

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

**REGULAR MEETING OF AUGUST 21, 2023**

**MINUTES**

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

The Regular Meeting of August 21, 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 Deputy City Clerk/Recording Secretary called the roll:

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

**ABSENT:** None.

**STAFF PRESENT:** Stefan Chatwin, City/District Manager, Benjamin Stock, City Attorney/District Legal Counsel; Marlene Subhashini, Assistant City Manager; Andrew Brozyna, Public Works Director; Edmund Suen, Finance Director; Diane Pitman, Interim Human Resources Director; Sofia Mangalam, Community Development Director; Tracy Avelar, Police Chief; Robert Marshall, Deputy Fire Chief; Rob Lasky, IT Manager; Laura Galli, Engineering Manager; Martin Ticas, Police Captain; Jim Yolke, Emergency Services Manager; 'Andra Lorenz, Senior Management Analyst; Francine Magno, Senior Civil Engineer; Nori Jabba, Housing Coordinator; Thai-Chau Le, Planning Manager; Kevin Ortiz, Management Analyst; Daniella Flores, Social Media and Communications Assistant; Katherine Mendoza, Deputy City Clerk; and Shuli Chen, Video Technician.

**SPECIAL PRESENTATIONS**

**PROCLAMATION DECLARING SEPTEMBER 2023 AS "NATIONAL EMERGENCY PREPAREDNESS MONTH."**

Councilmember Kiesel presented the proclamation declaring National Emergency Preparedness Month to Jim Yoke, representing the San Mateo Consolidated Fire Department.

## PROCLAMATION RECOGNIZING SEPTEMBER 2023 AS “RECOVERY HAPPENS MONTH.”

Vice Mayor Sullivan presented the proclamation recognizing Suicide Prevention Month to James Pratt and Heather Henry representing Voices of Recovery San Mateo County.

## PROCLAMATION RECOGNIZING SEPTEMBER 2023 AS “SUICIDE PREVENTION MONTH.”

Councilmember Hindi presented the proclamation recognizing Suicide Prevention Month to Sheri Boles representing, San Mateo County Behavioral Health & Recovery Services.

## PROCLAMATION RECOGNIZING SEPTEMBER 2023 AS “CHILDHOOD CANCER AWARENESS MONTH.”

Councilmember Jimenez presented the proclamation recognizing Childhood Cancer for the Neev Kolte & Brave Ronil Foundation.

## **PUBLIC**

Moises Villeda addressed the City Council via email regarding labor standards for the Recreation Center Rebuild Project.

Erik Allen addressed the City Council via teleconference regarding the geese mitigation plan.

## **CONSENT CALENDAR**

Motion by Vice Mayor/Vice President Sullivan, seconded by Councilmember/Director Kiesel, and carried unanimously, 5-0-0, approving the following items on the City/District Consent Calendar:

### City/EMID Consent Calendar

1. Minutes of City/EMID Regular Meeting of August 7, 2023;
2. City Ordinance No. 667, “An Ordinance of the City of Foster City Creating Chapter 2.56 “Municipal Elections,” and Adding Section 2.56.030 “Electronic and Paperless Filing of Fair Political Practices Commission Campaign Disclosure Statements” to Chapter 2.56; and Amending Sections 2.08.380 “Term Limits” and 2.08.390 “General Municipal Elections Designated” to Remove Them From Chapter 2.08 “City Council” and Relocating Them to Sections 2.56.010 and 2.56.020 of Chapter 2.56 within Title 2 “Administration and Personnel” of the Foster City Municipal Code (First Reading on August 7, 2023);”
3. City Ordinance No. 667, “An Ordinance of the City of Foster City Repealing and Replacing Chapter 1.12, “Procedure and Limitations Period for Filing Claims” of

the Foster City Municipal Code to Revise the Claim Presentation Timeline and Make Edits to Conform to the Government Claims Act and Delegate Authority to the City Manager to Review, Reject or Settle Certain Claims (First Reading on August 7, 2023);”

4. City Resolution No. 2023-84, “A Resolution of the City Council of the City of Foster City Approving the Acquisition of Real Property Located at 1245 San Carlos Avenue, Suite E, San Carlos, California by the South Bayside Waste Management Authority;”
5. City Resolution No. 2023-85, “A Resolution of the City Council of the City of Foster City Authorizing the Execution of a Task Order with Hexagon Transportation Consultants, Inc. For On-Call Traffic Engineering and Transportation Services in the Amount of \$66,000 to Perform the 2023 Engineering and Traffic Survey; and Finding That the Project is Categorically Exempt Pursuant to the California Environmental Quality Act (CEQA) Guidelines §15061(B)(3);”
6. City Resolution No. 2023-86, “A Resolution of the City Council of the City of Foster City Authorizing the Mayor to Execute Contract Amendment No. Two (2) in the Amount of \$101,000 with It’s Personnel Consulting, Inc. for Interim Human Resources Director Services;” and
7. EMID Resolution No. 3743, “A Resolution of the Board of Directors of the Estero Municipal Improvement District Approving the Sole Source Purchase of a 150 KW Mobile Emergency Generator for a Total Amount of \$103,237.64 From Global Power Supply, LLC.”

