

JUNE 12, 2007

BOISE, IDAHO  
JUNE 12, 2007

Council met in regular session Tuesday, June 12, 2007, Mayor DAVID H. BIETER, presiding.

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

Invocation was given by Del Rawlins, Director for Public Affairs, Church of Jesus Christ of Latter Day Saints.

Moved by CLEGG and seconded by EBERLE that the minutes from the June 5, 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 June 5, 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 this was the time and place set for The Independent Insurance Agents Association donation to Boise Fire Department's Safety House and Local #149 Burn Out Fund.

Renn Ross, Fire Department and Shane Walker, Fire Department, presented the winners of the "Light My Fire" Poster Contest.

Bob Ricketts, Independent Insurance Agents Association, presented the Council with The Independent Insurance Agents Association donation to Boise Fire Department's Safety House and Local #149 Burn Out Fund.

Mayor BIETER announced that it was the time and place set for the appointment of Milt Gillespie to the Foothills Advisory Committee to fill a current vacancy expiring May 31, 2008.

Councilmember CLEGG requested unanimous consent that the appointment of Milt Gillespie to the Foothills Advisory Committee to fill a current vacancy expiring May 31, 2008 be approved.

Unanimous consent was granted.

Mayor BIETER announced that it was the time and place set for the reappointment of Bryan Wewers to the Impact Fee Advisory Committee for a four year term expiring May 31, 2011.

Councilmember CLEGG requested unanimous consent that the reappointment of Bryan Wewers to the Impact Fee Advisory Committee for a four year term expiring May 31, 2011 be approved.

Unanimous consent was granted.

Mayor BIETER announced that it was the time and place set for the reappointment of Derick O'Neill to the Board of Park and Recreation Commissioners to a four year term expiring May 1, 2012.

Councilmember CLEGG requested unanimous consent that the reappointment of Derick O'Neill to the Board of Park and Recreation Commissioners to a four year term expiring May 1, 2012 be approved.

Unanimous consent was granted.

Mayor BIETER announced that this was the time and place set for Lunara Subdivision SUB07-00019 Preliminary Plat, Boise City (proposed single family residential subdivision with eight buildable lots and three common lots on 1.38 acres with a density of the subdivision is 5.8 buildable lots per acre located on the southwest corner of W. Ustick Road and N. Kimball Street).

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

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

Moved by CLEGG and seconded by JORDAN that Lunara Subdivision SUB07-00019 Preliminary Plat be approved as proposed without the connection.

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

Motion carried.

Moved by CLEGG and seconded by EBERLE that the Boise City Checks No. 248682 thru 249219 in the total amount of \$3,125,881.23 as of June 6, 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 Recommendation to Reject All Bids and Re-bid F/B 07-134: Fuels, Oils, Greases and Fluids, Aviation and Public Transportation Department, Equipment Services Division were before Mayor and Council as enumerated in staff report dated May 31, 2007.

RECOMMENDATION: The Purchasing Division concurs with Aviation Equipment Services in recommending that all F/B 07-134 bids be rejected.

Moved by CLEGG and seconded by EBERLE that all bids for F/B 07-134 be rejected.

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

Motion carried.

The Bid Results for Recommendation to Reject All Bids and Re-bid F/B 07-153: Zoo Boise Water Project, Boise Parks and Recreation Department were before Mayor and Council as enumerated in staff report dated May 31, 2007.

RECOMMENDATION: The Purchasing Division concurs with Parks and Recreation Department, Zoo Boise in recommending that F/B 07-153 bids be rejected.

Moved by CLEGG and seconded by EBERLE that all bids for F/B 07-153 be rejected.

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

Motion carried.

