

BOISE, IDAHO  
JULY 17, 2007

Council met in regular session Tuesday, July 17, 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 July 10, 2007, Boise City Council Work Session Meeting be approved.

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

Motion carried.

Moved by CLEGG and seconded by EBERLE that the minutes from the July 10, 2007, Boise City Council Meeting be approved.

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

Motion carried.

Mayor BIETER announced that this was the time and place set for 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.

Moved by CLEGG and seconded by EBERLE that CAR07-00002 be approved with the following changes: 1) percentage

on maximum square footage built, and 2) full length restriction on 125 foot lots.

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 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.

Moved by CLEGG and seconded by EBERLE that 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 denied and the decision of Planning and Zoning Commission be affirmed and that staff be directed to return with findings of fact on stacked parking.

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

Motion carried.

Moved by EBERLE and seconded by CLEGG that the Boise City Checks No. 251459 thru 252010 in the total amount of \$2,146,097.80 as of July 11, 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 F/B 07-210: Greenbelt Repairs 2007, Parks and Recreation Department were before Mayor and Council as enumerated in staff report dated June 25, 2007.

JULY 17, 2007

RECOMMENDATION: The Purchasing Division concurs with Parks and Recreation Department in recommending that F/B 07-210 be awarded to the lowest responsive and responsible bidder, Diamond Contractors LLC, in a total amount not to exceed \$142,342.00.

Moved by EBERLE and seconded by CLEGG that the recommendations be followed and the bid be awarded to Diamond Contractors LLC in the total contract amount of \$142,342.00.

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

Motion carried.

The Bid Results for F/B 07-227: Greenbelt Repairs 2007 River Run, Parks and Recreation Department were before Mayor and Council as enumerated in staff report dated July 9 2007.

RECOMMENDATION: The Purchasing Division concurs with Parks and Recreation Department in recommending that F/B 07-227 be awarded to the lowest responsive and responsible bidder, Diamond Contractors, LLC, in a total amount not to exceed \$119,272.00.

Moved by EBERLE and seconded by CLEGG that the recommendations be followed and the bid be awarded to Diamond Contractors in the total contract amount of \$119,272.00.

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

Motion carried.

The Bid Results for Award of Contract, 07-CON-235: Hardware and Software for Implementing VMware, Information Technology Department, were before Mayor and Council as enumerated in staff report dated July 9, 2007.

RECOMMENDATION: The Purchasing Division concurs with Information Technology-Infrastructure Division in recommending that 07-CON-235 be awarded to the lowest responsive and responsible bidder, IBM, in a total amount not to exceed \$136,312.00.

JULY 17, 2007

Moved by EBERLE and seconded by CLEGG that the recommendations be followed and the bid be awarded to IBM in the total contract amount of \$136,312.00.

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

Motion carried.

The Bid Results for Award of Contract, 07-CON-237: Title Data Domain Disk-to-Disk Back-Up Appliance, Information Technology Department were before Mayor and Council as enumerated in staff report dated July 9, 2007.

RECOMMENDATION: The Purchasing Division concurs with Information and Technology Department in recommending that 07-CON-237 be awarded to the lowest responsive and responsible bidder, INCENTRA Solutions, in a total amount not to exceed \$59,811.00.

Moved by EBERLE and seconded by CLEGG that the recommendations be followed and the bid be awarded to INCENTRA Solutions in the total contract amount of \$59,811.00.

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-250: 3M Traffic Control - Opticom, Fire Department were before Mayor and Council as enumerated in staff report dated July 3, 2007.

RECOMMENDATION: The Purchasing Division concurs with Fire/EMS Department in recommending that 07-CON-250 be awarded to the sole source provider, Advanced Traffic Products Inc., in a total amount not to exceed \$37,780.00.

Moved by EBERLE and seconded by CLEGG that the recommendations be followed and the bid be awarded to Advanced Traffic Products Inc. in the total contract amount of \$37,780.00.

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

Motion carried.

JULY 17, 2007

The Bid Results for Approval of Sole Source Purchase, 07-CON-257: Cable One Services, Fire Department were before Mayor and Council as enumerated in staff report dated July 9, 2007.

