

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

REGULAR MEETING OF MAY 6, 2024

MINUTES

CALL TO ORDER OF CITY COUNCIL/EMID BOARD OF DIRECTORS

The Regular Meeting of May 6, 2024 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 Sullivan.

This meeting was held as a hybrid meeting.

ROLL CALL

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

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

ABSENT: None.

STAFF PRESENT: Stefan Chatwin, City/District Manager; Denise Bazzano, Assistant City Attorney/District Legal Counsel; Marlene Subhashini, Assistant City/District Manager; Sofia Mangalam, Community Development Director; Andrew Brozyna, Public Works Director; Derek Schweigart, Parks and Recreation Director; Tracy Avelar, Police Chief; Waqas Hassan, Assistant Finance Director; James Atkins, Senior Planner; Frank Fanara, Parks Manager; Vanessa Brannon, Senior Management Analyst; Rob Lasky, IT Manager; Katherine Mendoza, Deputy City Clerk; Shuli Chen, Video Technician; and Priscilla Schaus, Communications Director/City Clerk/District Secretary.

SPECIAL PRESENTATIONS

PROCLAMATION DECLARING MAY 2024 AS “ASIAN AMERICAN AND PACIFIC ISLANDER HERITAGE MONTH”

Councilmember Kiesel presented the proclamation declaring May 2024 as “Asian American and Pacific Islander Heritage Month” to Steve Okamoto, representing the San Mateo Asian Pacific Islander Caucus.

PROCLAMATION RECOGNIZING MAY 2024 AS “JEWISH AMERICAN HERITAGE MONTH”

Councilmember Froomin presented the proclamation recognizing May 2024 as “Jewish American Heritage Month” to Natasha Kehimkar, representing the Jewish Community Relations Council.

Jordan Shenker addressed the City Council in person.

PROCLAMATION RECOGNIZING MAY 2024 AS “MENTAL HEALTH MONTH”

Mayor Sullivan presented the proclamation recognizing May 2024 as “Mental Health Month” to Frieda Edgette, representing the San Mateo County Behavioral Health Commission.

PROCLAMATION DECLARING THE WEEK OF MAY 12-18, 2024 AS “NATIONAL POLICE WEEK” AND MAY 15, 2024 AS “PEACE OFFICERS’ MEMORIAL DAY”

Councilmember Hindi presented the proclamation declaring the week of May 12-18, 2024 as “National Police Week” and May 15, 2024 as “Peace Officers’ Memorial Day” to Police Sergeant Grimaldi.

PUBLIC

Annette Carter addressed the City Council via email regarding an email list for the SIAL China – Asia’s Food Marketplace 2024.

CONSENT CALENDAR

Motion by Councilmember/Director Hindi, seconded by Councilmember/Director Froomin, and carried unanimously 5-0-0, approving the following items on the City/District Consent Calendar:

City/EMID Consent Calendar

1. City/EMID Special Meeting Minutes of March 25, 2024;
2. City/EMID Regular Meeting Minutes of April 15, 2024;
3. City Ordinance No. 678, “An Ordinance of the City of Foster City Amending Various Sections of Chapters 12.08, 12.12, 12.16 and 12.36 Within Title 12, “Public Property” Making Revisions to Authorize Administrative Citations To Be Issued for Violations and Other Administrative Changes to Reservation Process and Use of Parks and Adding a New Chapter 12.44, “Sidewalk Vending Program” to Establish Locations and Regulations Applicable to Sidewalk Vendors (First Reading on April 15, 2024);”

4. City Resolution No. 2024-33, “A Resolution of the City Council of the City of Foster City Authorizing the Issuance of a Request for Proposals for a Citywide Phone System Replacement;”
5. City Resolution No. 2024-34, “A Resolution of the City Council of the City of Foster City Authorizing Contract Change Order No. One to the Agreement with Spenco Construction Inc. In the Not to Exceed Amount of \$400,000, and Extending the Contract Duration for an Additional Two-Year Term, from July 1, 2024 to June 30, 2026 for Sidewalk Repair and Replacement and Finding That the Project was Categorically Exempt on May 16, 2022 Pursuant to the California Environmental Quality Act (CEQA);”
6. City Resolution No. 2024-35, “A Resolution of the City Council of the City of Foster City Accepting the Work by Shimmick Construction Company, Inc. for the Levee Protection Planning and Improvements Project (CIP 327-657) and Directing the City Clerk to File the Notice of Completion; and CEQA Status: Environmental Impact Report Was Prepared for the Levee Protection Planning and Improvements Project (State Clearinghouse No. 20106012012);” and
7. City Resolution No. 2024-36, “A Resolution of the City Council of the City of Foster City Terminating the Proclamation of Local Emergency Related to Major Damage to the City’s Main Water Pipeline.”

ITEM REMOVED FROM CONSENT

AMENDING TITLE 15 BUILDING AND CONSTRUCTION AND TITLE 17 ZONING OF THE FOSTER CITY MUNICIPAL CODE, BY REPEALING CHAPTER 15.12 SIGN CONTROL AND REPLACING IT WITH A NEW CHAPTER 17.59 SIGN CONTROL AND FINDING AMENDMENTS EXEMPT FROMM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINE SECTION 15061(B)(3) - RZ2024-0004 (FIRST READING ON APRIL 15, 2024). CITY ORDINANCE NO. 679.

Without objection from the City Council, Mayor Sullivan removed this item from the Consent Calendar at the request of Councilmember Froomin.

Discussion ensued.

Motion by Vice Mayor Jimenez, seconded by Councilmember Kiesel, and carried, 4-1-0, Councilmember Froomin voted “no”, adopting City Ordinance No. 679, “An Ordinance of the City of Foster City Amending Title 15 Building and Construction and Title 17 Zoning of the Foster City Municipal Code, by Repealing Chapter 15.12 Sign Control and Replacing It With a New Chapter 17.59 Sign Control and Finding the Amendments Exempt From the California Environmental Quality Act (CEQA) Pursuant to CEQA Guideline Section 15061(B)(3) - RZ2024-0004 (First Reading on April 15, 2024).”

REPORTS

CITIZENS SUSTAINABILITY ADVISORY COMMITTEE 2023 YEAR END REPORT, REVIEW OF MISSION STATEMENT, 2023 ACCOMPLISHMENTS, AND GOALS FOR 2024. MINUTE ORDER NO. 1974.

Senior Management Analyst Brannon introduced Citizens Sustainability Advisory Committee Chair Marah Curry and Co-Chair Siddharth Gogi, who presented the 2023 Year End Report, Review of Mission Statement, 2023 Accomplishments, and Goals for 2024.

Discussion ensued.

Motion by Mayor Sullivan, seconded by Councilmember Hindi, and carried unanimously, 5-0-0, adopting Minute Order No. 1974, to receive and accept the Citizens Sustainability Advisory Committee 2023 Year End Report, Review of Mission Statement, 2023 Accomplishments, and Goals for 2024.

RESOLUTIONS FOR ADOPTION

ADOPT A GENERAL FUND RESERVE POLICY THAT ESTABLISES A MINIMUM RESERVE THRESHOLD OF 50% OF BUDGETED ANNUAL OPERATING EXPENDITURES. CITY RESOLUTION NO. 2024-37. EMID RESOLUTION NO. 3756.

Assistant Finance Director Hassan presented the staff report.

Discussion ensued.

Motion by Mayor/President Sullivan, seconded by Vice Mayor/Vice President Jimenez, and carried unanimously, 5-0-0, adopting City Resolution No. 2024-37 and EMID Resolution No. 3756, "A Resolution of the City Council of the City of Foster City and Board of Directors of the Estero Municipal Improvement District Adopting a General Fund Reserve Policy that Establishes a Minimum Reserve Threshold of 50% of Budgeted Annual Operating Expenditures."

APPROVE A LICENSE AGREEMENT WITH THE ISLAND UNITED CHURCH (IUC) FOR USE OF SPECIFIC PROPERTY AT 1130 BALCLUTHA DRIVE FOR A PILOT COMMUNITY GARDEN PILOT PROGRAM, APPROVE AN APPROPRIATION FROM THE COMMUNITY BENEFITS FUND IN THE AMOUNT OF \$22,900 TO DEVELOP THE LOCATION, AND APPROVE A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE FOSTER CITY COMMUNITY GARDEN ASSOCIATION (FCCGA), IUC AND THE CITY OF FOSTER CITY RELATING TO THE CREATION AND OPERATION OF THE COMMUNITY GARDEN; AND FINDING ACTIONS CATEGORICALLY EXEMPT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). CITY RESOLUTION NO. 2024-38.

Parks and Recreation Director Schweigart presented the staff report.

Yvonne Ryzak addressed the City Council in person.

Discussion ensued.

Motion by Councilmember Froomin, seconded by Councilmember Kiesel, and carried unanimously, 5-0-0, adopting City Resolution No. 2024-38, "A Resolution of the City Council of the City of Foster City to Approve a License Agreement With the Island United Church (IUC) for Use of Specific Property at 1130 Balclutha Drive for a Pilot Community Garden Pilot Program, Approve an Appropriation From the Community Benefits Fund in the Amount of \$22,900 to Develop the Location, and Approve a Memorandum of Understanding (MOU) with the Foster City Community Garden Association (FCCGA), IUC and the City of Foster City Relating to the Creation and Operation of the Community Garden; and Finding Actions Categorically Exempt Pursuant to the California Environmental Quality Act (CEQA)" with an amendment to the MOU to include a non-discrimination policy.

