

BOISE, IDAHO
JULY 10, 2007

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

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

Invocation was given by Joan Dashiell, Center for Spiritual Living.

Moved by CLEGG and seconded by EBERLE that the minutes from the June 19, 2007 Boise City Council Meeting be approved.

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

Motion carried.

Moved by CLEGG and seconded by EBERLE that the minutes from the June 25, 26 and 27, 2007, Boise City Council Budget Workshop Meeting be approved.

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

Motion carried.

Moved by CLEGG and seconded by EBERLE that the minutes from the June 26, 2007, Boise City Council Meeting be approved.

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

Motion carried.

Mayor BIETER announced that it was the time and place set for the Reappointment of J. Gordon Brookover to the Airport Commission for a five year term expiring June 30, 2012.

JULY 10, 2007

Councilmember CLEGG requested unanimous consent that the reappointment of J. Gordon Brookover to the Airport Commission for a five year term expiring June 30, 2012 be approved.

Unanimous consent was granted.

Moved by CLEGG and seconded by EBERLE that the Boise City Checks No. 250317 thru 250904 in the total amount of \$1,497,555.99 as of June 27, 2007 be approved.

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

Motion carried.

Moved by CLEGG and seconded by EBERLE that the Boise City Checks No. 250905 thru 251458 in the total amount of \$2,956,964.11 as of July 5, 2007 be approved.

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

Motion carried.

The Bid Results for Bid/RFP: F/B 07-130: Fire Fighter Protective Clothing, Fire Department were before Mayor and Council as enumerated in staff report dated June 28, 2007.

RECOMMENDATION: The Purchasing Division concurs with Boise Fire Department in recommending that F/B 07-130 be awarded to the lowest responsive and responsible bidder, Fireman's Supply Company, in a total amount not to exceed \$47,759.16.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Fireman's Supply Company in the total contract amount of \$47,759.16.

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

Motion carried.

The Bid Results for F/B 07-196: Boise Airport Runway 10L-28R Rehabilitation, Aviation and Public

Transportation Department were before Mayor and Council as enumerated in staff report dated June 20, 2007.

RECOMMENDATION: The Purchasing Division concurs with Aviation and Public Transportation in recommending that F/B 07-196 be awarded to the lowest responsive and responsible bidder, Central Paving Inc., in a total amount not to exceed \$6,620,189.65.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Central Paving Inc. in the total contract amount of \$6,620,189.65, subject to compliance with bonding and insurance requirements.

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

Motion carried.

The Bid Results for, F/B 07-203: Hypochlorite Storage CSP 935, were before Mayor and Council as enumerated in staff report dated June 21, 2007.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending rejection of Bids, F/B 07-203: Hypochlorite Storage CSP 935.

Moved by CLEGG and seconded by EBERLE that all Bids for F/B 07-203: Hypochlorite Storage CSP 935 be rejected.

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

Motion carried.

The Bid Results for F/B 07-214: Southerland Street and Riva Ridge/Amity Road, SWS-192 were before Mayor and Council as enumerated in staff report dated June 28, 2007.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that F/B 07-214 be awarded to the lowest responsive and responsible bidder, Bodiford Construction, in a total amount not to exceed \$141,768.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Bodiford Construction in the total contract amount of

JULY 10, 2007

\$141,768, subject to compliance with bonding and insurance requirements.

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

Motion carried.

The Bid Results for Sole Source Purchase, 07-CON-245: 40MM Lauchers were before Mayor and Council as enumerated in staff report dated June 28, 2007.

RECOMMENDATION: The Purchasing Division concurs with Boise Police Department in recommending that 07-CON-245 be awarded to the lowest responsive and responsible bidder, Penn Arms, in a total amount not to exceed \$31,119.50.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Penn Arms in the total contract amount of \$31,119.50.

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

Motion carried.

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

- a) James E. Short, Property Damage
- b) Christy Fieldstad, Property Damage
- c) David Lewis Hartshorn, Property Damage
- d) Tyna Brown, Personal Injury
- e) Lawrence P. Pulliam, Property Damage
- f) Qwest Claim Numbers: 419879, 419881, 420417, 420694, 421400 and 421490

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: CLEGG, EBERLE, JORDAN and TIBBS.

Motion carried.

