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BOISE, IDAHO
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Council met in regular session Tuesday, August 14, 2007, Mayor DAVID H. BIETER, presiding.

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

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

Moved by CLEGG and seconded by EBERLE that the minutes from the July 31, 2007, Boise City Council Work Session Meeting be approved.

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

Motion carried.

Moved by CLEGG and seconded by EBERLE that the minutes from the July 31, 2007, Boise City Council Meeting be approved.

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

Motion carried.

Moved by CLEGG and seconded by EBERLE that the minutes from the August 8, 2007, Boise City Council Special Meeting be approved.

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

Motion carried.

Mayor BIETER announced that it was the time and place set for the appointment of Ian Bogert to the Mayor's Council on Children and Youth to serve as a youth member for a one year term ending May 31, 2008.

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Moved by CLEGG and seconded by EBERLE that the appointment of Ian Bogert to the Mayor's Council on Children and Youth to serve as a youth member for a one year term ending May 31, 2008 be approved.

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

Motion carried.

Mayor BIETER announced that it was the time and place set for the appointment of MaryAnne Bowen to the Boise City/Ada County Housing Authority to serve as a youth member for a one year term ending May 31, 2008.

Moved by CLEGG and seconded by EBERLE that the appointment of MaryAnne Bowen to the Boise City/Ada County Housing Authority to serve as a youth member for a one year term ending May 31, 2008 be approved.

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

Motion carried.

Mayor BIETER announced that it was the time and place set for the appointment of Lindsay Dale to the Art Commission to serve as a youth member for a one year term ending May 31, 2008.

Moved by CLEGG and seconded by EBERLE that the appointment of Lindsay Dale to the Art Commission to serve as a youth member for a one year term ending May 31, 2008 be approved.

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

Motion carried.

Mayor BIETER announced that it was the time and place set for the appointment of Ciera Daley to the Airport Commission to serve as a youth member for a one year term ending May 31, 2008.

Moved by CLEGG and seconded by EBERLE that the appointment of Ciera Daley to the Airport Commission to

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serve as a youth member for a one year term ending May 31, 2008 be approved.

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

Motion carried.

Mayor BIETER announced that it was the time and place set for the appointment of Mathew Eardley to the Youth Committee for the Boise Art Commission to serve as a youth member for a one year term ending May 31, 2008.

Moved by CLEGG and seconded by EBERLE that the appointment of Mathew Eardley to the Youth Committee for the Boise Art Commission to serve as a youth member for a one year term ending May 31, 2008 be approved.

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

Motion carried.

Mayor BIETER announced that it was the time and place set for the appointment of Katherine Forsythe to the Historic Preservation Commission to serve as a youth member for a one year term ending May 31, 2008.

Moved by CLEGG and seconded by EBERLE that the appointment of Katherine Forsythe to the Historic Preservation Commission to serve as a youth member for a one year term ending May 31, 2008 be approved.

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

Motion carried.

Mayor BIETER announced that it was the time and place set for the appointment of Alexandra Frizzell to the Planning and Zoning Commission to serve as a youth member for a one year term ending May 31, 2008.

Moved by CLEGG and seconded by EBERLE that the appointment of Alexandra Frizzell to the Planning and Zoning Commission to serve as a youth member for a one year term ending May 31, 2008 be approved.

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

Motion carried.

Mayor BIETER announced that it was the time and place set for the appointment of Leah Harf to the Youth Committee for the Boise Art Commission to serve as a youth member for a one year term ending May 31, 2008.

Moved by CLEGG and seconded by EBERLE that the appointment of Leah Harf to the Youth Committee for the Boise Art Commission to serve as a youth member for a one year term ending May 31, 2008 be approved.

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

Motion carried.

Mayor BIETER announced that it was the time and place set for the reappointment of Erik Hasenoehrl to the Development Impact Fee Advisory Committee to serve as a youth member for a one year term ending May 31, 2008.

Moved by CLEGG and seconded by EBERLE that the reappointment of Erik Hasenoehrl to the Development Impact Fee Advisory Committee to serve as a youth member for a one year term ending May 31, 2008 be approved.

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

Motion carried.

Mayor BIETER announced that it was the time and place set for the appointment of Francois Justice-Durham to the Youth Committee for the Boise Art Commission to serve as a youth member for a one year term ending May 31, 2008.

Moved by CLEGG and seconded by EBERLE that the appointment of Francois Justice-Durham to the Youth Committee for the Boise Art Commission to serve as a youth member for a one year term ending May 31, 2008 be approved.

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

Motion carried.

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Mayor BIETER announced that it was the time and place set for the appointment of Kathryn McConnell to the Foothills Conservation Advisory Committee to serve as a youth member for a one year term ending May 31, 2008.

