

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

**REGULAR MEETING OF SEPTEMBER 21, 2009**

**MINUTES**

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

The Regular Meeting of September 8, 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; Bob Lanzone, Deputy 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 following items on the CDA Consent Calendar:

1. Minutes of the Special Meeting of August 3, 2009;
2. Minutes of the Regular Meeting of August 3, 2009; and
3. Minutes of the Special Meeting of August 31, 2009.

**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 September 8, 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; Bob Lanzone, Deputy City Attorney/District Legal Counsel; Kristi A. Chappelle, Assistant City/District Manager; Kevin Miller, Director of Parks and Recreation; Ramon Towne, Director of Public Works; Craig Courtin, Police Chief; Matt Martel, Police Captain; Richard B. Marks, Community Development Director; Leslie Carmichael, Planning Manager; Curtis Banks, Senior Planner; Matthew Feske, Associate Planner; Brian Chan, Senior Civil Engineer; Bridget Carberry, Video Technician; and Doris L. Palmer, City Clerk/District Secretary/Recording Secretary.

## **SPECIAL PRESENTATIONS**

**CERTIFICATE OF RECOGNITION PRESENTED TO DENNIS CHUCK FOR HIS DEDICATION TO USING ALTERNATIVE TRANSPORTATION.**

On behalf of the City Council, Mayor Kiramis presented the Certificate of Recognition to Dennis Chuck for his dedication to using alternative transportation and for inspiring others to choose biking as a commute option.

**HONORING SENIOR CIVIL ENGINEER BRIAN CHAN AND ASSISTANT ENGINEER ASHRAF SHAH FOR THEIR CONTINUED DILIGENCE IN MAKING SURE FOSTER CITY'S ROADWAYS ARE MAINTAINED.**

On behalf of the City Council, Mayor Kiramis presented the Certificate of Recognition to Senior Civil Engineer Brian Chan for his continued diligence in making sure Foster City's roadways are maintained. Mayor Kiramis further directed staff to present the Certificate of Recognition to Assistant Engineer Ashraf Shah who could not be present at the meeting. He also applauded the Public Works Department for having received MTC's 2008 Best All-Around Pavement Management Program Award.

## **PUBLIC**

Barbara Blanchard, Foster City Librarian, presented the San Mateo County Library Annual Report and indicated that the Foster City Library will be closed for renovation. The dates of the closure are October 4, 2009 through January 3, 2010.

Yvonne Ryzak, 630 Greenwich Lane, addressed the Council regarding the deplorable maintenance in front of the businesses at the Marlin Cove Shopping Center. Staff was directed to ask the City Attorney to review the property owner's past response to staff's

request to properly maintain the Center and determine if the property owner has violated any Conditions of Approval of their Use Permit.

Herb Perez, 1044 Pensacola Street, indicated that he is a business owner at Edgewater Place. He expressed concern that if a business owner is held to a different standard than that which is found in the conditional use permit; it would cause problems for business owners who have invested in the area.

## **ITEM REMOVED FROM CONSENT CALENDAR AND AGENDA**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY AUTHORIZING STAFF TO ISSUE A REQUEST FOR PROPOSAL FOR DESIGN AND CONSTRUCTION SUPPORT SERVICES FOR MULTI-PROJECT ROADWAY IMPROVEMENTS.

At the request of staff, Mayor Kiramis removed from the City Consent Calendar and agenda for consideration at a later date, a City resolution authorizing staff to issue a Request for Proposal for design and construction support services for multi-project roadway improvements.

## **CONSENT CALENDAR**

Motion by Councilmember/Director Frisella, seconded by Councilmember/Director Koelling, 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 August 3, 2009;
2. Minutes of Regular Meeting of August 3, 2009;
3. Minutes of Special Meeting of August 31, 2009;
4. City Resolution No. 2009-73, "A Resolution of the City Council of the City of Foster City Authorizing a Budget Amendment in the Amount of \$25,270 from Unappropriated Reserves of the City Capital Improvement Project Fund to Cover Construction Contingencies and Awarding an Agreement to Rodan Builders, Inc. for (CIP 605) Park Pathway Repairs Project in the Amount of \$262,070;"
5. City Resolution No. 2009-74, "A Resolution of the City Council of the City of Foster City Authorizing the City Manager and the Chief of Police to Sign a Memorandum of Understanding Regarding Police Records and Data Sharing with Other Law Enforcement Agencies Via a Software System Named COPLINK;"
6. City Resolution No. 2009-75, "A Resolution of the City Council of the City of Foster City Rejecting the Claim of Julie Wheeler;"

## EMID Consent Calendar

7. Minutes of Special Meeting of August 3, 2009;
8. Minutes of Regular Meeting of August 3, 2009;
9. Minutes of Special Meeting of August 31, 2009;
10. EMID Resolution No. 3083, "A Resolution of the Board of Directors of the Estero Municipal Improvement District Accepting the Work by West Valley Construction Company, Inc. for (CIP 760) Water Main Condition Survey and Improvements Project, and Directing the District Secretary to File the Notice of Completion;" and
11. EMID Resolution No. 3084, "A Resolution of the Board of Directors of the Estero Municipal Improvement District Rejecting the Claim of Julie Wheeler."

