

AUGUST 21, 2007

BOISE, IDAHO
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Council met in regular session Tuesday, August 21, 2007, Council President, ELAINE CLEGG, presiding.

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

Invocation was given by Robert Barros-Bailey, Deputy City Clerk.

Moved by EBERLE and seconded by JORDAN that the minutes from the August 14, 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 EBERLE and seconded by JORDAN that the minutes from the August 14, 2007, Boise City Council Meeting be approved.

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

Motion carried.

Councilmember EBERLE requested unanimous consent that the Plat Note Vacation, SOS07-00010, 50' Wide Future Road Easement, Martin Subdivision be deferred to September 18, 2007.

Unanimous consent was granted.

Councilmember EBERLE requested unanimous consent that DRH07-00209/Appeal/Belinda Isley/Isley Development appeal of the Historic Preservation Commission's denial for a change in use of a property from one, single-family dwelling to two, single-family dwellings on property located at 2115 N. 16th Street in an R-1CH (Single Family

Residential with Historic Overlay) zone be withdrawn per the appellant's request.

Unanimous consent was granted.

Councilmember EBERLE requested unanimous consent that CAR07-00018/Rezone/Hale Development, Inc. request for approval to rezone +/- 1.45 acres located at 2350 W. Hill Road from R-1C (Single Family Residential) to R-2D (Combined Residential with Design Review); CUP07-00025/Appeal/David Hale appeal of the conditions associated with the Planning and Zoning Commission's approval of a conditional use permit to construct a planned residential development on +/- 3.26 acres located at 2350 W. Hill Road in an R-1C (Single Family Residential) and proposed R-2D (Combined Residential with Design Review) zone; Perennial Townhomes Subdivision SUB07-00040 Preliminary Plat, Boise City (proposed residential subdivision with 16 townhouse lots and one condominium lot (19 units) on 3.39 acres with a density of 10.32 dwelling units per acre located on the north side of W. Hill Road between N. 24th Street and N. Lancaster Drive), and ; Perennial Condominiums SUB07-00041 Preliminary Plat, Boise City (proposed 19 unit residential condominium on 1.45 acres with a density of 13.1 dwelling units per acre located on the north side of W. Hill Road between N. 24th Street and N. Lancaster Drive) be deferred to September 11, 2007.

Unanimous consent was granted.

Moved by EBERLE and seconded by JORDAN to reconsider 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 defer to September 18, 2007.

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

Motion carried.

Moved by EBERLE and seconded by JORDAN to reconsider 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

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the south side of W. Overland Road between W. Countryman Drive and S. Goldking Way at the eastern terminus of W. Southerland Drive) and defer to September 18, 2007.

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

Motion carried.

Mayor BIETER announced that this was the time and place set for the appointment of Richard A. McConnell, A.A.E., as Airport Director.

Moved by EBERLE and seconded by TIBBS that Richard A. McConnell, A.A.E. be appointed as Airport Director.

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 the approval of the Public Art Projects.

Karen Bubb, Arts Commission, presented the staff report.

Moved by EBERLE and seconded by TIBBS that the proposed Public Art Projects be approved as presented.

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 the Boise City Checks No. 255080 thru 255657 in the total amount of \$1,297,706.98 as of August 15, 2007 be approved.

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

Motion carried.

The Bid Results for F/B 07-259: Boise City Hall No. 1 Carpet Replacement, GBP-024 were before Mayor and Council as enumerated in staff report dated August 20, 2007.

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RECOMMENDATION: The Purchasing Division concurs with Public Works in recommending that F/B 07-259 be awarded to the lowest responsive and responsible bidder, Great Floors, in a total amount of \$65,477.00.

Moved by JORDAN and seconded by CLEGG that the recommendations be followed and the bid be awarded to Great Floors, in a total amount of \$65,477.00.

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

Motion carried.

The Bid Results for Award of Sole Source Contract, 07-CON-287: Sports Officiating Services were before Mayor and Council as enumerated in staff report dated August 20, 2007.

RECOMMENDATION: The Purchasing Division concurs with Boise Parks and Recreation Department in recommending that a sole source be declared, and the agreement for Sports Officiating Services be awarded to USSSOA, for a one year period, in an estimated amount not to exceed \$95,000.

Moved by JORDAN and seconded by CLEGG that that a sole source be declared, and the agreement for Sports Officiating Services be awarded to USSSOA, for a one year period, in an estimated amount not to exceed \$95,000, 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 Award of Bid, Approval of Contract, 07-CON-289: Zoo Boise Water Project were before Mayor and Council as enumerated in staff report dated August 8, 2007.

RECOMMENDATION: Boise Parks and Recreation Department and Purchasing staffs recommend that Purchasing award 07-CON-289 to the low responsive and responsible bidder, Gulley Excavation, Inc. for a total not to exceed amount of \$80,666.00.

Moved by JORDAN and seconded by CLEGG that the recommendations be followed and the bid be awarded to Gulley

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Excavation, Inc. for a total not to exceed amount of \$80,666.00.

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

Motion carried.

The Bid Results for RFP 07-113: Prosecutorial Case Management System were before Mayor and Council as enumerated in staff report dated August 16, 2007.

RECOMMENDATION: The City Attorney's Office and Purchasing recommends that RFP 07-113 be awarded to the highest evaluated Proposer, New Dawn Technologies, in a total amount not to exceed \$162,250.00.

Moved by JORDAN and seconded by CLEGG that the recommendations be followed and the bid be awarded to New Dawn Technologies, in a total amount not to exceed \$162,250.00.

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

Motion carried.

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

- a) John Roderick, Property Damage
- b) Qwest Claim No. 424689, Property Damage

Moved by JORDAN 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 and TIBBS.

Motion carried.

The City Clerk requested October 9, 2007, in Council Chambers be confirmed for a public hearing on:

- a) CAR07-00045/Annexation/Wintercreek Properties, LLC request approval of an annexation of +/-5.84 acres located at 11230 W. Joplin Road with a zoning designation of

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- M-1D (Limited Industrial with Design Review).
- b) CAR07-00035/Rezone/The Idaho Athletic Club requests approval to rezone a +/- .35 acre parcel located at 2999 N. Harbor Lane from L-OD (Limited Office with Design Review) to C-2D (General Commercial with Design Review).
 - c) CAR07-00015/Boxwood Ranch, LLC, Ed Bews, Primeland Development Company, LLP, William Craig, & the Richard Nelson Trust request approval of an amendment to text of the Comprehensive Plan to create the Ten Mile Creek Planning Area on +/- 337 acres outside the current Boise City Area of Impact, generally located on the northeast corner of Hubbard and Cloverdale Roads. The Planning and Zoning Commission recommended approval of the amendment to the Land Use map of the Comprehensive Plan on April 23, 2007 and seeks additional public review of the revised text amendment.
 - d) CAR07-00022/Clint Boyle requests approval of an amendment to the text of the Comprehensive Plan to create the Uplands Planning Area of +/- 653 acres outside the current Boise City Area of Impact, generally located south of the New York Canal, between Cloverdale Road and Cole Road. The Planning and Zoning Commission recommended approval of the amendment to the Land Use map of the Comprehensive Plan on April 23, 2007, and seeks additional public review of the revised text amendment.

Moved by JORDAN and seconded by CLEGG that October 9, 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) Rodeway Inn and Sunshine Feed Store regarding Benefit Concert at Lake Harbor on August 24, 2007
- b) Rodeway Inn and Sunshine Feed Store regarding an annual picnic at Municipal Park on September 3, 2007

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- c) Old Chicago regarding Tour De Fat at Julia Davis Park on August 25, 2007

Moved by JORDAN 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 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: Advertising in the Idaho Statesman for Idaho Ice World Fall and Winter Programs - Parks and Recreation Department
- b) Sole Source Purchase: Qwest copper cable for City Hall West - Public Works Department
- c) Boise Public Works Commission Minutes, July 12, 2007
- d) Foothills Conservation Advisory Committee Minutes, July 11, 2007
- e) Treasury Division State of the Treasury Report, July 2007
- f) Ada County Highway District vacation/exchange of portion of public right-of-way, Irving Street west of Maple Grove
- g) Sole Source Purchase: Hach Company for Parts and Services of Laboratory Instrumentation - Public Works Department
- h) Sole Source Purchase: Bainbridge Associates Inc. for Royce dissolved oxygen probes - Public Works Department

Moved by JORDAN 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 and TIBBS.

Motion carried.

Proposed resolution (R-326-07) by the Council:

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

Titled: A RESOLUTION (CAR07-00038/CITY OF BOISE) TO AMEND THE BOISE CITY COMPREHENSIVE PLAN TO ADOPT THE UPDATED BOISE FIRE DEPARTMENT MASTER SITING PLAN MAP LOCATED IN CHAPTER 2, PUBLIC FACILITIES, UTILITIES AND SERVICES; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by JORDAN and seconded by CLEGG that proposed resolution (R-326-07) be adopted and that same be numbered Resolution 19739.

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

Motion carried.

Proposed resolution (R-327-07) by the Council:
BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: A RESOLUTION APPROVING THE DEDICATION OF A FAÇADE EASEMENT OF THE BUILDING AT 1211 WASHINGTON STREET TO THE CITY OF BOISE; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by JORDAN and seconded by CLEGG that proposed resolution (R-327-07) be adopted and that same be numbered Resolution 19740.

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

Motion carried.

Proposed resolution (R-329-07) by the Council:
BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: A RESOLUTION APPROVING THE TRANSFER OF FY 2007 APPROPRIATIONS FROM THE BOISE CITY TRUST FUND TO IDENTIFIED OTHER FUNDS TO PROVIDE BUDGET AUTHORITY FOR CONTINGENT UNAPPROPRIATED GRANT AWARDS, ADDITIONAL SERVICES, AND OTHER APPROVED EXPENSES AND REVENUES; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by JORDAN and seconded by CLEGG that proposed resolution (R-329-07) be adopted and that same be numbered Resolution 19741.

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

Motion carried.

Proposed resolution (R-330-07) 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 07-259; BOISE CITY HALL NO. 1 CARPET REPLACEMENT, GBP-024 PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND GREAT FLOORS; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by JORDAN and seconded by CLEGG that proposed resolution (R-330-07) be adopted and that same be numbered Resolution 19742.

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

Motion carried.

Proposed resolution (R-331-07) 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 SOLE SOURCE AGREEMENT FOR 07-CON-287 SPORTS OFFICIATING SERVICES, PARKS AND RECREATION DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND UNITED STATES SPECIALTY SPORTS OFFICIALS ASSOCIATION (USSSOA); AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by JORDAN and seconded by CLEGG that proposed resolution (R-331-07) be adopted and that same be numbered Resolution 19743.

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

Motion carried.

Proposed resolution (R-332-07) by the Council:

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

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, CHANGE ORDER NUMBER 1 TO F/B 07-186; SOUTHWEST RELIEF SEWER, PHASE 3, STAGE 3A, WEST BOISE WWTP ENTRANCE TO CHINDEN BLVD., SWS-136, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND RSCI; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by JORDAN and seconded by CLEGG that proposed resolution (R-332-07) be adopted and that same be numbered Resolution 19744.

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

Motion carried.

Proposed resolution (R-333-07) 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 07-CON-289 ZOO BOISE WATER PROJECT; BOISE PARKS AND RECREATION DEPARTMENT/ZOO BOISE, BETWEEN THE CITY OF BOISE CITY AND GULLEY EXCAVATION, INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by JORDAN and seconded by CLEGG that proposed resolution (R-333-07) be adopted and that same be numbered Resolution 19745.

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

Motion carried.

Proposed resolution (R-334-07) 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 3 TO D/B 06-110 LANDER STREET WWTF MISCELLANEOUS FACILITIES IMPROVEMENTS, LSP-002.1, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND JC CONSTRUCTORS, INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

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Moved by JORDAN and seconded by CLEGG that proposed resolution (R-334-07) be adopted and that same be numbered Resolution 19746.

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

Motion carried.

Councilmember EBERLE requested unanimous consent that proposed resolution (R-335-07) be removed from tonight's Consent agenda and held for separate discussion.

Unanimous consent was granted.

Proposed resolution (R-335-07) 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 FOR RFP 07-064 STATE GOVERNMENT RELATIONS SERVICES, OFFICE OF THE MAYOR, BETWEEN THE CITY OF BOISE CITY AND THE GALLATIN GROUP; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by EBERLE and seconded by JORDAN that proposed resolution (R-335-07) be adopted and that same be numbered Resolution 19747.

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

Motion carried.

Councilmember EBERLE requested unanimous consent that proposed resolution (R-337-07) be removed from tonight's Consent agenda and held for separate discussion.

Unanimous consent was granted.

Proposed resolution (R-337-07) 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 RFP 07-113; PROSECUTORIAL CASE MANAGEMENT SYSTEM, CITY

ATTORNEY'S OFFICE, BETWEEN THE CITY OF BOISE CITY AND NEW DAWN TECHNOLOGIES, AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by EBERLE and seconded by JORDAN that proposed resolution (R-337-07) be adopted and that same be numbered Resolution 19749 with the correction in the recommendation to reflect the amount as \$165,250.

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

Motion carried.

Councilmember EBERLE requested unanimous consent that Bello Borgo Subdivision SUB06-00019 Final Plat be removed from tonight's Consent agenda and held for separate discussion.

Unanimous consent was granted.

Bello Borgo Subdivision SUB06-00019 Final Plat, Boise City, was before Mayor and Council.

Moved by EBERLE and seconded by BISTERFELDT that Bello Borgo Subdivision SUB06-00019 Final Plat be granted as requested subject to conditions stated in the staff report.

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

Motion carried.

Councilmember EBERLE 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-69-07) by the Council:

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

Titled: AN ORDINANCE (CAR05-00058/DA/WR GANN CO., LLC. FOR PROPERTY LOCATED AT 5891 W. GARY 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 A-1/DA (OPEN LAND WITH A

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DEVELOPMENT AGREEMENT) 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 first time.

Moved by EBERLE and seconded by JORDAN that all rules of the Council interfering with the immediate consideration of ordinance (O-74-07) be suspended, that the portions of Idaho Code Section 50-902, requiring an ordinance to be read on three different days, twice by title and once in full be dispensed with and the record show that it has been read for 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-74-07) by the Council:

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

Titled: AN ORDINANCE, ENTITLED THE "ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007," APPROPRIATING \$476,866,291 DEEMED NECESSARY TO DEFRAY ALL EXPENSES AND LIABILITIES OF THE CITY OF BOISE CITY, IDAHO, FOR SAID FISCAL YEAR, AUTHORIZING A LEVY OF A SUFFICIENT TAX UPON THE TAXABLE PROPERTY AND SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SAID APPROPRIATION IS MADE; AND PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR A WAIVER OF THE READING RULES, was read for the first, second and third time.

Moved by EBERLE and seconded by JORDAN that proposed ordinance (O-74-07) be passed and that the same be numbered Ordinance 6587.

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

Motion carried.

Councilmember EBERLE 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-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 second 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 second 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 second 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;

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

Van Aucker Properties, Partial Vacation of Plat Note for Easement Vacation SOS07-00012, Trustmark Subdivision, was before Mayor and Council.

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

Moved by EBERLE and seconded by JORDAN that the Partial Vacation of Plat Note for Easement Vacation SOS07-00012, Trustmark Subdivision be granted as requested subject to conditions stated in the staff report.

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

Motion carried.

Elton Subdivision SUB07-00044 Preliminary and Final Plat, Boise City, was before Mayor and Council.

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

Van Eldge, applicant representative, addressed the Council in support of the subdivision.

Moved by EBERLE and seconded by TIBBS that Elton Subdivision SUB07-00044 Preliminary and Final Plat be granted as requested subject to conditions stated in the staff report.

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

Motion carried.

Ellipsoid Subdivision SUB07-00048 Preliminary Plat, Boise City, was before Mayor and Council.

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

AUGUST 21, 2007

Moved by EBERLE and seconded by JORDAN that Ellipsoid Subdivision SUB07-00048 Preliminary Plat be granted as requested subject to conditions stated in the 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 Solid Waste and Sewer Rate Fee Increase Hearing, Proposed Resolution (R-336-07).

Proposed resolution (R-336-07) by the Council:

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

Titled: A RESOLUTION APPROVING A SOLID WASTE CUSTOMER FEE SCHEDULE FOR RESIDENTIAL AND COMMERCIAL SOLID WASTE COLLECTION SERVICES; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Jon Williams, Public Works 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 EBERLE and seconded by TIBBS that proposed resolution (R-336-07) be adopted and that same be numbered Resolution 19748.

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

Motion carried.

RECESS: 7:03 P.M.

RECONVENE: 7:12 P.M.

Mayor BIETER announced that this was the time and place set for a public hearing on CVA07-00014/Appeal/Scott Ludwig and Erstad Architects appeal of the Hearing Examiner's denial of a variance from the standards of B.C.C.

Section 11-10-08 for the construction of an interim parking lot located at 377 W. Broad Street in a R-ODD (Residential Office with Downtown Design Review) zone.

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

Scott Ludwig, 601 E. Warm Springs, appellant, addressed the Council in support of the appeal.

Pam Sheldon, Capital City Development Corporation (CCDC), 805 W. Idaho Street, Suite 403, addressed the Council in opposition to the appeal

Mayor BIETER announced that the public hearing was closed.

Moved by JORDAN and seconded by EBERLE that CVA07-00014/Appeal/Scott Ludwig and Erstad Architects appeal of the Hearing Examiner's denial of a variance from the standards of B.C.C. Section 11-10-08 for the construction of an interim parking lot located at 377 W. Broad Street in a R-ODD (Residential Office with Downtown Design Review) zone be denied and uphold the decision of the Hearing Examiner.

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 DRH04-00013/Modification No. 3/Appeal/Dale and Anita Leatham appeal of the Planning and Zoning Commission's denial of their appeal, upholding the Design Review Committee's decision regarding conditions L and O placed on the project located at 815 Ann Morrison Park Drive in a C-2DC (General Commercial with Design Review and Capitol Boulevard Overlay) zone.

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

Anita Leatham, 990 W. Victory Road, Meridian, Idaho, appellant and Dale Leatham, 990 W. Victory Road, Meridian, Idaho, addressed the Council in support of the appeal.

Mayor BIETER announced that the public hearing was closed.

AUGUST 21, 2007

Moved by EBERLE and seconded by JORDAN that DRH04-00013/Modification No. 3/Appeal/Dale and Anita Leatham appeal of the Planning and Zoning Commission's denial of their appeal, upholding the Design Review Committee's decision regarding conditions L and O placed on the project located at 815 Ann Morrison Park Drive in a C-2DC (General Commercial with Design Review and Capitol Boulevard Overlay) zone be denied and uphold the Planning and Zoning Commission's decision.

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

Motion carried.

There being no further business the meeting adjourned at 8:52 o'clock P.M.

APPROVE:

MAYOR

ATTEST:

CITY CLERK