The Bid Results for F/B 07-192: Glenwood Lift Station Improvements, RSP-156, Public Works Department were before Mayor and Council as enumerated in staff report dated May 30, 2007.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that F/B 07-192 be awarded to the lowest responsive and responsible bidder, Challenger Companies, in a total amount not to exceed \$57,160.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Challenger Companies in the total contract amount of \$57,160, 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) Cindy Leigh Barnes and Angelique Joniet Jenkins, Personal Injury
- b) Qwest Claim No. 416700, Property Damage
- c) Qwest Claim No. 418105, Property Damage
- d) Natalie Bautista, 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 July 31, 2007, in Council

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Chambers be confirmed for a public hearing on:

- a) CAR07-00038/The City of Boise requests approval of a Comprehensive Plan Amendment to adopt the updated Boise Fire Department Master Siting Plan.
- b) CAR07-00034/Rezone/Michael and Deborah Dale request approval to rezone +/-0.55 acres located at 1251 N. Five Mile Road from R-1A (Single Family Residential) to N-OD (Neighborhood Office with Design Review).

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

- a) Bar Gernika regarding Basque Band Dance at the Basque Block on June 13, 2007

Moved by CLEGG and seconded by EBERLE 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, 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) Community Services Team Minutes, May 17, 2007
- b) Sole Source Purchase: Intoxilyzer 5000 En - Police Department
- c) Foothills Conservation Advisory Committee Minutes, May 2, 2007
- d) Boise City Building Construction Report, May 2007
- e) Boise City Building Construction Report, Calendar Report, Jan.-May 2007

f) Boise City Building Construction Report,  
Fiscal Report, Oct.-May 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-214A-07) by the Council:

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

Titled: A RESOLUTION TO ADOPT THE DOWNTOWN BOISE MOBILITY STUDY (DBMS) AS A POLICY GUIDE ON DOWNTOWN BOISE MOBILITY ISSUES AND AS AN IMPLEMENTATION PLAN FOR TRANSPORTATION IMPROVEMENTS IN DOWNTOWN BOISE IN ACCORD WITH THE LAND USES, THE CITY OF BOISE COMPREHENSIVE PLAN AND LAND USE MAP, AND THE CITY OF BOISE ZONING ORDINANCE; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-214A-07) be adopted and that same be numbered Resolution 19639.

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

Motion carried.

Mayor BIETER requested that proposed resolution (R-228-07) be removed from tonight's Consent agenda for separate discussion.

Unanimous consent was granted.

Proposed resolution (R-228-07) by the Council:

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

Titled: A RESOLUTION APPROVING A BRANCH LIBRARY LEASE BY AND BETWEEN THE CITY OF BOISE, BOISE PUBLIC LIBRARY AND COLLISTER MERCHANTS, LLC; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

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Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-228-07) be adopted and that same be numbered Resolution 19640.

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

Motion carried.

Mayor BIETER requested that proposed resolution (R-229-07) be removed from tonight's Consent agenda for separate discussion.

Unanimous consent was granted.

Proposed resolution (R-229-07) by the Council:

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

Titled: A RESOLUTION APPROVING A BRANCH LIBRARY LEASE BY AND BETWEEN THE CITY OF BOISE, BOISE PUBLIC LIBRARY AND FPA HILLCREST ASSOCIATES, LLC; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-229-07) be adopted and that same be numbered Resolution 19641.

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

Motion carried.

Proposed resolution (R-230-07) by the Council:

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

Titled: A RESOLUTION APPROVING A PUBLIC RIGHT-OF-WAY EASEMENT (SIDEWALK) BY AND BETWEEN THE CITY OF BOISE, BY AND THROUGH ITS DEPARTMENT OF PARKS AND RECREATION, AND THE ADA COUNTY HIGHWAY DISTRICT FOR CONSTRUCTION OF A SIDEWALK ON PROPERTY OWNED BY THE CITY OF BOISE AT THE INTERSECTION OF EMERALD AND ROOSEVELT STREETS AND CONTIGUOUS TO MORRIS HILL CEMETERY AND MORRIS HILL PARK IN BOISE, ADA COUNTY, IDAHO; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST

SAID EASEMENT ON BEHALF OF THE CITY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-230-07) be adopted and that same be numbered Resolution 19642.

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

Motion carried.

Proposed resolution (R-232-07) by the Council:

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

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, CHANGE ORDER NUMBER 1 TO 07-CON-017; CAMELSBACK HILLSIDE RESTORATION PROJECT, PARKS AND RECREATION DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND CONSERVATION SEEDING AND RESTORATION; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-232-07) be adopted and that same be numbered Resolution 19644.

