

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

REGULAR MEETING OF JULY 18, 2011

MINUTES

CALL TO ORDER OF FOSTER CITY COMMUNITY DEVELOPMENT AGENCY BOARD

The Regular Meeting of July 18, 2011 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 Linda Koelling.

ROLL CALL

The Secretary called the roll:

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

ABSENT: None.

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

CONSENT CALENDAR

Motion by Vice Chair Kiesel, seconded by Member Frisella, and carried unanimously, 5-0-0, approving the Minutes of the Regular Meeting of June 20, 2011 on the CDA Consent Calendar.

PUBLIC HEARING

FIVE YEAR IMPLEMENTATION PLAN FOR THE TIME PERIOD 2011-2016. NO ACTION TAKEN.

Due to ABx1 26 becoming law since the Notice of Public Hearing was published, the Five Year Implementation Plan prepared by the Foster City Community Development Agency was removed from the agenda as no action could be taken.

ADJOURNMENT

Hearing no objection from the CDA Board, Chair Koelling adjourned the meeting. Meeting adjourned at 6:32 p.m.

CALL TO ORDER OF CITY COUNCIL/EMID BOARD OF DIRECTORS

The Regular Meeting of July 18, 2011 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 6:32 p.m. in the Council Chambers, 620 Foster City Boulevard, Foster City, San Mateo County, California, by Mayor/President Linda Koelling.

Mayor/President Koelling called for a moment of silence in honor of former Mayor, Councilmember and Planning Commissioner Ron Cox.

ROLL CALL

The City Clerk/District Secretary called the roll:

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

ABSENT: None.

STAFF PRESENT: James C. Hardy, City/District Manager; Jean Savaree, City Attorney/District Legal Counsel; Kevin Miller, Parks and Recreation Director; Steve Toler, Finance Director; Richard Marks, Community Development Director; Ramon Towne, Public Works Director; Jon Froomin, Police Captain; Matt Martell, Police Captain; 'Andra Lorenz, Management Analyst; Alfre Vaille, Sustainability Intern; Bridget Carberry, Video Technician; and Doris L. Palmer, City Clerk/District Secretary/Recording Secretary.

PUBLIC

Steve Morris, 340 Bramble Court, Foster City, spoke in remembrance of former Mayor and Councilmember and Planning Commissioner Ron Cox.

CONSENT CALENDAR

Motion by Councilmember/Director Frisella, seconded by Councilmember/Director Bronitsky, 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 June 20, 2011;
2. City Resolution No. 2011-74, "A Resolution of the City Council of the City of Foster City Awarding an Agreement to Saviano Company for Capital Improvement Project 614, Tennis and Basketball Court Resurfacing and Repairs, in the Amount of \$139,000;"
3. City Resolution No. 2011-75, "A Resolution of the City Council of the City of Foster City Approving the First Amendment to the Agreement Dated April 4, 2011 Between the City of Foster City and Urban Table Farmers' Markets;"

EMID Consent Calendar

4. Minutes of the Regular Meeting of June 20, 2011; and

5. District Resolution No. 3144, "A Resolution of the Board of Directors of the Estero Municipal Improvement District Authorizing the Issuance of a Request for Proposal for (CIP 612) Water Main Condition Survey Project."

ITEM REMOVED FROM CONSENT CALENDAR

APPROVE RESONSE TO 2010-2011 GRAND JURY REPORT REGARDING CELL TOWERS. MINUTE ORDER NO. 1239.

Councilmember Wykoff removed this item from the Consent Calendar.

Discussion ensued.

Motion by Vice Mayor Kiesel, seconded by Mayor Koelling, and carried, 4-1-0, Councilmember Wykoff voted "no," to adopt Minute Order No. 1239 approving the response letter to the Honorable Joseph E. Bergeron regarding Cell Towers.

PUBLIC HEARING

PROPOSED APPROPRIATION LIMITATION / PROPOSITION 4 AND 111 (GANN LIMIT) FOR FISCAL YEAR 2011-2012. CITY RESOLUTION NO. 2011-76 AND DISTRICT RESOLUTION NO. 3145.

