

SPECIAL JOINT TOWN COUNCIL/PLANNING COMMISSION MEETING NO. 598, FEBRUARY 6, 2002

ROLL CALL:

The meeting was called to order by Mayor Davis at 7:00 p.m. Ms. Howard called the roll:

Present: Councilmembers G. Comstock, K. Comstock and Merk, and Mayor Davis
Commissioners Elkind, McIntosh, Toben and Zaffaroni, and Chairman Breon
Absent: Councilmember Driscoll
Others: Town Administrator Howard

ORAL COMMUNICATIONS

David King, counsel representing the Brents, urged the Council and Planning Commission to defer work on the proposed creekside regulations until additional comments could be heard from concerned homeowners. From a financial standpoint, he said it would be a disservice to the Town to go forward without further workshops on the subject. While he understood there had been one full workshop and some later Planning Commission meetings, he wanted the Town to hold one if not more workshops where there was full participation by the most interested parties. He did not think there was an exigency to pushing forward and was not aware of any emergency situation which would imperil the creeks. He discussed: 1) opposition from the riparian private property owners to moving forward; 2) potential legal challenges to the ordinances; 3) claims for inverse condemnation brought against the Town on the basis of a taking without just compensation; 4) cost to the Town if litigation resulted; 5) difficulty in interpreting and applying the proposed regulations as they currently existed; 6) the quality of the water in this watershed; 7) San Mateo County's work in developing regulations, etc.

Mayor Davis suggested Mr. King voice his concerns to the Planning Commission when the creekside regulations were agendized. Councilmember K. Comstock suggested Mr. King reduce his comments to writing for distribution to the Planning Commission and Council and that he keep in touch with Town staff as to when the item would be discussed.

AGENDA

(1) Discussion of Planning Commission Budget

Mayor Davis thanked the Planning Commissioners for coming. He reviewed comments made at the last Council meeting when the request for a budget augmentation for the 2001-2002 Planning Program had been discussed. He said there had been some concern about the rate of expenditure for the current budget year. Ms. Howard reviewed her memo of 1/16/02 on the budget process to date and the request for an additional \$44,000. She noted that the Council had decided to defer action on the request until after a joint meeting could be held.

Mayor Davis noted that none of the Commissioners had attended the Council meeting when this item had been discussed. He reiterated the concern about the rate of expenditure noting that there was also concern that the recent request might be conservative given the nature of the items before the Commission. He said he was disappointed that the alarm hadn't sounded earlier and before the money had been spent. He added, however, that much of the expense was the result of very legitimate questions that had been raised during the discussions which staff had responded to.

Councilmember K. Comstock said some of the major projects needed to be triaged. He said he faulted himself as much as anyone for the current budget state of affairs. While some more money might be necessary, he thought the focus should be on wrapping up some of the projects and deferring those that needed more work and more money. That was difficult to judge, and he hoped the Commissioners would address that or suggest another way to deal with the situation. Additionally, he said the memo from Commissioner Toben which described some of the Nathhorst Triangle work that had gone on and the point to which it had progressed had been very helpful. He hoped some processes could be found that would be more effective in getting the work done and more realistic in how much more money would be needed.

Commissioner Zaffaroni said she had not been informed of the budget activities discussed in Ms. Howard's memo of 1/16/02 and the fact that the budget allocation had been overshot. The Planning Commission had not been forewarned of this, and she wanted to know whose responsibility it was to tell the Commissioners. It was difficult to know you should be expediting or reprioritizing issues when there was no awareness of the fact that the allocation had been exceeded.

Mayor Davis said with one exception, all of the Councilmembers had served on the Planning Commission. When he chaired the Commission, a meeting was held quarterly to look at the budget. He felt having 4-5 major items before the Commission had caused some of the overrun and agreed a more rigorous process was needed to alert people right away when more money was needed. In October, he noted that there had been a request for an additional \$32,000 which meant that the original budget was already being spent. Commissioner Zaffaroni said that issue had not been on the Planning Commission's agenda. The Commission was in the dark as to the genesis of this situation. Obviously, there was a communication issue here. The Commission needed to be informed when something of this nature was developing so that corrective action could be taken at an earlier point when it was more meaningful. She recalled that \$5,000 had been requested for the work done by Mr. Stoecker and that money had been requested to put the CC-AP rezoning in ordinance form. What the Commission had not been informed of was that the end of the allocation had already been reached. Ms. Howard noted that the two items identified by Commissioner Zaffaroni were in the previous fiscal year's budget. In September, she said there had not been any indication that there was a problem. The numbers started getting larger in October. She had first been made aware of the problem by a memo from the Town Planner in which he requested additional funds. She noted that she was not aware that the Planning Commission itself had not been cc'd on the memo.

Commissioner Elkind said there had been a tremendous effort by everyone involved in the planning process to listen to what the public had to say and find a middle ground. That was important. While the focus could be on the budget, she would not have done anything differently except coming to the Council earlier for more money. Also, she said the housing and the riparian corridor issues were intensely controversial. She felt there was movement towards a positive resolution and was surprised to hear Mr. King's comments. At this point, she thought some of the issues could be prioritized but felt there was momentum on all the issues.

