

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

REGULAR MEETING OF MAY 1, 2023

MINUTES

CALL TO ORDER OF CITY COUNCIL/EMID BOARD OF DIRECTORS

The Regular Meeting of May 1, 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 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; Edmund Suen, Finance Director; Julie Paping, Administrative Services Director; Tracy Avelar, Police Chief; Robert Marshall, Deputy Fire Chief; Mark Lee, Police Lieutenant; Ray Towne, Interim Public Works Director; Derek Schweigart, Parks and Recreation Director, Rob Lasky, IT Manager; Thai-Che Le, Planning Manager; Yelena Cappello, Deputy City Clerk; and Shuli Chen, Video Technician.

SPECIAL PRESENTATIONS

PRESENTATION OF CERTIFICATES OF RECOGNITION TO THE BOWDITCH MIDDLE SCHOOL 6TH GRADE GOLD BASKETBALL TEAM.

Mayor Froomin presented the Certificates of Recognition to the Bowditch Middle School 6th Grade Gold Basketball Team.

PROCLAMATION RECOGNIZING MAY 2023 AS "MENTAL HEALTH MONTH."

Councilmember Jimenez presented the Proclamation Recognizing May 2023 as "Mental Health Month" to Sylvia Tang, San Mateo County Health Planner.

PROCLAMATION RECOGNIZING MAY 2023 AS "ASIAN AMERICAN AND PACIFIC ISLANDER HERITAGE MONTH."

Councilmember Hindi presented the Proclamation Recognizing May 2023 as "Asian American and Pacific Islander Heritage Month" to former Foster City councilmembers Richa Awasthi and Steve Okamoto.

PUBLIC

Shyam Choudhary addressed the City Council via email regarding former Planning Commissioner Evan Adams.

The following people addressed the City Council via teleconference:

1. Evan Adams regarding labor in public works projects, specifically the Synthetic Turf Resurfacing Project at Sea Cloud Park; and
2. Jason Zhang regarding permit fees.

CONSENT CALENDAR

Motion by Councilmember/Director Jimenez, seconded by Vice Mayor/Vice President Sullivan, 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 April 10, 2023;
2. City/EMID Regular Meeting Minutes of April 17, 2023;
3. City Resolution No. 2023-36, "A Resolution of the City Council of the City of Foster City Authorizing the Appropriation of \$15,548.00 From the General Fund Balance to Account No. 001-0670-421-4255 for FY 2022-2023 to Pay Police Academy Tuition for Four Current Police Officer Recruits;"
4. City Resolution No. 2023-37, "A Resolution of the City Council of the City of Foster City Authorizing Award of Vendor Agreement to SCA (Sweeping Corp of America) of CA, LLC, in an Annual Amount Not to Exceed \$131,000 for Street Sweeping Services From June 1, 2023 Through December 31, 2025, With Optional Extensions Through December 31, 2028; Authorizing the Mayor to Execute the Agreement; Authorizing the City Manager to Extend the Agreement With Associated Contractually-defined Increases; and Finding Approval of Agreement Categorically Exempt From Review Under the California Environmental Quality Act (CEQA);"
5. City Resolution No. 2023-38, "A Resolution of the City Council of the City of Foster City Authorizing the Transfer of \$233,455 From the Wastewater Fund 451 to the Vehicle Replacement Fund 501 and Appropriating \$415,904 From the Vehicle Replacement Fund 501 to Account No. 501-0560-431-43-84 and Authorizing the

Purchase of a Vac-Con VJT1500 Truck for a Total Amount of \$415,903.68 From Vac-Con Inc. and Authorizing City Manager to Approve the Purchase Order;”

6. EMID Resolution No. 3716, “A Resolution of the Board of Directors of the Estero Municipal Improvement District Authorizing the Transfer of \$233,455 From the Wastewater Fund 451 to the Vehicle Replacement Fund 501 and Appropriating \$415,904 From the Vehicle Replacement Fund 501 to Account No. 501-0560-431-43-84 and Authorizing the Purchase of a Vac-Con VJT1500 Truck for a Total Amount of \$415,903.68 From Vac-Con Inc. and Authorizing City Manager to Approve the Purchase Order;”
7. City Resolution No. 2023-39, “A Resolution of the City Council of the City of Foster City Authorizing the Adoption of the Joint Use Agreement for Joint Use Facilities Between the San Mateo-Foster City School District and the City of Foster City/Estero Municipal Improvement District for a Three (3) Year Term Extension From May 1, 2023, Through April 30, 2026;” and
8. EMID Resolution No. 3717, “A Resolution of the Board of Directors of the Estero Municipal Improvement District Authorizing the Adoption of the Joint Use Agreement for Joint Use Facilities Between the San Mateo-Foster City School District and the City of Foster City/Estero Municipal Improvement District for a Three (3) Year Term From May 1, 2023, Through April 30, 2026.”

