

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

REGULAR MEETING OF JUNE 15, 2009

MINUTES

CALL TO ORDER OF FOSTER CITY COMMUNITY DEVELOPMENT AGENCY BOARD

The Regular Meeting of June 15, 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; Jean B. Savaree, City Attorney; and Therese L. Calic, CDA Secretary.

PUBLIC

The following members of the public addressed the CDA Board in opposition to Boothbay Park being considered for a fourth elementary school:

1. Heather Fair, 657 Sandy Hook Court;
2. Glen Perry Ong, 1038 Pensacola Street;
3. Karen Tunnell, 667 Sandy Hook Court;
4. Vince O'Malley, 356 Chesapeake Avenue;
5. Don Carlson, 288 Boothbay Avenue; and
6. Regina Carbon Tihan, 279 Hudson Bay Street.

Responding to Yvonne Ryzak, 630 Greenwich Lane, regarding the deplorable maintenance in front of the businesses at the Marlin Cove Shopping Center, Community Development Director Marks was directed to contact the property owner to ensure proper maintenance is performed before further action is taken by the City Council.

William Kunz, 970 Swan Street, representing No Triton Towers, presented details showing the 5-year forecast of the Foster City General Fund based on budgeted revenues /expenditures that will draw down the City's minimum reserves from \$17 million to \$10 million by 2013-2014.

CONSENT CALENDAR

Motion by Member Koelling, seconded by Member Frisella, and carried unanimously, 5-0-0, to adopt the following items on the CDA Consent Calendar:

1. Minutes of the Special Meeting of June 1, 2009;
2. Minutes of the Regular Meeting of June 1, 2009;
3. CDA Resolution No. 273, "A Resolution of the Foster City Community Development Agency Approving the Fiscal Year 2009-2010 Community Development Agency Budget;" and
4. Cancellation of the July 6, 2009 Regular Meeting of the Community Development Agency Board.

REPORTS

ORAL REPORT FROM THE CLOSED SESSION OF THE SPECIAL MEETING OF APRIL 13, 2009.

CDA Legal Counsel Jean Savaree reported that direction was given to staff at the Special Meeting of April 13, 2009 to purchase the property at 398 Chesapeake Avenue [APN 094-604-050] in the amount of \$750,000 for the Community Development Agency's Existing Unit Purchase Program and that said property was purchased and recorded by the County Recorder on June 5, 2009.

RECESS. The chair recessed the meeting of the Community Development Agency to consider the following CDA resolution with the companion City item during the City Council meeting.

The CDA meeting recessed at 8:14 p.m. and reconvened at 10:15 p.m.

RESOLUTIONS FOR ADOPTION

CDA RESOLUTION NO. 274 APPROVING THE "EXCLUSIVE RIGHT TO NEGOTIATE AGREEMENT" BETWEEN THE CITY OF FOSTER CITY, THE FOSTER CITY COMMUNITY DEVELOPMENT AGENCY, AND PACIFIC RETIREMENT SERVICES, INC.

Assistant City Manager presented the staff report.

William Kunz, 970 Swan Street, representing No Triton Towers, addressed the Agency Board regarding new Mirabella terms.

Motion by Member Frisella, seconded by Member Koelling, and carried unanimously, 5-0-0, to adopt CDA Resolution No. 274, "A Resolution of the Foster City Community Development Agency Approving the 'Exclusive Right to Negotiate Agreement' Between the City of Foster City, the Foster City Community Development Agency, and Pacific Retirement Services, Inc. and Authorizing the Chair to Sign the Agreement on Behalf of the Foster City Community Development Agency."

ADJOURNMENT

Hearing no objection from the CDA Board, Chair Kiramis adjourned the meeting. Meeting adjourned at 10:27 p.m.

