

5.1. City/EMID Regular Meeting Minutes of December 18, 2023

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

REGULAR MEETING OF December 18, 2023

MINUTES

CALL TO ORDER OF CITY COUNCIL/EMID BOARD OF DIRECTORS

The Regular Meeting of December 18, 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 Sullivan.

This meeting was held as a hybrid meeting.

ROLL CALL

The Communications Director/City Clerk/Recording 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; Marlene Subhashini, Assistant City/District Manager; Denise Bazzano, Assistant City Attorney/District Legal Counsel; Sofia Mangalam, Community Development Director; Andrew Brozyna, Public Works Director; Diane Pitman, Administrative Services Director; Tracy Avelar, Police Chief; Derek Schweigart, Parks and Recreation Director; Mark Lee, Police Lieutenant; Marcus Terry, Police Corporal; Waqas Hassan, Assistant Finance Director; Leslie Carmichael, Consulting Planner; Frank Fanara, Parks Manager; Laura Galli, Engineering Manager; Rob Lasky, IT Manager; Katherine Mendoza, Deputy City Clerk; Amy Zhou, Assistant Engineer; Shuli Chen, Video Technician; and Communications Director/City Clerk, Priscilla Schaus.

SPECIAL PRESENTATIONS

PRESENTATION OF CERTIFICATE TO GRAYSON T. AS PART OF THE 2024 HIP HOUSING FOSTER CITY CALENDAR CONTEST.

Councilmember Hindi presented the Certificate of Recognition to Grayson T. LaTisa Brooks, HIP Housing Board Member, presented the HIP Housing 2024 Calendar.

PUBLIC

The following addressed the City Council via email:

1. Ajay Kela regarding waste management; and
2. Jack Haber regarding estimates for bidding projects.

Steve Weiss addressed the City Council in person regarding world issues.

CONSENT CALENDAR

Motion by Vice Mayor/Vice President Jimenez, 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. City/EMID Regular Meeting Minutes of November 20, 2023;
2. City/EMID Regular Meeting Minutes of December 4, 2023;
3. City Ordinance No. 671, "An Ordinance of the City of Foster City Making Text Amendments to Title 17, "Zoning" of the Foster City Municipal Code Chapter 17.90, "Below Market Inclusionary Housing Program" and Finding the Amendments Exempt from the California Environmental Quality Act Pursuant to CEQA Guideline Section 15061(B)(3) – RZ2023-0008 (First Reading November 20, 2023);"
4. City Ordinance No. 672, "An Uncodified Ordinance of the City of Foster City Approving Solid Waste Rates for a Four-year Period of Calendar Years 2025 Through 2028, Increasing the Monthly Residential Collection Rates by No More Than \$4.47 in Rate Year 2025, \$4.98 in Rate Year 2026, \$4.19 in Rate Year 2027, and \$4.35 in Rate Year 2028 and Increasing Fees for Unscheduled Services Up to 6.0% Per Year From Rate Years 2025 Through 2028 (First Reading on November 20, 2023);"
5. City Resolution No. 2023-115, "A Resolution of the City Council of the City of Foster City Recommending City Council Approving Revisions to BMR Administrative Procedures and Guidelines (BMR Guidelines) and Finding the Amendments Exempt from the California Environmental Quality Act Pursuant to CEQA Guideline Section 15061(B)(3) - RZ2023-0008;"
6. City Resolution No. 2023-116, "A Resolution of the City Council of the City of Foster City Authorizing the City Manager to Issue a Request for Proposal/Qualifications for the Development of a Parks Master Plan (CIP 301-682);"
7. City Resolution No. 2023-117, "A Resolution of the City Council of the City of Foster City Authorizing the Mayor to Execute Contract Amendment No. 1 in the Amount of \$21,300 with Cagwin and Dorward Inc. for Expanded Scope of Work for Restoration of Gateshead Park and Finding the project categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15304;"
8. City Resolution No. 2023-118, "A Resolution of the City Council of the City of Foster City Approving a Supplemental Appropriation of \$123,286 to Account

