

BOISE, IDAHO
MAY 15, 2007

Council met in regular session Tuesday, May 15, 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 May 8, 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 May 8, 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.

Councilmember CLEGG requested unanimous consent that CAR07-00009/Rezone/Trifecta Land Holdings, LLC request for approval to rezone +/- .899 acres located at 2701 S. Pond Street from A-1 (Open Land) to R-2D (Combined Residential with Design Review) be deferred to June 5, 2007.

Unanimous consent was granted.

Mayor BIETER announced that this was the time and place set for Awards Presentation for Dickie C. Hill Essay Contest.

Renn Ross, Fire Department, presented the Awards for the Dickie C. Hill Essay Contest.

Mayor BIETER announced that it was the time and place set for the appointment of Jamie Perry to the Boise City Housing and Community Development Citizens Advisory Committee to complete an unexpired term ending September 14, 2008.

Councilmember CLEGG requested unanimous consent that the appointment of Jamie Perry to the Boise City Housing and Community Development Citizens Advisory Committee to complete an unexpired term ending September 14, 2008 be approved.

Unanimous consent was granted.

Mayor BIETER announced that it was the time and place set for the appointment of Cindy Williams to the Boise City Housing and Community Development Citizens Advisory Committee to complete an unexpired term ending September 14, 2008.

Councilmember CLEGG requested unanimous consent that the appointment of Cindy Williams to the Boise City Housing and Community Development Citizens Advisory Committee to complete an unexpired term ending September 14, 2008 be approved.

Unanimous consent was granted.

Mayor BIETER announced that it was the time and place set for the appointment of Calvin Kidney to the Boise City Housing and Community Development Citizens Advisory Committee to complete an unexpired term ending September 9, 2009.

Councilmember CLEGG requested unanimous consent that the appointment of Calvin Kidney to the Boise City Housing and Community Development Citizens Advisory Committee to complete an unexpired term ending September 9, 2009 be approved.

Unanimous consent was granted.

Moved by CLEGG and seconded by EBERLE that the Boise City Checks No. 246426 thru 246972 in the total amount of \$3,051,895.50 as of May 9, 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 RFP 07-057: Blueprint Boise - Comprehensive Plan and Development Code Update, Planning and Development Services Department were before Mayor and Council as enumerated in staff report dated May 3, 2007.

RECOMMENDATION: The Purchasing Division concurs with planning Development Services Department in recommending that RFP 07-057 be awarded to the lowest responsive and responsible bidder, Clarion Associates, in a total amount not to exceed \$500,000.00.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Clarion Associates, in the total contract amount of \$500,000.00.

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

Motion carried.

The Bid Results for RFP 07-118: Architectural Services for Branch Libraries, Library were before Mayor and Council as enumerated in staff report dated May 2, 2007.

RECOMMENDATION: The Purchasing Division concurs with Public Works and Library in recommending that RFP 07-118 be awarded to the lowest responsive and responsible bidder, Fletcher Farr Ayotte Inc., in a total amount not to exceed \$472,000.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Fletcher Farr Ayotte Inc., in the total contract amount of \$472,000.

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

Motion carried.

The Bid Results for F/B 07-149: Airport East Fiber Run Equipment and Components, Aviation and Public Transportation Department were before Mayor and Council as enumerated in staff report dated May 3, 2007.

RECOMMENDATION: The Purchasing Division concurs with aviation & Public Transportation Department in recommending that F/B 07-149 be awarded to the lowest responsive and responsible bidder, Graybar Electric, in a total amount not to exceed \$197,294.58.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Graybar Electric, in the total contract amount of \$197,294.58.

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

Motion carried.

The Bid Results for F/B 07-158: New/Unused Backhoe/Loader, Public Works Department were before Mayor and Council as enumerated in staff report dated May 7, 2007.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that F/B 07-158 be awarded to the lowest responsive and responsible bidder, Idaho Tractor, in a total amount not to exceed \$80,541.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Idaho Tractor, in the total contract amount of \$80,541.

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

Motion carried.

The Bid Results for F/B 07-159: New, Unused Motorized Aircraft Passenger Stairway, Aviation and Public Transportation Department were before Mayor and Council as enumerated in staff report dated May 4, 2007.

RECOMMENDATION: The Purchasing Division concurs with Aviation and Public Transportation in recommending that F/B 07-159 be awarded to the lowest responsive and responsible bidder, Stinar Corporation, in a total amount not to exceed \$63,860.00.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Stinar Corporation, in the total contract amount of \$63,860.00.

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

Motion carried.

