Council met in regular session Tuesday, July 14, 2009, Mayor DAVID H. BIETER, presiding.

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

Invocation was given by Alex Charlton, Clerk.

Moved by JORDAN and seconded by EBERLE that the minutes from the July 7, 2009, 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 JORDAN and seconded by EBERLE that the minutes from the July 7, 2009, 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 appointment of Gregory A. Ugrin to the Design Review Committee for a three year term ending January 28, 2012.

Councilmember JORDAN requested unanimous consent that the appointment of Gregory A. Ugrin to the Design Review Committee for a three year term ending January 28, 2012 be approved.

Unanimous consent was granted.
Moved by JORDAN and seconded by EBERLE that the Boise City Checks No. 306131 thru 306591 in the total amount of $1,566,893.20 as of July 8, 2009 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 09-162; 2009 Main Line Sewer Replacement, RSP-186, Public Works Department were before Mayor and Council as enumerated in staff report dated July 1, 2009.

RECOMMENDATION: The Department of Finance and Administration Division concurs with Public Works Department in recommending that F/B 09-162; 2009 Main Line Sewer Replacement, RSP-186 be awarded to the lowest responsive and responsible bidder, Cascade Pipeline, in a total amount not to exceed $152,260.50.

Moved by JORDAN and seconded by EBERLE that the recommendations be followed and F/B 09-162 be awarded to Cascade Pipeline, in the total contract amount of $152,260.50, 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 CP 09-200; Authorization to Procure One (1) Sewer Hydrocleaner off the Houston-Galveston Area Council (H-GAC) Contract were before Mayor and Council as enumerated in staff report dated July 2, 2009.

RECOMMENDATION: The Department of Finance and Administration Division concurs with Public Works Department in recommending that CP 09-200; Authorization to Procure One (1) Sewer Hydrocleaner off the Houston-Galveston Area Council (H-GAC) Contract be awarded to (A) Super Products, in a total amount of $169,091.84 and (B) Houston Freightliner, in a total amount of $80,418.00, for a total amount not to exceed $249,509.84.

Moved by JORDAN and seconded by EBERLE that the recommendations be followed and CP 09-200 be awarded to (A) Super Products, in a total amount of $169,091.84 and (B) Houston Freightliner, in a total contract amount of
$80,418.00 for a total combined amount not to exceed $249,509.84.

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

Motion carried.

Recommendation to Reject All Bids for RFP 09-075; Lobbying and Legislative Services, Aviation Department were before Mayor and Council as enumerated in staff report dated June 30, 2009.

RECOMMENDATION: The Department of Finance and Administration Division concurs with Aviation Department in recommending to Reject All Bids for RFP 09-075; Lobbying and Legislative Services.

Moved by JORDAN and seconded by EBERLE that the recommendations be followed and the bids be rejected for RFP 09-075; Lobbying and Legislative Services.

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

Motion carried.

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

a) Randy Hickox, Property Damage

Moved by JORDAN 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 August 18, 2009, in Council Chambers be confirmed for a public hearing on:

a) CAR08-00025/Rezone/Hawkins Companies LLC is requesting approval to rezone +/-19.57 acres located at 711 N. Curtis Road from A-1 (Open Land) to +/-5.51 acres of C-1D (Neighborhood commercial with Design Review) and +/-14.06
acres of L-OD (Limited Office with Design Review). A development agreement has been included with this request.

Moved by JORDAN and seconded by EBERLE that August 18, 2009 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) Boise City Airport Commission Minutes, May 28, 2009
b) Boise City Building Construction Report, June 2009
c) Foothills Conservation Advisory Committee Minutes, June 10, 2009
d) State of the Treasury Report, June 2009

Moved by JORDAN 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-202-09) by the Council:

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

Titled: A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF BOISE CITY, THROUGH ITS DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES, AND EL-ADA COMMUNITY ACTION AGENCY FOR THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR EMERGENCY RENT ASSISTANCE; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by JORDAN and seconded by EBERLE that the proposed resolution (R-202-09) be adopted and that same be numbered Resolution 20563.
Roll call on the motion resulted as follows: YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN and TIBBS.

