

BOISE, IDAHO
SEPTEMBER 18, 2007

Council met in regular session Tuesday, September 18, 2007, Mayor DAVID H. BIETER, presiding.

Roll call showed the following members present: BISTERFELDT, CLEGG, EBERLE and JORDAN. Absent: 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 September 11, 2007, Boise City Council Work Session Meeting be approved.

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

Motion carried.

Moved by CLEGG and seconded by EBERLE that the minutes from the September 11, 2007, Boise City Council Meeting be approved.

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

Motion carried.

Mayor BIETER announced that it was the time and place set for the appointment of Bruce W. Taylor to the Design Review Committee for a three year term expiring August 1, 2010.

Councilmember CLEGG requested unanimous consent to approve that the appointment of Bruce W. Taylor to the Design Review Committee for a three year term expiring August 1, 2010.

Unanimous consent was granted.

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Councilmember CLEGG requested unanimous consent to approve the reappointment of Betsy McFadden's on the Historic Preservation Commission for a three year term expiring January 20, 2010.

Unanimous consent was granted.

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

Moved by EBERLE and seconded by JORDAN 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 and that findings be returned by September 25, 2007.

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

Motion carried.

Mayor BIETER announced that this was the time and place set for Continuum Subdivision SUB07-00030 Preliminary Plat, Boise City (proposed mixed use subdivision with 24 residential townhouse lots, eight 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).

Moved by EBERLE and seconded by JORDAN that Continuum Subdivision SUB07-00030 Preliminary Plat be approved.

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

Motion carried.

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Moved by CLEGG and seconded by EBERLE that the Boise City Checks No. 257342 thru 257918 in the total amount of \$1,683,090.68 as of September 12, 2007 be approved.

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

Motion carried.

The Bid Results for F/B 07-287: Re-Roof Veterans Memorial Park Restroom and Shop/Julia Davis Park Shop, Parks and Recreation Department were before Mayor and Council as enumerated in staff report dated September 5, 2007.

RECOMMENDATION: The Purchasing Division concurs with Parks and Recreation Department in recommending that F/B 07-287: Re-Roof Veterans Memorial Park Restroom and Shop/Julia Davis Park Shop, Parks and Recreation Department be awarded to the lowest responsive and responsible bidder, Pro Tech Roofing Inc., in a total amount not to exceed \$43,242.07.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Pro Tech Roofing Inc., in the total contract amount of \$43,242.07.

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

Motion carried.

The Bid Results for F/B 07-286: New, Unused SUV Hybrid Vehicle Purchase, Planning and Development Services Department were before Mayor and Council as enumerated in staff report dated September 5, 2007.

RECOMMENDATION: The Purchasing Division concurs with Planning Development Services Department in recommending that F/B 07-286: New, Unused SUV Hybrid Vehicle Purchase be awarded to the lowest responsive and responsible bidder, Dan Wiebold Ford, in a total amount not to exceed \$128,980.00.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Dan Wiebold Ford, in a total amount not to exceed \$128,980.00.

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

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Motion carried.

The Bid Results for F/B 07-290: Library Vehicles, Boise Public Library were before Mayor and Council as enumerated in staff report dated September 6, 2007.

RECOMMENDATION: The Purchasing Division concurs with Boise Public Library in recommending that F/B 07-290: Library Vehicles, Boise Public Library be awarded to the lowest responsive and responsible bidder, Dan Wiebold Ford, in a total amount not to exceed \$48,360.00.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Dan Wiebold Ford, in the total contract amount of \$48,360.00, subject to compliance with purchasing requirements.

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

Motion carried.

The Bid Results for F/B 07-291: New Telescopic Handler, Public Works Department were before Mayor and Council as enumerated in staff report dated September 6, 2007.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that F/B 07-291: New Telescopic Handler, Public Works Department be awarded to the lowest responsive and responsible bidder, Schlofman Tractor, in a total amount not to exceed \$87,660.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Schlofman Tractor, in the total contract amount of \$87,660.

