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BOISE, IDAHO
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Council met in regular session Tuesday, March 20, 2007, Mayor DAVID H. BIETER, presiding.

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

Invocation was given by Robert Barros-Bailey, Deputy City Clerk.

Moved by CLEGG and seconded by EBERLE that the minutes from the March 13, 2007, Boise City Council Work Session Meeting be approved as presented.

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

Motion carried.

Moved by CLEGG and seconded by EBERLE that the minutes from the March 13, 2007, Boise City Council Meeting be approved as amended.

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

Motion carried.

Mayor BIETER announced that this was the time and place set for the reason for decision regarding Ms. Hyechu Samuels - Revocation of Massage Therapist and Massage Establishment License.

Moved by CLEGG and seconded by ELBERLE that the reason for decision regarding Ms. Hyechu Samuels - Revocation of Massage Therapist and Massage Establishment License be pulled and deferred to April 10, 2007.

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

Motion carried.

Moved by CLEGG and seconded by EBERLE that the Boise City Checks No. 241844 thru 242465 in the total amount of \$2,855,533.42 as of March 14, 2007 be approved.

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

Motion carried.

The Bid Results for Approval Sole Source Purchase 07-CON-138 for Pre-Hospital Automatic External Defibrillators, Fire Department were before Mayor and Council as enumerated in staff report dated March 9, 2007.

RECOMMENDATION: The Purchasing Division concurs with Fire Department in recommending that 07-CON-13 be awarded to the lowest responsive and responsible bidder, Medtronic, in a total amount not to exceed \$40,000.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Medtronic in the total contract amount of \$40,000, subject to compliance with bonding and insurance requirements.

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

Motion carried.

The Bid Results for F/B 07-099: Fire Hydrant Replacement Program, Fire Department were before Mayor and Council as enumerated in staff report dated March 7, 2007.

RECOMMENDATION: The Purchasing Division concurs with Fire Department in recommending that F/B 07-099 be awarded to the lowest responsive and responsible bidder, Owyhee Construction Inc., in a total amount not to exceed \$167,705.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Owyhee Construction Inc. in the total contract amount of \$167,705, subject to compliance with bonding and insurance requirements.

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

Motion carried.

The Bid results for F/B 07-075: Idaho Independent Bank Geothermal Service, GEO 144, Public Works Department, were before Mayor and Council as enumerated in staff report dated March 6, 2007.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that F/B 07-075 be awarded to the lowest responsive and responsible bidder, Titan Technologies Inc., in a total amount not to exceed \$56,460.00.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Titan Technologies Inc., in the total contract amount of \$56,460.00, subject to compliance with bonding and insurance requirements.

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

Motion carried.

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

- a) Patricia B. Reed, Property Damage
- b) Daniel J. Hutchison, Property Damage
- c) Qwest Claim 408738, Property Damage
- d) Qwest Claim 409571, Property Damage

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: BISTERFELDT, CLEGG, EBERLE, JORDAN and SHEALY.

Motion carried.

The City Clerk requested May 1, 2007, in Council Chambers be confirmed for a public hearing on:

- a) CAR07-000006/Rezone/Boise Valley Habitat for Humanity requests approval to rezone +/-0.64

- acres from R-1B (Single Family Residential/4.8 dwelling units per acre) to R-1C (Single Family Residential with a maximum allowable density of 8.0 units per acre) located at 2753 N. Maple Grove Road.
- b) CUP07-00013/Special Exception/Phillip Dao requests approval of a Special Exception to operate a nail salon on property located at 4223 W. Emerald St. in and R-3D (Multi-Family Residential with Design Review) zone.

Moved by CLEGG and seconded by EBERLE that May 1, 2007 in Council Chambers be confirmed as requested.

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

Motion carried.

The City Clerk requested May 8, 2007, in Council Chambers be confirmed for a public hearing on:

- a) CAR07-00007/Rezone/RCI REALTY, LLC requests approval to rezone +/-2.6 acres located at 2852 and 2810 W. Elder Street from L-OD (Limited Office with Design Review) and C-2D (General Commercial with Design Review) to C-1D (Neighborhood Commercial with Design Review).

Moved by CLEGG and seconded by EBERLE that May 8, 2007 in Council Chambers be confirmed as requested.

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

Motion carried.

The City Clerk requests the following applications for Alcohol Beverage Catering Permits be acknowledged and approved:

- a) Thomas Management Corporation regarding Boise Train Depot receptions on March 24 and April 5, 2007

Moved by CLEGG and seconded by EBERLE that the Alcohol Beverage Catering Permits be acknowledged and approved as requested.

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

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) Community Services Team Minutes, December 21, 2006, January 18, 2007 and February 15, 2007
- b) Employee Health Plan Trust Trustee Minutes, January 24, 2007
- c) Sole Source Purchase: Fire Department - Pre-Hospital Automatic External Defibrillator
- d) Foothills Conservation Advisory Committee Minutes, February 7, 2007
- e) Boise Public Works Commission Minutes, February 8, 2007
- f) Treasury Division State of the Treasury Report, February 2007
- g) Ethics Commission Annual Report 2006
- h) Public Safety Liaison Team Minutes, February 15, 2007

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: BISTERFELDT, CLEGG, EBERLE, JORDAN and SHEALY.