ITEMS REMOVED FROM CONSENT

CONTRACT AMENDMENT NO. ONE (1) IN THE AMOUNT OF \$38,100 TO THE AGREEMENT WITH WILSEY HAM FOR ON-CALL SERVICES FOR THE LEVEE PROTECTION PLANNING AND IMPROVEMENTS PROJECT (CIP 327-657) CEQA: ENVIRONMENTAL IMPACT REPORT WAS PREPARED FOR THE LEVEE PROTECTION PLANNING AND IMPROVEMENTS PROJECT (STATE CLEARINGHOUSE NO. 2016012012). CITY RESOLUTION NO. 2023-40.

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

Discussion ensued.

Motion by Councilmember Hindi, seconded by Councilmember Kiesel, and carried unanimously, 5-0-0, adopting City Resolution No. 2023-40, “A Resolution of the City Council of the City of Foster City Authorizing the Mayor to Execute Contract Amendment No. One (1) in the Amount of \$38,100 to the Agreement With Wilsey Ham for on-call Services for the Levee Protection Planning and Improvements Project (CIP 327-657) CEQA: Environmental Impact Report was prepared for the Levee Protection Planning and Improvements Project (State Clearinghouse No. 2016012012).”

APPROPRIATING \$250,893 FROM THE VEHICLE REPLACEMENT FUND TO ACCOUNT NO. 501-0560-431-4384 AND AUTHORIZING THE SOLE SOURCE PURCHASE OF A NEW CATCH BASIN CLEANER TRUCK FROM STETCO GROUP,

LLC IN THE AMOUNT OF \$250,892.82 AND AUTHORIZE THE CITY MANAGER TO APPROVE THE PURCHASE ORDER. CITY RESOLUTION NO. 2023-41.

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

Discussion ensued.

Motion by Vice Mayor Sullivan, seconded by Councilmember Jimenez, and carried unanimously, 5-0-0, adopting City Resolution No. 2023-41, "A Resolution of the City Council of the City of Foster City Appropriating \$250,893 From the Vehicle Replacement Fund to Account No. 501-0560-431-4384 and Authorizing the Sole Source Purchase of a New Catch Basin Cleaner Truck From Stetco Group, LLC in the Amount of \$250,892.82 and Authorize the City Manager to Approve the Purchase Order."

APPROVING A PROFESSIONAL SERVICES AGREEMENT IN AN AMOUNT NOT TO EXCEED \$289,002.25 WITH TAIT ENVIRONMENTAL SERVICES, INC. FOR PROFESSIONAL ENGINEERING DESIGN SERVICES ASSOCIATED WITH CIP 301-700 FUEL SYSTEMS IMPROVEMENTS (2021-2022) AND FINDING AWARD OF AGREEMENT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO GUIDELINE SECTION 15061(B)(3). CITY RESOLUTION NO. 2023-42. EMID RESOLUTION NO. 3718.

Without objection from the City Council/EMID Board of Directors, Mayor/President Froomin removed this item from the Consent Calendar at the request of Vice Mayor/Vice President Sullivan.

Discussion ensued.

Motion by Councilmember/Director Jimenez, seconded by Councilmember/Director Kiesel, and carried unanimously, 5-0-0, adopting City Resolution No. 2023-42, "A Resolution of the City Council of the City of Foster City Approving a Professional Services Agreement in an Amount Not to Exceed \$289,002.25 With Tait Environmental Services, Inc. For Professional Engineering Design Services Associated With CIP 301-700 Fuel Systems Improvements (2021-2022) and finding award of agreement is exempt from the California Environmental Quality Act (CEQA) Pursuant to Guideline Section 15061(b)(3)" and EMID Resolution No. 3718, "A Resolution of the Board of Directors of the Estero Municipal Improvement District Approving a Professional Services Agreement in an Amount Not to Exceed \$289,002.25 With Tait Environmental Services, Inc. For Professional Engineering Design Services Associated With CIP 301-700 Fuel Systems Improvements (2021-2022) and finding award of agreement is exempt from the California Environmental Quality Act (CEQA) Pursuant to Guideline Section 15061(b)(3)."

PUBLIC HEARINGS

REVISIONS TO THE CITY/DISTRICT MASTER FEES AND SERVICE CHARGES SCHEDULE FOR FISCAL YEAR 2023-2024. CITY RESOLUTION NO. 2023-43. EMID RESOLUTION NO. 3719.

