

BOISE, IDAHO
APRIL 10, 2007

Council met in regular session Tuesday, April 10, 2007, Mayor DAVID H. BIETER, presiding.

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

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

Moved by CLEGG and seconded by EBERLE that the minutes from the April 3, 2007, Boise City Council Work Session Meeting 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 the minutes from the April 3, 2007, Boise City Council Meeting be approved.

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

Motion carried.

Mayor BIETER announced that it was the time and place set for the appointment of Christopher Pooser to the Historic Preservation Commission to complete an unexpired term ending October 28, 2009.

Councilmember CLEGG requested unanimous consent that the appointment of Christopher Pooser to the Historic Preservation Commission to complete an unexpired term ending October 28, 2009 be approved.

Unanimous consent was granted.

Mayor BIETER announced that it was the time and place set for the appointment of Barbara C. Dawson to the

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Historic Preservation Commission to complete an unexpired term ending October 25, 2007.

Councilmember CLEGG requested unanimous consent that the appointment of Barbara C. Dawson to the Historic Preservation Commission to complete an unexpired term ending October 25, 2007 be approved.

Unanimous consent was granted.

Mayor BIETER announced that this was the time and place set for Hyechu Samuels revocation of Massage Therapist and Massage Establishment License.

Robert Barros-Bailey, Finance and Administration Department, presented the staff report.

David LeRoy, applicant representative, addressed the Council in support of Hyechu Samuels and in opposition to the revocation of the Massage Therapist and Massage Establishment License.

Moved by CLEGG and seconded by JORDAN that Hyechu Samuels revocation of Massage Therapist and Massage Establishment License by the Hearing Officer be overturned and make a finding that the alcohol on the premise citation, dated March 7, 2006, is a de minimus violation and that the City Clerk be directed to come back to the Council within a week with conditions to be placed upon the license and a time period in which it would be placed.

Substitute motion by EBERLE and seconded by SHEALY that Hyechu Samuels revocation of Massage Therapist and Massage Establishment License revocation by the Hearing Officer be affirmed in part in the findings and to reverse the recommendations and that the recommendations be brought back by the Office of the City Clerk and that contains, suspensions, fines and/or restrictions of the license.

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

Motion fails.

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

Motion fails.

Moved by SHEALY and seconded by EBERLE that regarding the Hyechu Samuels revocation of Massage Therapist and Massage Establishment License, to uphold the findings of the Hearing Examiner and reverse the recommendations of the Hearing Examiner as follows: impose a one month suspension of the license from this date and that the Clerk come back with a applicable justifiable nominal fine and the circumstances under which that fine will be assessed.

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

Motion carried.

Mayor BIETER announced that this was the time and place set for a public hearing on CUP06-00124, CVA06-00053 and CFH06-00046/Appeal/Bonar Development is appealing the Planning and Zoning Commissions denial of a Conditional Use Permit, Variance and Hillside Development Permit to construct a foothills planned development located at 6700 N. Bogus Basin Road in a proposed R-1A (Single Family Residential) zone; 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) and Bonar Subdivision SUB06-00124 Preliminary Plat Boise City (proposed single family residential subdivision with 14 buildable lots and 7 common lots on 150.70 acres with a density of 1 buildable lot per 10.76 acres located on the west side of Bogus Basin Road north of Curling Drive).

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

Councilmember CLEGG requested unanimous consent that CUP06-00124, CVA06-00053 and CFH06-00046/Appeal/Bonar Development is appealing the Planning and Zoning Commissions denial of a Conditional Use Permit, Variance and Hillside Development Permit to construct a foothills planned development located at 6700 N. Bogus Basin Road in a proposed R-1A (Single Family Residential) zone; 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) and Bonar Subdivision SUB06-00124 Preliminary Plat Boise City (proposed single family residential

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subdivision with 14 buildable lots and 7 common lots on 150.70 acres with a density of 1 buildable lot per 10.76 acres located on the west side of Bogus Basin Road north of Curling Drive) be remanded back to the Planning and Zoning Commission.

Unanimous consent was granted.

Moved by CLEGG and seconded by EBERLE that the Boise City Checks No. 243566 thru 244111 in the total amount of \$2,160,896.12 as of April 4, 2007 be approved.

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

Motion carried.

The Bid Results for Approval of Contract, F/B 07-124: El Blanco Drive Sewer, CSP-938, were before Mayor and Council as enumerated in staff report dated March 26, 2007.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that F/B-124 be awarded to the lowest responsive and responsible bidder, Clearwater Operations, in a total amount not to exceed \$47,008.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Clearwater Operations, in the total contract amount of \$47,008, subject to compliance with bonding and insurance requirements.

