

**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 21, 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 and Doris L. Palmer, CDA Secretary.

CONSENT CALENDAR

Motion by Member Koelling, seconded by Member Frisella, and carried unanimously, 5-0-0, to adopt the following items on the CDA Consent Calendar:

1. Minutes of the Regular Meeting of September 8, 2009; and
2. CDA Resolution No. 275, "A Resolution of the Community Development Agency of the City of Foster City Approving a Restated Property Management and Leasing Agreement with Human Investment Project, Inc."

RECESS.

The Chair recessed the meeting of the Community Development Agency to consider the Pilgrim Triton Master Plan Development Agreement, Pilgrim Triton Phase A Development Agreement, Phase A Owner Participation Agreement with the City Pilgrim Triton Master Plan Development Agreement, Pilgrim Triton Phase A Development Agreement, Phase A Owner Participation Agreement.

CDA meeting recessed at 7:31 p.m. and reconvened at 8:44 p.m.

RESOLUTIONS FOR ADOPTION

CONSIDERATION OF PILGRIM TRITON MASTER PLAN DEVELOPMENT AGREEMENT, PILGRIM TRITON PHASE A DEVELOPMENT AGREEMENT, PHASE A OWNER PARTICIPATION AGREEMENT – DA-08-001, DA-09-001. CDA RESOLUTION NO. 276.

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

Legal Counsel Gerald Ramiza of McDonough, Holland and Allen provided further information for the City Council.

Discussion ensued.

Motion by Vice Chair Wykoff, seconded by Member Frisella, and carried unanimously, 5-0-0, to adopt CDA Resolution No. 276 as amended, "A Resolution of the Community Development Agency of the City of Foster City Finding that the Use of Taxes Allocated from the Project Area One Redevelopment Project for Affordable Housing Units to be Developed as Part of Phase A of the Pilgrim-Triton Master Plan Will be of Benefit to the Project and Approving an Owner Participation Agreement with the Northwestern Mutual Life Insurance Company."

ADJOURNMENT

Hearing no objection from the CDA Board, Chair Kiramis adjourned the meeting. Meeting adjourned at 9:46 p.m.

CALL TO ORDER OF CITY COUNCIL/EMID BOARD OF DIRECTORS

The Regular Meeting of September 21, 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 Savaree, 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; Steve Toler, Administrative

Services Director; Craig Courtin, Police Chief; Jon Froomin, Police Captain; Richard B. Marks, Community Development Director; Leslie Carmichael, Planning Manager; Jim Comisky, Fire Battalion Chief; Norm Dorais, Public Works Maintenance Manager; Laura Galli, Assistant Engineer; John Castanha, Human Resources Technician; Tiffany Hall, Teen Recreation Coordinator; Mike Sly, Video Technician; and Doris L. Palmer, City Clerk/District Secretary/Recording Secretary.

SPECIAL PRESENTATIONS

EMPLOYEE 5-YEAR SERVICE PINS.

Public Works Superintendent Ignatius Nelson was unable to attend the meeting and will be presented with his service pin by the Director of Public Works Ray Towne.

EMPLOYEE 10-YEAR SERVICE PINS.

On behalf of the City Council, Mayor Kiramis presented Employee 10-Year Service Pins to Fire Fighter Jason Gekas and Recreation Superintendent Manny Hernandez.

EMPLOYEE 20-YEAR SERVICE PINS.

On behalf of the City Council, Mayor Kiramis presented an Employee 20-Year Service Pin to Public Works Maintenance Manager Norm Dorais, Fire Captain Chuck Goodwin and Fire Captain Ken Lambro.

EMPLOYEE 25-YEAR SERVICE PINS.

On behalf of the City Council, Mayor Kiramis presented an Employee 25-Year Service Pin to Fire Fighter Tom Linari.

Without objection from the Council/Board, Mayor/President Kiramis took the following item out of agenda order.

NEW BUSINESS

YOUTH ADVISORY COMMITTEE APPOINTMENTS. CITY RESOLUTION NO. 2009-78.

