

6.2. City/EMID Regular Meeting Minutes of August 19, 2024

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

REGULAR MEETING OF AUGUST 19, 2024

MINUTES

CALL TO ORDER OF CITY COUNCIL/EMID BOARD OF DIRECTORS

The Regular Meeting of August 19, 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.

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; Frank Fanara, Parks Manager; Rob Lasky, IT Manager; Nori Jabba, Housing Coordinator; Kevin Ortiz, Management Analyst; Katherine Mendoza, Deputy City Clerk; Shuli Chen, Video Technician; and Priscilla Schaus, Communications Director/City Clerk/District Secretary.

PUBLIC

Walter Ng, program coordinator of StarVista Crisis Services, addressed the City Council via teleconference regarding resources for mental health.

The following people addressed the City Council via email:

1. Kandy O'Mara, regarding the Recreation Center Rebuild Project;
2. Jake D'Aquino, regarding the Recreation Center Rebuild Project; and
3. KD Hutchison, regarding the Recreation Center Rebuild Project.

CONSENT CALENDAR

Motion by Councilmember/Director Hindi, seconded by Councilmember/Director Froomin, 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 August 5, 2024;
2. City Ordinance No. 681, "An Ordinance of the City of Foster City Amending Section 17.06.180 Within Chapter 17.06, "Administration, Construction and Enforcement," and Section 17.36.110 Within Chapter 17.36, "PD Planned Development Combining District," of Title 17, "Zoning" of the Foster City Municipal Code to Allow Extensions to Planning Entitlements and Finding the Amendments Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guideline Section 15061(B)(3) - RZ2024-0006 (First Reading on August 5, 2024);"
3. City Resolution No. 2024-82, "A Resolution of the City Council of the City of Foster City Authorizing the Mayor to Execute a Third Amendment and Assignment of the Agreement from Renne Public Law Group, LLP ("RPLG") Doing Business as Renee Public Policy Group ("RPPG") to the California Public Policy Group ("CPPG") for Continued State Legislative Advocacy Services and Optional Grant Writing Services;"
4. City Resolution No. 2024-83, "A Resolution of the City Council of the City of Foster City Authorizing the Appropriation of \$75,000 From Fund 001 to Account No. 001-0920-431-4246 and Authorizing the Sole Source Purchase of Repair Parts for the Lagoon Pumps from Cummins Inc. and Finding the Action Exempt from Review Under the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15302, Class 2 (Replacement or Reconstruction) and 15269(B);"
5. City Resolution No. 2024-84, "A Resolution of the City Council of the City of Foster City Authorizing the Issuance of a Request for Proposals for Citywide Heating, Ventilation and Air Conditioning (HVAC) System Programmed Maintenance and System Repair from January 1, 2025 to December 31, 2027, with the Option to Extend Through December 31, 2029;"
6. EMID Resolution No. 3772, "A Resolution of the Board of Directors of the Estero Municipal Improvement District Authorizing the President to Execute an Agreement with Bay City Electric Works for the Purchase of Three Emergency Generator Systems and Two Automatic Transfer Switches in the Amount of \$1,587,158 for CIP 455-705 Emergency Generator Replacements Project and Finding the Project is Exempt from California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15302, Class 2 (Replacement or Reconstruction);" and
7. Minute Order No. 1983, "Receive and Accept the Report on the 2024 Legislative Update."

ITEMS PULLED FROM CONSENT CALENDAR

AMENDING VARIOUS SECTIONS WITHIN CHAPTER 17.78 "ACCESSORY DWELLING UNITS," OF TITLE 17 OF THE FOSTER CITY MUNICIPAL CODE TO ENSURE COMPLIANCE WITH CHANGES IN STATE LAW RELATED TO ACCESSORY DWELLING UNITS AND FINDING THE AMENDMENTS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINE SECTION 15061(B)(3) - RZ2024-0006 (FIRST READING ON AUGUST 5, 2024).

James M. Lloyd, representing California Housing Defense Fund (CalHDF), addressed the City Council via email.