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

Motion carried.

The Bid Results for F/B 07-127: City Shop Re-Roof were before Mayor and Council as enumerated in staff report dated March 27, 2007.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that F/B 07-127 be awarded to the lowest responsive and responsible bidder, Madison Roofing, in a total amount not to exceed \$73,972.00.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Madison Roofing, in the total contract amount of \$73,972.00,

subject to compliance with bonding and insurance requirements.

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

Motion carried.

The Bid Results for F/B 07-128: Ultra Violet Lamps were before Mayor and Council as enumerated in staff report dated March 29, 2007.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that F/B 07-128 be awarded to the lowest responsive and responsible bidder, Greg Ellner Associates, in a total amount not to exceed \$46,035.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Greg Ellner Associates, in the total contract amount of \$46,035, subject to compliance with bonding and insurance requirements.

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

Motion carried.

The Bid Results for 07-CON-155: Sole Source Irrigation Services and Parts for the Twenty Mile South Biosolid application Farm were before Mayor and Council as enumerated in staff report dated March 27, 2007.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that 07-CON-155: Sole Source Irrigation Services and Parts for the Twenty Mile South Biosolid application Farm be awarded to the lowest responsive and responsible bidder, Agri-Lines Inc., in a total amount not to exceed \$96,000.00.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Agri-Lines Inc., in the total contract amount of \$96,000.00, subject to compliance with bonding and insurance requirements.

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

Motion carried.

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The Bid Results for 07-CON-166: Watershed Environmental Education Center were before Mayor and Council as enumerated in staff report dated March 30, 2007.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that 07-CON-166 be awarded to the lowest responsive and responsible bidder, CH2M Hill, in a total amount not to exceed \$300,000.00.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to CH2M Hill, in the total contract amount of \$300,000.00, subject to compliance with bonding and insurance requirements.

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

Motion carried.

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

- a) Ann Marie Young, 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, 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: Irrigation Services and Parts for the Twenty Mile South Biosolid Application Farm, Public Works Department
- b) Sole Source Purchase: Watershed Environmental Education Center, Public Works Department
- c) Boise City Building Construction Report, October, March, Fiscal Report
- d) Boise City Building Construction Report, January, March Calendar Report
- e) Boise City Building Construction Report, March 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, SHEALY and TIBBS.

Motion carried.

Proposed resolution (R-71-07) 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, AN EXTENSION OF A LEASE OF OFFICE SPACE FOR USE AS A YOUTH RECREATION CENTER AND LOCATED AT 2273 SOUTH VISTA, BOISE, IDAHO, BY AND BETWEEN THE CITY OF BOISE AND BOISE HOUSING CORPORATION; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-71-07) be adopted and that same be numbered Resolution 19547.

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

Motion carried.

Proposed resolution (R-115-07) 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 06-CON-124 B STATE STREET CORRIDOR IMPLEMENTATION PHASE 2; PLANNING & 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 19548.

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

Motion carried.

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Proposed resolution (R-131-07) 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, (DEPARTMENT OF AVIATION AND PUBLIC TRANSPORTATION) AND EXPRESSJET AIRLINES, INC. FOR THE LEASE OF CERTAIN PREMISES UPON BOISE AIR TERMINAL (GOWEN FIELD); AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-131-07) be adopted and that same be numbered Resolution 19549.

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

Motion carried.

Proposed resolution (R-135-07) by the Council:

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

Titled: A RESOLUTION APPROVING A HOUSING REHABILITATION LOAN FOR LISA LEE, FOR REAL PROPERTY LOCATED AT 1713 E. BERGESON, BOISE, IDAHO, 83706; THROUGH THE PLANNING AND DEVELOPMENT SERVICE'S DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID LOAN DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-135-07) be adopted and that same be numbered Resolution 19550.

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

Motion carried.

Proposed resolution (R-136-07) by the Council:

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

Titled: A RESOLUTION ACCEPTING THE GRANT OF A SANITARY SEWER ACCESS EASEMENT FROM MIKE AND JAN STEVENSON TO THE CITY OF BOISE CITY FOR THE OPERATION AND MAINTENANCE OF A

SANITARY SEWER LINE CONSTRUCTED THROUGH CITY SEWER PROJECT DRI-1417; AND PROVIDING AN EFFECTIVE DATE.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-136-07) be adopted and that same be numbered Resolution 19551.

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

Motion carried.

Proposed resolution (R-137-07) 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 07-127, CITY SHOP RE-ROOF, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND MADISON ROOFING; AND PROVIDING AN EFFECTIVE DATE.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-137-07) be adopted and that same be numbered Resolution 19552.

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

Motion carried.