Motion carried.

Proposed resolution (R-112-07) 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 05-063A; MISCELLANEOUS REAL ESTATE APPRAISAL SERVICES, PLANNING AND DEVELOPMENT SERVICES (PDS) DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND APPRAISAL WEST, INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-112-07) be adopted and that same be numbered Resolution 19526.

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

Motion carried.

Proposed resolution (R-113-07) by the Council:

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

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, AN AGREEMENT FOR F/B 07-075; IDAHO INDEPENDENT BANK, GEOTHERMAL SERVICE, GEO 144, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND TITAN TECHNOLOGIES; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-113-07) be adopted and that same be numbered Resolution 19527.

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

Motion carried.

Proposed resolution (R-114-07) by the Council:

BISTERFELDT, CLEGG, EBERLE, JORDAN and SHEALY.

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, AN AGREEMENT FOR F/B 07-099; FIRE HYDRANT REPLACEMENT PROGRAM, BOISE FIRE DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND OWYHEE CONSTRUCTION, INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-114-07) be adopted and that same be numbered Resolution 19528.

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

Motion carried.

Proposed resolution (R-115-07) 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, AN AGREEMENT FOR 06-CON-124 B STATE STREET CORRIDOR IMPLEMENTATION PHASE 2; PLANNING AND DEVELOPMENT SERVICES, BETWEEN THE CITY OF BOISE CITY AND FRED KITCHENER C/O MCFARLAND MANAGEMENT LLC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-115-07) be adopted and that same be numbered Resolution 19529 and be reconsidered and pulled.

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

Motion carried.

Proposed resolution (R-116-07) 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 TO 06-CON-124 STATE STREET CORRIDOR IMPLEMENTATION PHASE 1; PLANNING AND DEVELOPMENT SERVICES (PDS), BETWEEN THE CITY OF BOISE CITY AND FRED KITCHENER C/O MCFARLAND MANAGEMENT LLC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-116-07) be adopted and that same be numbered Resolution 19530.

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

Motion carried.

Proposed resolution (R-117-07) 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 TO F/B 07-008, CITY HALL HVAC UPGRADES, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND PAIGE MECHANICAL GROUP; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-117-07) be adopted and that same be numbered Resolution 19531.

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

Motion carried.

Proposed resolution (R-118-07) 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 05-063B; MISCELLANEOUS REAL ESTATE APPRAISAL SERVICES, PLANNING AND DEVELOPMENT SERVICES (PDS), BETWEEN THE CITY OF BOISE CITY AND KNIPE, JANOUSH, KNIPE, LLC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-118-07) be adopted and that same be numbered Resolution 19532.

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

Motion carried.

Proposed resolution (R-120-07) 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, BY AND THROUGH ITS DEPARTMENT OF PARKS AND RECREATION, A CONCESSION AND LEASE AGREEMENT BY AND BETWEEN THE CITY OF BOISE AND VONDA YERBY AND RENE YERBY, DOING BUSINESS AS YERBY'S GATOR GRILL; GRANTING TO YERBY'S GATOR GRILL THE EXCLUSIVE RIGHT TO LEASE AND OPERATE FOOD AND BEVERAGE CONCESSIONS AT WILLOW LANE ATHLETIC COMPLEX, THE NATATORIUM AND IVYWILD POOL; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-120-07) be adopted and that same be numbered Resolution 19533.

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

Motion carried.

Proposed resolution (R-121-07) by the Council:

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

Titled: A RESOLUTION APPROVING THE PROVISIONS OF A PORTION OF THE MATCHING FUNDS TO THE TRANSPORTATION, COMMUNITY AND SYSTEM PRESERVATION (TCSP) PROGRAM FEDERAL FUNDS FOR THE ORCHARD ST. REDEVELOPMENT AND GREEN CORRIDOR PLAN"PROJECT, AND TO APPROPRIATE \$13,465. IN FUNDS FOR THIS PURPOSE FROM THE CITY-WIDE CONTINGENCY ACCOUNT FOR THE PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-121-07) be adopted and that same be numbered Resolution 19534.

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

Motion carried.

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

Moved by CLEGG and seconded by EBERLE that Amalia Place Condominiums SUB06-00105 be granted as requested subject to conditions stated in staff.

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

Motion carried.

Aeries Commons Condominiums No. 3 SUB07-00025 Final Plat Subdivision, Final Plat, was before Mayor and Council.

Moved by CLEGG and seconded by EBERLE that Aeries Commons Condominiums No. 3 SUB07-00025 Final Plat be granted as requested subject to conditions stated in staff.

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

Motion carried.

Mayor BIETER announced that this was the time and place set for Phase II State Street Implementation Project.

Kathleen Lacey, Planning and Development Services Department, presented the staff report.

