COUNCIL MEETING
AUGUST 15, 2006

Council met in regular session Tuesday, August 15, 2006, Mayor DAVID H. BIETER, presiding.

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

Invocation was given by Daniel Ridgeway, Baha’I Faith.

Moved by JORDAN and seconded by CLEGG that the minutes from the August 8, 2006, Boise City Council Work Session Meeting be approved.

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

Motion carried.

Moved by JORDAN and seconded by CLEGG that the minutes from the August 8, 2006, Boise City Council Meeting be approved.

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

Motion carried.

Councilmember JORDAN requested unanimous consent that Silverpine Subdivision SUB06-00052 Preliminary Plat, Ada County be deferred to August 29, 2006.

Unanimous consent was granted.

Councilmember JORDAN requested unanimous consent that CAR06-00034/Annexation/Micron Technology, Inc. request for approval of annexation of +/-48 acres located at 10136 S. Federal Way with a zoning designation of T-2D (Technological-Manufacturing Park with Design Review Overlay) be deferred until August 29, 2006.

Unanimous consent was granted.
Mayor BIETER announced that this was the time and place set for Citizen Commendation presentation for assisting Boise Emergency Services.

Renn Ross, Fire Department, presented the Citizen Commendation for assisting Boise Emergency Services to Antonio Bicandi.

Mayor BIETER announced that it was the time and place set for the appointment of Kate Walker to the Boise City Airport Commission to serve as a youth member for a one year term ending May 31, 2007.

Moved by JORDAN and seconded by CLEGG that the appointment of Kate Walker to the Boise City Airport Commission to serve as a youth member for a one year term ending May 31, 2007 be approved.

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

Motion carried.

Mayor BIETER announced that it was the time and place set for the appointment of Leah Harf to the Boise City Arts Commission to serve as a youth member for a one year term ending May 31, 2007.

Moved by JORDAN and seconded by CLEGG that the appointment of Leah Harf to the Boise City Arts Commission to serve as a youth member for a one year term ending May 31, 2007 be approved.

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

Motion carried.

Mayor BIETER announced that it was the time and place set for the appointment of Elissa Flandro to the Design Review Committee to serve as a youth member for a one year term ending May 31, 2007.

Moved by JORDAN and seconded by CLEGG that the appointment of Elissa Flandro to the Design Review Committee to serve as a youth member for a one year term ending May 31, 2007 be approved.
Roll call on the motion resulted as follows: YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

Mayor BIETER announced that it was the time and place set for the appointment of Erik Hasenoehrl to the Development Impact Fee Advisory Committee to serve as a youth member for a one year term ending May 31, 2007.

Moved by JORDAN and seconded by CLEGG that the appointment of Erik Hasenoehrl to the Development Impact Fee Advisory Committee to serve as a youth member for a one year term ending May 31, 2007 be approved.

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

Motion carried.

Mayor BIETER announced that it was the time and place set for the appointment of Lauren Brassey to the Foothills Advisory Committee to serve as a youth member for a one year term ending May 31, 2007.

Moved by JORDAN and seconded by CLEGG that the appointment of Lauren Brassey to the Foothills Advisory Committee to serve as a youth member for a one year term ending May 31, 2007 be approved.

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

Motion carried.

Mayor BIETER announced that it was the time and place set for the appointment of Colleen Smith to the Historic Preservation Commission to serve as a youth member for a one year term ending May 31, 2007.

Moved by JORDAN and seconded by CLEGG that the appointment of Colleen Smith to the Historic Preservation Commission to serve as a youth member for a one year term ending May 31, 2007 be approved.

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

Mayor BIETER announced that it was the time and place set for the appointment of Allison Dykman to the Boise City/Ada County Housing Authority to serve as a youth member for a one year term ending May 31, 2007.

Moved by JORDAN and seconded by CLEGG that the appointment of Allison Dykman to the Boise City/Ada County Housing Authority to serve as a youth member for a one year term ending May 31, 2007 be approved.

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

Motion carried.

Mayor BIETER announced that it was the time and place set for the appointment of Rachel Harman to the Library Board to serve as a youth member for a one year term ending May 31, 2007.

Moved by JORDAN and seconded by CLEGG that the appointment of Rachel Harman to the Library Board to serve as a youth member for a one year term ending May 31, 2007 be approved.