Proposed resolution (R-137-07) 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 07-124; EL BLANCO DRIVE SEWER, CSP-938, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND CLEARWATER OPERATIONS; AND PROVIDING AN EFFECTIVE DATE.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-138-07) be adopted and that same be numbered Resolution 19553.

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

Motion carried.

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Proposed resolution (R-139-07) 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 SOLE SOURCE AGREEMENT FOR 07 CON-155 SOLE SOURCE IRRIGATION SERVICES AND PARTS FOR THE TWENTY MILE SOUTH FARM BIOSOLID APPLICATION FARM PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND AGRI- LINES, INC.; AND PROVIDING AN EFFECTIVE DATE.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-139-07) be adopted and that same be numbered Resolution 19554.

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

Motion carried.

Proposed resolution (R-140-07) 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 SOLE SOURCE AGREEMENT FOR 07 CON-166; WATERSHED ENVIRONMENTAL EDUCATION CENTER, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND CH2M HILL, INC.; AND PROVIDING AN EFFECTIVE DATE.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-140-07) be adopted and that same be numbered Resolution 19555.

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

Motion carried.

Proposed resolution (R-141-07) 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 2 TO 07-CON-093; MAPLE GROVE ROAD BETWEEN FRANKLIN/FAIRVIEW SEWER MODIFICATION CSP 851, PUBLIC WORKS

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DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND SOMMER CONSTRUCTION, INC.; AND PROVIDING AN EFFECTIVE DATE.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-141-07) be adopted and that same be numbered Resolution 19556.

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

Motion carried.

Proposed resolution (R-142-07) by the Council:

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

Titled: A RESOLUTION APPROVING A FIRE PROTECTION AND EMERGENCY SERVICES AGREEMENT BETWEEN THE CITY OF BOISE AND THE NORTH ADA COUNTY FIRE AND RESCUE DISTRICT FOR THE PURPOSE OF PROVIDING COMPREHENSIVE FIRE PROTECTION SERVICES IN MUTUALLY AGREED UPON AREAS; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-142-07) be adopted and that same be numbered Resolution 19557.

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

Motion carried.

Lifestyle Condominiums SUB05-00090 Final Plat, Boise City (proposed 96 unit condominium located at the southeast corner of the intersection of West Ustick Road and North Cloverdale Road) Subdivision, Final Plat, was before Mayor and Council.

Moved by CLEGG and seconded by EBERLE that Lifestyle Condominiums SUB05-00090 Final Plat, Boise City be granted as requested subject to conditions stated in staff.

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

Motion carried.

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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-33-07) by the Council:

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

Titled: AN ORDINANCE (CAR06-00073/ROBERT HUETH) FOR PROPERTY LOCATED AT 7200 N. GARY LANE) 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 R-1C (SINGLE FAMILY RESIDENTIAL); 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-34-07) by the Council:

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

Titled: AN ORDINANCE (CAR06-00055 & CAR06-00056/PATRICK TELLERIA FOR PROPERTY LOCATED AT 3400 E. BARBER DRIVE) 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 C-4D/DA (PLANNED COMMERCIAL WITH A DESIGN REVIEW OVERLAY AND A DEVELOPMENT AGREEMENT) ON 11.8 ACRES AND A-1 (OPEN LAND) REMAINING ON THE STEEPLY SLOPED ACREAGE; 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-30-07) and (O-31-07) 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-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 third time.

Moved by CLEGG and seconded by EBERLE that the proposed ordinance (O-30-07) be passed and that the same be numbered Ordinance 6558.

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

Motion carried.

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

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

Titled: AN ORDINANCE (CAR06-00063/COURLY DEVELOPMENT, LLC. FOR PROPERTY LOCATED AT 11801 & 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 third time.

Moved by CLEGG and seconded by EBERLE that the proposed ordinance (O-31-07) be passed and that the same be numbered Ordinance 6559.

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 that all rules of the Council interfering with immediate consideration of (O-32-07) be suspended and that the portions of I.C. 5092 requiring an ordinance to be read on three different days, twice by title and once in full, be

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dispensed with and the record show it has been read the third time in full.

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

Motion carried.

Proposed ordinance (O-32-07) by the Council:

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

Titled: AN ORDINANCE (CAR06-00072/DA/SHERYL YOCHUM FOR PROPERTY LOCATED AT 3512 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 L-OD (LIMITED OFFICE WITH DESIGN REVIEW) TO C-1D/DA (NEIGHBORHOOD COMMERCIAL WITH DESIGN REVIEW AND A DEVELOPMENT AGREEMENT); SETTING FORTH FINDINGS OF FACT IN SUPPORT OF SUCH ZONE CHANGE; PROVIDING FOR A WAIVER OF THE READING RULES; AND PROVIDING AN EFFECTIVE DATE, was read for the first, second and third time.