## **PUBLIC HEARINGS**

ADOPTION OF A GENERAL PLAN AMENDMENT, AMENDING THE LOCAL HAZARD MITIGATION PLAN AND SAFETY ELEMENT BY REPEALING THE EXISTING 2016 SAFETY ELEMENT AND ADOPTING THE UPDATED 2023 SAFETY ELEMENT. CITY RESOLUTION NO. 2023-87.

Planning Consultant Carmichael presented the staff report.

Mayor Froomin opened a public hearing to hear and consider comments regarding the adoption of a General Plan Amendment, amending the Local Hazard Mitigation Plan and Safety Element by repealing the existing 2016 Safety Element and adopting the updated 2023 Safety Element.

No public testimony was received.

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

Discussion ensued.

Motion by Councilmember Hindi, seconded by Vice Mayor Sullivan, and carried unanimously, 5-0-0, adopting City Resolution No. 2023-87, “A Resolution of the City Council of the City of Foster City for Adoption of a General Plan Amendment, Amending

the Local Hazard Mitigation Plan and Safety Element by Repealing the Existing 2016 Safety Element and Adopting the Updated 2023 Safety Element and Finding the Amendment Within the Scope of the Certified Final Environmental Impact Report (“EIR”) Prepared for the Foster City Housing and Safety Elements Update -- GP2023-0001.”

## BELOW MARKET HOUSING ADMINISTRATIVE PROCEDURES AND GUIDELINES UPDATE.

At the request of staff, Council continued the public hearing to a future meeting.

## NEW BUSINESS

### NONPROFIT AGENCY FUNDING FOR FISCAL YEAR 2023-2024. MINUTE ORDER NO. 1930.

Management Analyst Ortiz presented the staff report.

The following people addressed the City Council in person:

1. Amit Sen regarding the nonprofit BayBasi;
2. Sue Digree regarding the nonprofit PARCA; and
3. Melissa Lukin regarding the nonprofit Rebuilding Together.

Discussion ensued.

Motion by Councilmember Hindi, seconded by Councilmember Kiesel, and carried unanimously, 5-0-0, adopting Minute Order No. 1930, providing policy direction to use the Council Averages, based on the Council discussion, as the final nonprofit funding allocations for FY 2023-2024, as follows:

<b>Nonprofit Agency</b>	<b>Community Needs Category</b>	<b>Funding</b>
BayBasi	Community Enrichment	\$2,450
CORA	Basic Services	\$8,000
Excellence Learning Center	Community Enrichment	\$0
Foster City Sister Cities Association	Community Enrichment	\$3,050
Foster City Village	Community Enrichment	\$9,050
Hillbarn Theater	Community Enrichment	\$4,000
PARCA	Basic Services	\$6,600
Phase2Careers	Community Enrichment	\$0
Samaritan House	Basic Services	\$20,000

San Mateo-Foster-City Community Education Foundation	Community Enrichment	\$8,400
StarVista	Basic Services	\$5,000
Rebuilding Together	Community Health	\$4,850
Sustainable San Mateo County	Community Health	\$3,600
<b>TOTALS</b>		<b>\$75,000</b>

## APPOINTMENT OF VOTING DELEGATE AND ALTERNATE FOR THE LEAGUE OF CALIFORNIA CITIES 2023 ANNUAL CONFERENCE. MINUTE ORDER NO. 1931.

Deputy City Clerk Mendoza presented the staff report.

Discussion ensued.

Motion by Councilmember Kiesel, seconded by Councilmember Jimenez, and carried unanimously, 5-0-0, adopting Minute Order No. 1931, appointing Mayor Froomin as the voting delegate and Vice Mayor Sullivan as the alternate for the League of California Cities 2023 Annual Conference.

## REPORTS

### LEVEE IMPROVEMENTS PROJECT (CIP 327-657) – GENERAL UPDATE. MINUTE ORDER NO.1932.

Senior Civil Engineer Magno presented the staff report.

Discussion ensued.

Motion by Councilmember Hindi, seconded by Vice Mayor Sullivan, and carried unanimously, 5-0-0, adopting Minute Order No. 1932, receiving and accepting the Levee Improvements Project (CIP 327-657) - General Update.

### WASTEWATER TREATMENT PLANT MASTER PLAN IMPROVEMENTS PROJECT (CIP 455-652) - CLEAN WATER PROGRAM - UPDATE FOR QUARTER 2 – APRIL THROUGH JUNE 2023. MINUTE ORDER NO. 1933.

