

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

REGULAR MEETING OF SEPTEMBER 3, 2024

MINUTES

CALL TO ORDER OF CITY COUNCIL/EMID BOARD OF DIRECTORS

The Regular Meeting of September 3, 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 Patrick Sullivan.

This meeting was held as a hybrid meeting.

ROLL CALL

The Deputy City Clerk/Deputy 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 Manager; Diane Pitman, Administrative Services Director; Derek Schweigart; Parks and Recreation Director; Andrew Brozyna, Public Works Director; Sofia Mangalam, Community Development Director; Cory Call, Police Captain; Waqas Hassan, Assistant Finance Director; Rob Lasky, IT Manager; Justin Lai, Senior Civil Engineer; Laura Galli, Engineering Manager; Amy Zhou, Assistant Engineer; Nori Jabba, Housing Coordinator; Gerardo Delfin, Building Maintenance Worker II; Rhoven Frakt, Public Works Intern; Shuli Chen, Video Technician; and Katherine Estrada, Deputy City Clerk/Deputy District Secretary.

SPECIAL PRESENTATIONS

RECOGNIZING JEFF BROWN FOR VOLUNTEER SERVICES CARING FOR CITY ROSES.

Mayor Sullivan presented the proclamation Recognizing Jeff Brown for Volunteer Services Caring for City Roses to Jeff Brown.

RECOGNIZING SAURABH NETRAVALKAR FOR HIS ACHIEVEMENTS IN THE SPORT OF CRICKET.

Vice Mayor Jimenez presented the proclamation recognizing Saurabh Netravalkar for His Achievements in the Sport of Cricket in the United States.

Shankar Kenkre addressed the City Council in person.

PUBLIC

The following people addressed the City Council via email:

1. Akshay Kulkarni, regarding the Bowditch Middle School Construction Project; and
2. Mei Ling, regarding pickleball courts.

Gerald Moreno addressed the City Council in person regarding leaf blowers.

CONSENT CALENDAR

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

City/EMID Consent Calendar

1. City Resolution No. 2024-88, "A Resolution of the City Council of the City of Foster City Approving the Appropriation of \$24,000 From Fund 505 to Account Number 505-0550-419-4251 and Approving a Janitorial Services Agreement in the Amount of \$348,184 per Year with Julio's Cleaning and Maintenance Services from October 1, 2024, Through September 30, 2026, with Optional Extensions Through September 30, 2029;"
2. City Resolution No. 2024-89, "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 in the Amount of \$18,714.72 to Maintain the Existing Dispatch Customer Premise Equipment (CPE); and Authorizing Appropriation of \$18,714.72 from the General Fund to Account 001-0630-421-4246;" and
3. Minute Order No. 1991, "Approve a Letter to the Honorable Amarra A. Lee Judge of the Superior Court in Response to the San Mateo County Civil Grand Jury Report, Dated July 9, 2024, Entitled "Restaurant Exteriors: The Neglected Space."

ITEM REMOVED FROM CONSENT CALENDAR

HOUSING ELEMENT 2023-31 IMPLEMENTATION ROADMAP (ROADMAP) AND FINDING THE ROADMAP WITHIN THE SCOPE OF THE ENVIRONMENTAL IMPACT REPORT (SCH NUMBER 2022010509) PREPARED FOR THE FOSTER CITY HOUSING AND SAFETY ELEMENTS UPDATE. CITY RESOLUTION NO. 2024-90.

Without objection from the City Council, Mayor Sullivan removed this item from the Consent Calendar.

Assistant City Manager Subhashini presented the staff report.

Discussion ensued.

Paul Taylor addressed the City Council in person.

Evan Adams addressed the City Council via teleconference.

