

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

REGULAR MEETING OF MAY 18, 2009

MINUTES

CALL TO ORDER OF FOSTER CITY COMMUNITY DEVELOPMENT AGENCY BOARD

The Regular Meeting of May 18, 2009 of the Community Development Agency (CDA) of the City of Foster City was called to order at 7:30 p.m. in the Council Chambers, 620 Foster City Boulevard, Foster City, San Mateo County, California, by Chair Kiramis.

ROLL CALL

The Secretary called the roll:

PRESENT: Members Pam Frisella, Art Kiesel, Linda Koelling, Rick Wykoff, and Chair John Kiramis.

ABSENT: None.

STAFF PRESENT: James C. Hardy, Executive Director/Treasurer; and Therese L. Calic, CDA Secretary.

CONSENT CALENDAR

Motion by Member Kiesel, seconded by Member Frisella, and carried unanimously, 5-0-0, to adopt the Minutes of the Regular Meeting of May 4, 2009 and Special Meeting of May 11, 2009 on the CDA Consent Calendar.

ADJOURNMENT

Hearing no objection from the CDA Board, Chair Kiramis adjourned the meeting. Meeting adjourned at 7:31 p.m.

CALL TO ORDER OF CITY COUNCIL/EMID BOARD OF DIRECTORS

The Regular Meeting of May 18, 2009 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 7:31 p.m. in the Council Chambers, 620 Foster City Boulevard, Foster City, San Mateo County, California, by Mayor/President John Kiramis.

ROLL CALL

The City Clerk/District Secretary called the roll:

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

ABSENT: None.

STAFF PRESENT: James C. Hardy, City/District Manager/City Treasurer; Jean B. Savaree, City Attorney/District Legal Counsel; Kristi A. Chappelle, Assistant City/District Manager; Kevin Miller, Director of Parks and Recreation; Ramon Towne, Director of Public Works; Tom Reaves, Fire Chief; Craig Courtin, Chief of Police; Steve Toler, Administrative Services Director; Richard Marks, Community Development Director; Rebecca Burnside, Human Resources Director; Matt Martell, Police Captain; Jon Froomin, Police Captain; Leslie Carmichael, Planning Manager; Norm Dorais, Public Works Maintenance Manager; Lee Bach, Assistant Fire Marshal; Matthew Feske, Associate Planner; 'Andra Lorenz, Management Analyst; Mike Sly, Video Technician; and Therese L. Calic, City Clerk/District Secretary/Recording Secretary.

SPECIAL PRESENTATIONS

PROCLAMATION FOR MAYOR OF MAZATLAN, SINALOA, MEXICO AND LETTER OF INTENT OF SISTERHOOD.

On behalf of the City Council, Mayor Kiramis declared May 18, 2009 as Mayor of Mazatlan, Sinaloa, Mexico Jorge Abel Lopez Sanchez Day and presented a proclamation to him. A bouquet of roses was presented to Mrs. Perla Sanchez. A Letter of Intent of Sisterhood was signed by both Mayors signifying a personal pledge between both cities to strengthen the relationship that has already been established.

RECESS: The Chair recessed the meeting from 7:50 p.m. to 7:56 p.m.

PROCLAMATION FOR NATIONAL PUBLIC WORKS WEEK AND CERTIFICATES OF COMPLETION.

On behalf of the City Council, Mayor Kiramis declared May 17 - 23, 2009 as National Public Works Week and presented a proclamation to Public Works Lead Maintenance Workers Mike Mattias and Nicholas Leonoudakis. Mayor Kiramis congratulated Lead Maintenance Workers Mattias and Leonoudakis for completing the prestigious Northern California Chapter of the American Public Works Association (APWA) 90-hour Supervision and Management Modules 1-4 Training Program and presented plaques to each of them.

CERTIFICATES OF RECOGNITION FOR COMPLETION OF A COMMUNITY EMERGENCY RESPONSE TEAM (CERT) TRAINING COURSE.

On behalf of the City Council, Mayor Kiramis presented Certificates of Recognition for Completion of a Community Emergency Response Team (CERT) Training Course to Inga Bach, Donald Brandt, Bill Britter, Manolete Concepcion, Mark Copus, Denise Daquino,

Denis Dineen, Rich Engdahl, Catherine Epperson, Bill Fergusson, Jenny Galindo, Debra Gruber, Larry Harada, Chuck Hendricks, Sam Hindi, Clarice Hoy, Sharon Hoy, Neil Indicks, Beatrice Isaacs, John Kiramis, Katherine Kiramis, Aris Koron, Winney Kuartei, Meenu Mehta, Dick Miller, Kathy Parnello, Michelle Pei, Jacqueline Pei, Cecelia Rapaich, Sterling Sakai, Belle Shayer, Peter Sheerin, Christi Stencil, Lei Wang, Richard Winetzky, and Stephanie Yang.