The Bid Results for Approval of Sole Source Purchase, 07-CON-197: City-wide, Automatic External Defibrillators, Finance and Administration Department, Safety Division were before Mayor and Council as enumerated in staff report dated May 2, 2007.

RECOMMENDATION: The Purchasing Division concurs with finance and Administration Department Safety Division in recommending that 07-CON-197 be awarded to the lowest responsive and responsible bidder, Phillips HeartStart OnSite, in a total amount not to exceed \$22,000.00.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Phillips HeartStart OnSite, in the total contract amount of \$22,000.00.

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

Motion carried.

The Bid Results for Approval of Sole Source Purchase; 07-CON-198: License Purchase and Software Install, Aviation and Public Transportation Department were before Mayor and Council as enumerated in staff report dated May 3, 2007.

RECOMMENDATION: The Purchasing Division concurs with Aviation & Public Transportation Department in recommending that 07-CON-198 be awarded to the lowest responsive and responsible bidder, Glidepath Limited, in a total amount not to exceed \$20,110.00.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Glidepath Limited, in the total contract amount of \$20,110.00.

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

Motion carried.

The Bid Results for 07-CON-199: Approval of Upgrade of existing Laboratory Software and Database, Public Works Department were before Mayor and Council as enumerated in staff report dated May 4, 2007.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that 07-CON-199 be awarded to the lowest responsive and responsible bidder, LABWORKS, in a total amount not to exceed \$45,925.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to LABWORKS, in the total contract amount of \$45,925.

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) Jamie Green Smith, Personal Injury
- b) Qwest Claim No. 414977, Property Damage
- c) Qwest Claim No. 414979, Property Damage
- d) Nora A. Harrison-Barkey, Personal Injury
- e) Floyd Stanton, Property Damage
- f) Community House, Inc., Personal Injury

Moved by CLEGG and seconded by EBERLE that the claim(s) be acknowledged and referred to the office of the Treasurer as requested.

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

Motion carried.

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

- a) CAR07-00002/Boise City requests approval to amend Title 11 Section 11-04-14 Standards for Residential Development of Substandard Original Lots of Record in the R-1A, R-1B, R-1C, R-2, R-3, A, R-O, N-O, L-O, C-1, C-2 and C-3 Zones in accordance with the Boise City Council's request to review the standards one year after the adoption.

- b) CAR07-00027/Rezone/Boise City, Housing and Community Development requests approval to rezone a +/-1.76 acre parcel located at 320 N. Allumbaugh Street from R-3D (Multi-Family Residential with Design Review) to L-OD (Limited Office with Design Review).

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

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

Motion carried.

The City Clerk requests the following public hearings be re-scheduled in Council Chambers from June 12, 2007 to July 31, 2007:

- a) CAR07-00015/Boxwood Ranch, LLC; Ed Bews; Primeland Development Company, LLP; William Craig and 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.
- b) 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 CLEGG and seconded by EBERLE that July 31, 2007 in Council Chambers be confirmed as requested.

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

Motion carried.

The Boise City Arts Commission requests the following be approved by Council:

- a) Parks and Recreation Department Percent-for-Art request for approval for new artists

Moved by CLEGG and seconded by EBERLE that Parks and Recreation Department Percent-for-Art request be approved 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) Ada County Highway District Commission Minutes, March 7, March 14, March 21 and March 28, 2007
- b) Sole Source Purchase: Andritz Separation replacement parts and accessories, Public Works Department
- c) Sole Source Purchase: Automatic External Defibrillators, Safety Division, Department of Finance and Administration
- d) Sole Source Purchase: Glidepath Limited Baggage System software, Aviation and Public Transportation Department
- e) Administrative Policy Group Minutes, February 26, 2007
- f) City of Boise Treasury Division State of the Treasury Report, April 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-185-07) by the Council:

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

Titled: A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF BOISE CITY (PLANNING AND DEVELOPMENT SERVICES) AND UNITED WAY OF TREASURE VALLEY FOR THE USE OF COMMUNITY

DEVELOPMENT BLOCK GRANT FUNDS TO ESTABLISH DEDICATED SAVINGS ACCOUNTS FOR ELIGIBLE LOW- TO MODERATE-INCOME INDIVIDUALS AS MATCHING SUPPORT FOR THE PURCHASE OF A HOME, EDUCATION, JOB TRAINING, OR CAPITALIZATION OF SMALL BUSINESS; 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-185-07) be adopted and that same be numbered Resolution 19599.

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

Motion carried.

Proposed resolution (R-187-07) 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 07-149; AIRPORT EAST FIBER RUN EQUIPMENT AND COMPONENTS, AVIATION AND PUBLIC TRANSPORTATION DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND GRAYBAR ELECTRIC; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-187-07) be adopted and that same be numbered Resolution 19600.

