

BOISE, IDAHO
MAY 1, 2007

Council met in regular session Tuesday, May 1, 2007, Council President ELAINE CLEGG, presiding.

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

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

Moved by EBERLE and seconded by TIBBS that the minutes from the April 17, 2007, Boise City Council Work Session Meeting be approved.

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

Motion carried.

Moved by EBERLE and seconded by TIBBS that the minutes from the April 17, 2007, Boise City Council Meeting be approved.

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

Motion carried.

Mayor BIETER announced that it was the time and place set for the Reappointment of Tom Brown to the Electrical Board of Appeals for a three year term to expire December 31, 2009.

Moved by EBERLE and seconded by JORDAN that the appointment of Tom Brown to the Electrical Board of Appeals be approved.

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 the Boise City Checks No. 244667 thru 245324 in the total amount of \$2,249,462.79 as of April 18, 2007 be approved.

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

Motion carried.

Moved by EBERLE and seconded by JORDAN that the Boise City Checks No. 245325 thru 245846 in the total amount of \$907,275.04 as of April 25, 2007 be approved.

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

Motion carried.

The Bid Results for F/B 07-139: Ellis Avenue Sewer Extension, CSP-940, Public Works Department were before Mayor and Council as enumerated in staff report dated April 11, 2007.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that F/B 07-139 be awarded to the lowest responsive and responsible bidder, Richard L, Jordan, in a total amount not to exceed \$29,760.

Moved by EBERLE and seconded by JORDAN that the recommendations be followed and the bid be awarded to Richard L. Jordan, in the total contract amount of \$29,760, subject to compliance with bonding and insurance requirements.

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

Motion carried.

The Bid Results for RFP 07-140A & B: General Employee Grievance Hearing Officer, Department of Human Resources were before Mayor and Council as enumerated in staff report dated April 20, 2007.

RECOMMENDATION: The Purchasing Division concurs with Human Resources in recommending that RFP 07-140A & B be awarded to

the lowest responsive and responsible bidder, (A) Davis, Miller & Walker (in an amount not to exceed \$10,000.00) (B) Thomas Dominick (in an amount not to exceed \$10,000.00) in a total amount not to exceed \$20,000.00.

Moved by EBERLE and seconded by JORDAN that the recommendations be followed and the bid be awarded to (A) Davis, Miller & Walker (in an amount not to exceed \$10,000.00) (B) Thomas Dominick (in an amount not to exceed \$10,000.00), in the total contract amount of \$20,000.00, subject to compliance with bonding and insurance requirements.

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

Motion carried.

The Bid Results for F/B 07-145: Sewer Lateral Launcher, Public Works Department were before Mayor and Council as enumerated in staff report dated April 18, 2007.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that F/B 07-145 be awarded to the lowest responsive and responsible bidder, ELXSI d/b/a CUES, in a total amount not to exceed \$36,765.

Moved by EBERLE and seconded by JORDAN that the recommendations be followed and the bid be awarded to ELXSI d/b/a CUES, in the total contract amount of \$36,765, subject to compliance with bonding and insurance requirements.

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

Motion carried.

The Bid Results for F/B 07-151: Riva Ridge, Arabian Way and Amity Road Sewer, SWS-184, Public Works Department were before Mayor and Council as enumerated in staff report dated April 11, 2007.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that F/B 07-151 be awarded to the lowest responsive and responsible bidder, Richard L. Jordan, in a total amount not to exceed \$171,480.

Moved by EBERLE and seconded by JORDAN that the recommendations be followed and the bid be awarded to Richard L. Jordan, in the total contract amount of \$171,480,

subject to compliance with bonding and insurance requirements.

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

Motion carried.

The Bid Results for F/B 07-154: 2007 Playground Equipment Infrastructure and Installation, Parks and Recreation Department were before Mayor and Council as enumerated in staff report dated April 19, 2007.

RECOMMENDATION: The Purchasing Division concurs with Parks and Recreation Department in recommending that F/B 07-154 be awarded to the lowest responsive and responsible bidder, Golis Construction in the total contract amount of \$268,299.00.

Moved by EBERLE and seconded by JORDAN that the recommendations be followed and the bid be awarded to Golis Construction, in the total contract amount of \$268,299.00, subject to compliance with bonding and insurance requirements.

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

Motion carried.

The Bid Results for RFP 07-091: Miscellaneous Real Estate Marketing and Auction Services, Planning and Development Services Department were before Mayor and Council as enumerated in staff report dated April 10, 2007.

RECOMMENDATION: The Purchasing Division concurs with Planning Development Services Department in recommending that RFP 07-091 be awarded to the lowest responsive and responsible bidder, Sperry Van Ness/Fisher Auction Co. Inc., on tasks order basis.

Moved by EBERLE and seconded by JORDAN that the recommendations be followed and the bid be awarded to Sperry Van Ness/Fisher Auction Co. Inc., on tasks order basis.

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

Motion carried.