The City Clerk requested the following public hearings be rescheduled in Council Chambers from September 18, 2007 to September 11, 2007:

- a) CAR07-00018/Rezone/Hale Development, Inc. requests approval to rezone +/- 1.45 acres located at 2350 W. Hill Road from R-1C (Single Family Residential) to R-3D (Multi-Family Residential with Design Review).
- b) CUP07-00025/Appeal/David Hale is appealing the conditions associated with the Planning and Zoning Commission's approval of a conditional use permit to construct a planned residential development on +/- 3.26 acres located at 2350 W. Hill Road in an R-1C (Single Family Residential) and proposed R-3D (Combined Residential with Design Review) zone.

Moved by CLEGG and seconded by EBERLE that September 11, 2007 in Council Chambers be confirmed as requested.

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

Motion carried.

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

- a) Roadway Inn and Sunshine Feed Store regarding a Concert in Julia Davis Park on July 15, 2007
- b) Roadway Inn and Sunshine Feed Store regarding Goddess Fest at Julia Davis Park on July 28, 2007
- c) Tablerock Brewpub regarding Twilight Criterium at 8th Street between Main Street and Idaho Street on July 21, 2007
- d) Tablerock Brewpub regarding a wedding at the Boise Art Museum on July 14, 2007
- e) Tablerock Brewpub regarding Great Garden Escape at the Idaho Botanical Gardens on July 12, July 19 and July 26, 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: 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) Parks and Recreation Commissioners Minutes, May 17, 2007
- b) Boise Public Library Board of Trustees Minutes, April 11 and May 2, 2007
- c) Boise Public Library Director's Report, June 2007
- d) Boise City Administrative Policy Group Minutes, March 26, 2007
- e) Sole Source Purchase: 40MM Lauchers, Police Department
- f) Development Impact Fee Advisory Committee Minutes, June 20, 2007
- g) Boise City Building Construction Report, June 1007
- h) Boise City Building Construction Report, Calendar Report, Jan.-June 2007
- i) Boise City Building Construction Report, Fiscal Report, Oct.-June 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: CLEGG, EBERLE, JORDAN and TIBBS.

Motion carried.

Proposed resolution (R-260-07) by the Council:

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

Titled: A RESOLUTION APPROVING A COMMERCIAL LEASE AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY, BY AND THROUGH ITS DEPARTMENT OF PARKS AND RECREATION, AND BLIMPIE ON ICE, INC., AN IDAHO CORPORATION, FOR THE LEASE OF APPROXIMATELY 580 SQUARE FEET OF COMMERCIAL RETAIL SPACE AT IDAHO ICEWORLD; 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-260-07) be adopted and that same be numbered Resolution 19674.

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

Motion carried.

Proposed resolution (R-261-07) by the Council:

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

Titled: A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN BOISE CITY (DEPARTMENT OF AVIATION AND PUBLIC TRANSPORTATION) AND TACTICAL SOLUTIONS, INC. FOR THE LEASE OF CERTAIN PREMISES UPON BOISE AIR TERMINAL (GOWEN FIELD); AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE , was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-261-07) be adopted and that same be numbered Resolution 19675.

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

Motion carried.

Proposed resolution (R-262-07) by the Council:

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

Titled: A RESOLUTION APPROVING A HOUSING REHABILITATION LOAN FOR MELISSA HEGG, FOR REAL PROPERTY LOCATED AT 1112 DUNDEE, BOISE, IDAHO, 83706; THROUGH THE PLANNING AND DEVELOPMENT SERVICE'S DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID LOAN DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-262-07) be adopted and that same be numbered Resolution 19676.

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

Motion carried.

Proposed resolution (R-264-07) by the Council:

JULY 10, 2007

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

Titled: A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN BOISE CITY (DEPARTMENT OF AVIATION AND PUBLIC TRANSPORTATION) AND PATRICK ENVIRONMENTAL, INC DBA PATRICK CORPORATION, INC. FOR THE LEASE OF CERTAIN PREMISES UPON BOISE AIR TERMINAL (GOWEN FIELD); AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-264-07) be adopted and that same be numbered Resolution 19677.

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

Motion carried.

Proposed resolution (R-265-07) 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 FOR RFP 05-093A; MISCELLANEOUS WASTE WATER TREATMENT FACILITIES AND SYSTEM PLANNING PROFESSIONAL ENGINEERING SERVICES, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND BROWN AND CALDWELL; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-265-07) be adopted and that same be numbered Resolution 19678.

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

Motion carried.