Parks and Recreation Director Miller reported that the following 25 students are seeking appointment to the Youth Advisory Committee for the 2009-2010 school year: Brittany Brady, Notre Dame; Karen Chee, San Mateo; Charley Chen, Crystal Springs; Eric Chuang, San Mateo; Vivian Chuang, Bowditch; Danielle Coyle, San Mateo; Lindsay Custodio, Notre Dame; Erin Dasher, San Mateo; Samantha Fong, Aragon; Briana Fox, San Mateo; Kellie Freshour, San Mateo; Kayla Froomin, Aragon; Jeremy Hardy, Aragon; Kristi Kenny, Notre Dame; Haley Kilroy, Aragon; Brittany McOmber, Aragon; Christina Matian, Notre Dame; Jeffrey Ratti, San Mateo; Alex Rosenberg, San Mateo; Kali Ruiz, Hillsdale; Dayna Sakata, San Mateo; Amrit Saxena, Aragon; Betty Shen, San Mateo; Neha Singh, Crystal Springs; and Sydney Swords, San Mateo.

Many of the students introduced themselves to the City Council.

Motion by Councilmember Koelling, seconded by Councilmember Frisella, and carried unanimously, 5-0-0, to adopt City Resolution No. 2009-78, "A Resolution of the City Council of the City of Foster City Approving the Appointment of Twenty-five Members to the Youth Advisory Committee."

PUBLIC

Tommy Cala, 752 Bounty Drive #5203, addressed the Council on the following issues: (1) faded red curbs along Shell Boulevard; (2) dull and faded bike lanes around Foster City; (3) graffiti found at Foster's Landing after the Fourth of July event this year; and (4) traffic issues around Brewers Island School during drop-off and pick-up of children.

Jim Kramer, 601 Mystic Lane, asked the Council to review a proposed amendment to the noise ordinance that would limit vocal noise in neighborhoods.

Herb Perez, 1044 Pensacola Street, addressed the Council to rebut Mr. Kramer's comments and to oppose the proposed amendment to the noise ordinance.

CONSENT CALENDAR

Motion by Councilmember/Director Koelling, 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 September 8, 2009;
2. City Ordinance No. 548, "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 [First Reading September 8, 2009];"
3. City Resolution No. 2009-79, "A Resolution of the City Council of the City of Foster City Authorizing Staff to Purchase Eight Vehicles in the Amount of \$184,000 with \$32,000 Budgeted and Funded for Equipment Installation for a Total Cost of \$216,000 [from Albany Ford, San Francisco Ford, Veracom Ford, and Toyota 101];"
4. City Resolution No. 2009-80, "A Resolution of the City Council of the City of Foster City Approving and Authorizing the City Manager to Execute a Franchise Agreement with Recology San Mateo County for Recyclable Materials, Organic Materials and Solid Waste Collection Services;"
5. City Resolution No. 2009-81, "A Resolution of the City Council of the City of Foster City Approving the Operations Agreement for the Shoreway Recycling and Disposal Center Located in San Carlos;" and

EMID Consent Calendar

6. Minutes of Regular Meeting of September 8, 2009.

NEW BUSINESS

CITY RESOLUTION NO. 2009-82 APPOINTING TWO CITIZENS TO THE COMMUNITY WALL OF FAME.

Parks and Recreation Director Miller presented the staff report.

Motion by Councilmember Frisella, seconded by Councilmember Wykoff, and carried unanimously, 5-0-0, to adopt City Resolution No. 2009-82, "Approving the Nomination and Appointment of Two Citizens to the Foster City Community Wall of Fame [Peggy Ankerbrand and Fran Monsoor]."

RESPONSE TO 2008-2009 GRAND JURY REPORT – TRASHTALK: RETHINKING THE WASTE MANAGEMENT RFP PROCESS BY THE SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY. MINUTE ORDER NO. 1167.

Public Works Director Towne presented the staff report.

Motion by Councilmember Koelling, seconded by Councilmember Kiesel, and carried unanimously, 5-0-0, to adopt Minute Order No. 1167, to approve response letter Option #1 not to concur with the Grand Jury recommendation, and continue to support a staff appointed Board from designated upper management positions per the current JPA agreement.

CDA MEETING RECONVENED. The Community Development Agency meeting reconvened at 8:44 p.m.

ORDINANCES FOR INTRODUCTION

CITY RESOLUTION NO. 2009-83 PILGRIM TRITON MASTER PLAN DEVELOPMENT AGREEMENT, PILGRIM TRITON PHASE A DEVELOPMENT AGREEMENT, PHASE A OWNER PARTICIPATION AGREEMENT – DA-08-001, DA-09-001.

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

Legal Counsel Gerald Ramiza of McDonough, Holland and Allen provided further information for the City Council.

The following members of the public addressed the City Council.

