

78
JULY 31, 2007

BOISE, IDAHO
JULY 31, 2007

Council met in regular session Tuesday, July 31, 2007, Mayor DAVID H. BIETER, presiding.

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

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

Moved by CLEGG and seconded by EBERLE that the minutes from the July 24, 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 it was the time and place set for the reappointment of Ron A. Larson to the building Code Committee/Board of Examiners and Appeals for a five year term expiring January 29, 2012.

Councilmember CLEGG requested unanimous consent that the reappointment of Ron A. Larson to the building Code Committee/Board of Examiners and Appeals for a five year term expiring January 29, 2012 be approved.

Unanimous consent was granted.

Mayor BIETER announced that it was the time and place set for the reappointment of Robert E. Ross to the building Code Committee/Board of Examiners and Appeals for a five year term expiring January 29, 2012

Councilmember CLEGG requested unanimous consent that the reappointment of Robert E. Ross to the building Code Committee/Board of Examiners and Appeals for a five year term expiring January 29, 2012 be approved.

Unanimous consent was granted.

JULY 31, 2007

Moved by CLEGG and seconded by EBERLE that the Boise City Checks No. 253457 thru 254008 in the total amount of \$1,902,339.72 as of July 25, 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 07-CON-248 were before Mayor and Council as enumerated in staff report dated July 20, 2007.

RECOMMENDATION: The Purchasing Division concurs with Information Technology in recommending that 07-CON-248 be awarded to the lowest responsive and responsible bidder, ASAP Software, in a total amount not to exceed \$99,318.00.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to ASAP Software, in the total contract amount of \$99,318.00.

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

Motion carried.

The Bid Results for F/B 07-171 were before Mayor and Council as enumerated in staff report dated July 20, 2007.

RECOMMENDATION: The Purchasing Division concurs with Housing and Community Development in recommending that F/B 07-171 be awarded to the lowest responsive and responsible bidder, Wright Brothers, in a total amount not to exceed \$84,489.00.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Wright Brothers, in the total contract amount of \$84,489.00, 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.

JULY 31, 2007

The Bid Results for F/B 07-216 were before Mayor and Council as enumerated in staff report dated July 25, 2007.

RECOMMENDATION: The Purchasing Division concurs with Parks and Recreation Department in recommending that F/B 07-216 be awarded to the lowest responsive and responsible bidder, Hellas Construction, in a total amount not to exceed \$67,158.00.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Hellas Construction, in the total contract amount of \$67,158.00.

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) Civic Plaza, Property Damage
- b) Qwest Claim No. 423013 and 422255 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 September 18, 2007, in Council Chambers be confirmed for a public hearing on:

- a) CUP07-00044/Harris Family Limited Partnership is appealing the Planning and Zoning Commission's approval of Conditional Use Permit for the construction of a new junior high school located at 5600 E. Warm Springs Avenue in an R-1C/DA (Single Family Residential with a Development Agreement) zone.

Moved by CLEGG and seconded by EBERLE 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 requests the following applications for Alcohol Beverage Catering Permits be acknowledged and approved:

- a) Tablerock Brewpub regarding Great Escape Series at the Idaho Botanical Gardens on August 2, August 9, August 16, August 23 and August 30, 2007
- b) Tablerock Brewpub regarding a Wedding at CW Moore Plaza on August 3, 2007
- c) Tablerock Brewpub regarding Opera Under The Stars at Idaho Botanical Gardens on August 17, 2007
- d) Tablerock Brewpub regarding Business Reception at Boise Art Museum on August 15, 2007
- e) Tablerock Brewpub regarding Soul Food Extravaganza at Julia Davis Rose Garden on August 4, 2007
- f) Tablerock Brewpub regarding a Wedding at Boise Art Museum on August 18, 2007
- g) The Basque Market regarding MWI Vet Supply Dinner at The Basque Block on August 15, 2007
- h) Thomas Management Group regarding a wedding reception at Barber Park Event Center on August 3, 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) Boise Public Works Commission Minutes, June 14, 2007
- b) Employee Health Plan Trust Trustee Minutes, June 27, 2007

JULY 31, 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-296-07) by the Council:

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

Titled: A RESOLUTION APPROVING A CONTRACT BETWEEN THE CITY OF BOISE CITY, FIRE DEPARTMENT, AND THE IDAHO TRANSPORTATION DEPARTMENT FOR THE PROVISION OF FIRE PROTECTION SERVICES BY THE BOISE FIRE DEPARTMENT TO THE IDAHO TRANSPORTATION DEPARTMENT WITHIN THE TRANSPORTATION DEPARTMENT'S RIGHT OF WAY ON INTERSTATE 84 OUTSIDE OF THE CITY'S JURISDICTION FOR A PERIOD ENDING IN 2012; 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-296-07) be adopted and that same be numbered Resolution 19709.

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

Motion carried.

Proposed resolution (R-297-07) by the Council:

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

Titled: A RESOLUTION APPROVING A HOUSING REHABILITATION LOAN FOR DARRELL AND ALICE MCKEE, FOR REAL PROPERTY LOCATED AT 3585 KILARNEY DRIVE, BOISE, IDAHO 83704; THROUGH 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 AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-297-07) be adopted and that same be numbered Resolution 19710.

JULY 31, 2007

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

Motion carried.

Proposed resolution (R-299-07) by the Council:

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

Titled: A RESOLUTION PARTIALLY VACATING A PLAT NOTE FOR A ONE-FOOT WIDE IRRIGATION AND DRAINAGE EASEMENT LOCATED ON LOT 11 OF BLOCK 5 OF BLUEMEADOWS SUBDIVISION NO. 1, AS RECORDED WITH THE ADA COUNTY RECORDER IN BOOK 92 OF PLATS AT PAGE 10924, AND LOCATED ON THE SOUTH SIDE OF WEST CANFORD DRIVE APPROXIMATELY 200 FEET WEST OF SILVERHILLS AVENUE, ADA COUNTY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-299-07) be adopted and that same be numbered Resolution 19711.

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

Motion carried.

Proposed resolution (R-300-07) by the Council:

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

Titled: A RESOLUTION VACATING THE PLAT NOTE REQUIRING A TEN-FOOT PUBLIC UTILITIES, DRAINAGE, AND IRRIGATION EASEMENT LOCATED FIVE (5) FEET ON EITHER SIDE OF THE COMMON LOT LINES OF LOTS 3 AND 4, AND LOTS 12 AND 13, WITHIN BLOCK 4 OF THE WEST BOISE INDUSTRIAL PARK SUBDIVISION NO. 5, AS RECORDED WITH THE ADA COUNTY RECORDER IN BOOK 66 OF PLATS ON PAGE 6746, AND LOCATED ON THE SOUTH SIDE OF WEST PRESIDENT DRIVE AND THE NORTH SIDE OF WEST EXECUTIVE DRIVE APPROXIMATELY 1,900 FEET EAST OF CLOVERDALE ROAD, BOISE, ADA COUNTY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-300-07) be adopted and that same be numbered Resolution 19712.

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

Motion carried.

JULY 31, 2007

Proposed resolution (R-301-07) by the Council:

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

Titled: A RESOLUTION ADOPTING AND APPROVING THE REVISED BOISE CITY STORMWATER MANAGEMENT DESIGN MANUAL; AND PROVIDING FOR AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-301-07) be adopted and that same be numbered Resolution 19713.

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

Motion carried.

Proposed resolution (R-302-07) by the Council:

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

Titled: A RESOLUTION APPROVING AN OPEN ACCESS AGREEMENT BETWEEN THE CITY OF BOISE, BOISE PUBLIC LIBRARY AND EAGLE PUBLIC LIBRARY ALLOWING RECIPROCAL ACCESS TO LIBRARY PATRONS OF EACH CITY; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT ON BEHALF OF THE BOISE CITY; AND PROVIDING FOR AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-302-07) be adopted and that same be numbered Resolution 19714.

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

Motion carried.

Proposed resolution (R-303-07) by the Council:

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

Titled: A RESOLUTION APROVING AN OPEN ACCESS AGREEMENT BETWEEN THE CITY OF BOISE, BOISE PUBLIC LIBRARY AND GARDEN CITY LIBRARY ALLOWING RECIPROCAL ACCESS TO LIBRARY PATRONS OF EACH CITY; 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-303-07) be adopted and that same be numbered Resolution 19715.