Moved by CLEGG and seconded by EBERLE that the appointment of Kathryn McConnell to the Foothills Conservation Advisory Committee to serve as a youth member for a one year term ending May 31, 2008 be approved.

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

Motion carried.

Mayor BIETER announced that it was the time and place set for the appointment of Deidre Nelms to the Library Board to serve as a youth member for a one year term ending May 31, 2008.

Moved by CLEGG and seconded by EBERLE that the appointment of Deidre Nelms to the Library Board to serve as a youth member for a one year term ending May 31, 2008 be approved.

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

Motion carried.

Mayor BIETER announced that it was the time and place set for the appointment of Oliver Nevin to the Design Review Committee to serve as a youth member for a one year term ending May 31, 2008.

Moved by CLEGG and seconded by EBERLE that the appointment of Oliver Nevin to the Design Review Committee to serve as a youth member for a one year term ending May 31, 2008 be approved.

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

Motion carried.

Mayor BIETER announced that it was the time and place set for the appointment of Megan O'Neil to the Mayor's

Council on Children and Youth to serve as a youth member for a one year term ending May 31, 2008.

Moved by CLEGG and seconded by EBERLE that the appointment of Megan O'Neil to the Mayor's Council on Children and Youth to serve as a youth member for a one year term ending May 31, 2008 be approved.

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

Motion carried.

Mayor BIETER announced that it was the time and place set for the appointment of Avalon Owens to the Board of Park and Recreation Commissioners to serve as a youth member for a one year term ending May 31, 2008.

Moved by CLEGG and seconded by EBERLE that the appointment of Avalon Owens to the Board of Park and Recreation Commissioners to serve as a youth member for a one year term ending May 31, 2008 be approved.

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

Motion carried.

Mayor BIETER announced that it was the time and place set for the appointment of Olivia Schwarz to the Youth Committee for the Boise Art Commission to serve as a youth member for a one year term ending May 31, 2008.

Moved by CLEGG and seconded by EBERLE that the appointment of Olivia Schwarz to the Youth Committee for the Boise Art Commission to serve as a youth member for a one year term ending May 31, 2008 be approved.

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

Motion carried.

Mayor BIETER announced that it was the time and place set for the appointment of Evan Sesek to the Youth Committee for the Boise Art Commission to serve as a youth member for a one year term ending May 31, 2008.

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Moved by CLEGG and seconded by EBERLE that the appointment of Evan Seseck to the Youth Committee for the Boise Art Commission to serve as a youth member for a one year term ending May 31, 2008 be approved.

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

Motion carried.

Mayor BIETER announced that it was the time and place set for the appointment of Roxie Shealy to the Youth Committee for the Boise Art Commission to serve as a youth member for a one year term ending May 31, 2008.

Moved by CLEGG and seconded by EBERLE that the appointment of Roxie Shealy to the Youth Committee for the Boise Art Commission to serve as a youth member for a one year term ending May 31, 2008 be approved.

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

Motion carried.

Mayor BIETER announced that it was the time and place set for the appointment of Matthew Uhlmann to the Library Board to serve as a youth member for a one year term ending May 31, 2008.

Moved by CLEGG and seconded by EBERLE that the appointment of Matthew Uhlmann to the Library Board to serve as a youth member for a one year term ending May 31, 2008 be approved.

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

Motion carried.

Moved by CLEGG and seconded by EBERLE that the Boise City Checks No. 254009 thru 254588 in the total amount of \$2,074,315.02 as of August 1, 2007 be approved.

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

Motion carried.

Moved by CLEGG and seconded by EBERLE that the Boise City Checks No. 254589 thru 255079 in the total amount of \$3,316,438.67 as of August 8, 2007 be approved.

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

Motion carried.

The Bid Results for Authorization to Procure Precast Restroom Facilities using Idaho State Contract #BPO 1676-02, Boise City Purchasing Contract 07-CON-271: Sycamore Park Restroom, Parks and Recreation Department were before Mayor and Council as enumerated in staff report dated July 25, 2007.

RECOMMENDATION: The Purchasing Division concurs with Parks and Recreation in recommending that 07-CON-271 be awarded to the lowest responsive and responsible bidder, Precast Products Division, in a total amount not to exceed \$45,000.00.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Precast Products Division, in the total contract amount of \$45,000.00.

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

Motion carried.

The Bid Results for Authorization to Procure Precast Restroom Facilities using Idaho State Contract #BPO 1676-02, Boise City Purchasing Contract 07-CON-272: Jullion Park Restroom, Parks and Recreation Department were before Mayor and Council as enumerated in staff report dated July 25, 2007.

RECOMMENDATION: The Purchasing Division concurs with Parks and Recreation in recommending that 07-CON-272 be awarded to the lowest responsive and responsible bidder, Precast Products Division, in a total amount not to exceed \$45,000.00.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Precast Products Division, in the total contract amount of \$45,000.00.

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

Motion carried.

