

BOISE, IDAHO
MARCH 6, 2007

Council met in regular session Tuesday, March 6, 2007, Mayor DAVID H. BIETER, presiding.

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

Invocation was given by Annette P. Mooney, Boise City Clerk.

Moved by CLEGG and seconded by EBERLE that the minutes from the February 27, 2007, Boise City Council Meeting be approved.

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

Motion carried.

Mayor BIETER announced that it was the time and place set for the appointment of Pamela Jo Packard to the Boise City Ethics Commission for the remainder of a four-year term expiring February 22, 2009.

Councilmember CLEGG requested unanimous consent that the appointment of Pamela Jo Packard to the Boise City Ethics Commission for the remainder of a four-year term expiring February 22, 2009 be approved.

Unanimous consent was granted.

Mayor BIETER announced that it was the time and place set for the appointment of David Proctor to the Boise City Ethics Commission for a four-year term expiring February 22, 2011.

Councilmember CLEGG requested unanimous consent that the appointment of David Proctor to the Boise City Ethics Commission for a four-year term expiring February 22, 2011 be approved.

Unanimous consent was granted.

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Mayor BIETER announced that it was the time and place set for the appointment 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.

Kent Johnson, Public Works Department, presented the staff report.

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

Mayor BIETER announced that the public hearing was closed and that the Council has sat as the 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 EBERLE that the Boise City Checks No. 240843 thru 241337 in the total amount of \$904,072.99 as of February 28, 2007 be approved.

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

Motion carried.

The Bid Results for Authorization to Procure Hand Held Radios off State Contract No. PADD 1004-01, Purchasing Contract 07-CON-129: Motorola Hand Held Radios and Accessories, Aviation and Public Transportation Department, were before Mayor and Council as enumerated in staff report dated February 23, 2007.

RECOMMENDATION: The Purchasing Division concurs with Aviation and Public Transportation, Airport Police Division, in recommending that 07-CON-129 be awarded to the lowest responsive and responsible bidder, Motorola, in a total amount not to exceed \$116,061.00.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Motorola, in the total contract amount of \$116,061.00

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

Motion carried.

The Bid Results for Amendment to Award; Boise Police Impact Fee Study; to RFP 06-072: Fire/EMS Department Impact Fee Study, Police Department were before Mayor and Council as enumerated in staff report dated February 20, 2007.

RECOMMENDATION: The Purchasing Division concurs with Police Department in recommending that RFP 06-072 be awarded to the lowest responsive and responsible bidder, BBC Research & Consulting, in a total amount not to exceed \$15,000.00.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to BBC Research & Consulting, in the total contract amount of \$15,000.00, subject to compliance with bonding and insurance requirements.

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

Motion carried.

The Bid Results for RFP 07-092 A and B: Pump and Motor Repair Services Contracts, Parks and Recreation Department were before Mayor and Council as enumerated in staff report dated February 29, 2007.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that RFP 07-092 A and B be awarded to the lowest responsive and responsible bidder, Riverside Inc., in a total amount not to exceed \$50,000.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Riverside Inc., in the total contract amount of \$50,000, subject to compliance with bonding and insurance requirements.

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

Motion carried.

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

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- a) Robert and Teri Crisp, Property Damage
- b) Qwest Claim No. 408711, Property Damage
- c) Bruce V. Cook, Property Damage
- d) Brandy Sorenson and Eric Petersen, Property Damage
- e) Molly R. Gossell, Property Damage
- f) William K. Knepp III, Personal Injury

Moved by CLEGG and seconded by EBERLE 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: CLEGG, EBERLE, JORDAN 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) Administrative Policy Group Minutes, January 22, 2007
- b) Employee Advisory Committee Minutes, January 17, 2007
- c) Ada County Highway District Commission Minutes, January 3, January 10, January 17 and January 24, 2007
- d) Sole Source Purchase: Public Works Department - Hydromatic Pump Parts
- e) Sole Source Purchase: Public Works Department - Hydromatic Pump Parts
- f) Boise Public Library Interim Director's Report, January 2007
- g) Ada County Highway District - Vacation and abandonment of public rights-of-way alley at 4110 West Rose Hill
- h) Sole Source Purchase: Public Works Department - Zinc Ribbon Anode

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

Motion carried.

