

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

**REGULAR MEETING OF JULY 7, 2008**

**MINUTES**

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

The Regular Meeting of July 7, 2008 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 Pam Frisella.

**ROLL CALL**

The Deputy Secretary called the roll:

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

**ABSENT:** None.

**STAFF PRESENT:** James C. Hardy, Executive Director/Treasurer; Kristi A. Chappelle, Assistant City/District Manager; Jean B. Savaree, City Attorney/District Legal Counsel; Richard B. Marks, Community Development Director; and Doris L. Palmer, Deputy Secretary.

**CONSENT CALENDAR**

Motion by Vice Chair Kiramis, seconded by Member Koelling, and carried unanimously, 5-0-0, to approve the Minutes of the Regular Meeting of June 16, 2008 listed on the CDA Consent Calendar.

**RECESS**

Hearing no objection from the CDA Board, Chair Frisella recessed the meeting of the Community Development Agency. Meeting recessed at 7:31 p.m. and reconvened at 8:26 p.m. for the purpose of discussing the companion City/District New Business item with the City Council/District.

**NEW BUSINESS**

AMENDING THE APPROVED BUSINESS TERMS FOR GROUND LEASE AND OTHER AGREEMENTS BETWEEN THE CITY, CDA, AND PACIFIC RETIREMENT SERVICES, INC. FOR 11-ACRE PORTION OF THE 15-ACRE CITY-OWNED SITE NEXT TO THE FC GOVERNMENT CENTER.

Community Development Director Marks presented the staff report.

Action noted under City/District New Business.

## **ADJOURNMENT**

Hearing no objection from the CDA Board, Chair Frisella adjourned the meeting. Meeting adjourned at 9:45 p.m.

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

The Regular Meeting of July 7, 2008 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 Pam Frisella.

## **ROLL CALL**

The Deputy City Clerk/District Secretary called the roll:

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

**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; Steve Toler, Administrative Services Director; Ramon Towne, Director of Public Works; Richard B. Marks, Community Development Director; Rebecca Burnside, Human Resources Director; Craig Courtin, Chief of Police; Kevin Miller, Director of Parks and Recreation; Tom Reaves, Fire Chief; Jon Froomin, Police Captain; Lee Bach, Assistant Fire Marshal; 'Andra Lorenz, Management Analyst; Mike Sly, Video Operator; and Doris L. Palmer, Deputy City Clerk/District Secretary/ Recording Secretary.

## **SPECIAL PRESENTATIONS**

### **COMMENDATION FOR HEROIC COMMUNITY SERVICE.**

On behalf of the City Council, Mayor Frisella presented a Commendation for Heroic Community Service to Patrick Jaojoco for saving the life of another human being by administering the Heimlich maneuver.

### **SPECIAL FINANCIAL CONTRIBUTION FROM AYSO.**

On behalf of the American Youth Soccer Organization (AYSO), Regional Commissioner Emil Picci presented a \$150,000 financial contribution to the City Council for the Synthetic Surface Soccer Fields.

PROCLAMATION RE PARKS AND RECREATION MONTH. TAKEN OUT OF AGENDA ORDER.

On behalf of the City Council, Mayor Frisella declared July 2008 as "Parks and Recreation Month" and presented a proclamation to Sharon Bracken and Laura Wentworth pre-school contract instructors who have been teaching at the Parks and Recreation.

COMMUNITY EMERGENCY RESPONSE TEAM (CERT) CERTIFICATES OF RECOGNITION.

Assistant Fire Marshal Bach presented the staff report.

Peter Shih, CERT Team Captain, addressed the City Council.

On behalf of the City Council, Mayor Frisella presented Certificates of Recognition for completion of a Community Emergency Response Team (CERT) Training Course to Barbara Bergero, Therese Calic, Mei Chen, Spencer Chen, Ruth Chofre, Patrick Connolly, Dottie Durney, Aiguo Fei, Elizabeth Fong, Roy Fong, Jake Garrison, Fang Fang Guan, June Hildebrand, Cindy Huppert, Sue Lawer, Herman Lieu, Stanley Lieu, Vivian Liu, Steve Morris, Dave Murdoch, Richard Olden, Katherine Patterson, Bryce Robertson, Peter Shih, Carol Taylor, Geoffrey Taylor, Kathryn Taylor, Darcy Weir, Varrick Weir, Brian Wong, Marlene Yang, and Yan Zhong.

## **RECESS**

The Mayor/President recessed the meeting from 7:53 p.m. to 8:00 p.m.