Proposed resolution (R-266-07) by the Council:

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

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, CHANGE ORDER NUMBER 1 TO F/B 06-105; DIVE RESCUE VEHICLE, FIRE DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND BOISE MOBILE

EQUIPMENT; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-266-07) be adopted and that same be numbered Resolution 19679.

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

Motion carried.

Proposed resolution (R-267-07) by the Council:

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

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, CHANGE ORDER NUMBER 1 TO 06-CON-146; CARPET CLEANING AT THE BOISE AIRPORT, AVIATION AND PUBIC TRANSPORTATION DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND MNA, INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-267-07) be adopted and that same be numbered Resolution 19680.

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

Motion carried.

Proposed resolution (R-268-07) 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 05-CON-090; WINDOW CLEANING AT THE BOISE AIRPORT, AVIATION AND PUBIC TRANSPORTATION DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND AMERICAN CLEANING SERVICE COMPANY, INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-268-07) be adopted and that same be numbered Resolution 19681.

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

JULY 10, 2007

Motion carried.

Proposed resolution (R-269-07) by the Council:

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

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, CHANGE ORDER NUMBER 2 TO F/B 07-008, CITY HALL HVAC UPGRADES, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND PAIGE MECHANICAL GROUP; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-269-07) be adopted and that same be numbered Resolution 19682.

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

Motion carried.

Proposed resolution (R-270-07) 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 FOR RFP 05-093C; MISCELLANEOUS WASTE WATER TREATMENT FACILITIES AND SYSTEM PLANNING PROFESSIONAL ENGINEERING 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-270-07) be adopted and that same be numbered Resolution 19683.

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

Motion carried.

Proposed resolution (R-271-07) by the Council:

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

JULY 10, 2007

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, A RENEWAL FOR RFP 05-093D; MISCELLANEOUS WASTE WATER TREATMENT FACILITIES AND SYSTEM PLANNING PROFESSIONAL ENGINEERING SERVICES, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND MWH AMERICAS, INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-271-07) be adopted and that same be numbered Resolution 19684.

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

Motion carried.

Proposed resolution (R-272-07) 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 FOR RFP 05-093E; MISCELLANEOUS WASTE WATER TREATMENT FACILITIES AND SYSTEM PLANNING PROFESSIONAL ENGINEERING SERVICES, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND PHARMER ENGINEERING, LLC; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-272-07) be adopted and that same be numbered Resolution 19685.

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

Motion carried.

Proposed resolution (R-273-07) 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 FOR RFP 05-084A; MISCELLANEOUS CIVIL ENGINEERING SERVICES, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND CH2M HILL; AND PROVIDING AN EFFECTIVE DATE, was read in full.

JULY 10, 2007

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-273-07) be adopted and that same be numbered Resolution 19686.

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

Motion carried.

Proposed resolution (R-274-07) 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 FOR RFP 05-084B; MISCELLANEOUS CIVIL ENGINEERING SERVICES, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND J-U-B ENGINEERS, INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-274-07) be adopted and that same be numbered Resolution 19687.

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

Motion carried.

Proposed resolution (R-275-07) 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 FOR 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 CLEGG and seconded by EBERLE that the proposed resolution (R-275-07) be adopted and that same be numbered Resolution 19688.

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

Motion carried.

Proposed resolution (R-276-07) 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 FOR RFP 05-084D; MISCELLANEOUS CIVIL ENGINEERING SERVICES, PUBLIC WORKS 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-276-07) be adopted and that same be numbered Resolution 19689.

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

Motion carried.

Proposed resolution (R-277-07) 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 07-196; BOISE AIRPORT RUNWAY 10L-28R REHABILITATION; AVIATION AND PUBLIC TRANSPORTATION, BETWEEN THE CITY OF BOISE CITY AND CENTRAL PAVING, INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-277-07) be adopted and that same be numbered Resolution 19690.

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

Motion carried.

Proposed resolution (R-278-07) 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 07-214; SOUTHERLAND STREET AND RIVA RIDGE/AMITY ROAD SEWERS, SWS-192, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND BODIFORD CONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE, was read in full.

JULY 10, 2007

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-278-07) be adopted and that same be numbered Resolution 19691.

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

Motion carried.

Carmelita Cove Subdivision SUB07-00039 Final 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), Final Plat, was before Mayor and Council.