Number 003-0534-451-4251 in FY 2023-2024 for Youth Camps Contract Services;”

9. City Resolution No. 2023-119, “A Resolution of the City Council of the City of Foster City Appropriating \$573,629.00 to Account No. 301-0910-635-4251 and Appropriating \$1,549,000.00 to Account No. 301-0910-637-4251 for the Construction of Median Modifications-Foster City Blvd. at Chess Drive- MP#3 (CIP 301-635) and Road Improvements at Foster City Blvd at Chess Drive – MP #4, #7, And #8 (CIP 301-637) and Finding the Approval Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines 15301(B);”
10. City Resolution No. 2023-120, “A Resolution of the City Council of the City of Foster City Accepting the Work by California Roofing Company, Inc. For the Roof Replacements at City Buildings Project (CIP 301-693) and Directing the City Clerk to File the Notice of Completion; and Finding the Project Exempt from CEQA Under Section 15061(B)(3) and 15301(C) – Existing Facilities;”
11. EMID Resolution No. 3749, “A Resolution of the Board of Directors of the Estero Municipal Improvement District Accepting the Work by California Roofing Company, Inc. For the Roof Replacements at City Buildings Project (CIP 301-693) and Directing the City Clerk to File the Notice of Completion; and Finding the Project Exempt from CEQA Under Section 15061(B)(3) and 15301(C) – Existing Facilities;”
12. City Resolution No. 2023-121, “A Resolution of the City Council of the City of Foster City Adding the Job Classifications of Parks Maintenance Supervisor and Fleet Supervisor and Approving and Adopting the Amended FY 2023-2024 Pay Plan Effective July 1, 2023;”
13. EMID Resolution No. 3750, “A Resolution of the Board of Directors of the Estero Municipal Improvement District Adding the Job Classifications of Parks Maintenance Supervisor and Fleet Supervisor and Approving and Adopting the Amended FY 2023-2024 Pay Plan Effective July 1, 2023;”
14. City Resolution No. 2023-122, “A Resolution of the City Council of the City of Foster City Accepting the Annual Development Impact Fee and Capacity Fee Report for Fiscal Year 2022-2023;”
15. EMID Resolution No. 3751, “A Resolution of the Board of Directors of the Estero Municipal Improvement District Accepting the Annual Development Impact Fee and Capacity Fee Report for Fiscal Year 2022-2023;” and
16. Minute Order No. 1952, “Receiving and Accepting the Update on Progress on Amending the Business License Tax Ordinance and Potential Business License Tax Ballot Measure.”

ITEM REMOVED FROM CONSENT CALENDAR

ACCEPTING AND ADOPTING THE SPEED LIMITS IN THE 2023 ENGINEERING AND TRAFFIC SURVEY (E&TS OR ‘SPEED SURVEY’) AND DIRECTING STAFF TO FILE THE 2023 E&TS WITH THE TRAFFIC COMMISSION. CITY RESOLUTION NO. 2023-123.

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

Discussion ensued.

Motion by Councilmember Froomin, seconded by Vice Mayor Jimenez, and carried unanimously, 5-0-0, adopting City Resolution No. 2023-123, "A Resolution of the City Council of the City of Foster City Accepting and Adopting the Speed Limits in the 2023 Engineering and Traffic Survey (E&TS or 'Speed Survey') and Directing Staff to File the 2023 E&TS with the Traffic Commission" with edits to the Speed Survey regarding the speed limit justifications on location 4, Beach Park Boulevard from Polaris Avenue to Edgewater Boulevard.

PUBLIC HEARINGS

AMENDMENTS TO TITLE 17, "ZONING", ADDING CHAPTER 17.96 MULTIFAMILY AND RESIDENTIAL MIXED USE OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS, AND MAKING REVISIONS TO VARIOUS CHAPTERS TO SUPPORT MULTIFAMILY AND RESIDENTIAL MIXED USE OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS (RZ2021-0001) AND FINDING THE AMENDMENTS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINE SECTION 15061(B)(3).