RECOMMENDATION: The Purchasing Division concurs with Boise Fire Department in recommending that 07-CON-257 be awarded to the sole source provider, Cable One, in a total amount not to exceed \$29,193.40.

Moved by EBERLE and seconded by CLEGG that the recommendations be followed and the bid be awarded to Cable One in the total contract amount of \$29,193.40.

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) Jay Armstrong, Property Damage
- b) Myrah R. Cooper, Property Damage

Moved by EBERLE and seconded by CLEGG 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 September 18, 2007, in Council Chambers be confirmed for a public hearing on:

- a) CAR07-00041/Annexation/Scott Black requests approval of an annexation of +/-5.62 acres located at 2879 S. Fry Street with a zoning designation of M-1D (Limited Industrial with Design Review).
- b) CAR07-00036/Rezone/AV-CB, LLC requests approval to rezone +/-17.46 acres from A-1 (Open Land 1 DU/Acre) to R-2D (Combined Residential with Design Review 14.5 DU/Acre) located at 12449 W. Franklin Road.
- c) CAR06-00066/Rezone/BRS Architects requests approval for a rezone of 7.34 acres located

JULY 17, 2007

at 4262 N. Eagle Road from R-1C (Single Family Residential) to L-OD (Limited Office with Design Review Overlay).

Moved by EBERLE and seconded by CLEGG that September 18, 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 requested October 2, 2007, in Council Chambers be confirmed for a public hearing on:

- a) CAR06-00075 and CAR06-00074/Annexation/Bonar Development Group requests approval for annexation of +/-150.70 acres with a Development Agreement located at 6700 N. Bogus Basin Road with a zoning designation of R-1A (Single Family Residential).

Moved by EBERLE and seconded by CLEGG that October 2, 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) Goodwood Barbecue Company regarding a wedding reception at the Idaho Botanical Gardens on July 22, 2007
- B) Roadway Inn Catering regarding Concert for Boise Blues Society at Lake Harbor on July 20, 2007

Moved by EBERLE and seconded by CLEGG 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.

JULY 17, 2007

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) Public Works Commission Minutes, April 12 and May 3, 2007
- b) Sole Source Purchase: Opticom, Fire Department
- c) Sole Source Purchase: Cable One, Fire Department
- d) City of Boise, Treasury Division, State of the Treasury Report, June 2007

Moved by EBERLE and seconded by CLEGG 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.

The Executive Management Team requests the following interim budget changes be approved by Council:

- a) Approval of a onetime use of \$5,751,704 of retained earnings in the Sewer Fund for purchase of land adjacent to the West Boise Waste Water Treatment Plant and approved to set up budget for the corresponding capital project.

Moved by EBERLE and seconded by CLEGG that the Executive Management Team's interim budget changes be approved as requested.

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

Motion carried.

Proposed resolution (R-279-07) by the Council:

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

Titled: A RESOLUTION APPROVING AN OPTION TO LEASE AGREEMENT AND THE FORM AND CONTENT OF AN ATTACHED GROUND LEASE

JULY 17, 2007

AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY, BY AND THROUGH ITS PLANNING AND DEVELOPMENT SERVICES DEPARTMENT, ECONOMIC DEVELOPMENT DIVISION, AND MOUNTAIN VIEW POWER, INC., AN IDAHO CORPORATION, FOR THE FUTURE CONSTRUCTION AND OPERATION OF POWER GENERATION PLANT ON REAL PROPERTY OWNED BY THE CITY OF BOISE WITHIN ITS INDUSTRIAL 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 EBERLE and seconded by CLEGG that the proposed resolution (R-279-07) be adopted and that same be numbered Resolution 19692.

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

Motion carried.

Proposed resolution (R-280-07) by the Council:

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

Titled: A RESOLUTION APPROVING THE RENEWAL OF THE BSU LAW ENFORCEMENT SERVICES AGREEMENT BY AND BETWEEN BOISE POLICE DEPARTMENT AND BOISE STATE UNIVERSITY FOR LAW ENFORCEMENT SERVICES ON THE BOISE STATE UNIVERSITY CAMPUS LOCATED WITHIN THE CITY OF BOISE FOR THE FISCAL YEAR 2008; AUTHORIZING THE MAYOR AND THE CHIEF OF POLICE TO EXECUTE AND THE CITY CLERK TO ATTEST SAID RENEWAL; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by EBERLE and seconded by CLEGG that the proposed resolution (R-280-07) be adopted and that same be numbered Resolution 19693.