The Bid Results for F/B 07-183: Miscellaneous Security Cabling Labor and Parts Services at the Boise Airport, Aviation and Public Transportation Department were before Mayor and Council as enumerated in staff report dated August 8 2007.

RECOMMENDATION: The Purchasing Division concurs with Aviation in recommending that F/B 07-183 be awarded to the lowest responsive and responsible bidder, 180 Connect, in a total amount not to exceed \$133,000.00.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to 180 Connect, in the total contract amount of \$133,000.00, subject to compliance with bonding and insurance requirements.

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

Motion carried.

The Bid Results for F/B 07-236: Library Shelving, Boise Public Library were before Mayor and Council as enumerated in staff report dated August 2, 2007.

RECOMMENDATION: The Purchasing Division concurs with Boise Public Library in recommending that F/B 07-236 be awarded to the lowest responsive and responsible bidder, Space Saver Intermountain, in a total amount not to exceed \$53,996.00.

Councilmember JORDAN requested unanimous consent that F/B 07-236 be pulled from tonight's Consent agenda due to a protest of the award.

Unanimous consent was granted.

The Bid Results for F/B 07-247: Victory Road Sewer, SWS-188, Public Works Department were before Mayor and Council as enumerated in staff report dated August 8,2007.

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RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that F/B 07-247 be awarded to the lowest responsive and responsible bidder, Bodiford Construction, in a total amount not to exceed \$266,395.

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 \$266,395, subject to compliance with bonding and insurance requirements.

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

Motion carried.

The Bid Results for F/B 07-249: Water Truck Tank, Public Works Department were before Mayor and Council as enumerated in staff report dated August 8, 2007.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that F/B 07-249 be awarded to the lowest responsive and responsible bidder, Utility Truck Equipment, in a total amount not to exceed \$62,155.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Utility Truck Equipment, in the total contract amount of \$62,155.

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

Motion carried.

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

- a) Jason Alan Robb, Personal Injury
- b) Glenn F. Miles, Personal Injury
- c) Carol Bodnar, Property Damage
- d) Brandy D. Evans, Personal Injury
- e) David and Marliece Thomas, 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 and TIBBS.

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Motion carried.

The City Clerk requested September 18, 2007, in Council Chambers be confirmed for a public hearing on:

- a) CAR07-00043/De-annexation/The Whitney Fire District requests de-annexation of a +/-2.39 acre parcel located at 2515 S. Five Mile Road.
- b) CAR07-00048/Rezone/Robert Nash requests approval to rezone +/-2.71 acres located at 10681 W. McMillan Road from R-1C (Single Family Residential) and R-2 (Combined Residential) to N-OD (Neighborhood Office with Design Review).

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 and TIBBS.

Motion carried.

The City Clerk requested October 2, 2007, in Council Chambers be confirmed for a public hearing on:

- a) CAR06-00032/Depot Bench Neighborhood Association requests approval for an amendment to the Boise City Comprehensive Plan to adopt the Depot Bench Neighborhood Plan by reference for approximately 985 acres of property, bounded by Crescent Rim Drive, Federal Way, Overland Road and Roosevelt Street. The Neighborhood Plan outlines long-range goals and policies for the future development of the neighborhood. The Boise City Council will hear a revised neighborhood plan.

Moved by CLEGG and seconded by EBERLE that October 2, 2007 in Council Chambers be confirmed as requested.

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

Motion carried.

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

- a) The Basque Market regarding MWI Vet Supply Dinner at the Basque Block on August 15, 2007
- b) Chili's Bar and Grill regarding Boise State Football Tailgate Party at 916 S. Broadway parking lot on August 30, September 15, September 27, October 7, October 14, November 3 and November 17, 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 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) Sole Source Purchase: Techron fuel for Police motorcycles, Police Department
- b) Employee Health Plan Trust Trustee Minutes, July 5, 2007
- c) Ada County Highway District Commission Minutes, June 6, June 13, June 20 and June 27, 2007
- d) Public Works Commission Minutes, July 12, 2007
- e) Boise City Building Construction Report, July 2007
- f) Boise City Building Construction Report, Calendar

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 and TIBBS.

Motion carried.

Proposed resolution (R-294-07) by the Council:

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

Titled: A RESOLUTION RECOMMENDING TO THE ADA COUNTY HIGHWAY DISTRICT (ACHD) THE CITY OF BOISE'S DESIRED ROADWAY AND INTERSECTION CROSS SECTIONS FOR MAIN STREET, FAIRVIEW AVENUE, 27TH STREET AND PLEASANTON AVENUE IN SUPPORT OF RECOMMENDATIONS FROM THE 30TH STREET SPECIFIC AREA PLAN CHARRETTE, CHARRETTE REPORT, TRAFFIC STUDY AND MARKET STRATEGY, FOR INTEGRATED LAND USE AND TRANSPORTATION ROADWAY DESIGN AND CONSTRUCTION IN ACCORD WITH THE ADJACENT LAND USES, THE CITY OF BOISE COMPREHENSIVE PLAN AND LAND USE MAP, AND THE CITY OF BOISE ZONING ORDINANCE; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-294-07) be adopted and that same be numbered Resolution 19725.