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

Motion carried.

The Bid Results for F/B 07-294: Extrication Equipment, Boise Fire Department were before Mayor and Council as enumerated in staff report dated September 6, 2007.

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RECOMMENDATION: The Purchasing Division concurs with Boise Fire Department in recommending that F/B 07-294: Extrication Equipment, Boise Fire Department be awarded to the lowest responsive and responsible bidder, Wheatland Fire Equipment Company, in a total amount not to exceed \$34,265.00.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Wheatland Fire Equipment Company in the total contract amount of \$34,265.00, subject to compliance with bonding and insurance requirements.

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

Motion carried.

The Bid Results for Authorization to Procure Laboratory Equipment and Supplies, using Idaho State Contract #SBPO1118-03, Boise City Purchasing Contract 08-CON-004, FY08, Public Works Department were before Mayor and Council as enumerated in staff report dated September 4, 2007.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that Authorization to Procure Laboratory Equipment and Supplies, using Idaho State Contract #SBPO1118-03, Boise City Purchasing Contract 08-CON-004, FY08, Public Works Department be awarded to the lowest responsive and responsible bidder, Fisher Scientific, in a total amount not to exceed \$84,000.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Fisher Scientific in the total contract amount of \$84,000.

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

Motion carried.

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

- a) Andrea Ferraro, Personal Injury
- b) Joe Tallman, 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.

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

Motion carried.

The City Clerk requested October 16, 2007, in Council Chambers be confirmed for a public hearing on:

- a) CAR07-00051/Rezone/Larry and Barbara Woolf request approval to rezone +/- 1.33 acres located at 9545 W. Ustick Road from R-1C (Single Family Residential) to R-2D (Combined Residential with Design Review).
- b) CAR07-00052/Rezone/Juan Oleaga requests approval to rezone +/- 0.25 acres located at 673 N. 27th Street from R-2 (Combined Residential) to N-OD (Neighborhood Office with Design Review Overlay).

Moved by CLEGG and seconded by EBERLE that October 16, 2007 in Council Chambers be confirmed as requested.

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

Motion carried.

The City Clerk requested October 30, 2007, in Council Chambers be confirmed for a public hearing on:

- a) CAR07-00053/Annexation/Joe and Melissa Ramaker request approval of an annexation of +/- 26.2 acres located at 6312 E. Warm Springs Avenue with a zoning designation of R-1A (Single Family Residential) for 8.6 acres and A-1 (Open Land) for 17.6 acres.
- b) CAR07-00054/Prestige Homes, Inc. request approval of a modification to the Development Agreement associated with the McMonigle Subdivision located at 699, 715 and 723 N. Mitchell Street in a C-1D/DA (Neighborhood Commercial with Design Review Overlay and a Development Agreement) zone.

Moved by CLEGG and seconded by EBERLE that October 30, 2007 in Council Chambers be confirmed as requested.

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

Motion carried.

The City Clerk requested November 13, 2007, in Council Chambers be confirmed for a public hearing on:

- a) CAR07-00012/Lumber Products request 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.
- b) CAR07-00037/Annexation and Development Agreement/Lumber Products requests approval of an annexation of +/- 7.18 acres. Approximately 5.67 acres located at 2390 S. Maple Grove Road are requested to be zoned M-1D/DA (Limited Industrial with Design Review and a Development Agreement), and approximately 1.51 acres located at 2401 S. Three Mile Creek are requested to be zoned R-1B/DA (Single Family Residential with a Development Agreement-4.8 DU/Acre).

Moved by CLEGG and seconded by EBERLE that November 13, 2007 in Council Chambers be confirmed as requested.

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

Motion carried.

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

- a) The Basque Market at the Basque Block regarding two company dinner parties on September 20 and October 1, 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 and JORDAN.

Motion carried.

