

BOISE, IDAHO
FEBRUARY 20, 2007

Council met in regular session Tuesday, February 20, 2007, Mayor DAVID H. BIETER, presiding.

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

Invocation was given by Mike Freeman, Vineyard Christian Fellowship.

Moved by CLEGG and seconded by BISTERFELDT that the minutes from the February 13, 2007, Boise City Council Work Session Meeting be approved.

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

Motion carried.

Moved by CLEGG and seconded by BISTERFELDT that the minutes from the February 13, 2007, Boise City Council Meeting be approved.

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

Motion carried.

Moved by JORDAN and seconded by TIBBS that the Boise City Checks No. 239904 thru 240392 in the total amount of \$2,755,561.62 as of February 14, 2007 be approved.

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

Motion carried.

The Sole Source Purchase 07-CON-122 for Exhaust Removal System for Boise Fire Station No. 14 Apparatus, Fire

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Department were before Mayor and Council as enumerated in staff report dated February 9 2007.

RECOMMENDATION: The Purchasing Division concurs with Fire/EMS Department in recommending that 07-CON-122 be awarded to, Ward Diesel Filter, in a total amount not to exceed \$35,896.00.

Moved by JORDAN and seconded by TIBBS that the recommendations be followed and the bid be awarded to Ward Diesel Filter, in the total contract amount not to exceed \$35,896.00.

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

Motion carried.

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

- a) Bobby Lee Alloway, Personal Injury
- b) Leonard Davis, Property Damage
- c) Brooks Engstrom, Personal Injury

Moved by JORDAN 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 April 10, 2007, in Council Chambers be confirmed for a public hearing on:

- a) CAR06-00078/Rezone/Boise State University requests approval to rezone approximately 47.5 acres of land with various current zoning to the U (University) zone located east of LaPointe Street west of Broadway Avenue and north of Beacon Street and Federal Way.

Moved by JORDAN and seconded by TIBBS that April 10, 2007 in Council Chambers be confirmed as requested.

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

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Motion carried.

The City Clerk requested April 17, 2007, in Council Chambers be confirmed for a public hearing on:

- a) DRH06-00509/Appeal/Fidelity Property Improvements, LLC is appealing the Historic Preservation Commission's denial of their request for a change in use of the property located at 916 E. Washington Street in an R-1CH (Single Family Residential with Historic Overlay) zone.

Moved by JORDAN and seconded by TIBBS that April 17, 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) Sole Source Purchase: Boise Fire Department - Exhaust Removal System for Boise Fire Station No. 14 Apparatus
- b) Boise Public Works Commission Minutes, December 14, 2006
- c) City of Boise Treasury Division, State of the Treasury Report, January 2007
- d) Public Safety Liaison Team Minutes, January 18, 2007
- e) Capital City Development Corporation Financial Statements, September 30, 2006

Moved by JORDAN 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-84-07) by the Council:

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

Titled: A RESOLUTION AUTHORIZING THE RECYCLING OF CERTAIN CITY RECORDS PURSUANT TO THE BOISE CITY RECORDS RETENTION AND DISPOSITION SCHEDULE; AUTHORIZING THE CITY CLERK TO DIRECT AND SUPERVISE THE RECYCLING OF THE RECORDS; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by JORDAN and seconded by TIBBS that the proposed resolution (R-84-07) be adopted and that same be numbered Resolution 19496.

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

Motion carried.

Proposed resolution (R-85-07) 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, CHANGE ORDER NUMBER 1 F/B 07-046; NEW, UNUSED PANASONIC TOUGHBOOK TYPE LAPTOP COMPUTERS, POLICE DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND PORTABLE COMPUTER SYSTEMS, INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by JORDAN and seconded by TIBBS that the proposed resolution (R-85-07) be adopted and that same be numbered Resolution 19497.

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

Motion carried.

Proposed resolution (R-86-07) by the Council:

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

Titled: A RESOLUTION APPROVING THE TWENTY MILE SOUTH FARM MINIMUM CROP COMMODITY 2007 PRICE LIST; AUTHORIZING THE BOISE PUBLIC WORKS DIRECTOR OR HIS DESIGNEE TO EXECUTE CROP SALES AGREEMENTS ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by JORDAN and seconded by TIBBS that the proposed resolution (R-86-07) be adopted and that same be numbered Resolution 19498.