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

Motion carried.

Proposed resolution (R-313A-07) by the Council:

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

Titled: A RESOLUTION RECOMMENDING TO THE ADA COUNTY HIGHWAY DISTRICT (ACHD) THE CITY OF BOISE'S DESIRED ROADWAY AND INTERSECTION CROSS SECTIONS FOR THE 30TH STREET EXTENSION IN SUPPORT OF RECOMMENDATIONS FROM THE 30TH STREET SPECIFIC AREA PLAN CHARRETTE, CHARRETTE REPORT, TRAFFIC STUDY AND MARKET STRATEGY, FOR INTEGRATED LAND USE AND TRANSPORTATION ROADWAY DESIGN AND CONSTRUCTION IN ACCORD WITH THE ADJACENT LAND USES, THE CITY OF BOISE COMPREHENSIVE PLAN AND LAND USE MAP, AND THE CITY OF BOISE ZONING ORDINANCE; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-313A-07) be adopted and that same be numbered Resolution 19726.

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

Motion carried.

Proposed resolution (R-314-07) by the Council:

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

Titled: A RESOLUTION APPROVING A FIRST ADDENDUM TO AN AGREEMENT BETWEEN THE CITY OF BOISE CITY, THROUGH ITS DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES, AND SUPPORTIVE HOUSING AND INNOVATIVE PARTNERSHIPS, INC. (SHIP), FOR THE USE OF HOME INVESTMENT PARTNERSHIP FUNDS; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID FIRST ADDENDUM TO THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-314-07) be adopted and that same be numbered Resolution 19727.

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

Motion carried.

Proposed resolution (R-315-07) 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 07-183; MISCELLANEOUS SECURITY CABLING LABOR AND PARTS SERVICES, DEPARTMENT OF AVIATION, BETWEEN THE CITY OF BOISE CITY AND 180 CONNECT; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-315-07) be adopted and that same be numbered Resolution 19728.

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

Motion carried.

Proposed resolution (R-316-07) 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 06-107; PURCHASE OF SEED, FERTILIZER, AND CHEMICALS, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND

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PRODUCERS SUPPLY CO-OP; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-316-07) be adopted and that same be numbered Resolution 19729.

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

Motion carried.

Proposed resolution (R-317-07) 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 06-003; BULK DRY POLYMER, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND CIBA SPECIALTY CHEMICALS CORPORATION; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-317-07) be adopted and that same be numbered Resolution 19730.

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

Motion carried.

Proposed resolution (R-318-07) 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 5 TO RFP 06-106; WASTEWATER FACILITIES PLAN 2020 PROFESSIONAL SERVICES, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND CH2M HILL; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-318-07) be adopted and that same be numbered Resolution 19731.

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

Motion carried.

Proposed resolution (R-319-07) 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, AMENDMENT 1 TO RFP 07-057; BLUEPRINT BOISE: COMPREHENSIVE PLAN & DEVELOPMENT CODE, DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES, BETWEEN THE CITY OF BOISE CITY AND CLARION ASSOCIATES OF COLORADO, LLC; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-319-07) be adopted and that same be numbered Resolution 19732.

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

Motion carried.

Proposed resolution (R-320-07) 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 07-247; VICTORY ROAD SEWER, SWS-188 PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND BODIFORD CONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-320-07) be adopted and that same be numbered Resolution 19733.

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

Motion carried.

Proposed resolution (R-321-07) by the Council:

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

Titled: A RESOLUTION APPROVING AN AMENDMENT NUMBER ONE TO A LEASE AGREEMENT BETWEEN BOISE CITY (DEPARTMENT OF AVIATION)

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AND G2 SECURE STAFF, LLC., 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-321-07) be adopted and that same be numbered Resolution 19734.

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

Motion carried.

Proposed resolution (R-323-07) by the Council:

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

Titled: A RESOLUTION APPROVING THE TERMS AND CONDITIONS OF A GRANT AGREEMENT (PROJECT NUMBER 3-16-0003-048) AND CONTRACT NUMBER DOT-FA07NM-0077 BETWEEN THE UNITED STATES OF AMERICA ACTING THROUGH THE FEDERAL AVIATION ADMINISTRATION AND THE CITY OF BOISE CITY FOR BOISE AIRPORT (REHABILITATE RUNWAY 10L/28R (PARTIAL) (PHASE 1)); AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID GRANT AGREEMENT AND CONTRACT; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-323-07) be adopted and that same be numbered Resolution 19735.