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

- a) Planning and Development Services (Housing Funds) - Approval of a onetime revenue neutral appropriation increase in the Local Affordable Housing Fund for the land exchange of 11th Street and Woody Drive.
- b) Planning and Development Services (General Fund) - Approval of a onetime revenue neutral appropriation increase for PDS in the General Fund for the 30th Street Planning study offset by building permit revenue above current budget

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

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

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, August 9, 2007
- b) Foothills Conservation Advisory Committee Minutes, August 1, 2007
- c) Sole Source Purchase: 700 mHz Radio Amplifier - Aviation Department
- d) City of Boise Treasury Division, State of the Treasury Report, August 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 and JORDAN.

Motion carried.

Proposed resolution (R-368-07) by the Council:

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

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Titled: A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN BOISE CITY (DEPARTMENT OF AVIATION) AND AERONAUTICAL RADIO, INC. FOR THE LEASE OF CERTAIN PREMISES UPON BOISE AIR TERMINAL (GOWEN FIELD); AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID LEASE 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-368-07) be adopted and that same be numbered Resolution 19780.

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

Motion carried.

Proposed resolution (R-370-07) by the Council:

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

Titled: A RESOLUTION APPROVING A HOUSING REHABILITATION LOAN FOR BERNICE SIMPSON, FOR REAL PROPERTY LOCATED AT 7770 CUMMINS, BOISE, IDAHO, 83709; THROUGH THE PLANNING AND DEVELOPMENT SERVICE'S DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID LOAN DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-370-07) be adopted and that same be numbered Resolution 19781.

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

Motion carried.

Proposed resolution (R-371-07) by the Council:

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

Titled: A RESOLUTION APPROVING AMENDED EMPLOYEE ADVISORY COMMITTEE (EAC) BYLAWS; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-371-07) be adopted and that same be numbered Resolution 19782.

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

Motion carried.

Proposed resolution (R-372-07) by the Council:

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

Titled: A RESOLUTION APPROVING AN ASSISTANCE AWARD AND RELATED DOCUMENTS TO THE CITY OF BOISE (DEPARTMENT OF AVIATION) FROM THE DEPARTMENT OF TRANSPORTATION, TRANSPORTATION SECURITY ADMINISTRATION (TSA) FOR THE REIMBURSEMENT OF LOCAL LAW ENFORCEMENT OFFICER COSTS RELATED TO PROVISION OF SERVICES AT TSA SECURITY PASSENGER-SCREENING CHECKPOINTS; RATIFYING AND AUTHORIZING THE SIGNATURE OF THE BOISE AIRPORT DEPUTY DIRECTOR-FINANCE; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-372-07) be adopted and that same be numbered Resolution 19783.

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

Motion carried.

Proposed resolution (R-373-07) by the Council:

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

Titled: A RESOLUTION APPROVING AN AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS DEPARTMENT) AND THE ADA COUNTY HIGHWAY DISTRICT FOR ROADWAY CONSTRUCTION/SEWER INSTALLATION AT THE FAIRVIEW AVENUE AND CLOVERDALE ROAD INTERSECTION AS PART OF BOISE CITY SEWER PROJECT SWS 158/ACHD PROJECT NO. 304007; 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-373-07) be adopted and that same be numbered Resolution 19784.

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

Motion carried.

Proposed resolution (R-374-07) by the Council:

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

Titled: A RESOLUTION APPROVING A STATE/LOCAL AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY, BY AND THROUGH ITS PARKS AND RECREATION DEPARTMENT, AND THE IDAHO TRANSPORTATION DEPARTMENT GRANTING TO THE CITY OF BOISE A SUM NOT TO EXCEED \$500,000.00 FOR THE JOINT DEVELOPMENT AND CONSTRUCTION, WITH BOISE STATE UNIVERSITY, OF IMPROVEMENTS TO THE BOISE GREENBELT SYSTEM ON PROPERTY LOCATED BETWEEN THE BOISE RIVER AND THE BSU CAMPUS; AUTHORIZING THE DIRECTOR OF THE PARKS AND RECREATION DEPARTMENT TO EXECUTE ALL FURTHER DOCUMENTS IN FURTHERANCE OF THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-374-07) be adopted and that same be numbered Resolution 19785.

