

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

REGULAR MEETING OF JULY 19, 2010

MINUTES

CALL TO ORDER OF FOSTER CITY COMMUNITY DEVELOPMENT AGENCY BOARD

The Regular Meeting of July 19, 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 Frisella, seconded by Vice Chair Koelling, and carried unanimously, 5-0-0, to adopt the following items on the CDA Consent Calendar:

1. Regular Meeting of June 21, 2010; and
2. CDA Resolution No. 285, "A Resolution of the Foster City Community Development Agency Approving and Authorizing Execution of a Certificate of Conformity for the Gilead Sciences Corporate Campus Master Plan Project."

ADJOURNMENT

Hearing no objection from the CDA Board, Chair Wykoff adjourned the meeting. Meeting adjourned at 6:31 p.m.

CALL TO ORDER OF CITY COUNCIL/EMID BOARD OF DIRECTORS

The Regular Meeting of July 19, 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 6:31 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; Jean Savaree City Attorney/District Legal Counsel; Kristi Chappelle, Assistant City Manager; Craig Courtin, Police Chief; Dan Belville, Fire Chief; Ramon Towne, Public Works Director; Rebecca Burnside, Human Resources Director; Steve Toler, Finance Director; Richard B. Marks, Community Development Director; Kevin Miller, Director of Parks and Recreation; Jennifer Clark, Recreation Superintendent; Jon Froomin, Police Captain; Matt Martell, Police Captain; Kohar Kojayan, Assistant Planner; Bridget Carberry, Video Technician; and Doris L. Palmer, City Clerk/District Secretary/Recording Secretary.

SPECIAL PRESENTATIONS

PROCLAMATION HONORING CAPTAIN JUSTIN C. ERICKSON FOR HIS DEDICATED SERVICE IN THE UNITED STATES ARMY.

On behalf of the City Council, Mayor Wykoff presented the proclamation to Captain Justin C. Erickson for his dedicated service in the United States Army.

PROCLAMATION HONORING POLICE CORPORAL MOSHE JOSHUA ON HIS RETIREMENT AFTER 24 YEARS OF DEDICATED SERVICE.

On behalf of the City Council, Mayor Wykoff presented the proclamation to Police Corporal Moshe Joshua in honor of his retirement.

PROCLAMATION HONORING OUR FOSTER CITY AMERICAN YOUTH SOCCER ORGANIZATION AND PENINSULA YOUTH SOCCER CLUB YOUTH SPORTS GROUPS FOR THEIR DEDICATED WORK ON "POST INDEPENDENCE DAY CLEAN-UP DAY" JULY 5TH.

On behalf of the City Council, Mayor Wykoff presented the proclamation to Emil Picchi on behalf of the Foster City American Youth Soccer Organization (AYSO) and Frank Beltran on behalf of the Peninsula Youth Soccer Club (PYSC).

CONSENT CALENDAR

Motion by Councilmember/Director Kiesel, 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 Special Meeting of June 21, 2010 – 5:30 pm;
2. Minutes of the Regular Meeting of June 21, 2010;
3. City Resolution No. 2010-64, “A Resolution of the City Council of the City of Foster City Approving a Utility and Right of Way Maintenance Reimbursement Agreement Between Gilead Sciences, Inc. and the City of Foster City/Estero Municipal Improvement District and Authorizing the Mayor to Execute the Agreement;”
4. City Resolution No. 2010-65, “A Resolution of the City Council of the City of Foster City Authorizing the Mayor to Execute an Agreement with Metropolitan Planning Group (MPG) for Professional Planning Consulting Services to Prepare Background Studies, Data Preparation, and Other Related Work for an Update to the Land Use and Circulation Element of the City of Foster City General Plan;”
5. City Resolution No. 2010-66, “A Resolution of the City Council of the City of Foster City Approving an Agreement for Cul-de-sac Maintenance with Loral Landscaping, Inc. in the Amount of \$63,264 and Authorizing the Use of Contractual Services for Multiple Vendors as Needed in the Amount of Approximately \$71,700 for Fiscal Year 2010/2011;”
6. City Resolution No. 2010-67, “A Resolution of the City Council of the City of Foster City Authorizing a Transfer of \$55,000 from Available Unrestricted, Undesignated Reserves from the City General Fund (#001) and an Appropriation of \$55,000 in the Self-insurance Internal Services Fund (#503) for the FY 2009-2010 Budget to Cover Risk Management-related Expenditures;”