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

Motion carried.

Proposed resolution (R-188-07) 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 TASK ORDER 27 FOR RFP 05-105C; ENGINEERING SERVICES BOISE AIRPORT, AVIATION AND PUBLIC TRANSPORTATION DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND W&H PACIFIC; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-188-07) be adopted and that same be numbered Resolution 19601.

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

Motion carried.

Proposed resolution (R-189-07) 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 07-057; BLUEPRINT BOISE: COMPREHENSIVE PLAN AND DEVELOPMENT CODE, DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES, BETWEEN THE CITY OF BOISE CITY AND CLARION ASSOCIATES OF COLORADO, LLC; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-189-07) be adopted and that same be numbered Resolution 19602.

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

Motion carried.

Proposed resolution (R-190-07) 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 PUBLIC WORKS DEPARTMENT, TASK ORDER NUMBER CE-20 A-01 TO RFP 05-084B; MISCELLANEOUS CIVIL ENGINEERING SERVICES; PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND JUB ENGINEERS; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-190-07) be adopted and that same be numbered Resolution 19603.

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

Motion carried.

Proposed resolution (R-191-07) 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 07-118 ARCHITECTURAL SERVICES FOR BRANCH LIBRARIES, BOISE PUBLIC LIBRARY AND PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND FLETCHER FARR AYOTTE INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-191-07) be adopted and that same be numbered Resolution 19604.

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

Motion carried.

Councilmember CLEGG requested unanimous consent that all ordinances on first reading be read by number and title only and filed for the Second Reading Calendar.

Unanimous consent was granted.

Proposed ordinance (O-41-07) by the Council:

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

Titled: AN ORDINANCE (CAR06-00069/HIGHLAND DEVELOPMENT, LLC. FOR PROPERTY LOCATED AT 8302 W. SLOAN STREET) 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-42-07) by the Council:

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

Titled: AN ORDINANCE AMENDING BOISE CITY CODE TITLE 6, CHAPTER 4, SECTION 1, TO CLARIFY PROHIBITED ITEMS; REPEALING BOISE CITY CODE TITLE 6, CHAPTER 4, SECTION 2; REPEALING

BOISE CITY CODE TITLE 6, CHAPTER 4, SECTION 4; AMENDING BOISE CITY CODE TITLE 6, CHAPTER 4, SECTION 5 TO INCREASE THE MAXIMUM FINE; RENUMBERING THE REMAINING SECTIONS; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Moved by CLEGG and seconded by EBERLE that further reading of (O-35-07), (O-38-07), (O-39-07) and (O-40-07) 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-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 third time.

Moved by CLEGG and seconded by EBERLE that the proposed ordinance (O-35-07) be passed and that the same be numbered Ordinance 6563.

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

Motion carried.

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 DATE, was read for the third time.

Moved by CLEGG and seconded by EBERLE that the proposed ordinance (O-38-07) be passed and that the same be numbered Ordinance 6564.

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

Motion carried.

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 third time.

Moved by CLEGG and seconded by EBERLE that the proposed ordinance (O-39-07) be passed and that the same be numbered Ordinance 6565.

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

Motion carried.

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,

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ENTITLED SELLING POOLS; AND PROVIDING AN EFFECTIVE DATE, was read for the third time.

Moved by CLEGG and seconded by EBERLE that the proposed ordinance (O-40-07) be passed and that the same be numbered Ordinance 6566.

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

Motion carried.

Atlas Subdivision SUB07-00015 Preliminary and Final Plat, Boise City (proposed residential subdivision with 34 buildable lots and four common lots on 3.82 acres with a density of 8.90 buildable lots per acre located on the south side of E. Pennsylvania Street between S. Dorothy Avenue and W. Boise Avenue), was before Mayor and Council.

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

Pat Dunslober, 1267 Pashcal, applicant representative, addressed the Council in support of the subdivision.

Moved by EBERLE and seconded by JORDAN that Atlas Subdivision SUB07-00015 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, SHEALY and TIBBS.

Motion carried.

Las Ramblas Villas Condominiums SUB07-00020 Preliminary and Final Plat, Boise City (proposed fifteen unit condominium project on 2.47 acres with a density of 6.07 units per acre located on the northeast corner of E. Boise Avenue and S. Holden Lane or 1200 E. Boise Avenue), was before Mayor and Council.

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

Sabrina Whitehead, 1800 W. Overland Road, applicant representative, addressed the Council in support of the development.