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

Motion carried.

Proposed resolution (R-233-07) 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 07-192; GLENWOOD LIFT STATION IMPROVEMENTS, RSP-156, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND CHALLENGER COMPANIES; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-233-07) be adopted and that same be numbered Resolution 19645.

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

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Motion carried.

Proposed resolution (R-234-07) by the Council:

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

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, A RENEWAL OF F/B 05-064; CUSTODIAL SUPPLIES, AVIATION AND PUBLIC TRANSPORTATION DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND BRADY INDUSTRIES, INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-234-07) be adopted and that same be numbered Resolution 19646.

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

Motion carried.

Proposed resolution (R-235-07) 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 4 TO RFP 06-106; WASTEWATER FACILITIES PLAN 2020 PROFESSIONAL SERVICES, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND CH2M HILL; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-235-07) be adopted and that same be numbered Resolution 19647.

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

Motion carried.

Councilmember SHEALY requested unanimous consent that proposed resolution (R-236-07) be removed from tonight's Consent agenda for separate discussion.

Unanimous consent was granted.

Proposed resolution (R-236-07) by the Council:

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

Titled: A RESOLUTION SETTING FORTH THE INTENT OF THE CITY OF BOISE TO CREATE A LOCAL IMPROVEMENT DISTRICT TO CONSTRUCT AND IMPROVE PRESSURIZED IRRIGATION FACILITIES WITHIN THE LINDSEY LATERAL WATER USERS ASSOCIATION SERVICE AREA; PROVIDING A DESCRIPTION OF THE BOUNDARIES OF THE PROPOSED DISTRICT; PROVIDING A GENERAL DESCRIPTION OF THE CONTEMPLATED IMPROVEMENTS; PROVIDING AN ESTIMATE OF THE COSTS AND EXPENSES OF CONSTRUCTING THE IMPROVEMENTS; SETTING FORTH THE METHOD FOR CALCULATING AND ASSESSING THE COSTS AND EXPENSES TO THOSE PROPERTIES SPECIALLY BENEFITED BY THE IMPROVEMENTS; ESTABLISHING A PUBLIC HEARING DATE TO CONSIDER THE CREATION OF THE DISTRICT AND TO HEAR PROTESTS REGARDING THE FORMATION OF THE DISTRICT; ESTABLISHING A DATE PRIOR TO THE PUBLIC HEARING BY WHICH WRITTEN PROTESTS MUST BE FILED WITH THE BOISE CITY CLERK; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by SHEALY and seconded by JORDAN that the proposed resolution (R-236-07) be adopted and that same be numbered Resolution 19648.

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

Motion carried.

Proposed resolution (R-237-07) 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, BY AND THROUGH ITS DEPARTMENT OF PARKS AND RECREATION, AND C. PHILIP BROLLIER FOR THE PASTURING OF HORSES ON REAL PROPERTY OWNED BY THE CITY OF BOISE AND KNOWN AS TERRY DAY PARK; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-237-07) be adopted and that same be numbered Resolution 19649.

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-50-07) by the Council:

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

Titled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BOISE CITY, IDAHO, APPROVING THE 2007 AMENDED AND RESTATED CENTRAL DISTRICT URBAN RENEWAL PLAN, WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY AND STATE OFFICIALS; APPROVING THE SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

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

Unanimous consent was granted.

Proposed ordinance (O-45-07) by the Council:

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

Titled: AN ORDINANCE (CAR06-00078/BOISE STATE UNIVERSITY FOR 15.54 ACRES OF PROPERTY LOCATED SOUTH OF BOISE STATE UNIVERSITY) 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-2 (COMBINED RESIDENTIAL), R-3D (MULTI-FAMILY RESIDENTIAL WITH DESIGN REVIEW) AND R-3DC (MULTI-FAMILY RESIDENTIAL WITH SPECIAL CAPITOL BOULEVARD DESIGN REVIEW) TO U (UNIVERSITY) ZONE; SETTING FORTH FINDINGS OF FACT IN SUPPORT OF SUCH ZONE CHANGE; AND PROVIDING AN EFFECTIVE D, was read for the second time.