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

Motion carried.

Proposed resolution (R-281-07) 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 FELLOWSHIP OF CHRISTIAN AIRLINE PERSONNEL - BOI FOR THE LEASE OF CERTAIN PREMISES WITHIN

JULY 17, 2007

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 EBERLE and seconded by CLEGG that the proposed resolution (R-281-07) be adopted and that same be numbered Resolution 19694.

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

Motion carried.

Proposed resolution (R-282-07) by the Council:

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

Titled: A RESOLUTION APPROVING AN AMENDMENT TO A LEASE AGREEMENT BETWEEN BOISE CITY (DEPARTMENT OF AVIATION AND PUBLIC TRANSPORTATION) AND UNITED STATES POSTAL SERVICE 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 EBERLE and seconded by CLEGG+ that the proposed resolution (R-282-07) be adopted and that same be numbered Resolution 19695.

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

Motion carried.

Proposed resolution (R-283-07) 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 06-109; SODIUM HYPOCHLORITE, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND THATCHER COMPANY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by EBERLE and seconded by CLEGG that the proposed resolution (R-283-07) be adopted and that same be numbered Resolution 19696.

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

Motion carried.

Proposed resolution (R-284-07) 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 07-210; GREENBELT REPAIRS 2007; PARKS AND RECREATION DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND DIAMOND CONTRACTORS, LLC; AND PROVIDING AN EFFECTIVE DATE., was read in full.

Moved by EBERLE and seconded by CLEGG that the proposed resolution (R-284-07) be adopted and that same be numbered Resolution 19697.

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

Motion carried.

Proposed resolution (R-285-07) 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 07-227; GREENBELT REPAIRS 2007 RIVER RUN; PARKS AND RECREATION DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND DIAMOND CONTRACTORS, LLC; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by EBERLE and seconded by CLEGG that the proposed resolution (R-285-07) be adopted and that same be numbered Resolution 19698.

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

Motion carried.

Proposed resolution (R-286-07) by the Council:

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

Titled: A RESOLUTION APPROVING A COMMERCIAL/INVESTMENT REAL ESTATE PURCHASE AND SALE AGREEMENT BY AND BETWEEN THE CITY

JULY 17, 2007

OF BOISE, BY AND THROUGH ITS DEPARTMENT OF PARKS AND RECREATION (BUYER), AND JAYO CONSTRUCTION, INC. (SELLER) FOR A CERTAIN INTEREST IN REAL PROPERTY IN SOMERSET RIDGE PHASE II SUBDIVISION, LOCATED IN THE CITY OF BOISE, ADA COUNTY, IDAHO, TO WIT: THE PURCHASE IN FEE TITLE OF APPROXIMATELY SEVEN AND THREE-TENTHS (7.3) ACRES FOR FUTURE USE AS A CITY PARK, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT AND EASEMENT ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by EBERLE and seconded by CLEGG that the proposed resolution (R-286-07) be adopted and that same be numbered Resolution 19699.

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-58-07) by the Council:

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

Titled: AN ORDINANCE AMENDING BOISE CITY CODE SECTIONS 8-15-2.03, 8-15-2.06 AND 8-15-3.01 TO REMOVE THE DATE REFERENCES FOR THE BOISE CITY NON-STORMWATER DISPOSAL BEST MANAGEMENT PRACTICES GUIDANCE AND STORMWATER MANAGEMENT DESIGN MANUAL; AMENDING BOISE CITY CODE 8-15-2.06 TO INDICATE THAT NON-PROFIT GROUP CARWASHES ARE SUBJECT TO STORMWATER REGULATIONS; 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-36-07) by the Council:

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

JULY 17, 2007

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

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

JULY 17, 2007

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

Mayor BIETER announced it was the time and place set for SOS07-00004, CSHQA requests Boise City's consent to vacate the east 40 feet or 6,769 square feet of public street right-of-way of Avenue B on the north side of Myrtle Street, was before Mayor and Council.

