

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

REGULAR MEETING OF OCTOBER 1, 2007

MINUTES

CALL TO ORDER OF FOSTER CITY COMMUNITY DEVELOPMENT AGENCY BOARD

The Regular Meeting of October 1, 2007 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 Ron Cox.

ROLL CALL

The Secretary called the roll:

PRESENT: Members Pam Frisella, John Kiramis, Linda Koelling, Rick Wykoff, and Chair Ron Cox.

ABSENT: None.

STAFF PRESENT: James C. Hardy, Executive Director/Treasurer; and Therese L. Calic, CDA Secretary.

CONSENT CALENDAR

Motion by Member Wykoff, seconded by Member Koelling, and carried unanimously, 5-0-0, to adopt the Minutes of the Regular of September 17, 2007 on the CDA Consent Calendar.

ADJOURNMENT

Hearing no objection from the CDA Board, Chair Cox adjourned the meeting. Meeting adjourned at 7:31 p.m.

CALL TO ORDER OF CITY COUNCIL/EMID BOARD OF DIRECTORS

The Regular Meeting of October 1, 2007 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 Ron Cox.

ROLL CALL

The City Clerk/District Secretary called the roll:

PRESENT: Councilmembers/ex officio Directors Pam Frisella, John Kiramis, Linda Koelling, Rick Wykoff, and Mayor/President Ron Cox.

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 Manager; Kevin Miller, Director of Parks and Recreation; Craig Courtin, Chief of Police; Ramon Towne, Director of Public Works; Richard B. Marks, Community Development Director; Matt Martell, Police Captain; Jon Froomin, Police Captain; John Mapes, Fire Marshal; Leslie Carmichael, Planning Manager; Mike Sly, Video Operator; and Therese L. Calic, City Clerk/District Secretary/Recording Secretary.

SPECIAL PRESENTATIONS

PROCLAMATION RE FIRE PREVENTION WEEK.

On behalf of the City Council, Mayor Cox declared October 7-13, 2007 as "Fire Prevention Week" and presented a proclamation to Fire Marshal Mapes.

CONSENT CALENDAR

Motion by Vice Mayor/Vice President Frisella, seconded by Councilmember/Director Koelling, and carried unanimously, 5-0-0, to approve the following items on the City/District Consent Calendar:

City Consent Calendar

1. Minutes of Special Meeting of September 10, 2007;
2. Minutes of Regular Meeting of September 17, 2007;
3. City Resolution No. 2007-75, "A Resolution of the City Council of the City of Foster City Accepting the Work by Granite Construction Company for (CIP 795) Residential Street Resurfacing and Repair Project and Directing the City Clerk to File the Notice of Completion;"

EMID Consent Calendar

4. Minutes of Special Meeting of September 10, 2007; and
5. Minutes of Regular Meeting of September 17, 2007.

ITEMS REMOVED FROM THE CITY/DISTRICT CONSENT CALENDAR

CITY RESOLUTION NO. 2007-76 AUTHORIZING STAFF TO PURCHASE TEN VEHICLES IN THE AMOUNT OF \$296,775.24 WITH AN ADDITIONAL \$56,224.76 SET ASIDE FOR EQUIPMENT INSTALLATION FOR A TOTAL COST OF \$353,000 [FROM DOWNTOWN FORD, HOBLIT FLEET GROUP, BROADWAY MOTORS, EAST BAY FORD, AND TOYOTA 101.]

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

Motion by Councilmember Koelling, seconded by Vice Mayor Frisella, and carried unanimously, 5-0-0, to adopt City Resolution No. 2007-76, "A Resolution of the City Council of the City of Foster City Authorizing Staff to Purchase Ten Vehicles in the Amount of \$296,775.24 with an Additional \$56,224.76 Set Aside for Equipment Installation for a Total Cost of \$353,000 [from Downtown Ford, Hoblit Fleet Group, Broadway Motors, East Bay Ford, and Toyota 101.]"

EMID RESOLUTION NO. 3017 PROVIDING CONCURRENCE TO THE CITY OF SAN MATEO FOR AWARD OF AMENDMENT NO. 4 TO THE AGREEMENT WITH MONTGOMERY WATSON HARZA AMERICAS, INC. (MWH) FOR CONSTRUCTION MANAGEMENT SERVICES FOR (CIP 730) WASTEWATER TREATMENT PLANT DEWATERING FACILITY IMPROVEMENTS AND ANAEROBIC DIGESTER PROJECT.

At the request of Director Wykoff, President Cox removed this item from the District Consent Calendar.

Motion by Vice President Frisella, seconded by Director Koelling, and carried 3-2-0, Directors Kiramis and Wykoff voted "No," to adopt EMID Resolution No. 3017, "A Resolution of the Board of Directors of the Estero Municipal Improvement District Providing Concurrence to the City of San Mateo for Award of Amendment No. 4 to the Agreement with Montgomery Watson Harza Americas, Inc. (MWH) for Construction Management Services for (CIP 730) Wastewater Treatment Plant Dewatering Facility Improvements and Anaerobic Digester Project."