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

Motion carried.

Proposed resolution (R-304-07) 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 PO 12299; EMERGENCY REPAIR OF FIRE HYDRANTS, FIRE DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND OWYHEE CONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-304-07) be adopted and that same be numbered Resolution 19716.

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

Motion carried.

Proposed resolution (R-305-07) 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-111; ARTWORK FOR THE BOISE WATERSHED, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND AMY WESTOVER; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-305-07) be adopted and that same be numbered Resolution 19717.

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

Motion carried.

JULY 31, 2007

Proposed resolution (R-306-07) 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 1 TO RFP 06-090; BENEFITS CONSULTANT; DEPARTMENT OF HUMAN RESOURCES, BETWEEN THE CITY OF BOISE CITY AND THE SEGAL COMPANY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-306-07) be adopted and that same be numbered Resolution 19718.

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

Motion carried.

Proposed resolution (R-307-07) 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-243; PEOPLESOFT HR eRECRUIT FLSA TOOLS UPGRADE, INFORMATION TECHNOLOGY DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND CEDAR CRESTONE INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-307-07) be adopted and that same be numbered Resolution 19719.

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

Motion carried.

Proposed resolution (R-308-07) 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 RFP 07-032A; FIRE SPRINKLER & FIRE ALARM PLAN REVIEW SERVICES, DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES, BETWEEN THE CITY OF BOISE CITY AND JOHNSON

JULY 31, 2007

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

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-308-07) be adopted and that same be numbered Resolution 19720.

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

Motion carried.

Proposed resolution (R-309-07) 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 07-171; FACILITY UPGRADE FOR VISTA HOUSING AND POLICE SUBSTATION (2717 VISTA); HOUSING AND COMMUNITY DEVELOPMENT, BETWEEN THE CITY OF BOISE CITY AND WRIGHT BROTHERS, THE BUILDING COMPANY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-309-07) be adopted and that same be numbered Resolution 19721.

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

Motion carried.

Councilmember TIBBS requested unanimous consent the proposed resolution (R-310-07) be removed from tonight's Council agenda.

Unanimous consent was granted.

Proposed resolution (R-310-07) by the Council:

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

Titled: A RESOLUTION APPROVING AN AIRPORT JOINT USE AGREEMENT BETWEEN BOISE CITY (DEPARTMENT OF AVIATION) AND THE UNITED STATES OF AMERICA ACTING BY AND THROUGH THE NATIONAL GUARD BUREAU AND THE STATE OF IDAHO ACTING BY AND THROUGH ITS ADJUTANT GENERAL, FOR THE USE, BY THE UNITED STATES GOVERNMENT, OF THE AIRPORT'S FACILITIES FOR THE

JULY 31, 2007

LANDING AND TAKING OFF OF AIRCRAFT AND RELATED USES; AND PROVIDING AN EFFECTIVE DATE.

Proposed resolution (R-311-07) by the Council:

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

Titled: A RESOLUTION GRANTING AND APPROVING A TEMPORARY CONSTRUCTION EASEMENT BETWEEN THE CITY OF BOISE CITY, BY AND THROUGH THE BOISE FIRE DEPARTMENT AND ADA COUNTY HIGHWAY DISTRICT (ACHD), RATIFYING THE EXECUTION OF SAID AGREEMENT AND ALL RELATED DOCUMENTS BY THE MAYOR; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-311-07) be adopted and that same be numbered Resolution 19722.

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

Motion carried.

Proposed resolution (R-312-07) 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 07-216; TENNIS COURT RENOVATIONS, PARKS AND RECREATION DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND HELLAS CONSTRUCTION, INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-312-07) be adopted and that same be numbered Resolution 19723.

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.