JULY 17, 2007

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

Hal Simmons Planning and Development Services Department, answered the Council's questions.

Shawn Martin Ada County Highway District and Charles Winder, 5528 Evans Avenue, addressed Council's concerns.

Moved by JORDAN and seconded by CLEGG that SOS07-00004, CSHQA request for Boise City's consent to vacate the east 40 feet or 6,769 square feet of public street right-of-way of Avenue B on the north side of Myrtle Street be granted as requested subject to the conditions as stated by staff.

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

Councilmember EBERLE recluses himself.

Motion carried.

Mayor BIETER announced it was the time and place set for SOS07-00006, Capital City Development Corporation requests Boise City's consent to vacate a 6,013 square feet of public street right-of-way on the north side of River Street and east side of 9th Street, was before Mayor and Council.

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

Mike Hall Capital City Development Corporation, addressed the Council.

Moved by SHEALY and seconded by EBERLY that SOS07-00006, Capital City Development Corporation request for Boise City's consent to vacate a 6,013 square feet of public street right-of-way on the north side of River Street and east side of 9th Street be granted as requested subject to the conditions as stated in the staff report.

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

Motion carried.

JULY 17, 2007

Mayor BIETER announced it was the time and place set for SOS07-00007, Van Aucker Properties, Partial Vacation of Plat Note for Easement of West Boise Industrial Park Subdivision No. 5, was before Mayor and Council.

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

Moved by CLEGG and seconded by EBERLE that SOS07-00007, Van Aucker Properties, Partial Vacation of Plat Note for Easement of West Boise Industrial Park Subdivision No. 5 be granted as requested subject to the conditions as stated in staff.

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

Motion carried.

Mayor BIETER announced it was the time and place set for SOS07-00008, Forrest and Aine Brain, requests Boise City to vacate a partial plat note for the five foot wide irrigation and drainage easement located on Lot 11, Block 5 of Bluemeadows Subdivision No. 1, was before Mayor and Council.

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

Jeff Hanks, 1010 South Allante, addressed the Council.

Moved by Clegg and seconded by Jordan that SOS07-00008, Forrest and Aine Brain, requests Boise City to vacate a partial plat note for the five foot wide irrigation and drainage easement located on Lot 11, Block 5 of Bluemeadows Subdivision No. 1 be granted as requested subject to the conditions as stated in the staff report.

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

Motion carried.

RECESS: 6:49 P.M.

RECONVENE: 6:57 P.M.

JULY 17, 2007

Mayor BIETER announced that this was the time and place set for a public hearing on CAR06-00076/Rezone/Ryan Eagy request for approval to rezone a +/-0.93 acre parcel located at 9365 W. Cory Lane from R-1B (Single Family Residential-4.8 DU/Acre) to R-1C (Single-Family Residential-8.0 DU/Acre) and Yukon Point Subdivision SUB06-00122 Preliminary Plat, Boise City (proposed preliminary plat with seven buildable lots and one common lot located on the south side of West Cory Lane adjacent to North Kimball Street at 9365 West Cory Lane).

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

Ryan Heath, 9365 Cory Lane, applicant, addressed Council in support of the rezone.

Mayor BIETER announced that the public hearing was closed.

Moved by CLEGG and seconded by JORDAN that CAR06-00076/Rezone/Ryan Eagy request for approval to rezone a +/-0.93 acre parcel located at 9365 W. Cory Lane from R-1B (Single Family Residential-4.8 DU/Acre) to R-1C (Single-Family Residential-8.0 DU/Acre) 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 Yukon Point Subdivision SUB06-00122 Preliminary Plat, Boise City (proposed preliminary plat with seven buildable lots and one common lot located on the south side of West Cory Lane adjacent to North Kimball Street at 9365 West Cory Lane) 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 CUP07-00019 and CFH07-00012/Appeal/Russell Thompson and Keith Merrell are appeal of the Planning and Zoning Commission's approval of Conditional Use and Hillside Development Permits for the construction of a planned residential development on +/-6.112 acres located at 3100 E. Gowen Road in an R-2D

JULY 17, 2007

(Combined Residential with Design Review) and R-1C (Single Family Residential) zone and Elevation Ridge Subdivision SUB07-00016 Preliminary Plat, Boise City (proposed residential subdivision with 28 buildable lots and two common lots on 6.112 acres located at the northeast corner of East Highway 21 and East Grand Forest Drive).