Without objection from the City Council, Mayor Sullivan removed this item from the agenda at the request of staff.

REQUEST FOR PROPOSALS (RFP) FOR RENTAL REGISTRY SOFTWARE AND PROFESSIONAL SERVICES TO ADMINISTER THE RENTAL REGISTRY PROGRAM AND FIND THE REQUEST EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINE SECTION 15061(B)(3). CITY RESOLUTION NO. 2024-85.

Without objection from the City Council, Mayor Sullivan removed this item from the Consent Calendar.

Community Development Director Mangalam and Housing Coordinator Jabba presented the staff report.

Discussion ensued.

Motion by Councilmember Froomin, seconded by Vice Mayor Jimenez, and carried unanimously, 5-0-0, adopting City Resolution No. 2024-85, "A Resolution of the City Council of the City of Foster City Authorizing Staff to Issue a Request for Proposals (RFP) for Rental Registry Software and Professional Services to Administer the Rental Registry Program and Find the Request Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guideline Section 15061(b)(3)."

MEMORANDUM OF UNDERSTANDING FOR THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), COUNCIL 57, LOCAL 829, EFFECTIVE SEPTEMBER 9, 2024. CITY RESOLUTION NO. 2024-86. EMID RESOLUTION NO. 3773.

Without objection from the City Council/Board of Directors, Mayor/President Sullivan removed this item from the Consent Calendar at the request of Councilmember/Director Hindi.

Administrative Services Director Pitman presented the staff report.

Discussion ensued.

Motion by Councilmember/Director Hindi, seconded by Councilmember/Director Froomin, and carried unanimously, 5-0-0, adopting City Resolution No. 2024-86, "A Resolution of the City Council of the City of Foster City Approving the Memorandum of Understanding for the American Federation of State, County and Municipal Employees (AFSCME), Council 57, Local 829, Effective September 9, 2024" and EMID Resolution No. 3773, "A Resolution of the Board of Directors of the Estero Municipal Improvement District Approving the Memorandum of Understanding for the American Federation of State, County and Municipal Employees (AFSCME), Council 57, Local 829, Effective September 9, 2024."

WASTEWATER TREATMENT PLANT MASTER PLAN IMPROVEMENTS PROJECT (CIP 455-52) – CLEAN WATER PROGRAM – UPDATE FOR QUARTER 2 – APRIL THROUGH JUNE 2024. MINUTE ORDER NO. 1984.

Without objection from the Board of Directors, President Sullivan removed this item from the Consent Calendar at the request of Director Hindi.

Public Works Director Brozyna and Steve Tarantino, representing EKI Environment and Water, presented the staff report.

Discussion ensued.

Motion by Director Hindi, seconded by Director Froomin, and carried unanimously, 5-0-0, adopting Minute Order No. 1984, to receive and accept the report on the Wastewater Treatment Plant Master Plan Improvements Project (CIP 455-652) – Clean Water Program – Update for Quarter 2 – April Through June 2024.

NEW BUSINESS

APPOINTMENTS OF THREE RESIDENT MEMBERS, TWO YOUTH MEMBERS, AND ONE SMALL BUSINESS MEMBER TO THE CITIZENS SUSTAINABILITY ADVISORY COMMITTEE. MINUTE ORDER NO. 1985.

Communications Director/City Clerk Schaus presented the staff report.

The following people addressed the City Council via email:

1. Lolli Freedman;
2. Manju Varghese;
3. Suraksha Vidyarthi;
4. Rajshree Dave;
5. Heidi Levy;
6. Sneha Ghanekar;
7. Anupama Singh;

8. Kavita Dua;
9. Michal Stephen;
10. Sharmili Roy;
11. Elizabeth Tough;
12. Alison LeBlanc;
13. Jesse Gilley;
14. Niki Agrawal;
15. Pushpa Patel;
16. Rajalakshmi Sreehari; and
17. Gaurav Lall.

Discussion ensued.

