

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

REGULAR MEETING OF JULY 20, 2009

MINUTES

CALL TO ORDER OF FOSTER CITY COMMUNITY DEVELOPMENT AGENCY BOARD

The Regular Meeting of July 20, 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 Doris L. Palmer, CDA Secretary.

CONSENT CALENDAR

Motion by Member Koelling, seconded by Member Kiesel, and carried unanimously, 5-0-0, to adopt the Minutes of the Regular Meeting of June 15, 2009 on the CDA Consent Calendar.

ITEM REMOVED FROM THE CONSENT CALENDAR AND AGENDA

CDA RESOLUTION APPROVING A RESTATED PROPERTY MANAGEMENT AND LEASING AGREEMENT WITH HUMAN INVESTMENT PROJECT, INC.

At the request of staff, Chair Kiramis removed from the CDA Consent Calendar and agenda, a CDA resolution approving a restated property management and leasing agreement with Human Investment Project, Inc.

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 July 20, 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; Richard B. Marks, Community Development Director; Ricardo Santiago, Finance Director; Steve Toler, Administrative Services Director; Kevin Miller, Director of Parks and Recreation; Ramon Towne, Director of Public Works; Jon Froomin, Police Captain; Leslie Carmichael, Planning Manager; Chuck Haney, Chief Building Official; Kohar Shirikian; Assistant Planner; Mike Sly, Video Technician; and Doris L. Palmer, City Clerk/District Secretary/Recording Secretary.

PUBLIC

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

1. Veny Pirochta – 371 Boothbay Avenue; and
2. Woolston Moore – 299 Boothbay Avenue.

William Kunz, 970 Swan Street, addressed the Council regarding the City's General Plan process.

CONSENT CALENDAR

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

City Consent Calendar

1. Minutes of Regular Meeting of July 15, 2009;

2. City Resolution No. 2009-62, "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 \$35,400 for the Implementation of Dog Service to Assist in Controlling the Goose Population in Foster City;"
3. City Resolution No. 2009-63, "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 605, Park Pathway Repairs, Park Infrastructure Improvements;"
4. City Resolution No. 2009-64, "A Resolution of the City Council of the City of Foster City Authorizing the City Manager to Execute the FY 2009-2010 Mosquito Abatement Services Agreement with the San Mateo County Mosquito and Vector Control District;"

EMID Consent Calendar

5. Regular Meeting of July 15, 2009; and
6. EMID Resolution No. 3081, "A Resolution of the Board of Directors of the Estero Municipal Improvement District Authorizing the President to Execute a Consultant Agreement with Brown and Caldwell for Professional Consulting Engineering Services for (CIP 603) Sanitary Sewer Lift Station Improvements Project – Phase 4."

ITEM REMOVED FROM CONSENT CALENDAR

CITY RESOLUTION AWARDING AN AGREEMENT TO JJR CONSTRUCTION INC. FOR THE CONSTRUCTION OF (CIP 794) SKATE PARK COMPONENT OF THE TEEN CENTER AND RECREATIONAL FACILITIES.

Vice Mayor Wykoff removed from the City Consent Calendar, a City resolution awarding an agreement to JJR Construction Inc. for the construction of (CIP 794) Skate Park Component of the Teen Center and Recreational Facilities project.

Discussion ensued.

A motion by Vice Mayor Wykoff and seconded by Mayor Kiramis passed, 3-2-0, with Councilmember Koelling and Councilmember Frisella voting "No" to delay the award of an agreement to JJR Construction Inc. for the construction of (CIP 794) Skate Park Component of the Teen Center and Recreational Facilities until a more favorable economic climate existed.

A motion by Mayor Kiramis and seconded by Councilmember Kiesel passed, 4-1-0, with Vice Mayor Wykoff voting "No" to reconsider the motion to delay the award of an agreement to JJR Construction Inc.

Discussion ensued.

A motion by Councilmember Koelling and seconded by Councilmember Frisella failed, 2-3-0, with Councilmember Kiesel, Vice Mayor Wykoff, and Mayor Kiramis voting "No" to adopt a City resolution awarding an agreement to JJR Construction Inc. for the construction of (CIP 794) Skate Park Component of the Teen Center and Recreational Facilities.