Moved by CLEGG and seconded by EBERLE that Las Ramblas Villas Condominiums SUB07-00020 Preliminary and Final Plat be granted as requested subject to conditions stated in staff report with a modification to condition no. 5, which will require the applicant to file a bond with the City on the signing of the City Engineer of the Final Plat for removal of the existing structures and that those existing structures would be removed by no later than March 1, 2008.

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

Motion carried.

Market Street Warehouse Condominiums SUB07-00021 Preliminary and Final Plat, Boise City (proposed condominium conversion of an existing industrial building in an M-1D zoning district located on the south side of S. Market Street approximately 480 feet east of W. Amity Road), was before Mayor and Council.

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

Moved by CLEGG and seconded by EBERLE that Market Street Warehouse Condominiums SUB07-00021 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, SHEALY and TIBBS.

Motion carried.

Kenzie Cove Condominiums SUB07-00027 Preliminary and Final Plat, Boise City (proposed six unit condominium project in an R-1C zone located on the south side of W. Cory Lane and west of N. Maple Grove at 9403 Cory Lane), was before Mayor and Council.

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

Terry Little, Ada County Highway District, answers the Council's questions.

Moved by CLEGG and seconded by EBERLE that Kenzie Cove Condominiums SUB07-00027 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, SHEALY and TIBBS.

Motion carried.

Otto Ten Condominiums SUB07-00029 Preliminary Plat, Boise City (proposed 10 unit residential condominium development on .92 acres with a density of 10.87 dwelling units per acre located on the north side of Pennsylvania Street west of Myers Street or 308 E. Pennsylvania Street), was before Mayor and Council.

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

Scott Beecham, 405 S. 8th Street, applicant representative, addressed the Council in support of the development.

Moved by CLEGG and seconded by EBERLE that Otto Ten Condominiums SUB07-00029 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, SHEALY and TIBBS.

Motion carried.

Woodvine Place Subdivision SUB07-00031 Preliminary and Final Plat, Boise City (proposed single family (townhouse) residential subdivision with four buildable lots on .52 acres with a density of 7.69 lots per acre located at the west corner of East Boise Avenue and E. Woodvine Street), was before Mayor and Council.

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

Moved by CLEGG and seconded by EBERLE that Woodvine Place Subdivision SUB07-00031 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, SHEALY and TIBBS.

Motion carried.

RECESS: 7:01 P.M.

RECONVENE: 7:08 P.M.

Mayor BIETER announced that this was the time and place set for a public hearing on CUP06-00132/Appeal/Brian Sopatyk appeal of the Hearing Examiner decision to deny a Conditional Use Permit for a parking reduction and to rebuild a legal non-conforming residence destroyed by fire on property located at 1016 S. Longmont Avenue in an R-3D (Multi-Family Residential with Design Review) zone.

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

Brian Sopatyk, 2176 Toluka Way, appellant, addressed the Council in support of the appeal.

Mayor BIETER announced that the public hearing was closed.

Moved by JORDAN and seconded by TIBBS that CUP06-00132/Appeal/Brian Sopatyk appeal of the Hearing Examiner decision to deny a Conditional Use Permit for a parking reduction and to rebuild a legal non-conforming residence destroyed by fire on property located at 1016 S. Longmont Avenue in an R-3D (Multi-Family Residential with Design Review) zone be upheld and overturn the decision of the Hearing Examiner and that the placement of the manufactured home be limited to the 780 square foot model and that staff bring back findings.

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 CAR07-00023 and CAR07-00024/Annexation/DBSI Housing, LLC/DBSI Shadow Hills, LLC request for approval of an annexation of +/-5.01 acres located at 7700 W. State Street with a zoning designation of C-4D/DA (Planned Commercial with Design Review and a Development Agreement) and R-2D/DA (Combined Residential with Design Review and a Development Agreement). This application includes a request to modify an existing development agreement to incorporate an additional +/-5 acres and change the provisions associated with drive-up

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windows and limit the commercial development to 168,000 sq. feet of floor space.

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

Doug Racine, BRS Architects, 1010 Allante Avenue, Suite 100, applicant representative, addressed the Council in support of the annexation.

Mayor BIETER announced that the public hearing was closed.

Moved by CLEGG and seconded by EBERLE that CAR07-00023 and CAR07-00024/Annexation/DBSI Housing, LLC/DBSI Shadow Hills, LLC request for approval of an annexation of +/-5.01 acres located at 7700 W. State Street with a zoning designation of C-4D/DA (Planned Commercial with Design Review and a Development Agreement) and R-2D/DA (Combined Residential with Design Review and a Development Agreement) be approved with the modified Development Agreement as suggested by staff.

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 7:45 o'clock P.M.

APPROVE:

MAYOR

ATTEST:

CITY CLERK