The Bid Results for Authorization to Procure off of the State of Idaho Bid, ITB02928, Purchasing Contract, 07-CON-177: 2007 Purchase of Tractor were before Mayor and Council as enumerated in staff report dated April 10, 2007.

RECOMMENDATION: The Purchasing Division concurs with Aviation and Public Transportation Department in recommending that 07-CON-177 be awarded to the lowest responsive and responsible bidder, Agri-Service, in a total amount not to exceed \$52,499.00.

Moved by EBERLE and seconded by JORDAN that the recommendations be followed and the bid be awarded to Agri-Service, in the total contract amount of \$52,499.00, subject to compliance with bonding and insurance requirements.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, 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:

- a) Evelyn Gimmel, Property Damage
- b) Harbor View Station Apartments, Property Damage
- c) Megen Bouchard, Property Damage
- d) Margaret Carroll, Property Damage
- e) Nicole Bogdaniec, Property Damage
- f) Imelda Sandoval Mora, Personal Injury
- g) Erik Torres, Personal Injury
- h) Todd Anderson, Property Damage

Moved by EBERLE and seconded by JORDAN 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 TIBBS.

Motion carried.

The City Clerk requested June 5, 2007, in Council Chambers be confirmed for a public hearing on:

- a) CAR07-00012/Lumber Products request approval of an amendment to the Land Use Map of the

Comprehensive Plan to change the designation of +/-5.67 acres located at 2390 S. Maple Grove Road from Estate Density Residential (3 DU/Acre) to Industrial.

Moved by EBERLE and seconded by JORDAN that June 5, 2007 in Council Chambers be confirmed as requested.

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

Motion carried.

The City Clerk requested June 12, 2007, in Council Chambers be confirmed for a public hearing on:

- a) CAR07-00026/Brighton Properties, LLC request approval of an amendment to the Land Use Map of the Comprehensive Plan to change the designation of +/-7.016 acres located at 3630 N. Eagle Road from Low Density Residential (4 DU/Acre) to Commercial.
- b) CAR07-00025/Rezone/Brighton Properties, LLC request approval to rezone +/-7.016 acres located at 3630 N. Eagle Road from A-1 (Open Land) to C-1D (Neighborhood Commercial with Design Review).
- c) CAR07-00015/Boxwood Ranch, LLC, Ed Bews, Primeland Development Company, LLP, William Craig, & the Richard Dale Nelson Trust request approval of an amendment to the Land Use Map and text of the Comprehensive Plan to create the Ten Mile Creek Planning Area and to assign the Planned Community Land Use Map designation to +/-337 acres outside the current Boise City Area of Impact, generally located on the northeast corner of Hubbard and Cloverdale Roads.
- d) CAR07-00022/Clint Boyle requests approval of an amendment to the Land Use Map and text of the Comprehensive Plan to create the Uplands Planning Area and assign the Planned Community Land Use Map designation to +/-653 acres outside the current Boise City Area of Impact, generally located south of the New York Canal, between Cloverdale Road and Cole Road).

Moved by EBERLE and seconded by JORDAN that June 12, 2007 in Council Chambers be confirmed as requested.

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

Motion carried.

The City Clerk requested June 19, 2007, in Council Chambers be confirmed for a public hearing on:

- a) CAR06-00079/Rezone/Harris Ranch Limited Partnership, LLC requests approval of a Specific Plan District Area Rezone with Design Review, for a mixed use development comprised of commercial, office, public, open space and residential areas. The rezone request includes a land use map, land use matrix, design guidelines and a zoning document, including an approval and amendment process. The request includes lands regulated by Floodplain, Boise River System, Foothills Planned Development and Hillside and Foothill Areas Development Ordinance reviews. The subject area is located within the vicinity of 3200 Warm Springs Avenue, within the Barber Valley located north of the Boise River, west of Warm Springs Mesa and generally southeast of the Table Rock Road. The subject ownerships include 1,295 acres +/- located on five areas of land situated in Sections 17, 19, 20, 21, 28, 29, and 30, Township 3 North, Range 3 East, Boise Meridian, Ada County.

Moved by EBERLE and seconded by JORDAN that June 19, 2007 in Council Chambers be confirmed as requested.

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

Motion carried.

The City Clerk requested July 10, 2007, in Council Chambers be confirmed for a public hearing on:

- a) CAR07-00021/The Land Group, Inc./Brighton Investments, LLC request approval of an amendment to the Boise Comprehensive Plan Land Use Map to change the Land Use designation of +/-39.64 acres located at 6760 E. Warm Springs Avenue from Estate Density Residential (2 DU/Acre) to Planned Community.