CALL TO ORDER OF CITY COUNCIL/EMID BOARD OF DIRECTORS

The Regular Meeting of June 15, 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 8:14 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 [left meeting at 10:56 p.m.], 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; Craig Courtin, Chief of Police; Richard B. Marks, Community Development Director; Steve Toler, Administrative Services Director; Kevin Miller, Director of Parks and Recreation; Ramon Towne, Director of Public Works; Tom Reaves, Fire Chief; Rebecca Burnside, Human Resources Director; Ricardo Santiago, Finance Director; Matt Martell, Police Captain; Jon Froomin, Police Captain; Leslie Carmichael, Planning Manager; Matthew Feske, Associate Planner; Joan Schoening, Information Technology Manager; Norm Dorais, Public Works Maintenance Manager; Randy Cookston, Senior Systems Analyst; Frank Derris, Police Lieutenant; Police Corporal Shawn Chiasson; Barbara Hanna, Human Resources Technician; John Castanha, Human Resources Technician; Doris L. Palmer, Deputy City Clerk/District Secretary; James Moynihan, Public Works Maintenance Worker II; Allen Smith, Public Works Maintenance Worker II; Gerrie Dere, Administrative Secretary; Charlene Rupprecht, Office Assistant II; Shirley Hetland, Office Assistant II; Bridget Carberry, Video Technician; and Therese L. Calic, City Clerk/District Secretary/Recording Secretary.

SPECIAL PRESENTATIONS

EMPLOYEES OF THE 1ST QUARTER 2009.

On behalf of the City Council, Mayor Kiramis congratulated and presented Employee of the 1st Quarter 2009 plaques to Senior Systems Analyst Randy Cookston and Information Technology Manager Joan Schoening.

EMPLOYEE 5-YEAR SERVICE PINS.

On behalf of the City Council, Mayor Kiramis presented an Employee 5-Year Service Pin to Public Works Maintenance Worker II James Moynihan. Staff was directed to present an Employee 5-Year Service Pin to Public Works Maintenance Superintendent Michael McElligott who could not be in attendance.

EMPLOYEE 10-YEAR SERVICE PIN.

On behalf of the City Council, Mayor Kiramis presented an Employee 10-Year Service Pin to Public Works Maintenance Worker II Allen Smith.

EMPLOYEE 25-YEAR SERVICE PIN.

On behalf of the City Council, Mayor Kiramis presented an Employee 25-Year Service Pin to Public Works Office Assistant II Charleen Rupprecht.

CITY RESOLUTION NO. 2009-52 HONORING CITY CLERK THERESE CALIC ON HER RETIREMENT.

With unanimous consensus of the City Council, Mayor Kiramis read City Resolution No. 2009-52 into the record, "A Resolution of the City Council of the City of Foster City Honoring City Clerk Therese Calic on Her Retirement and Declaring June 15, 2009 as 'Therese Calic Day.'"

Mayor Kiramis and Members of the City Council congratulated Ms. Calic on her retirement on June 30, 2009 and presented a framed resolution and flowers to her.

RECESS. The chair recessed the meeting from 8:49 p.m. to 8:57 p.m.

Hearing no objection from the Council/Board, Mayor/President Kiramis took New Business out of agenda order.

NEW BUSINESS

PARKS AND RECREATION COMMITTEE APPOINTMENT. MINUTE ORDER NO. 1161.

Parks and Recreation Committee applicant Krishna "Kris" G. Bakshi addressed the District Board.

Motion by Director Frisella, seconded by Director Kiesel, and carried unanimously, 5-0-0, to adopt Minute Order No. 1161, appointing Krishna "Kris" G. Bakshi to an unexpired partial term from January 1, 2007 to December 31, 2009 on the Parks and Recreation Committee.

