

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

**REGULAR MEETING OF OCTOBER 5, 2009**

**MINUTES**

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

The Regular Meeting of October 5, 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 Vice Chair Wykoff.

**ROLL CALL**

The Secretary called the roll:

**PRESENT:** Members Pam Frisella, Art Kiesel, Linda Koelling, and Vice Chair Rick Wykoff.

**ABSENT:** None.

**STAFF PRESENT:** James C. Hardy, Executive Director/Treasurer and Doris L. Palmer, CDA Secretary.

**RECESS.**

Vice Chair Wykoff recessed the meeting of the Community Development Agency to consider the reorganization of the City Council/EMID Board of Directors due to the resignation of Chair John Kiramis at the close of business on September 30, 2009.

CDA meeting recessed at 7:31 p.m. and reconvened at 7:32 p.m.

It should be noted that the individual selected to serve as Mayor/President also serves as Chair of the Agency and the Vice Mayor/Vice President also serves as Vice Chair of the Agency. Due to the reorganization, the new Chair is Rick Wykoff and the new Vice Chair is Linda Koelling.

**CONSENT CALENDAR**

Motion by Member Frisella, seconded by Vice Chair Koelling, and carried unanimously, 4-0-0, to adopt the following items on the CDA Consent Calendar:

1. Minutes of the Special Meeting of September 21, 2009;
2. Minutes of the Regular Meeting of September 21, 2009; and
3. CDA Resolution No. 277, "A Resolution of the Community Development Agency of the City of Foster City Approving the Second Amendment to the Affordable Housing Agreement for Foster's Landing."

## **ADJOURNMENT**

Hearing no objection from the CDA Board, Chair Wykoff adjourned the meeting. Meeting adjourned at 7:34 p.m.

## **CALL TO ORDER OF CITY COUNCIL/EMID BOARD OF DIRECTORS**

The Regular Meeting of October 5, 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 Vice Mayor/Vice President Rick Wykoff.

## **ROLL CALL**

The City Clerk/District Secretary called the roll:

**PRESENT:** Councilmembers/ex officio Directors Pam Frisella, Art Kiesel, Linda Koelling, and Vice Mayor/Vice President Rick Wykoff,.

**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; Matt Martell, Police Captain; Leslie Carmichael, Planning Manager; Curtis Banks, Senior Planner; John Mapes, Fire Marshal; Lee Bach, Assistant Fire Marshal; Mike Sly, Video Technician; and Doris L. Palmer, City Clerk/District Secretary/Recording Secretary.

**CDA MEETING RECONVENED.** The CDA Meeting reconvened at 7:32 p.m. to consider the reorganization of the City Council/EMID Board of Directors due to the resignation of Mayor/President John Kiramis at the close of business on September 30, 2009.

## **REORGANIZATION OF THE CITY COUNCIL/EMID BOARD OF DIRECTORS.**

**ELECTION OF MAYOR/PRESIDENT.** Vice Mayor/Vice President Wykoff opened the floor for nominations for the office of Mayor/President.

Councilmember/Director Koelling nominated Rick Wykoff.

With no further nominations, the Chair closed nominations, and called for a vote for the election of Rick Wykoff to the office of Mayor/President. Motion carried unanimously, 4-0-0.

**ELECTION OF VICE MAYOR/VICE PRESIDENT.** Mayor/President Wykoff opened the floor for nominations for the office of Vice Mayor/Vice President.

Councilmember/Director Frisella nominated Linda Koelling.

With no further nominations, the Chair closed nominations, and called for a vote for the election of Linda Koelling to the office of Vice Mayor/Vice President. Motion carried unanimously, 4-0-0.

Mayor/President Wykoff took his seat as Mayor/President.

Vice Mayor/Vice President Koelling took her seat as Vice Mayor/Vice President and was seated to the right of Mayor/President Wykoff.

## **SPECIAL PRESENTATIONS**

### **CERTIFICATES OF RECOGNITION FOR COMPLETION OF A COMMUNITY EMERGENCY RESPONSE TEAM (CERT) TRAINING COURSE.**

On behalf of the City Council, Mayor Wykoff presented Certificates of Recognition for Completion of a Community Emergency Response Team (CERT) Training Course to Munsia Ahmed, Marcos Almedia, Barbara Alvarez, Prakash Arapally, Jeffery Asis, Rhonda Asis, Venkat Banumukkala, Veera Dadi, Craig Dixon, Dan Dyckman, Karen Dyckman, John Ficarra, Marilou Ficarra, Kayla Froomin, Bill Fullendorf, George Gardiner, Janet Gardiner, Susmita Ghosh, Julie Hayes, Ting Ting Huang, Cathy Keys, Dmitry Nechayev, Martha Oresman, Stacey Oresman, Silva Pratt, Peter Puig, Elaine Santiago, Ricardo Saucedo, Liz Shelton, Jonathan Tam, Julie Tom, Peter Tong, Dan Upthegrove, and Michelle Zhao.

### **PROCLAMATION FOR FIRE PREVENTION WEEK.**

On behalf of the City Council, Mayor Wykoff declared October 4-10, 2009 as "Fire Prevention Week" and presented a proclamation to Fire Marshal Mapes.

## **PUBLIC**

Linda Haskin, 1116 Halsey Boulevard, addressed the Council regarding the state of the City budget.