By Consensus of the City Council, to adopt Minute Order No. 1985, appointing the following individuals to the Citizens Sustainability Advisory Committee:

1. Resident Members: Kenneth Huo, Nilofer Motiwala, and Shuning Yan to new full terms from September 1, 2024 through August 31, 2027, and
2. Youth Members: Siddharth Gogi, and Nyssa Mitra, to new full terms from September 1, 2024 through August 31, 2027; and
3. Small Business Member: Shilpi Goel (representing My Fair Lady Beauty Salon) to a partial term expiring on August 31, 2025.

APPOINTMENT OF VOTING DELEGATE AND ALTERNATE FOR THE LEAGUE OF CALIFORNIA CITIES 2024 ANNUAL CONFERENCE. MINUTE ORDER NO. 1986.

Communications Director/City Clerk Schaus presented the staff report.

Motion by Councilmember Froomin, seconded by Mayor Sullivan and carried unanimously, 5-0-0, adopting Minute Order No. 1986, and appointing Mayor Patrick Sullivan as Voting Delegate and Vice Mayor Stacy Jimenez as Alternate for the League of California Cities 2024 Annual Conference.

NONPROFIT AGENCY FUNDING FOR FISCAL YEAR 2024-2025. MINUTE ORDER NO. 1987.

Management Analyst Ortiz presented the staff report.

The following people addressed the City Council in person:

1. Colleen Sullivan regarding the San Mateo-Foster City Education Foundation;
2. Sue Digre regarding Partners & Advocates for Remarkable Children & Adults (PARCA);
3. Robyn Fischer regarding Samaritan House;
4. Raj Tiwari regarding BayBasi;
5. Mia Blandino regarding Ho'okahi Pu'uwai Outrigger Canoe Club;
6. Kimberly Gordon regarding the Peninsula Jewish Community Center; and

7. Kay Ballantyne regarding the need for senior transportation services.

Discussion ensued.

Motion by Councilmember Froomin, and the maker amending the motion, seconded by Councilmember Hindi, and carried unanimously, 5-0-0, adopting Minute Order No. 1987, providing policy direction to use the Council Averages as the final nonprofit agency funding allocations for Fiscal Year 2024-2025 as follows:

Nonprofit Agency	Community Needs Category	Funding
CORA	Basic Services	\$7,400
LifeMoves	Basic Services	\$6,000
Mission Hospice & Home Care	Basic Services	\$6,300
PARCA	Basic Services	\$5,850
Samaritan House	Basic Services	\$18,700
StarVista	Basic Services	\$3,800
BayBasi	Community Enrichment	\$1,600
Foster City Historical Society	Community Enrichment	\$2,550
Foster City Village	Community Enrichment	\$7,900
Hillbarn Theater	Community Enrichment	\$2,000
Ho'okahi Pu'uwai Outrigger Canoe Club	Community Enrichment	\$700
Island United Church	Community Enrichment	\$0
Ombudsman Services of San Mateo County	Community Enrichment	\$1,000
Peninsula Musical Arts Association	Community Enrichment	\$0
Peninsula Jewish Community Center	Community Enrichment	\$3,450
San Mateo-Foster City Community Education Foundation	Community Enrichment	\$4,350
Pacific Beach Coalition	Community Health	\$3,400
TOTALS		\$75,000

NEXT STEPS FOR CALIFORNIA VOTING RIGHTS ACT CHALLENGE AND DEMAND FOR CITY TO TRANSITION TO DISTRICT-BASED ELECTIONS; RETENTION OF A DEMOGRAPHER. MINUTE ORDER NO. 1988.

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

Kay Ballentyne addressed the City Council in person.

Discussion ensued.

Motion by Councilmember Hindi, seconded by Mayor Sullivan, and carried by roll call vote, 4-1-0, Vice Mayor Jimenez voted “no”, adopting Minute Order No. 1988, providing policy direction to agendize a resolution of intent to transition to district-based elections at the September 3, 2024 City Council meeting and for the City Manager to proceed with retaining a demographer under the City Manager’s purchasing authority in the City’s Purchasing Policy.

REPORTS

HOUSING ELEMENT 2023-2031 IMPLEMENTATION ROADMAP. MINUTE ORDER NO. 1989.