Planning Consultant Leslie Carmichael presented the staff report.

Mayor Sullivan opened a public hearing to hear and consider comments regarding the amendments to Title 17, "Zoning", adding Chapter 17.96 Multifamily and Residential Mixed Use Objective Design and Development Standards, and making revisions to various chapters to support multifamily and residential mixed use objective design and development standards (RZ2021-0001) and finding the amendments exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guideline Section 15061(B)(3).

Kate Valentine addressed the City Council via teleconference.

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

Discussion ensued.

Motion by Vice Mayor Jimenez, seconded by Councilmember Hindi, and carried unanimously by roll call vote, 5-0-0, to introduce the ordinance by title and waive further reading, and pass to second reading "An Ordinance of the City of Foster City Amending Title 17, "Zoning" Adding a New Chapter 17.96 Multifamily and Residential Mixed Use Objective Design and Development Standards and Finding That the Proposed Amendments to Title 17 Are Exempt Under California Environmental Quality Act (CEQA)

Guidelines Section 15061(B)(3) - RZ2021-0001,” and to include the following amendments:

1. Common open green areas located on roof surfaces at the **second** floor or higher and subject to standards shall receive a 50% area credit counted towards the required minimum open green area;
2. Common open green areas located on raised courtyards at the **ground** floor and subject to standards shall receive a 100% area credit counted towards the required minimum open green area;
3. Exclude synthetic turf from being counted toward planted areas; and
4. Include language regarding the exclusion of polyfluoroalkyl substances (PFAs) in the infill medium used for synthetic turf installation.

Motion by Councilmember Froomin, seconded by Vice Mayor Jimenez, and carried unanimously by roll call vote, 5-0-0, to introduce the ordinance by title and waive further reading, and pass to second reading “An Ordinance of the City of Foster City Amending Title 17, “Zoning” Making Revisions to Various Chapters Including 17.12 R-1 Single Family Residence District; 17.04 Definitions; 17.14 R-2 Two Family Residence District; 17.16 R-t Townhouse Residence District; 17.18 R-3 Medium Density Multiple-family Residence District; 17.20 R-4 High Density Multiple-family Residence District; 17.26, C-2 General Business District; 17.28 C-M Commercial Mix District; 17.36 PD Planned Development Combining District; 17.58 Architectural Control and Supervision; and 17.62 Off-street Parking Regulations and Finding That the Proposed Amendments to Title 17 Are Exempt Under California Environmental Quality Act (CEQA) Guidelines Section 15061(B)(3) - RZ2021-0001.”

Motion by Councilmember Froomin, seconded by Vice Mayor Jimenez, and carried unanimously, 5-0-0, to reconsider the motion to introduce the ordinance by title and waive further reading, and pass to second reading “An Ordinance of the City of Foster City Amending Title 17, “Zoning” Adding a New Chapter 17.96 Multifamily and Residential Mixed Use Objective Design and Development Standards and Finding That the Proposed Amendments to Title 17 Are Exempt Under California Environmental Quality Act (CEQA) Guidelines Section 15061(B)(3) - RZ2021-0001.”

Mayor Sullivan reopened a public hearing to hear and consider comments regarding the amendments to Title 17, “Zoning”, adding Chapter 17.96 Multifamily and Residential Mixed Use Objective Design and Development Standards, and making revisions to various chapters to support multifamily and residential mixed use objective design and development standards (RZ2021-0001) and finding the amendments exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guideline Section 15061(B)(3).

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

Discussion ensued.

