

**CITY OF FOSTER CITY/
ESTERO MUNICIPAL IMPROVEMENT DISTRICT**

REGULAR MEETING OF November 20, 2023

MINUTES

CALL TO ORDER OF CITY COUNCIL/EMID BOARD OF DIRECTORS

The Regular Meeting of November 20, 2023 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 6:30 p.m. by Mayor/President Froomin.

This meeting was held as a hybrid meeting.

ROLL CALL

The Communications Director/City Clerk/Recording Secretary called the roll:

PRESENT: Councilmembers/ex officio Directors Stacy Jimenez, Art Kiesel, Patrick Sullivan, and Mayor/President Jon Froomin.

ABSENT: Councilmember/ex officio Director Sam Hindi.

STAFF PRESENT: Marlene Subhashini, Acting City/District Manager; Benjamin Stock, City Attorney/District Legal Counsel; Sofia Mangalam, Community Development Director; Edmund Suen, Finance Director; Andrew Brozyna, Public Works Director; Tracy Avelar, Police Chief; Rob Lasky, IT Manager; Laura Galli, Engineering Manager; Thai-Chau Le, Planning Manager; Andra Lorenz, Senior Management Analyst; Nori Jabba, Housing Coordinator; Katherine Mendoza, Deputy City Clerk; Shuli Chen, Video Technician; and Communications Director/City Clerk, Priscilla Schaus.

PUBLIC

Kal Hirmana addressed the City Council via email regarding the Recreation Center Rebuild Project.

CONSENT CALENDAR

Motion by Vice Mayor/Vice President Sullivan, seconded by Councilmember/Director Jimenez, and carried 4-0-0, Councilmember/Director Hindi absent, approving the following items on the City/District Consent Calendar:

City/EMID Consent Calendar

1. City/EMID Regular Meeting Minutes of November 6, 2023;
2. City Resolution No. 2023-111, "A Resolution of the City Council of the City of Foster City Authorizing the Mayor to Execute a Master Services Agreement with Flock Safety to Retain an Existing Annual Fee Through FY 27-28 for All Existing Automated License Plate Reader Equipment and Services;" and
3. City Resolution No. 2023-112, "A Resolution of the City Council of the City of Foster City Authorizing the Police Department to Purchase a One-Year Maintenance Renewal from Intrado to Maintain the Existing Dispatch Customer Premise Equipment (CPE); and Authorizing Appropriation of \$18,714.75 from the General Fund to Account 001-0630-421-4246."

PUBLIC HEARINGS

COLLECTION RATE INCREASES FOR SOLID WASTE, RECYCLABLES, AND ORGANIC MATERIALS FOR CALENDAR YEARS 2024 THROUGH 2028 AND FINDING THAT THE CITY'S FRANCHISE FEES INCLUDED IN THE SOLID WASTE RATES ARE JUSTIFIED. CITY RESOLUTION NO. 2023-113.

Principal Management Analyst Lorenz presented the staff report.

Mayor Froomin opened a public hearing to hear and consider comments regarding Collection Rate Increases for Solid Waste, Recyclables, and Organic Materials for Calendar Years 2024 Through 2028 and finding that the City's Franchise Fees Included in the Solid Waste Rates are Justified.

Akhila Aiyer addressed the City Council via email.

Without objection from the City Council, Mayor Froomin closed the public hearing.

Discussion ensued.

Motion by Vice Mayor Sullivan, seconded by Councilmember Jimenez, and carried by roll call vote, 4-0-0, Councilmember Hindi absent, to introduce the ordinance by title and waive further reading, and pass to a second reading "An Uncodified Ordinance of the City of Foster City Approving Solid Waste Rates for a Four-year Period of Calendar Years 2025 Through 2028, Increasing the Monthly Residential Collection Rates by No More Than \$4.74 in Rate Year 2025, \$4.98 in Rate Year 2026, \$4.19 in Rate Year 2027, and \$4.35 in Rate Year 2028 and Increasing Fees for Unscheduled Services Up to 6.0% Per Year From Rate Years 2025 Through 2028."

Motion by Mayor Froomin, seconded by Vice Mayor Sullivan, and carried 4-0-0, Councilmember Hindi absent, adopting City Resolution No. 2023-113, "A Resolution of the City Council of the City of Foster City Finding that the City's Franchise Fees Included in the Solid Waste Rates are Justified and Approving Increases to the 2023 Monthly Residential Solid Waste Collection Rates by No More Than \$5.40 Per Account in Rate

Year 2024 and Approving Increases to 2024 Charges for Unscheduled Services by 5.465% Over 2023.”

AMENDMENTS TO TITLE 17, “ZONING” CHAPTER 17.90 BELOW MARKET RATE INCLUSIONARY HOUSING PROGRAM AND FINDING THE AMENDMENTS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINE SECTION 15061 (B)(3).

Housing Coordinator Jabba presented the staff report.

Mayor Froomin opened a public hearing to hear and consider comments regarding Amendments to Title 17, “Zoning” Chapter 17.90 Below Market Rate Inclusionary Housing Program.

No public testimony was received.

Without objection from the City Council, Mayor Froomin closed the public hearing.

Discussion ensued.

Motion by Councilmember Kiesel, seconded by Mayor Froomin, and carried by roll call vote 4-0-0, Councilmember Hindi absent, to introduce the ordinance by title and waive further reading, and pass to second reading “An Ordinance of the City of Foster City Making Text Amendments to Title 17, “Zoning” of the Foster City Municipal Code Chapter 17.90, “Below Market Inclusionary Housing Program” and Finding the Amendments Exempt from the California Environmental Quality Act Pursuant to CEQA Guideline Section 15061(B)(3) – RZ2023-0008.”

NEW BUSINESS

APPOINTMENTS OF THREE MEMBERS TO NEW FULL TERMS FROM JANUARY 1, 2024 THROUGH DECEMBER 31, 2026 ON THE PARKS AND RECREATION COMMITTEE. MINUTE ORDER NO. 1948.

Communications Director/City Clerk Schaus presented the staff report.

Phoebe Venkat and Evan Adams addressed the City Council via email.

Discussion ensued.

Motion by Mayor Froomin, seconded by Vice Mayor Sullivan, and carried 4-0-0, Councilmember Hindi absent, adopting Minute Order No. 1948, and appointing Sirish Bindal, Eric Corpuz, and Lisa Fong to new full terms from January 1, 2024 through December 31, 2026 on the Parks and Recreation Committee.

ESTABLISHING LOCAL CAMPAIGN CONTRIBUTION LIMITS AND VOLUNTARY CAMPAIGN EXPENDITURE LIMITS. MINUTE ORDER NO. 1949.

Communications Director/City Clerk Schaus presented the staff report.

Evan Adams and Shankar Kenkre addressed the City Council in person.

Discussion ensued.

By consensus of the City Council, and carried 4-0-0, Councilmember Hindi absent, Minute Order No. 1949 was adopted, directing staff as follows:

1. Create a draft Local Campaign Contribution Limit ordinance that includes a detailed enforcement policy to be presented at a future Council meeting;
2. Establish the same contribution limit for individuals and organizations/businesses, and exact numbers will be agreed upon once the draft ordinance is brought forth;
3. Look into varying contribution limits for Foster City residents and non-residents and City Based businesses and Non-City Based Businesses; and
4. Proceed without establishing voluntary expenditure limits.

REPORTS

WASTEWATER TREATMENT PLANT MASTER PLAN IMPROVEMENTS PROJECT (CIP 455-652)- CLEAN WATER PROGRAM – THIRD QUARTER PROGRESS UPDATE. MINUTE ORDER NO. 1950.

Public Works Director Brozyna and Senior Engineer, Steve Tarantino, representing EKI Environment and Water, Inc., presented the staff report.

Discussion ensued.

Motion by President Froomin, seconded by Director Kiesel, and carried 4-0-0, Director Hindi absent, adopting Minute Order No. 1950, to receive and accept the report on the Wastewater Treatment Plant (WWTP) Master Plan Improvements Project (CIP 455-652) - Clean Water Program (CWP) – Update for July – September 2023.

REPORT ON FISCAL YEAR 2023-24 1st QUARTER FINANCIAL UPDATE. MINUTE ORDER NO. 1951.

Finance Director Suen presented the staff report.

Discussion ensued.

Motion by Vice Mayor Sullivan, seconded by Councilmember Kiesel, and carried 4-0-0, Councilmember Hindi absent, adopting Minute Order No. 1951, to receive and accept the report on the 1st Quarter Fiscal Year 2023-24 Financial Update.

RESOLUTIONS FOR ADOPTION

AGREEMENT WITH PENINSULA CLEAN ENERGY TO PARTICIPATE IN THEIR PUBLIC EV FLEETS (“GOV EV”) PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CUSTOMER PARTICIPATION AGREEMENT WITH PENINSULA CLEAN ENERGY AND FINDING THE APPROVAL OF THE AGREEMENT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15061 (B)(3). CITY RESOLUTION NO. 2023-114.

Public Works Director Brozyna presented the staff report.

Discussion ensued.

Motion by Councilmember Kiesel, seconded by Vice Mayor Sullivan, and carried 4-0-0, Councilmember Hindi absent, adopting City Resolution No. 2023-144, “A Resolution of the City Council of the City of Foster City Approving an Agreement with Peninsula Clean Energy to Participate in Their Public EV Fleets (“Gov EV”) Program and Authorizing the City Manager to Execute the Customer Participation Agreement with Peninsula Clean Energy and Finding the Approval of the Agreement Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15061(B)(3).”

COMMUNICATIONS

CITY/DISTRICT WARRANT OF DEMANDS. NO ACTION TAKEN.

City/District Warrants of Demands were Processed and Issued on October 31, 2023, and November 3, 2023, and ACH were processed on November 3, 2023.

CITY/DISTRICT MANAGER REPORTS, COUNCIL/BOARD STATEMENTS AND REQUESTS, AND COUNCIL LIAISON REPORTS

Acting City/District Manager Subhashini wished the Foster City community a safe and happy holiday season.

Councilmember/Director Kiesel stated that he was impressed with the number of applicants for the Parks and Recreation Committee and was glad to see residents’ eagerness to get involved with the community.

Councilmember/Director Jimenez wished everyone a safe holiday weekend. She stated that City staff is working hard to prepare for the upcoming rainy season. She thanked all the applicants to the Parks and Recreation Committee and encouraged them to continue to be involved with the community.

Vice Mayor/Vice President Sullivan expressed appreciation for all the Parks and Recreation Committee applicants. He stated he attended the San Mateo County Library

Joint Powers Authority Governing Board meeting on November 13. On November 16, he attended the Planning Commission and Audit Committee meetings. On November 17, he attended the Council of Cities meeting held at the San Francisco Airport Aviation Museum and Library.

Mayor/President Froomin thanked those who applied for the Parks and Recreation Committee. On November 12, he was invited to Atria at Foster Square for their Veterans Recognition Event. On November 13, he spoke with the children of Cub Scout Pack 447. On November 16, he attended the South Bayside Waste Management Authority board meeting, where they announced they closed escrow on their new administrative office in San Carlos. On November 16, he attended the Council of Cities meeting at the San Francisco Airport Aviation Museum and Library. He wished the public and City staff a happy Thanksgiving.

CLOSED SESSION

Mayor/President Froomin recessed the meeting into Closed Session for:

1. Conference With Legal Counsel — Existing Litigation (Paragraph (1) of subdivision (d) of Section 54956.9) Name of case: (Foster City Marina, LLC v. City of Foster City et al. San Mateo Superior Court Case No. 22-CIV-03526); and
2. Report out from Closed Session.

Meeting recessed into Closed Session at 9:31 p.m. and reconvened at 9:52 p.m.

City Attorney/District Legal Counsel Benjamin Stock reported that no action was taken in Closed Session.

ADJOURNMENT

Hearing no objection from the City Council/EMID Board, Mayor/President Froomin adjourned the meeting. Meeting adjourned at 9:52 p.m.