

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

**REGULAR MEETING OF JULY 15, 2024**

**MINUTES**

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

The Regular Meeting of July 15, 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.

Vice Mayor/Vice President Jimenez teleconferenced from Landward Court 1 Harrowby St, London W1H 5HB, United Kingdom.

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; Mary Wagner, Special Legal Counsel; Marlene Subhashini, Assistant City Manager; Diane Pitman, Administrative Services Director; Derek Schweigart; Parks and Recreation Director; Sofia Mangalam, Community Development Director; Waqas Hassan, Assistant Finance Director; Cory Call, Police Captain; Kurt Zander, Building Maintenance Manager; Laura Galli, Engineering Manager; Rob Lasky, IT Manager; Yelena Capello, Management Analyst; Katherine Mendoza, Deputy City Clerk; Shuli Chen, Video Technician; and Priscilla Schaus, Communications Director/City Clerk/District Secretary.

Assistant City Attorney Bazzano provided clarification for the public that Vice Mayor Jimenez is teleconferencing this meeting via traditional Brown Act regulations related to teleconferencing, which allow participants or officials to participate via telephone or Zoom by following the requirements under the Brown Act and not utilizing the methods for teleconferencing under AB 2449.

**PUBLIC**

The following people addressed the City Council via email:

1. Susan Ameal, regarding weekly agenda trends across U.S. municipalities;
2. Avery Rowan, regarding a Water Efficiency Mailing List;
3. Alyssa Wieting, representing CORA, regarding their application for nonprofit funding; and
4. Anonymous FCResident, regarding remote attendance at meetings for Councilmembers.

The following people addressed the City Council in person:

1. Ed Grore, regarding the nonprofit Peninsula Musical Arts Association;
2. Pam Frisella, regarding the nonprofit Foster City Village;
3. Nilofer Motiwala, regarding the nonprofit Pacific Beach Coalition;
4. Lynn Adams, regarding the nonprofit Pacific Beach Coalition;
5. Alyssa Wieting, regarding the nonprofit CORA; and
6. Evan Adams, regarding the nonprofit Foster City Historical Society.

## **CONSENT CALENDAR**

Motion by Mayor/President Sullivan, seconded by Councilmember/Director Hindi, 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/EMID Regular Meeting Minutes of June 17, 2024;
2. City Resolution No. 2024-68, "A Resolution of the City Council of the City of Foster City Authorizing the Purchase of Nutanix Hyperconverged Servers with a Three-Year Software Subscription from Roundstone Solutions Inc. in an Amount Not to Exceed \$100,252.90;"
3. City Resolution No. 2024-69, "A Resolution of the City Council of the City of Foster City Authorizing the Mayor to Execute Two-year Master Services Agreements with 4Leaf, Inc (4LEAF) and West Coast Code Consultants, Inc (WC3), with an Amount Not to Exceed \$150,000 Each, for Professional on-call Building Services for Building Inspection and Permit Support Services and Without Limitation for Certain Plan Check Fees That Will Be Payable Directly by the Applicant; Approving the Appropriation of \$300,000 to Account No. 001-0820-424-42-51 for Inspection and Permit Support Services; and Finding Approval of the Agreements Exempt From the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines 15061(B)(3);"
4. City Resolution No. 2024-70, "A Resolution of the City Council of the City of Foster City Authorizing the Award of Construction Contract to G. Bortolotto & Company, Inc. In the Amount of \$1,989,541.55 for the Construction of the Street Rehabilitation Park Pathway Restoration Project (2023-2024) CIP301-716; and the Execution of a Task Order With CSG Consultants in the Amount of \$198,940 for Construction Management, Inspection Services, and Material Testing Services;

Appropriation of \$500,000 From Fund 102 (Measure A); and Finding the Approval Exempt From the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines §15061(B)(3) and 15301(C)—Existing Facilities;”

5. City Resolution No. 2024-71, “A Resolution of the City Council of the City of Foster City Accepting the Work Performed by VSS International, Inc. for the Construction of Street Rehabilitation Project FY21/22 and Park Pathway Restoration Project FY21/22 (CIP 301-703/301-702) and Directing the City Clerk to File the Notice of Completion (CEQA Status: Exempt from CEQA Under Section 15061(B)(3) and 15301(C) – Existing Facilities);”
6. City Resolution No. 2024-72, “A Resolution of the City Council of the City of Foster City Authorizing the Issuance of a Request for Proposals for Citywide Janitorial Services for a Term of October 1, 2024, Through September 30, 2026;”
7. EMID Resolution No. 3767, “A Resolution of the Board of Directors of the Estero Municipal Improvement District Approving the Plans and Specifications, Authorizing the Call for Bids for the Lift Station 59 Effluent Line Improvements Project (CIP 455-695) and Finding That the Project is Categorically Exempt Pursuant to the California Environmental Quality Act (CEQA) Guideline 15301(B) – Existing Facilities;” and
8. Minute Order No. 1981, “Receive and Accept the Independent Citizens’ Bond Oversight Committee’s FY 2023-2024 Final Report to the City Council Regarding the Expenditures of Bond Proceeds Associated with the Levee Protection Planning and Improvements Project (CIP 327-657).”