Motion carried.

Proposed resolution (R-203-09) 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 IFB 09-022 COLLISTER LIBRARY LEASE, BOISE PUBLIC LIBRARY, BETWEEN THE CITY OF BOISE CITY AND COLLISTER SHOPPING CENTER, LLC, COLLIER INTERNATIONAL; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by JORDAN and seconded by EBERLE that the proposed resolution (R-203-09) be adopted and that same be numbered Resolution 20564.

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

Motion carried.

Proposed resolution (R-204-09) 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 CP 09-200(A); SEWER HYDROCLEANER, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND SUPER PRODUCTS; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by JORDAN and seconded by EBERLE that the proposed resolution (R-204-09) be adopted and that same be numbered Resolution 20565.

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

Motion carried.

Proposed resolution (R-205-09) 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 CP 09-200(B); SEWER HYDROCLEANER, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND HOUSTON FREIGHTLINER; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by JORDAN and seconded by EBERLE that the proposed resolution (R-205-09) be adopted and that same be numbered Resolution 20566.

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

Motion carried.

Proposed resolution (R-206-09) 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 09-162; 2009 SEWER MAIN LINE REPLACEMENT-PHASE II, RSP-186, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND CASCADE PIPELINE; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by JORDAN and seconded by EBERLE that the proposed resolution (R-206-09) be adopted and that same be numbered Resolution 20567.

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

Motion carried.

Proposed resolution (R-207-09) by the Council:

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

Titled: A RESOLUTION DECLARING THE INTENT OF THE CITY OF BOISE, BY AND THROUGH ITS FINANCE AND ADMINISTRATION DEPARTMENT, PUBLIC WORKS DEPARTMENT, LIBRARY DEPARTMENT AND PARKS AND RECREATION DEPARTMENT, TO INCREASE CERTAIN FEES AND CHARGES AT FACILITIES MANAGED BY THE FINANCE AND ADMINISTRATION DEPARTMENT, PUBLIC WORKS DEPARTMENT, LIBRARY DEPARTMENT AND PARKS AND RECREATION DEPARTMENT, INSTRUCTING THE CITY CLERK TO ESTABLISH AND TO PUBLISH NOTICE OF A HEARING TO CONSIDER THE PROPOSED FEE INCREASES; AND PROVIDING AN EFFECTIVE DATE, was read in full.
Moved by JORDAN and seconded by EBERLE that the proposed resolution (R-207-09) be adopted and that same be numbered Resolution 20568.

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

Motion carried.

Councilmember JORDAN 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-34-09) by the Council:

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

Titled: AN ORDINANCE (CAR09-00008/BOISE CITY FOR PROPERTY LOCATED AT 7000 E. COLUMBIA ROAD) ANNEXING CERTAIN LANDS AND TERRITORY, SITUATED IN ADA COUNTY, IDAHO, AND ADJACENT AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF BOISE CITY; ESTABLISHING AND DETERMINING THE LAND USE CLASSIFICATION OF SAID LANDS AS A-1 (OPEN LAND) AND R-1C (SINGLE FAMILY RESIDENTIAL); PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE ADA COUNTY ASSESSOR, THE ADA COUNTY RECORDER AND TREASURER AND THE IDAHO STATE TAX COMMISSION, AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE, was read for the second time.

South Gate Business Center, SUB09-00006, Preliminary Plat, Boise City (proposed industrial subdivision with six buildable lots on 13.97 acres located on the west side of S. Federal Way and the east side of Interstate 84, approximately one mile south of E. Gowen Road), was before Mayor and Council.

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

Moved by JORDAN and seconded by EBERLE that South Gate Business Center Subdivision, SUB09-00006, Preliminary Plat, be granted with a revised condition number 2.

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

Max Boesiger, Cascading Meadows Subdivision No. 2, Vacation of Easement and Partial Plat Note Vacation, SOS09-00008, Boise City (requests Boise City to vacate the platted Irrigation, Public Utilities, and Property Drainage Easement on either side of the common lot line between lots 5 and 7 located on the north side of W. Meadowlark Drive and at the corner between N. Forest Meadow Avenue and W. Alpine Meadow Street), was before Mayor and Council.