- b) CAR07-00017/Michael, Alan & Helene Moskovitz request approval of an amendment to the Land Use Map of the Comprehensive Plan to change the designation of +/-3.41 acres located at 1357 N. Five Mile Road and 10730 W. Florence Drive from Low Density Residential (4 DU/Acre) to Medium Density Residential (15 DU/Acre).
- c) CAR07-00016/Rezone/Michael, Alan & Helen Moskovitz request approval to rezone +/-0.77 acres located at 1357 N. Five Mile Road from R-1A (Single Family Residential - 2.1 DU/Acre) to R-2D (Combined Residential with Design Review) and +/-2.64 acres located at 10730 W. Florence Drive from R-1A (Single Family Residential - 2.1 DU/Acre) to R-2D (Combined Residential with Design Review).
- d) CUP07-00023/Appeal/Ward Schwider is appealing the Planning and Zoning Commission's denial of a Conditional Use Permit to construct a 4-unit planned development that included a parking reduction on property located at 1910 and 1912 E. Bob's Drive in an R-2D (Combined Residential with Design Review) zone.

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

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

Motion carried.

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

- a) Basque Center regarding San Inazio Festival at the Basque Block, 601 Grove Street on July 27 thru July 29, 2007

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

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

Motion carried.

The Wages and Benefit Team requests the following be approved by Council:

- a) Command Staff and Executive Director Pay Plans

Moved by EBERLE and seconded by JORDAN that the Wages and Benefit Team changes be approved as requested.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, 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) Boise Public Library Board of Trustees Minutes, March 7, 2007
- b) Boise Public Library Director's Report, April 2007
- c) Sole Source Purchase: Allen Bradley baggage system spare parts, Aviation and Public Transportation Department
- d) Employee Advisory Committee Minutes, February 21 and March 21, 2007

Moved by EBERLE and seconded by JORDAN 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 TIBBS.

Motion carried.

Proposed resolution (R-153-07) by the Council:

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

Titled: A RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY, BY AND THROUGH ITS DEPARTMENT OF PARKS AND RECREATION, AND THE IDAHO ELKS REHABILITATION HOSPITAL, INC.; PROVIDING FOR THE JOINT ADMINISTRATION AND OPERATION OF THE 2007 IDAHO YOUTH WHEELCHAIR SPORTS CAMP; PROVIDING FOR A PROPOSED BUDGET; PROVIDING FOR INDEMNIFICATION; AND PROVIDING AN EFFECTIVE DATE, was read in full.

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Moved by EBERLE and seconded by JORDAN that the proposed resolution (R-153-07) be adopted and that same be numbered Resolution 19567.

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

Motion carried.

Proposed resolution (R-154-07) by the Council:

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

Titled: A RESOLUTION DECLARING THE INTENT OF THE CITY OF BOISE CITY, BY AND THROUGH ITS DEPARTMENT OF PARKS AND RECREATION, TO EXCHANGE REAL PROPERTY BEING PURCHASED BY THE CITY OF BOISE AND LOCATED AT 509 SOUTH ASH STREET, BOISE, ADA COUNTY IDAHO, FOR REAL PROPERTY LOCATED ON MYRTLE STREET AT 2ND STREET, BOISE, ADA COUNTY IDAHO, AND OWNED BY THE URBAN RENEWAL AGENCY OF BOISE CITY, IDAHO, AKA CAPITAL CITY DEVELOPMENT CORPORATION, A TAX SUPPORTED GOVERNMENTAL UNIT; INSTRUCTING THE CITY CLERK TO ESTABLISH AND PUBLISH NOTICE OF A HEARING DATE TO REVIEW THE PROPOSED CONVEYANCE, EXCHANGE OR SALE; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by EBERLE and seconded by JORDAN that the proposed resolution (R-154-07) be adopted and that same be numbered Resolution 19568.

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

Motion carried.

Proposed resolution (R-155-07) by the Council:

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

Titled: A RESOLUTION APPROVING AN AGREEMENT OF LEASE BY AND BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS DEPARTMENT) AND TFI LIMITED PARTNERSHIP FOR THE LEASE OF CATTLE GRAZING PROPERTY AT THE BOISE CITY TWENTY MILE SOUTH FARM; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT OF LEASE ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by EBERLE and seconded by JORDAN that the proposed resolution (R-155-07) be adopted and that same be numbered Resolution 19569.

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

Motion carried.

Proposed resolution (R-156-07) by the Council:

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

Titled: A RESOLUTION APPROVING AN AGREEMENT OF LEASE BY AND BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS DEPARTMENT) AND TFI LIMITED PARTNERSHIP FOR THE LEASE OF FEEDLOT PROPERTY AT THE BOISE CITY TWENTY MILE SOUTH FARM; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT OF LEASE ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by EBERLE and seconded by JORDAN that the proposed resolution (R-156-07) be adopted and that same be numbered Resolution 19570.

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

Motion carried.

Proposed resolution (R-157-07) by the Council:

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

Titled: A RESOLUTION APPROVING AND ADOPTING BEST MANAGEMENT PRACTICES (BMPS) FOR FOOD SERVICE FACILITIES FATS, OIL AND GREASE (FOG), DENTAL OFFICES AND SILVER DISCHARGES FOR MANAGEMENT THROUGH THE BOISE CITY WASTEWATER PRETREATMENT PROGRAM; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by EBERLE and seconded by JORDAN that the proposed resolution (R-157-07) be adopted and that same be numbered Resolution 19571.