Motion by Councilmember Froomin, seconded by Vice Mayor Jimenez, and carried unanimously by roll call vote, 5-0-0, to introduce the ordinance by title and waive further reading, and pass to second reading "An Ordinance of the City of Foster City Amending Title 17, "Zoning" Adding a New Chapter 17.96 Multifamily and Residential Mixed Use Objective Design and Development Standards and Finding That the Proposed Amendments to Title 17 Are Exempt Under California Environmental Quality Act (CEQA) Guidelines Section 15061(B)(3) - RZ2021-0001," and include the following amendments:

1. Common open green areas located on roof surfaces at the second floor or higher and subject to standards shall receive a 50% area credit counted towards the required minimum open green area;
2. Common open green areas located on raised courtyards at the ground floor and subject to standards shall receive a 100% area credit counted towards the required minimum open green area;
3. Exclude synthetic turf from being counted toward planted areas;
4. Include language regarding the exclusion of polyfluoroalkyl substances (PFAs) in the infill medium used for synthetic turf installation; and
5. The maximum distance from the farthest unit to the interior trash room shall be 200 feet.

REPORTS

RECREATION CENTER REBUILD PROJECT (CIP 301-678) – DESIGN DEVELOPMENT PROJECT UPDATE. MINUTE ORDER NO. 1953.

Parks and Recreation Director Schweigart introduced Dawn Merkes and Jonathan Hartman, representing Group 4 Architecture, who presented the staff report.

The following people addressed the City Council in person:

1. Larry Moskovitz;
2. Karen Epstein;
3. Gary Dababo; and
4. Ofer Y.

Pam and Susan Lessen addressed the City Council via teleconference.

Discussion ensued.

Motion by Councilmember Froomin, seconded by Councilmember Hindi, and carried unanimously, 5-0-0, adopting Minute Order No. 1953, to receive and accept the Design Development Project Update for the Recreation Center Rebuild Project.

RESOLUTIONS FOR ADOPTION

RATIFY AND APPROVE THE AUDITED FISCAL YEAR 2023-23 ANNUAL COMPREHENSIVE FINANCIAL REPORT (ACFR) AND OTHER AUDIT COMPLIANCE

REPORTS AND THE FISCAL YEAR 2022-23 WARRANT REGISTERS IN THE FORM OF THAT ACFR. CITY RESOLUTION NO. 2023-124. EMID RESOLUTION NO. 3752.

Finance Director Suen presented the staff report.

Discussion ensued.

Motion by Vice Mayor/Vice President Jimenez, seconded by Mayor/President Sullivan, and carried unanimously, 5-0-0, adopting City Resolution No. 2023-124, "A Resolution of the City Council of the City of Foster City Ratifying and Approving the Audited Fiscal Year 2022-23 Annual Comprehensive Financial Report (ACFR) and Other Audit Compliance Reports and the Fiscal Year 2022-23 Warrant Registers in the Form of That ACFR" and EMID Resolution No. 3752, "A Resolution of the Board of Directors of the Estero Municipal Improvement District Ratifying and Approving the Audited Fiscal Year 2022-23 Annual Comprehensive Financial Report (ACFR) and Other Audit Compliance Reports and the Fiscal Year 2022-23 Warrant Registers in the Form of That ACFR," including the staff recommended changes.

OLD BUSINESS

2024 STATE LEGISLATIVE PLATFORM AND POLICY. MINUTE ORDER NO. 1954.

Assistant City Manager Subhashini presented the staff report.

Discussion ensued.

Motion by Councilmember Froomin, and seconded by Councilmember Kiesel, and carried unanimously, 5-0-0, adopting Minute Order No. 1954, approving the 2024 State Legislative Platform and Policy, and directing staff to amend section "Land Use Planning and Housing", item 2 to say "Support housing measures that promote the preservation of existing affordable housing and development of new affordable housing while monitoring and evaluating measures which will impact local decision-making authority."

COMMUNICATIONS

CITY/DISTRICT WARRANT OF DEMANDS. NO ACTION TAKEN.

City/District Warrants of Demands were Processed and Issued on November 15, 2023, November 30, 2023, and December 5, 2023, and ACH were processed on December 5, 2023.

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

RECESS. The meeting recessed at 8:47 p.m. and reconvened at 8:55 p.m.