Mayor/President Koelling opened a public hearing to hear and consider comments regarding the Proposed Appropriation Limitation/Proposition 4 and 111 (Gann Limit) for Fiscal Year 2011-2012.

Finance Director Toler presented the staff report.

No public testimony received.

Without objection from the City Council/EMID Board, Mayor/President Koelling closed the public hearing.

Motion by Councilmember/Director Wykoff, seconded by Councilmember/Director Bronitsky, and carried unanimously, 5-0-0, to adopt:

1. City Resolution No. 2011-76, "A Resolution of the City Council of the City of Foster City Establishing the Fiscal Year 2011-2012 Appropriations Limit Pursuant To Article XIII B of the California Constitution;" and
2. District Resolution No. 3145, "- A Resolution of the Board of Directors of the Estero Municipal Improvement District Establishing the Fiscal Year 2011-2012 Appropriations Limit Pursuant To Article XIII B of the California Constitution."

NEW BUSINESS

CONSIDERATION OF THE PREPARATION OF AN ORDINANCE PROHIBITING THE USE OF POLYSTYRENE. MINUTE ORDER NO. 1240.

Management Analyst Lorenz presented the staff report.

The following people spoke in favor of preparing an ordinance:

1. Sally Liu, 511 St. Vincent Lane, Foster City; and
2. Allison Chan from Save The Bay, 350 Frank H Ogawa Plaza, Suite 900, Oakland.

Discussion ensued.

Motion by Councilmember Bronitsky, seconded by Councilmember Wykoff, and carried, 4-1-0, Councilmember Frisella voted “no,” to adopt Minute Order No. 1240 directing staff and the Environmental Sustainability Task Force to study the pros and cons of banning the use of polystyrene to be presented at the September 19 City Council meeting. After considering this analysis, the City Council will provide direction whether or not to pursue an ordinance prohibiting the use of polystyrene.

CONSIDERATION OF PLACING A MEASURE ON THE NOVEMBER 8, 2011 GENERAL MUNICIPAL ELECTION BALLOT REGARDING INCREASING THE TRANSIENT OCCUPANCY TAX FROM 8% TO 10%. CITY RESOLUTION NO. 2011-77. CITY RESOLUTION NO. 2011-78. CITY RESOLUTION NO. 2011-79.

Finance Director Toler presented the staff report.

Chris Messina, CEO of the Foster City Chamber of Commerce, addressed the City Council.

Discussion ensued.

Motion by Councilmember Frisella, seconded by Mayor Koelling, and failed, 3-2-0, Councilmembers Wykoff and Bronitsky voted “no” [Requires 2/3 Vote] to introduce ordinance by title and waive further reading of “An Ordinance of the City of Foster City Amending Section 3.20.030 of the Foster City Municipal Code to Increase the Transient Occupancy Tax on Rent Charged to Hotel Guests from Eight Percent (8%) to Ten Percent (10%).”

Motion by Councilmember Frisella, seconded by Mayor Koelling, and carried, 4-1-0, Councilmember Wykoff voted “no,” to introduce ordinance by title and waive further reading of “An Ordinance of the City of Foster City Amending Section 3.20.030 of the Foster City Municipal Code to Increase the Transient Occupancy Tax on Rent Charged to Hotel Guests from Eight Percent (8%) to Ten Percent (10%)” with the following amendment: increase the Transient Occupancy Tax from eight percent (8%) to nine and one-half percent (9.5%).

Motion by Mayor Koelling, seconded by Vice Mayor Kiesel, and carried, 4-1-0, Councilmember Wykoff voted “no,” to pass ordinance to second reading.

Motion by Councilmember Frisella, seconded by Vice Mayor Kiesel, and carried, 4-1-0, Councilmember Wykoff voted “no,” to adopt City Resolution No. 2011-77, “A Resolution of the City Council of the City of Foster City Placing Before the Voters an Ordinance of the People of the City of Foster City Increasing the City's Transient Occupancy Tax on Rent Charged to Hotel Guests from Eight Percent (8%) to Ten Percent (10%)” with the following amendment: increase the Transient Occupancy Tax from eight percent (8%) to nine and one-half percent (9.5%).