## **PUBLIC**

David Chai, 367 Port Royal Lane, thanked Foster City Public Works Department and the City Council for contacting the City of San Mateo to clean up the Marina Lagoon.

Bill Kunz, 970 Swan Street, offered several comments about the lack of public visibility, knowledge of, and involvement in the multi-project traffic analysis currently underway.

## **CONSENT CALENDAR**

Motion by Councilmember/Director Kiesel, seconded by Councilmember/Director Koelling, and carried unanimously, 5-0-0, to adopt the following items on the Consent Calendar:

### City Consent Calendar

1. Minutes of the Regular Meeting of June 16, 2008;
2. City Resolution No. 2008-72, "A Resolution of the City Council of the City of Foster City Rejecting the Claim of Marilyn Canadas,"
3. City Resolution No. 2008-73, "A Resolution of the City Council of the City of Foster City Requiring Mandatory Participation in the California Government Voluntary Employee

Beneficiary Association Trust in Accordance with IRS Guidelines and Amending the Compensation and Benefits Plan for Management Employees and MOU's for IAFF and AFSCME and the Sideletter Agreement for FCPOA to Include the Mandatory Provisions,”

#### EMID Consent Calendar

4. Minutes of the Regular Meeting of June 16, 2008;
5. EMID Resolution No. 3038, “A Resolution of the Board of Directors of the Estero Municipal Improvement District Rejecting the Claim of Marilyn Canadas;”
6. EMID Resolution No. 3039, “A Resolution of the Board of Directors of the Estero Municipal Improvement District Requiring Mandatory Participation in the California Government Voluntary Employee Beneficiary Association Trust in Accordance with IRS Guidelines and Amending the Compensation and Benefits Plan for Management Employees and MOU's for IAFF and AFSCME and the Sideletter Agreement for FCPOA to Include the Mandatory Provisions;”
7. EMID Resolution No. 3040, “A Resolution of the Board of Directors of the Estero Municipal Improvement District Providing Concurrence to the City of San Mateo for Award of Amendment No. Three (3) to the Agreement with Brown & Caldwell for Design Engineer's Construction Services for (CIP 730) Wastewater Treatment Plant Dewatering Facility Improvements and Anaerobic Digester Project;” and
8. EMID Resolution No. 3041, “A Resolution of the Board of Directors of the Estero Municipal Improvement District Amending the Sewer Enterprise Fund Operations Budget Appropriations by \$110,000 for FY 2007-2008.”

#### **PUBLIC HEARINGS**

PROPOSED 2008-2009 APPROPRIATIONS LIMITS FOR THE CITY OF FOSTER CITY AND THE ESTERO MUNICIPAL IMPROVEMENT DISTRICT. CITY RESOLUTION NO. 2008-74 AND EMID RESOLUTION NO. 3042.

Mayor/President Frisella opened a public hearing to hear and consider public input regarding the proposed 2008-2009 appropriations limits for the City of Foster City in the amount of \$45,383,686 and for the Estero Municipal Improvement District in the amount of \$42,508,067.

Finance Director Santiago presented the staff report.

No public testimony was received.

Mayor/President Frisella closed the public hearing.

Motion by Councilmember/Director Wykoff, seconded by Vice Mayor/Vice President Kiramis, and carried unanimously, 5-0-0, to adopt:

1. City Resolution No. 2008-74, "A Resolution of the City Council of the City of Foster City Establishing the Fiscal Year 2008-2009 Appropriations Limit Pursuant to Article XIII B of the California Constitution;" and
2. EMID Resolution No. 3042, "A Resolution of the Board of Directors of the Estero Municipal Improvement District Establishing the Fiscal Year 2008-2009 Appropriations Limit Pursuant to Article XIII B of the California Constitution."

## **NEW BUSINESS**

REQUEST TO AMEND THE APPROVED BUSINESS TERMS FOR A LONG-TERM GROUND LEASE AND OTHER ASSOCIATED PROJECT LEGAL AGREEMENTS BETWEEN THE CITY OF FOSTER CITY, THE FOSTER CITY COMMUNITY DEVELOPMENT AGENCY, AND PACIFIC RETIREMENT SERVICES, INC. — 11- ACRE PORTION OF 15- ACRES OF CITY-OWNED PROPERTY ADJACENT TO THE FOSTER CITY GOVERNMENT CENTER. MINUTE ORDER NO. 1104.

Councilmember/Director Kiesel recused himself from consideration of this item because of a possible conflict of interest. Councilmember/Director Kiesel left the room during discussion of this item.