REQUEST TO PLACE AN ITEM ON A FUTURE AGENDA BY COUNCILMEMBER SAM HINDI REGARDING A RESOLUTION FOR CEASEFIRE IN GAZA AND RELEASE OF HOSTAGES.

The following people addressed the City Council via email:

1. Savannah Liu;
2. Kamal Kolluri;
3. Marc Bender;
4. Nicole Barr;
5. Jennifer Hepler;
6. Sophie Peachey;
7. Steven Stupp;
8. Sonny Kotler;
9. Tali Kreindler;
10. David Miles Goldstein;
11. Tamir Meiri;
12. Ola Joudeh;
13. Sarah Blake;
14. JK;
15. SK;
16. Yedida Kanfer;
17. Steve Weiss;
18. Shamsuddin Alamgir and Nasima Akhtar;
19. Nadine Makki;
20. Jesykah Forkash Sarkissian and Arin Sarkissian;
21. Michelle Booth;
22. Nadav Benbarak;
23. Sigalle Michael;
24. Rabbi Laurie Matzkin;
25. Renne Prosen;
26. Malika Khemici;
27. Oleg Ivanov;
28. Irene Moff;
29. Dee;
30. Daniel Kreindler;
31. Tali Kreindler;
32. Melissa Chan;
33. Mina Bressler;
34. Yaron Naveh;
35. Ido Josef;
36. Sharon Paz;
37. Naya Abulebdeh;
38. Razan Dababo;
39. K Hutchinson;
40. Davida Rabbino;
41. Kandy O'Mara;

42. Ran;
43. Nikki Raab;
44. Yifah Yaron;
45. Michelle Goldstein;
46. Yelena Guttman;
47. David Malek;
48. Matt Blumberg;
49. Dana Harduf;
50. Marla Sofer;
51. Yotvat Marmor;
52. Nani Friedman;
53. Rick Holbrook;
54. Mikey Carla;
55. Leya Leydiker;
56. Neta Hamou;
57. Otra El Miaari;
58. Shani Baron;
59. Edna Aphek;
60. Andrew Nemiccolo;
61. Iris Cohen; and
62. Jerome Lerman.

The following people addressed the City Council in person:

1. Larry Moskovitz;
2. Tamir Meiri;
3. Jordan Shenker;
4. Doron Shapira;
5. Ofer Yizhar Barnon;
6. Ofer Y;
7. Daniela Pottruck;
8. Noemi Avram;
9. Hen Prizant;
10. Karen Epstein;
11. David Malek;
12. Gary Dababo;
13. Shaheer Khan;
14. Sharon Golan-Paz;
15. Steve Weiss;
16. Jason Pollard;
17. Omar Khemici;
18. Nadin Mayblum-Boaz;
19. Ron Petel;
20. Jessica Rosenbaum;
21. Laurie Matzkin;
22. Dee Blumberg;

23. Sigalle Michael;
24. Marvin Goodman;
25. Efraim Michael;
26. Natasha Kehimkar;
27. Scott Abramson;
28. Linda Oberstein;
29. Yifah Yaron;
30. Jessica Forkash Sarkissian;
31. Nicole Barr;
32. Irene Moff;
33. Lionel Engelman;
34. Brian Kirshner;
35. Stephen Moff;
36. Natasha Beilin;
37. Simone Beilin;
38. Daniel Kreindler;
39. Kim S.;
40. Ariel Beliak;
41. Rita Rubine;
42. Sage W.;
43. Nadine M;
44. Musa Tariq;
45. Kamilah Albahri;
46. Justin Fang;
47. Joy Shmueli;
48. Phoebe Shin Venkat;
49. Marla Sofer;
50. Joelle Kaufman;
51. Rinad Hawit;
52. Rae Abileah;
53. Vladimir Svetov;
54. Rami Asia;

RECESS. Meeting recessed at 10:15 p.m. and reconvened at 10:21 p.m.