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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-19-07) by the Council:

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

Titled: AN ORDINANCE (CAR06-00067/BOISE CITY) AMENDING THE BOISE CITY ZONING ORDINANCE, SECTIONS 2-06-03, 11-02-04.1 AND 11-02-05.1 TO ELIMINATE THE REQUIREMENT THAT ONE MEMBER OF THE DESIGN REVIEW COMMITTEE BE A MEMBER OF THE PLANNING AND ZONING COMMISSION, AND TO ADD A REQUIREMENT THAT ONE MEMBER OF THE PLANNING AND ZONING COMMISSION SHALL BE A NON-VOTING, EX-OFFICIO LIAISON TO THE DESIGN REVIEW COMMITTEE; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Proposed ordinance (O-20-07) by the Council:

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

Titled: AN ORDINANCE (CAR06-00068/COSTA PACIFIC COMMUNITIES FOR PROPERTY LOCATED AT 10230 W. FRANKLIN 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 M-1D (LIMITED INDUSTRIAL WITH DESIGN REVIEW) TO PC-D (PEDESTRIAN COMMERCIAL 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-21-07) by the Council:

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

Titled: AN ORDINANCE (CAR06-00070/BENCO PROPERTIES, INC. FOR PROPERTY LOCATED AT 8199 W. OVERLAND ROAD) AMENDING ZONING CLASSIFICATIONS OF THE CITY OF BOISE CITY TO CHANGE THE CLASSIFICATION OF REAL PROPERTY

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PARTICULARLY DESCRIBED IN SECTION ONE OF THIS ORDINANCE FROM R-1C (SINGLE FAMILY RESIDENTIAL) TO N-OD (NEIGHBORHOOD OFFICE 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.

Proposed ordinance (O-22-07) by the Council:

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

Titled: AN ORDINANCE (CAR05-00044/DYVER DEVELOPMENT, LLC. FOR PROPERTY LOCATED AT 9840 W. OVERLAND ROAD) AMENDING ORDINANCE NO. 6499 FOR THE REZONE OF PROPERTY IN BOISE CITY TO REZONE PROPERTY FROM A-1 (OPEN LAND) TO PC-D/DA (PEDESTRIAN COMMERCIAL WITH DESIGN REVIEW OVERLAY AND A DEVELOPMENT AGREEMENT), TO CORRECT AN ERROR ON THE DESIGNATED PROPERTY ADDRESS; 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-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 second 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

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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 second time.

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

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

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 second time.

Moved by CLEGG and seconded by EBERLE that further reading of (O-13-07) and (O-14-07) 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, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

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 third time.

Moved by CLEGG and seconded by EBERLE that the proposed ordinance (O-13-07) be passed and that the same be numbered Ordinance 6542.

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

Motion carried.

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 third time.

Moved by CLEGG and seconded by EBERLE that the proposed ordinance (O-14-07) be passed and that the same be numbered Ordinance 6543.

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

Motion carried.

Launceston Ridge Subdivision SUB06-00102 Preliminary and Final Plat, Boise City (proposed single family residential subdivision with two buildable lots on 1.2 acres with a density of 1.67 lots per acre located on the north side of East Amity Road approximately 80 feet east of S. Federal Way) and Adam Cole request for Boise City for Plat Note Vacation SOS06-00018 (Lot 58, Block 1 of Breckenridge Subdivision No. 5 as a commercial lot) was before Mayor and Council.

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

Ron Scott, applicant representative, addressed the council in support of the plat note vacation and subdivision.

Moved by EBERLE and seconded by JORDAN that the Adam Cole request for Boise City for a Plat Note Vacation SOS06-00018 (Lot 58, Block 1 of Breckenridge Subdivision No. 5 as a commercial lot) be granted as requested subject to conditions stated in staff report.

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

Tie vote, Mayor BIETER votes YEA.

Motion carried.

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Moved by EBERLE and seconded by JORDAN that Launceston Ridge Subdivision SUB06-00102 Preliminary and Final Plat be granted as requested subject to conditions stated in staff.

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

Tie vote, Mayor BIETER votes YEA.

Motion carried.

Windy Twig Condominiums SUB06-00120 Preliminary Plat, Boise City (two separate two story residential condo units on .52 acres with a density of 3.77 units per acre located on the west side of Wilson Street, west of Roosevelt Street at 409 S. Wilson Street) and Eleggan, LLC request for Boise City Consent to Vacate Public Alley Right-of-Way SOS07-00001 (16-foot wide public alley right-of-way that lies south of the Powell Lateral Easement between Lot 6 and Lots 1-2, Block 4 of the Stein's First Addition Subdivision), was before Mayor and Council.

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

Mike Engebritson, 2251 S. Sumac Street, applicant representative, addressed the Council in support of the subdivision and vacation of public alley right-of-way.

Moved by EBERLE and seconded by JORDAN that the Eleggan, LLC request for Boise City to Consent to Vacate Public Alley Right-of-Way SOS07-00001 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.

