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BOISE, IDAHO
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Council met in regular session Tuesday, October 30, 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, Boise City Clerk.

Moved by CLEGG and seconded by EBERLE that the minutes from the October 23, 2007, Boise City Council 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 Recognition of the State Soccer Champions: Bishop Kelly, Boise and Timberline High Schools.

Theresa McLeod, Office of the Mayor, presented the recognition of the State Soccer Champions from Bishop Kelly High School, Boise High School and Timberline High School.

Kristen and Dan Bruce, Bishop Kelly High School; Mike Darrow, Boise High School and Mat Henbest, Timberline High School, introduced all the soccer players to the Mayor, Council and public.

Mayor BIETER announced that it was the time and place set for the appointment of Thomas P. Baskin to the Planning and Zoning Commission for a four year term expiring August 1, 2011

Councilmember JORDAN requested unanimous consent that the appointment of Thomas P. Baskin to the Planning and Zoning Commission for a four year term expiring August 1, 2011 be approved.

Unanimous consent was granted.

Moved by CLEGG and seconded by EBERLE that the Boise City Checks No. 261252 thru 261729 in the total amount of \$850,439.50 as of October 24, 2007 be approved.

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

Motion carried.

The Bid Results for Increase in Annual Limit Aggregate Not to Exceed Amount of \$700,000 for RFP 05-084: Miscellaneous Civil Engineering Services, Public Works Department were before Mayor and Council as enumerated in staff report dated October 12, 2007.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that Increase in Annual Limit Aggregate Not to Exceed Amount of \$700,000 for RFP 05-084: Miscellaneous Civil Engineering Services, be increased to not to exceed amount of \$700,000.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the aggregate limit for Miscellaneous Civil Engineering Services be increased to a Not to Exceed amount of \$700,000.

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

Motion carried.

Recommendation to Reject All Proposals RFP 07-077: Single Family Rental Property Management Services, Department of Aviation were before Mayor and Council as enumerated in staff report dated October 17, 2007.

RECOMMENDATION: The Purchasing Division concurs with Department of Aviation in recommending to Reject All Proposals RFP 07-077: Single Family Rental Property Management Services, Department of Aviation.

Moved by CLEGG and seconded by EBERLE that the recommendations be Rejected for All Proposals for RFP 07-077: Single Family Rental Property Management Services, Department of Aviation.

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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 07-277; Perimeter Fence and Gates Boise Airport; Department of Aviation were before Mayor and Council as enumerated in staff report dated October 17, 2007.

RECOMMENDATION: The Purchasing Division concurs with Department of Aviation in recommending that F/B 07-277; Perimeter Fence and Gates Boise Airport be awarded to the lowest responsive and responsible bidder, KB Fabrication and Welding, in a total amount not to exceed \$237,832.00.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to KB Fabrication and Welding, in the total contract amount of \$237,832.00, 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 Award of Proposal; Approval of Contract, RFP 07-284: Watershed Audio Visual System, Public Works Department were before Mayor and Council as enumerated in staff report dated October 18, 2007.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that Award of Proposal; Approval of Contract, RFP 07-284: Watershed Audio Visual System, be awarded to the best qualified proposer, AAtronics, in a total amount not to exceed \$35,102.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to AAtronics, in the total contract amount of \$35,102.

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

Motion carried.

The Bid Results for F/B 07-311: Veteran's Memorial Park Bridge Replacements, Parks and Recreation Department

were before Mayor and Council as enumerated in staff report dated September 25, 2007.

RECOMMENDATION: The Purchasing Division concurs with Parks and Recreation Department in recommending that F/B 07-311: Veteran's Memorial Park Bridge Replacements, Recreation be awarded to the lowest responsive and responsible bidder, Golis Construction, in a total amount not to exceed \$129,615.00.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Golis Construction, in the total contract amount of \$129,615.00.

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

Motion carried.

The Bid Results for F/B 08-001: Historic Locomotive Relocation Boise Train Depot Site Plaza Installation, Parks and Recreation Department were before Mayor and Council as enumerated in staff report dated October 18, 2007.

RECOMMENDATION: The Purchasing Division concurs with Parks and Recreation Department in recommending that F/B 08-001: Historic Locomotive Relocation Boise Train Depot Site Plaza Installation, be awarded to the lowest responsive and responsible bidder, Hillside Landscape Construction, in a total amount not to exceed \$53,558.00.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Hillside Landscape Construction, in the total contract amount of \$53,558.00.