Moved by CLEGG and seconded by EBERLE that Carmelita Cove Subdivision SUB07-00039 Final Plat be granted as requested subject to conditions stated in staff.

Roll call on the motion resulted as follows:
YEAS: CLEGG, EBERLE, JORDAN 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-36-07) by the Council:

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

Titled: AN ORDINANCE REPEALING BOISE CITY CODE SECTION 2-2-06 AND 2-2-07 TO REMOVE CODE SECTIONS RELATED TO THE AIRPORT DIRECTOR AND OPERATIONS MANAGER; AMENDING SECTION 12-3-01 TO CLARIFY THAT THE AIRPORT DIRECTOR IS THE ADMINISTRATOR OF THE AIRPORT; REPEALING SECTION 12-3-23 TO REMOVE A CODE SECTION REFERENCING THE AIRPORT MANAGER; AMENDING SECTION 12-11-04 TO MAKE MISDEMEANOR PENALTIES CONSISTENT WITH STATE LAW PROVISIONS; AMENDING SECTION 12-13-01 TO CLARIFY THE TITLE OF THE BOISE AIRPORT DIRECTOR; AMENDING SECTION 12-16-02 TO INCLUDE TAXISTANDS AND QUEUES IN THE LIST OF LOADING AND UNLOADING ZONES WITHIN THE PURVIEW OF THE DIRECTOR; AMENDING SECTION 12-16-06 TO ALLOW EMPLOYEE PARKING PASSES

TO BE DISPLAYED IN WINDOWS; AMENDING SECTION 12-16-08 TO CLARIFY THE TITLE OF THE DIRECTOR; AMENDING SECTION 12-17-03 TO CROSS REFERENCE TO THE IDAHO CODE PROVISION PRESUMING CONSENT AND TO PROVIDE INCREASED MISDEMEANOR PENALTIES CONSISTENT WITH STATE LAW; AMENDING SECTION 12-17-04 TO PROVIDE INCREASED MISDEMEANOR PENALTIES CONSISTENT WITH STATE LAW; AMENDING SECTION 12-18-03 TO CLARIFY THE TITLE OF THE DIRECTOR; PROVIDING AN EFFECTIVE DATE; AND APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

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; AND APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Proposed ordinance (O-54-07) by the Council:

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

Titled: AN ORDINANCE (CAR07-00025 AND CAR07-00026/BRIGHTON INVESTMENTS, LLC. FOR PROPERTY LOCATED AT 3630 N. EAGLE ROAD) AMENDING THE LAND USE MAP OF THE BOISE CITY COMPREHENSIVE PLAN TO CHANGE THE DESIGNATION OF 7.016 ACRES FROM LOW DENSITY RESIDENTIAL (4 DU/ACRE) TO COMMERCIAL, AND TO REZONE 7.016 ACRES FROM A-1 (OPEN LAND) TO C-1D (NEIGHBORHOOD COMMERCIAL WITH DESIGN REVIEW); SETTING FORTH A REASONED STATEMENT IN SUPPORT OF SUCH ZONE CHANGE; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Proposed ordinance (O-55-07) by the Council:

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

Titled: AN ORDINANCE (CAR07-00009/TRIFECTA LAND HOLDINGS, LLC. FOR PROPERTY LOCATED AT 2701 S. POND 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 A-1 (OPEN LAND) TO R-2D (COMBINED RESIDENTIAL WITH DESIGN REVIEW); SETTING FORTH A REASONED STATEMENT IN SUPPORT OF SUCH ZONE

JULY 10, 2007

CHANGE; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Proposed ordinance (O-56-07) by the Council:

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

Titled: AN ORDINANCE (CAR07-00010/4A, LLC. FOR PROPERTY LOCATED AT 2750 N. LINDA VISTA LANE) 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 DU/ACRE) TO R-1C (SINGLE FAMILY RESIDENTIAL 8.0 DU/ACRE); SETTING FORTH A REASONED STATEMENT IN SUPPORT OF SUCH ZONE CHANGE; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Proposed ordinance (O-57-07) by the Council:

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

Titled: AN ORDINANCE REPEALING BOISE CITY CODE TITLE 8, CHAPTER 1, ENTITLED "HEALTH AND SANITATION DEFINITIONS"; REPEALING BOISE CITY CODE TITLE 8, CHAPTER 2, ENTITLED "DAIRY PRODUCTS; MILK INSPECTION"; REPEALING BOISE CITY CODE TITLE 8, CHAPTER 3, ENTITLED "MEAT INSPECTION"; REPEALING BOISE CITY CODE TITLE 8, CHAPTER 4, ENTITLED "FOOD REGULATIONS"; REPEALING BOISE CITY CODE TITLE 8, CHAPTER 6, ENTITLED "CONTAGIOUS DISEASES"; REPEALING BOISE CITY CODE TITLE 8, CHAPTER 7, ENTITLED "FUMIGATION"; REPEALING BOISE CITY CODE TITLE 8, CHAPTER 9, ENTITLED "VITAL STATISTICS"; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Moved by CLEGG and seconded by EBERLE that further reading of (O-52-07) 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: CLEGG, EBERLE, JORDAN and TIBBS.

Motion carried.

Proposed ordinance (O-52-07) by the Council:

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

Titled: AN ORDINANCE REPEALING BOISE CITY CODE TITLE 6, CHAPTER 19, SECTION 3, ENTITLED PUBLIC USE OF LOST OR ABANDONED PROPERTY; AND PROVIDING AN EFFECTIVE DATE, was read for the third time.

Moved by CLEGG and seconded by EBERLE that the proposed ordinance (O-52-07) be passed and that the same be numbered Ordinance 6578.

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

Motion carried.

Leicester Square Condominiums SUB07-00043 Preliminary Plat, Boise City (proposed 15 unit residential condominium development on 1.93 acres with a density of 7.77 units per acre located on the northeast corner of 26th Street and Sunset Avenue or 2504 and 2514 North 26th Street and 2500 West Sunset 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 condominiums.

Moved by EBERLE and seconded by JORDAN that Leicester Square Condominiums SUB07-00043 Preliminary Plat be granted as requested subject to conditions stated in staff.

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

Motion carried.

Councilmember CLEGG requested unanimous consent that CAR07-00021/The Land Group, Inc./Brighton Investments, LLC request for 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 be deferred until the Specific Plan that this item it attached to comes forward, so that they can go forward together.

Unanimous consent was granted.

Councilmember CLEGG requested unanimous consent that Public Hearing Item 11B3 be heard before Item 11B1 on tonight's Council agenda.

Unanimous consent was granted.

Fifteenth Street Condominiums No. 1 SUB07-00045 Preliminary and Final Plat, Boise City (proposed 11 unit residential condominium development on .49 acres with a density of 22.4 dwelling units per acre located on the southwest corner of W. Grand Avenue and S. 15th Street) and Bungalow Nine Condominiums SUB07-00053 Preliminary and Final Plat, Boise City (proposed 9 unit residential condominium development on .33 acres with a density of 24.3 dwelling units per acre located on the northwest corner of W. Grand Avenue and S. 14th Street) were 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 condominiums.

Moved by EBERLE and seconded by CLEGG that Fifteenth Street Condominiums No. 1 SUB07-00045 Preliminary and Final Plat be granted as requested subject to conditions stated in staff.

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

Motion carried.

Moved by EBERLE and seconded by CLEGG that Bungalow Nine Condominiums SUB07-00053 Preliminary and Final Plat be granted as requested subject to conditions stated in staff.

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

Motion carried.

Grovecrest Estates Subdivision SUB07-00054, Preliminary Plat, Ada County (proposed residential subdivision with 38 lots and 11 common lots located on the

south side of West Wright Street east of Mitchell Street), was before Mayor and Council.

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

Sean Nichols, 148 N. 2nd Street, Suite 101, Eagle, ID, applicant representative and Tom Timmett, developer, addressed the Council in support of the subdivision.

Linda Raine, 3600 S. Mitchell Street; Al Kirby, 9307 W. Wright Street and Philip Darrington, 9290 Lyle Street, addressed the Council in opposition to the development.

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

Moved by JORDAN and seconded by CLEGG that Grovecrest Estates Subdivision SUB07-00054, Preliminary Plat be recommended for approval as requested subject to conditions stated in staff report.

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

Motion carried.

RECESS: 7:25 P.M.

RECONVENE: 7:31 P.M.

Mayor BIETER announced that this was the time and place set for a public hearing on CUP07-00056/Special Exception/The Pursuit request for approval of a Special Exception to utilize an existing building as a church on property located at 6151 N. Discovery Way in a T-1D (Technological-Industrial Park with Design Review) zone.