Moved by CLEGG and seconded by EBERLE that Phase II State Street Implementation Project be reconsidered.

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

Motion carried.

Moved by CLEGG and seconded by EBERLE that Phase II State Street Implementation Project be pulled from tonight's Council agenda.

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

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-30-07) by the Council:

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

Titled: AN ORDINANCE (CAR06-00018/M&H LAND ACQUISITIONS, LLC. FOR PROPERTY LOCATED AT 1841 S. VINELLE STREET) AMENDING ZONING CLASSIFICATIONS OF THE CITY OF BOISE CITY TO CHANGE THE CLASSIFICATION OF REAL PROPERTY PARTICULARLY DESCRIBED IN SECTION ONE OF THIS ORDINANCE FROM R-1A (SINGLE FAMILY RESIDENTIAL) TO R-1B/DA (SINGLE FAMILY RESIDENTIAL WITH A DEVELOPMENT AGREEMENT); SETTING FORTH FINDINGS OF FACT IN SUPPORT OF SUCH ZONE CHANGE; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Proposed ordinance (O-31-07) by the Council:

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

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Titled: AN ORDINANCE (CAR06-00063/COURLY DEVELOPMENT, LLC. FOR PROPERTY LOCATED AT 11801 AND 11803 W. FLORIDA DR.) AMENDING ZONING CLASSIFICATIONS OF THE CITY OF BOISE CITY TO CHANGE THE CLASSIFICATION OF REAL PROPERTY PARTICULARLY DESCRIBED IN SECTION ONE OF THIS ORDINANCE FROM R-1A (SINGLE FAMILY RESIDENTIAL 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); SETTING FORTH FINDINGS OF FACT IN SUPPORT OF SUCH ZONE CHANGE; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Moved by CLEGG and seconded by EBERLE that further reading of (O-23-07), (O-26-07), (O-27-07), (O-28-07) and (O-29-07) 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 and SHEALY.

Motion carried.

Proposed ordinance (O-23-07) by the Council:

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

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 third time.

Moved by CLEGG and seconded by EBERLE that the proposed ordinance (O-23-07) be passed and that the same be numbered Ordinance 6552.

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

Motion carried.

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 third time.

Moved by CLEGG and seconded by EBERLE that the proposed ordinance (O-26-07) be passed and that the same be numbered Ordinance 6553.

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

Motion carried.

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 POSTED; 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 third time.

Moved by CLEGG and seconded by EBERLE that the proposed ordinance (O-27-07) be passed and that the same be numbered Ordinance 6554.

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

Motion carried.

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

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

Moved by CLEGG and seconded by EBERLE that the proposed ordinance (O-28-07) be passed and that the same be numbered Ordinance 6555.

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

Motion carried.

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 third time.

Moved by CLEGG and seconded by EBERLE that the proposed ordinance (O-29-07) be passed and that the same be numbered Ordinance 6556.

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

Motion carried.

Tarragon Subdivision (formerly Division Row Subdivision) SUB06-00131 Preliminary and Final Plat, Boise City (proposed single family townhome subdivision with 10 buildable lot on .55 acres with a density of the subdivision of 18.18 lots per acre located on the northeast corner of Division Street and Hale Street) was before Mayor and Council.

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

Moved by CLEGG and seconded by EBERLE that Tarragon Subdivision (formerly Division Row Subdivision) SUB06-00131 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, EBERLE, JORDAN and SHEALY.

Motion carried.

Graewood Pines Condominiums SUB06-00132
Preliminary Plat, Boise City (proposed condominium
conversion of an existing apartment complex located on the
south side of W. Targee Street between S. Orchard Street and
S. Pond Street) was before Mayor and Council.

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

Councilmember CLEGG requested unanimous consent
that Graewood Pines Condominiums SUB06-00132 Preliminary
Plat be pulled until plat issues are resolved.

Unanimous consent granted.

Mayor BIETER announced that this was the time and
place set for a public hearing on CUP06-00109 and CVA06-
00048/Appeal/Heather J. Summers appeal of the Planning and
Zoning Commission decision to approve a Conditional Use
Permit and associated Variance for a Planned Residential
Development consisting of 16 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.

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

Heather Summers, 752 E. Curling Dr. appellant, Ken
Reed, 2662 N. 38th Street and Karen Siva, 2319 Sunset,
addressed Council in support of the appeal.

Sabrina Whitehead, 1800 W. Overland Rd. applicant,
David Hertel 151 S. East Ave. Ketchum, Id., Laura Loftus
2520 N 26th St. and Susan Wildwood 2533 N. 26th St. addressed
the Council in opposition to the appeal and in support of
the development.

Mayor BIETER announced that the public hearing was
closed.

Motion by CLEGG and seconded by JORDAN to uphold
and affirm the decision of the Planning and Zoning
Commission and deny the appeal of CUP06-00109 and CVA06-
00048.

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

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Motion carried.

There being no further business the meeting
adjourned at 8:00 o'clock P.M.

APPROVE:

MAYOR

ATTEST:

CITY CLERK