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

Motion carried.

Proposed resolution (R-375-07) 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 07-287 RE-ROOF VETERANS MEMORIAL PARK RESTROOM & SHOP / JULIA DAVIS PARK SHOP, PARKS AND RECREATION DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND PRO TECH ROOFING, INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-375-07) be adopted and that same be numbered Resolution 19786.

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

Motion carried.

Proposed resolution (R-376-07) by the Council:

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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 NUMBER 1 TO TASK ORDER NUMBER CE-25 TO RFP 05-084C; MISCELLANEOUS CIVIL ENGINEERING SERVICES, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND KELLER ASSOCIATES, INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-376-07) be adopted and that same be numbered Resolution 19787.

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

Motion carried.

Proposed resolution (R-377-07) 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 3 TO RFP 05-103; FULL SERVICE ELEVATOR/ESCALATOR MAINTENANCE, AVIATION AND PUBLIC TRANSPORTATION, SAFETY AND PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND THYSSENKRUPP ELEVATOR; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-377-07) be adopted and that same be numbered Resolution 19788.

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

Motion carried.

Proposed resolution (R-378-07) 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 F/B 07-099; FIRE HYDRANT REPLACEMENT PROGRAM, BOISE FIRE DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND OWYHEE CONSTRUCTION, INC.; AND PROVIDING AN EFFECTIVE DATE, was

read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-378-07) be adopted and that same be numbered Resolution 19789.

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

Motion carried.

Proposed resolution (R-379-07) 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, RENEWAL OF SOLE SOURCE AGREEMENT FOR F/B 06-140; SECURITY SOFTWARE AGREEMENT, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND APEX INTEGRATED SECURITY SOLUTIONS, INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-379-07) be adopted and that same be numbered Resolution 19790.

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

Motion carried.

Proposed resolution (R-380-07) 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, RENEWAL OF SOLE SOURCE AGREEMENT FOR F/B 06-139; SECURITY SYSTEM INSTALLATION AND MAINTENANCE, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND APEX INTEGRATED SECURITY SOLUTIONS, INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-380-07) be adopted and that same be numbered Resolution 19791.

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

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Motion carried.

Proposed resolution (R-381-07) 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 28 TO RFP 05-084A; MISCELLANEOUS CIVIL ENGINEERING SERVICES, PUBLIC WORKS DEPARTMENT , BETWEEN THE CITY OF BOISE CITY AND CH2M HILL; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-381-07) be adopted and that same be numbered Resolution 19792.

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

Motion carried.

Doug Zamzow, Easement and Plat Note Vacation, SOS07-00010, 50' Wide Future Road Easement, Martin Subdivision, was before Mayor and Council.

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

Doug Zamzow, 415 Smizer Lane, applicant, addressed the Council in support of the easement and plat note vacation.

Shawn Martin, Ada County Highway District (ACHD), answered the Council's questions.

Moved by EBERLE and seconded by CLEGG that Doug Zamzow, Easement and Plat Note Vacation, SOS07-00010, 50' Wide Future Road Easement, Martin Subdivision be denied.

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

Motion carried.

Fourteenth Street Condominiums SUB05-00119 Preliminary and Final Plat, Boise City (proposed 4 unit residential condominium project located within an existing two story four-plex structure located on the north side of

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South 14th Street between West Grand Avenue and West River Street), was before Mayor and Council.

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

Pat Tealy, 187 E. 50th Street, Garden City, applicant representative, addressed the Council in support of the condominiums.

Moved by CLEGG and seconded by EBERLE that Fourteenth Street Condominiums SUB05-00119 Preliminary and Final Plat, Boise City (proposed 4 unit residential condominium project located within an existing two story four-plex structure located on the north side of South 14th Street between West Grand Avenue and West River Street) be granted as requested subject to conditions stated in staff report.