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

Motion carried.

Proposed resolution (R-325-07) by the Council:

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

Titled: A RESOLUTION APPROVING SUBMISSION OF AN APPLICATION FOR FEDERAL FINANCIAL ASSISTANCE TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, INCLUDING THE ONE-YEAR HOUSING AND COMMUNITY DEVELOPMENT ACTION PLAN FOR PROGRAM YEAR 2007 AND ITS CERTIFICATION DOCUMENTS; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST THE APPLICATION AND CERTIFYING DOCUMENTS ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE, was read in full.

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Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-325-07) be adopted and that same be numbered Resolution 19737.

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

Motion carried.

Proposed resolution (R-328-07) by the Council:

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

Titled: A RESOLUTION APPROVING AMENDMENT NO. 1 TO DEVELOPMENT AND LICENSE AGREEMENT PREVIOUSLY ENTERED INTO BY AND AMONG THE CITY OF BOISE, BY AND THROUGH ITS DEPARTMENT OF PARKS AND RECREATION; BOISE NOON OPTIMISTS AND BOISE YOUTH SPORTS COMPLEX, INC., PROVIDING FOR A GRANT FROM THE CITY TO IN AN AMOUNT NOT TO EXCEED \$300,000.00 TOWARD THE DEVELOPMENT OF THE OPTIMIST SPORTS COMPLEX; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AMENDMENT ON BEHALF OF BOISE CITY; AND PROVIDING FOR AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-328-07) be adopted and that same be numbered Resolution 19738.

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

Motion carried.

Boulder Heights Estates Subdivision No. 4 SUB07-00080 Final Plat, Boise City (proposed single family residential subdivision with 31 buildable lots and 10 common lots on 55.75 acres with a density of 1.80 lots per acre located on the north side of Warm Springs Avenue, approximately ½ mile west of Barber Road), Final Plat, was before Mayor and Council.

Councilmember CLEGG requested unanimous consent that Boulder Heights Estates Subdivision No. 4 SUB07-00080 Final Plat be removed from tonight's Council agenda.

Unanimous consent was granted.

Mayor BIETER announced that this was the time and place set for 2007 HUD Annual Action Plan.

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James Birdsall, Planning and Development Services Department, presented the staff report.

Mayor BIETER announced that this was the time and place set for a public hearing on CAR07-00012/Lumber Products request for approval of an amendment to the Land Use Map of the Comprehensive Plan to change the designation of +/-5.67 acres located at 2390 S. Maple Grove Road from Estate Density Residential (3 DU/Acre) to Industrial and CAR07-00037/Annexation/Lumber Products request for approval of an annexation of +/- 7.18 acres with approximately 5.67 acres located at 2390 S. Maple Grove Road requested to be zoned M-1D (Limited Industrial with Design Review), and approximately 1.51 acres located at 2401 S. Three Mile Creek requested to be zoned R-1B (Single Family Residential-4.8 DU/Acre).

Councilmember EBERLE requested unanimous consent that CAR07-00012/Lumber Products and CAR07-00037/Annexation/Lumber Products be deferred to October 2, 2007.

Unanimous consent was granted.

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-60-07) by the Council:

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

Titled: AN ORDINANCE (CAR07-00002/BOISE CITY) TO REPEAL TITLE 11, CHAPTER 4, SECTION 14 OF THE ZONING CODE (STANDARDS FOR RESIDENTIAL DEVELOPMENT OF SUBSTANDARD ORIGINAL LOTS OF RECORD IN R-1A, R-1B, R-1C, R-2, R-3, A, R-O, N-O, L-OD, C-1, C-2 AND C-3 ZONES) OF THE BOISE CITY CODE; SUBMIT THE FOLLOWING AS TEXT FOR CHAPTER 11-04-14; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Proposed ordinance (O-61-07) by the Council:

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

Titled: AN ORDINANCE AMENDING BOISE CITY CODE SECTIONS 11-01-02.02, 11-05-01.4 AND 11-16-08.4, TO INCREASE THE MAXIMUM FINE FOR MISDEMEANOR ZONING CODE VIOLATIONS TO ONE THOUSAND DOLLARS (\$1,000.00); AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Proposed ordinance (O-62-07) by the Council:

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

Titled: AN ORDINANCE (CAR07-00027/BOISE CITY HOUSING AND COMMUNITY DEVELOPMENT FOR PROPERTY LOCATED AT 320 N. ALLUMBAUGH 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 R-3D (MULTI-FAMILY RESIDENTIAL WITH DESIGN REVIEW) TO L-OD (LIMITED OFFICE 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-63-07) by the Council:

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

Titled: AN ORDINANCE ENACTING A SPECIAL EVENTS CHAPTER UNDER TITLE 5, CHAPTER 10, BOISE CITY CODE; MAKING FINDINGS AND STATING THE INTENT OF THE CHAPTER; PROVIDING DEFINITIONS; REQUIRING PERMITS TO CONDUCT SPECIAL EVENTS AND PROVIDING EXEMPTIONS; REQUIRING THE FILING OF AN APPLICATION, INSURANCE PROOF, INDEMNIFICATION, AND THE PAYMENT OF FEES; ESTABLISHING THE REQUIREMENTS FOR PERMIT ISSUANCE, CONDITIONS OF APPROVAL, AND GROUNDS FOR DENIAL; PROVIDING FOR PERMIT REVOCATION OR SUSPENSION; PROVIDING CERTAIN PROHIBITIONS AND PENALTIES FOR VIOLATIONS; REQUIRING A GOOD FAITH ESTIMATE OF THE ANTICIPATED ATTENDEES AND PARTICIPANTS; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Proposed ordinance (O-65-07) by the Council:

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

Titled: AN ORDINANCE APPROVING THE EXCHANGE OF REAL PROPERTY OWNED BY THE CITY OF BOISE AND LOCATED AT 435 SOUTH 11TH STREET, BOISE, ADA COUNTY, IDAHO, REAL PROPERTY OWNED BY SL WOODY, LLC AND LOCATED AT 2709 WOODY DRIVE, BOISE, ADA COUNTY, IDAHO; REAFFIRMING A PREVIOUS FINDING THAT THE CITY-OWNED PROPERTY IS UNDERUTILIZED AND NOT BEING USED FOR

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

Proposed ordinance (O-66-07) by the Council:

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

Titled: AN ORDINANCE REPEALING BOISE CITY CODE TITLE 6, CHAPTER 5, RELATING TO THE RETAIL SALE OF INTOXICATING LIQUORS, IN ITS ENTIRETY; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Proposed ordinance (O-67-07) by the Council:

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

Titled: AN ORDINANCE AMENDING BOISE CITY CODE TITLE 6, CHAPTER 1, SECTIONS 19 AND 20, PROVIDING FOR AN ADDITIONAL VIOLATION RELATING TO THE POSSESSION OF FALSE IDENTIFICATION CARDS BY PERSONS UNDER THE AGE OF 21 YEARS; AMENDING AND RENUMBERING THE VIOLATION AND PENALTY SECTION; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Proposed ordinance (O-68-07) by the Council:

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

Titled: AN ORDINANCE AMENDING BOISE CITY CODE TITLE 8, CHAPTER 11, SECTIONS 6.03(F) AND 7.03(C)(2) TO REMOVE REFERENCE TO THE SOUTHWEST INTERCEPTOR FEE; AMENDING BOISE CITY CODE SECTION 8-11-6.05 TO ALLOW FOR IMPOSITION OF A DOOR TAG FEE; AMENDING BOISE CITY CODE SECTION 8-11-7.03 TO SET FORTH THE AMOUNT OF THE DOOR TAG FEE; AMENDING BOISE CITY CODE SECTION 8-11-8.04 TO DEFINE STANDARDS FOR DEFERRAL OF EQUIVALENT ASSESSMENT FEES FOR PROPERTIES LOCATED OUTSIDE THE BOISE CITY BOUNDARIES; PROVIDING AN EFFECTIVE DATE; AND APPROVING A SUMMARY OF THE ORDINANCE, 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-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 AS THE PURCHASING MANUAL; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE, was read for the second time.

Moved by CLEGG and seconded by EBERLE that further reading of (O-59-07) be dispensed with and the record show that it has been read the third time in full.

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

Motion carried.

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

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 third time.

Moved by CLEGG and seconded by EBERLE that the proposed ordinance (O-59-07) be passed and that the same be numbered Ordinance 6586.

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

Motion carried.

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Sonata Hills Subdivision No. 1 SUB05-00111 Bonding Time Extension, Boise City (located on the south side of Amity Road on approximately ¼ mile east of South Cloverdale Road) Subdivision, was before Mayor and Council.

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

Jane Suggs, 200 Louisa Street, applicant representative, addressed the Council in support of the bonding time extension.

Moved by CLEGG and seconded by EBERLE that Sonata Hills Subdivision No. 1 SUB05-00111 Bonding Time Extension, Boise City (located on the south side of Amity Road on approximately ¼ mile east of South Cloverdale Road) be granted as requested subject to conditions stated in staff.

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

Motion carried.

Historic Complication Condominiums SUB07-00052 Preliminary and Final Plat, Boise City (proposed mixed use condominium with two commercial and 18 residential units on .285 acres with a density of 63.16 units per acre located at the northwest corner of W. Myrtle Street and S. 8th Street) Subdivision, was before Mayor and Council.

Todd Tucker, Planning and Development Services, presented the staff report.