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 Special Meeting of June 1, 2009;
2. Minutes of Regular Meeting of June 1, 2009;
3. City Resolution No. 2009-53, "A Resolution of the City Council of the City of Foster City Approving the Pay Plan for Fiscal Year 2009-2010;"
4. City Resolution No. 2009-54, "A Resolution of the City Council of the City of Foster City Approving the Fiscal Year 2009-2010 City Budget and Increasing the Emergency Reserves of the City Capital Improvement Fund to \$2,000,000;"
5. City Resolution No. 2009-55, "A Resolution of the City Council of the City of Foster City Authorizing the Temporary Closing of Traffic Flow on Burrows, Blythe, Bainbridge and Decatur Streets, as well as Farragut Boulevard, from Bridgeport Lane North to Beach Park Boulevard, Between the Hours of 5:00 P.M. to 10:00 P.M. on October 31, 2009 [Halloween Safe Streets];"
6. City Resolution No. 2009-56, "A Resolution of the City Council of the City of Foster City Authorizing the Mayor to Sign a School Crossing Guard Agreement with the San Mateo-Foster City School District for the 2009-2010 School Year;"
7. City Resolution No. 2009-57, "A Resolution of the City Council of the City of Foster City Authorizing the Award of an Agreement to Power Engineering Contractors for the Construction of (CIP 792) Lagoon Pump Station Improvements Project;"
8. City Resolution No. 2009-58, "A Resolution of the City Council of the City of Foster City Authorizing the City's Acceptance of a \$26,000 Grant from the California Department of Fish and Game, Office of Spill Prevention and Response, for Oil Response Equipment and Transport Trailer;"
9. Cancellation of the July 6, 2009 Regular Meeting of the City Council of the City of Foster City;

EMID Consent Calendar

10. Minutes of the Special Meeting of June 1, 2009;
11. Minutes of the Regular Meeting of June 1, 2009;
12. EMID Resolution No. 3079, "A Resolution of the Board of Directors of the Estero Municipal Improvement District Approving the Pay Plan for Fiscal Year 2009-2010;"
13. EMID Resolution No. 3080, "A Resolution of the Board of Directors of the Estero Municipal Improvement District Approving the Fiscal Year 2009-2010 District Budget and Increasing the Emergency Reserves of the Water Capital Improvement Fund to \$2,000,000 and the Emergency Reserves of the Wastewater Capital Improvement Fund to \$2,000,000;" and
14. Cancellation of the July 6, 2009 Regular Meeting of the Board of Directors of the Estero Municipal Improvement District.

PUBLIC HEARINGS

City Manager Hardy recused himself from consideration of this public hearing since his residence is within 500 feet of 1154 Blythe Street. City Manager Hardy left the building at 8:59 p.m.

APPEAL OF A DECISION OF THE PLANNING COMMISSION TO APPROVE AN ARCHITECTURAL REVIEW REQUEST TO ALLOW THE REAR YARD SETBACK TO BE 18'3" RATHER THAN THE OTHERWISE REQUIRED 20' AND APPROVE A 1,462 SQ. FT. 2ND FLOOR ADDITION TO AN EXISTING TWO-STORY, SINGLE-FAMILY HOUSE AT 1154 BLYTHE STREET IN NEIGHBORHOOD 6 – FATEMI (OWNER) – KOHARA (APPELLANTS) – AR-08-047.

Mayor Kiramis opened a public hearing to hear and consider comments regarding an appeal of a decision of the Planning Commission to approve an architectural review request to allow the rear yard setback to be 18'3" rather than the otherwise required 20' and approve a 1,462 sq. ft. 2nd floor addition to an existing two-story, single-family house at 1154 Blythe Street in neighborhood 6 – Fatemi (Owner) – Kohara (Appellants) – AR-08-047.

City Attorney Savaree stated that although this public hearing was legally advertised and noticed as an appeal of a variance request (V-08-001), it actually is only an appeal of the architectural review request.

Associate Planner Feske presented the staff report and Community Development Director Marks and Planning Manager Carmichael answered questions from the City Council.

Stacey Kohara, representing appellants Tom and Mitsuko Kohara, 1156 Blythe Street, addressed the City Council in support of the appeal.

Nick Conrady, 1118 Decatur Street, addressed the City Council in support of the appeal.

Planning Commissioner Noemi Avram addressed the City Council on behalf of the Planning Commission.