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

Motion carried.

Young's Meadow Subdivision SUB07-00055 Preliminary Plat, Boise City (proposed single family residential subdivision with 24 buildable lots on 4.83 acres with a density of 4.97 buildable lots per acre located on the west side of South Virginia Avenue between West Victory Road and West Wright Street), was before Mayor and Council.

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

David Hovde, 9777 Chinden Blvd., applicant representative, addressed the Council in support of the subdivision.

Moved by CLEGG and seconded by EBERLE that Young's Meadow Subdivision SUB07-00055 Preliminary Plat, Boise City (proposed single family residential subdivision with 24 buildable lots on 4.83 acres with a density of 4.97 buildable lots per acre located on the west side of South Virginia Avenue between West Victory Road and West Wright Street) be granted as requested subject to conditions stated in staff report with direction to the developer and staff that a second stub street to the west be added before this is brought for final plat.

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

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Motion carried.

Citation Subdivision SUB07-00057 Preliminary and Final Plat, Boise City (proposed four lot industrial subdivision on 2.26 acres located on the north side of E. Citation Court which is north of Gowen Road between the Union Pacific Railroad tracks and Interstate 84), was before Mayor and Council.

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

Carlo Maloof, 162 Vermont Avenue, applicant representative, addressed the Council in support of the subdivision.

Moved by CLEGG and seconded by EBERLE that Citation Subdivision SUB07-00057 Preliminary and Final Plat, Boise City (proposed four lot industrial subdivision on 2.26 acres located on the north side of E. Citation Court which is north of Gowen Road between the Union Pacific Railroad tracks and Interstate 84) be granted as requested subject to conditions stated in staff report.

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

Motion carried.

Hank Hugh Place Subdivision SUB07-00061 Preliminary and Final Plat, Boise City (proposed seven lot residential subdivision on approximately 1.39 acres with a density of 5.03 buildable lots per acre located on the north side of Carter Street approximately 755 feet east of Apple Street or 1040 E. Carter Street), was before Mayor and Council.

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

Moved by CLEGG and seconded by EBERLE that Hank Hugh Place Subdivision SUB07-00061 Preliminary and Final Plat, Boise City (proposed seven lot residential subdivision on approximately 1.39 acres with a density of 5.03 buildable lots per acre located on the north side of Carter Street approximately 755 feet east of Apple Street or 1040 E. Carter Street) be granted as requested subject to conditions stated in staff report.

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

Motion carried.

RECESS: 7:00 P.M.

RECONVENE: 7:16 P.M.

Mayor BIETER announced that this was the time and place set for a public hearing on CAR07-00041/ANNEXATION/SCOTT BLACK request for approval of an annexation of +/-5.62 acres located at 2879 S. Fry Street with a zoning designation of M-1D (Limited Industrial with Design Review) and BOUNDARY SUBDIVISION SUB07-00060 PRELIMINARY AND FINAL PLAT, BOISE CITY (proposed industrial subdivision with four buildable lots on 5.62 acres located on the northwest corner of West Victory Road and South Fry Street approximately 1,900 feet east of South Cole Road).

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

Pat Tealy, 187 E. 50th Street, Garden City, applicant representative, addressed the Council in support of the annexation and subdivision.

Mayor BIETER announced that the public hearing was closed.

Moved by CLEGG and seconded by JORDAN that CAR07-00041/Annexation/Scott Black request for approval of an annexation of +/-5.62 acres located at 2879 S. Fry Street with a zoning designation of M-1D (Limited Industrial with Design Review).

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

Motion carried.

Moved by CLEGG and seconded by JORDAN that Boundary Subdivision SUB07-00060 Preliminary and Final Plat be approved.

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

Motion carried.

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Mayor BIETER announced that this was the time and place set for a public hearing on CAR07-00043/De-Annexation/The Whitney Fire District request for de-annexation of a +/-2.39 acre parcel located at 2515 S. Five Mile Road.