RESOLUTIONS FOR ADOPTION

CITY RESOLUTION NO. 2007-77 AUTHORIZING THE PURCHASE OF ONE POLICE MOTORCYCLE AND THE APPROPRIATION OF FUNDS.

Parks and Recreation Director Miller presented the staff report.

Discussion ensued.

Motion by Councilmember Wykoff, seconded by Vice Mayor Frisella, and carried unanimously, 5-0-0, to adopt City Resolution No. 2007-77, "A Resolution of the City Council of the City of Foster City Authorizing the Purchase of One 2007 BMW 1200 Police Motorcycle from the City of San Mateo in the Amount of \$14,000, and the Appropriation of \$14,000 from the Vehicle Replacement Fund."

CITY RESOLUTION NO. 2007-78 AND EMID RESOLUTION NO. 3018 APPROVING THE CITY/DISTRICT ENVIRONMENTAL REVIEW GUIDELINES.

Planning Manager Carmichael presented the staff report.

Discussion ensued.

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

1. City Resolution No. 2007-78, "A Resolution of the City Council of the City of Foster City Approving the City of Foster City/Estero Municipal Improvement District Environmental Review Guidelines;" and
2. EMID Resolution No. 3018, "A Resolution of the Board of Directors of the Estero Municipal Improvement District Approving the City of Foster City/Estero Municipal Improvement District Environmental Review Guidelines."

COMMUNICATIONS

CITY/DISTRICT WARRANT OF DEMANDS. NO ACTION TAKEN.

The City/District Warrant of Demands processed and issued September 12, 2007, September 19, 2007, and September 24, 2007 were listed on the agenda for information purposes only. No action was taken.

COUNCIL/BOARD STATEMENTS AND REQUESTS

Councilmember Kiramis asked the City Council to consider whether former Mayors who have left the City Council should be given the title of Mayor Emeritus as well as have business cards with this title and their home phone number.

Vice Mayor Frisella invited the public to attend the Rotary Club Rib Fest on Saturday, October 6, from 5 p.m. to 9 p.m. at the Recreation Center.

Vice Mayor Frisella invited residents interested in joining the Arts and Culture Committee to contact the City Clerk.

Councilmember Wykoff stated that whoever is knocking down political signs is interfering with free speech and democracy and could possibly be facing criminal penalties due to the expense of the signs as the signs are considered constitutionally protected free speech.

Councilmember Koelling thanked the Education Committee for inviting the San Mateo High School District and San Mateo-Foster City School District Board Candidates to its September 26, 2007 meeting that was televised over FCTV Channel 27. It was an informative meeting.

Councilmember Koelling thanked Jack Burleson and Bill Chow, honored tonight, for their dedication to the community.

Mayor Cox stated that he was one of the "No" votes in the 3-2-0 vote at the September 17, 2007 Council meeting that adopted Minute Order No. 1068 because he did not care for minor verbiage of the motion. He stated that various newspaper articles have erroneously criticized the City Council for this action but shouldn't have. The City Council found out that it is illegal for the City to run and/or fund a school of any kind, even if it was called an education center. He clarified to the public that the City Council did not vote down the charter high school that evening but rather voted down a Mello-Roos special taxing district that would have involved up to three municipal elections each requiring a two-thirds vote to pass the measures. It would also have a very negative impact on our City by taxing our citizens who, in his opinion, would get very little use from it. Mayor Cox stated that at the Education Committee meeting of September 26, 2007, one of the San Mateo Union High School District Board Candidates opined that approximately one-third of a 500-student charter high school or 165 students would be from Foster City. Mayor Cox further stated that one member of the San Mateo Union High School District Board wrote a scathing letter stating that the Foster City Council was asked to support a small high school facility when the \$298 million school bond measure was being formulated and then approved by the voters. Mayor Cox does not remember the City Council or the City staff ever being asked. Mayor Cox suggested that this Trustee serving as a member of the District's Board clean up his own house at the school district. He hopes that voters will read and investigate all candidates in deciding who to support.

Councilmember Kiramis stated that although Councilmembers vote for and sometimes against an issue, he never doubts that the votes are being made in the best interest of the community by that Councilmember.

CLOSED SESSION

Hearing no objection from the Council/Board, Mayor/President Cox recessed the meeting into Closed Session pursuant to Government Code 54956.8 for a conference with real property negotiators James C. Hardy, Jean Savaree, Kristi Chappelle and Richard Marks regarding business terms with respect to leasing and/or selling an 11-acre portion of the 15-acre site adjacent to the Government Center owned by the City of Foster City [APN 094-471-100] to Sares Regis Group of Northern California, L.P., et. al.

Meeting recessed into Closed Session in the City Hall 3rd Floor Conference Room, 610 Foster City Boulevard, at 8:22 p.m. and reconvened at 10:14 p.m.

Mayor/President Cox reported that no action was taken in Closed Session.

ADJOURNMENT

Hearing no objection from Council/Board, Mayor/President Cox adjourned the meeting.
Meeting adjourned at 10:14 p.m.