Proposed ordinance (O-46-07) by the Council:

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

Titled: AN ORDINANCE (CAR07-00003/BOISE CITY) TO REPEAL TITLE 11, CHAPTER 5, SECTION 04, AND AMENDING TITLE 9, CHAPTER 20, SECTION 04, BOISE CITY CODE, TO DELETE THE PROVISIONS ALLOWING THE ADMINISTRATIVE APPROVAL OF THE CONVERSION OF DUPLEXES INTO TOWNHOMES; AND PROVIDING AN EFFECTIVE DATE, was read for the second time.

Proposed ordinance (O-48-07) by the Council:

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

Titled: AN ORDINANCE (CAR07-00006/BOISE VALLEY HABITAT FOR HUMANITY FOR PROPERTY LOCATED AT 2753 N. MAPLE GROVE ROAD) AMENDING ZONING CLASSIFICATIONS OF THE CITY OF BOISE CITY TO CHANGE THE CLASSIFICATION OF REAL PROPERTY PARTICULARLY DESCRIBED IN SECTION ONE OF THIS ORDINANCE FROM R-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); SETTING FORTH FINDINGS OF FACT IN SUPPORT OF SUCH ZONE CHANGE; AND PROVIDING AN EFFECTIVE DATE, was read for the second time.

Proposed ordinance (O-49-07) by the Council:

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

Titled: AN ORDINANCE (CAR07-00007/RCI REALTY, LLC. FOR PROPERTY LOCATED AT 2852 & 2810 W. ELDER 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 L-OD (LIMITED OFFICE WITH DESIGN REVIEW) AND C-2D (GENERAL COMMERCIAL WITH DESIGN REVIEW) TO C-1D (NEIGHBORHOOD COMMERCIAL WITH DESIGN REVIEW); SETTING FORTH FINDINGS OF FACT IN SUPPORT OF SUCH ZONE CHANGE AND PROVIDING AN EFFECTIVE DATE, was read for the second time.

Moved by CLEGG and seconded by EBERLE that further reading of (O-43-07) and (O-47-07) 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-43-07) by the Council:

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

Titled: AN ORDINANCE AMENDING TITLE 1, CHAPTER 21, BOISE CITY CODE OF ETHICS: TO CLARIFY THAT CONFLICT OF INTEREST REQUIRES PERSONAL FINANCIAL GAIN; TO CORRECT INACCURACIES AND MISSPELLINGS; AND PROVIDING AN EFFECTIVE DATE, was read for the third time.

Moved by CLEGG and seconded by EBERLE that the proposed ordinance (O-43-07) be passed and that the same be numbered Ordinance 6570.

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

Motion carried.

Proposed ordinance (O-47-07) by the Council:

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

Titled: AN ORDINANCE REPEALING BOISE CITY CODE TITLE 6, CHAPTER 11, SECTION 1, RELATING TO PERMITTING OPERATION OF "PUNCHBOARDS"; REPEALING BOISE CITY CODE TITLE 6, CHAPTER 11, SECTION 2, RELATING TO OPERATION OF "PUNCHBOARDS"; REPEALING BOISE CITY CODE TITLE 6, CHAPTER 11, SECTION 3, RELATED TO PUNISHMENT UNDER STATE ACT; AND PROVIDING AN EFFECTIVE DATE, was read for the third time.

Moved by CLEGG and seconded by EBERLE that the proposed ordinance (O-47-07) be passed and that the same be numbered Ordinance 6571.

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

Motion carried.

Solaire Subdivision SUB07-00036 Preliminary Plat, Boise City (proposed mixed detached and townhouse residential subdivision with 71 buildable lots and 12 common lots on 9.8 acres with a density of 7.34 lots per acre located on the north side of Amity Road between Healy Road and Wagon Train approximately 350 feet west of Surprise Way)

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

Brad Car, 4324 W. Overland Road, Trifecta Land Holdings, applicant representative, addressed the Council in support of the subdivision and answered Council's questions.