Proposed resolution (R-90-07) by the Council:

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

Titled: A RESOLUTION AUTHORIZING AN ADDENDUM TO THE CONCESSION AND LEASE AGREEMENT BETWEEN THE CITY OF BOISE CITY, THROUGH THE DEPARTMENT OF PARKS AND RECREATION (LESSOR), AND JOHN AND DIANA OLVER, ACTING AS JAYO SPORTS AND ENTERTAINMENT, LLC. (LESSEE), FOR A BOAT HOUSE, BOAT DOCK, AND RETAIL FOOD CONCESSIONS ON PROPERTY SITUATED AT 700 SOUTH CAPITOL BOULEVARD; 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 CLEGG and seconded by EBERLE that the proposed resolution (R-90-07) be adopted and that same be numbered Resolution 19505.

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

Motion carried.

Proposed resolution (R-91-07) 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, AMENDMENT AGREEMENT TO RFP 06-072; FIRE/EMS DEPARTMENT IMPACT FEE STUDY FOR BOISE POLICE IMPACT FEE STUDY, BOISE POLICE DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND BBC RESEARCH & CONSULTING; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-91-07) be adopted and that same be numbered Resolution 19506.

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

Motion carried.

Proposed resolution (R-92-07) by the Council:

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

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Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, CHANGE ORDER NUMBER 2 F/B 06-004; SECURITY FENCE AND GATES, AVIATION AND PUBLIC TRANSPORTATION, BETWEEN THE CITY OF BOISE CITY AND SLOAN FENCING AND CONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-92-07) be adopted and that same be numbered Resolution 19507.

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

Motion carried.

Proposed resolution (R-93-07) 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 07-092B, PUMP AND WELL SERVICE REPAIR CONTRACT, PUBLIC WORKS/PARKS AND RECREATION DEPARTMENTS, BETWEEN THE CITY OF BOISE CITY AND MISSMAN ELECTRIC; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-93-07) be adopted and that same be numbered Resolution 19508.

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

Motion carried.

Proposed resolution (R-94-07) 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, ENGAGEMENT LETTER 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 EBERLE that the proposed resolution (R-94-07) be adopted and that same be numbered Resolution 19509.

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

Motion carried.

Proposed resolution (R-95-07) 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 07-092A, PUMP AND WELL SERVICE REPAIR CONTRACT, PUBLIC WORKS/PARKS AND RECREATION DEPARTMENTS, BETWEEN THE CITY OF BOISE CITY AND RIVERSIDE, INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-95-07) be adopted and that same be numbered Resolution 19511.

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

Motion carried.

Proposed resolution (R-97-07) by the Council:

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

Titled: A RESOLUTION DECLARING THE RETIREMENT OF POLICE CANINE SUNNY; AUTHORIZING THE DONATION OF POLICE CANINE SUNNY TO HIS BOISE POLICE DEPARTMENT (BPD) OFFICER HANDLER; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-97-07) be adopted and that same be numbered Resolution 19512.

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

Motion carried.

Proposed resolution (R-99-07) by the Council:

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

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

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-99-07) be adopted and that same be numbered Resolution 19513.

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

Motion carried.

Councilmember CLEGG requested unanimous consent that proposed resolution (R-101-07) be pulled from tonight's Council Consent agenda and held for separate discussion.

Unanimous consent was granted.

Proposed resolution (R-101-07) by the Council:

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

Titled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOISE, IDAHO, OPPOSING THE DEVELOPMENT, BY ATLANTA GOLD CORPORATION, INC., OF A CYANIDE HEAP LEACH MINING OPERATION NEAR THE HEADWATERS OF THE BOISE RIVER; CALLING UPON REGULATORY AND PERMITTING AGENCIES TO HOLD THE MINING PROJECT TO THE HIGHEST OPERATIONAL, FINANCIAL, AND ENVIRONMENTAL STANDARDS; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-101-07) be adopted and that same be numbered Resolution 19514.

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

Motion carried.

Proposed resolution (R-106-07) 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 04-124 STRATEGIC PLAN PROPOSAL, TASK ORDER NUMBER 3 ENVIRONMENTAL ASSESSMENT OF PROPERTY; OFFICE OF THE CITY COUNCIL, BETWEEN THE CITY OF BOISE CITY AND CH2M HILL; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-106-07) be adopted and that same be numbered Resolution 19515.

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

Motion carried.

Proposed resolution (R-111-07) by the Council:

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

Titled: A RESOLUTION ACCEPTING APPROVING AND A DONATION FROM THE IDAHO HUMANE SOCIETY, INC. IN THE AMOUNT OF TWENTY-SIX THOUSAND FOUR HUNDRED DOLLARS (\$26,400.00); PROVIDING THAT SUCH DONATION SHALL BE UTILIZED BY THE CITY OF BOISE, BY AND THROUGH ITS DEPARTMENT OF PARKS AND RECREATION, FOR DESIGN AND CONSTRUCTION OF A SHELTER TO SERVE THE DOG PARK COMPONENT AT MORRIS HILL NEIGHBORHOOD PARK AS SET FORTH IN THE MASTER PLAN FOR SUCH PARK; AUTHORIZING EXPENDITURE OF SAID FUNDS; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-111-07) be adopted and that same be numbered Resolution 19516.