Public Works Director Brozyna introduced Senior Engineer Steve Tarantino, representing EKI Environment & Water, Inc., who presented the report.

Discussion ensued.

Motion by Councilmember Hindi, seconded by Councilmember Jimenez, and carried unanimously, 5-0-0, adopting Minute Order No. 1933, to receive and accept the

Wastewater Treatment Plant Master Plan Improvement Project (CIP 455-652) – Clean Water Program – Update for Quarter 2 – April through June 2023.

CONSIDERATION OF ASSEMBLY BILL 309 (LEE): THE SOCIAL HOUSING ACT.  
MINUTE ORDER NO. 1934.

Community Development Director Mangalam presented the staff report.

Evan Adams addressed the City Council via teleconference.

Discussion ensued.

Motion by Councilmember Hindi, seconded by Vice Mayor Sullivan, and carried unanimously, 5-0-0, adopting Minute Order No. 1934, providing policy direction to adjust the letter of opposition unless amended based on the latest statements of Assembly Bill 309.

## **RESOLUTIONS FOR ADOPTION**

CARRYOVER OF VARIOUS UNSPENT FISCAL YEAR 2022-23 BUDGET LINE ITEMS AS SUPPLEMENTAL APPROPRIATIONS TO THE FISCAL YEAR 2023-24 BUDGET.  
CITY RESOLUTION NO. 2023-88. EMID RESOLUTION NO. 3744.

Finance Director Suen presented the staff report.

Discussion ensued.

Motion by Mayor/President Froomin, seconded by Councilmember/Director Kiesel, and carried unanimously, 5-0-0, adopting City Resolution No. 2023-88, “A Resolution of the City Council of the City of Foster City Approving the Carryover of Various Unspent Fiscal Year 2022-23 Budget Line Items as Supplemental Appropriations to the Fiscal Year 2023-24 Budget,” and EMID Resolution No. 3744, “A Resolution of the Board of Directors of the Estero Municipal Improvement District Approving the Carryover of Various Unspent Fiscal Year 2022-23 Budget Line Items as Supplemental Appropriations to the Fiscal Year 2023-24 Budget.”

## **COMMUNICATIONS**

CITY/DISTRICT WARRANT OF DEMANDS. NO ACTION TAKEN.

City/District Warrants of Demands were Processed and Issued on July 31, 2023 and August 4, 2023, and ACH were processed on August 4, 2023.

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

REQUEST TO PLACE AN ITEM ON A FUTURE AGENDA BY MAYOR JON FROOMIN REGARDING CONSENT FOR SAN FRANCISCO PENINSULA TOURISM MARKETING DISTRICT.

Discussion ensued.

Without objection from the City Council/Board of Directors, Council supported agendizing the discussion regarding consent for the San Francisco Peninsula Tourism Marketing District.

REQUEST TO PLACE AN ITEM ON A FUTURE AGENDA BY COUNCILMEMBER STACY JIMENEZ TO DISCUSS RECORDING ALL CITIZEN ADVISORY COMMITTEE MEETINGS.

Evan Adams addressed the City Council via teleconference.

Discussion ensued.

Without objection from the City Council/Board of Directors, Council supported agending the discussion regarding recording all Citizen Advisory Committee meetings.

Councilmember/Director Kiesel stated that on August 11 he attended the Council of Cities meeting and they took a tour of the CORA (Community Overcoming Relationship Abuse) Center in San Mateo.

Councilmember/Director Jimenez stated she attended Summer Days from August 18-20 and thanked Parks and Recreation staff for their efforts in the event.

Councilmember/Director Hindi stated on August 9, he attended the Citizen Sustainability Advisory Committee meeting. On August 11, he attended the Council of Cities meeting. On August 18-20 he attended Summer Days and noted the event had a great turnout. He also invited the public to attend the Palestinian Culture Day on September 9 at Leo J. Ryan Park starting at 11 a.m.

Vice Mayor/Vice President Sullivan stated he attended the Planning Commission meeting on August 17. He attended the Summer Concert and Summer Days on August 19. He asked the public for a moment of silence for the Lahaina community in Maui due to the wildfires.

Mayor/President Froomin stated that on August 11 he attended the Council of Cities meeting in San Mateo. On August 14, he assisted with a ribbon cutting of a resident art exhibit at the Recreation Center. On August 18, he attended the Car Show at Summer Days and on August 20, participated as a starter for the Rubber Ducky race. He also congratulated Deputy City Clerk Mendoza for clerking her first Council meeting and Management Analyst Ortiz for presenting his first staff report.

## **ADJOURNMENT**

Hearing no objection from the City Council/EMID Board, Mayor/President Froomin adjourned the meeting. Meeting adjourned at 9:46 p.m.