Moved by CLEGG and seconded by EBERLE that Solaire Subdivision SUB07-00036 Preliminary 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.

Mayor BIETER announced that this was the time and place set for a public hearing on Carmelita Cove Subdivision SUB07-00039 Preliminary Plat, Boise City (proposed single family residential subdivision with four buildable lots on .655 acres with a density of 6.10 buildable lots per acre located on the north side of W. Filly Street, south of Elmer Street approximately 500 feet east of Pierce Park Lane), was before Mayor and Council.

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

Shawn Martin, Ada County Highway District, answered the Council's questions.

Moved by CLEGG and seconded by EBERLE that Carmelita Cove Subdivision SUB07-00039 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.

RECESS: 5:56 P.M.

RECONVENE: 6:01 P.M.

Mayor BIETER announced that this was the time and place set for a public hearing on the Declaration of Intent to Exchange real property owned by the City of Boise and located at 435 South 11th Street, Boise, Ada County Idaho, for real property located at 2709 Woody Drive, Boise, Ada County Idaho.

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Proposed resolution (R-231-07) by the Council:

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

Titled: A RESOLUTION DIRECTING THE CITY OF BOISE CITY, BY AND THROUGH ITS HOUSING AND COMMUNITY DEVELOPMENT DIVISION, TO CONVEY, EXCHANGE OR OFFER FOR SALE APPROXIMATELY 4,182 SQUARE FEET REAL PROPERTY OWNED BY THE CITY OF BOISE AND LOCATED 435 SOUTH 11TH STREET, BOISE, ADA COUNTY, IDAHO; DECLARING THAT THE PROPERTY IS UNDERUTILIZED AND NOT USED FOR PUBLIC PURPOSES; DECLARING THE MINIMUM VALUE OF THE PROPERTY; AUTHORIZING THE MAYOR AND CITY CLERK TO DO ALL THINGS NECESSARY TO CONVEY, SELL OR EXCHANGE THE PROPERTY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Pat Riceci, Legal Department, presented the staff report.

Teresa Hamblin, 5426 Hill Road, addressed the Council in support of the property conveyance.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-231-07) be adopted and that same be numbered Resolution 19643.

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 CAR07-00025/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) and 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.

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

Mike Marcheschi, 12601 W. Explorer Drive, Suite 200, applicant representative, addressed the Council in support of the rezone and amendment to the Land Use Map of the Comprehensive Plan.

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 CAR07-00026/Brighton Properties, LLC request for 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 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 CAR07-00025/Rezone/Brighton Properties, LLC request for 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) 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 CAR07-00027/Rezone/Boise City, Housing and Community Development request for 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).

Cody Riddle, 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 JORDAN and seconded by CLEGG that CAR07-00027/Rezone/Boise City, Housing and Community Development request for 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) be approved.

JUNE 12, 2007

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 CAR07-00002/Boise City request for 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.

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

Dave Kangas, 1715 Canal Street, Vista Neighborhood Association representative; Jay Storey, 2202 N. 19<sup>th</sup> Street, Alliance for Responsible Infill representative; Shawn Ferguson, Integrated Building Group representative; Wendy Adams, 4324 W. Overland Road, Trifecta Land Holdings representative; Belinda Isley, 912 Argyll Drive, Isley Development; Evelyn Grime, 720 W. Idaho, Suite 38; Wendi Storey-McFarland, 3262 Scenic Drive; David Benoit, 1315 Manitou and Mark Bresharo, 1525 Denver Avenue, addressed the Council regarding problems with the amendments.

Fred Fritchman, 1321 Denver Avenue, South East Neighborhood Association representative, addressed the Council in support of the amendment.

Mayor BIETER announced that the public hearing was closed.

Moved by EBERLE and seconded by BISTERFELDT that CAR07-00002/Boise City request for 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 be approved with proposed language amendments.

Substitute motion by SHEALY and seconded by JORDAN that CAR07-00002/Boise City request for 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 be deferred for 30 days.

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

Motion carried.

There being no further business the meeting adjourned at 9:50 o'clock P.M.

APPROVE:

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MAYOR

ATTEST:

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CITY CLERK