Councilmember Merk said he did not see any point in slowing down the work or doing triage. The work had to be done one way or the other. Putting some parts of the work off would only cost more later on. The Planning Commission had a history of having all kinds of projects that took longer than expected. Review of the General Plan had taken 2-3 years when it was expected to take one. Squeezing 2-3 years of work into one budget year would create a similar budget situation. While some people wanted more effective work, he wanted a continuation of the high quality of work. Having spent 13 years on the Planning Commission, he said a number of items often were carried over from one year to the next; other items appeared on the agenda that seemed to come out of nowhere that required a major part of a year's work and budget. It was an expensive proposition to do top quality work, and what the Town was today was a result of that quality of work which did not come cheaply nor quickly. There were at least 3 major complicated and controversial

projects in the pipeline. They could be triaged or only one worked on, but the others would need to be worked on later. He wanted to get the work done. He agreed there was a communication problem if the Planning Commission didn't know the budget was being overrun. But, these were complicated projects with a lot of questions asked that required more work from the Planner and staff. While he did not like the fact that it was a more expensive process, he supported going forward, holding all the necessary public hearings, getting the input, and paying the extra money. While there were threats to sue, he did not think anyone had prevailed on any planning issue in the Town's history. If quality work cost an extra \$40,000, that was cheaper than paying attorneys. He agreed the amount requested might be conservative. It had been tough up to this point, and it was likely to get tougher.

Responding to Councilmember G. Comstock, Chairman Breon said after this evening's Planning Commission meeting, he thought the CC-AP zoning issue could be set for public hearing. However, Commissioner Toben in his memo had identified 1-2 additional issues as a result of his informal sessions with residents that sounded intriguing. This Commission tended to pursue these avenues. Additionally, the riparian corridor regulations might only require one more workshop, but more had been requested by Mr. King. The Housing Element was dependent on what was decided for the Nathhorst Triangle. The Trails and Paths issue should not require extensive work. He thought the requested amount would cover the work, but he wanted the Commission to be able to pursue interesting ideas that might arise. If directed to complete the work, he could live with not exploring additional avenues because the end product would still be good. He did not want the Commission to be a budgeting entity and felt the Council should provide direction on the planning budget. The riparian corridor regs could be deferred until the next year; the creeks were slowly deteriorating, but they were not quickly deteriorating, and the Planning Commission's action would not necessarily cause dramatic changes overnight. He did not feel the other issues should be delayed. The State deadline for the Housing Element had already passed, but it depended on the Nathhorst Triangle plan. The Trails and Paths Element could be delayed but there was not that much to do. In terms of communication, he suggested that staff notify the Commission and Council when an item was going over the budget. The Council, with some input, should provide the Commission with direction as to whether the debate should be limited. As noted, some of the items had become controversial, and the Town Planner had billed time spent in talking to reporters, residents and Commissioners; he could be given direction not to do that. Additionally, he said the current makeup of the Commission was fairly progressive. If the Commission was complacent with what the existing landowners in Town wanted for their properties, rules would not be changed and the current budget situation would not have arisen. With this Commission, more ideas would arise (e.g., energy consumption) which were controversial and would take time.

Commissioner Zaffaroni said there might be an advantage to deferring consideration of the riparian corridor regulations. The County was pursuing similar regulations and might provide the Town with some useful models. She did not, however, want it deferred longer than 4 1/2 months. She did not want to feel that the Commission had to be more cursory in its review, less refined in terms of looking at the projects, or that public input had to be limited. The product would be inferior. On the other hand and considering the fiscal environment, she agreed that the Commission needed to live within the new allocation. She thought the Planning Commission should reprioritize the work, which should have been done at an earlier point. That would also mean a greater cushion with respect to the items that did move forward. She felt the riparian corridor issue could be deferred as well as the Trails and Paths Element which the Commission had not seen in four months. Responding to Councilmember Merk, she supported allocating the requested amounts for the items indicated. She was not comfortable with the idea of cutting off public comment, eliminating workshops, and providing less careful review. On the other hand, moving forward with all the items would make it difficult not to do that.

Mayor Davis said no one wanted poorer quality work. He felt there needed to be some mechanism whereby

the Commission would know when some of the items were running out of money so that they could be delayed to ensure there was in-depth and quality work.

Commissioner Zaffaroni said obviously the Housing Element and Nathhorst Triangle had to move forward; there was a State-mandated deadline that was already past for the Housing Element which was contingent on what was decided for the Nathhorst Triangle. There were property owners' stakes and interests involved, and those two items could not be delayed. Chairman Breon agreed and said it would be prudent to move forward with those--knowing that they might go over the amounts requested.

As a resident, Mayor Davis said he did not want big blows to the amount of money being contributed. Currently, the Planning Commission was spending about \$120 for every household in Town. If something could be delayed, he thought there was merit in having the cost to residents be more constant. He agreed with Councilmember Merk's comments about keeping the quality of work high and completing the items.

Councilmember K. Comstock said the comments from Commissioners had been helpful in understanding what was happening with these items. He commended the quality of the work and didn't want the standards compromised. He didn't want to micro-manage the work, and asked for suggestions from the Commissioners on how best to manage the budgeted funds. Chairman Breon said the two priority items had been identified. If the budget extension was approved and those two items were completed within the budget, there would still be time to address the Trails and Paths Element and riparian corridor policy.

Responding to Mayor Davis, Councilmember G. Comstock agreed that the Commissioners' comments had been very helpful in understanding the situation.

After discussion, Mayor Davis suggested getting monthly updates on the financial status. Ms. Howard said she would ensure Commissioners and Councilmembers were cc'd on the expenditures on a monthly basis. By motion of Councilmember K. Comstock, seconded by Councilmember Merk, Council approved the \$44,000 budget augmentation for the 2001-2002 Planning Program by the following roll call vote:

Ayes: Councilmembers G. Comstock, K. Comstock and Merk, and Mayor Davis
Noes: None.

Chairman Breon reiterated that he wanted direction from the Council when there was concern. Mayor Davis felt the Commission Chairman and Commissioners also had a responsibility to the Town to keep an eye on the expenditures. Councilmember K. Comstock agreed and suggested that monthly updates should be used as a tool by the Commissioners.

ADJOURNMENT

The meeting was adjourned at 7:55 p.m.

Mayor

Town Clerk