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

Motion carried.

The Bid Results for F/B 08-002: Historic Locomotive Relocation, Parks and Recreation Department were before Mayor and Council as enumerated in staff report dated October 18, 2007.

RECOMMENDATION: The Purchasing Division concurs with Parks and Recreation Department in recommending that F/B 08-002: Historic Locomotive Relocation, be awarded to the lowest

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responsive and responsible bidder, Intermountain Rigging and Heavy Haul, in a total amount not to exceed \$135,800.00.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Intermountain Rigging and Heavy Haul, in the total contract amount of \$135,800.00.

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

Motion carried.

The Bid Results for Award of Bid, F/B 08-006: Runway De-icing/Anti-icing Fluid, Department of Aviation were before Mayor and Council as enumerated in staff report dated October 17, 2007.

RECOMMENDATION: The Purchasing Division concurs with Department of Aviation in recommending that Award of Bid, F/B 08-006: Runway De-icing/Anti-icing Fluid, be awarded to the lowest responsive and responsible bidder, Cryotech Deicing Technology, in a total amount not to exceed \$44,239.50.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Cryotech Deicing Technology, in the total contract amount of \$44,239.50.

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

Motion carried.

The Bid Results for Award of Bid, F/B 08-007: Pelletized Urea, Department of Aviation were before Mayor and Council as enumerated in staff report dated October 17, 2007.

RECOMMENDATION: The Purchasing Division concurs with Department of Aviation in recommending that Award of Bid, F/B 08-007: Pelletized Urea, Department of Aviation be awarded to the lowest responsive and responsible bidder, Cryotech Deicing Technology, in a total amount not to exceed \$245,940.00.

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

Cryotech Deicing Technology, in the total contract amount of \$245,940.00.

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

Motion carried.

The Bid Results for F/B 08-014: DeMeyer Park Path Addition, Parks and Recreation Department were before Mayor and Council as enumerated in staff report dated October 17, 2007.

RECOMMENDATION: The Purchasing Division concurs with Parks and Recreation Department in recommending that F/B 08-014: DeMeyer Park Path Addition, be awarded to the lowest responsive and responsible bidder, Brice Construction, in a total amount not to exceed \$37,900.00.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Brice Construction, in the total contract amount of \$37,900.00.

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

Motion carried.

The Bid Results for F/B 08-022: Jullion Park Restroom Addition, Parks and Recreation Department were before Mayor and Council as enumerated in staff report dated October 17, 2007.

RECOMMENDATION: The Purchasing Division concurs with Parks and Recreation Department in recommending that F/B 08-022: Jullion Park Restroom Addition, be awarded to the lowest responsive and responsible bidder, King Excavation, in a total amount not to exceed \$68,225.10.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to King Excavation, in the total contract amount of \$68,225.10.

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

Motion carried.

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The Approval of Sole Source Purchase; 08-CON-048: West Boise WWTF Blower Motor Starter Replacement Public Works Department, were before Mayor and Council as enumerated in staff report dated October 19, 2007.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that Approval of Sole Source Purchase; 08-CON-048: West Boise WWTF Blower Motor Starter Replacement, be awarded to the lowest responsive and responsible bidder, Wesco Inc., in a total amount not to exceed \$30,000.00.

Moved by CLEGG and seconded by EBERLE that the recommendations be followed and the bid be awarded to Wesco Inc., in the total contract amount of \$30,000.00.

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) Janelle Davis, Property Damage
- b) Geico Direct as Subrogee for Ronda L. McLean, Property Damage and Personal Injury
- c) David Abo, Property Damage
- d) Mark and Connie Wilkins, 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.

Motion carried.

The City Clerk requested January 8, 2008, in Council Chambers be confirmed for a public hearing on:

- a) CAR07-00066/Dave Evans Construction requests approval of a modification to an existing development agreement to allow Adult Daycare Facilities with administrative approval on property located at 1655 S. Vinnell Street in a C-1D/DA (Neighborhood Commercial with Design Review and a Development Agreement) zone.