55. Abdullah Al-Shehabi;
56. Fadi F. Al-Jadaa;
57. Ateyeh Ateyeh;
58. Salim Qaru;
59. Elliot Helman;
60. Yotvat Marmor;
61. Rami Barqaw;
62. Samaher Bayyari;
63. Ahmed Mostafa;
64. Rana Zabaneh;
65. June Bell;

66. Zach Klieman;
67. Aisha Wahab;
68. Nadia Hararah;
69. Vee Azar;
70. Wesam Dawah;
71. Husein Dawah;
72. R.M. Karr;
73. Batool Zaro;
74. Olga Strongn;
75. Michelle Goldstein;
76. Nicole George;
77. Saba Tauqiz;
78. Jaanisar Khan;
79. Sela Kehinkar-Lau;
80. Taia Ateyeh;
81. Antif Shah;
82. Daniel Haner;
83. Oded Haner;
84. Zaineb Qazwini;
85. Razan Dababo;
86. Irina Belebrev;
87. Udi Hoffman;
88. Izzy Villereale;
89. Sam Mahshi;
90. Alan Zorfas;
91. Yogev Hadad;
92. Shira Mendelevich;
93. Ryan Withop; and
94. Heidy Fetterman.

RECESS. The meeting recessed at 11:09 p.m. and reconvened at 11:16 p.m.

The following people addressed the City Council via teleconference:

1. Maya Bronicki;
2. Maya Falaha;
3. Sonny Kotler;
4. Yedida;
5. Sarah;
6. Amir;
7. Elard Lanuh;
8. Neda;
9. VG;
10. #ceasefirenow;
11. Hibah;
12. Dima;

13. Eihab;
14. Yelena Guttman;
15. Maia Elder-Kadar;
16. Rami Sultan;
17. Ahmad;
18. Kian;
19. Christine Hunt;
20. Rima Devy;
21. Elina Kaplan;
22. Syed H;
23. Marwa;
24. Yusuf Kurniawan;
25. Sufia Mahmood;
26. Abid El-Miaari;
27. Laila;
28. Basem;

Motion by Councilmember/Director Froomin, seconded by Mayor/President Sullivan, and carried unanimously, 5-0-0, to continue the Council meeting past midnight.

29. Basma Edrees;
30. Henry;
31. Pam T.;

RECESS. The meeting recessed at 11:56 p.m. and reconvened at 12:00 a.m.

32. Nasser;
33. Syed H;
34. Muhamed H;
35. Sameena Usman;
36. Kim;
37. Simona;
38. Nader Khouri;
39. Marion;
40. Sami;
41. Mimi;
42. Andrew Nemiccolo;
43. Yeni Oh;
44. Stephanie Nasser;
45. Sohaib Qadri;
46. Annie O'Donnell;
47. Michael Sanford;
48. Omari;
49. Susan Lessin;
50. Leya Leydiker;
51. Hani;

52. Zaheer M;
53. Aliza Kazmi;
54. Haneen;
55. Shadi Zakkak;
56. Adam;
57. Paz;
58. Samy M;
59. Besan;
60. Kamal;
61. Dina;
62. Mina Mahmood;
63. Ed Romano;
64. Misty Weinberg;
65. Jackie Ramirez;
66. Anat Ronen;
67. Alanna Milken;
68. Subu TK;
69. Otra E;
70. Asna;
71. AS;
72. ND;
73. Eli Fooksman;
74. Gilli Yahalom;
75. Rima Khouri;
76. Russel Lee;
77. Vanessa;
78. Adam;
79. Eyyad;
80. Leo Segal; and
81. Amal Shenaku.

Discussion ensued.

Motion by Councilmember Hindi, and failed due to the lack of a second, to agendize a Resolution for Ceasefire in Gaza and Release of Hostages at a future Council meeting.

ADJOURNMENT

Hearing no objection from the City Council/EMID Board, Mayor/President Sullivan adjourned the meeting. Meeting adjourned at 1:30 a.m.