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

Motion carried.

Mayor BIETER announced that it was the time and place set for the appointment of Luke Studebaker to the Library Board to serve as a youth member for a one year term ending May 31, 2007.

Moved by JORDAN and seconded by CLEGG that the appointment of Luke Studebaker to the Library Board to serve as a youth member for a one year term ending May 31, 2007 be approved.

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

Motion carried.
Mayor BIETER announced that it was the time and place set for the appointment of Sara Jaszkowski to the Board of Park and Recreation Commissioners to serve as a youth member for a one year term ending May 31, 2007.

Moved by JORDAN and seconded by CLEGG that the appointment of Sara Jaszkowski to the Board of Park and Recreation Commissioners to serve as a youth member for a one year term ending May 31, 2007 be approved.

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

Motion carried.

Mayor BIETER announced that it was the time and place set for the appointment of Tony Blahd to the Planning and Zoning Commission to serve as a youth member for a one year term ending May 31, 2007.

Moved by JORDAN and seconded by CLEGG that the appointment of Tony Blahd to the Planning and Zoning Commission to serve as a youth member for a one year term ending May 31, 2007 be approved.

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

Motion carried.

Moved by JORDAN and seconded by CLEGG that the Boise City Checks No. 225579 thru 226134 in the total amount of $1,385,326.87 as of August 9, 2006 be approved.

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

Motion carried.

The Bid Results for F/B 06-109: Sodium Hypochlorite were before Mayor and Council as enumerated in staff report dated August 8, 2006.

RECOMMENDATION: The Purchasing Division concurs with Public Works Department in recommending that F/B 06-109: Sodium Hypochlorite be awarded to the lowest responsive and responsible bidder, Thatcher Company, in a total estimated amount of $186,000.
Moved by JORDAN and seconded by CLEGG that the recommendations be followed and the bid be awarded to Thatcher Company in a total estimated amount of $186,000.

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

Motion carried.

The Results for F/B 06-102: Boise Depot Gazebo were before Mayor and Council as enumerated in staff report dated August 2, 2006 and no bids were received.

RECOMMENDATION: The Purchasing Division concurs with Parks and Recreation Department in recommending that F/B 06-102: Boise Depot Gazebo be awarded on the Open Market.

Moved by JORDAN and seconded by CLEGG that the recommendations be followed and the bid be awarded on the Open Market.

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

Motion carried.

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

a) Kimberly Ann Christensen, Property Damage
b) Joe Levitch for Ilene Molitor, Property Damage

Moved by JORDAN and seconded by CLEGG that the claim(s) be acknowledged and referred to the office of the Treasurer as requested.

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

Motion carried.

The City Clerk requested September 12, 2006, in Council Chambers be confirmed for a public hearing on:

a) CAR06-00031/Rezone/David Marmillion requests approval for a rezone of +/- 0.43 acres located at 2109 S. Leadville Avenue and 801 W. Pennsylvania Street from R-1C (Single
Moved by JORDAN and seconded by CLEGG that September 12, 2006 in Council Chambers be confirmed as requested.

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

Motion carried.

The City Clerk requested September 19, 2006, in Council Chambers be confirmed for a public hearing on:

a) CAR06-00033/Zoning Ordinance Amendment/Capital City Development Corporation requests approval of a Zoning Ordinance Amendment to Chapter 11-11-06 and 11-11-08 regarding standards for portable signs in the C-5 (Central Business) Zoning Districts.

Moved by JORDAN and seconded by CLEGG that September 19, 2006 in Council Chambers be confirmed as requested.

Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY 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 Public Library Board of Trustees Minutes, June 7, 2006 and June 26, 2006
b) Boise Public Library Administration and Management Report, June 2006
c) Sole Source Purchase: Custom Hockey Uniforms and Socks to Pro Joy, Parks and Recreation Department
d) Development Impact Fee Advisory Committee Minutes, May 10, 2006
e) Boise City FY 2006 Third Quarter Report, April - June, 2006
Moved by JORDAN and seconded by CLEGG that the minutes, reports and requests be received and directed filed in the office of the City Clerk as requested.

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

Motion carried.

Councilmember JORDAN requested unanimous consent that the Alcohol Beverage Catering Permit for Hooligans be added to tonight's Council Consent agenda.