Moved by CLEGG and seconded by EBERLE that the proposed ordinance (O-32-07) be passed and that the same be numbered Ordinance 6560.

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

Motion carried.

RECESS: 6:48 P.M.

RECONVENE: 6:58 P.M.

Promontory Ridge Subdivision SUB04-00065 Bonding Time Extension, Boise City (six month time extension for the completion of revegetation of hillside area), was before Mayor and Council.

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

Moved by CLEGG and seconded by EBERLE that Promontory Ridge Subdivision SUB04-00065 Bonding Time Extension, Boise City 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, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

Sunnyridge Subdivision SUB07-00007 Preliminary Plat, Ada County (proposed residential subdivision with 174 lots and 16 common lots located on the south side of East Columbia Road approximately 1.73 miles east of Technology Way), was before Mayor and Council.

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

Terry Little, Ada County Highway District (ACHD), answered the Council's questions.

Dave Hanneman, Fire Department and Jade Riley, Office of the Mayor, answered the Council's questions.

Kevin McCarthy, 524 Cleveland Blvd., Caldwell, Toothman Orton Engineering, applicant representative, and Dave Kallas, 1703 Hill Road, Developer, addressed the Council in support of the subdivision.

Moved by EBERLE and seconded by SHEALY that SUB07-00007 be recommended for approval to Ada County with the following additions to the staff conditions: 1) that the Developer is willing to stipulate voluntarily with the County to be assessed the amount that the Development Impact Fee Ordinance will require once it is passed; 2) that Ada County staff get a commitment from ACHD that the ½ mile collector system is agreeable for this area; 3) that they look at the exterior access design of this subdivision, particularly with attention to the south and east for additional interconnection to the adjoining properties; and 4) that they strive for no longer than 500 foot block lengths on the exterior with that inner connectivity.

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

Motion carried.

RECESS: 8:05 P.M.

RECONVENE: 8:12 P.M.

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Mayor BIETER announced that this was the time and place set for a public hearing on CAR07-00001/Boise City request for approval of an ordinance amendment to Title 11, Chapter 10, Section 11-10-04.04(F)(1)(b) - Parking Area and Service Drive Improvements in order to allow the use of rock mulch in locations approved by the Design Review Committee.

Hal Simmons, Planning and Development Services, 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.

Moved by CLEGG and seconded by JORDAN that request for approval of an ordinance amendment to Title 11, Chapter 10, Section 11-10-04.04(F)(1)(b) - Parking Area and Service Drive Improvements in order to allow the use of rock mulch in locations 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 CAR06-00064/DA/Annexation/Phil Bennett request for approval of an annexation of +/-1.06 acres located at 7775 W. Hill Road with a zoning designation of R-1C/DA (Single Family Residential with a Development Agreement).

Hal Simmons, Planning and Development Services, 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.

Moved by CLEGG and seconded by EBERLE that CAR06-00064/DA/Annexation/Phil Bennett request for approval of an annexation of +/-1.06 acres located at 7775 W. Hill Road with a zoning designation of R-1C/DA (Single Family Residential 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 CAR06-00078/Rezone/Boise State University request for 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.

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

Whitney Muir, 1910 University Drive, applicant representative, 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 CAR06-00078/Rezone/Boise State University request for 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 be approved, as amended in the recommendation of staff, to only include the area south of University Drive and north of Beacon, which is currently within the Comprehensive Plan for the University.

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

Motion carried.

Councilmember CLEGG requested unanimous consent that staff be directed to work with Boise State University for a process to bring the rest of the proposal before the Council.

Unanimous consent was granted.

Mayor BIETER announced that this was the time and place set for a public hearing on DRH07-00023/Boise School District request for a façade easement transfer of 1211 Washington Street to the City of Boise located in an R-3DD (Multi-Family Residential with Downtown Design Review) zone.

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

John King, 128 Parkway Drive, Boise School District, applicant representative and Dan Everhart, 200 N. 3rd Street, Preservation Idaho, addressed the Council in support of the façade easement transfer.

Mayor BIETER announced that the public hearing was closed.

Moved by CLEGG and seconded by EBERLE that DRH07-00023/Boise School District request for a façade easement transfer of 1211 Washington Street to the City of Boise located in an R-3DD (Multi-Family Residential with Downtown Design Review) zone be approved with the added caveat that City staff bring back their plan for how they will monitor the façade easement of this property and others that the City owns.

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 8:45 o'clock P.M.

APPROVE:

MAYOR

ATTEST:

CITY CLERK