JULY 31, 2007

Proposed ordinance (O-64-07) by the Council:

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

Titled: AN ORDINANCE AMENDING, TITLE 1, CHAPTER 11, BOISE CITY CODE TO: BRING THE CITY'S PURCHASING CODE INTO CONFORMITY WITH STATE CODE AMENDMENTS; ESTABLISH INFORMAL, SEMI-FORMAL AND FORMAL PROCUREMENT PROCEDURES; AUTHORIZE THE MAYOR TO DEVELOP ADMINISTRATIVE POLICIES AND PROCEDURES TO IMPLEMENT THE ORDINANCE; DELEGATE SIGNATURE AUTHORITY TO THE MAYOR AND DEPARTMENT HEADS; PROVIDE FOR THE DISPOSITION OF SURPLUS PROPERTY; PROVIDE FOR PROTESTS OF AWARDS AND DISBARMENT OF PROVIDERS; RESCINDING THAT CERTAIN DOCUMENT KNOWN AND THE PURCHASING MANUAL; APPROVING A 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-53A-07) by the Council:

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

Titled: AN ORDINANCE REPEALING BOISE CITY CODE TITLE 5, CHAPTER 29, SECTIONS 1 THROUGH 13 AND BOISE CITY CODE TITLE 10, CHAPTER 7, SECTIONS 1 THROUGH 6; AMENDING AND RENAMING BOISE CITY CODE TITLE 10, CHAPTER 21 TO PARKING SERVICES AUTHORIZED TOWING; ENACTING A NEW BOISE CITY CODE TITLE 10, CHAPTER 22, SECTIONS 1 THROUGH 7 TO ESTABLISH REGULATIONS FOR NON-CONSENT TOWING OF MOTOR VEHICLES FROM PUBLIC AND PRIVATE PROPERTY; TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR A TOWING SERVICE LICENSE APPLICATION PROCESS; TO ESTABLISH TOWING LICENSE REQUIREMENTS AND QUALIFICATIONS; TO ESTABLISH A PROCEDURE TO DENY, SUSPEND OR REVOKE A TOWING LICENSE; TO OUTLINE TOWING REGULATIONS AND REQUIREMENTS; TO PROVIDE FOR REMOVAL OF VEHICLES FROM PUBLIC STREETS; TO ESTABLISH TOW TRUCK SPECIFICATIONS AND EQUIPMENT REQUIREMENTS; TO ESTABLISH TOWING AND STORAGE RATES; TO PROVIDE FOR ENFORCEMENT OF THE REGULATIONS AND REQUIREMENTS; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE, was read for the second time.

Proposed ordinance (O-59-07) by the Council:

JULY 31, 2007

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

Titled: AN ORDINANCE (CAR07-00023/DA AND CAR07-00024/DA/DBSI HOUSING, LLC/DBSI SHADOW HILLS, LLC) FOR PROPERTY LOCATED AT 7700 W. STATE STREET ANNEXING CERTAIN LANDS AND TERRITORY, SITUATED IN ADA COUNTY, IDAHO, AND ADJACENT AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF BOISE CITY; ESTABLISHING AND DETERMINING THE LAND USE CLASSIFICATION OF SAID LANDS AS C-4D (PLANNED COMMERCIAL WITH DESIGN REVIEW) AND R-2D (COMBINED RESIDENTIAL WITH DESIGN REVIEW) AND A DEVELOPMENT AGREEMENT; PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE ADA COUNTY ASSESSOR, THE ADA COUNTY RECORDER, AND THE IDAHO STATE TAX COMMISSION, AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE, was read for the second time.

Moved by CLEGG and seconded by EBERLE that further reading of (O-58-07) 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-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 third time.

Moved by CLEGG and seconded by EBERLE that the proposed ordinance (O-58-07) be passed and that the same be numbered Ordinance 6585.

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

Motion carried.

JULY 31, 2007

Arrowhead Ridge Subdivision SUB00-00058 Time Extension, Boise City, (applicant is requesting a two-year time extension to complete on-site drainage improvements for phase 2 of Arrowhead Ridge Subdivision), was before Mayor and Council.

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

Moved by CLEGG and seconded by EBERLE that Arrowhead Ridge Subdivision SUB00-00058 Time Extension, Boise City, (applicant is requesting a two-year time extension to complete on-site drainage improvements for phase 2 of Arrowhead Ridge Subdivision) 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.