Unanimous consent was granted.

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

a) Hooligans regarding Ada Sherrif's Youth Foundation Fundraiser on August 18, 2006

Moved by JORDAN and seconded by CLEGG that the Alcohol Beverage Catering Permits be acknowledged and approved as requested.

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

Motion carried.

Proposed resolution (R-297-06) by the Council:

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

Titled: A RESOLUTION APPROVING A HOUSING REHABILITATION LOAN FOR CAROL A. PRITCHARD, FOR REAL PROPERTY LOCATED AT 2713 KERR STREET, BOISE, ID 83705; THROUGH 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; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by JORDAN and seconded by CLEGG that the proposed resolution (R-297-06) be adopted and that same be numbered Resolution 19196.

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

Proposed resolution (R-298-06) by the Council:

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

Titled: A RESOLUTION APPROVING A HOUSING REHABILITATION LOAN FOR TIFFANY KELLY, FOR REAL PROPERTY LOCATED AT 103 WALLACE STREET, BOISE, ID 83705; THROUGH 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 JORDAN and seconded by CLEGG that the proposed resolution (R-298-06) be adopted and that same be numbered Resolution 19197.

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

Proposed resolution (R-299-06) by the Council:

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

Titled: A RESOLUTION APPROVING A HOME LOAN AND REGULATORY AGREEMENT BETWEEN THE CITY OF BOISE CITY, THROUGH ITS DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES, AND BOISE VALLEY HABITAT FOR HUMANITY, INC., FOR THE USE OF HOME INVESTMENT PARTNERSHIP PROGRAM FUNDS FOR DEVELOPMENT OF AFFORDABLE HOMEOWNERSHIP SINGLE-FAMILY UNITS; 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 CLEGG that the proposed resolution (R-299-06) be adopted and that same be numbered Resolution 19198.

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

Proposed resolution (R-300-06) by the Council:
BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, AMENDMENT NUMBER 3 TO TASK ORDER NUMBER CE-15 TO RFP 02-070B MISCELLANEOUS CIVIL ENGINEERING SERVICES, BOISE CITY PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND JUB ENGINEERS, INC., AND PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by JORDAN and seconded by CLEGG that the proposed resolution (R-300-06) be adopted and that same be numbered Resolution 19199.

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

Motion carried.

Proposed resolution (R-301-06) by the Council:

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

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, AMENDMENT NUMBER 1 TO TASK ORDER NUMBER CE-20 TO RFP 02-070B MISCELLANEOUS CIVIL ENGINEERING SERVICES, BOISE CITY PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND JUB ENGINEERS, INC., AND PROVIDING AN EFFECTIVE DATE, was read in full.

Moved by JORDAN and seconded by CLEGG that the proposed resolution (R-301-06) be adopted and that same be numbered Resolution 19200.

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

Motion carried.

Proposed resolution (R-302-06) 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 2 TO F/B 04-084, PURCHASE OF SEED, FERTILIZER AND CHEMICALS, PUBLIC WORKS DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND PRODUCERS SUPPLY CO-OP, AND PROVIDING AN EFFECTIVE DATE; was read in full.
Moved by JORDAN and seconded by CLEGG that the proposed resolution (R-302-06) be adopted and that same be numbered Resolution 19201.

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

Motion carried.

Proposed resolution (R-303-06) by the Council: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF BOISE CITY, CHANGE ORDER NUMBER 1 TO F/B 05-0128 GREENBELT REPAIRS 05; PARKS AND RECREATION DEPARTMENT, BETWEEN THE CITY OF BOISE CITY AND MCALVAIN CONSTRUCTION, INC.; AND PROVIDING AN EFFECTIVE Date, was read in full.

Moved by JORDAN and seconded by CLEGG that the proposed resolution (R-303-06) be adopted and that same be numbered Resolution 19202.

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

Motion carried.

Councilmember JORDAN requested unanimous consent that all ordinances on first reading be read by number and title only and filed for the Second Reading Calendar.

Unanimous consent was granted.

