

BOISE, IDAHO
FEBRUARY 13, 2007

Council met in regular session Tuesday, February 13, 2007, Council President ELAINE CLEGG, presiding.

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

Invocation was given by Pastor Chris Costa, University Baptist Church.

Moved by TIBBS and seconded by BISTERFELDT that the minutes from the February 6, 2007, Boise City Council Work Session Meeting be approved.

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

Motion carried.

Moved by TIBBS and seconded by BISTERFELDT that the minutes from the February 6, 2007, Boise City Council Meeting be approved.

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

Motion carried.

Councilmember BISTERFELDT requested unanimous consent that CUP06-00091/Appeal/Courly Development, LLC appeal of the Planning and Zoning Commission denial of a conditional use permit to construct a ten unit planned residential development on +/-2.04 acres located at 11801 and 11803 W. Florida Drive in a proposed R-1B (Single Family Residential with a maximum allowable density of 4.8 units per acre) zone be deferred to February 20, 2007 to be heard with CAR06-00063.

Unanimous consent was granted.

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Council President CLEGG announced that this was the time and place set for the Reasons for Decision regarding DRH06-00197/Appeal/Mark and Teresa Tavelli.

Moved by SHEALY and seconded by TIBBS that the Reasons for Decision regarding DRH06-00197/Appeal/Mark and Teresa Tavelli be approved.

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

Motion carried.

Moved by TIBBS and seconded by BISTERFELDT that the Boise City Checks No. 239313 thru 239903 in the total amount of \$2,673,925.70 as of February 7, 2007 be approved.

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

Motion carried.

The Bid Results for F/B 07-065: New or Used Self Contained Breathing Apparatus Bottles, Boise Fire Department were before Mayor and Council as enumerated in staff report dated January 29, 2007.

RECOMMENDATION: The Purchasing Division concurs with Boise Fire Department in recommending that F/B 07-065 be awarded to the lowest responsive and responsible bidder, MES Northwest, in a total amount not to exceed \$90,000.00.

Moved by TIBBS and seconded by BISTERFELDT that the recommendations be followed and the bid be awarded to MES Northwest, in the total contract amount of \$90,000.00.

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

Motion carried.

The Bid Results for Authorization to Procure Pre-cast Restroom Facilities using Idaho State Contract No. BPO 1676, Purchasing Contract, 07-CON-115, Parks and Recreation Department were before Mayor and Council as enumerated in staff report dated February 7, 2007.

RECOMMENDATION: The Purchasing Division concurs with Parks and Recreation Department in recommending that 07-CON-115 be

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awarded to the lowest responsive and responsible bidder, CXT Precast Concrete Products, in a total amount not to exceed \$97,546.00.

Moved by TIBBS and seconded by BISTERFELDT that the recommendations be followed and the bid be awarded to Precast Concrete Products, in the total contract amount of \$97,546.00

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

Motion carried.

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

- a) Richard E. Johnson, Property Damage
- b) Lorna L. O'Brezar for Jeffery M. Prunier, Personal Injury

Moved by TIBBS and seconded by BISTERFELDT 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, SHEALY and TIBBS.

Motion carried.

The City Clerk requested March 13, 2007, in Council Chambers be confirmed for a public hearing on:

- a) CAR06-00080/Rezone/BUIE Communities, LLC requests approval to rezone +/- 11 acres located at 3313 N. Cole Road from C-1D (Neighborhood Commercial with Design Review) to C-2D (General Commercial with Design Review).
- b) CAR06-00075 and CAR06-00074/Annexation/Bonar Development Group requests approval for annexation of +/- 150.70 acres with a Development Agreement located at 6700 N. Bogus Basin Road with a zoning designation of R-1A (Single Family Residential).

Moved by TIBBS and seconded by BISTERFELDT that March 13, 2007 in Council Chambers be confirmed as requested.

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

Motion carried.

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

- a) CUP06-00109 and CVA06-00048/Appeal/Heather J. Summers is appealing the Planning and Zoning Commission decision to approve a Conditional Use Permit and associated Variance for a Planned Residential Development consisting of 15 residential units on +/- 2.03 acres located at 2504 and 2514 N. 26th Street and 2520 W. Sunset Avenue in an R-1C (Single Family Residential) zone.

Moved by TIBBS and seconded by BISTERFELDT that March 20, 2007 in Council Chambers be confirmed as requested.

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

Motion carried.