Azita and Max Fatemi, owners of 1154 Blythe Street, addressed the City Council in opposition to the appeal.

Without objection from City Council, Mayor Kiramis closed the public hearing.

Discussion ensued.

Motion by Councilmember Kiesel, seconded by Vice Mayor Wykoff, and carried 4-1-0, Councilmember Koelling voted “No,” to adopt City Resolution No. 2009-59, “A Resolution of the City Council of the City of Foster City Denying an Appeal of a Decision of the Planning Commission to Approve the Architectural Review for the Construction of a First- and Second-Floor Addition of 1,462 Square Feet (30 Square Feet on the First Floor and 1,432 Square Feet on the Second Floor) - 1154 Blythe Street in Neighborhood 6 – Fatemi (Owner) – Kohara (Appellant) – AR-08-047.”

City Manager Hardy returned to the meeting at 10:18 p.m.

CDA MEETING RECONVENED AT 10:15 P.M.

RESOLUTIONS FOR ADOPTION

CITY RESOLUTION NO. 2009-60 APPROVING THE “EXCLUSIVE RIGHT TO NEGOTIATE AGREEMENT” BETWEEN THE CITY OF FOSTER CITY, THE FOSTER CITY COMMUNITY DEVELOPMENT AGENCY, AND PACIFIC RETIREMENT SERVICES, INC.

Assistant City Manager Chappelle presented the staff report.

William Kunz, 970 Swan Street, representing No Triton Towers, addressed the City Council regarding new Mirabella terms.

Motion by Councilmember Frisella, seconded by Councilmember Koelling, and carried unanimously, 5-0-0, to adopt City Resolution No. 2009-60, “A Resolution of the City Council of the City of Foster City Approving the ‘Exclusive Right to Negotiate Agreement’ Between the City of Foster City, the Foster City Community Development Agency, and Pacific Retirement Services, Inc. and Authorizing the Mayor to Sign the Agreement on Behalf of the City of Foster City.”

CDA MEETING ADJOURNED AT 10:27 P.M.

CITY RESOLUTION NO. 2009-61 AUTHORIZING THE EXPENDITURE OF ABAG GRANT FUNDS AND MATCHING CITY FUNDS FROM THE POLICE DEPARTMENT'S CALIFORNIA LAW ENFORCEMENT EQUIPMENT (CLEEP) GRANT ACCOUNT FOR TASER ELECTRONIC CONTROL DEVICES.

Chief of Police Courtin presented the staff report. Police Corporal Shawn Chiasson demonstrated the use of an unarmed Taser electronic control device.

Discussion ensued.

Motion by Mayor Kiramis, seconded by Councilmember Kiesel, and carried 4-1-0, Vice Mayor Wykoff voted "No," to adopt City Resolution No. 2009-61, "A Resolution of the City Council of the City of Foster City Authorizing the Expenditure of ABAG Grant Funds and Matching City Funds from the Police Department's California Law Enforcement Equipment (CLEEP) Grant Account for Taser Electronic Control Devices."

COMMUNICATIONS

CITY/DISTRICT WARRANT OF DEMANDS. NO ACTION REQUIRED.

The City/District Warrant of Demands processed and issued May 27, 2009, June 3, 2009, and June 8, 2009 were listed on the agenda for information purposes only. No action was required.

COUNCILMEMBER/DIRECTOR FRISELLA LEFT MEETING. Councilmember/Director Frisella left the meeting at 10:56 p.m.

COUNCIL/BOARD STATEMENTS AND REQUESTS

Councilmember Koelling gave a report from the last City and County Association of Governments (C/CAG) meeting.

Councilmember Kiesel invited the public to attend the Fourth of July events that will be held at the Recreation Center and Leo J. Ryan Park.

All of the Councilmembers wished City Clerk Therese Calic good luck on her retirement from City employment on June 30, 2009.

ADJOURNMENT

Hearing no objection from the Council/Board, Mayor/President Kiramis adjourned the meeting. Meeting adjourned at 10:59 p.m.