

**CITY OF FOSTER CITY/
ESTERO MUNICIPAL IMPROVEMENT DISTRICT/
FOSTER CITY COMMUNITY DEVELOPMENT AGENCY**

REGULAR MEETING OF JANUARY 4, 2010

MINUTES

CALL TO ORDER OF FOSTER CITY COMMUNITY DEVELOPMENT AGENCY BOARD

The Regular Meeting of January 4, 2010 of the Community Development Agency (CDA) of the City of Foster City was called to order at 7:32 p.m. in the Council Chambers, 620 Foster City Boulevard, Foster City, San Mateo County, California, by Chair Wykoff.

ROLL CALL

The Secretary called the roll:

PRESENT: Members Charlie Bronitsky, Pam Frisella, Art Kiesel, Linda Koelling, and Chair Rick Wykoff.

ABSENT: None.

STAFF PRESENT: James C. Hardy, Executive Director/Treasurer and Doris L. Palmer, CDA Secretary.

CONSENT CALENDAR

Motion by Member Kiesel, seconded by Member Bronitsky, and carried unanimously, 5-0-0, to adopt CDA Minute Order No. 35, accepting the Year-End Report on Community Development Agency Activities for Fiscal Year 2008-2009.

ADJOURNMENT

Hearing no objection from the CDA Board, Chair Wykoff adjourned the meeting. Meeting adjourned at 7:33 p.m.

CALL TO ORDER OF CITY COUNCIL/EMID BOARD OF DIRECTORS

The Regular Meeting of January 4, 2010 of the City Council of the City of Foster City, sitting as said Council and as ex officio the Board of Directors of the Estero Municipal Improvement District (EMID), was called to order at 7:33 p.m. in the Council Chambers, 620 Foster City Boulevard, Foster City, San Mateo County, California, by Mayor/ President Rick Wykoff.

ROLL CALL

The City Clerk/District Secretary called the roll:

PRESENT: Councilmembers/ex officio Directors Charlie Bronitsky, Pam Frisella, Art Kiesel, Linda Koelling, and Mayor/President Rick Wykoff.

ABSENT: None.

STAFF PRESENT: James C. Hardy, City/District Manager/City Treasurer; Jean Savaree, City Attorney/District Legal Counsel; Kristi Chappelle, Assistant City Manager; Ramon Towne, Public Works Director; Richard B. Marks, Community Development Director; Steve Toler, Finance Director, Curtis Banks, Planning Manager; Kohar Kojayan, Assistant Planner; Laura Galli, Assistant Engineer; Andra Lorenz, Management Analyst; Mike Sly, Video Technician; Bridget Carberry, Video Technician; and Doris L. Palmer, City Clerk/District Secretary/Recording Secretary.

SPECIAL PRESENTATIONS

LEAGUE OF CALIFORNIA CITIES—PAST SUCCESSES AND GOALS FOR 2010.

Ron Swegles, Councilmember from Sunnyvale and Peninsula Division President, presented the Peninsula Division and League of California Cities update to the City Council.

CONSENT CALENDAR

Motion by Vice Mayor/Vice President Koelling, seconded by Councilmember/Director Kiesel, and carried unanimously, 5-0-0, approving the following items on the City/District Consent Calendar:

City Consent Calendar

1. City Resolution No. 2010-1, "A Resolution of the City Council of the City of Foster City Approving the Consent to Assignment of the Franchise Collection Agreement by Allied Waste Industries, Inc. to Republic Services, Inc.;"
2. City Resolution No. 2010-2, "A Resolution of the City Council of the City of Foster City Approving an Agreement for Cablecasting Services Between the City of Foster City and Peninsula Television, Inc. for FY 2009-2010 and FY 2010-2011;" and
3. Accept Staff Report Setting a Date and Time to Develop the Policy Calendar for 2010 (Study Session to be held on Monday, January 25, 2010 at 4:00 p.m.).

PUBLIC HEARINGS

COLLECTION RATES FOR 2010 FOR REFUSE AND RECYCLABLE AND PLANT MATERIALS. MINUTE ORDER NO. 1176.

Public Works Director Towne presented the staff report.