The City Clerk requested April 3, 2007, in Council Chambers be confirmed for a public hearing on:

- a) CAA06-00291/Appeal/The Salvation Army is appealing the Boise City Planning and Zoning Commission's denial of its appeal of the Planning Director's determination that its conditional use permit must be modified for property located at 1617 N. 24th Street in an R-1CH (Single Family Residential within a Historic District) zone.
- b) CAA06-00292/Appeal/The Booth Neighbors are appealing the Boise City Planning and Zoning Commission's denial of its appeal of Planning Director's determination regarding use issues for property located at 1617 N. 24th Street in an R-1CH (Single Family Residential within a Historic District) zone.

Moved by TIBBS and seconded by BISTERFELDT that April 3, 2007 in Council Chambers be confirmed as requested.

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Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, 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) Foothills Conservation Advisory Committee Minutes, December 6, 2006 and January 3, 2007
- b) Boise City Administrative Policy Group Minutes, January 8, 2007
- c) Boise Public Works Commission Minutes, December 14, 2006
- d) Boise City Building Construction Report, Fiscal Report, Oct. 2006-Jan. 2007
- e) Boise City Building Construction Report, January 2007
- f) Ada County Housing Authority Financial Statements, September 30, 2006
- g) Boise City Housing Authority Financial Statements, September 30, 2006

Moved by TIBBS and seconded by BISTERFELDT 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, SHEALY and TIBBS.

Motion carried.

Proposed resolution (R-55-07) by the Council:

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

Titled: A RESOLUTION APPROVING AN EASEMENT AND RIGHT-OF-WAY AGREEMENT, BY AND BETWEEN UNITED WATER IDAHO, INC., AND THE CITY OF BOISE CITY, BY AND THROUGH ITS DEPARTMENT OF PARKS AND RECREATION, CONSISTING OF A TWENTY (20) FOOT WIDE UNDERGROUND WATER LINE EASEMENT SITUATED IN THE W ½ OF THE SE ¼ OF SECTION 10, T3N, R2E, B.M., CITY OF BOISE, ADA COUNTY, IDAHO; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID EASEMENT ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by TIBBS and seconded by BISTERFELDT that the proposed resolution (R-55-07) be adopted and that same be numbered Resolution 19483.

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

Motion carried.

Proposed resolution (R-72-07) by the Council:

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

Titled: A RESOLUTION APPROVING A HOME LOAN AND REGULATORY AGREEMENT BETWEEN THE CITY OF BOISE CITY, THROUGH THE DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES, AND BOISE VALLEY HABITAT FOR HUMANITY, INC., FOR THE USE OF HOME INVESTMENT PARTNERSHIP PROGRAM FUNDS FOR DEVELOPMENT OF AN AFFORDABLE HOMEOWNERSHIP SINGLE-FAMILY UNIT LOCATED AT 1410 SOUTH WARDLE STREET, BOISE; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by TIBBS and seconded by BISTERFELDT that the proposed resolution (R-72-07) be adopted and that same be numbered Resolution 19484.

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

Motion carried.

Proposed resolution (R-73-07) by the Council:

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

Titled: A RESOLUTION APPROVING A HOME LOAN AND REGULATORY AGREEMENT BETWEEN THE CITY OF BOISE CITY, THROUGH THE DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES, AND BOISE VALLEY HABITAT FOR HUMANITY, INC., FOR THE USE OF HOME INVESTMENT PARTNERSHIP PROGRAM FUNDS FOR DEVELOPMENT OF AFFORDABLE HOMEOWNERSHIP SINGLE-FAMILY UNITS LOCATED AT 7950 WEST PREECE DRIVE, BOISE; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by TIBBS and seconded by BISTERFELDT that the proposed resolution (R-73-07) be adopted and that same be numbered Resolution 19485.

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

Motion carried.

Proposed resolution (R-74-07) 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 THURMAN MILL DITCH COMPANY, LTD FOR A SEWER LINE CROSSING OVER THE THURMAN MILL DITCH; 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 TIBBS and seconded by BISTERFELDT that the proposed resolution (R-74-07) be adopted and that same be numbered Resolution 19486.

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

Motion carried.

Proposed resolution (R-75-07) 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 DRAINAGE DISTRICT NO. 4 FOR A SEWER LINE CROSSING OVER THE THURMAN DRAIN; 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 TIBBS and seconded by BISTERFELDT that the proposed resolution (R-75-07) be adopted and that same be numbered Resolution 19487.

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

Motion carried.