RECESS: The Chair recessed the meeting from 8:18 p.m. to 8:24 p.m.

PUBLIC

The following members of the public addressed the City Council with concerns regarding the elementary school overcrowding issue:

1. John Burr, 8 E. Court Lane;
2. Hansen Lieu, 1394 Marlin Avenue;
3. Melissa Pera, 620 Bridgeport Lane;
4. John Miller, 282 Sandpiper Court, Coalition 4 Foster City Schools;
5. Fang Wang, 755 Neptune Lane;
6. Audrey Ng, 403 Emerald Bay Lane;
7. Joanna O'Brien, 828 Andromeda Lane, Coalition 4 Foster City Schools;
8. Rosanne Wong, 108 Beach Park Boulevard;
9. Judy Nobida, 62 Port Royal Avenue;
10. Ken Feldstein, 980 Edgewater Boulevard; and
11. Amy Sobel, 869 Castor Street.

RECESS: The Chair recessed the meeting from 9:20 p.m. to 9:28 p.m.

CONSENT CALENDAR

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

City Consent Calendar

1. Minutes of the Regular Meeting of May 4, 2009;
2. Minutes of the Special Meeting of May 11, 2009;
3. City Resolution No. 2009-33, "A Resolution of the City Council of the City of Foster City Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 3, 2009 for the Election of Certain Officers (Two Members of the City Council) as Required by the Provisions of the Laws of the State of California Relating to General Law Cities;"

4. City Resolution No. 2009-34, "A Resolution of the City Council of the City of Foster City Authorizing the Police Department to Accept Grant Funds from the State of California Supplemental Law Enforcement Services Funds (SLESF);"
5. City Resolution No. 2009-35, "A Resolution of the City Council of the City of Foster City Authorizing the Mayor to Sign an Agreement with the Peninsula Conflict Resolution Center for Community Conflict Resolution Services for Fiscal Year 2009-2010 [\$10,970];"
6. City Resolution No. 2009-36, "A Resolution of the City Council of the City of Foster City Authorizing a Budget Amendment in the Amount of \$9,000 from the Equipment Replacement Fund Reserves and Authorizing the Purchase of Parks Maintenance Equipment in the Amount of \$82,392 from John Deere Landscapes Inc. for Two Remote Controllers, Pioneer Manufacturing Co. for Two Pain Stripers, San Mateo Lawn Mower Shop for a Walk-Behind Aerator, Turf & Industrial Equipment for a Field Groomer and a Top Dresser, GCS Environmental for a Portable Toilet Utility Trailer, and San Mateo Lawn Mower Shop for Two Riding Lawn Mowers;"
7. City Resolution No. 2009-37, "A Resolution of the City Council of the City of Foster City Amending Section No. 24 of Resolution No. 59-73, Regarding No Parking Areas on Pitcairn Drive;"
8. City Resolution No. 2009-38, "A Resolution of the City Council of the City of Foster City Approving the Plans and Specifications and Authorizing the Call For Bids for (CIP 606) Foster City Boulevard Resurfacing Project;"
9. City Resolution No. 2009-39, "A Resolution of the City Council of the City of Foster City Accepting the Work by Anderson Pacific Engineering Construction, Inc. for (CIP 736) Catamaran Park Bulkhead Improvements Project and Directing the City Clerk to File the Notice of Completion;"

EMID Consent Calendar

10. Minutes of the Regular Meeting of May 4, 2009;
11. Minutes of the Special Meeting of May 11, 2009; and
12. EMID Resolution No. 3073, "A Resolution of the Board of Directors of the Estero Municipal Improvement District Approving the Request for Proposal for Professional Consulting Engineering Services for (CIP 603) Sanitary Sewer Lift Station Improvements – Phase 4 and Transfer of \$848,500 from the Equipment Replacement Fund to the CIP 603 Project Budget."

NEW BUSINESS

APPOINTMENTS TO AD HOC TRANSPORTATION COMMITTEE. MINUTE ORDER NO. 1153.

Assistant City Manager Chappelle presented the staff report.

Ad Hoc Transportation Committee applicants Ken Feldstein, William Fullendorf, John Igoe, Greg Koss, Peter Loranger, Lawrence Shaine, and Larry Wayne, all well known by the City Council, were not asked to address the City Council.