Moved by EBERLE and seconded by JORDAN that Windy Twig Condominiums SUB06-00120 Preliminary Plat be granted as requested subject to conditions stated in staff report including the sidewalk.

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

Motion carried.

Blantyre Heights Subdivision SUB07-00002 Preliminary Plat, Ada County (proposed residential subdivision with 64 lots and 14 common lots on 14.79 acres with a density of 4.33 lots per acre located on the east side of South Five Mile Road, approximately 300 feet north of West Amity Road) was before Mayor and Council.

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

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

Scott Stanfield, 314 Batiola, Caldwell, Idaho, applicant representative, addressed the Council in support of the subdivision.

Moved by CLEGG and seconded by JORDAN that Blantyre Heights Subdivision SUB07-00002 Preliminary Plat be recommended as requested subject to conditions stated in staff report with the following two added conditions: 1) that there be a second stub road into the property south and west of this development in the lower portion, and 2) that the sidewalk be extended all the way to Amity Road on Lonesome Dove.

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

Motion carried.

Councilmember CLEGG requested unanimous consent that Raygosa Heights Subdivision SUB07-00004 Preliminary Plat, Ada County (proposed residential subdivision with 36 lots and 6 common lots on 9.57 acres with a density of 3.76 buildable lots per acre located between South Valley Heights Drive and South Gantz Avenue approximately 1,300 feet south of West Columbia Road) be deferred to March 6, 2007 per the applicant's request.

Unanimous consent was granted.

Lone Tree Subdivision SUB07-00003 Preliminary Plat, Ada County (proposed residential subdivision with 18 lots and 1 open space lot on 4.99 acres with a density of 3.61 buildable lots per acre located at the southern

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terminus of North Lone Tree Lane approximately ½ mile west of South Cole Road) Subdivision, was before Mayor and Council.

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

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

Jed Wyatt, 188 Northside Blvd., Nampa, Idaho, applicant representative, addressed the Council in support of the subdivision.

Shawn Martin, ACHD, answered the Council's questions.

Moved by CLEGG and seconded by JORDAN that Lone Tree Subdivision SUB07-00003 Preliminary Plat be recommended for denial.

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

Motion carried.

RECESS: 7:37 P.M.

RECONVENE: 7:47 P.M.

Mayor BIETER announced that this was the time and place set for a public hearing on the Neighborhood Branch Libraries Proposal - City of Boise City is considering implementation of the final Revised Library Capital Facilities Plan, which proposes the opening of two neighborhood storefront libraries and two neighborhood community libraries. The City Council seeks public input regarding the proposal, site selection, and the proposed financial strategy for plan implementation, beginning with the lease, renovation, and operation of two storefront neighborhood libraries with a proposed opening date of October 2007, as well as design and engineering work on the West Boise community library.

Jim Thompson, Library Board of Trustees and Kevin Booe, Library, presented the staff report.

Stephen Loop, 9637 Kampton Drive, West Valley Neighborhood Association representative and Bill Mattox, 8300 Gantz Avenue, addressed the Council in support of the

branch library proposals.

Mayor BIETER announced that the public hearing was closed.

Moved by SHEALY and seconded by EBERLE to approve the implementation of the Revised Library Capital Facilities Plan and to appropriate the \$2,519,670 out of the end of year 2006 Capitol Fund for two neighborhood branch libraries, the Central Bench site and the Northwest site and the two store front locations to include operating funds totaling \$410,546 and additional FTE's totaling 25.18.

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 CAR06-00072/Rezone/Sheryl Yochum request for approval for a rezone with a Development Agreement of +/-0.24 acres located at 3512 W. Overland Road from L-OD (Limited Office with Design Review) to C-1D/DA (Neighborhood Commercial with Design Review with a Development Agreement).

Susan Riggs, Planning and Development Services, presented the staff report.

Sheryl Yochum, 9394 Blue Heron Drive, Middleton, ID, applicant, addressed the Council in support of the rezone.

Mayor BIETER announced that the public hearing was closed.

Moved by CLEGG and seconded by EBERLE that CAR06-00072/Rezone/Sheryl Yochum request for approval for a rezone with a Development Agreement of +/-0.24 acres located at 3512 W. Overland Road from L-OD (Limited Office with Design Review) to C-1D/DA (Neighborhood Commercial with Design Review with a Development Agreement) 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 a public hearing on CAR06-00077/DA/Colson &

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Colson Construction, Co. request for approval to modify a Development Agreement associated with CAR98-00045/DA to allow multi-family development for seniors (55 and older) with Conditional Use approval for property located at 4840 N. Cloverdale Road in an L-OD/DA (Limited Office with Design Review with a Development Agreement) zone.

Susan Riggs, Planning and Development Services Department, presented the staff report.

