

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

**REGULAR MEETING OF MAY 3, 2010**

**MINUTES**

**CALL TO ORDER OF FOSTER CITY COMMUNITY DEVELOPMENT AGENCY BOARD**

The Regular Meeting of May 3, 2010 of the Community Development Agency (CDA) of the City of Foster City was called to order at 6:30 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 Executive Director/Treasurer and Doris L. Palmer, CDA Secretary.

**CONSENT CALENDAR**

Motion by Member Kiesel, seconded by Vice Chair Koelling, and carried unanimously, 5-0-0, to adopt the Minutes of the Regular Meeting of April 19, 2010 on the CDA Consent Calendar

**RESOLUTIONS FOR ADOPTION**

**AUTHORIZING A LOAN FROM THE PROJECT ONE AREA HOUSING FUNDS TO THE PROJECT ONE AREA GENERAL FUNDS. CDA RESOLUTION NO. 283.**

Executive Director Hardy presented the staff report.

Discussion ensued.

Motion by Member Frisella, seconded by Vice Chair Koelling, and carried unanimously, 5-0-0, to adopt CDA Resolution No. 283, "A Resolution of the Community Development Agency of the City of Foster City Authorizing a Loan from the Project One Area Housing Funds to the Project One Area General Funds in the Amount of \$5,639,604 for Purposes of Paying the Agency's Allocation of the Supplemental Educational Revenue Augmentation Fund (SERAF) for FY 2009-2010."

Meeting recessed at 6:34 p.m. and reconvened at 7:57 p.m.

## **CLOSED SESSION**

Chair Wykoff recessed the meeting into Closed Session for a conference with legal counsel regarding existing litigation pursuant to Government Code §54956.9(a) California Redevelopment Association, Community Redevelopment Agency of the City of Union City; Fountain Valley Agency for Community Development, and John F. Shirey, an individual, vs. Michael C. Genest, Director of the Department of Finance; and Patrick O'Connell, Auditor-Controller of the County of Alameda on his own behalf and as the representative of all other County Auditors in the State of California, and Does 1 through 30; Sacramento Superior Court Case No. 34-2009-80000359.

Meeting recessed into Closed Session at 7:57 p.m. and reconvened at 8:17 p.m.

Chair Wykoff reported that no action was taken in Closed Session.

## **ADJOURNMENT**

Hearing no objection from the CDA Board, Chair Wykoff adjourned the meeting. Meeting adjourned at 8:17 p.m.

## **CALL TO ORDER OF CITY COUNCIL/EMID BOARD OF DIRECTORS**

The Regular Meeting of May 3, 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 6:34 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; Gregory Rubens, Deputy City Attorney/District Legal Counsel; Kristi Chappelle, Assistant City Manager; Ramon Towne, Public Works Director; Kevin Miller, Director of Parks and Recreation; Craig Courtin, Police Chief; Steve Toler, Finance Director; Rebecca Burnside, Human Resources Director; Matt Martell, Police Captain; Laura Galli, Assistant Civil Engineer; Bridget Carberry, Video Technician; and Doris L. Palmer, City Clerk/District Secretary/Recording Secretary.

## **SPECIAL PRESENTATION**

PROCLAMATION DECLARING THE WEEK OF MAY 9-15, 2010 AS "POLICE WEEK" AND MAY 15, 2010 AS "PEACE OFFICERS MEMORIAL DAY."

On behalf of the City Council, Mayor Wykoff declared the week of May 9-15, 2010 as "Police Week" and May 15, 2010 as "Peace Officers Memorial Day" and presented a proclamation to Police Officer Association President Dave Orlando.

PROCLAMATION DECLARING MAY 8, 2010 AS "MORMON HELPING HANDS DAY."

On behalf of the City Council, Mayor Wykoff declared May 8, 2010 as "Mormon Helping Hands Day" and presented a proclamation to Vice Mayor Linda Koelling.

## **PUBLIC**

Nadia Holober, 404 Juanita Avenue, Millbrae, representing the Western Alliance for Nature announced that on May 23, 2010 at 10 a.m. citizens will be gathering at Pacifica Pier in opposition to the International Whaling Commission's proposal to remove the current moratorium on commercial whaling.

## **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. Minutes of the Special Meeting of April 14, 2010;
2. Minutes of the Regular Meeting of April 19, 2010;
3. City Resolution No. 2010-40, "A Resolution of the City Council of the City of Foster City Approving an Agreement with the Law Firm of Aaronson, Dickerson, Cohn and Lanzone with Jean B. Savaree Serving as City Attorney for Fiscal Year 2010-2011;"
4. City Resolution No. 2010-41, "A Resolution of the City Council of the City of Foster City Authorizing a Transfer of \$40,000 from Unappropriated General Fund Reserves to the City Attorney's FY 2009-2010 Budget Account 001-0310-412-4251;"
5. City Resolution No. 2010-42, "A Resolution of the City Council of the City of Foster City Approving the Memorandum of Understanding for the AFSCME, Council 57, Local 829 and the Management Compensation and Benefit Plan, Effective July 1, 2010 to June 30, 2013;"
6. Minute Order 1195, Receiving and Accepting the General Plan Annual Report for 2009;

## EMID Consent Calendar

7. Minutes of the Special Meeting of April 14, 2010;
8. Minutes of the Regular Meeting of April 19, 2010;
9. EMID Resolution No. 3101, "A Resolution of the Board of Directors of the Estero Municipal Improvement District Authorizing the Award of an Agreement to Fermin Sierra Construction, Inc. for the Construction of (CIP 757) 2010 Sanitary Sewer Spot Repair Project;"
10. EMID Resolution No. 3102, "A Resolution of the Board of Directors of the Estero Municipal Improvement District Approving an Agreement with the Law Firm of Aaronson, Dickerson, Cohn and Lanzone with Jean B. Savaree Serving as District Legal Counsel Fiscal Year 2010-2011;" and
11. EMID Resolution No. 3103, "A Resolution of the Board of Directors of the Estero Municipal Improvement District Approving the Memorandum of Understanding for the AFSCME, Council 57, Local 829 and the Management Compensation and Benefit Plan, Effective July 1, 2010 to June 30, 2013."