Hearing unanimous consensus of the City Council, Minute Order No. 1176 was adopted, 5-0-0, authorizing staff to proceed with the public notice and majority protest procedures as outlined by Proposition 218 and hold a public hearing on March 15, 2010 to consider adoption of a 4% rate increase to be effective June 1, 2010. Staff was further directed to

prepare information regarding the AB 939 fee recently imposed by the County of San Mateo, the first-year adjustments that are allowable under the new franchise agreement with Recology and the future use of the balancing account for rate smoothing.

CHAPTER 8.70, INDOOR WATER USE EFFICIENCY, OF TITLE 8, WATER AND SEWER SERVICE OF THE ESTERO MUNICIPAL IMPROVEMENT DISTRICT CODE. EMID ORDINANCE NO. 127.

President Wykoff opened a public hearing to consider adding Chapter 8.70, Indoor Water Use Efficiency, of Title 8, Water and Sewer Service of the Estero Municipal Improvement District Code.

Public Works Director Towne presented the staff report.

No public testimony was received.

President Wykoff closed the public hearing.

Motion by Vice President Koelling, seconded by Director Frisella, and carried unanimously, 5-0-0, to introduce by title and waive further reading of EMID Ordinance No. 127, "Adding Chapter 8.70, Indoor Water Use Efficiency, of Title 8, Water and Sewer Service of the Estero Municipal Improvement District Code."

Motion by Director Frisella, seconded by Director Bronitsky, and carried unanimously, 5-0-0, to adopt EMID Ordinance No. 127.

CHAPTER 8.80, OUTDOOR WATER USE EFFICIENCY, OF TITLE 8, WATER AND SEWER SERVICE OF THE ESTERO MUNICIPAL IMPROVEMENT DISTRICT CODE. EMID ORDINANCE NO. 128.

President Wykoff opened a public hearing to consider adding Chapter 8.80, Outdoor Water Use Efficiency, of Title 8, Water and Sewer Service of the Estero Municipal Improvement District Code.

Public Works Director Towne presented the staff report.

No public testimony was received.

President Wykoff closed the public hearing.

Motion by Director Frisella, seconded by Director Bronitsky, and carried unanimously, 5-0-0, to introduce by title and waive further reading of EMID Ordinance No. 128, "Adding Chapter 8.80, Outdoor Water Use Efficiency, of Title 8, Water and Sewer Service of the Estero Municipal Improvement District Code."

Motion by Director Bronitsky, seconded by Vice President Koelling, and carried unanimously, 5-0-0, to adopt EMID Ordinance No. 128.

REZONING/GENERAL DEVELOPMENT PLAN AMENDMENT – THE OWNER HAS REQUESTED CITY OF FOSTER CITY APPROVAL FOR A REZONING/GENERAL

DEVELOPMENT PLAN AMENDMENT TO THE VINTAGE PARK GENERAL DEVELOPMENT PLAN TO ALLOW DAYCARE USE – 1299 CHESS DRIVE – NEIGHBORHOOD VP – SEBANC/BRAMHE – RZ-09-007.

At 8:21 p.m. Councilmember Bronitsky recused himself and left the Council Chambers when this item was discussed as he participated as a Planning Commissioner when this item was considered by the Planning Commission.

Mayor Wykoff opened a public hearing to consider comments regarding Rezoning/General Development Plan Amendment – the Owner has Requested City of Foster City Approval for a Rezoning/General Development Plan Amendment to the Vintage Park General Development Plan to Allow Daycare Use – 1299 Chess Drive – Neighborhood VP – Sebanc/Bramhe – RZ-09-007.

Community Development Director Marks presented the staff report.

The following individuals provided public testimony to the City Council in favor of the rezoning to allow daycare use at 1299 Chess Drive:

1. Stanley Lo, real estate agent, 199 California, Suite 168, Milbrae
2. Sullivan Santos, designer, 1950 Beach Park Boulevard, Foster City
3. Sheila Bramhe, appellant, 1950 Beach Park Boulevard, Foster City
4. Atul Bramhe, appellant, 1950 Beach Park Boulevard, Foster City
5. David Finkelstein, real estate attorney, 1528 S. El Camino Real, Suite 306, San Mateo

Discussion ensued.

Motion by Councilmember Frisella, seconded by Vice Mayor Koelling, and failed, 2-2-0, Councilmember Kiesel and Mayor Wykoff voted “No,” to proceed with an amendment to the zoning map.

RECESS: The Chair recessed the meeting from 9:20 p.m. to 9:25 p.m.

AMENDMENTS TO TABLE 1, REAL ESTATE AND CONSTRUCTION SIGNS, OF SECTION 15.12.180, TEMPORARY SIGNS, OF CHAPTER 15.12, SIGN CONTROL OF THE FOSTER CITY MUNICIPAL CODE TO ALLOW CONSTRUCTION SIGNS ON RESIDENTIAL PROPERTIES IN FOSTER CITY – RZ-09-005.

At 8:21 p.m. Councilmember Bronitsky recused himself and remained outside the Council Chambers when this item was discussed due to a source of income conflict of interest.

Assistant Planner Kojayan presented the staff report.

Public testimony was received from Larry Lowenthal, owner of Gilman Screens and Kitchens, 620 Greenwich Lane, in support of an amendment to allow regulated lawn signs in Foster City.

Discussion ensued.

Motion by Mayor Wykoff, seconded by Councilmember Frisella, and carried unanimously, 4-0-0, to introduce by title and waive further reading of "Approving Amendments to Section 15.12.180 – Temporary Signs of Chapter 15.12 – Sign Control of Title 15, Building and Construction, of the Foster City Municipal Code."

Motion by Mayor Wykoff, seconded by Councilmember Frisella, and carried unanimously, 4-0-0, to pass ordinance to second reading with amendments.

Councilmember Bronitsky returned to the Council Chambers at 10:06 p.m.

NEW BUSINESS

APPOINTMENT OF ONE MEMBER TO THE FOSTER CITY PLANNING COMMISSION.
CITY RESOLUTION NO. 2010-3.

City Clerk Palmer presented the staff report.

Planning Commissioner applicants Chuck Beering and Paul C. Williams were interviewed by the City Council.

Motion by Councilmember Kiesel, seconded by Vice Mayor Koelling, and carried unanimously, 5-0-0, to adopt City Resolution No. 2010-3, "A Resolution of the City Council of the City of Foster City Appointing One Member to the Foster City Planning Commission." Paul Williams was appointed to an unexpired partial term from June 1, 2008 to May 31, 2012 on the Planning Commission due to the election of Planning Commissioner Charlie Bronitsky to the City Council.

RESOLUTIONS FOR ADOPTION

PUBLIC SIDEWALK MAINTENANCE POLICY FOR THE CITY OF FOSTER CITY. CITY RESOLUTION NO. 2010-4.

Public Works Director Towne presented the staff report.

Discussion ensued.

Motion by Vice Mayor Koelling, seconded by Councilmember Kiesel, and carried unanimously, 5-0-0, to adopt Resolution No. 2010-4, "A Resolution of the City Council of the City of Foster City Approving the Public Sidewalk Maintenance Policy for the City of Foster City."

PRIVATE SIDEWALK MAINTENANCE POLICY FOR THE CITY OF FOSTER CITY.
TABLED.

Hearing consensus of the City Council, Mayor Wykoff tabled this item.

At the direction of the City Council, the City Manager will provide further information for Council consideration regarding the Private Sidewalk Maintenance Policy.

COUNCIL/BOARD STATEMENTS AND REQUESTS

Councilmember/Director Frisella announced the reopening of the Foster City Library January 9 at 10 a.m. She advised she is looking forward to it. She also wished everyone a very Happy New Year.

Councilmember/Director Kiesel announced the Rotary/Lions joint fundraiser to benefit the Foster City Police and Fire Departments will be held on January 29, 6:00 p.m., at the Foster City Recreation Center.

Vice Mayor/Vice President Koelling thanked Ron Swegles, Councilmember from Sunnyvale and Peninsula Division President of the League of California Cities for attending tonight's meeting and making a presentation regarding a very important local government effort to gather signatures through April to get an initiative on the ballot that would limit the state from taking city funds.

ADJOURNMENT

Hearing no objection from the Council/Board, Mayor/President Wykoff adjourned the meeting. Meeting adjourned at 10:45 p.m.