Moved by CLEGG and seconded by EBERLE that Historic Complication Condominiums SUB07-00052 Preliminary and Final Plat, Boise City (proposed mixed use condominium with two commercial and 18 residential units on .285 acres with a density of 63.16 units per acre located at the northwest corner of W. Myrtle Street and S. 8th 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 and TIBBS.

Motion carried.

Mayor BIETER announced that this was the time and place set for a public hearing on the Declaration of Intent to convey, exchange or offer for sale the following parcels of real property, proposed resolution (R-324-07).

Proposed resolution (R-324-07) by the Council:

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

Titled: A RESOLUTION DIRECTING THE CITY OF BOISE CITY, BY AND THROUGH ITS DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES (ECONOMIC DEVELOPMENT DIVISION), TO CONVEY, EXCHANGE OR OFFER FOR SALE PROPERTIES OWNED BY THE CITY OF BOISE CONSISTING OF THE FOLLOWING: REAL PROPERTY APPROXIMATELY 6.921 ACRES (301,479 SQUARE FEET) IN SIZE AND BOUNDED BY 27TH STREET, WEST MAIN STREET, SOUTH 30TH STREET AND WEST FAIRVIEW AVENUE IN BOISE, ADA COUNTY, IDAHO; REAL PROPERTY LOCATED AT 801 RESERVE STREET, BOISE, ADA COUNTY, IDAHO APPROXIMATELY 4.965 ACRES (216,288 SQUARE FEET) IN SIZE AND COMMONLY KNOWN AS "THE ARMORY"; REAL PROPERTY LOCATED IN BOISE, ADA COUNTY, IDAHO, SITUATED WEST OF INTERSTATE 84 BETWEEN THE GOWEN ROAD AND ISAAC'S CANYON INTERCHANGES AND CONSISTING OF APPROXIMATELY 225 ACRES OF DEVELOPABLE INDUSTRIAL DEVELOPMENT GROUNDS AND AN ADDITIONAL 100 ACRES OF UNDEVELOPABLE GROUND, AND THREE REAL PROPERTY LOTS LOCATED AT 1022 WEST MILLER, BOISE, ADA COUNTY, IDAHO; REAFFIRMING THAT THE PROPERTIES ARE UNDERUTILIZED AND NOT USED FOR PUBLIC PURPOSES; DECLARING THE MINIMUM VALUE OF THE PROPERTIES; AUTHORIZING THE MAYOR AND CITY CLERK TO DO ALL THINGS NECESSARY TO CONVEY, SELL OR EXCHANGE THE PROPERTY; AND PROVIDING AN EFFECTIVE DATE

Jade Riley, Office of the Mayor, 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 JORDAN that proposed resolution (R-324-07) be adopted and that same be numbered Resolution 19736.

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

Motion carried.

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Mayor BIETER announced that this was the time and place set for a public hearing on the FY 2008 Budget Hearing.

Tonya Wallace, Finance and Administration Department, presented the staff report.

Richard Rogers, 1066 Saratoga Drive, addressed the Council in opposition to the budget and concerns with property taxes.

Pam Rouda, 11750 Reutzell, addressed the Council regarding cat licensing.

Brett Delange, 2455 E. Gloucester, addressed the Council in support of the work that has been done for the branch libraries.

Mayor BIETER announced that the public hearing was closed.

Moved by CLEGG and seconded by EBERLE that the FY 2008 budget hearing be approved with the addition to approve and allocate funding for the FY2008 and FY2009 Capital recommendations for repair and maintenance to replace the Halls Gulch pipeline.

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

Motion carried.

RECESS: 8:40 P.M.

RECONVENE: 8:45 P.M.

Mayor BIETER announced that this was the time and place set for a public hearing on CAR07-00033/The City of Boise request for approval of an amendment to Title 11, Chapter 11 (Sign Code) to provide definitions and regulations for the use of electronic message displays on advertising signs.

Scott Spjute, Planning and Development Services, presented the staff report.

Jon Cecil, Capital City Development Corporation (CCDC), 805 N. Idaho, addressed the Council in support of the amendment.

Mayor BIETER announced that the public hearing was closed.

Moved by CLEGG and seconded by EBERLE that CAR07-00033/The City of Boise request for approval of an amendment to Title 11, Chapter 11 (Sign Code) to provide definitions and regulations for the use of electronic message displays on advertising signs be approved.

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

Motion carried.

Mayor BIETER announced that this was the time and place set for a public hearing on CAR07-00019/W.L. Overland, LLC request for approval of an amendment to the Land Use Map of the comprehensive Plan to change the designation of +/-5 acres located at 10121 W. Overland Road from Estate Density Residential (3 DU/Acre) to Low Density Residential (4 DU/Acre); CAR07-00020/Rezone/W.L. Overland, LLC request for approval to rezone +/-5 acres located at 10121 W. Overland Road from A-1 (Open Land) to R-1C (Single Family Residential) and N-OD (Neighborhood Office with Design Review); CUP07-00026/Appeal/W.L. Overland, LLC appeal of the Planning and Zoning Commission's denial of a Conditional Use Permit to construct a mixed use planned development comprised of 32 residential units and 2 office lots on +/-5 acres in a proposed R-1C (Single Family Residential) and N-OD (Neighborhood Office with Design Review) zone and Continuum Subdivision SUB07-00030 Preliminary Plat, Boise City (proposed mixed use subdivision with 28 residential townhouse lots, four single family residential lots, two commercial lots and four common lots on 5.02 acres with a density of 8.68 dwelling units per acre located on the south side of W. Overland Road between W. Countryman Drive and S. Goldking Way at the eastern terminus of W. Southerland Drive)

Cody Riddle, Planning and Development Services, presented the staff report.

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

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

Joyce Barcus, 10234 W. Southerland and Richard Mickey, 1661 S. Bent Rock, addressed the Council in

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opposition to the development.

Mayor BIETER announced that the public hearing was closed.

Moved by JORDAN and seconded by CLEGG that that CAR07-00019/W.L. Overland, LLC request for approval of an amendment to the Land Use Map of the comprehensive Plan to change the designation of +/-5 acres located at 10121 W. Overland Road from Estate Density Residential (3 DU/Acre) to Low Density Residential (4 DU/Acre) be approved.

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

Motion carried.

Moved by JORDAN and seconded by CLEGG that CAR07-00020/Rezone/W.L. Overland, LLC request for approval to rezone +/-5 acres located at 10121 W. Overland Road from A-1 (Open Land) to R-1C (Single Family Residential) and N-OD be approved.

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

Motion carried.

Moved by JORDAN and seconded by CLEGG that CUP07-00026/Appeal/W.L. Overland, LLC appeal of the Planning and Zoning Commission's denial of a Conditional Use Permit to construct a mixed use planned development comprised of 32 residential units and 2 office lots on +/-5 acres in a proposed R-1C (Single Family Residential) and N-OD (Neighborhood Office with Design Review) zone be upheld and overturn the Planning and Zoning Commission's decision.

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

Motion failed.

RECESS: 8:59 P.M.

RECONVENE: 9:09 P.M.

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Moved by EBERLE and seconded by BISTERFELDT that CUP07-00026/Appeal/W.L. Overland, LLC appeal of the Planning and Zoning Commission's denial of a Conditional Use Permit to construct a mixed use planned development comprised of 32 residential units and 2 office lots on +/-5 acres in a proposed R-1C (Single Family Residential) and N-OD (Neighborhood Office with Design Review) zone be denied and uphold the Planning and Zoning Commission's decision.

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

Motion carried.

Moved by EBERLE and seconded by BISTERFELDT that Continuum Subdivision SUB07-00030 Preliminary Plat be denied.

Doug Strickling, Legal, answered the Council's questions.

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

Motion carried.

Mayor BIETER announced that this was the time and place set for a public hearing on CAR07-00039/City of Boise request for an ordinance amendment replacing Title 2, Chapter 18, titled Historic Preservation Commission in its entirety.

Sarah Schafer, 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 CAR07-00039/City of Boise request for an ordinance amendment replacing Title 2, Chapter 18, titled Historic Preservation Commission in its entirety be approved.

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

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Motion carried.

Mayor BIETER announced that this was the time and place set for a public hearing on the proposed Non-Consent Tow Ordinance and New Vehicle Identification Number (VIN) Inspection Fee, Proposed Ordinance (O-53A-07).

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 third time.

Scott Mulcahy, Police Department, presented the staff report.

Jill Musser, Legal Department, answered the Council's questions.

Randy Colson, P.O. Box 15932, Boise, Idaho; Terry Fuhriman; 9603 W. Chinden Blvd.; Kirby L. Ince, Pink Towing, P.O. Box 203, Meridian, Idaho; Lyle Ince, Pink Towing, P.O. Box 203, Meridian, Idaho; Jeff Chamberlain, 3746 S. Five Mile Road; Bill Cullum, Naylor Towing, 4477 Kennedy Street; Tony Murkle, 4883 Leather Way; Christy Griffith, Meridian, Idaho and Danielle Thorp, 1620 E. Cougar Creek Drive, Meridian, Idaho, addressed the Council in opposition to the ordinance.

Mayor BIETER announced that the public hearing was closed.

Councilmember CLEGG requested unanimous consent that the proposed ordinance (O-53A-07) be sent back to staff to look at the four issues (rates, multi-truck owners, private property and the specifications to make sure they are not outdated) and to bring the amended ordinance back to the Council within 60 days.

Unanimous consent was granted.

There being no further business the meeting adjourned at 11:00 o'clock P.M.

APPROVE:

MAYOR

ATTEST:

CITY CLERK