

From: Tosta, Timothy A. [<mailto:Tim.Tosta@arentfox.com>]
Sent: Tuesday, December 18, 2018 4:31 PM
To: Kohar Kojayan <kkojayan@cityofsanmateo.org>
Cc: Drew Corbett <dcorbett@cityofsanmateo.org>
Subject: General Plan Update - Observations/Suggestions

I wanted to share some observations, and offer a few of suggestions to improve the process, following last night's Subcommittee meeting.

Observations

The attendance was impressive for a Monday evening prior to the holidays. Still, City staff should have anticipated that many people would want to voice their opinion and, consequently, allowed sufficient time for both public comment and Subcommittee deliberation to take place. With respect to the deliberation phase, if the Subcommittee is to serve its purpose, it needs to have the necessary time and resources to review all of the information provided by the consultant, City staff, and the public.

Last night's meeting left me (and others with whom I spoke) with an unequivocal impression that the Subcommittee didn't believe that it had the the time or resources to fulfill its perceived obligations with respect to the GPU Vision. Leaving such an impression undermines both the Subcommittee members' and public's confidence in the GPU process. The "political optics" were not good.

Suggested Improvements

1. The deadline for inclusion of public comments in the Subcommittee's packet should be set only after staff publishes its staff report to the deliberating bodies (Subcommittee, PC or Council). With respect to yesterday's meeting, staff advised us that public comments were due on December 6, However, the staff report didn't issue until December 11th. How is the public expected to provide informed comments on a draft Vision, if no one has seen it?
2. Documents submitted by the public after the packet is finalized should be posted on the Strive San Mateo site prior to the meeting. Right now, the site says "Note: Several public comments were submitted to City staff after the packet was finalized. These comments will be distributed to the Subcommittee under separate cover." If these comments are available to the Subcommittee, they should be made contemporaneously available to the public, so the public has an opportunity to respond to other commenters.
3. All GPU meetings, including community meetings, should be videotaped and the videos should be posted in a timely manner.
4. Subcommittee meetings should be expanded to a minimum of three hours in length or more as circumstances dictate. Two hour meetings are for both public comment and Subcommittee deliberation are proving deficient. The impression is being created that these are events that just need to be "gotten through" (a check the box approach).

5. Public commenters should have at least three minutes to speak. Two minutes is insufficient to address issues of the magnitude presented by the GPU. Yes, folks one doesn't like, or have nothing relevant to add, will eat up time. That's the process. While the Subcommittee may recover some time, it loses the insights of those with extremely pertinent things to offer.
6. Increase the consultant's budget so that it has the resources to provide decision-makers with the type of comprehensive information that is necessary/appropriate to inform their decisions. More on this shortly.
7. Schedule a second Subcommittee meeting on the Vision prior to Planning Commission review in January. The purpose is to allow sufficient time for Subcommittee members to deliberate, as there's value in the public exchange of ideas. Otherwise, the Subcommittee meetings become much relevant to the process.

This is sent to you in a constructive spirit. I hope that you and your colleagues will receive it in that way.

Many thanks,

Timothy A. Tosta
Partner

Arent Fox LLP | Attorneys at Law
55 2nd Street, 21st Floor
San Francisco, CA 94105
415.805.7969 DIRECT | 415.757.5501 FAX
[REDACTED] CELL
tim.tosta@arentfox.com | www.arentfox.com