## **CONSENT CALENDAR**

Motion by Vice Mayor/Vice President Koelling, seconded by Councilmember/Director Kiesel, and carried unanimously, 4-0-0, approving the following items on the City/District Consent Calendar:

### City Consent Calendar

1. Minutes of Special Meeting of September 21, 2009;
2. Minutes of Regular Meeting of September 21, 2009;
3. City Ordinance No. 549, "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 [First Reading September 21, 2009];”

4. City Ordinance No. 550, “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 [First Reading September 21, 2009];”
5. City Resolution No. 2009-84, “A Resolution of the City Council of the City of Foster City Authorizing Staff to Issue the Attached Request for Proposal for Design and Construction Support Services for Multi-Project Roadway Improvements;”
6. City Resolution No. 2009-85, “A Resolution of the City Council of the City of Foster City Rejecting the Claim of Natalie Nasser;”
7. City Resolution No. 2009-86, “A Resolution of the City Council of the City of Foster City Approving the Second Amendment to the Affordable Housing Agreement for Foster’s Landing;”

#### EMID Consent Calendar

8. Minutes of Special Meeting of September 21, 2009;
9. Minutes of Regular Meeting of September 21, 2009; and
10. EMID Resolution No. 3085, “A Resolution of the Board of Directors of the Estero Municipal Improvement District Rejecting the Claim of Natalie Nasser.”

### **PUBLIC HEARINGS**

PUBLIC HEARING TO HEAR AND CONSIDER COMMENTS REGARDING ZONING TEXT AMENDMENT TO SECTION 17.58.040, ARCHITECTURAL REVIEW PROCEDURES, OF CHAPTER 17.58, ARCHITECTURAL CONTROL AND SUPERVISION, OF TITLE 17, ZONING OF THE FOSTER CITY MUNICIPAL CODE.

Mayor Wykoff opened a public hearing to review proposed zoning text amendment to Section 17.58.040, Architectural Review Procedures, of Chapter 17.58, Architectural Control and Supervision, of Title 17, Zoning of the Foster City Municipal Code, to allow solariums to be reviewed by the Community Development Director.

Senior Planner Curtis Banks presented the staff report.

No public testimony was received.

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

Motion by Councilmember Frisella, seconded by Councilmember Kiesel, and carried unanimously, 4-0-0, to introduce by title and waive further reading of "Approving Amendments to Section 17.58.040, Architectural Review Procedures, of Chapter 17.58, Architectural Control and Supervision, of Title 17, Zoning, of the Foster City Municipal Code."

Motion by Councilmember Kiesel, seconded by Vice Mayor Koelling, and carried unanimously, 4-0-0, to pass ordinance to second reading.

## **REPORTS**

REPORT FROM THE CITY ATTORNEY REGARDING THE CITY COUNCIL VACANCY.  
MINUTE ORDER NO. 1168.

City Attorney Jean Savaree presented the staff report.

Motion by Vice Mayor Koelling, seconded by Councilmember Kiesel, and carried unanimously, 4-0-0, to adopt Minute Order No. 1168, to take no action to fill the Council vacancy due to the resignation of Councilmember John Kiramis at the end of business on September 30, 2009.

REVIEW THE FOSTER CITY COUNCIL LIAISONS LIST DATED DECEMBER 15, 2008.  
MINUTE ORDER NO. 1169.

Hearing unanimous consensus of the City Council, Minute Order No. 1169 was adopted, 4-0-0, to appoint Councilmember Frisella as council liaison to the Noise Abatement and Traffic Review Committees and to appoint Councilmember Kiesel as the representative to the Airport Land Use Committee (C/CAG).

## **COMMUNICATIONS**

CITY/DISTRICT WARRANT OF DEMANDS. NO ACTION REQUIRED.

The City/District Warrant of Demands processed and issued on September 16, 2009, September 23, 2009, and September 28, 2009 were listed on the agenda for information purposes only. No action was required.

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

Councilmember Frisella read a statement she had prepared. Her comments acknowledged and expressed appreciation to those residents who choose to take a risk and step up to the podium to make a statement under Public during a City Council meeting. She advised that demeaning and unfounded statements or comments made using a resident's name is not acceptable behavior during the Public comment period. She publicly apologized to Jim Kramer for subjecting him to an unfair process at the last meeting and stated that these are her personal comments and she is not speaking for the Council.

Councilmember Frisella announced there are two openings on the Ad Hoc Environmental Sustainability Task Force. The Committee meets on the 2<sup>nd</sup> Thursday of the month. She encouraged interested residents to apply.

Vice Mayor Koelling also expressed concerns about what happened under Public comment at the last Council meeting and asked if staff had an opportunity to review the noise ordinance and inquired when it would be amended. City Manager Hardy indicated that the review of the noise ordinance will most likely be amended after the first of the year.

Vice Mayor Koelling provided an update regarding the redevelopment agencies' lawsuit against the State of California. She also advised that there is an upcoming meeting regarding pension reform and encouraged her colleagues to attend this meeting sponsored by the Peninsula Division of the League of California Cities on October 15 at 6:00 p.m. to 8:30 p.m. in Mountain View.

Councilmember Kiesel concurred with some of the comments of his colleagues regarding what transpired under the Public comment period at the September 21 Council meeting and called it an unfortunate situation.

Councilmember Kiesel reported on the Police and Fire Open House event that occurred this past Saturday, October 3. He applauded staff and called the event a great outreach program that was attended by over 1200 residents.

Mayor Wykoff announced that we are in a time of heightened sensitivity. People addressing the Council under the Public comment period will be asked to maintain proper etiquette. It is his intention to maintain what he considers appropriate decorum for City Council meetings.

Mayor Wykoff stated that the Rib Fest sponsored by the Foster City Rotary Club is Saturday, October 10 at 5:00 p.m. at the William Walker Recreation Center, 650 Shell Boulevard as a fundraiser for the Club.

## **ADJOURNMENT**

Hearing no objection from the Council/Board, Mayor/President Wykoff adjourned the meeting. Meeting adjourned at 8:21 p.m.