Finance Director Suen presented the staff report.

Mayor Froomin opened a public hearing to hear and consider comments regarding revisions to the City/District Master Fees and Service Charges Schedule for Fiscal Year 2023-2024.

Zhauqian Zhang addressed the City Council via email regarding Community Development Department permit fees.

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

Discussion ensued.

Motion by Councilmember/Director Kiesel, seconded by Councilmember/Director Hindi, and carried unanimously, 5-0-0, adopting City Resolution No. 2023-43, "A Resolution of the City Council of the City of Foster City Amending the Master Fees and Service Charges Schedule for FY 2023-24" and EMID Resolution No. 3719, "A Resolution of the Board of Directors of the Estero Municipal Improvement District Amending the Master Fees and Service Charges Schedule for FY 2023-24."

INTRODUCTION OF CHAPTER 8.090 WATER NEUTRALITY GROWTH ORDINANCE OF TITLE 8, WATER AND SEWER SERVICE, OF THE ESTERO MUNICIPAL BOARD OF DIRECTORS (EMID), FOR NEW DEVELOPMENT(S), REDEVELOPMENT(S) AND CHANGE IN USE THAT WILL REQUIRE A NEW WATER SERVICE FROM EMID OR WILL INCREASE WATER DEMAND ABOVE THE HISTORIC AVERAGE ANNUAL WATER DEMAND FOR THE SUBJECT SITE/PARCEL/DEVELOPMENT. THE ORDINANCE IS NECESSARY TO MANAGE THE EMID'S POTABLE WATER SUPPLY IN THE SHORT AND LONG TERM AND TO AVOID OR MINIMIZE THE EFFECTS OF DROUGHT AND SHORTAGE WITHIN THE EMID SERVICE AREA. EMID ORDINANCE NO. 138.

Community Development Director Mangalam presented the staff report.

Mayor Froomin opened a public hearing to hear and consider comments regarding Introduction of Chapter 8.090 Water Neutrality Growth Ordinance of Title 8, Water and Sewer Service, of the Estero Municipal Board of Directors (EMID), for new development(s), redevelopment(s) and change in use that will require a new water service from EMID or will increase water demand above the historic average annual water demand for the subject site/parcel/development. The Ordinance is necessary to manage the EMID's potable water supply in the short and long term and to avoid or minimize the effects of drought and shortage within the EMID service area.

Evan Adams addressed the City Council via email.

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

Discussion ensued.

Motion by Vice President Sullivan, seconded by Councilmember Jimenez, and carried unanimously by roll call vote, 5-0-0, adopting EMID Ordinance No. 138, "An Ordinance of the Estero Municipal Improvement District to Add a New Chapter 8.90, Water Neutrality Growth, Within Title 8, Water and Sewer Service, of the Estero Municipal Improvement District Code and Finding the Approval of the Ordinance Exempt From the California Environmental Quality Act (CEQA) Pursuant to Guideline Section 15307."

REPORTS

CITY COUNCIL VISION AND MISSION STATEMENT AND GOALS FOR 2023. MINUTE ORDER NO. 1914.

City Manager Chatwin presented the report.

Discussion ensued.

Motion by Vice Mayor Sullivan, seconded by Councilmember Jimenez, and carried unanimously, 5-0-0, adopting Minute Order No. 1914, to receive and accept the City Council Vision and Mission Statement and Goals for 2023 with minor edits to the report.

AUDIT COMMITTEE 2022 YEAR END REPORT, REVIEW OF MISSION STATEMENT, AND GOALS FOR 2023. MINUTE ORDER NO. 1915.

Chair Barry presented the report.

Discussion ensued.

Motion by Vice Mayor/Vice President Sullivan, seconded by Mayor/President Froomin, and carried unanimously, 5-0-0, adopting Minute Order No. 1915, to receive the Audit Committee 2022 Year End Report, and accept Review of Mission Statement, and Goals for 2023.

ORDINANCES FOR INTRODUCTION

AMENDING SECTION 12.40.080 PERMIT—RENEWAL, OF CHAPTER 12.40 WORK WITHIN PUBLIC PLACES, OF TITLE 12 PUBLIC PROPERTY OF THE FOSTER CITY MUNICIPAL CODE TO SET THE FEE BY COUNCIL RESOLUTION.

Interim Public Works Director Towne presented the staff report.