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

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

Mayor BIETER announced that the public hearing was closed.

Moved by CLEGG and seconded by EBERLE that CAR07-00043/De-Annexation/The Whitney Fire District request for de-annexation of a +/-2.39 acre parcel located at 2515 S. Five Mile Road be approved.

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

Motion carried.

Mayor BIETER announced that this was the time and place set for a public hearing on CAR07-00048/Rezone/Robert Nash request for 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).

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

Shawn Nichols, 148 N. 2nd Street, Suite 101, Eagle, applicant representative, addressed the Council in support of the rezone.

Jim Toombs, 10619 W. Pattie Street, addressed the Council in opposition to the rezone.

Mayor BIETER announced that the public hearing was closed.

Moved by CLEGG and seconded by EBERLE that CAR07-00048/Rezone/Robert Nash request for approval to rezone +/-2.71 acres located at 10681 W. McMillan Road from R-1C (Single Family Residential) and R-2 (Combined Residential)

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to N-OD (Neighborhood Office with Design Review) be approved.

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

Motion carried.

Mayor BIETER announced that this was the time and place set for a public hearing on CAR07-00036/REZONE/AV-CB, LLC requests approval to rezone +/-15.58 acres from A-1 (Open Land 1 DU/Acre) to R-2D (Combined Residential with Design Review 14.5 DU/Acre) located at 12449 W. Franklin Road and THE COURTYARDS CONDOMINIUMS SUB07-00049 PRELIMINARY PLAT, BOISE CITY (proposed 168 unit condominium project on 15.58 acres with a density of 10.78 units per acre located at the southwest corner of S. Cloverdale Road and W. Franklin Road).

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

Scott Cook, 801 E. State Street, Eagle, applicant representative, addressed the Council in support of the rezone and development.

Mayor BIETER announced that the public hearing was closed.

Moved by CLEGG and seconded by EBERLE that CAR07-00036/REZONE/AV-CB, LLC request for approval to rezone +/-15.58 acres from A-1 (Open Land 1 DU/Acre) to R-2D (Combined Residential with Design Review 14.5 DU/Acre) located at 12449 W. Franklin Road be approved.

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

Motion carried.

Moved by CLEGG and seconded by EBERLE that The Courtyards Condominiums SUB07-00049 Preliminary Plat, Boise City (proposed 168 unit condominium project on 15.58 acres with a density of 10.78 units per acre located at the southwest corner of S. Cloverdale Road and W. Franklin Road) be approved with the caveat that Design Review look closely at the sidewalk and the landscaping along Franklin Road.

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

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Motion carried.

Mayor BIETER announced that this was the time and place set for a public hearing on CAR06-00066/REZONE/BRS ARCHITECTS request for approval for a rezone of 7.34 acres located at 4262 N. Eagle Road from R-1C (Single Family Residential) to L-OD (Limited Office with Design Review Overlay) and GRACE SUBDIVISION SUB06-00117 PRELIMINARY PLAT, BOISE CITY (proposed nine lot office/commercial subdivision on 7.35 acres of land located on the east side of N. Eagle Road between W. Wainwright Drive and W. Meadowdale Drive).

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

David Hovde, 9777 Chinden Blvd., applicant representative, addressed the Council in support of the rezone and development.

Mayor BIETER announced that the public hearing was closed.

Moved by CLEGG and seconded by EBERLE that CAR06-00066/Rezone/BRS Architects request for approval for a rezone of 7.34 acres located at 4262 N. Eagle Road from R-1C (Single Family Residential) to L-OD (Limited Office with Design Review Overlay) be approved.

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

Motion carried.

Moved by CLEGG and seconded by EBERLE that Grace Subdivision SUB06-00117 Preliminary Plat, Boise City be approved.

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

Motion carried.

Councilmember CLEGG requested unanimous consent that all ordinances on tonight's Council agenda be moved to the end of the meeting.

Unanimous consent was granted.