Community Development Director Mangalam 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. 1989, providing policy direction to:

1. Accept the Guiding Principles presented in the Housing Element 2023-2031 Implementation Roadmap;
2. Accept the key strategies identified;
3. Accept the programs in the Table 2, “Proposed Funding Summary by Program” as proposed for funding at this time; and
4. Accept the funding amounts in Table 2, “Proposed Funding Summary by Program.”

PARKS MASTER PLAN PUBLIC PARTICIPATION STRATEGY PLAN. MINUTE ORDER NO. 1990.

Parks Maintenance Manager Fanara presented the staff report.

Discussion ensued.

Motion by Councilmember Froomin, seconded by Councilmember Kiesel, and carried unanimously, 5-0-0, adopting Minute Order No. 1990, receiving and accepting the report on the Parks Master Plan Public Participation Strategy Plan.

RESOLUTIONS FOR ADOPTION

SUPPLEMENTAL APPROPRIATION OF THE FY 2024-25 BUDGET FOR THE CARRYOVER OF UNSPENT BUDGETED FY 2023-24 EXPENDITURES FOR VARIOUS PROGRAMS, PROJECTS, AND ACTIVITIES TO BE COMPLETED IN FY 2024-25. CITY RESOLUTION NO. 2024-87. EMID RESOLUTION NO. 3774.

Assistant Finance Director Hassan presented the staff report.

Discussion ensued.

Motion by Mayor Sullivan, seconded by Vice Mayor Jimenez, and carried unanimously, 5-0-0, adopting City Resolution No. 2024-87 "A Resolution of the City Council of the City of Foster City Approving the Carryover of Various Unspent Fiscal Year 2023-24 Budget Line Items as Supplemental Appropriations to the Fiscal Year 2024-25 Budget" and EMID Resolution No. 3774, "A Resolution of the Board of Directors of the Estero Municipal Improvement District Approving the Carryover of Various Unspent Fiscal Year 2023-24 Budget Line Items as Supplemental Appropriations to the Fiscal Year 2024-25 Budget."

COMMUNICATIONS

CITY/DISTRICT WARRANT OF DEMANDS. NO ACTION TAKEN.

City/District Warrants of Demands were Processed and Issued on July 30, 2024.

Evan Adams addressed the City Council via teleconference.

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

City/District Manager Chatwin reported that the application deadline for the 2024 Civics Academy has been extended to August 21, due to not receiving enough applications for minimum class. He noted the resources needed to hold the academy and encouraged the City Council to share this great opportunity with their networks and for the public to apply if they are interested in the program.

Councilmember/Director Kiesel stated he attended the Planning Commission meeting on August 15.

Councilmember/Director Hindi stated he attended the Summer Days event held from August 16-18. He requested to agendize a discussion regarding Union and Labor Agreements for Large Projects and received the support of Vice Mayor/Vice President Jimenez and Councilmember/Director Froomin. He requested staff to provide a Profit and Loss Statement of the current Recreation Center and a projected Profit and Loss Statement for the new Recreation Center.

Vice Mayor/Vice President Jimenez thanked all those that applied to the Citizens Sustainability Advisory Committee and the community non-profit agencies that attended the meeting. She stated that she spoke at the San Mateo Union High School District's Building Community event on August 5. She attended the Summer Days event on August 16 and thanked staff for organizing the event thanked those who participated in the Rubber Ducky Race on August 18.

Mayor/President Sullivan stated he attended the National Night Out event hosted by the Foster City Police Department on August 6. He shared that he received comments from the public regarding utility and sewer fees.

Councilmember/Director Froomin stated he was happy to see the large turnout for the Summer Days and Summer Concert events. He shared that the San Mateo Consolidated Fire Department Board meeting will be on August 20, and they will be holding a Chili Cook Off on August 24. He recognized Code Enforcement Officer Stevenson for his work at City events.

CLOSED SESSION

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

1. Public Employee Performance Evaluation (Government Code 54957)
Title: City Manager;
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 9:40 p.m. and reconvened at 10:39 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 10:39 p.m.