EMID Consent Calendar

7. Minutes of the Special Meeting of June 21, 2010 – 5:30 pm;
8. Minutes of the Regular Meeting of June 21, 2010; and
9. District Resolution No. 3113, “A Resolution of the Board of Directors of the Estero Municipal Improvement District Approving A Utility and Right of Way Maintenance Reimbursement Agreement Between Gilead Sciences, Inc. and the City of Foster City/Estero Municipal Improvement District and Authorizing the District President to Execute the Agreement.”

ITEM REMOVED FROM THE CONSENT CALENDAR

AGREEMENT TO LOSEE’S GOOSE CONTROL IN THE AMOUNT OF \$32,400 FOR THE CONTINUATION OF DOG SERVICE TO ASSIST IN CONTROLLING THE GOOSE POPULATION IN FOSTER CITY [FISCAL YEAR 2010-2011].

At the request of Councilmember Bronitsky, Mayor Wykoff removed this item from the City Consent Calendar.

Discussion ensued.

Motion by Mayor Wykoff, seconded by Councilmember Bronitsky, and carried unanimously, 5-0-0, to table “A Resolution of the City Council of the City of Foster City

Authorizing the Award of an Agreement to Losee's Goose Control in the Amount of \$32,400 for the Continuation of Dog Service to Assist in Controlling the Goose Population in Foster City [Fiscal Year 2010-2011]" to the October 4 Regular Meeting.

PUBLIC HEARINGS

REVIEW APPROPRIATION LIMITATION / PROPOSITION 4 AND 111 (GANN LIMIT) FOR FISCAL YEAR 2010-2011.

Mayor/President Wykoff opened the public hearing to review Appropriation Limitation / Proposition 4 and 111 (Gann Limit) for Fiscal Year 2010-2011.

Finance Director Toler presented the staff report.

No public testimony was received.

Mayor/President Wykoff closed the public hearing.

Motion by Vice Mayor/Vice President Koelling, seconded by Councilmember/Director Frisella, and carried, 5-0-0, to adopt:

1. City Resolution No. 2010-69, "A Resolution of the City Council of the City of Foster City Establishing the Fiscal Year 2010-2011 Appropriations Limit Pursuant To Article XIII B of the California Constitution" and
2. EMID Resolution No. 3114, "A Resolution of the Board of Directors of the Estero Municipal Improvement District Establishing the Fiscal Year 2010-2011 Appropriations Limit Pursuant To Article XIII B of the California Constitution."

NEW BUSINESS

RESPONSE TO 2009-2010 GRAND JURY REPORT – EFFECTIVENESS OF RED LIGHT TRAFFIC CAMERA ENFORCEMENT IN THE CITIES OF SAN MATEO COUNTY. MINUTE ORDER NO. 1201.

City Manager Hardy presented the staff report.

Motion by Councilmember Bronitsky, seconded by Councilmember Frisella, and carried unanimously, 5-0-0, to adopt Minute Order No. 1201 approving the response letter to the Honorable Clifford V. Cretan, Judge of the Superior Court regarding the Effectiveness of Red Light Traffic Camera Enforcement in the Cities of San Mateo County.

RESPONSE TO 2009-2010 GRAND JURY REPORT – FIRE DEPARTMENT CONSOLIDATIONS/MERGERS IN THE CITIES OF SAN MATEO COUNTY. MINUTE ORDER NO. 1202.

City Manager Hardy presented the staff report.

Motion by Councilmember Bronitsky, seconded by Councilmember Frisella, and carried unanimously, 5-0-0, to adopt Minute Order No. 1202 approving the response letter to the

Honorable Clifford V. Cretan, Judge of the Superior Court regarding Fire Department Consolidations/Mergers in the Cities of San Mateo County.

APPOINTMENT OF VOTING DELEGATE AND ALTERNATE(S) FOR THE LEAGUE OF CALIFORNIA CITIES 2010 ANNUAL CONFERENCE. MINUTE ORDER NO. 1203.