Proposed resolution (R-76-07) 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, A RENEWAL OF RFP

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03-031; ZOO BOISE SECURITY SERVICES, ZOO BOISE, BETWEEN THE CITY OF BOISE AND IDAHO RANGERS SECURITY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by TIBBS and seconded by BISTERFELDT that the proposed resolution (R-76-07) be adopted and that same be numbered Resolution 19488.

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

Motion carried.

Proposed resolution (R-77-07) 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 21 TO RFP 05-084B; MISCELLANEOUS CIVIL ENGINEERING SERVICES, PUBLIC WORKS DEPARTMENT , BETWEEN THE CITY OF BOISE CITY AND J-U-B ENGINEERS, INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by TIBBS and seconded by BISTERFELDT that the proposed resolution (R-77-07) be adopted and that same be numbered Resolution 19489.

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

Motion carried.

Proposed resolution (R-78-07) by the Council:

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

Titled: A RESOLUTION APPROVING A REIMBURSEMENT AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS DEPARTMENT) AND MAX BOESIGER FOR THE EXTENSION OF SEWER TO SERVE THE CASCADING MEADOWS NO. 2 SUBDIVISION; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTIVE AND ATTEST SAID REIMBURSEMENT AGREEMENT ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by TIBBS and seconded by BISTERFELDT that the proposed resolution (R-78-07) be adopted and that same be numbered Resolution 19490.

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

Motion carried.

Proposed resolution (R-79-07) 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) DYVER DEVELOPMENT LLC. FOR THE OPERATION OF THE ASHBROOK SUBDIVISION PRESSURIZED IRRIGATION SYSTEM; 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 TIBBS and seconded by BISTERFELDT that the proposed resolution (R-79-07) be adopted and that same be numbered Resolution 19491.

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

Motion carried.

Proposed resolution (R-80-07) by the Council:

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

Titled: A RESOLUTION APPROVING AN ASSIGNMENT AND ASSUMPTION OF LEASE FROM NEW ALBERTSON'S, INC. TO JB SCOTT; APPROVING AN ASSIGNMENT AND ASSUMPTION OF LEASE FROM JB SCOTT TO ALSCOTT, INC.; APPROVING A LANDLORD'S ESTOPPEL CERTIFICATE; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST TO THE CONSENT PORTIONS OF THE ASSUMPTION AND ASSIGNMENT AGREEMENTS AND THE ESTOPPEL CERTIFICATE ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by TIBBS and seconded by BISTERFELDT that the proposed resolution (R-80-07) be adopted and that same be numbered Resolution 19492.

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

Motion carried.

Proposed resolution (R-81-07) by the Council:

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

Titled: A RESOLUTION APPROVING AN ASSIGNMENT AND ASSUMPTION OF LEASE FROM JB SCOTT TO NEW ALBERTSON'S, INC.; APPROVING A LANDLORD'S ESTOPPEL CERTIFICATE; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST TO THE CONSENT PORTION OF THE ASSUMPTION AND ASSIGNMENT AGREEMENT AND THE ESTOPPEL CERTIFICATE AND ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by TIBBS and seconded by BISTERFELDT that the proposed resolution (R-81-07) be adopted and that same be numbered Resolution 19493.

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

Motion carried.

Proposed resolution (R-82A-07) by the Council:

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

Titled: A RESOLUTION RATIFYING THE DEPARTMENT HEAD AND PURCHASING AGENT'S DECISION DECLARING SURPLUS ITEMS OF PERSONAL PROPERTY LOCATED AT 575 S. 13TH STREET IN BOISE INCLUDING BUT NOT LIMITED TO FURNITURE, EQUIPMENT AND MATERIALS; DECLARING SURPLUS THE PERSONAL PROPERTY LOCATED THEREIN; AND PROVIDING FOR AN EFFECTIVE DATE, was read in full.

Moved by TIBBS and seconded by BISTERFELDT that the proposed resolution (R-82A-07) be adopted and that same be numbered Resolution 19494.

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

Motion carried.

Proposed resolution (R-83-07) by the Council:

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

Titled: A RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT BETWEEN BOISE CITY (PLANNING AND DEVELOPMENT SERVICES) AND BRM FOUNDATION, INC. FOR THE PURCHASE BY BRM FOUNDATION OF THE REAL AND PERSONAL PROPERTY LOCATED AT 575 SOUTH 13TH STREET IN BOISE; AUTHORIZING THE MAYOR AND CITY

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

Moved by TIBBS and seconded by BISTERFELDT that the proposed resolution (R-83-07) be adopted and that same be numbered Resolution 19495.