Roll call on the motion resulted as follows:
YEAS: CLEGG, EBERLE, JORDAN 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-23-07) by the Council:

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

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Titled: AN ORDINANCE (CAR06-00060/ANNEXATION/BOISE CITY FOR PROPERTY LOCATED IN THE GENERAL VICINITY OF 6551 W. DESERT AVENUE) ANNEXING 786 ACRES OF LAND 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 R-1A (SINGLE FAMILY RESIDENTIAL) AND 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-26-07) by the Council:

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

Titled: AN ORDINANCE (CAR06-00060/REZONE/BOISE CITY FOR 20 ACRES OF PROPERTY LOCATED IN THE GENERAL VICINITY OF 6551 W. DESERT AVENUE) 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-1 (OPEN LAND) 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.

Proposed ordinance (O-27-07) by the Council:

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

Titled: AN ORDINANCE (CAR06-00071/BOISE CITY) TO AMEND THE BOISE CITY CODE, SECTION 11-07-02.02 TO INCREASE THE NOTICE REQUIREMENTS FOR DESIGN REVIEW COMMITTEE HEARINGS; AMEND SECTION 11-03-06.01 TO INCREASE THE NUMBER OF DAYS IN ADVANCE OF ANY HEARING THAT SITES MUST BE POSED; AND AMEND SECTION 11-04-14.02 TO REQUIRE THAT RADIUS NOTICES BE SENT FOLLOWING APPROVAL OF DEVELOPMENT ON SUBSTANDARD LOTS OF RECORD; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Proposed ordinance (O-28-07) by the Council:

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

Titled: AN ORDINANCE AMENDING TITLE 3, CHAPTER 3, BOISE CITY CODE TO: CHANGE THE NAME OF THE DEPARTMENT OF

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

Proposed ordinance (O-29-07) by the Council:

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

Titled: AN ORDINANCE AMENDING BOISE CITY CODE TITLE 3, CHAPTER 1, SECTIONS 1 AND 2 PERTAINING TO THE CHIEF OF POLICE AND EMPLOYEES OF THE POLICE DEPARTMENT TO UPDATE THE DESCRIPTION OF THE CHIEF'S ROLE AND AUTHORITY, 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-24-07) by the Council:

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

Titled: AN ORDINANCE (CAR06-00057/PLEASANT VALLEY SOUTH, LLC. FOR PROPERTY LOCATED AT 6298 S. COLE ROAD) ANNEXING CERTAIN LANDS AND TERRITORY, SITUATED IN ADA COUNTY, IDAHO, AND ADJACENT AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF BOISE CITY; ESTABLISHING AND DETERMINING THE LAND USE CLASSIFICATION OF SAID LANDS AS A-2 (OPEN LAND); 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.

Moved by CLEGG and seconded by EBERLE that further reading of (O-19-07), (O-20-07), (O-21-07) and (O-22-07) 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: CLEGG, EBERLE, JORDAN and TIBBS.

Motion carried.

Proposed ordinance (O-19-07) by the Council:

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

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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 third time.

Moved by CLEGG and seconded by EBERLE that the proposed ordinance (O-19-07) be passed and that the same be numbered Ordinance 6547.

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

Motion carried.

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 third time.

Moved by CLEGG and seconded by EBERLE that the proposed ordinance (O-20-07) be passed and that the same be numbered Ordinance 6548.

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

Motion carried.

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 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 third time.

Moved by CLEGG and seconded by EBERLE that the proposed ordinance (O-21-07) be passed and that the same be numbered Ordinance 6549.

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

Motion carried.

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 third time.

Moved by CLEGG and seconded by EBERLE that the proposed ordinance (O-22-07) be passed and that the same be numbered Ordinance 6550.

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

Motion carried.

Maddock Subdivision SUB04-00104 Time Extension for Certification Signature of the Boise City Engineer, Boise City (proposed single family residential subdivision with 2 buildable lots on 0.30 acres with a density of 6.7 lots per acre located on the north side of West Alamosa Street approximately 1,170 feet west of West State Street), 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 Maddock Subdivision SUB04-00104 Time Extension for Certification Signature of the Boise City Engineer be granted as requested subject to conditions stated in staff.

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

Motion carried.

Elizabeth Place Subdivision SUB06-00113 Preliminary Plat, Boise City (proposed single family residential subdivision with 9 buildable lots and one common lot on 1.48 acres with a density of 6.08 buildable lots per acre located on the north side of W. Sunset Avenue between N. 26th Street and N. 28th Street), was before Mayor and Council.