Moved by CLEGG and seconded by EBERLE that January 8, 2008 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 the following minutes, reports and requests be received by Council and directed filed in the office of the City Clerk:

- a) Sole Source Purchase: West Boise WWTF Blower Motor Starter Replacement, Public Works Department
- b) Sole Source Purchase: Professional Legal Services, Legal Department
- c) Administrative Policy Group Minutes, September 24, 2007
- d) Parks and Recreation Commissioners Minutes, August 16 and September 20, 2007
- e) Employee Health Plan Trust Trustee Minutes, September 26, 2007

Moved by CLEGG and seconded by EBERLE that the minutes, reports and requests be received and directed filed in the office of the City Clerk as requested.

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

Motion carried.

Proposed resolution (R-441-07) by the Council:

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

Titled: A RESOLUTION APPROVING A REIMBURSEMENT AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS DEPARTMENT) AND MOONRIDGE DEVELOPMENT, LLC FOR THE EXTENSION OF SEWER TO SERVE THE MOONSTONE SUBDIVISION; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID REIMBURSEMENT 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-441-07) be adopted and that same be numbered Resolution 19851.

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

Motion carried.

Proposed resolution (R-442-07) 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 07-284; WATERSHED AUDIO VISUAL SYSTEM, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND AATRONICS; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-442-07) be adopted and that same be numbered Resolution 19852.

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

Motion carried.

Proposed resolution (R-443-07) 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 08-002 HISTORIC LOCOMOTIVE RELOCATION, PARKS AND RECREATION DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND INTERMOUNTAIN RIGGING AND HEAVY HAUL; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-443-07) be adopted and that same be numbered Resolution 19853.

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

Motion carried.

Proposed resolution (R-444-07) 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 07-277; PERIMETER FENCE AND GATES BOISE AIRPORT; DEPARTMENT OF AVIATION, BETWEEN THE CITY OF BOISE CITY AND KB FABRICATION AND WELDING, INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-444-07) be adopted and that same be numbered Resolution 19854.

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

Motion carried.

Proposed resolution (R-445-07) 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 08-022; JULLION PARK RESTROOM ADDITION, PARKS AND RECREATION DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND KING EXCAVATION; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-445-07) be adopted and that same be numbered Resolution 19855.

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

Motion carried.

Proposed resolution (R-446-07) 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 08-014; DEMEYER PARK PATH ADDITION, PARKS AND RECREATION DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND BRICE CONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-446-07) be adopted and that same be numbered Resolution 19856.

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

Motion carried.

Proposed resolution (R-447-07) 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 07-311; VETERAN'S MEMORIAL PARK BRIDGE REPLACEMENTS, PARKS AND RECREATION DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND GOLIS CONSTRUCTION, INC.; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-447-07) be adopted and that same be numbered Resolution 19857.

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

Motion carried.

Proposed resolution (R-448-07) 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 08-001 HISTORIC LOCOMOTIVE RELOCATION BOISE TRAIN DEPOT SITE PLAZA INSTALLATION, PARKS AND RECREATION DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND HILLSIDE LANDSCAPE CONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-448-07) be adopted and that same be numbered Resolution 19858.

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

Motion carried.

Proposed resolution (R-449-07) 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 U.S. GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF INTERIOR FOR THE MAINTENANCE AND OPERATION OF A STREAM GAUGING STATION ON COTTONWOOD CREEK; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID JOINT FUNDING 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-449-07) be adopted and that same be numbered Resolution 19859.

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

Motion carried.

Proposed resolution (R-450-07) by the Council:

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

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST A LETTER OF AGREEMENT BETWEEN THE CITY OF BOISE CITY (PLANNING AND DEVELOPMENT SERVICES) AND INTERFAITH SANCTUARY HOUSING SERVICES, INC., FOR A GRANT TO INSTALL NECESSARY PROPERTY IMPROVEMENTS AT 1620 WEST RIVER STREET, BOISE, IDAHO; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by CLEGG and seconded by EBERLE that the proposed resolution (R-450-07) be adopted and that same be numbered Resolution 19860.

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

Motion carried.