Proposed ordinance (O-56-06) by the Council: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: AN ORDINANCE AMENDING BOISE CITY CODE TITLE 9, CHAPTER 14, SECTION 5, BOISE CITY CODE TO INCLUDE CERTAIN PROHIBITIONS AND EXCEPTIONS FOR POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE BOISE PARKS SYSTEM; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Proposed ordinance (O-57-06) by the Council:
BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: AN ORDINANCE REPEALING AND REENACTING BOISE CITY CODE TITLE 6, CHAPTER 1 TO DELETE OUTDATED SECTIONS; TO INCLUDE NEW VIOLATIONS FOR FAILURE TO DISPERSE, PUBLIC INTOXICATION, AGGRESSIVE SOLICITATION, DISORDERLY PREMISES, INDECENT EXPOSURE, AND VOYEURISM; TO AMEND EXISTING SECTIONS FOR CONSISTENCY WITH IDAHO STATE CODE AND FOR CLARITY; TO AMEND THE MAXIMUM PENALTIES FOR MISDEMEANORS; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

Proposed ordinance (O-58-06) by the Council:
BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: AN ORDINANCE, ENTITLED THE "ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006," APPROPRIATING $479,925,754 DEEMED NECESSARY TO DEFRAY ALL EXPENSES AND LIABILITIES OF THE CITY OF BOISE CITY, IDAHO, FOR SAID FISCAL YEAR, AUTHORIZING A LEVY OF A SUFFICIENT TAX UPON THE TAXABLE PROPERTY AND SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SAID APPROPRIATION IS MADE, AND PROVIDING AN EFFECTIVE DATE, was read for the first time.

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-21A-06) by the Council:
BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: AN ORDINANCE (CAR05-00052/HALE DEVELOPMENT FOR PROPERTY LOCATED AT 909 W. IOWA STREET) AMENDING ORDINANCE NO. 6467 FOR THE REZONE OF PROPERTY IN BOISE CITY TO REZONE PROPERTY FROM R-1C (SINGLE FAMILY RESIDENTIAL) TO R-1MD (SINGLE FAMILY MODULAR LOTTING WITH DESIGN REVIEW, TO CORRECT AN ERROR IN THE ZONING DESIGNATION AND ADD THE DESIGN REVIEW DESIGNATION; AND PROVIDING AN EFFECTIVE DATE, was read for the second time.

Proposed ordinance (O-48-06) by the Council:
BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.
Titled: AN ORDINANCE (CAR06-00013/BOISE CITY FOR PROPERTY LOCATED BETWEEN THE NEW YORK CANAL AND THE BOISE AIRPORT) 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 M-1D (LIMITED INDUSTRIAL WITH DESIGN REVIEW); 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 second time.

Proposed ordinance (O-51-06) by the Council:
BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: AN ORDINANCE (CAR06-00015/DANIEL GIBSON BY THE LAND GROUP, INC. FOR PROPERTY LOCATED AT 4195 N. EAGLE ROAD) AMENDING ZONING LINES ON A PARCEL OF REAL PROPERTY PARTICULARLY DESCRIBED IN SECTION ONE OF THIS ORDINANCE AND AS INDICATED IN EXHIBITS "A" AND "B" AS N-OD (NEIGHBORHOOD OFFICE WITH DESIGN REVIEW) AND R-1C (SINGLE FAMILY RESIDENTIAL); SETTING FORTH FINDINGS OF FACT IN SUPPORT OF SUCH ZONING LINE ADJUSTMENT; AND PROVIDING AN EFFECTIVE DATE, was read for the second time.

Proposed ordinance (O-52-06) by the Council:
BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: AN ORDINANCE (CAR06-00023/CITY OF BOISE) TO AMEND TITLE 11, CHAPTER 10, SECTION 5, PARAGRAPH D, SUBSECTIONS 2A, 3A AND 4A, TO EXPAND THE BOUNDARIES OF THE P-1 AND P-2 PARKING OVERLAY ZONES; AND PROVIDING AN EFFECTIVE DATE, was read for the second time.

Proposed ordinance (O-53-06) by the Council:
BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: AN ORDINANCE (CAR06-00026) ADDING TITLE 11, CHAPTER 22 TO CREATE A PROCESS AND STANDARDS FOR THE ADOPTION OF "SPECIFIC PLAN PROJECTS" INTO THE ZONING ORDINANCE; AND APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE, was read for the second time.