Motion by Councilmember Frisella, seconded by Mayor Koelling, and carried, 4-1-0, Councilmember Wykoff voted “no,” to adopt City Resolution No. 2011-78, “A Resolution of the City Council of the City of Foster City Providing Direction to the City Clerk Regarding Election and Measure and Setting Priorities for Filing Written Arguments Regarding for the City Measure Submitted at the November 8, 2011 General Municipal Election Relating to an Increase in the Transient Occupancy Tax, and Directing the City Attorney to Prepare an Impartial Analysis.”

Motion by Vice Mayor Kiesel, seconded by Councilmember Frisella, and carried, 4-1-0, Councilmember Wykoff voted “no,” to adopt City Resolution No. 2011-79, “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 8, 2011 General Municipal Election Relating to an Increase in the Transient Occupancy Tax.”

COMMUNICATIONS

CITY/DISTRICT WARRANT OF DEMANDS. NO ACTION REQUIRED.

The City/District Warrant of Demands processed and issued on June 15, 2011, June 22, 2011, June 27, 2011, June 29, 2011, July 6, 2011, and July 11, 2011 were listed on the agenda for information purposes only. No action was required.

COUNCIL/BOARD STATEMENTS AND REQUESTS AND COUNCIL LIAISON REPORTS

Vice Mayor/Vice President Kiesel said he knew Ron Cox really well. He said Ron was the ultimate and consummate volunteer.

Councilmember/Director Frisella said Ron Cox was a mentor to her. She didn't know anyone who had volunteered more than Ron.

Councilmember/Director Bronitsky reported that the Environmental Sustainability Task Force (ESTF) met last week. The members put together their programming for their final year. They will be inviting a contractor to attend one of their meetings to help them understand green building construction better. He advised that the members of ESTF are doing a great job.

Councilmember/Director Bronitsky said two years ago he spoke with Ron Cox when he was thinking about running for City Council. Ron advised him that “if you do it right it will be the most rewarding years of your life.” He noted that it is so like Ron to help so many people in the city and everywhere.

Councilmember/Director Wykoff said Ron Cox is irreplaceable and you can't say that about too many people.

Mayor/President Koelling advised that on behalf of all redevelopment agencies in California, the City of San Jose and Union City are challenging the constitutionality of ABx1 26 and ABx1 27. She asked everyone to be informed and contact Assemblymember Jerry Hill to voice their concerns regarding the elimination of redevelopment agencies

throughout California. She said redevelopment agencies provide jobs and help blighted areas in cities.

Mayor/President Koelling encouraged her colleges to attend the next City/ County Associations of Government meeting. At this meeting PG&E will discuss how they can do a better job in communicating with cities they serve and in safeguarding against another San Bruno fire from happening.

Mayor/President Koelling said the Foster City community has lost a gentle giant referring to the passing of Ron Cox.

CLOSED SESSION

Mayor/President Koelling recessed the meeting into Closed Session for Conference with Real Property Negotiators [Government Code 54956.8]: To instruct City/District negotiators James C. Hardy, Jean Savaree, Kristi Chappelle, Richard Marks, Steve Toler and Kevin Miller regarding negotiations with representatives of the North Peninsula Jewish Campus (NPJC) with respect to terms of an existing lease of the 12-acre parcel of land owned by the City of Foster City located along Shell Boulevard [APN: 094-471-050].

Meeting recessed into Closed Session at 7:38 p.m. and reconvened at 8:31 p.m.

Mayor/President Koelling reported that no action was taken into Closed Session.

ADJOURNMENT

Hearing no objection from the Council/Board, Mayor/President Koelling adjourned the meeting. Meeting adjourned at 8:31 p.m. in honor and memory of former Mayor, Councilmember and Planning Commissioner Ron Cox.