commercial lots and four common lots on 5.02 acres with a density of 6.4 dwelling units per acre

located on the south side of W. Overland Road between W. Countryman Drive and S. Goldking Way at the eastern terminus of W. Southerland Drive.

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

Doug Strickling, Legal Department, answered the Council's questions.

Scott Beecham, 405 S. 8th Street, applicant representative and William Whitehead, 280 N. 8th Street, addressed the Council in support of the rezone.

Joyce Barcus, 10324 W. Southerland Drive, Southwest Ada County Alliance representative; Richard Mickey, 1661 S. Bent Rock Avenue; Wayne Kenning, 10266 Southerland Drive and Betty Bermensolo, 1970 Canonero Way, addressed the Council in opposition to the rezone.

Shawn Martin, Ada County Highway District (ACHD), answered the Council's questions.

Mayor BIETER announced that the public hearing was closed.

Moved by JORDAN and seconded by CLEGG that CAR06-00045/Rezone/Conger Management Group request for approval for a rezone of +/-5 acres located at 10121 W. Overland Road from A-1 (Open Land) to N-OD (Neighborhood Office with Design Review) be approved.

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

Tie vote, Mayor BIETER votes NAY.

Motion fails.

There being no further business the meeting adjourned at 10:35 o'clock P.M.

APPROVE:

MAYOR

ATTEST:

108

FEBRUARY 6, 2007

CITY CLERK