PUBLIC HEARINGS

PROPOSED 2009-2010 APPROPRIATIONS LIMIT FOR THE CITY OF FOSTER CITY IN THE AMOUNT OF \$46,218,746 AND FOR THE ESTERO MUNICIPAL IMPROVEMENT DISTRICT IN THE AMOUNT OF \$43,290,215. CITY RESOLUTION NO. 2009-65 AND EMID RESOLUTION NO. 3081.

Mayor/President Kiramis opened a public hearing to hear and consider comments regarding proposed 2009-2010 appropriations limit for the City of Foster City in the amount of \$46,218,746 and for the Estero Municipal Improvement District in the amount of \$43,290,215.

Finance Director Ricardo Santiago presented the staff report.

William Kunz, 970 Swan Street, addressed the Council and provided public testimony.

Mayor/President Kiramis closed the public hearing.

Discussion ensued.

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

1. City Resolution No. 2009-65, "A Resolution of the City Council of the City of Foster City Establishing the Fiscal Year 2009-2010 Appropriations Limit Pursuant to Article XIII B of the California Constitution; and
2. EMID Resolution No. 3082, "A Resolution of the Board of Directors of the Estero Municipal Improvement District Establishing the Fiscal Year 2009-2010 Appropriations Limit Pursuant to Article XIII B of the California Constitution."

NEW BUSINESS

APPOINTMENT OF SURINDER SIKAND TO THE AD HOC TRANSPORTATION COMMITTEE. MINUTE ORDER NO. 1162.

Ad Hoc Transportation Committee applicant Surinder Sikand introduced himself to the City Council.

Motion by Councilmember Koelling, seconded by Vice Mayor Wykoff, and carried unanimously, 5-0-0, to adopt Minute Order No. 1162, appointing Surinder Sikand to an unexpired partial term from June 1, 2009 through June 30, 2010 on the Ad Hoc Transportation Committee.

FINAL MULTI-PROJECT TRAFFIC ANALYSIS AND THE FOSTER CITY MULTI-PROJECT ENGINEERING FEASIBILITY STUDY FOR THE FOLLOWING LAND DEVELOPMENT PROJECTS: CHESS DRIVE OFFICE BUILDINGS; MIRABELLA SAN FRANCISCO BAY/PARKVIEW PLAZA; GILEAD SCIENCES CORPORATE CAMPUS MASTER PLAN; AND PILGRIM-TRITON MASTER PLAN (EA-07-001, EA-07-002, EA-07-003, EA-06-003). INFORMATIONAL ITEM. NO ACTION REQUIRED.

Consulting Planner Whitney McNair of Metropolitan Planning Group presented the staff report.

Traffic Consultant Chris Mitchell of Fehr & Peers, presented the Multi-project Traffic Analysis Engineering Feasibility Study.

Discussion ensued.

William Kunz, 970 Swan Street, addressed the Council.

No action taken as this was an informational item.

RECESS. The Mayor/President recessed the meeting from 9:06 p.m. to 9:16 p.m.

APPEAL OF PLANNING COMMISSION RESOLUTION P-14-09, CONDITION OF APPROVAL NO. 22 REQUIRING THAT THE CEILING HEIGHT OF THE FIRST FLOOR ADDITION BE REDUCED 1 FOOT, FROM 9 FEET TO 8 FEET; AND THE TOP OF THE DOUBLE PLATE AT THE SECOND FLOOR BE REDUCED 1 FOOT, FROM 8 FEET TO 7 FEET ON AN ARCHITECTURAL REVIEW REQUEST TO CONSTRUCT A 281 SQ. FT. FIRST FLOOR ADDITION BETWEEN THE EXISTING HOUSE AND THE GARAGE AND A 669 SQ. FT. SECOND FLOOR ADDITION OVER THE PROPOSED FIRST FLOOR ADDITION AND THE EXISTING GARAGE OF A TWO-STORY SINGLE FAMILY WATERFRONT HOUSE AT 643 GREENWICH LANE – AR-08-101. RESOLUTION NO. 2009-66.