Consent to Vacate Public Right-of-Way SOS07-00009, Boise City, (applicant Charles and Jacqueline Crist request Boise City's consent to vacate a 1.01 acres of public right-of-way between west Front Street and south 18th street) Subdivision, was before Mayor and Council.

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

Moved by CLEGG and seconded by EBERLE that Consent to Vacate Public Right-of-Way SOS07-00009, Boise City, (applicant Charles and Jacqueline Crist request Boise City's consent to vacate a 1.01 acres of public right-of-way between west Front Street and south 18th street) be granted as requested subject to conditions stated in staff report with the condition that the easement around the sewer is protected.

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

Motion carried.

Milo Place Subdivision SUB07-00046 Preliminary and Final Plat, Boise City (proposed single family townhouse subdivision with 6 buildable lots on .57 acres with a density of 10.5 lots per acre located on the west side of S. Dorothy Avenue approximately 175 feet south of Iowa Street), was before Mayor and Council.

JULY 31, 2007

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

Moved by CLEGG and seconded by EBERLE that Milo Place Subdivision SUB07-00046 Preliminary and Final Plat, Boise City (proposed single family townhouse subdivision with 6 buildable lots on .57 acres with a density of 10.5 lots per acre located on the west side of S. Dorothy Avenue approximately 175 feet south of Iowa Street) 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.

Cordoba Condominiums SUB07-00047 Preliminary Plat, Boise City (proposed 15 unit residential condominium development on 2.14 acres with a density of 7.01 dwelling units per acre located on the east side of the intersection of N. Pierce Park Lane and W. Autumnwood Street approximately 550 feet north of West Hill Road), was before Mayor and Council.

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

Steve Kunzwhaler, 2989 Euphony Way, Meridian, applicant representative, addressed the Council in support of the development.

Moved by EBERLE and seconded by BISTERFELDT that Cordoba Condominiums SUB07-00047 Preliminary Plat, Boise City (proposed 15 unit residential condominium development on 2.14 acres with a density of 7.01 dwelling units per acre located on the east side of the intersection of N. Pierce Park Lane and W. Autumnwood Street approximately 550 feet north of West Hill Road) be granted as requested subject to conditions stated in staff report.

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

Motion carried.

Councilmember EBERLE requested unanimous consent to direct staff to review their policies for when we've got opportunities like this to look at perhaps making these

JULY 31, 2007

public roads substandard, so they can operate as an alley in the future.

Unanimous consent was granted.

Mayor BIETER announced that this was the time and place set for a public hearing on FY2008/2009 Fee Increases.

Kent Rock, City Treasurer and Doug Holloway, Parks and Recreation Department, 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 proposed FY2008/2009 Fee Increases be approved as presented.

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 CAR07-00028/Rezone/Jeff Griffeth request for approval to rezone +/-0.53 acres located at 2700 and 2708 S. Apple Street from R-1C (Single-Family Residential) to L-OD (Limited Office with Design Review).

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

Scott Haliday, 2525 Stokesbury, applicant representative, addressed the Council in support of the N-OD designation change.

Mayor BIETER announced that the public hearing was closed.

Moved by CLEGG and seconded by EBERLE that CAR07-00028/Rezone/Jeff Griffeth request for approval to rezone +/-0.53 acres located at 2700 and 2708 S. Apple Street from R-1C (Single-Family Residential) to N-OD (Neighborhood Office with Design Review) be approved.

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

JULY 31, 2007

Motion carried.

Mayor BIETER announced that this was the time and place set for a public hearing on CAR07-00030/Rezone/David Benoit request for approval to rezone +/- .28 acres located at 1713 and 1717 W. Jefferson Street from R-3D (Multi-Family Residential with Design Review) to R-1MD (Modular Lotting with Design Review) and Friendship Mission Subdivision SUB-7-00038 Preliminary and Final Plat, Boise City (proposed single family residential subdivision with five buildable lots on .38 acres with a density of 17.86 dwelling units per acre located on the south side of W. Jefferson Street between N. 17th Street and N. 18th Street).

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

David Benoit, 632 Edgewood, Eagle, applicant representative, addressed the Council in support of the rezone and development.