Michael Fuller, 2601 25th Street, Suite 300, Salem, OR, applicant representative, addressed the Council in support of the modification of the Development Agreement.

Steve Cloyd, 12035 W. Daniel Drive; Kriss Cloyd, 12035 W. Daniel Drive and Woody Kessler, 12029 W. Daniel Drive, addressed the Council in opposition to the modification of the Development Agreement.

Shawn Martin, ACHD, answered the Council's questions.

Stephen Loop, 9637 Kampton Drive, West Valley Neighborhood Association representative, addressed the Council regarding the notification the association received and in support of the development.

Amanda Horton, Legal Department, answered the Council's questions.

Mayor BIETER announced that the public hearing was closed.

Moved by CLEGG and seconded by EBERLE that CAR06-00077/DA/Colson & Colson Construction, Co. request for approval to modify a Development Agreement associated with CAR98-00045/DA to allow multi-family development for seniors (55 and older) with Conditional Use approval for property located at 4840 N. Cloverdale Road in an L-OD/DA (Limited Office with Design Review with a Development Agreement) zone be approved with three notes to submit to the Design Review Committee: 1) that the tree selection be recommended by staff of a particular caliper of tree for privacy; 2) that the dumpster be moved so it is not adjacent to one of the single family homes; and 3) the design review staff address the cut-thru traffic by the high school students with some traffic calming measures in the parking lot.

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 CAR06-00069/Annexation/Highland Development, LLC request for approval for annexation of +/-12.13 acres located at 8302 W. Sloan Street with a zoning designation of R1 (County Estate Residential) and R-1C (Single Family Residential) and Pebblecreek Subdivision SUB06-00109 Preliminary Plat, Boise City (proposed 67 lot residential subdivision on approximately 12.13 acres with a density of 5.27 buildable lots per acre with new public streets and sidewalks located on the south side of West Hill Road Parkway and the north side of West Sloan Street approximately 349 feet east of North Bogart Lane).

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

Kent Brown, 1500 E. Iron Eagle, Eagle, ID, applicant representative, addressed the Council in support of the annexation and development.

Gary Worthington, 8109 W. Powell Street, addressed the Council regarding his concerns with the development.

Shawn Martin, ACHD and Dave Hanneman, Fire Department, answered the Council's questions.

Mayor BIETER announced that the public hearing was closed.

Moved by EBERLE and seconded by JORDAN that CAR06-00069/Annexation/Highland Development, LLC request for approval for annexation of +/-12.13 acres located at 8302 W. Sloan Street with a zoning designation of R1 (County Estate Residential) and R-1C (Single Family Residential) 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 EBERLE that Pebblecreek Subdivision SUB06-00109 Preliminary Plat, Boise City be approved with the addition of a caveat that the developer and City staff continue to explore ways to reduce

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the driveways on Sloan Street, on the western portion of the property prior to the final plat.

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 CAR06-00063/Rezone/Courly Development, LLC request for approval for a rezone of +/- 2.04 acres located at 11801 and 11803 W. Florida Drive from R-1A (Single Family Residential with a maximum allowable density of 2.1 units per acre) to R-1B (Single Family Residential with a maximum allowable density of 4.8 units per acre); 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) zone and Chloe Estates Subdivision SUB06-00094 Preliminary Plat, Boise City (proposed single-family residential subdivision with 10 buildable lots and one common lot on 2.5 acres with a density of 4 lots per acre located at the northwest corner of S. Lizaso Avenue and W. Overland Road).

Cody Riddle, Planning and Development Services, presented the staff report.

Shawn Martin, ACHD, answered the Council's questions.

Kent Brown, 1500 E. Iron Eagle, Eagle, ID, applicant representative, addressed the Council in support of the annexation and development.

Joe Faro, 11885 W. Overland Road and Betty Williams, 11885 W. Overland Road, addressed the Council in opposition to the development.

Mayor BIETER announced that the public hearing was closed.

Moved by EBERLE and seconded by JORDAN that CAR06-00063/Rezone/Courly Development, LLC request for approval for a rezone of +/-2.04 acres located at 11801 and 11803 W. Florida Drive from R-1A (Single Family Residential with a maximum allowable density of 2.1 units per acre) to R-1B (Single Family Residential with a maximum allowable density of 4.8 units per acre) be approved.

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

Tie vote, Mayor BIETER votes YEA.

Motion carried.

Moved by JORDAN and seconded by EBERLE 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) zone be denied and the Planning and Zoning Commission decision be upheld.

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

Motion carried.

There being no further business the meeting
adjourned at 10:30 o'clock P.M.

APPROVE:

MAYOR

ATTEST:

CITY CLERK