Motion by Councilmember Koelling, seconded by Councilmember Frisella, and carried unanimously, 5-0-0, to adopt Minute Order No. 1153, appointing Ken Feldstein, William Fullendorf, John Igoe, Greg Koss, Peter Loranger, Lawrence Shaine, and Larry Wayne to new full terms from June 1, 2009 to July 1, 2009 on the Ad Hoc Transportation Committee and directing staff to continue recruitment until a full complement of 11 members is reached.

INCREASING MEMBERSHIP OF AND APPOINTMENTS TO AD HOC ENVIRONMENTAL SUSTAINABILITY TASK FORCE. MINUTE ORDER NO. 1154.

Assistant City Manager Chappelle presented the staff report.

Ad Hoc Environmental Sustainability Task Force applicants Paul De Jesus, Lauren Hirata, Meena Motwani, Bobby Ram, and Craig Rush introduced themselves to the City Council.

Ad Hoc Environmental Sustainability Task Force applicants Joanne Bohigian and Rochelle Sazegari were not in attendance.

Motion by Councilmember Frisella, seconded by Mayor Kiramis, and carried unanimously, 5-0-0, to adopt Minute Order No. 1154, increasing the number of members from 11 to 15 on the Ad Hoc Environmental Sustainability Task Force and appointing Joanne Bohigian, Paul De Jesus, Lauren Hirata, Meena Motwani, Bobby Ram, Craig Rush, and Rochelle Sazegari to join original Task Force members Marah Curry, Ira Fruitman, John Igoe, Penny Mika, Patricia Player Maxwell, Frank Niccoli, Surinder Sikand, and Sally Liu, all to serve new terms from June 1, 2009 to July 1, 2012.

Councilmember Frisella thanked past Ad Hoc Environmental Sustainability Task Force members, who did not reapply to the Task Force, Jason Bade, Heather Foster, and Myrna Martinson for all of their hard work on the original Task Force.

NOISE ABATEMENT COMMITTEE APPOINTMENT. MINUTE ORDER NO. 1155.

Noise Abatement Committee applicant Tom Frederico introduced himself to the City Council.

Motion by Councilmember Koelling, seconded by Councilmember Frisella, and carried unanimously, 5-0-0, to adopt Minute Order No. 1155, appointing Tom Frederico to an expired partial term from January 1, 2008 to December 31, 2010 on the Noise Abatement Committee.

PLANNING COMMISSIONER APPOINTMENT. CITY RESOLUTION NO. 2009-40.

City Clerk Calic presented the staff report.

Planning Commissioner applicants Jaclyn Black, Oliver Pattum, and Ayesha Sikandar introduced themselves to the City Council.

Planning Commissioner applicant Priscilla Gilbert was not in attendance.

Motion by Councilmember Kiesel, seconded by Councilmember Frisella, and carried unanimously, 5-0-0, to reappoint Oliver Pattum to a new term from June 1, 2009 to May 31 2013 on the Planning Commission by the adoption of City Resolution No. 2009-40, "A Resolution of the City Council of the City of Foster City Appointing One Member to the Foster City Planning Commission."

APPEAL OF A DECISION OF THE PLANNING COMMISSION TO DENY AN ARCHITECTURAL REVIEW REQUEST TO REVIEW THE CHANGES TO THE INITIALLY APPROVED PLANS IN THE WINDOW CASINGS AND ADDITION OF COLUMNS TO THE ENTRY AT 718 WIDGEON STREET IN NEIGHBORHOOD 2 -- RAM (OWNER) – RAM (APPELLANTS) – AR-07-064A. CITY RESOLUTION NO. 2009-41.

Associate Planner Feske presented the staff report of an appeal of a decision of the Planning Commission to deny an Architectural Review Request to review the changes to the initially approved plans in the window casings and addition of columns to the entry at 718 Widgeon Street in Neighborhood 2 -- Ram (Owner) – Ram (Appellants) – AR-07-064A.

Planning Manager Carmichael and Community Development Director Marks answered questions.

Appellants Bobby and Jenny Ram, 718 Widgeon Street, addressed the City Council in support of their appeal.

Planning Commissioner Ron Cox addressed the City Council.

Ayesha Sikandar, 833 Bounty Drive, #102, addressed the City Council.

Discussion ensued.