Mayor BIETER announced that the public hearing was closed.

Moved by EBERLE and seconded by JORDAN that CAR07-00030/Rezone/David Benoit request for approval to rezone +/- .28 acres located at 1713 and 1717 W. Jefferson Street from R-3D (Multi-Family Residential with Design Review) to R-1MD (Modular Lotting with Design Review) be approved with direction to the Design Review Committee to review his application with particular attention to scale and character of the street front.

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

Motion carried.

Moved by EBERLE and seconded by TIBBS that Friendship Mission Subdivision SUB07-00038 Preliminary and Final Plat, Boise City (proposed single family residential subdivision with five buildable lots on .38 acres with a density of 17.86 dwelling units per acre located on the south side of W. Jefferson Street between N. 17th Street and N. 18th Street) 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 CAR07-00031/Rezone/Jeff Wherry request for approval to rezone +/- .26 acres located at 3921 N. Collister Drive from R-1A (Single Family Residential-2.1 DU/Acre) to R-1C (Single Family Residential-8.0 DU/Acre).

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

Evelyn Grime, 720 Idaho Street, Suite 38, applicant representative, addressed the Council in support of the rezone.

Mayor BIETER announced that the public hearing was closed.

Moved by CLEGG and seconded by EBERLE that CAR07-00031/Rezone/Jeff Wherry request for approval to rezone +/- .26 acres located at 3921 N. Collister Drive from R-1A (Single Family Residential-2.1 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.

RECESS: 6:30 P.M.

RECONVENE: 6:39 P.M.

Mayor BIETER announced that this was the time and place set for a public hearing on CAR07-00032/Annexation/Lorlan Development Co. LLC request for approval of an annexation of +/-13.14 acres located at 8300 W. Victory Road with a zoning designation of M-1D (Limited Industrial with Design Review) and Lorlan Industrial Subdivision SUB07-00042 Preliminary Plat, Boise City (proposed industrial subdivision with ten buildable lots and five common lots on 13.14 acres located on the north side of W. Victory Road between Saturn Way and Featherly Way, adjacent to the eastern boundary of the Vic Park Subdivision No. 2 approximately 2,300 feet east of Maple Grove Road)

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

JULY 31, 2007

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

Mayor BIETER announced that the public hearing was closed.

Moved by CLEGG and seconded by JORDAN that CAR07-00032/Annexation/Lorlan Development Co. LLC request for approval of an annexation of +/-13.14 acres located at 8300 W. Victory Road with a zoning designation of M-1D (Limited Industrial with Design Review) be approved.

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

Motion carried.

Moved by EBERLE and seconded by CLEGG that Lorlan Industrial Subdivision SUB07-00042 Preliminary Plat, Boise City (proposed industrial subdivision with ten buildable lots and five common lots on 13.14 acres located on the north side of W. Victory Road between Saturn Way and Featherly Way, adjacent to the eastern boundary of the Vic Park Subdivision No. 2 approximately 2,300 feet east of Maple Grove Road) be approved with a substituted condition no. 5 as provided by 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 CAR07-00038/The City of Boise request for approval of a Comprehensive Plan Amendment to adopt the updated Boise Fire Department Master Siting Plan.

Hal Simmons, Planning and Development Services and Dave Hanneman, Fire Department, presented the staff report.

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

Jerry Armstrong, 4813 Lake Front Place, addressed the Council in support of the amendment.

Moved by CLEGG and seconded by EBERLE that CAR07-00038/The City of Boise request for approval of a

Comprehensive Plan Amendment to adopt the updated Boise Fire Department Master Siting Plan 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 CAR07-00034/Rezone/Michael and Deborah Dale request for 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).

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

Deborah Dale, 10972 Reutzel Drive, applicant representative, addressed the Council in support of the rezone.

Mayor BIETER announced that the public hearing was closed.

Moved by JORDAN and seconded by CLEGG that CAR07-00034/Rezone/Michael and Deborah Dale request for 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) be approved.

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

Motion carried.

There being no further business the meeting adjourned at 7:56 o'clock P.M.

APPROVE:

MAYOR

ATTEST:

98

JULY 31, 2007

CITY CLERK