

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

REGULAR MEETING OF SEPTEMBER 16, 2024

MINUTES

CALL TO ORDER OF CITY COUNCIL/EMID BOARD OF DIRECTORS

The Regular Meeting of September 16, 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 6:52 p.m. by Mayor/President Patrick 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; Benjamin Stock, 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; Waqas Hassan, Assistant Finance Director; Tracy Avelar, Police Chief; Rob Lasky, IT Manager; David Liu, Senior HR Analyst; Madeline Koval, Recreation Coordinator; Katherine Mendoza, Deputy City Clerk; Shuli Chen, Video Technician; and Priscilla Schaus, Communications Director/City Clerk/District Secretary.

SPECIAL PRESENTATIONS

PROCLAMATION DECLARING SEPTEMBER 2024 AS "NATIONAL EMERGENCY PREPAREDNESS MONTH."

Councilmember Froomin presented the proclamation declaring September 2024 as "National Emergency Preparedness Month" to Jim Yoke, representing the San Mateo Consolidated Fire Department.

CONSENT CALENDAR

Motion by Mayor/President Sullivan, 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 Resolution No. 2024-95, "A Resolution of the City Council of the City of Foster City Authorizing the City Manager to Execute a Grant Agreement with the Peninsula Clean Energy Authority for the Receipt of Grant Funding in the Amount of \$551,232 for the Recreation Center Rebuild Project (CIP 301-678)";
2. City Resolution No. 2024-96, "A Resolution of the City Council of the City of Foster City Approving the After School Activity (ASA) Bus Program Funding Agreement Between the City of Foster City and the San Mateo Union High School District for a Contribution in the Amount of \$21,231 to the ASA Bus Program for the 2024-2025 School Year, Authorizing the City Manager to Execute the Funding Agreement, and Authorizing an Appropriation in an Amount Not-to-Exceed \$21,231 to the Community Benefits Fund, Account No. 005-0110-413-4251, to Fund the Contribution;"
3. City Resolution No. 2024-97, "A Resolution of the City Council of the City of Foster City Authorizing the Mayor to Execute Contract Amendment No. Six (6) in the Amount Of \$25,000 with Schaaf & Wheeler Consulting Civil Engineers for Phase 3 Services for the Levee Protection Planning and Improvements Project (CIP 327-657) (CEQA Status: Environmental Impact Report was Prepared for the Levee Protection Planning and Improvements Project (State Clearinghouse No. 20106012012));"
4. City Resolution No. 2024-98, "A Resolution of the City Council of the City of Foster City Approving the Appendix Dated September 2024 of Certain Designated Employees in the Conflict of Interest Code and to Formalize the Designated Positions Required to Participate in AB 1234 Ethics Training;"
5. EMID Resolution No. 3775, "A Resolution of the Board of Directors of the Estero Municipal Improvement District Approving the Appendix Dated September 2024 of Certain Designated Employees in the Conflict of Interest Code and to Formalize the Designated Positions Required to Participate in AB 1234 Ethics Training;" and
6. Minute Order No. 1992, "Receive and Accept the Foster City Foundation Fund Annual Report of Financial Activities for Fiscal Year 2023-2024."

RESOLUTIONS FOR ADOPTION

APPOINTMENT OF FIFTEEN MEMBERS TO THE YOUTH ADVISORY COMMITTEE.
CITY RESOLUTION NO. 2024-99.

Without objection from the City Council, Mayor Sullivan moved this item out of agenda order.

Recreation Coordinator Koval presented the staff report.

Discussion ensued.

Motion by Mayor Sullivan, seconded by Councilmember Kiesel, and carried unanimously, 5-0-0, adopting City Resolution No. 2024-99, "A Resolution of the City Council of the City of Foster City Approving the Appointment of Fifteen Members to the Youth Advisory Committee."

NEW BUSINESS

CONTINUE OR DISCONTINUE PUBLIC COMMENT VIA TELECONFERENCE (ZOOM) AT PUBLIC MEETINGS. MINUTE ORDER NO. 1993.

Communications Director/City Clerk Schaus presented the staff report.

Evan Adams addressed the City Council via teleconference.

Discussion ensued.

Motion by Councilmember Froomin, seconded by Vice Mayor Jimenez, and carried unanimously, 5-0-0, adopting Minute Order No. 1994, providing policy direction to continue accepting public comments via teleconference (Zoom) at future City Council and commission/committee meetings.

REPORTS

RECREATION CENTER REBUILD PROJECT (CIP 301-678) – RECREATION CENTER BUILDING NAMING. MINUTE ORDER NO. 1994.

Parks and Recreation Director Schweigart presented the staff report.

Discussion ensued.

Motion by Mayor Sullivan, seconded by Vice Mayor Jimenez, and carried unanimously, 5-0-0, adopting Minute Order No. 1994, providing policy direction to:

1. Receive and accept the report on the Recreation Center Rebuild Project and change the current name of the "William E. Walker Recreation Center" to the "Foster City Community Center;"
2. Direct staff to develop and implement alternative methods of commemorating William E. Walker and other members of the Foster City Community whose significant contributions were instrumental in the Recreation Center's various phases of development since 1974; and
3. Return to a future City Council meeting with a Resolution for adoption to officially change the name of the current Recreation Center and provide alternative naming options for the current Foster City Community Center.