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

Motion carried.

Proposed resolution (R-158-07) by the Council:

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

Titled: A RESOLUTION APPROVING A LICENSE AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS DEPARTMENT) AND DRAINAGE DISTRICT NO. 4 FOR A SEWER LINE CROSSING THROUGH THE THURMAN DRAIN; RESCINDING RESOLUTION NO. 19487 WHICH HAD APPROVED A PREVIOUS LICENSE AGREEMENT BETWEEN BOISE CITY AND DRAINAGE DISTRICT NO. 4; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID LICENSE AGREEMENT ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by EBERLE and seconded by JORDAN that the proposed resolution (R-158-07) be adopted and that same be numbered Resolution 19572.

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

Motion carried.

Proposed resolution (R-159-07) by the Council:

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

Titled: A RESOLUTION APPROVING A LICENSE AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS DEPARTMENT) AND THURMAN MILL DITCH COMPANY, LTD FOR A SEWER LINE CROSSING OVER THE THURMAN MILL DITCH; RESCINDING RESOLUTION NO. 19486 WHICH HAD APPROVED A PREVIOUS LICENSE AGREEMENT BETWEEN BOISE CITY AND THURMAN MILL DITCH COMPANY LTD.; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID LICENSE AGREEMENT ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by EBERLE and seconded by JORDAN that the proposed resolution (R-159-07) be adopted and that same be numbered Resolution 19573.

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

Motion carried.

Proposed resolution (R-160-07) by the Council:

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

Titled: A RESOLUTION APPROVING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS DEPARTMENT) AND

CANDELARIO RODRIGUEZ FOR THE LEASE OF HOUSING AT THE BOISE CITY TWENTY MILE SOUTH FARM; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID LEASE AGREEMENT ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by EBERLE and seconded by JORDAN that the proposed resolution (R-160-07) be adopted and that same be numbered Resolution 19574.

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

Motion carried.

Proposed resolution (R-161-07) by the Council:

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

Titled: A RESOLUTION APPROVING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS DEPARTMENT) AND ANSELMO MEDINA FOR THE LEASE OF HOUSING AT THE BOISE CITY TWENTY MILE SOUTH FARM; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID LEASE AGREEMENT ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by EBERLE and seconded by JORDAN that the proposed resolution (R-161-07) be adopted and that same be numbered Resolution 19575.

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

Motion carried.

Proposed resolution (R-162-07) by the Council:

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

Titled: A RESOLUTION APPROVING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS DEPARTMENT) AND FRANCISCO HERNANDEZ RODRIGUEZ FOR THE LEASE OF HOUSING AT THE BOISE CITY TWENTY MILE SOUTH FARM; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID LEASE AGREEMENT ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

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Moved by EBERLE and seconded by JORDAN that the proposed resolution (R-162-07) be adopted and that same be numbered Resolution 19576.

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

Motion carried.

Proposed resolution (R-163-07) by the Council:

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

Titled: A RESOLUTION APPROVING A HOUSING REHABILITATION LOAN FOR ALAN C. AND BARBARA J. ANDERSON, FOR REAL PROPERTY LOCATED AT 4402 CLARK STREET, BOISE, IDAHO, 83705; 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 EBERLE and seconded by JORDAN that the proposed resolution (R-163-07) be adopted and that same be numbered Resolution 19577.

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

Motion carried.

Proposed resolution (R-164-07) 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 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT, AN AGREEMENT FOR RFP 07-091; MISCELLANEOUS REAL ESTATE MARKETING AND AUCTION SERVICES, PLANNING AND DEVELOPMENT SERVICES DEPARTMENT, BETWEEN THE CITY OF BOISE AND SPERRY VAN NESS/FISHER AUCTION CO., INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by EBERLE and seconded by JORDAN that the proposed resolution (R-164-07) be adopted and that same be numbered Resolution 19578.

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

Motion carried.

Proposed resolution (R-165-07) 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 07-139; ELLIS AVENUE SEWER EXTENSION, CSP-940, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND RICHARD L. JORDAN; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by EBERLE and seconded by JORDAN that the proposed resolution (R-165-07) be adopted and that same be numbered Resolution 19579.

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

Motion carried.

Proposed resolution (R-166-07) 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 07-151; RIVA RIDGE, ARABIAN WAY, AND AMITY ROAD SEWER, SWS-184, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND RICHARD L. JORDAN; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by EBERLE and seconded by JORDAN that the proposed resolution (R-166-07) be adopted and that same be numbered Resolution 19580.

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

Motion carried.