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

Terry Records, Public Works Department, addressed Council's questions.

Russell Thomson, 6567 S. Honeylocust, addressed Council in favor of Planning and Zoning approval.

Dave Mckena, 405 S. 8<sup>th</sup> Street; Leslie Thompson, 6567 Honey Locust Place; Nancy Merrill, 6578 S. Honey Locust; Cheryl Russel, 6534 Honey Locust Place, and Neele Johnston, 6475 S. Hornbeam Place, addressed Council in opposition to Planning and Zoning Commission approval.

Mayor BIETER announced that the public hearing was closed.

Moved by EBERLE and seconded by JORDAN that CUP07-00019 and CFH07-00012/Appeal/Russell Thompson and Keith Merrell appeal of the Planning and Zoning Commission's approval of Conditional Use and Hillside Development Permits for the construction of a planned residential development on +/-6.112 acres located at 3100 E. Gowen Road in an R-2D (Combined Residential with Design Review) and R-1C (Single Family Residential) zone be denied and the decision of the Planning and Zoning Commission be upheld with the added condition that the Public Works staff verify the fill for stability.

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

Motion carried.

Moved by JORDAN and seconded by CLEGG that be Elevation Ridge Subdivision SUB07-00016 Preliminary Plat, Boise City (proposed residential subdivision with 28 buildable lots and two common lots on 6.112 acres located at the northeast corner of East Highway 21 and East Grand Forest Drive) be approved.

JULY 17, 2007

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

Motion carried.

RECESS 8:34 P.M.

RECONVENE: 8:42 P.M.

Mayor BIETER announced that this was the time and place set for a public hearing on CAR07-00013/Rezone/Red Cliff Development request for approval to rezone +/-2.94 acres located at 10881 W. Florence Drive from R-1A (Single Family Residential-2.1 DU/Acre) to R-2D (Combined Residential with Design Review-14.5 DU/Acre); CAR07-00014/Red Cliff Development request for approval of an amendment to the Land Use Map of the Comprehensive Plan to change the designation of +/-2.94 acres located at 10881 W. Florence Drive from Low Density Residential (4 DU/Acre) to Medium Density Residential (15 DU/Acre) and Keeneland Park Subdivision No. 2 SUB07-00050 Preliminary Plat, Boise City (proposed multi-family residential subdivision with two buildable lots on 2.94 acres located on the north side of West Irving Court at the western terminus of West Florence Drive west of North Five Mile Road).

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

Bob Unger, 2060 S. Eagle Road, addressed Council in favor of the rezone.

Mike Heath, 10891 W. Irving Court; Tim Spagaletti, 10626 W. Florence Drive and Julia Bergen, 710 W. Florence Drive, addressed Council in opposition to the rezone.

Sean Martin, Ada County Highway District, addressed Council's concerns.

Mayor BIETER announced that the public hearing was closed.

Moved by JORDAN and seconded by CLEGG that be CAR07-00013/Rezone/Red Cliff Development request for approval to rezone +/-2.94 acres located at 10881 W. Florence Drive from R-1A (Single Family Residential-2.1 DU/Acre) to R-2D (Combined Residential with Design Review-14.5 DU/Acre) be approved.

JULY 17, 2007

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

Motion carried.

Moved by JORDAN and seconded by CLEGG that be CAR07-00014/Red Cliff Development request for approval of an amendment to the Land Use Map of the Comprehensive Plan to change the designation of +/-2.94 acres located at 10881 W. Florence Drive from Low Density Residential (4 DU/Acre) to Medium Density Residential (15 DU/Acre) be approved.

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

Motion carried.

Moved by JORDAN and seconded by CLEGG that Keeneland Park Subdivision No. 2 SUB07-00050 Preliminary Plat, Boise City (proposed multi-family residential subdivision with two buildable lots on 2.94 acres located on the north side of West Irving Court at the western terminus of West Florence Drive west of North Five Mile Road) be approved with the modification that asphalt be used instead of gravel.

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 9:15 o'clock P.M.

APPROVE:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK