

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

**REGULAR MEETING OF AUGUST 5, 2002**

**MINUTES**

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

The Regular Meeting of August 5, 2002 of the Community Development Agency (CDA) of the City of Foster City was called to order at 7:31 p.m. in the Council Chambers located in the Foster City Community Center Wind Room, 1000 E. Hillsdale Boulevard, Foster City, San Mateo County, California, by Chair Ron Cox.

**ROLL CALL**

The Secretary called the roll:

PRESENT: Members Marland W. Townsend, Deborah E. G. Wilder, Rick Wykoff, and Chair Ron Cox

ABSENT: Vice Chair Russ Harter.

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

**CONSENT CALENDAR**

Motion by Member Wykoff, seconded by Member Wilder, and carried unanimously, 4-0-1-0, Vice Chair Harter absent, to approve the Minutes of the Regular Meeting of July 1, 2002 on the Consent Calendar.

**COMMUNICATIONS**

**COMMUNITY DEVELOPMENT AGENCY REGULAR MEETINGS.**

Motion by Member Wilder, seconded by Member Townsend, and carried unanimously, 4-0-1-0, Vice Chair Harter absent, to cancel the regular meeting of August 19, 2002. The next regular meeting will be held on Tuesday, September 3, 2002 at the regular meeting time and place.

Motion by Member Wilder, seconded by Member Wykoff, and carried unanimously, 4-0-1-0, Vice Chair Harter absent, to cancel the regular meeting of September 16, 2002 and reschedule it to Tuesday, September 17, 2002 at the regular meeting time and place.

**ADJOURNMENT**

Motion by Member Townsend, seconded by Member Wilder, and carried unanimously, 4-0-1-0, Vice Chair Harter absent, to adjourn the meeting. Meeting adjourned at 7:33 p.m.

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

The Regular Meeting of August 5, 2002 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 7:33 p.m. in the Council Chambers located in the Foster City Community Center Wind Room, 1000 E. Hillsdale 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, Marland W. Townsend, Deborah E. G. Wilder, Rick Wykoff, and Mayor/President Ron Cox.

**ABSENT:** Vice Mayor/ex officio Vice President Russ Harter.

**STAFF PRESENT:** James C. Hardy, City/District Manager/City Treasurer; Jean B. Savaree, City Attorney/District Legal Counsel; Kristi A. Chappelle, Assistant City/District Manager; Ricardo Santiago, Finance Director; Kevin Miller, Parks and Recreation Director; Richard Marks, Community Development Director; Randy Sonnenberg, Chief of Police; John Lisenko, Public Works Director; Phil Torre, Fire Chief; Jim Comisky, Fire Battalion Chief; Tom Reaves, Fire Battalion Chief; Laura Galli, Junior Engineer; Randy Tan, Video Production Intern; and Therese L. Tahir, City Clerk/District Secretary/Recording Secretary.

### **CONSENT CALENDAR**

Motion by Councilmember/Director Townsend, seconded by Councilmember/Director Wilder, and carried unanimously, 4-0-1-0, Vice Mayor/Vice President Harter absent, to approve the following items on the City/District Consent Calendar:

#### City Consent Calendar

1. Minutes of the Special Meeting of July 15, 2002;
2. Minutes of the Regular Meeting of July 15, 2002;
3. Warrant of Demands dated August 5, 2002;
4. City Resolution No. 2002-68, "A Resolution of the City Council of the City of Foster City Authorizing the City Manager to Execute a Contract Change Order for (CIP 778) Street Resurfacing and Repairs Project with El Camino Paving, Inc. Up to an Additional \$97,161.20;"

#### EMID Consent Calendar

5. Minutes of the Special Meeting of July 15, 2002;

6. Minutes of the Regular Meeting of July 15, 2002; and
7. Warrant of Demands dated August 5, 2002.

### **ITEMS REMOVED FROM THE CONSENT CALENDAR**

#### **CITY RESOLUTION NO. 2002-69 RE CIP 766 – FIRE DRAFT TANK PROJECT.**

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

Discussion ensued.

Motion by Councilmember Wilder, seconded by Councilmember Townsend, and carried 3-1-1-0, Councilmember Wykoff voted “No,” Vice Mayor Harter absent, to adopt City Resolution No. 2002-69, “A Resolution of the City Council of the City of Foster City Approving Plans and Specifications and Authorizing the Call for Bids for (CIP 766) Fire Draft Tank Project.”

#### **CITY RESOLUTION NO. 2002-70 RE BUILDING MAINTENANCE UTILITY ACCOUNT.**

At the request of Councilmember Townsend, this item was removed from the City Consent Calendar.

Discussion ensued.

Motion by Councilmember Townsend, seconded by Councilmember Wilder, and carried unanimously, 4-0-1-0, Vice Mayor Harter absent, to adopt City Resolution No. 2002-70, “A Resolution of the City Council of the City of Foster City Authorizing a Budget Adjustment in the Amount of \$68,750 to the Building Maintenance Utility Account from the Unappropriated Undesignated Reserves of the General Fund.”

#### **CITY RESOLUTION NO. 2002-71 RE GASB 34 VALUATION AND ASSET MANAGEMENT IMPLEMENTATION SERVICES.**

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

Discussion ensued.

Motion by Councilmember Townsend, seconded by Councilmember Wykoff, and carried 3-1-1-0, Councilmember Wykoff voted “No,” Vice Mayor Harter absent, to adopt City Resolution No. 2002-71, “A Resolution of the City Council of the City of Foster City Authorizing the City Manager to Execute a Consultant Agreement with Harris & Associates for GASB 34 Valuation and Asset Management Implementation Services.”

## **NEW BUSINESS**

### **APPOINTMENTS TO ARTS AND CULTURE COMMITTEE.**

City Clerk Tahir presented the staff report regarding consideration of appointments of Cynthia Cowell, Patricia Player Maxwell, and Eileen Shaine to unexpired partial terms on the Arts and Culture Committee.

Ms. Cowell, Ms. Player Maxwell, and Ms. Shaine introduced themselves to the City Council.

Motion by Councilmember Wilder, seconded by Councilmember Townsend, and carried unanimously, 4-0-1-0, Vice Mayor Harter absent, to adopt Minute Order No. 791 appointing Patricia Player Maxwell to an unexpired partial term from January 1, 2001 to December 31, 2003, and Cynthia Cowell and Eileen Shaine to unexpired partial terms from January 1, 2002 to December 31, 2004 on the Arts and Culture Committee.

### **APPOINTMENT TO INFORMATION TECHNOLOGY ADVISORY COMMITTEE.**

Information Technology Advisory Committee applicant Jin Liu introduced herself to the City Council.

Motion by Councilmember Townsend, seconded by Councilmember Wilder, and carried unanimously, 4-0-1-0, Vice Mayor Harter absent, to adopt Minute Order No. 792 appointing Jin Liu to an unexpired partial term from January 1, 2000 to December 31, 2002 on the Information Technology Advisory Committee.

## **RECESS**

Mayor Cox called a ten-minute recess. Meeting recessed at 8:30 p.m. and reconvened at 8:40 p.m.

## **REPORTS**

### **REPORT ON ORDINANCE PROVISION REGARDING DANGEROUS ANIMALS. MINUTE ORDER NO. 793.**

City Attorney Savaree presented the staff report.

Discussion ensued.

The following members of the public addressed the Council in support of banning dangerous animals from the City:

1. Richard F. Hanley, 115 Flying Mist Isle;
2. Elva Della Santa, 105 Flying Mist Isle.

Also present but did not speak were the following residents who signed a petition asking the Council to ban dangerous animals from the City:

1. Carl and Laura Johnson, 148 Flying Mist Isle;
2. Don and Jean Davie, 158 Flying Mist Isle;
3. Marie Abdel-Malek, 109 Flying Mist Isle;
4. Elaine Hanley, 115 Flying Mist Isle;
5. Cynthia David, 108 Flying Mist Isle;
6. Ken and Jeannie Miskow, 163 Flying Mist Isle; and
7. Al Della Santa, 105 Flying Mist Isle.

Motion by Councilmember Townsend, seconded by Councilmember Wykoff, and carried unanimously, 4-0-1-0, Vice Mayor Harter absent, to adopt Minute Order No. 793, directing staff to draft an ordinance that clearly states that if an animal's designated as a "dangerous animal" because of an attack on or threat to a person, that animal would be prohibited from being in the City.

## **RECESS**

Mayor Cox called a ten-minute recess. Meeting recessed at 9:37 p.m. and reconvened at 9:48 p.m.

## **REPORT ON AD HOC SUNSHINE SHUTTLE COMMITTEE MEETING.**

Councilmember Townsend presented an oral report regarding the Ad Hoc Sunshine Committee Meeting in July.

Ken Feldstein, Ad Hoc Sunshine Shuttle Committee member, 980 Edgewater Boulevard, stated that the Sunshine Shuttle needs to support Samtrans, not compete with any Samtrans bus routes.

No action was taken.

## **ORDINANCES FOR INTRODUCTION**

### **ORDINANCE AMENDING TITLE 6, ANIMALS, OF FOSTER CITY MUNICIPAL CODE.**

City Attorney Savaree presented the staff report.

Discussion ensued.

Motion by Councilmember Townsend, seconded by Councilmember Wykoff, and carried unanimously, 4-0-1-0, Vice Mayor Harter absent, to introduce by title and waive further reading "An Ordinance of the City of Foster City Amending Section 6.16.030, Restraint of Dogs, of Chapter 6.16, Offenses By or Against Animals, to Title 6, Animals, of the Foster City Municipal Code."

Motion by Councilmember Townsend, seconded by Councilmember Wykoff, and carried unanimously, 4-0-1-0, Vice Mayor Harter absent, to pass the ordinance to second reading.

## **COMMUNICATIONS**

### **CITY COUNCIL/EMID BOARD OF DIRECTORS REGULAR MEETINGS.**

Motion by Councilmember/Director Wilder, seconded by Councilmember/Director Townsend, and carried unanimously, 4-0-1-0, Vice Mayor/Vice President Harter absent, to cancel the regular meeting of August 19, 2002. The next regular meeting will be held on Tuesday, September 3, 2002 at the regular meeting time and place.

Motion by Councilmember/Director Wilder, seconded by Councilmember/Director Townsend, and carried unanimously, 4-0-1-0, Vice Mayor/Vice President Harter absent, to cancel the regular meeting of September 16, 2002 and reschedule it to Tuesday, September 17, 2002 at the regular meeting time and place.

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

Councilmember Townsend stated that he is concerned and thinks that the public should be concerned with a couple of California State Senators concerning the rights of citizens in California. These Senators are telling cities what they can and cannot do such as SB402 requiring compulsory and binding arbitration which has been determined to be unconstitutional, and SB 910 requiring cities to submit a Housing Element of the General Plan to the State Department of Housing and Community Development (HCD) and if HCD doesn't approve it, they have the authority to penalize/fine the City. The public needs to pay attention to what some elected officials are doing.

Councilmember Wykoff commented that the term of "infinite wisdom" seems to be lacking in the State legislature and that is what we elect our legislators for – to have wisdom.

Mayor Cox proudly announced that Foster City's 9 and 10-year old All Star Little League Team has won the State Championship for a second time in three years. They will be invited to the September 17 meeting to receive proclamations.

## **CLOSED SESSION**

Hearing no objection from the Council/Board, Mayor/President Cox recessed the meeting into Closed Session for a Conference with real Property Negotiators [held pursuant to Government Code Section 54956.8] to instruct City negotiators James C. Hardy, Richard B. Marks, Kristi Chappelle, and Jean Savaree regarding negotiations with representatives of the BridgeView Academy a.k.a. Episcopal School of the Peninsula (ESOP) and North Peninsula Jewish Campus (NPJC) a.k.a. Peninsula Jewish Community Center (PJCC) with respect to terms of existing lease of the 27-acre parcel of land owned by the City of Foster City located along Shell Boulevard (APN: 094-471-050).

Meeting recessed into Closed Session at 10:07 p.m. and reconvened at 10:40 p.m.

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

## **ADJOURNMENT**

Hearing no objection from the Council/Board, Mayor/President Cox adjourned the meeting at 10:40 p.m.