Proposed resolution (R-167-07) 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 07-140B; GENERAL EMPLOYEE GRIEVANCE HEARING OFFICER; DEPARTMENT OF HUMAN RESOURCES, BETWEEN THE CITY OF BOISE

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CITY AND THOMAS DOMINICK; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by EBERLE and seconded by JORDAN that the proposed resolution (R-167-07) be adopted and that same be numbered Resolution 19581.

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

Motion carried.

Proposed resolution (R-168-07) 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 07-140A; GENERAL EMPLOYEE GRIEVANCE HEARING OFFICER; DEPARTMENT OF HUMAN RESOURCES, BETWEEN THE CITY OF BOISE CITY AND DAVIS, MILLER & WALKER; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by EBERLE and seconded by JORDAN that the proposed resolution (R-168-07) be adopted and that same be numbered Resolution 19582.

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

Motion carried.

Proposed resolution (R-169-07) 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 07-154; 2007 PLAYGROUND EQUIPMENT INFRASTRUCTURE AND INSTALLATION, PARKS AND RECREATION DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND GOLIS CONSTRUCTION, INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by EBERLE and seconded by JORDAN that the proposed resolution (R-169-07) be adopted and that same be numbered Resolution 19583.

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

Motion carried.

Proposed resolution (R-170-07) by the Council:

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

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, TASK ORDER NUMBER CE-25 TO RFP 05-084C; MISCELLANEOUS CIVIL ENGINEERING SERVICES, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND KELLER ASSOCIATES, INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by EBERLE and seconded by JORDAN that the proposed resolution (R-170-07) be adopted and that same be numbered Resolution 19584.

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

Motion carried.

Proposed resolution (R-171-07) 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 PLANNING & DEVELOPMENT SERVICES DEPARTMENT, TASK ORDER NUMBER 1 TO RFP 07-048A; MISCELLANEOUS COMMERCIAL REAL ESTATE SERVICES, PLANNING AND DEVELOPMENT SERVICES DEPARTMENT, BETWEEN THE CITY OF BOISE AND THORNTON OLIVER KELLER COMMERCIAL REAL ESTATE; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by EBERLE and seconded by JORDAN that the proposed resolution (R-171-07) be adopted and that same be numbered Resolution 19585.

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

Motion carried.

Proposed resolution (R-172-07) 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

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NUMBER 1 TO 05-CON-096; MISCELLANEOUS PAINTING PROJECTS, PARKS AND RECREATION DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND NATIONAL COATING, INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by EBERLE and seconded by JORDAN that the proposed resolution (R-172-07) be adopted and that same be numbered Resolution 19586.

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

Motion carried.

Proposed resolution (R-173-07) by the Council:

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

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, TASK ORDER NUMBER CE-24 TO RFP 05-084C; MISCELLANEOUS CIVIL ENGINEERING SERVICES, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND KELLER ASSOCIATES, INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by EBERLE and seconded by JORDAN that the proposed resolution (R-173-07) be adopted and that same be numbered Resolution 19587.

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

Motion carried.

Proposed resolution (R-174-07) by the Council:

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

Titled: A RESOLUTION APPROVING SUPPLEMENT NO. 1 TO THE LEASE AGREEMENT BETWEEN BOISE CITY (DEPARTMENT OF AVIATION AND PUBLIC TRANSPORTATION) AND THE UNITED STATES OF AMERICA (FEDERAL AVIATION ADMINISTRATION) EXTENDING THE TERM AND REPLACING EXISTING CLAUSES FOR THE LEASE OF PARKING SPACES AT BOISE AIRPORT; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by EBERLE and seconded by JORDAN that the proposed resolution (R-174-07) be adopted and that same be numbered Resolution 19588.

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

Motion carried.

Proposed resolution (R-175A-07) by the Council:

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

Titled: A RESOLUTION DECLARING PUBLIC SUPPORT FOR THE MISSIONS AND OBJECTIVES OF THE JESSE TREE, THE SALVATION ARMY, INTERFAITH ALLIANCE SANCTUARY, SUPPORTIVE HOUSING INNOVATIVE PARTNERSHIPS (SHIP), THE WOMEN AND CHILDREN'S ALLIANCE, AND THE EL-ADA COMMUNITY ACTION PARTNERSHIP, INC., HOMELESS SERVICE PROVIDERS; ALLOWING THIS DECLARATION OF PUBLIC SUPPORT TO BE USED BY EACH RESPECTIVE ORGANIZATION TO SATISFY AN APPLICATION REQUIREMENT FOR THE EMERGENCY SHELTER GRANT (ESG) PROGRAM ADMINISTERED THROUGH THE IDAHO HOUSING AND FINANCE ASSOCIATION FOR THE STATE OF IDAHO IN ORDER TO SUPPORT HOMELESSNESS PREVENTION, EMERGENCY SHELTERS, AND PERMANENT SUPPORTIVE HOUSING FOR HOMELESS PERSONS IN THE CITY OF BOISE; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by EBERLE and seconded by JORDAN that the proposed resolution (R-175A-07) be adopted and that same be numbered Resolution 19589.