## **NEW BUSINESS**

PLACE A MEASURE ON THE NOVEMBER 5, 2024 GENERAL MUNICIPAL ELECTION BALLOT AMENDING THE BUSINESS LICENSE TAX. CITY RESOLUTION NO. 2024-73.

Assistant City Attorney Bazzano stated that the Fair Political Practices Commission (FPPC) provided a formal advice letter that, concluded there were no conflicts of interest for Councilmember Kiesel, Vice Mayor Jimenez, and Mayor Sullivan, thus they could participate in decisions concerning the approval of the ballot measure to potentially modify the business license tax. There was no analysis regarding potential conflict of interest for Councilmember Hindi due to a change of facts prior to the final issuance of the FPPC’s formal advice letter .

Councilmember Hindi recused himself from this agenda item because he owns a business within Foster City located at 880 E. Hillsdale Blvd. that serves as both a source of income and a business entity that he owns. He also has a financial interest in Gilead Sciences located at 333 Lakeside Drive in Foster City, as he has an investment in the form of stock ownership and income interest in the company but stated that he will be making a public comment under FPPC Regulation 18707(a)(3)(B).

Councilmember Hindi left the dais and joined the public at 6:58 p.m., and returned to the dais at 8:33 p.m.

Assistant City Manager Subhashini and Community Development Director Mangalam presented the staff report.

The following people addressed the City Council via email:

1. Sam Chung, representing California Life Sciences;
2. Rosanne Foust, representing San Mateo County Economic Development Association (SAMCEDA);
3. Matt Regan, representing Bay Area Council; and
4. Christy Shirilla, representing Biocom California.

The following people addressed the City Council in person:

1. Mark Hudak, representing Sycomp;
2. Jenny Bach, representing California Life Sciences;
3. Andrew Zingale, representing Gilead Sciences; and
4. Sam Hindi.

Crystal Tilton, representing the Foster City Chamber of Commerce and Christy Shirilla, representing Biocom California, addressed the City Council via teleconference.

Discussion ensued.

Motion by Councilmember Froomin, seconded by Vice Mayor Jimenez, and carried unanimously by roll call vote, 4-0-0, adopting City Resolution No. 2024-73, "A Resolution of the City Council of the City of Foster City Ordering the Submission to the Qualified Voters of the City at the General Municipal Election to be Held on November 5, 2024, a Measure to Amend Section 5.04.060 (Constitutional Apportionment) of Chapter 5.04 (General Provisions), Sections 5.08.050 (Gross Receipts), 5.08.080 (Solicitor), 5.08.090 (Specialty Contractor), and 5.08.100 (Sworn Statement) of Chapter 5.08 (Definitions), and Section 5.24.010 (Rates) of Chapter 5.24 (Gross Receipts Tax), Within Section I (Business Licenses Generally) of Title 5 (Business Licenses and Regulation) of the Foster City Municipal Code Authorizing the Submittal of Ballot Arguments in Favor of or Against the Measure; Providing for Rebuttal Arguments; And Directing the City Attorney to Prepare an Impartial Analysis."

## **COMMUNICATIONS**

CITY/DISTRICT WARRANT OF DEMANDS. NO ACTION TAKEN.

City/District Warrants of Demands were Processed and Issued on June 5, 2024, and June 13, 2024, and ACH were processed on June 5, 2024.

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

Vice Mayor/Vice President Jimenez stated that she is seeking appointment on the Board of Directors of the San Mateo Transportation Authority (SMTA) to represent Cities-at-Large of San Mateo County.

Councilmember/Director Froomin thanked staff for their work on the Fourth of July Celebration and on the first night of the Summer Concert Series on July 12. He thanked Code Enforcement Officer Stevenson for his work at the events in enforcing the City's new Sidewalk Vending Ordinance.

Councilmember/Director Hindi stated that the SFO Airport/Community Roundtable Technical Working Group will hold their meeting on July 16 at 3:30 p.m. in the Foster City Council Chambers Conference Room.

Councilmember/Director Kiesel also praised Code Enforcement Officer Stevenson for his work at City events and emphasized the need for additional help to enforce the new Sidewalk Vending Ordinance.

Mayor/President Sullivan stated that he attended the City's Fourth of July Celebration. He shared that the City/County Association of Governments of San Mateo County (C/CAG) Airport Land Use Committee meeting on July 25 was cancelled. He attended the opening of HIP Housing's new location at 111 E. 5th Avenue in San Mateo on June 26 and the Council of Cities meeting in San Mateo on July 28.

## **CLOSED SESSION**

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

1. Conference With Legal Counsel – Anticipated Litigation  
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (one potential case);
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); and
3. Report Out from Closed Session.

Meeting recessed into Closed Session at 8:40 p.m. and reconvened at 9:08 p.m.

Assistant City Attorney/District Legal Counsel Bazzano reported that no reportable 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 9:08 p.m.