## **NEW BUSINESS**

ARTS AND CULTURE COMMITTEE APPOINTMENT. MINUTE ORDER NO. 1196.

City Clerk Palmer presented the staff report.

Motion by Councilmember Bronitsky, seconded by Councilmember Frisella, and carried unanimously, 5-0-0, to adopt Minute Order No. 1196, appointing Surinder Sikand to an unexpired partial term on the Arts and Culture Committee from January 1, 2010 to December 31, 2012.

## **RESOLUTIONS FOR ADOPTION**

SMOKE-FREE PARKS WITHIN THE FOSTER CITY PARK SYSTEM. CITY RESOLUTION NO. 2010-43.

Parks and Recreation Director Miller presented the staff report.

Discussion ensued.

The following individuals addressed the City Council in support of smoke-free parks within the Foster City park system:

1. Steve Okamoto, 630 Leo Drive, Foster City
2. Evelyn Long, 888 Foster City Boulevard, K8, Foster City
3. Emily Lehr-Anning, 4 W. Fourth Avenue, #207, San Mateo
4. Gabriela Lemus, 225 37<sup>th</sup> Avenue, San Mateo

Motion by Vice Mayor Koelling, seconded by Councilmember Frisella, and carried unanimously, 5-0-0, to adopt City Resolution No. 2010-43, "A Resolution of the City Council of the City of Foster City Approving Smoke-free Parks within the Foster City Park System."

RECESS: The Chair recessed the meeting from 7:29 p.m. to 7:35 p.m.

## **OLD BUSINESS**

PRIVATE SIDEWALK MAINTENANCE POLICY FOR THE CITY OF FOSTER CITY. CITY RESOLUTION NO. 2010-44.

Public Works Director Towne presented the staff report.

Discussion ensued

Motion by Councilmember Bronitsky, seconded by Councilmember Frisella, and carried unanimously, 5-0-0, to adopt City Resolution No. 2010-44, "A Resolution of the City Council of the City of Foster City Approving the Private Sidewalk Maintenance Policy for the City of Foster City" with the following amendments to the Private Sidewalk Maintenance Policy under "Mitigation/Repair Responsibility" to read "If damage is caused by a utility (PG&E, Cable Television, etc.), the City shall provide contact information to the property owner and shall assist the owner in making contact with the utility company and seeking reimbursement for the cost of repairs."

## **COMMUNICATIONS**

CITY/DISTRICT WARRANT OF DEMANDS. NO ACTION REQUIRED.

The City/District Warrant of Demands processed and issued on April 14, 2010, April 21, 2010 and April 26, 2010 were listed on the agenda for information purposes only. No action was required.

## **COUNCIL/BOARD STATEMENTS AND REQUESTS**

Councilmember/Director Kiesel announced that the Airport Community Roundtable, Metropolitan Transportation Commission (MTC), Association of Bay Area Governments (ABAG) and San Francisco Bay Conservation and Development Commission (BCDC) are holding a meeting May 10 from 7 p.m. to 9 p.m. at 33 Arroyo Drive, South San Francisco to gather citizen input in helping them prepare a study. The study would be used to help strive for a healthy economy, reliable runways, good passenger service, convenient airports, climate protection, clean air, and livable communities. Councilmember/Director Kiesel will not be able to attend this meeting as he will be attending the May 10 Special Council meeting regarding the budget but he invited others to attend and get involved.

Vice Mayor/Vice President Koelling said it was very difficult to pass the resolution tonight regarding the Supplemental Educational Revenue Augmentation Fund (SERAF). The League of California Cities acquired 1.1 million signatures to qualify the Leagues' initiative for the November ballot. If the initiative is passed by the voters in November, it will shut the door and prevent the state from taking money away from local government. She thanked those that signed the petition and all the Councilmembers who participated in gathering signatures.

Councilmember/Director Bronitsky thanked the Arts and Culture Committee and Chair Cynthia Cowell for all their hard work in making the Polynesian Festival a success. The event was spectacular and as usual the Committee did a phenomenal job.

Councilmember/Director Frisella gave kudos to the Environmental Sustainability Task Force for orchestrating a successful Earth Day celebration that occurred at City Hall Plaza on Sunday, April 25. It was a great venue. There were probably 2,000 people in attendance. She invited citizens interested in applying for the Environmental Sustainability Task Force to contact her or City Clerk Doris Palmer as there are currently four openings on the Task Force.

Mayor/President Wykoff said he was honored to have been asked to represent the City Council at the Polynesian Festival event. The opening ceremony was very nice as was the entertainment, food booths and vendors.

Mayor/President Wykoff asked staff to contact the PJCC to inquire if signs can be posted in the PJCC asking drivers leaving the PJCC and turning left from Balclutha Drive to Foster City Boulevard to activate their turn signal and yield to oncoming traffic.

Meeting recessed into closed session at 7:57 p.m. and reconvened at 9:23 p.m.

### **CLOSED SESSION**

Mayor/President Wykoff recessed the meeting into Closed Session pursuant to Government Code 54957 for the purpose of discussing the public employment appointment of the Fire Chief.

Mayor/President Wykoff reported that no action was taken in Closed Session.

### **ADJOURNMENT**

Hearing no objection from the Council/Board, Mayor/President Wykoff adjourned the meeting. Meeting adjourned at 9:23 p.m.