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

There was no one in the audience to testify on this issue.

Mayor BIETER announced that the public hearing was closed.

Moved by CLEGG and seconded by EBERLE that CUP07-00056/Special Exception/The Pursuit request for approval of

JULY 10, 2007

a Special Exception to utilize an existing building as a church on property located at 6151 N. Discovery Way in a T-1D (Technological-Industrial Park with Design Review) zone be approved.

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

Motion carried.

Mayor BIETER announced that this was the time and place set for a public hearing on the proposed local improvement district for the Lindsey Lateral project.

John Tensen, Public Works Department, presented the staff report.

Lynn Tominaga, 703 N. Pond; Jack Nelson, 4427 W. Denton; Jeralynne Amburn, 4803 Gage Street; Rose Sulfridge, 4803 Gage Street; Ann Lindley, 803 N. Garden; Richard Carter, 4511 W. Fairmont Place; Heather Cunningham, 4401 Morris Hill; Tom Harrell, 4702 Freemont; Chelsea Carlson, 4617 Morris Hill Road, addressed the Council in support of a Lindsey Lateral Local Improvement District Project.

Jim Talbot, 307 N. Archer; Sharon Slater, 4419 Clinton; Chris McElhanon, 4414 Clinton; Lisa Hughes, 4624 W. Gage Street; Ann Herrington, 521 N. Archer; Sylvia Conley, 4614 Freemont; Leonard Conley, 4614 Freemont; Wilford Roy, 4320 W. Denton; Palma Walke, 4711 Corporal Street; Terry DeRohan, 4427 Clinton Street; Erin Ryan, 609 N. Roosevelt Street; Samantha Wright, 4720 W. Corporal Street; Ellis Jett, 302 N. Wilson Circle; Faug Jett, 302 N. Wilson Circle; Frederick Birt, 4619 Morris Hill; Pam Baldwin, 4427 Morris Hill Road; Wendy Matson, 302 N. Garden Street; Randy McGinnis, 621 N. Roosevelt Street; Dale Edstrom, 4223 Fairmont Street and Michael Martin, 4720 Corporal Street, addressed the Council in opposition of a Lindsey Lateral Local Improvement District.

RECESS: 9:40 P.M.

RECONVENE: 9:55 P.M.

Mayor BIETER announced that the public hearing was closed.

Allison Tate, Legal Departments, answered the Council's questions regarding procedure.

JULY 10, 2007

Moved by EBERLE and seconded by JORDAN that the proposed local improvement district for the Lindsey Lateral project be rejected.

Substitute motion by CLEGG to defer decision on the local improvement district and pursue grants to go forward with the plan.

Motion dies for lack of a second.

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

Motion carried.

Mayor BIETER announced that this was the time and place set for a public hearing on 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) and CAR07-00016/Rezone/Michael, Alan & Helen Moskovitz request approval to rezone +/- .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).

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

Ralph Atkinson, 1381 N. Five Mile Road and Tim Spagnoletti, 10626 Florence, addressed the Council in opposition of the rezone and amendment to the Land Use Map.

Mayor BIETER announced that the public hearing was closed.

Moved by CLEGG and seconded by EBERLE that 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) be denied.

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

JULY 10, 2007

Motion carried.

Moved by CLEGG and seconded by JORDAN that CAR07-00016/Rezone/Michael, Alan & Helen Moskovitz request approval to rezone +/- .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) be denied.

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

Motion carried.

Mayor BIETER announced that this was the time and place set for a public hearing on CUP07-00023/Appeal/Ward Schwider appeal of 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.

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

Ward Schwider, appellant, addressed the Council in support of the appeal.

Douglas Herlocker, 1944 Bob's Drive; Lori Tindall, 1944 Bob's Drive; Alicia Artis, 1914 Warm Springs Avenue and Molly Deckart, 512 Brookdale Drive, addressed the Council in opposition to the appeal.

Mayor BIETER announced that the public hearing was closed.

Moved by JORDAN and seconded by EBERLE that on CUP07-00023/Appeal/Ward Schwider appeal of 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 be deferred for decision until July 17, 2007 to give staff the opportunity to confirm or deny the ability to do a one-time lot split in a single family home on a staff level approval.

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

Motion carried.

There being no further business the meeting
adjourned at 11:20 o'clock P.M.

APPROVE:

MAYOR

ATTEST:

CITY CLERK