Community Development Director Marks presented the staff report.

The following members of the public addressed the Council in opposition of the Mirabella project:

1. Linda Haskin – 1116 Halsey Blvd.
2. Bill Kunz – 970 Swan Street
3. Aurora Tolentino – 1061 Beach Park Blvd., #308

The following members of the public addressed the Council in support of the Mirabella project:

1. Marcia Cohn-Lyle -- 1119 Lord Ivelson Lane
2. Jim Main – 702 Nina Lane
3. Claudette Main – 702 Nina Lane
4. Frank Lieu – 1191 Compass Lane, #104
5. Belle Shayer – 762 Gull Avenue
6. Joanne Liu - 1191 Compass Lane, #104
7. Rich Hedges – 904 Wharfside Road, San Mateo
8. David Chai – 367 Port Royal Avenue
9. Ken Feldstein – 980 Edgewater Blvd.

Motion by Councilmember/Director Koelling, seconded by Councilmember/Director Wykoff, and carried 3-1-0, Vice Mayor/Vice President Kiramis voted "No", to adopt City/District Minute Order No. 1104, authorizing the City Attorney and Agency Legal Council to prepare (and amend as necessary) a ground lease agreement and other associated project agreements between the parties to incorporate the proposed amended business terms and other terms as necessary.

## **RECESS**

The Mayor/President recessed the meeting from 9:45 p.m. to 9:54 p.m.

## **RESOLUTIONS FOR ADOPTION**

SUPPORT OF SB 1420, AN ACT TO ADD SECTION 114094 TO THE HEALTH AND SAFETY CODE, RELATING TO FOOD FACILITIES, TO MAKE NUTRITIONAL INFORMATION AVAILABLE TO CONSUMERS FOR ALL STANDARD MENU ITEMS. NO ACTION TAKEN.

Assistant City Manager Chappelle presented the staff report.

Discussion ensued.

No action was taken.

FIRST AMENDMENT TO THE CONTRACT WITH PARKING COMPANY OF AMERICA MANAGEMENT, LLC; APPROVING AN APPROPRIATION FROM UNAPPROPRIATED GENERAL FUND RESERVES OF \$105,000 AND ADJUSTING THE FISCAL YEAR 2008-2009 REVENUE BUDGET FOR THE CONNECTIONS SHUTTLE PROGRAM TO \$151,000. CITY RESOLUTION NO. 2008-75.

Assistant City Manager Chappelle presented the staff report.

Ken Feldstein, 980 Edgewater Blvd., addressed the City Council.

Discussion ensued.

Motion by Councilmember Koelling, seconded by Councilmember Kiesel, and carried unanimously, 5-0-0, to adopt City Resolution No. 2008-75, "A Resolution of the City Council of the City of Foster City Authorizing the Mayor to Sign the First Amendment to the Contract with Parking Company of America Management, LLC; Approving an Appropriation from Unappropriated General Fund Reserves of \$105,000 and Adjusting the Fiscal Year 2008-2009 Revenue Budget for the Connections Shuttle Program to \$151,000."

## **COMMUNICATIONS**

CITY/DISTRICT WARRANT OF DEMANDS. NO ACTION TAKEN.

The City/District Warrant of Demands processed and issued June 11, 2008, June 18, 2008, June 25, 2008, and June 30, 2008 were listed on the agenda for information purposes only. No action was taken.

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

Councilmember Kiesel commended all those who helped make the 4<sup>th</sup> of July a very well attended and successful celebration.

Vice Mayor Kiramis commented on the spectacular fireworks display this year even though costs of fireworks have increased significantly.

Councilmember Wykoff thanked everyone who came out and assisted in the 4<sup>th</sup> of July celebration and a special thanks to the Lions Club for all their hard work.

Councilmember Koelling thanked the Lions Club for a great 4<sup>th</sup> of July. She reminded everyone to be safe, cut their grass and remove debris around their homes to reduce fire danger.

Mayor Frisella thanked everyone who sent well wishes to her for her recent health scare.

### **CLOSED SESSION**

Mayor/President Frisella recessed the meeting into Closed Session for a Conference with Legal Counsel regarding one potential case of anticipated litigation [Government Code §54956.9(b)].

The meeting recessed into Closed Session at 10:27 p.m.

The City/District meeting reconvened at 10:33 p.m.

Mayor/President Frisella reported that no action was taken in the Closed Sessions.

### **ADJOURNMENT**

Hearing no objection from the Council/Board, Mayor/President Frisella adjourned the meeting.

Meeting adjourned at 10:33 p.m.