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

Motion carried.

Mandelay Condominiums SUB05-00100 Final Plat Subdivision, Final Plat, was before Mayor and Council.

Moved by TIBBS and seconded by BISTERFELDT that Mandelay Condominiums SUB05-00100 Final Plat be granted as requested subject to conditions stated in staff.

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

Motion carried.

Monet Meadows (previously Farview Point Subdivision) SUB05-00115 Final Plat Subdivision, Final Plat, was before Mayor and Council.

Moved by TIBBS and seconded by BISTERFELDT that Monet Meadows (previously Farview Point Subdivision) SUB05-00115 Final Plat be granted as requested subject to conditions stated in staff.

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

Motion carried.

Baron Subdivision (redivision of Lot 1, Block 1 of the Northwest Passage Subdivision and portion of Lot 6 of Gary's Subdivision) SUB05-00116 Final Plat Subdivision, Final Plat, was before Mayor and Council.

Moved by TIBBS and seconded by BISTERFELDT that Baron Subdivision (redivision of Lot 1, Block 1 of the Northwest Passage Subdivision and portion of Lot 6 of Gary's Subdivision) SUB05-00116 Final Plat be granted as requested subject to conditions stated in staff.

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

Motion carried.

Councilmember SHEALY 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-15-07) by the Council:

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

Titled: AN ORDINANCE (CAR06-00029/DA/JACQUELINE AND DUSTON ROSE FOR PROPERTY LOCATED AT 8770 W. OVERLAND ROAD) 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-1C (SINGLE FAMILY RESIDENTIAL) TO C-1D/DA (NEIGHBORHOOD COMMERCIAL WITH DESIGN REVIEW OVERLAY AND 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-16-07) by the Council:

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

Titled: AN ORDINANCE (CAR06-00065/TYLER POND FOR PROPERTY LOCATED AT 2400 S. MAPLE GROVE 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 OVERLAY); PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE ADA COUNTY ASSESSOR, THE ADA COUNTY RECORDER, AND THE IDAHO STATE TAX COMMISSION, AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Proposed ordinance (O-18-07) by the Council:

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

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Titled: AN ORDINANCE DESCRIBING THE EXTERIOR BOUNDARIES AND ANNEXING THE ASHBROOK SUBDIVISION PRESSURIZED IRRIGATION SYSTEM INTO THE BOISE CITY MUNICIPAL IRRIGATION SYSTEM; PROVIDING FOR THE OPERATION OF THE ASHBROOK SUBDIVISION PRESSURIZED IRRIGATION SYSTEM BY THE CITY OF BOISE (PUBLIC WORKS DEPARTMENT); AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Councilmember SHEALY 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-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 second time.

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 second time.

Moved by SHEALY and seconded by TIBBS that further reading of (O-10-07), (O-11A-07), (O-12-07) and (O-17-07) be dispensed with and the record show that they have been read the third time in full.

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

Motion carried.

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

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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 third time.

Moved by SHEALY and seconded by TIBBS that the proposed ordinance (O-10-07) be passed and that the same be numbered Ordinance 6538.

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

Motion carried.

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 third time.

Moved by SHEALY and seconded by TIBBS that the proposed ordinance (O-11A-07) be passed and that the same be numbered Ordinance 6539.

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

Motion carried.

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Proposed ordinance (O-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 third time.

Moved by SHEALY and seconded by TIBBS that the proposed ordinance (O-12-07) be passed and that the same be numbered Ordinance 6540.

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

Motion carried.

Proposed ordinance (O-17-07) by the Council:

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

Titled: AN ORDINANCE (CAR05-57/CITY OF BOISE FOR PROPERTY LOCATED SOUTH AND WEST OF THE AIRPORT TO THE SOUTH OF GOWEN 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 A-2 (OPEN LAND) AND M-1D (LIMITED INDUSTRIAL WITH DESIGN REVIEW); PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE ADA COUNTY ASSESSOR, THE ADA COUNTY RECORDER, AND THE IDAHO STATE TAX COMMISSION, AS REQUIRED BY LAW; REPEALING ORDINANCE #6528; AND PROVIDING A WAIVER OF THE READING RULES; AND PROVIDING AN EFFECTIVE DATE, was read for the third time.

Moved by SHEALY and seconded by TIBBS that the proposed ordinance (O-17-07) be passed and that the same be numbered Ordinance 6541.