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

Motion carried.

Councilmember EBERLE requested unanimous consent that ordinances (o-36-07) and (O-37-07) be pulled from tonight's Council agenda.

Unanimous consent was granted.

Proposed ordinance (O-36-07) by the Council:

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

Titled: AN ORDINANCE REPEALING BOISE CITY CODE TITLE 2, CHAPTER 2, SECTIONS 06 (AVIATION AND PUBLIC TRANSPORTATION DIRECTOR) AND 07 (AVIATION AND PUBLIC TRANSPORTATION); AMENDING TITLE 12, CHAPTER 3, SECTION 01 (ADMINISTRATOR); REPEALING BOISE CITY CODE TITLE 12, CHAPTER 3, SECTION 23

(MANAGER); AMENDING TITLE 12, CHAPTER 11, SECTION 04 TO MAKE MISDEMEANOR PENALTIES CONSISTENT WITH STATE LAW PROVISIONS; AMENDING TITLE 12, CHAPTER 13, SECTION 01 (BOISE AIRPORT MANAGER RESPONSIBLE); AMENDING TITLE 12, CHAPTER 16, SECTION 02 (PARKING AREAS AND TIME LIMITS DESIGNATED); AMENDING TITLE 12, CHAPTER 16, SECTION 06 (PARKING IN ZONE DESIGNATED FOR EMPLOYEES ONLY, PERMITS DISPLAY REQUIRED); AMENDING BOISE CITY CODE TITLE 12, CHAPTER 16, SECTION 08 (ENFORCEMENT); AMENDING TITLE 12, CHAPTER 17, SECTION 03 (CIVIL AVIATION SECURITY) TO PROVIDE INCREASED MISDEMEANOR PENALTIES CONSISTENT WITH STATE LAW; AMENDING TITLE 12, CHAPTER 17, SECTION 04 (VIOLATIONS) TO PROVIDE INCREASED MISDEMEANOR PENALTIES; AMENDING TITLE 12, CHAPTER 18, SECTION 03 (RESTRICTED AREAS); APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

Proposed ordinance (O-37-07) by the Council:

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

Titled: AN ORDINANCE ENACTING BOISE CITY CODE TITLE 3, CHAPTER 2; ESTABLISHING THE DEPARTMENT OF AVIATION; ESTABLISHING THE OFFICE OF THE DIRECTOR OF AVIATION, OR AIRPORT DIRECTOR; ESTABLISHING THE POWERS AND DUTIES OF THE DIRECTOR; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

Councilmember EBERLE requested unanimous consent that ordinances (O-35-07), (O-38-07), (O-39-07) and (O-40-07) on first reading be read by number and title only and filed for the Second Reading Calendar.

Unanimous consent was granted.

Proposed ordinance (O-35-07) by the Council:

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

Titled: AN ORDINANCE REPEALING TITLE 2, CHAPTER 19, SECTIONS 1 THROUGH 5 INCLUSIVE, OF THE BOISE CITY CODE (MAYOR'S TRANSIT ADVISORY COMMITTEE AND FARE SCHEDULE); AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Proposed ordinance (O-38-07) by the Council:

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

Titled: AN ORDINANCE (CAR07-00001/BOISE CITY) PROVIDING FOR AN AMENDMENT TO TITLE 11, CHAPTER 10, SECTION 4.04(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; AND PROVIDING AN EFFECTIVE DA, was read for the first time.

Proposed ordinance (O-39-07) by the Council:

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

Titled: AN ORDINANCE AMENDING BOISE CITY CODE SECTIONS 4-02-26, 4-06-19, 4-07-01(C)(2), 4-08-02(C), 4-11-05, AND 4-13-05, TO INCREASE THE MAXIMUM FINE FOR BUILDING REGULATION VIOLATIONS TO ONE THOUSAND DOLLARS (\$1,000.00) AND ONE HUNDRED EIGHTY (180) DAYS IN JAIL AND TO CORRECT GRAMMATICAL ERRORS; REPEALING BOISE CITY CODE CHAPTERS 4-03 FOR SMOKE CONTROL AND 4-10 FOR FALLOUT SHELTERS; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Proposed ordinance (O-40-07) by the Council:

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

Titled: AN ORDINANCE REPEALING BOISE CITY CODE TITLE 6, CHAPTER 3, SECTION 1, ENTITLED GAMBLING; CIRCUS; REPEALING BOISE CITY CODE TITLE 6, CHAPTER 3, SECTION 2, ENTITLED GAMBLING PROHIBITED; REPEALING BOISE CITY CODE TITLE 6, CHAPTER 3, SECTION 3, ENTITLED WARRANTS; EXECUTION; REPEALING BOISE CITY CODE TITLE 6, CHAPTER 3, SECTION 4, ENTITLED WITNESSES; NONAPPEARANCE; REPEALING BOISE CITY CODE, TITLE 6, CHAPTER 3, SECTION 5, ENTITLED TESTIMONY OF WITNESSES; REPEALING BOISE CITY CODE TITLE 6, CHAPTER 3, SECTION 6, ENTITLED DUTY OF JUDGE; REPEALING BOISE CITY CODE TITLE 6, CHAPTER 3, SECTION 7, ENTITLED SLOT MACHINES; REPEALING BOISE CITY CODE TITLE 6, CHAPTER 3, SECTION 8, ENTITLED BOOKMAKERS; POOLS; RACES; REPEALING BOISE CITY CODE TITLE 6, CHAPTER 3, SECTION 9, ENTITLED LOTTERY; REPEALING BOISE CITY CODE TITLE 6, CHAPTER 3, SECTION 10, ENTITLED BUCKET SHOP; REPEALING BOISE CITY CODE TITLE 6, CHAPTER 3, SECTION 11, ENTITLED DUTY OF TELEGRAPH OR TELEPHONE COMPANY; REPEALING BOISE CITY CODE, TITLE 6, CHAPTER 3, SECTION 12, ENTITLED SELLING POOLS; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Councilmember EBERLE requested unanimous consent that further reading of (O-33-07) and (O-34-07) be dispensed

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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 TIBBS.

Motion carried.

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 third time.

Moved by EBERLE and seconded by JORDAN that the proposed ordinance (O-33-07) be passed and that the same be numbered Ordinance 6561.

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

Motion carried.

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 third time.

Moved by EBERLE and seconded by JORDAN that the proposed ordinance (O-34-07) be passed and that the same be numbered Ordinance 6562.

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

Motion carried.

Jacobson Subdivision SUB07-00009 Preliminary and Final Plat, was before Mayor and Council.

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

Moved by EBERLE and seconded by JORDAN that Jacobson Subdivision SUB07-00009 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 TIBBS.

Motion carried.

Sebastian Villa Condominiums SUB07-00010 Preliminary Plat was before Mayor and Council.

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

Jim Ian, 4706 W. Irving Street, applicant representative, addressed the Council in support of the development.

Moved by EBERLE and seconded by JORDAN that Sebastian Villa Condominiums SUB07-00010 Preliminary Plat be granted as requested subject to conditions stated in staff report with the addition of Condition No. 6, that requires a cross access agreement to the parcel to its east and the deletion of the comment in the staff report under street connectivity, on page 2, that says, "the applicant is not proposing the construction of any new streets, as such there is no opportunity to provide street connections".

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

Motion carried.

Ambleside Subdivision No. 1 SUB07-00012
Preliminary Plat was before Mayor and Council.

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

Chris Mason, 1883 N. Wildwood, applicant
representative, addressed the Council in support of the
subdivision.

Moved by EBERLE and seconded by TIBBS that
Ambleside Subdivision No. 1 SUB07-00012 Preliminary Plat be
granted as requested subject to conditions stated in staff
report.

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

Motion carried.

Damar Condominiums SUB07-00013 Preliminary and
Final Plat, was before Mayor and Council.

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

Moved by EBERLE and seconded by JORDAN that Damar
Condominiums SUB07-00013 Preliminary and Final Plat be
granted as requested subject to conditions stated in staff
report.

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

Motion carried.

Rego Park Condominiums SUB07-00017 Preliminary and
Final Plat, was before Mayor and Council.

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

Pat Tealy, 187 E. 50th Street, Garden City, Idaho
and Evelyn Grimes, 720 Idaho Street, applicant
representatives, addressed the Council in support of the
subdivision.

John Gannon, 1104 Johnson Street, addressed the
Council regarding not receiving notice on this item.

Moved by EBERLE and seconded by JORDAN that Rego Park Condominiums SUB07-00017 Preliminary and Final Plat be granted as requested subject to conditions stated in staff report with the modification of Condition No. 2, where we strike the current language and replace it with a requirement for a four foot striping along the appropriate side of the drive, north/south delineation on this, as the substitute for the sidewalk.

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

Motion carried.

Edgepark Subdivision SUB07-00034 Preliminary Plat, was before Mayor and Council.

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

Erik Bollinder, 913 W. River Street, applicant representative, addressed the Council in support of the subdivision.

Sherry McKibben, 515 W. Hays Street, addressed the Council regarding issues with the subdivision.

Moved by EBERLE and seconded by JORDAN that Edgepark Subdivision SUB07-00034 Preliminary Plat be recommended to Ada County as requested subject to conditions stated in staff report with the addition of the condition, that the front loaded garages be a minimum 5 feet back from the front plan of the house and that the developer work to ensure that the garages do not become the focal point of these houses.

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

Motion carried.

RECESS: 7:10 P.M.

RECONVENE: 7:20 P.M.

Mayor BIETER arrived at 7:45 P.M.