Proposed ordinance (O-54-06) by the Council:
BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: AN ORDINANCE (CAR06-00019/WILLIAM R. SMITH, LLC. FOR PROPERTY LOCATED AT 6401 S. EISENMAN 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 C-4D (PLANNED COMMERCIAL WITH DESIGN REVIEW) TO M-1D/DA (LIMITED INDUSTRIAL WITH DESIGN REVIEW AND A DEVELOPMENT AGREEMENT); SETTING FORTH FINDINGS OF FACT IN SUPPORT OF SUCH ZONE CHANGE; AND PROVIDING AN EFFECTIVE DATE, was read for the second time.

Proposed ordinance (O-55-06) by the Council:

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

Titled: AN ORDINANCE (CAR05-00044/DYVER DEVELOPMENT, LLC. FOR PROPERTY LOCATED AT 2364 S. TITANIUM) 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 PC-D/DA (PEDESTRIAN COMMERCIAL WITH DESIGN REVIEW AND A DEVELOPMENT AGREEMENT); SETTING FORTH FINDINGS OF FACT IN SUPPORT OF SUCH ZONE CHANGE; AND PROVIDING AN EFFECTIVE DATE, was read for the second time.

Moved by JORDAN and seconded by CLEGG that further reading of (O-44-06), (O-47-06) and (O-49-06) 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, SHEALY and TIBBS.

Motion carried.

Proposed ordinance (O-44-06) by the Council:

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

Titled: AN ORDINANCE AMENDING BOISE CITY CODE TITLE 6, CHAPTER 07, SECTION 01 ("DEFINITIONS") TO ADD "AND DESIGNEE" TO THE "CITY CLERK" DEFINITION, AND TO MODIFY THE WORD "TRESPASS" WITHIN THE "VICIOUS ANIMAL" DEFINITION WITH THE WORD "WILLFUL"; AMENDING SECTION 15 ("UNIFORM SUMMONS – MAIL IN FILES - PROSECUTION") TO INCLUDE THE CITY CLERK AS AN ENFORCEMENT OFFICER; AMENDING SECTION 17 ("DOGS, SPECIAL PROVISIONS") TO ESTABLISH LICENSE FEES FOR DOGS PURSUANT TO
A CITY CLERK LICENSE FEE SCHEDULE TO BE ADOPTED BY RESOLUTION; AMENDING SECTION 22 A. 1. ("RABIES, DISEASES AND QUARANTINE") TO STRIKE PORTIONS OF THE CODE RELATING TO RABIES VACCINATION PROOF; AND PROVIDING AN EFFECTIVE DATE, was read for the third time.

Moved by JORDAN and seconded by CLEGG that the proposed ordinance (O-44-06) be passed and that the same be numbered Ordinance 6490.

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

Motion carried.

Proposed ordinance (O-47-06) by the Council:
BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: AN ORDINANCE (CAR06-00016/BOISE CITY) TO AMEND THE BOISE CITY CODE, TITLE 11, CHAPTER 15, SECTION 4.D AND E TO AFFECT THE WAY IN WHICH TITLE 4, CHAPTER 12 OF THE BOISE CITY CODE, THE IMPACT FEE ORDINANCE, IS APPLIED WITHIN THE AREA OF IMPACT; AND PROVIDING AN EFFECTIVE DATE, was read for the third time.

Moved by JORDAN and seconded by CLEGG that the proposed ordinance (O-47-06) be passed and that the same be numbered Ordinance 6491.

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

Motion carried.

Proposed ordinance (O-49-06) by the Council:
BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Titled: AN ORDINANCE ENACTING BOISE CITY CODE TITLE 5, CHAPTER 37 TO PROHIBIT EXCESSIVE PRICE INCREASES FOR CERTAIN COMMODITIES IN THE EVENT OF A DECLARED PUBLIC EMERGENCY; AND PROVIDING AN EFFECTIVE DATE, was read for the third time.

Moved by JORDAN and seconded by CLEGG that the proposed ordinance (O-49-06) be passed and that the same be numbered Ordinance 6492.
Roll call on the motion resulted as follows:
YEAS: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY and TIBBS.

Motion carried.

Boulder Heights Subdivision SOS06-00009 Waiver of Subdivision Ordinance, Boise City, was before Mayor and Council.

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

Wendy Haustveit, 405 W. Myrtle, developer representative, addressed the Council in support of the waiver of subdivision ordinance.