AUTHORIZING THE AWARD OF AN AGREEMENT FOR PROFESSIONAL SERVICES WITH WRT DESIGN, LLC FOR THE DEVELOPMENT OF A PARKS MASTER PLAN (CIP 301-682) IN AN AMOUNT NOT-TO-EXCEED \$419,949, APPROVE A PROJECT CONTINGENCY OF \$41,995, AUTHORIZE A TRANSFER OF \$95,303 FROM GENERAL FUND (FUND 001) TO CITY CAPITAL PROJECTS FUND (FUND 301), AND AUTHORIZE A BUDGET APPROPRIATION OF \$95,303 TO 301-0910-682-4251. CITY RESOLUTION NO. 2024-39.

Parks and Recreation Director Schweigart presented the staff report.

Evan Adams, representing the Foster City Historical Society, addressed the City Council via email.

Discussion ensued.

Motion by Councilmember Froomin, seconded by Vice Mayor Jimenez, and carried, 3-1-1, Councilmember Kiesel voted "no" and Mayor Sullivan abstained, adopting City Resolution No. 2024-39, "A Resolution of the City Council of the City of Foster City Authorizing the Award of an Agreement for Professional Services with WRT Design, LLC for the Development of a Parks Master Plan (CIP 301-682) in an Amount Not-to Exceed \$419,949, Approve a Project Contingency of \$41,995, Authorize a Transfer of \$95,303 from General Fund (Fund 001) to City Capital Projects Fund (Fund 301), and Authorize a Budget Appropriation for \$95,303 to 301-0910-682-4251."

COMMUNICATIONS

CITY/DISTRICT WARRANT OF DEMANDS. NO ACTION TAKEN.

City/District Warrants of Demands were Processed and Issued on April 5, 2024, and April 11, 2024, and ACH were processed on April 5, 2024.

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

City/District Manager Chatwin shared a story in appreciation of the bravery and sacrifices of our police officers in light of National Police Week and National Peace Officer's Memorial Day.

Councilmember/Director Kiesel stated he attended the Progress Seminar hosted by Chamber San Mateo County on April 19-21.

Councilmember/Director Froomin stated on April 27, he attended Rethink Waste's Earth Day event and Foster City's Earth Day, Every Day Faire. On April 28, he attended a fundraiser at Aragon High School hosted by the San Mateo-Foster City Education Foundation. On April 29, he paid a visit to the Foster City Employee Art Show at the Recreation Center. On April 30, he attended Supervisor Corzo's Strategic Plan Presentation for San Mateo County District 2.

Vice Mayor/Vice President Jimenez encouraged the public to visit the Employee Art Show at the Recreation Center. She stated that May 17 is Bike to Work day and encouraged everyone to bike to work if possible. She shared that San Mateo County is hosting a Commuter Challenge where individuals can pledge to take alternative modes of commuting on Commute.org and win prizes.

Councilmember/Director Hindi stated he attended the Chamber San Mateo County Progress Seminar on April 19-21. On April 23, he attended the Grand Opening event of Erik's Deli. On April 26, he attended the Council of Cities meeting in San Carlos. On April 27, he attended the Earth Day, Every Day Faire. On April 30, he attended Supervisor Corzo's Strategic Plan Presentation.

Mayor/President Sullivan stated he attended the Chamber San Mateo County Progress Seminar on April 19-21. On April 23, he attended the Erik's Deli Grand Opening. On April 25, he attended the City/County Association of Governments (C/CAG) Airport Land Use Committee meeting. On April 26, he attended the Council of Cities meeting in San Carlos. On April 27, he attended the Earth Day, Every Day Faire.

CLOSED SESSION

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

1. Conference With Legal Counsel– Anticipated Litigation
Initiation of Litigation pursuant to Government Code § 54956.9(d)(4):
(Two potential cases)

2. Conference With Legal Counsel– Anticipated Litigation
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) and paragraph (1) of subdivision (e) of Section 54956.9: (One potential case)
3. Report Out from Closed Session

Meeting recessed into Closed Session at 8:33 pm and reconvened at 9:04 p.m.

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

ADJOURNMENT

Hearing no objection from the City Council/EMID Board, Mayor/President Sullivan adjourned the meeting. Meeting adjourned at 9:04 p.m.