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-70-07) by the Council:

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

Titled: AN ORDINANCE (CAR07-00028/JEFF GRIFFETH FOR PROPERTY LOCATED AT 2700 AND 2708 S. APPLE 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-1C (SINGLE FAMILY RESIDENTIAL) TO N-OD (NEIGHBORHOOD 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-75-07) by the Council:

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

Titled: AN ORDINANCE (CAR07-00039/BOISE CITY) TO REPEAL TITLE 2, CHAPTER 18 (HISTORIC PRESERVATION COMMISSION), OF THE BOISE CITY CODE; SUBMIT THE FOLLOWING AS TEXT FOR CHAPTER 2-18; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE, was read for the second time.

Proposed ordinance (O-76-07) by the Council:

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

Titled: AN ORDINANCE (CAR07-00033/BOISE CITY) TO AMEND SECTION 11-11-02 (DEFINITIONS); ADD SECTION 11-11.07.R/ELECTRONIC MESSAGE DISPLAYS; AND AMEND SECTION 11-11-08.H2/NON-ACCESSORY OR OFF-PREMISE SIGNS OF THE BOISE CITY CODE TO PROVIDE DEFINITIONS AND REGULATIONS FOR THE USE OF ELECTRONIC MESSAGE DISPLAYS ON ADVERTISING SIGNS; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE, was read for the second time.

Proposed ordinance (O-77-07) by the Council:

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

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Titled: AN ORDINANCE (CAR07-00020/W.L. OVERLAND, LLC. FOR PROPERTY LOCATED AT 10121 W. OVERLAND ROAD) AMENDING ZONING CLASSIFICATIONS OF THE CITY OF BOISE CITY TO CHANGE THE CLASSIFICATION OF REAL PROPERTY PARTICULARLY DESCRIBED IN SECTION ONE OF THIS ORDINANCE FROM A-1 (OPEN LAND) TO R-1C (SINGLE FAMILY RESIDENTIAL) AND N-OD (NEIGHBORHOOD COMMERCIAL WITH DESIGN REVIEW); SETTING FORTH A REASONED STATEMENT IN SUPPORT OF SUCH ZONE CHANGE; AND PROVIDING AN EFFECTIVE DATE, was read for the second time.

Proposed ordinance (O-78-07) by the Council:

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

Titled: AN ORDINANCE AMENDING TITLE 5, CHAPTER 35, SECTION 03, PARAGRAPH D, BOISE CITY CODE, TO REMOVE REFERENCES TO SPECIFIC MASSAGE THERAPY AND BODYWORK CERTIFICATION ORGANIZATIONS; AUTHORIZING THE CITY CLERK TO APPROVE CERTIFYING ORGANIZATIONS FOR EXEMPTION OF MASSAGE THERAPISTS FROM THE CHAPTER'S REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE, was read for the second time.

Proposed ordinance (O-79-07) by the Council:

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

Titled: AN ORDINANCE UPDATING LANGUAGE RELATING TO PARKING SERVICES, INCREASING FINES AND CORRECTING ERRORS AND OMISSIONS BY AMENDING BOISE CITY CODE SECTIONS 5-04-02, 5-24-15, 10-01-01, 10-11-04, 10-11-11, 10-11-13, 10-11-15, 10-11-16, 10-11-19, 10-11-21, 10-11-22, 10-11-23, 10-11-25, 10-12-01, 10-17-03, 10-17-04, 10-17-07, 10-17-09, 10-17-11, 10-21-01 AND 10-21-04 TO CHANGE THE WORDS "CONTROL" TO "SERVICES", "CUSTOMER AND SUPPORT SERVICES" TO "FINANCE AND ADMINISTRATION", "PARKING CONTROL" TO "PARKING SERVICES OFFICE", AND "DEPARTMENT OF PARKING CONTROL" TO "DIVISION OF PARKING SERVICES"; CORRECTING THE FINE AMOUNTS IN 10-11-16(B)(1)(a) TO REFLECT THOSE PREVIOUSLY APPROVED AND PUBLISHED IN THE CHART CONTAINED IN 10-11-16, AMENDING BOISE CITY CODE SECTION 10-11-16 TO PROVIDE FOR AN INCREASED FINE FROM THIRTY FIVE DOLLARS TO THIRTY SIX DOLLARS FOR VIOLATIONS OF BOISE CITY CODE SECTIONS 10-10-12, 10-11-01, 10-11-04A12, 10-11-04A03, 10-11-04A04, 10-11-04A05, 10-11-04B01, 10-11-04B02, 10-11-04B03, 10-11-04B04, 10-11-04C02, AND 10-11-05; DELETING THE CHART IN 10-17-08 AND REPLACING IT WITH ONE IN NUMERICAL ORDER, AMENDING THE CHART IN 10-17-08 TO CORRECT 10-17-10D FROM "CITY HALL GARAGE" TO "EXPIRED METER", INCREASING THE FINES FOR 10-07-06 AND 10-17-11A FROM THIRTY FIVE DOLLARS TO THIRTY SIX DOLLARS, PROVIDING FOR AN INCREASE IN THE EXPIRED METER FINE FROM TEN DOLLARS TO

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TWELVE DOLLARS, AND CHANGING THE WORDS "CONTROL" TO "SERVICES"; CORRECTING THE FINE AMOUNTS IN 10-17-11 TO REFLECT THOSE PREVIOUSLY APPROVED AND PUBLISHED IN THE CHART CONTAINED IN 10-17-08; 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-71-07), (O-72-07) and (O-73-07) 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 and JORDAN.

Motion carried.

Proposed ordinance (O-71-07) by the Council:

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

Titled: AN ORDINANCE (CAR07-00030/DAVID BENOIT FOR PROPERTY LOCATED AT 1713 and 1717 W. JEFFERSON 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 R-1MD (MODULAR LOTTING WITH DESIGN REVIEW); SETTING FORTH A REASONED STATEMENT IN SUPPORT OF SUCH ZONE CHANGE; AND PROVIDING AN EFFECTIVE DATE, was read for the third time.

Moved by CLEGG and seconded by EBERLE that the proposed ordinance (O-71-07) be passed and that the same be numbered Ordinance 6598.

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

Motion carried.

Proposed ordinance (O-72-07) by the Council:

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

Titled: AN ORDINANCE (CAR07-00031/JEFF WHERRY FOR PROPERTY LOCATED AT 3921 N. COLLISTER DRIVE) 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-1A (SINGLE

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FAMILY RESIDENTIAL - 2.1 DU/ACRE) TO R-1C (SINGLE FAMILY RESIDENTIAL - 8.0 DU/ACRE); SETTING FORTH A REASONED STATEMENT IN SUPPORT OF SUCH ZONE CHANGE; AND PROVIDING AN EFFECTIVE DATE, was read for the third time.

Moved by CLEGG and seconded by EBERLE that the proposed ordinance (O-72-07) be passed and that the same be numbered Ordinance 6599.

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

Motion carried.

Proposed ordinance (O-73-07) by the Council:

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

Titled: AN ORDINANCE (CAR07-00034/MICHAEL and DEBORAH DALE FOR PROPERTY LOCATED AT 1251 N. FIVE MILE ROAD) 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-1A (SINGLE FAMILY RESIDENTIAL) TO N-OD (NEIGHBORHOOD OFFICE WITH DESIGN REVIEW); SETTING FORTH A REASONED STATEMENT IN SUPPORT OF SUCH ZONE CHANGE; AND PROVIDING AN EFFECTIVE DATE, was read for the third time.

Moved by CLEGG and seconded by EBERLE that the proposed ordinance (O-73-07) be passed and that the same be numbered Ordinance 6600.

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

Motion carried.

There being no further business the meeting adjourned at 8:07 o'clock P.M.

APPROVE:

MAYOR

ATTEST:

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CITY CLERK