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. 1203 appointing Vice Mayor Koelling as voting delegate and Councilmember Kiesel as first alternate and Councilmember Frisella as second alternate to be present at the League of California Cities 2010 Annual Conference Business Meeting to be held on Friday, September 17, at the San Diego Convention Center.

ORDINANCES FOR INTRODUCTION

AMENDING SUB-SECTION 15.12.200 (C)(2)(E), OF SECTION 15.12.200 SIGNS ALLOWED FOR SPECIFIC USES OF CHAPTER 15.12, SIGN CONTROL, OF TITLE 15, BUILDINGS AND CONSTRUCTION, OF THE FOSTER CITY MUNICIPAL CODE TO ALLOW ONE (1) ADDITIONAL NON-ILLUMINATED WALL SIGN ON OFFICE BUILDINGS FOUR (4) OR FIVE (5) STORIES IN HEIGHT – CITY OF FOSTER CITY – MC-09-001.

Assistant Planner Kojayan presented the staff report.

Discussion ensued.

Motion by Councilmember Kiesel, seconded by Councilmember Bronitsky, and carried unanimously, 5-0-0, to introduce ordinance by title and waive further reading of “An Ordinance of the City of Foster City Approving Amendments to Sub-Section 15.12.200 (C)(2)(E), of Section 15.12.200 Signs Allowed for Specific Uses of Chapter 15.12, Sign Control, of Title 15, Buildings and Construction, of the Foster City Municipal Code to Allow One (1) Additional Non-Illuminated Wall Sign on Office Buildings Four (4) or Five (5) Stories in Height – City of Foster City – MC-09-001.”

Motion by Vice Mayor Koelling, seconded by Councilmember Kiesel, and carried unanimously, 5-0-0, to pass ordinance to second reading.

RECESS. Chair Wykoff recessed the meeting at 7:33 p.m. and reconvened at 7:41 p.m.

OLD BUSINESS [TAKEN OUT OF AGENDA ORDER]

TEMPORARY CLOSING OF TRAFFIC FLOW [HALLOWEEN SAFE STREETS]. RESOLUTION NO. 2010-68.

Chief Courtin presented the staff report.

The following constituents addressed the City Council:

1. Nick Conrady, Foster City Rotary Club, 1118 Decatur Street, Foster City
2. Mary Bates, Foster City Rotary Club
3. Ray Zuniga, 1152 Blythe Street, Foster City

Discussion ensued.

Motion by Councilmember Frisella, seconded by Councilmember Bronitsky, and carried unanimously, 5-0-0, to adopt City Resolution No. 2010-68, "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, 2010."

COMMUNICATIONS

CITY/DISTRICT WARRANT OF DEMANDS. NO ACTION REQUIRED.

The City/District Warrant of Demands processed and issued on June 16, 2010, June 23, 2010, and June 28, 2010 were listed on the agenda for information purposes only. No action was required.

COUNCIL/BOARD STATEMENTS AND REQUESTS

Councilmember/Director Kiesel stated that a lot of people attended the 4th of July celebration. He noted that the parking at Parkside Tower was filled by 6:30 p.m. which was indicative of the amount of people that attended our fireworks display.

Vice Mayor/Vice President Koelling was very honored that we had our fireworks display. She understands the economic situation and appreciates comments from the community. She also thanked the youth sports groups for picking up trash the next day and thanked everyone for their help.

Councilmember/Director Bronitsky added his appreciation to the Chief of Police in maintaining crowd control. He reminded everyone that this Friday is the third Concert in the Park. The concerts have been well attended and much appreciated. He asked everyone for donations, stating that people can contribute while they are in the park enjoying the concert.

Councilmember/Director Frisella agreed with how wonderful the summer concerts have been and reminded everyone to come hungry as all proceeds collected from the sale of food goes back to the community. She also mentioned that her second grandson, Niko Frisella, was born 3 weeks ago.

CLOSED SESSION

Mayor/President Wykoff recessed the meeting into Closed Session for the following:

1. Conference with Legal Counsel – Anticipated Litigation [Government Code §54956.9(b)]: Two Cases

2. 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 8:08 p.m. and reconvened at 9:15 p.m.

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 9:15 p.m.