


# Local News

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## City attorney explains refusal of petition

By Thomas G. Keane  
Times Tribune staff

East Palo Alto City Attorney Robert Johnson stood firm Monday in insisting that a "property owners' civil-rights initiative" submitted to the city clerk last week is unconstitutional and unacceptable.

The city attorney on Thursday advised City Clerk Russell Averhart not to accept a petition for the initiative. Averhart then turned down two requests to file the petition with its 2,000-plus signatures.

In a letter to Averhart dated Monday, Johnson said, "It would be improper to permit the taxpayers of the city to finance the taking of a public poll in an illegal initiative, an initiative that surely would be challenged on constitutional grounds."

### East Palo Alto official labels initiative unconstitutional

Johnson also said the initiative would prohibit a rent-control ordinance, an issue already scheduled for the April 10 ballot.

"There should be a time interval of at least one year before a measure on the same subject matter is placed on the ballot," Johnson said in his letter. He added that the financial burden on the city to hold an election on the same issue every few months "would be enormous."

Had the city accepted the initiative petition, and had there been enough valid signatures, the measure would have been placed on the June ballot.

At Monday night's City Council meeting, Vice Mayor James Blakey and Councilman Ruben Abrica criticized supporters of the initiative who protested the city's action at the Municipal Building on Friday.

Abrica and Blakey, both in the building when about 30 initiative supporters arrived, said protesters were yelling obscenities and disrupting government business.

The property-rights initiative is sponsored by several city homeowners and a group of landlords.

The text of the initiative reads: "An owner of any real property has the sole right to establish the price

for which that property may be sold, leased, transferred or exchanged. The city of East Palo Alto shall have no law to abridge that right."

William Esselstein, attorney for the property rights committee, said he would challenge in court the city's refusal to accept the petition.

In other business Monday night, the City Council tabled a request to establish a trucking depot at 2535 Pulgas Ave.

On Feb. 14, the Planning Agency recommended approval of the request after receiving a report by the San Mateo County planning staff that stated the project met all environmental and safety requirements. Several city residents also spoke in favor of the

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## Decision

# PETITION

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depot at the Planning Agency meetings.

But at Monday night's council meeting, several city residents objected to the potential noise and air pollution and possible damage to the streets caused by the trucks entering and leaving the area.

The council said it would study the issue further and take action at its next meeting.

The council also decided to wait until its March 5 meeting to discuss its application for federal grant funds available through the San Mateo County Housing and Community Development office.

Each year, cities in the county with fewer than 50,000 residents are eligible to apply for federal money for housing and development.

Averhart said it would be more appropriate to discuss the subject at the March 5 meeting because Mark Nelson, the county's housing and community de-

velopment director, would attend. The extra time also would allow the new city manager to advise the council on the matter, Averhart said.

The City Council already has decided to use \$800,000 in housing and community development funds left over from last year's budget to purchase the Ravenswood High School site, a 30-acre plot owned by the Sequoia Union High School District that the council wants to turn into a city park.

Council members have designated the high school site as its first priority, but if the money cannot be spent on the high school site, the council will use two-thirds of the money for housing rehabilitation and the rest for economic development, crime prevention and street beautification.