1. Linda Haskin, 116 Halsey Boulevard
2. Chris Mohr, Housing Leadership Council of San Mateo County, 139 Mitchell Ave., #108, South San Francisco, CA 94080

3. Jim Rochotte, Housing Leadership Council of San Mateo County, 1037 Black Mountain Road, Hillsborough, CA 94010
4. John Igoe, Sares Regis, 901 Mariners Island Boulevard, # 700, San Mateo, CA 94404
5. Andrew Hudacek, Sares Regis, 901 Mariners Island Boulevard, # 700, San Mateo, CA 94404

Discussion ensued.

Motion by Councilmember Koelling, seconded by Councilmember Kiesel, and carried unanimously, 5-0-0, to adopt City Resolution No. 2009-83, "A Resolution of the City Council of the City of Foster City Finding that the Pilgrim-Triton Master Plan Environmental Impact Report Adequately Analyzes Environmental Impacts Associated with Phase A of the Pilgrim-Triton Master Plan Project Approximately 6.14 Acres Including the Construction of 300 Multi-Family Residential Units, 17,000 Square Feet of Ground Floor Commercial, a 638 Space Parking Structure, At-grade Parking Spaces and 0.69 Acres of a 1.17 Acre Open Space/Plaza – (APN: 094-010-560) – EA-09-003."

Motion by Councilmember Kiesel, 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 Approving a Master Development Agreement Between the City of Foster City, AMB Institutional Alliance Fund III, L.P., Foster City Executive Park Partners, and the Northwestern Mutual Life Insurance Company for Development Pursuant to a Mixed-Use Master Plan of Up to 296,000 Square Feet of Commercial/Industrial Office Use and Up to 730 Residential Units, Including Up to 64 Live/Work Units –DA-08-001 as amended."

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

Motion by Councilmember Kiesel, seconded by Councilmember Frisella, and carried unanimously, 5-0-0, to introduce by title and waive further reading of "An Ordinance of the City of Foster City Approving a Development Agreement Between the City of Foster City and the Northwestern Mutual Life Insurance Company to Develop the First Phase (Phase A) of the Development Project Described in the Master Development Agreement Pursuant to a Specific Development Plan/Use Permit – DA-09-001 as amended."

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

CDA MEETING ADJOURNED. The Community Development Agency adjourned at 9:46 p.m.

COMMUNICATIONS

CITY/DISTRICT WARRANT OF DEMANDS. NO ACTION REQUIRED.

The City/District Warrant of Demands processed and issued on September 2, 2009, September 9, 2009, and September 14, 2009 were listed on the agenda for information purposes only. No action was required.

COUNCIL/BOARD STATEMENTS AND REQUESTS

Councilmember Kiesel announced October 13, 2009 is White Cane Day. In support of White Cane Day, the Foster City Lions Club will be holding a fundraiser to raise money for the disadvantaged who need help with eye care.

Councilmember Frisella thanked City Clerk Doris Palmer for doing a fabulous job in making the transition from former City Clerk Therese Calic appear seamless.

Councilmember Frisella expressed disappointment that she was not informed of the concerns expressed by Jim Kramer this evening. She would like to be kept informed in the future.

Councilmember Koelling applauded all the council candidates who are seeking public office. However, she asked all council candidates to respect each others' political signs and not put signs in front of the other candidates' signs.

Councilmember Koelling announced that she, Councilmember Frisella and Councilmember Kiesel attended the League of California Cities Conference in San Jose. At this meeting, the League announced its strategy to "shut the door" to prevent State officials from dipping into city pockets. An initiative will be placed on the ballot to finally "shut the door" and force State officials in Sacramento to conduct business and be responsible to local governments at the city level. League representatives will be passing petitions to support this ballot measure later in the year. On another legislative note, Councilmember Koelling advised that the City sent letters to the State Assembly regarding the proposed bill to have local cities ask permission before going into bankruptcy. The bill was voted down.

Mayor Kiramis announced that this will probably be his last meeting as Mayor. He and his wife, Katherine, plan to move to southern California next week if escrow closes on the sale of his home in Foster City. He thanked the Council and staff for all the support he has received these past four years. He will miss Foster City and he expressed his love for the city in which he has lived, worked and enjoyed for the past 33 years. He stated that Foster City is the greatest place on earth.

Vice Mayor Wykoff thanked Mayor Kiramis for having served the City with dignity and honor. Councilmembers Frisella, Kiesel and Koelling wished Mayor Kiramis good luck.

ADJOURNMENT

Hearing no objection from the Council/Board, Mayor/President Kiramis adjourned the meeting. Meeting adjourned at 9:53 p.m.