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

Moved by JORDAN and seconded by EBERLE that Max Boesiger, Cascading Meadows Subdivision No. 2, Vacation of Easement and Partial Plat Note Vacation, SOS09-00008, 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 CAR09-00011/Annexation/Ethel Ficks – request for approval to annex +/- 0.635 acres located at 5600 W. Hill Road with R-1B (Single Family Residential) zoning.

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 JORDAN and seconded by EBERLE that CAR09-00011/Annexation/Ethel Ficks – request for approval to annex +/- 0.635 acres located at 5600 W. Hill Road with R-1B (Single Family Residential) zoning 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 CAR09-00003/City of Boise - request for approval to rezone eight properties located on Grove Street between 5th and 6th Street from C-5HDC (Central Business with Historic Design Review and Capitol Boulevard District Overlay) to C-5DDC (Central Business with Downtown Design Review and Capitol Boulevard District Overlay) as well as adopt the 2008 surveys for the Old Boise District.

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

Charles Hummel, 305 N. Mobley Drive; Clay Carley, 106 N. 6th Street; Tim Gibson, 2074 Revere Street, Meridian and Steve Bradbury, 1015 W. Hayes Street, addressed the Council in opposition to the designation of the Gibson Funeral Home as contributing.

Mayor BIETER announced that the public hearing was closed.

Moved by JORDAN and seconded by EBERLE to adopt the 2008 surveys for the Old Boise District, with the Gibson Funeral Home be changed from contributing to noncontributing.

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

Motion carried.

Moved by JORDAN and seconded by EBERLE that CAR09-00003/City of Boise - request for approval to rezone eight properties located on Grove Street between 5th and 6th Street from C-5HDC (Central Business with Historic Design Review and Capitol Boulevard District Overlay) to C-5DDC (Central Business with Downtown Design Review and Capitol Boulevard District Overlay) 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 ZOA09-00001/The City of Boise - request for approval of an ordinance amendment to
modify Chapter 11-13 (Landscape Ordinance) of Boise City Code.

Josh Wilson, 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 JORDAN and seconded by EBERLE that ZOA09-00001/The City of Boise – request for approval of an ordinance amendment to modify Chapter 11-13 (Landscape Ordinance) of Boise City Code 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 CAR09-00007/Rezone/305 E. Jefferson, LLC – request for approval to rezone +/- 1.4 acres located at 305 E. Jefferson Street from R-3D (Multi-Family Residential with Design Review) to H-SD (Health Service with Design Review) and Mark Guho, Consent to Partially Vacate Public Alley Right-Of-Way, SOS09-00003, Boise City (requests Boise City’s consent to partially vacate the public alley right-of-way east of Avenue B between Jefferson Street and Bannock Street located in Block 8 of the John Krall’s Addition Subdivision).

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

Mark Senteno, Fire Department and Shawn Martin, Ada County Highway District, answered the Council’s questions.

Greg Allen, applicant representative, 2785 Bogus Basin and Jason Dence, applicant representative, 462 E. Shore Drive, Eagle, addressed the Council in support of the rezone and the consent to partially vacate public alley right-of-way.

John Eck, 300 E. Bannock; Tom Gostas, 508 Krall Street; Elizabeth Blin, 508 Krall Street and Steve Seibers, 9303 W. Priece Street, addressed the Council in opposition to the consent to partially vacate public alley right-of-
Mayor BIETER announced that the public hearing was closed.

Moved by EBERLE and seconded by JORDAN that CAR09-00007/Rezone/305 E. Jefferson, LLC - request for approval to rezone +/- 1.4 acres located at 305 E. Jefferson Street from R-3D (Multi-Family Residential with Design Review) to H-SD (Health Service with Design Review) be approved.

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

Motion carried.

Moved by JORDAN and seconded by EBERLE that Mark Guho, Consent to Partially Vacate Public Alley Right-Of-Way, SOS09-00003, be deferred to August 11, 2009.

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

Motion carried.

Moved by JORDAN and seconded by EBERLE that the Boise City Council meeting be adjourned.

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 8:43 o'clock P.M.