



# City of Boise Resolution Agreement

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**TO:** Mayor and Council  
**FROM:** Jennifer Pitino, Legal  
**NUMBER:** RES-451-17  
**DATE:** August 29, 2017  
**SUBJECT:** First Amendment and Addendum to the Master License Agreement with ACHD

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## **BACKGROUND:**

On February 16, 2010, the City of Boise (“City”) and the Ada County Highway District (“ACHD”) entered into a Master License Agreement (“MLA”). The MLA authorized the City to regulate, license, administer, and enforce the placement of facilities (including, but not limited to, newsstands, ATMS, signs, planters, benches, fountains, fences, streetlights, sidewalk cafes, outdoor eateries, interlocking pavers, and similar commercial and public structures) on the sidewalks within the public rights-of-way located in the “Greater Downtown Area.” Subsequently, on June 12, 2012, the City Council approved a “First Amendment and Addendum to the Master License Agreement” that added valet parking operations to the scope of the City’s regulatory authority. On February 25, 2015, the MLA, including the First Amendment and Addendum, was repealed and replaced by the current “Master License Agreement for Regulation and Control of Sidewalk and Parking Facilities in the Greater Downtown Area.” The current MLA was enacted to add the use of parking meter sensors to the scope of the City’s regulatory authority.

The neighborhoods abutting the current Greater Downtown Area controlled under the MLA are experiencing rapid growth and change in character. As a result, the increased parking demands within these neighborhoods require proactive, thoughtful parking enforcement, that shall include but not be limited to, parking meters, time-limited parking zones and signage, and the creation of Residential Parking Zones. The City and ACHD agree to expand the parameters of the area controlled under the MLA to add three new districts to the Greater Downtown Area. Those additional districts are the Lusk Street Residential Area and the BSU Impact Area, located adjacent Boise State University, and the 30<sup>th</sup> Street Urban Renewal District on the westside of downtown.

All other terms of the existing MLA (as amended) remain unchanged.

## **FINANCIAL IMPACT:**

## CITY OF BOISE

None

### **ATTACHMENTS:**

- [MLA Addendum Map - Exhibit A \(PDF\)](#)
- [MLA Addendum Map - Exhibit B \(PDF\)](#)
- [First Amendment and Addendum to Master License Agreement \(PDF\)](#)

CITY OF BOISE

Resolution NO. RES-451-17

BY THE COUNCIL

CLEGG , JORDAN, LUDWIG, MCLEAN,  
QUINTANA, AND THOMSON

**A RESOLUTION APPROVING THE FIRST AMENDMENT AND ADDENDUM TO THE MASTER LICENSE AGREEMENT FOR REGULATION AND CONTROL OF SIDEWALK AND PARKING FACILITIES IN THE GREATER DOWNTOWN AREA, BETWEEN THE CITY OF BOISE CITY AND THE ADA COUNTY HIGHWAY DISTRICT (“ACHD”); AUTHORIZING THE MAYOR AND CITY CLERK TO RESPECTIVELY EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, ACHD and the City entered into a Master License Agreement for the Regulation and Maintenance of Sidewalk Facilities in the Greater Downtown Area on February 16, 2010, in which ACHD agreed to grant the City a limited license in the Greater Downtown Area to regulate and control the size, placement, operation and maintenance of all newsstands, ATM’s, signs, planters, benches, fountains, fences, streetlights, sidewalk cafes, outdoor eateries, interlocking pavers, and similar commercial and public structures, objects, and other facilities on the sidewalks within the public rights-of-way located in the Greater Downtown Area; and,

**WHEREAS**, On June 12, 2012, the City Council approved a “First Amendment and Addendum to the Master License Agreement” that added valet parking operations to the scope of the City’s regulatory authority; and,

**WHEREAS**, On February 25, 2015, the Master License Agreement (including the First Amendment and Addendum), was repealed and replaced by the current Master License Agreement for Regulation and Control of Sidewalk and Parking Facilities in the Greater Downtown Area, which controls the maintenance of sidewalk facilities, valet parking operations, and parking meters; and,

**WHEREAS**, Pursuant to Idaho Code § 40-1415(8), the City has the authority to install, maintain, and remove parking meters within City limits and is authorized to keep all revenues received thereof. In addition, the City has the authority to enforce ordinances regulating the use of parking meters; and,

**WHEREAS**, Three neighborhoods located adjacent to the current Greater Downtown Area have experienced significant expansion in housing units and building of structures that attract visitors into these areas, thereby creating a heavy demand on parking resources; and,

**WHEREAS**, In response to the rapidly changing character of these neighborhoods abutting the current Greater Downtown Area controlled under the Master License Agreement,

CITY OF BOISE

the City and ACHD agree to extend the parameters of that area to include three new districts: the Lusk Street Residential Area and the BSU Impact Area, located adjacent to Boise State University, and the 30<sup>th</sup> Street Urban Renewal District on the westside of downtown.

**BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:**

**Section 1.** That the First Amendment and Addendum to the Master License Agreement, between the city of Boise City and the Ada County Highway District, attached hereto and incorporated herein by reference, be, and the same is hereby, approved as to both form and content.

**Section 2.** That the Mayor and City Clerk be, and they hereby are, authorized to respectively execute and attest said First Amendment and Addendum to the Master License Agreement for and on behalf of the city of Boise City.

**Section 3.** That this Resolution shall be in full force and effect immediately upon its adoption and approval.

ADOPTED by the Council of Boise City, Idaho, on September 12, 2017.

APPROVED by the Mayor of the Boise City, Idaho, on September 12, 2017.

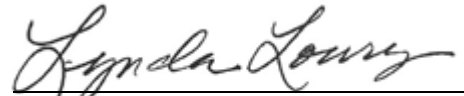
APPROVED:



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David H. Bieter, Mayor



ATTEST:



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Lynda Lowry, Ex-Officio City Clerk