INFORMATION TECHNOLOGY STRATEGIC PLAN. MINBUTE ORDER NO. 1995.

IT Manager Lasky introduced David Buchan and Robert Kornovich, representing Averro LLC, who presented the report.

Discussion ensued.

Motion by Vice Mayor Jimenez, seconded by Councilmember Froomin, and carried unanimously, 5-0-0, adopting Minute Order No. 1995, receiving and accepting the Information Technology Strategic Plan.

ORDINANCE FOR INTRODUCTION

FLAVORED TOBACCO REVISION.

City Attorney Stock presented the staff report.

Blythe Young, representing the American Heart Association, addressed the City Council via teleconference.

Discussion ensued.

Motion by Mayor Sullivan, seconded by Councilmember Froomin, and carried unanimously by roll call vote, 5-0-0, to introduce ordinance by title and waive further reading, and pass to second reading, "An Ordinance of the City of Foster City to Amend Sections 8.11.010, 8.11.020 and 8.11.030 of Chapter 8.11, "Regulation of the Sale of Flavored Tobacco Products and Electronic Cigarettes" within Title 8, "Health and Safety" of the Foster City Municipal Code to Repeal Certain Provisions Relating to Restaurants That Sell Hookah and Shisha Tobacco Products."

RESOLUTIONS FOR ADOPTION

TRANSFER OF ESTIMATED EXCESS FUNDS IN THE AMOUNT OF \$3,490,558 FROM THE CITY CIP FUND (FUND 301) RECREATION CENTER REBUILD PROJECT (301-678) TO THE CAPITAL ASSET ACQUISITION AND REPLACEMENT FUND (CAAR FUND 326). CITY RESOLUTION NO. 2024-100.

Assistant Finance Director Hassan presented the staff report.

Discussion ensued.

Motion by Councilmember Hindi, seconded by Councilmember Kiesel, and carried, 3-2-0, Councilmember Froomin and Vice Mayor Jimenez voted "no", adopting City Resolution No. 2024-100, "A Resolution of the City Council of the City of Foster City Approving the Transfer of Estimated Excess Funds in the Amount of \$3,490,558 from the City CIP Fund

(Fund 301) Recreation Center Rebuild Project (301-678) to the Capital Asset Acquisition and Replacement Fund (CAAR Fund 326)."

SECOND AMENDMENT TO CITY/DISTRICT MANAGER STEFAN CHATWIN'S EMPLOYMENT AGREEMENT. CITY RESOLUTION NO. 2024-101. EMID RESOLUTION NO. 3776.

City Attorney/District Legal Counsel Stock presented the staff report.

Discussion ensued.

Motion by Councilmember/Director Hindi, seconded by Mayor/President Sullivan, and carried unanimously, 5-0-0, adopting City Resolution No. 2024-101, "A Resolution of the City Council of the City of Foster City Approving the Second Amendment to the City Manager's Employment Agreement" and EMID Resolution. No. 3776, "A Resolution of the Board of Directors of the Estero Municipal Improvement District Approving the Second Amendment to the City Manager's Employment Agreement."

COMMUNICATIONS

CITY/DISTRICT WARRANT OF DEMANDS. NO ACTION TAKEN.

City/District Warrants of Demands were Processed and Issued on August 28, 2024

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

City/District Manager Chatwin thanked the City Council/EMID Board for their trust and expressed his appreciation for the Foster City community.

Councilmember/Director Kiesel stated he attended the San Mateo County Library Joint Powers Authority Board meeting on September 16.

Councilmember/Director Froomin stated he attended the Foster City AYSO (American Youth Soccer Organization) Opening Day Event on September 7 alongside Vice Mayor/Vice President Jimenez and Councilmember/Director Kiesel.

Vice Mayor/Vice President Jimenez stated she attended the City/County Association of Governments (C/CAG) Board meeting on September 12. On September 15, she gave a tour of the City Council Chambers to a troop of local Girl Scouts. On September 16, she attended the San Mateo County Child Care Partnership Council meeting. She encouraged the public to attend the 2024 Candidate Forum hosted by the Foster City Chamber of Commerce on September 19.

Mayor/President Sullivan stated he met with a local student and her parent at City Hall on September 12 for a Meet the Mayor session. He requested a moment of silence to honor those who dedicated their lives during the events of September 11, 2001.

CLOSED SESSION

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

1. Threat to Public Services or Facilities Pursuant to Government Code Section 54957
Consultation with: (Rob Lasky, IT Manager); and
2. Report Out from Closed Session

Meeting recessed into Closed Session at 9:10 p.m. and reconvened at 9:45 p.m.

City Attorney/District Legal Counsel Stock 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 9:45 p.m.