## **PUBLIC HEARINGS**

PUBLIC HEARING TO HEAR AND CONSIDER COMMENTS REGARDING AMENDMENTS TO SECTION 17.50.020, ACCESSORY BUILDINGS OR STRUCTURES – REGULATIONS, OF CHAPTER 17.50, ACCESSORY BUILDING AND USES, OF TITLE 17, ZONING, OF THE FOSTER CITY MUNICIPAL CODE.

Mayor Kiramis opened a public hearing to review proposed amendments to Section 17.50.020, Accessory Buildings or Structures – Regulations, of Chapter 17.50, Accessory Building and Uses, of Title 17, Zoning, of the Foster City Municipal Code.

Associate Planner Matthew Feske presented the staff report.

Discussion ensued.

No public testimony was received.

Hearing no objection from the City Council, Mayor Kiramis closed the public hearing.

Motion by Vice Mayor Wykoff, seconded by Councilmember Koelling, and carried unanimously, 5-0-0, to introduce by title and waive further reading of "An Ordinance of the City of Foster City Amending Section 17.50.020, Accessory Buildings or Structures – Regulations, of Chapter 17.50, Accessory Building and Uses, of Title 17, Zoning, of the Foster City Municipal Code."

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

PUBLIC HEARING TO HEAR AND CONSIDER COMMENTS REGARDING A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR THE PARKS AND OPEN SPACE ELEMENT AND GENERAL PLAN AMENDMENT TO UPDATE THE PARKS AND OPEN SPACE ELEMENT OF THE CITY OF FOSTER CITY GENERAL PLAN AND REMOVE THE CONSERVATION ELEMENT AND CREATE A SEPARATE CONSERVATION

## ELEMENT/CHAPTER FOR THE CITY OF FOSTER CITY GENERAL PLAN – EA-09-001 AND GP-09-001.

Mayor Kiramis opened a public hearing to hear and consider comments regarding a Negative Declaration of Environmental Impact for the Parks and Open Space Element and General Plan Amendment to Update the Parks and Open Space Element of the City of Foster City General Plan and Remove the Conservation Element and Create a Separate Conservation Element/Chapter for the City of Foster City General Plan – EA-09-001 and GP-09-001.

Senior Planner Curtis Banks presented the staff report.

No public testimony was received.

Discussion ensued.

Hearing no objection from the City Council, Mayor Kiramis closed the public hearing.

Motion by Councilmember Koelling, seconded by Councilmember Frisella, and carried unanimously, 5-0-0, to adopt City Resolution No. 2009-76, “A Resolution of the City Council of the City of Foster City Approving the Negative Declaration of Environmental Impact for the General Plan Amendment to Update the City of Foster City Parks and Open Space Element – EA-09-001; GP-09-001.”

Motion by Councilmember Koelling, seconded by Councilmember Frisella, and carried unanimously, 5-0-0, to adopt City Resolution No. 2009-77, “A Resolution of the City Council of the City of Foster City Approving the General Plan Amendment to Update the Parks and Open Space Element of the City of Foster City General Plan and to Move the Conservation Element to Create a New Conservation Element/Chapter for the General Plan – Citywide - City of Foster City – GP-09-001.”

## **COMMUNICATIONS**

CITY/DISTRICT WARRANT OF DEMANDS. NO ACTION REQUIRED.

The City/District Warrant of Demands processed and issued on July 27, 2009, July 29, 2009, August 5, 2009, August 10, 2009, August 12, 2009, August 19, 2009, August 26, 2009, and August 31, 2009 were listed on the agenda for information purposes only. No action was required.

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

Vice Mayor/Vice President Wykoff asked staff to investigate a report that there are more squirrels along the levee west of Foster City Boulevard before Sea Cloud Park.

## **CLOSED SESSION**

Mayor/President Kiramis recessed the meeting into closed session conference with Legal Counsel pursuant to Government Code §54956.9(b) regarding one case of potential litigation.

Meeting recessed into closed session at 8:44 p.m. and reconvened at 8:50 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 8:50 p.m.