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-84-07) by the Council:

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

Titled: AN ORDINANCE OF THE CITY OF BOISE CITY, BY AND THROUGH ITS DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES (HOUSING AND COMMUNITY DEVELOPMENT), TO SELL TO A LOW- TO MODERATE-INCOME FAMILY, AT APPRAISED VALUE, REAL PROPERTY OWNED BY THE CITY AND LOCATED AT 1250 WEST DUNDEE, BOISE, ADA COUNTY, IDAHO; AND PROVIDING AN EFFECTIVE DATE, was read for the second time.

Proposed ordinance (O-88-07) by the Council:

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

Titled: AN ORDINANCE (CAR07-00048/ROBERT NASH FOR PROPERTY LOCATED AT 10681 W. MCMILLAN 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-1C (SINGLE FAMILY RESIDENTIAL) AND R-2 (COMBINED 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-91-07) by the Council:

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

Titled: AN ORDINANCE (CAR07-00018/HALE DEVELOPMENT, INC. FOR PROPERTY LOCATED AT 2350 W. HILL 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-1C (SINGLE FAMILY RESIDENTIAL) TO R-2D (COMBINED RESIDENTIAL WITH DESIGN REVIEW); SETTING FORTH A REASONED STATEMENT IN SUPPORT OF SUCH ZONE CHANGE; AND PROVIDING AN EFFECTIVE DATE, was read for the second time.

Proposed ordinance (O-92-07) by the Council:

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

Titled: AN ORDINANCE AMENDING THE SOLID WASTE FRANCHISE AGREEMENT BY AND BETWEEN THE CITY OF BOISE AND ALLIED WASTE SERVICES (ALLIED) TO INCLUDE AN UPDATED RATE SCHEDULE, INCLUDING RATE INCREASE EFFECTIVE DATES, FOR REIMBURSEMENT TO ALLIED FOR SOLID WASTE COLLECTION AND DISPOSAL SERVICES; REPEALING THE PRIOR ALLIED REIMBURSEMENT RATE SCHEDULE

ESTABLISHED BY ORDINANCE NO. 6527; AND PROVIDING AN EFFECTIVE DATE, was read for the second time.

Councilmember CLEGG requested unanimous consent that proposed ordinance (O-85A-07) be pulled from tonight's Council Consent agenda for further amendments.

Unanimous consent was granted.

Proposed ordinance (O-85A-07) by the Council:

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

Titled: AN ORDINANCE AMENDING TITLE 3, CHAPTER 05, BOISE CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

Moved by CLEGG and seconded by EBERLE that further reading of (O-86-07), (O-87-07) and (O-89-07) be dispensed with and the record show that they have been read the third time in full.

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

Motion carried.

Proposed ordinance (O-86-07) by the Council:

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

Titled: AN ORDINANCE (CAR06-00066/BRS ARCHITECTS FOR PROPERTY LOCATED AT 4262 N. EAGLE 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-1C (SINGLE FAMILY RESIDENTIAL) 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 third time.

Moved by CLEGG and seconded by EBERLE that the proposed ordinance (O-86-07) be passed and that the same be numbered Ordinance 6609.

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

Motion carried.

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Proposed ordinance (O-87-07) by the Council:

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

Titled: AN ORDINANCE (CAR07-00036/AV-CB, LLC. FOR PROPERTY LOCATED AT 12449 W. FRANKLIN) 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 1 DU/ACRE) TO R-2D (COMBINED RESIDENTIAL WITH DESIGN REVIEW 14.5 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-87-07) be passed and that the same be numbered Ordinance 6610.

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

Motion carried.

Proposed ordinance (O-89-07) by the Council:

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

Titled: AN ORDINANCE (CAR07-00043/WHITNEY FIRE DISTRICT FOR PROPERTY LOCATED AT 2515 S. FIVE MILE ROAD) DE-ANNEXING CERTAIN LANDS AND TERRITORY, SITUATED IN ADA COUNTY, IDAHO, AND ADJACENT AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF BOISE CITY; 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-89-07) be passed and that the same be numbered Ordinance 6611.

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

Motion carried.

Max Boesiger, Partial Vacation of Plat Note and Easement SOS07-00011 Palazzo Townhomes Subdivision (located on the north side of W. Palazzo Lane which is on the east

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side of N. Five Mile Road approximately 600 feet south of Fairview Avenue), was before the Mayor and Council.

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

Moved by CLEGG and seconded by EBERLE that Max Boesiger, Partial Vacation of Plat Note and Easement SOS07-00011 Palazzo Townhomes Subdivision 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.