Motion by Councilmember Kiesel, seconded by Vice Mayor Sullivan, and carried unanimously by roll call vote, 5-0-0, to introduce "An Ordinance of the City of Foster City Amending Section 12.40.080 Permit—Renewal, of Chapter 12.40 Work Within Public Places, of Title 12 Public Property of the Foster City Municipal Code to Set the Fee by Council Resolution" by title, waive further reading, and pass to second reading.

RESOLUTIONS FOR ADOPTION

RENEWING ORDINANCE NO. 647 REGARDING POLICE DEPARTMENT ACQUISITION AND USE OF MILITARY EQUIPMENT PURSUANT TO ASSEMBLY BILL 481 AND GOVERNMENT CODE SECTION 7070 ET SEQ. AND APPROVING THE MILITARY EQUIPMENT USE POLICY. CITY RESOLUTION NO. 2023-44.

Lieutenant Mark Lee presented the staff report.

Discussion ensued.

Motion by Councilmember Jimenez, seconded by Councilmember Kiesel, and carried unanimously, 5-0-0, adopting City Resolution No. 2023-44, "A Resolution of the City Council of the City of Foster City Renewing Ordinance No. 647 Regarding Police Department Acquisition and Use of Military Equipment Pursuant to Assembly Bill 481 and Government Code Section 7070 Et Seq. And Approving the Military Equipment Use Policy."

COMMUNICATIONS

CITY/DISTRICT WARRANT OF DEMANDS. NO ACTION TAKEN.

City/District Warrants of Demands were Processed and Issued on April 13, 2023.

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

Councilmember/Director Kiesel stated he attended the Youth Advisory Committee Spaghetti feed on April 27 and said it was a great event. He also attended the Chamber San Mateo County Progress Seminar on April 21-23 where they discussed housing in San Mateo County.

Councilmember/Director Jimenez stated that she attended the Youth Advisory Committee Spaghetti Feed on April 27 and thanked the Committee and staff for all their efforts in organizing the event. She attended the Benefit Breakfast fundraising event for LifeMoves on April 27. On Saturday May 6, she welcomed the community to join her during office hours at Penelope's Coffee from 8 am to 9 am.

Councilmember/Director Hindi stated that on April 18, he attended the Housing Endowment and Regional Trust (HEART) Board meeting where they discussed a

program related to monitoring Below Market Rate (BMR) programs. He attended the Chamber San Mateo County Progress Seminar with colleagues on April 21-23. On April 27, he attended the Peninsula Clean Energy Board meeting and encouraged community members to check available rebate programs on <https://www.peninsulacleanenergy.com/residential-programs/>. He also attended the Council of Cities on April 28 in San Carlos.

Vice Mayor/ Vice President Sullivan noted that HIP Housing will be implementing a new technique to trauma-informed care, in which participants can have access to counseling. He attended the Chamber San Mateo County Progress Seminar on April 21-23 where they discussed housing and the importance of retaining people who live and work locally. He attended the City/County Association of Governments Congestion Management and Environmental Quality meeting on April 24. On April 27, he attended the Airport Land Use Committee in Burlingame. He also attended the Council of Cities on April 28 in San Carlos.

Mayor/President Froomin stated that he attended the Earth Day of Action beach cleanup event in Pacifica on April 22. He attended the LifeMoves Benefit Breakfast event with Councilmember Jimenez on April 27 and noted their work with the new Navigation Center in Redwood City. He attended the South Bayside Waste Management Authority meeting on April 27, and they discussed expanding the Recology Services to assist with support services related to SB 1383. He attended the Youth Advisory Committee Spaghetti Feed dinner which included entertainment from Foster City BAYCO Choir and Orchestra. Also on April 27, he encouraged the community to view the City's social media channels, particularly the posts featuring Foster City's Incorporation Day, in celebration of the City's anniversary. He stated that all Councilmembers attended the Council of Cities meeting on April 28 in San Carlos and participated in a tour of the new Skyway Center. He invited the public to join the San Mateo County History Museum's event honoring San Mateo County fallen police officers on May 3 at 10 am.

CLOSED SESSION

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

1. Conference With Legal Counsel — Existing Litigation (Paragraph (1) of subdivision (d) of Section 54956.9) Name of case: (Foster City Marina, LLC v. City of Foster City et al. San Mateo Superior Court Case No. 22-CIV-03526);
2. Conference with Labor Negotiators (Government Code Section 54957.6)
Agency designated representative: Julie Paping and Stefan Chatwin
Employee Organizations: POA, AFSCME, and Management Group; and
3. Report Out from Closed Session.

Meeting recessed into Closed Session at 8:24 p.m. and reconvened at 9:30 p.m.

City Attorney Stock/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 Froomin adjourned the meeting. Meeting adjourned at 9:30 p.m.