

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

REGULAR MEETING OF MARCH 5, 2007

MINUTES

CALL TO ORDER OF FOSTER CITY COMMUNITY DEVELOPMENT AGENCY BOARD

The Regular Meeting of March 5, 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 Koelling, seconded by Vice Chair Frisella, and carried unanimously, 5-0-0, to adopt the Minutes of the Regular Meeting of February 20, 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 March 5, 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; Richard B. Marks, Community Development Director; Kevin Miller, Director of Parks and Recreation; Steve Toler, Administrative Services Director; Ramon Towne, Director of Public Works; Craig Courtin, Chief of Police; Tom Reaves, Fire Chief; Matt Martell, Police Captain; Jon Froomin, Police Captain; Norm Dorais, Public Works Maintenance Manager; Leslie Carmichael, Planning Manager; Brian Chan, Senior Civil Engineer; Nick Weber, Fire Battalion Chief; Lee Bach, Assistant Fire Marshal; Ignatius Nelson, Public Works Maintenance Superintendent; Manuel Hernandez, Recreation Superintendent; Rogerio Lima, Video Operator; and Therese L. Calic, City Clerk/District Secretary/Recording Secretary.

SPECIAL PRESENTATIONS

COMMENDATION FOR HEROIC COMMUNITY SERVICE.

On behalf of the City Council, Mayor Cox presented a Commendation for Heroic Community Service to Jennifer Flores for providing CPR to an unresponsive man while on a third grade field trip to the Oakland Museum on February 22, 2007.

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

On behalf of the City Council, Mayor Cox presented Certificates of Recognition for Completion of a Community Emergency Response Team (CERT) Training Course to Betsy Barnes, Ed Beck, Rebecca Beck, Charles Bogert, Lissie Boyle, Ben Cardenas, Lyndsey Castro, Lori Crichton, Millie Cydzik, Tina Cydzik, Arlene Darling, Bob Darling, Melinda Fisher, Tony Fisher, Aisha Galos, Carl Hess, George Hong, Dennis Kay, Dan Lee, Evelyn Long, Karin Patterson, Wendal Quan, Linda Reaves, Dennis Reed, ILan Rosenthal, John Schock, Marcia Shull, Norm Swaton, Jim Turner, Vincent Vaca, Russ Wilder, and Brent Williams.

RECESS. The Chair recessed the meeting from 7:54 p.m. to 8:02 p.m.

PUBLIC

Responding to Joe Giansante, 613 Gloucester Lane, regarding his concerns about the recent installation of a Solarbee in the lagoon behind his home, staff was directed to contact Mr. Giansante with information about the Solarbee project.

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 Regular Meeting of February 20, 2007;
2. Warrant of Demands dated March 5, 2007;

EMID Consent Calendar

3. Minutes of Regular Meeting of February 20, 2007; and
4. Warrant of Demands dated March 5, 2007.

ITEM REMOVED FROM THE CONSENT CALENDAR

EMID RESOLUTION NO. 2990 AUTHORIZING THE PRESIDENT TO EXECUTE A CONTRACT AGREEMENT WITH PRECISION ENGINEERING, INC. FOR (CIP 784) SANITARY SEWER LIFT STATION IMPROVEMENTS PHASE 3, LIFT STATIONS 14, 17, 19, 30 AND 35, AND APPROVING AN ADDITIONAL APPROPRIATION [\$650,000] FROM THE CIP – SEWER FUND.

President Cox removed this item from the EMID Consent Calendar at the request of Director Wykoff.

Discussion ensued.

Motion by Director Wykoff, seconded by Vice President Frisella, and carried unanimously, 5-0-0, to adopt EMID Resolution No. 2990, "A Resolution of the Board of Directors of the Estero Municipal Improvement District Authorizing the President to Execute a Contract Agreement with Precision Engineering, Inc. for (CIP 784) Sanitary Sewer Lift Station Improvements Phase 3, Lift Stations 14, 17, 19, 30 and 35, and Approving an Additional Appropriation [\$650,000] from the CIP – Sewer Fund."

NEW BUSINESS

APPEAL OF A DECISION OF THE PLANNING COMMISSION TO DENY AN APPEAL OF THE COMMUNITY DEVELOPMENT DIRECTOR'S DECISION TO APPROVE WITH CONDITIONS AN ARCHITECTURAL REVIEW PERMIT TO INSTALL A PATIO COVER/ARBOR AT 875 CHRYSOPOLIS DRIVE – KELLY AND LARSEN -- AR-06-182A. CITY RESOLUTION NO. 2007-19.

Planning Manager Carmichael presented the staff report.

Claire Kelly, appellant, 875 Chrysopolis Drive, addressed the City Council.

Planning Commissioner Charles Bronitsky addressed the City Council.

Discussion ensued.

Motion by Councilmember Wykoff, seconded by Vice Mayor Frisella, and carried 4-1-0, Mayor Cox voted "No," to adopt City Resolution No. 2007-19, "A Resolution of the City Council of the City of Foster City Denying an Appeal of a Decision of the Planning Commission to Deny an Appeal of the Community Development Director's Decision to Approve with Conditions an Architectural Review Permit to Install a Patio Cover/Arbor – 875 Chrysopolis Drive in Neighborhood 1 – Kelly and Larsen – AR-06-182A."

RECESS. The Chair recessed the meeting from 8:40 p.m. to 8:48 p.m.

REPORTS

ARTS AND CULTURE COMMITTEE'S 2006 YEAR END REPORT, GOALS FOR 2007, AND REVIEW OF MISSION STATEMENT. MINUTE ORDER NO. 1031.

Arts and Culture Committee Chair Evelyn Long presented the staff report.

Chair Long also presented a Certificate of Appreciation to the City Council from the Arts and Culture Committee in recognition of the City Council's valuable contributions and dedication to the 2007 Foster City Chinese New Year Celebration event held on February 18, 2007.

Motion by Councilmember Wykoff, seconded by Councilmember Kiramis, and carried unanimously, 5-0-0, to adopt Minute Order No. 1031, accepting the Arts and Culture Committee's 2006 Year End Report, Goals for 2007, and Mission Statement.

INFORMATION TECHNOLOGY ADVISORY COMMITTEE'S 2006 YEAR END REPORT, GOALS FOR 2007, AND REVIEW OF MISSION STATEMENT. MINUTE ORDER NO. 1032.

Information Technology Advisory Committee Chair Dulce Franke presented the staff report.

Motion by Councilmember Wykoff, seconded by Vice Mayor Frisella, and carried unanimously, 5-0-0, to adopt Minute Order No. 1032, accepting the Information Technology Advisory Committee's 2006 Year End Report, Goals for 2007, and Mission Statement.

REVIEW OF BUSINESS PLAN FOR HIGH TECH HIGH FOSTER CITY SUBMITTED BY THE FOSTER CITY HIGH SCHOOL FOUNDATION AND HIGH TECH HIGH LEARNING. MINUTE ORDER NO. 1033.

City Manager Hardy presented the staff report.

The following members of the public addressed the City Council in support of the High Tech High Foster City Business Plan:

1. Phyllis Moore, President, Foster City High School Foundation, 1019 Monterey Avenue;
2. Nick Driver, General Manager, California Charter Schools Association, 730 Harrison Street, Suite 210, San Francisco;

3. Chris Buja, Summit Preparatory Charter High School Board Member, Redwood City;
and
4. Robert Nelson, 750 Lurline Drive.

RECESS. The Chair recessed the meeting from 9:44 p.m. to 9:52 p.m.

Discussion ensued.

Minute Order 1033 adopted, by Council consensus, directing staff as follows:

1. That the four (4) acres continue to be reserved for a public charter high school and that the three development teams responding to the City's request for proposal continue to consult with the Foster City High School Foundation (FCHSF) to ensure that the public charter high school requirements are met and integrated into the overall master plan for the entire 15-acre site.
2. That whether the Foster City/Estero Municipal Improvement District fees are not waived, partially waived or entirely waived be determined through negotiations which are confidentially conducted with the prospective lessee and publicly disclosed when an agreement is reached. This is a business point dealing with real property negotiations and is more appropriately handled in closed session discussions with the City Council.
3. That the land lease rent be determined through negotiations which are confidentially conducted with the prospective lessee and publicly disclosed when an agreement is reached. This is a business point dealing with real property negotiations and is more appropriately handled in closed session discussions with the City Council.
4. That the City support the FCHSF in its efforts to fund the public charter high school through Proposition 1D funds. This is a viable method of funding the project costs to design and construct the new school as these funds come from outside the community and do not place a burden on local taxpayers.
5. That the City not support funding of the public charter high school through Foster City voter approved bonds issued by the City of Foster City.
6. That the Business Plan not be accepted as complete until a charter operator is found and other noted deficiencies have been addressed.
7. That a new section be added to the Business Plan that discusses the "what if" scenario of the public charter high school closing due to financial difficulties, lack of enrollment, unsatisfactory academic achievement, non-renewal of the charter at the end of each five-year period, etc., and the impacts associated with such a closure.

8. That the FCHSF be given an additional four (4) months to address these deficiencies and that a revised Business Plan be submitted on or before Monday, July 2, 2007. This deadline should allow FCHSF sufficient time to meet with the City, the San Mateo Union High School District (SMUHSD) and a charter operator; to apply for Proposition 1D funding by the June 7, 2007 deadline; and to make the necessary revisions to the Business Plan. Once the Business Plan is received, it could be reviewed at the August 6, 2007 City Council meeting and further direction provided to the staff at that time. Similar to this staff report, that review would be considered the next milestone in the process.

(CIP 736) REHABILITATION OF CITY-OWNED LAGOON STRUCTURES – CATAMARAN BEACH SHORELINE PROTECTION ALTERNATIVES. MINUTE ORDER NO. 1034.

Parks and Recreation Director Miller, Public Works Director Towne, and Senior Civil Engineer Chan presented the staff report. This item was tabled from June 19, 2006.

Discussion ensued.

Minute Order No. 1034 adopted, by City Council consensus, directing staff to bring back as part of the upcoming budget process a revised scope, budget, and funding for CIP 736 Rehabilitation of City-Owned Lagoon Structures-Catamaran Beach Shoreline Protection for construction of a new section of bulkhead from the end of the existing wooden bulkhead to the concrete bulkhead located underneath the Shell Boulevard Bridge. The estimated cost of construction of a bulkhead and the field turf surfacing along with design services would be approximately \$304,000.

POLICY DIRECTION REGARDING PHASED WATER METER REPLACEMENT PROGRAM. MINUTE ORDER NO. 1035.

Public Works Director Towne and Public Works Maintenance Superintendent Nelson presented the staff report.

Minute Order No. 1035 adopted, by District Board consensus, directing staff to prepare a funding analysis for changing from the current Touch Read water meter reading system to a Radio Read water meter reading system as part of the water rate review and equipment replacement fund review for District Board consideration as part of the FY 2007-08 budget process.

COUNCIL/BOARD STATEMENTS AND REQUESTS

Councilmember Koelling reported that the League of California Cities and AT&T will co-host a meeting on March 22 in Redwood City regarding AT&T's implementation of Project Lightspeed.

Councilmember Kiramis stated that he will be available to meet with residents to discuss any issue this Sunday from 3 p.m. to 5 p.m. in the Council Chambers.

Vice Mayor Frisella reported that Karyl Matsumoto was appointed as the SamTrans Northern County Representative at the February San Mateo County City Selection Committee Meeting.

Vice Mayor Frisella reported that at a recent Rotary Club meeting, Fire Captain/Paramedic Scott Lipperd, Firefighter/Paramedic Vinny Warner, and Firefighter Kojo Williams provided advanced life support care to a Rotarian who was choking.

ADJOURNMENT

Hearing no objection from Council/Board, Mayor/President Cox adjourned the meeting. Meeting adjourned at 10:57 p.m.