N & T Holdings, LLC, Partial Vacation of Plat Note and Partial Easement Vacation SOS07-00015 Acadia Acres Subdivision (located on the northwest corner of West Overland Road and South Cloverdale Road), was before Mayor and Council.

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

Moved by CLEGG and seconded by EBERLE that N & T Holdings, LLC, Partial Vacation of Plat Note and Partial Easement Vacation SOS07-00015 Acadia Acres Subdivision 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.

Clinton Street Subdivision SUB04-00066 Time Extension for Boise City Engineer Certification, Boise City (located on the south side of West Clinton Street approximately 660 feet west of North Curtis Road), was before Mayor and Council.

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

Moved by CLEGG and seconded by EBERLE that Clinton Street Subdivision SUB04-00066 Time Extension for Boise City Engineer Certification, Boise City be granted as requested subject to conditions stated in staff.

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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 this was the time and place set for a public hearing on CAR07-00054/Prestige Homes, Inc. request for 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.

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 CAR07-00054/Prestige Homes, Inc. request for 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 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 CAR07-00035/Rezone and Development Agreement/The Idaho Athletic Club request for approval to rezone a +/- .35 acre parcel located at 2999 N. Harbor Lane from L-OD (Limited Office with Design Review) to C-2D/DA (General Commercial with Design Review and Development Agreement).

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

Shaun Wardle, 2239 E. Greiner, Street, Meridian, applicant representative, addressed the Council in support of the rezone and development agreement.

Mayor BIETER announced that the public hearing was closed.

Moved by CLEGG and seconded by EBERLE that CAR07-00035/Rezone and Development Agreement/The Idaho Athletic Club request for approval to rezone a +/- .35 acre parcel located at 2999 N. Harbor Lane from L-OD (Limited Office with Design Review) to C-1D/DA (General Commercial with Design Review and Development Agreement) be approved with the amendment to C-1D/DA.

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 CAR07-00053/Annexation/Joe and Melissa Ramaker request for 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.

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

Joe Ramaker, 4638 N. Crimson Place, applicant, addressed the Council in support of the annexation.

Ann Sabala, 4918 Arrow Junction Drive, Harris Ranch Homeowners Association representative, addressed the Council in opposition to the annexation.

Rocky Bogert, 2105 Warm Springs Avenue, East End Neighborhood Association representative, addressed the Council in support of an annexation to an A-2 (Open Land) zoning designation.

Mayor BIETER announced that the public hearing was closed.

Moved by CLEGG and seconded by EBERLE that CAR07-00053/Annexation/Joe and Melissa Ramaker request for approval of an annexation of +/- 26.2 acres located at 6312 E. Warm Springs Avenue be approved with a zoning designation of A-2 (Open Land).

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

Motion carried.

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Mayor BIETER announced that this was the time and place set for a public hearing on CVA07-00025/Appeal/Tony and Karen Deangelis appeal of the Hearing Examiner decision to deny a variance from the rear yard setback requirement on property located at 2005 N. Grace Street in a R-1CH (Single Family Residential with Historic Overlay) zone.

RECESS: 7:25 P.M.

RECONVENE: 7:30 P.M.

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

Terri Yost, 601 W. Bannock Street, appellant representative; Ken Reed, 2662 N. 38th Street, Architect; Tony Deangelis, 2005 N. Grace Street, appellant and Christian P. Aldrich, 1820 N. 21st Street, addressed the Council in support of the appeal.

Michael Mullaney, 1801 N. 20th Street; Christine King, 1808 N. 21st Street; Janice Mullaney, 1801 N. 20th Street and Tom Coolidge, 2012 Grace Street, addressed the Council in opposition to the appeal.

Mayor BIETER announced that the public hearing was closed.

Moved by JORDAN and seconded by CLEGG that CVA07-00025/Appeal/Tony and Karen Deangelis appeal of the Hearing Examiner decision to deny a variance from the rear yard setback requirement on property located at 2005 N. Grace Street in a R-1CH (Single Family Residential with Historic Overlay) zone be upheld and grant variance; overturn the Hearing Examiner's decision and that Findings be returned on November 13, 2007.

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 8:25 o'clock P.M.

APPROVE:

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MAYOR

ATTEST:

CITY CLERK