Assistant Planner Shirikian presented the staff report.

Jim Mittler, 643 Greenwich Lane, addressed the Council.

Planning Commissioner Charles Bronitsky, addressed the Council.

Discussion ensued.

Motion by Councilmember Kiesel, seconded by Vice Mayor Wykoff, and carried unanimously, 5-0-0, to adopt City Resolution No. 2009-66, "Granting an Appeal Requesting Removal of Condition of Approval No. 22 Requiring that the Ceiling Height of the First Floor Addition Be Reduced 1 Foot, from 9 Feet to 8 Feet; and the Top of the Double Plate at the Second Floor Be Reduced 1 Foot, from 8 Feet to 7 Feet on Planning Commission Resolution P-14-09, Approving an Architectural Review Request to Construct a 281 Sq. Ft. First Floor Addition Between the Existing House and the Garage and a 669 Sq. Ft. Second Floor Addition Over the Proposed First Floor Addition and the Existing Garage of a Two-Story Single Family Waterfront House at 643 Greenwich Lane– AR-08-101."

RESOLUTIONS FOR ADOPTION

PROVIDING CONCURRENCE WITH THE APPROVAL OF AN AGREEMENT BETWEEN SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY (SBWMA) AND THE CITY OF SAN CARLOS PERTAINING TO THE SHOREWAY RECYCLING AND DISPOSAL CENTER. CITY RESOLUTION NO. 2009-67.

City Manager Hardy presented the staff report.

Discussion ensued.

Motion by Vice Mayor Wykoff, seconded by Councilmember Koelling, and carried unanimously, 5-0-0, to adopt City Resolution No. 2009-67, "A Resolution of the City Council of the City of Foster City Providing Concurrence with the Approval of an Agreement Between South Bayside Waste Management Authority (SBWMA) and the City of San Carlos Pertaining to the Shoreway Recycling and Disposal Center."

COMMUNICATIONS

CITY/DISTRICT WARRANT OF DEMANDS. NO ACTION REQUIRED.

The City/District Warrant of Demands processed and issued June 10, 2009, June 17, 2009, June 24, 2009, June 29, 2009, July 1, 2009, July 8, 2009 and July 13, 2009 were listed on the agenda for information purposes only. No action was required.

COUNCIL/BOARD STATEMENTS AND REQUESTS

Councilmember Kiesel stated that many attended the evening program for the 4th of July celebration. However, attendance during the day was down. He also advised he was not pleased with the damage to City property during the event. Councilmember Kiesel raised the question of how many Foster City residents benefit from City services such as the 4th of July celebration as opposed to those in attendance who are not Foster City residents. The fireworks were excellent this year.

Councilmember Koelling was unable to attend the 4th of July celebration in Foster City but heard it was absolutely fantastic.

Councilmember Koelling announced that SamTrans is making modifications to some of their service lines. One of the modifications is to reduce or eliminate the FX line that transports Foster City riders to downtown San Francisco in the morning and back in the evening. She will be attending a public meeting next week and urged all riders of the FX line and residents to write letters to SamTrans and express their concerns and disagreement with the proposed modification of the FX line.

Councilmember Koelling indicated a nonresident suggested that the City look into closing Shell Boulevard to traffic once a month in order to give people an idea of what it is like to ride their bikes in and around nearby parks.

Councilmember Koelling asked staff to reintroduce the (CIP 794) Skate Park Component of the Teen Center and Recreational Facilities project as soon as possible.

Vice Mayor Wykoff asked staff to provide a follow-up status report to a letter sent to the Property Manager of Marlin Cove regarding the need to improve the property maintenance at this shopping center.

CLOSED SESSION

Mayor/President Kiramis recessed the meeting into closed session pursuant to Government Code §54956.9(a) San Mateo County Superior Court Case No. 4844115 Razmik Aslanian v City of Foster City.

Meeting recessed into closed session at 10:11 p.m. and reconvened at 10:16 p.m.

Mayor/President Kiramis reported that no action was taken in closed session.

ADJOURNMENT

Hearing no objection from the Council/Board, Mayor/President Kiramis adjourned the meeting. Meeting adjourned at 10:16 p.m.