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

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Motion carried.

Newcastle Heights Condominium No. 1 SUB06-00076 Preliminary and Final Plat Subdivision and Newcastle Heights Condominium No. 2 SUB06-00077 Preliminary and Final Plat Subdivision, were before Mayor and Council.

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

Mary York, 945 N. Hearthstone, addressed the Council in regards to the status of the law suit and recommended approval.

Shane Warner, 2322 N. Fayette Place, addressed the Council in opposition to the development.

Allison Tate, Legal Department, answered the Council's questions.

Moved by SHEALY and seconded by TIBBS that Newcastle Heights Condominium No. 1 SUB06-00076 Preliminary and Final Plat be granted as requested subject to conditions stated in staff.

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

Motion carried.

Moved by SHEALY and seconded by TIBBS that Newcastle Heights Condominium No. 2 SUB06-00077 Preliminary and Final Plat be granted as requested subject to conditions stated in staff report.

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

Motion carried.

Council President CLEGG announced that this was the time and place set for a public hearing on CAR06-00071/City of Boise request for approval of amendments to Boise City Code Sections 11-07-02.02 to increase the notice requirements for Design Review Committee hearings; 11-03-06-01 to increase the number of days in advance of any hearing that sites must be posted and 11-04-14 to require that radius notices be sent following approval of development on substandard lots of record.

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

There was no one in the audience to testify on this issue.

Council President CLEGG announced that the public hearing was closed.

Moved by SHEALY and seconded by BISTERFELDT that CAR06-00071/City of Boise request for approval of amendments to Boise City Code Sections 11-07-02.02 to increase the notice requirements for Design Review Committee hearings; 11-03-06-01 to increase the number of days in advance of any hearing that sites must be posted and 11-04-14 to require that radius notices be sent following approval of development on substandard lots of record be approved.

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

Motion carried.

Council President CLEGG announced that this was the time and place set for a public hearing on CUP06-00107/Appeal/Scott Gray appeal of the Planning and Zoning Commission approval of a conditional use permit to construct an eight unit planned residential development on +/-1.20 acres located at 2805 N. 36th Street in an R-1C (Single Family Residential) zone.

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

Scott Gray, 2804 Woody Drive, appellant and Carl Morris, 3100 N. 36th Street, addressed the Council in support of the appeal.

Terry Yost, 601 W. Bannock Street, applicant representative, addressed the Council in opposition to the appeal and in support of the development.

Council President CLEGG announced that the public hearing was closed.

Moved by SHEALY and seconded by TIBBS that CUP06-00107/Appeal/Scott Gray appeal of the Planning and Zoning Commission approval of a conditional use permit to construct an eight unit planned residential development on +/-1.20 acres located at 2805 N. 36th Street in an R-1C (Single

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Family Residential) zone be denied with the addition of the following two provisions 1) that the one-story stay on the back lots and 2) that the developer work with the City Arborist to determine what the best planning procedure should be and what kinds of trees should go back on the property.

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

Motion carried.

Council President CLEGG announced that this was the time and place set for a public hearing on CSN06-00377/Appeal/Lytle Signs/Golden Goose Egg, LLC appeal of the Hearing Examiner's denial of a sign variance to exceed the allowed height and eliminate the required pole cover and landscape base for a proposed free standing sign located at 851 S. Curtis Road in an R-2 (Combined Residential) zone.

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

Richard Cummins, 412 E. Parkcenter Blvd., appellant representative; Craig Jamieson, 10331 Summerwind Drive, applicant representative and David D. Haas, 5120 Overland Road, Suite 21, Building Manager, addressed the Council in support of the appeal.

Allison Tate, Legal Department, answered the Council's questions.

Council President CLEGG announced that the public hearing was closed.

Moved by SHEALY and seconded by TIBBS that CSN06-00377/Appeal/Lytle Signs/Golden Goose Egg, LLC appeal of the Hearing Examiner's denial of a sign variance to exceed the allowed height and eliminate the required pole cover and landscape base for a proposed free standing sign located at 851 S. Curtis Road in an R-2 (Combined Residential) zone be remanded back to the Hearing Examiner, that the Hearing Examiner was correct in points no. 1 and 3 and erred in point no. 2, with the recommendation that a landscape planner be used and that the height of the sign be reduced.

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

Motion carried.

There being no further business the meeting
adjourned at 7:55 o'clock P.M.

APPROVE:

MAYOR

ATTEST:

CITY CLERK