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

Terry Little, Ada County Highway District (ACHD) and Dave Hanneman, Fire Department, answered the Council's questions.

Moved by CLEGG and seconded by EBERLE that Elizabeth Place Subdivision SUB06-00113 Preliminary Plat be granted as requested subject to conditions stated in staff report.

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

Motion carried.

Empress Ramona Subdivision SUB06-00121 Preliminary and Final Plat, Boise City (proposed industrial subdivision with three buildable lots on 5.94 acres located on the northwest corner of West McGregor Drive and South Gekeler Lane, at 520 W. McGregor Drive), was before Mayor and Council.

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

Andy Simmons, P.O. Box 15407, Boise, Idaho, applicant representative, answered the Council's questions.

Moved by CLEGG and seconded by EBERLE that Empress Ramona Subdivision SUB06-00121 Preliminary and Final Plat be

granted as requested subject to conditions stated in staff report.

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

Motion carried.

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), was before Mayor and Council.

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

Jane Suggs, 200 Louisa Street, applicant representative, addressed the Council in support of the subdivision.

Moved by CLEGG and seconded by EBERLE that Raygosa Heights Subdivision SUB07-00004 Preliminary Plat, Ada County be recommended as requested subject to conditions stated in staff report with changes in the conditions that require two micropaths to the north, one connecting to each of the separate properties in the north and one micropath to the south and remove conditions no. 1 and 2.

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

Motion carried.

RECESS: 7:10 P.M.

RECONVENE: 7:20 P.M.

Mayor BIETER announced that this was the time and place set for a public hearing on CAR06-00073/Annexation/Robert Hueth request for approval for annexation of +/-1.11 acres located at 7200 N. Gary Lane from RUT (Rural Urban Transitional) to R-1C (Single Family Residential - 8 Dwelling Units Per Acre) and Hueth Subdivision SUB06-00123 Preliminary Plat, Boise City (proposed 10 lot residential subdivision on two adjacent parcels that are approximately 2.31 acre located on the east

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side of North Gary Lane, south of Hill Road and abuts the north side of Pheasant Hollow Subdivision).

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

David Crawford, 5505 W. Franklin Road, applicant representative, addressed the Council in support of the annexation and development.

Mayor BIETER announced that the public hearing was closed.

Moved by CLEGG and seconded by EBERLE that CAR06-00073/Annexation/Robert Hueth request for approval for annexation of +/-1.11 acres located at 7200 N. Gary Lane from RUT (Rural Urban Transitional) to R-1C (Single Family Residential - 8 Dwelling Units Per Acre) be approved.

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

Motion carried.

Moved by CLEGG and seconded by EBERLE that Hueth Subdivision SUB06-00123 Preliminary Plat, Boise City be granted as requested subject to conditions stated in staff report.

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

Motion carried.

Mayor BIETER announced that this was the time and place set for a public hearing on COD06-02094/Appeal/Randy Hoffer appeal of the decision and reasoning for the decision set forth in the findings approved by the Boise City Electrical Board of Appeals Decision, regarding the Overland Mobile Home Park located at 5631 Overland Road, and adopted on December 4, 2006 based on the following: 1) the intent of the Code has been incorrectly interpreted; 2) the rules legally adopted there under have been incorrectly interpreted; 3) provisions of this Code do not fully apply to this property; 4) the City has failed to provide Hoffer with his full due process rights; and 5) the City has acted in bad faith and in violation of federal civil rights law.

Jennifer Gilliland and Jim Schmer, Planning and Development Services, presented the staff report.

Gary Neal, 1101 W. River Street, Suite 340, appellant representative, addressed the Council in support of the appeal.

Mayor BIETER announced that the public hearing was closed.

Moved by EBERLE and seconded by CLEGG that COD06-02094/Appeal/Randy Hoffer appeal of the decision and reasoning for the decision set forth in the findings approved by the Boise City Electrical Board of Appeals Decision, regarding the Overland Mobile Home Park located at 5631 Overland Road, and adopted on December 4, 2006 based on the following: 1) the intent of the Code has been incorrectly interpreted; 2) the rules legally adopted there under have been incorrectly interpreted; 3) provisions of this Code do not fully apply to this property; 4) the City has failed to provide Hoffer with his full due process rights; and 5) the City has acted in bad faith and in violation of federal civil rights law be denied and the decision of the Boise City Electrical Board of Appeals be upheld.

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

Motion carried.

There being no further business the meeting adjourned at 8:32 o'clock P.M.

APPROVE:

MAYOR

ATTEST:

CITY CLERK