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Council President CLEGG announced that this was the time and place set for a public hearing on CAR07-00003/City of Boise request for an ordinance amendment to delete Title 11, Chapter 5, Section 4 - Conversion of Duplex to Townhouse.

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

Ken Nichols, 6115 S. Grandjean, Boise Valley Habitat for Humanity representative; Evelyn Grimes, 720 Idaho Street and Karlo Maalouf, 1628 Vermont Street, addressed the Council in opposition to this amendment.

Mayor BIETER announced that the public hearing was closed.

Moved by EBERLE and seconded by CLEGG that CAR07-00003/City of Boise request for an ordinance amendment to delete Title 11, Chapter 5, Section 4 - Conversion of Duplex to Townhouse be approved with direction to Legal staff to investigate the possibility of some type of an allowance for a true non-profit provider of affordable housing.

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

Motion carried.

Mayor BIETER announced that this was the time and place set for a public hearing on CAR07-00006/Rezone/Boise Valley Habitat for Humanity request for 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.

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 CAR07-00006/Rezone/Boise Valley Habitat for Humanity request for 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 be approved.

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

Motion carried.

Mayor BIETER announced that this was the time and place set for a public hearing on 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.

Hal Simmons, Planning and Development Services, announced that the applicant has withdrawn his application for a Special Exception.

Mayor BIETER announced that this was the time and place set for a public hearing on CUP06-00025/Appeal No. 1/Fulcrum, Inc. & Enel North America, Inc. appeal of the Planning and Zoning Commission's approval of a Conditional Use Permit to construct a residential planned development located at 5525 E. Mill Station Drive in an R-1C/DA (Single Family Residential with a Development Agreement) zone; CUP06-00025/Appeal No. 2/East End Neighborhood Association, Warm Springs Historic District and Harris Ranch N.A. appeal of the Planning and Zoning Commission's approval of a Conditional Use Permit to construct a residential planned development located at 5525 E. Mill Station Drive in an R-1C/DA (Single Family Residential with a Development Agreement) zone and Harris Ranch No. 9 Subdivision SUB06-00022 Preliminary Plat, Boise City (proposed residential subdivision with 24 buildable lots and five common lots on 7.02 acres with a density of 3.41 lots per acre located on the south side of E. Dry Kiln Court and E. Sawmill Way west of S. Lysted Avenue adjacent to Harris Ranch Subdivisions No. 7 and 8).

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

Scott Campbell, Moffatt Thomas, P.O. Box 829, appellant no. 1 representative; Deanna Smith, 1208 E. Jefferson Street, appellant no. 2 representative, addressed the Council in support of the appeals.

RECESS: 9:10 P.M.

RECONVENE: 9:21 P.M.

David Turnbull, 12601 W. Explorer Dr., Suite 200; Joanne Butler, 251 E. Front Street; Steve Sweet, 1720 Canova and Albert Barker, 1010 W. Jefferson, applicant representatives, addressed the Council in opposition to the appeals.

Mayor BIETER announced that the public hearing was closed.

RECESS: 10:50 P.M.

RECONVENE: 10:56 P.M.

Moved by CLEGG and seconded by JORDAN that regarding appeals CUP06-00025/Appeal No. 1/Fulcrum, Inc. & Enel North America, Inc. appeal of the Planning and Zoning Commission's approval of a Conditional Use Permit to construct a residential planned development located at 5525 E. Mill Station Drive in an R-1C/DA (Single Family Residential with a Development Agreement) zone and CUP06-00025/Appeal No. 2/East End Neighborhood Association, Warm Springs Historic District and Harris Ranch N.A. appeal of the Planning and Zoning Commission's approval of a Conditional Use Permit to construct a residential planned development located at 5525 E. Mill Station Drive in an R-1C/DA (Single Family Residential with a Development Agreement) zone that they be denied and affirm the decision of the Planning and Zoning Commission with the following changes: 1) that Condition No. 6 be modified to include mention of the Memorandum of Understanding that exists between the Parks and Recreation Department and the applicant regarding the Greenbelt pathway; 2) that Condition No. 14 be eliminated since this lot is no longer part of this application; 3) that Condition No. 17 be modified, to require that the Harris Brighton LLC shall participate in the Harris Ranch Detailed Master Plan, Specific Area Plan, Traffic Mitigation and Transportation Management Association proportionately to their impacts on the transportation system, up to and including, participating in any escrow that would go toward completion of the Transportation Mitigation Plan that has been identified for Warm Springs Avenue, and 4) to withhold lot 20 until an appropriate mitigation plan approved by Federal Energy Regulatory Commission (FERC) signs off to allow the development of lot 20.

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

Motion carried.

Moved by CLEGG and seconded by JORDAN that Harris Ranch No. 9 Subdivision SUB06-00022 Preliminary Plat be approved with the condition that the revisions as stated tonight be a brought back in the final plat.

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

Motion carried.

There being no further business the meeting adjourned at 11:35 o'clock P.M.

APPROVE:

MAYOR

ATTEST:

CITY CLERK