Motion by Councilmember Kiesel, seconded by Councilmember Koelling, and carried unanimously, 4-1-0, Councilmember Frisella voted "No," to adopt City Resolution No. 2009-41, "A Resolution of the City Council of the City of Foster City Denying an Appeal of a Decision of the Planning Commission to Deny Changes to the Initially Approved Plans for the Window Casings and Addition of Columns to the Entry – 718 Widgeon Street in Neighborhood 2 – Ram (Owner) -- Ram (Appellants) – AR-07-064A," denying the appeal and directed the appellant to work with staff to find a compromise in the design elements that will be architecturally compatible with the house and the neighborhood, with the changes to be completed within one year.

ORDINANCES FOR ADOPTION

CITY ORDINANCE NO. 547 AMENDING SALARY OF CITY COUNCIL. FIRST READING MAY 4, 2009.

Motion by Councilmember Frisella, seconded by Councilmember Koelling, and carried 3-2-0, Mayor Kiramis and Vice Mayor Wykoff voted "No," to adopt City Ordinance No. 547, "An Ordinance of the City of Foster City Amending Section 2.08.350, Salary, of Chapter 2.08, City Council, of Title 2, Administration and Personnel, of the Foster City Municipal Code [Increases Salary From \$472 to \$496 Per Month]." First reading May 4, 2009.

RESOLUTIONS FOR ADOPTION

PLACING A MEASURE ON THE NOVEMBER 3, 2009 GENERAL MUNICIPAL ELECTION BALLOT REGARDING TERM LIMITS FOR MEMBERS OF THE CITY COUNCIL. CITY RESOLUTION NOS. 2009-42, 2009-43, AND 2009-44.

City Clerk Calic presented the staff report.

Motion by Councilmember Frisella, seconded by Councilmember Koelling, and carried 4-0-1, Vice Mayor Wykoff abstained, to adopt City Resolution No. 2009-42, "A Resolution of the City Council of the City of Foster City Placing Before the Voters of the City of Foster City an Ordinance of the People Increasing the Number of Terms a Member of the City Council May Serve from Two Full Four-Year Terms (8 Years) in Succession to Three Full Four-Year Terms (12 Years) in Succession be Approved by the Voters of the City of Foster City."

Motion by Councilmember Koelling, seconded by Councilmember Frisella, and carried unanimously, 5-0-0, to adopt City Resolution No. 2009-43, authorizing the City Council as a whole body to file written arguments by adopting "A Resolution of the City Council of the City of Foster City Setting Priorities for Filing Written Arguments Regarding a City Measure."

Motion by Mayor Kiramis, seconded by Councilmember Frisella, and carried unanimously, 5-0-0, to adopt City Resolution No. 2009-44, "A Resolution of the City Council of the City of Foster City Providing for the Filing of Rebuttal Arguments for the City Measure Submitted at the November 3, 2009 General Municipal Election Relating to Term Limits for City Councilmembers."

ESTABLISHING AN IRREVOCABLE TRUST WITH THE CALIFORNIA EMPLOYER'S RETIREE BENEFIT TRUST PROGRAM FOR PURPOSES OF PRE-FUNDING OTHER POST EMPLOYMENT BENEFITS THROUGH CALPERS. MINUTE ORDER NO. 1156.

Administrative Services Director Toler presented the staff report.

Discussion ensued.

Motion by Vice Mayor Wykoff, seconded by Councilmember Kiesel, and carried unanimously, 5-0-0, to adopt Minute Order No. 1156, directing staff to implement a "pay-as-you-go" policy for funding its health-care related other post-employment benefit costs associated with the CalPERS Medical Program, paying retiree benefits as they come due, and recording any necessary liabilities associated with the implementation of Governmental Accounting Standards Board (GASB) Statements Nos. 43 and 45.

COMMUNICATIONS

CITY/DISTRICT WARRANT OF DEMANDS. NO ACTION.

The City/District Warrant of Demands processed and issued April 29, 2009, May 6, 2009, and May 11, 2009 were listed on the agenda for information purposes only. No action was required.

COUNCIL/BOARD STATEMENTS AND REQUESTS

Councilmember Koelling stated that she participated in Assemblyman Jerry Hill's interactive process with respect to the State budget and that they not only balanced the budget, they ended up with a surplus.

Vice Mayor Wykoff expressed his appreciation for the visit by Mayor Sanchez and the other representatives from Mazatlan and for the association the City of Foster City and the Foster City Rotary Club enjoy with their counterparts in Mazatlan.

Councilmembers Frisella, Koelling, Kiesel, and Mayor Kiramis reminded the public to vote tomorrow, May 19, at the Special Statewide Election.

ADJOURNMENT

Hearing no objection from the Council/Board, Mayor/President Kiramis adjourned the meeting. Meeting adjourned at 11:58 p.m.