Moved by JORDAN and seconded by CLEGG that Boulder Heights Subdivision SOS06-00009 Waiver of Subdivision Ordinance, Boise City be granted as requested subject to conditions stated in staff.

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

Motion carried.

Crane Creek Hollow Subdivision SOS06-00012 Partial Easement and Plat Note Vacation, Boise City, was before Mayor and Council.

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

Thomas Drechsler, 1335 Harcourt Drive, addressed the Council in opposition of the vacation.

Guy Whitted, 415 N. Balmoral, applicant, addressed the Council in support of the vacation.

Moved by JORDAN and seconded by CLEGG that Crane Creek Hollow Subdivision SOS06-00012 Partial Easement and Plat Note Vacation, Boise City be granted as requested subject to conditions stated in staff report.

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

Motion carried.
Sommerset Ridge Subdivision, Phase II SUB04-00056 Bonding Time Extension, Boise City, was before Mayor and Council.

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

Cameron Jayo, 688 W. Grey Pebble, Eagle, applicant, addressed the Council in support of the bonding time extension.

Moved by EBERLE and seconded by JORDAN that Sommerset Ridge Subdivision, Phase II SUB04-00056 Bonding Time Extension, Boise City be granted as requested subject to conditions stated in staff report.

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

Motion carried.

Latona Subdivision SUB06-00034 Preliminary Plat, Boise City, was before Mayor and Council.

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

Matthew Schultz, 2127 S. Alaska Way, Meridian, applicant representative, addressed the Council in support of the subdivision.

Moved by CLEGG and seconded by JORDAN that Latona Subdivision SUB06-00034 Preliminary Plat, Boise City be granted as requested subject to conditions stated in staff report.

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

Motion carried.

Blackeagle Condominiums SUB06-00035 Preliminary and Final Plat, Boise City, was before Mayor and Council.

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

Moved by JORDAN and seconded by CLEGG that Blackeagle Condominiums SUB06-00035 Preliminary and Final
Plat, Boise City be granted as requested subject to conditions stated in staff report.

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

Motion carried.

Varian Heights Subdivision SUB06-00050 Preliminary Plat, Ada County, was before Mayor and Council.

David Abo, Planning and Development Services and Dave Hanneman, Fire Department, presented the staff report.

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

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

Thomas Figueroa, 3955 Argonaut; Rod Gallegos, 3954 Argonaut and Michelle Figueroa, 3955 Argonaut, addressed the Council in opposition to the road going through the development.

Councilmember JORDAN requested unanimous consent that Varian Heights Subdivision SUB06-00050 Preliminary Plat, Ada County be deferred to August 22, 2006.

Unanimous consent was granted.

Mayor BIETER announced that this was the time and place set for a public hearing on DRH06-00027/Appeal/The Depot Bench Neighborhood Association appeal of the Boise City Planning and Zoning Commission’s denial of an appeal previously denied by the Design Review Committee. In denying the appeal, the Design Review Committee upheld an administrative approval to construct a single family residence on a substandard lot of record located at 110 South Peasley Street in an R-2 (Combined Residential) zone.

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

Terry Little, ACHD, answered the Council's questions.

John Gannon, 1104 Johnson Street; Kay Reed, 3200 Agate Court and Ray Powers, 3117 Crescent Rim Drive,
appellant representatives, addressed the Council in support of the appeal.

Ken Reed, 2662 N. 38th Street, applicant representative and Terri Yost, Givens Pursley, 601 W. Bannock Street, applicant representative, addressed the Council in opposition of the appeal.

Mayor BIETER announced that the public hearing was closed.

Moved by JORDAN and seconded by CLEGG that DRH06-00027/Appeal/The Depot Bench Neighborhood Association appeal of the Boise City Planning and Zoning Commission’s denial of an appeal previously denied by the Design Review Committee be denied and uphold the decision of the Design Review Commission and the Planning and Zoning Commission with the amendment that no building permit shall be issued until survey is complete and it can be proven that the building can be built with appropriate setbacks on the surveyed lot.

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

Motion carried.

There being no further business the meeting adjourned at 10:30 o'clock P.M.

APPROVE:

__________________________________
MAYOR

ATTEST:

__________________________________
CITY CLERK