Motion by Councilmember Froomin, seconded by Vice Mayor Jimenez, and carried, 4-0-1, Mayor Sullivan abstained, adopting City Resolution No. 2024-90, "A Resolution of the City Council of the City of Foster City Approving the Housing Element 2023-31 Implementation Roadmap (Roadmap) and Finding the Roadmap Within the Scope of the Environmental Impact Report (SCH Number 2022010509) Prepared for the Foster City Housing and Safety Elements Update."

RESOLUTIONS FOR ADOPTION

DECLARE THE CITY OF FOSTER CITY'S INTENT TO INITIATE PROCEDURES TO TRANSITION FROM AT-LARGE ELECTIONS TO DISTRICT-BASED ELECTIONS PURSUANT TO ELECTIONS CODE SECTION 10010; APPROVE THE TENTATIVE TIMELINE AND OTHER RELATED ACTIONS. CITY RESOLUTION NO. 2024-91.

Assistant City Attorney Bazzano presented the staff report.

Discussion ensued.

Motion by Councilmember Froomin, and motion failed due to the lack of a second, to adopt City Resolution No. 2024-91, "A Resolution of the City Council of the City of Foster City Declaring the City of Foster City's Intent to Initiate Procedures to Transition From At-Large Elections to District-Based Elections Pursuant to Elections Code Section 10010; Approving the Tentative Timeline and Other Related Actions" with an amendment to name the Southwest Voter Registration Education Project, its members residing within Foster City, and Jim Lawrence as the prospective plaintiffs in the resolution.

Motion by Councilmember Hindi, seconded by Councilmember Kiesel, and carried by roll call vote, 4-1-0, Vice Mayor Jimenez voted "no", adopting City Resolution No. 2024-91, "A Resolution of the City Council of the City of Foster City Declaring the City of Foster City's Intent to Initiate Procedures to Transition From At-Large Elections to District-Based Elections Pursuant to Elections Code Section 10010; Approving the Tentative Timeline and Other Related Actions."

AWARD OF A CONSTRUCTION CONTRACT TO BHM CONSTRUCTION LLC FOR THE CONSTRUCTION OF THE RECREATION CENTER REBUILD PROJECT (CIP 301-

678) FOR THE BASE BID AMOUNT OF \$40,647,000 AND BID ALTERNATES SELECTED BY COUNCIL, AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT; APPROVE A CONTINGENCY OF TEN PERCENT OF THE TOTAL CONTRACT AMOUNT AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT CHANGE ORDERS UP TO THE CONTINGENCY AMOUNT, IF NECESSARY; EXECUTION OF A TASK ORDER WITH APEX TESTING LABORATORIES, INC. FOR MATERIAL TESTING SERVICES AND SPECIALTY INSPECTION SERVICES (CEQA STATUS: ADOPTED MITIGATED NEGATIVE DECLARATION FOR THE RECREATION CENTER REBUILD PROJECT). CITY RESOLUTION NO. 2024-92.

Parks and Recreation Director Schweigart presented the staff report.

Discussion ensued.

The following people addressed the City Council via email:

1. Inna Zatulovsky;
2. Angela L.Y. Lee;
3. Alan Hall;
4. Xuepeng Li;
5. Beni Poon;
6. Barry Kelem;
7. Mei Ling Lam;
8. Lester Chin;
9. Jenny Lee; and
10. Steve Jiang.

The following people addressed the City Council in person:

1. Yvonne Ryzak;
2. Karen Epstein;
3. Mary Lou Griffin;
4. Jim Hardy; and
5. Ajay Godbole.

Motion by Councilmember Hindi, seconded by Mayor Sullivan, and carried unanimously by roll call vote, 5-0-0, adopting City Resolution No. 2024-92 "A Resolution of the City Council of the City of Foster City Authorizing the Award of a Construction Contract to BHM Construction LLC for the Construction of the Recreation Center Rebuild Project (CIP 301-678) for the Base Bid Amount of \$40,647,000 and Bid Alternates Selected by Council, and Authorizing the Mayor to Execute the Contract; Approving a Contingency of Ten Percent of the Total Contract Amount and Authorizing the City Manager to Execute the Contract Change Orders up to the Contingency Amount, if Necessary; and Execution of a Task Order With Apex Testing Laboratories, Inc. For Material Testing Services and Specialty Inspection Services (CEQA Status: Adopted Mitigated Negative Declaration for the Recreation Center Rebuild Project)" and directing staff to bring forth a resolution to the next regular City Council meeting to reallocate excess funds from the Project budget

to be put back into the Capital Asset Acquisition and Replacement Fund (CAARF) and selecting the following bid alternates:

1. A1 Expanded Entry Canopy;
2. A3 Fitness Room Operable Partition;
3. L1a Playground with Play Equipment (Option 2 – Playcraft) & Rubberized Safety Surfacing;
4. L2 Event Terrace Glass Wind Screen;
5. L3 Bocce Courts; and
6. E1 Photovoltaic Panel System (without Energy Storage).

The meeting recessed at 9:54 p.m. and reconvened at 10:00 p.m.

APPLICATION FOR 2024 LOCAL HOUSING TRUST FUND PROGRAM NOTICE OF FUNDING AVAILABILITY. CITY RESOLUTION NO. 2024-93. CITY RESOLUTION NO. 2024-94.

Community Development Director Mangalam presented the staff report.

Discussion ensued.

Motion by Mayor Sullivan, seconded by Councilmember Froomin, and carried unanimously, 5-0-0, adopting City Resolution No. 2024-93, "A Resolution of the City Council of the City of Foster City Authorizing Application for and Receipt of 2024 California Department of Housing and Community Development Local Housing Trust Funds and Other Related Approvals, and Authorize the City Manager or His Designee to Make Amendments to the Application as Needed, and Execute Other Grant Documents, as Needed" and City Resolution No. 2024-94, "A Resolution of the City Council of the City of Foster City Approving (A) the Foster City Local Housing Trust Fund (LHTF) Specific Underwriting Guidelines for Three (3) Proposed Loan Programs; (B) Transfer of Funds from Commercial Linkage Fee Fund (Fund 137) to LHTF (Fund 145) as Matching Funds, Contingent Upon the City Being Awarded the HCD LHTF Funding; and (C) in the Event That the Grant Is Not Awarded, Approve the Use of Funds from Fund 137 and Authorize the City Manager or His Designee to Make Amendments to Loan Programs as Needed, Including Loan Amounts, and Others for the Implementation of the Three (3) Housing Element Programs."

COMMUNICATIONS

CITY/DISTRICT WARRANT OF DEMANDS. NO ACTION TAKEN.

City/District Warrants of Demands were Processed and Issued on August 5, 2024, and August 14, 2024, and ACH were processed on August 5, 2024.

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

Councilmember/Director Kiesel stated he participated as a judge in the San Mateo Consolidated Firefighter's Association 15th Annual Chili Cook Off on August 24.

Councilmember/Director Hindi congratulated the Foster City community for the new Recreation Center to be built in the next couple years. He thanked staff and the consultants for their work on the project, and thanked members of the public for providing community input and responding to outreach efforts. He reported that the SFO Airport/Community Roundtable will be holding a Technical Working Group on September 4 at 3:30 p.m. in the Foster City Council Chambers Conference Room, where they will be discussing planes arriving over Foster City.

Vice Mayor/Vice President Jimenez stated she attended an Educator Housing Task Force meeting held by the San Mateo-Foster City School District on August 29, where they explored options for workforce housing.

Mayor/President Sullivan stated he attended the Peninsula Clean Energy Board meeting and the City/County Association of Governments of San Mateo County (C/CAG) Airport Land Use Committee meeting on August 22. He attended the first session of the 2024 Civics Academy program on August 28.

ADJOURNMENT

Hearing no objection from the City Council/EMID Board, Mayor/President Sullivan adjourned the meeting. Meeting adjourned at 10:12 p.m.