

CITY OF EAST PALO ALTO

DATE: May 13, 1988.

MEMORANDUM

TO: Honorable City Council
FROM: Stanley H. Hall, City Manager
SUBJECT: MEL HARRIS CHARGES REGARDING PLANNING COMMISSION

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As requested; I, along with the City Planner met Commissioner Mel Harris to explore his reasons for charges that the Planning Commission should be replaced.

Commissioner Harris described the following items as examples of his concerns.

1. The Planning Commission has no written operating procedures; even though these has been proposed on several times by staff and some commissioners.

The lack of operating procedures complicates the task of staff and commission; staff reports and commission; are more guess work than consistent. The Commission has consistently refused to consider an effective set of written procedures.

2. All other Commissions in the City have by-laws. The Planning Commission members have consistently refused to consider by-laws. Commissioner Harris first proposed a draft set of by-laws in 1985 and on later occasions. The Commissioner feels this lack severely hinders the ability of the Commission to operate efficiently.
3. The Commission's lack of established policies and procedures results in applications being evaluated on a case by case basis. This results in decisions being made piece meal and inconsistently. The public is given the impression that determinations of the Commission are on the basis of who you know and not the facts of the case. Staff's job is made much more difficult since there is uncertainty as to what direction the Commission wishes to follow.
4. The recommendation of the Commission regarding the appointment of Makini Siwatu to fulfill the unexpired term of Duane Bay was made when there was only a bare minimum quorum present. The final affirmative vote was a minority of the Commission, three (3) votes.

Since Commissioner Siwatu is a tenant of Chairman Anderson, the public is again given the impression that who you know is more important than what you know.

May 13, 1988

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5. Staff presented a Draft Planned Unit Development (PUD) Ordinance for the Commissions review. The ordinance proposed a three (3) step review process; Sketch Plan, Preliminary Plan and Final Plan. After discussion and review, the draft was given preliminary approval and staff suggested review a PUD using the new process. When Commissioner Harris submitted a Sketch Plan for a PUD the Commission reversed itself and stated they were not going to design an applicants PUD for him. Since the City was involved with getting a new City Manager the ordinance was not pursued at the Council level.
6. The prevailing attitude of the Commission is in conflict with the adopted General Plan. The Commissions position that PUD should be discouraged and only subdivision with standard lots and public streets is in opposition to the General Plan's encouragement of smaller lots, smaller private streets, and greater affordability for all economic levels of the community. If PUD's are to be discouraged then the General Plan should be modified.

The above items represent the reasons that Commissioner Harris feels the Planning Commission should be replaced.

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Commissioner Harris has submitted the attached documents in support of his concerns.

Stanley H. Hall
City Manager

SHH:DF:hr

memo

FROM

Mel Harris

To PLANNING COMMISSIONERS Date 4-22-85

Subject

CC: TIKISA ANDERSON

ONYANGO BASHIR

DUANE BAY

JOHN CHAVEZ

MIDGE DORN

JOE GOODWILL

MAKINI ROACH

DON PROVOST

FRED HOWELL

BARBARA MOUTON

MEMO

FROM

Mel Harris

To PLANNING COMMISSIONERS Date 4-22-85

Subject LACK OF OPERATION PROCEDURES

AS WE ENTER OUR SECOND YEAR OF
OPERATION AS COMMISSIONERS WE HAVE
FAILED TO ESTABLISH PROCEDURES / BYLAWS
TO GOVERN OURSELF AS SPELLED OUT IN
ORDINANCE # 28-83 SECTION 5-C (ATTACHED).

WE WERE ALSO ENCOURAGE TO ESTABLISH
SUCH PROCEDURES AT THE CITY WORKSHOP
HELD ON SATURDAY MARCH 16, 1985.

WHEN I HAVE RAISED THE QUESTION ON
LACK OF PROCEDURES ON SEVERAL OCCASIONS
THE RESPONSE HAS BEEN THAT THE ORDINANCE
CREATING THE COMMISSION ESTABLISH
OUR OPERATING PROCEDURES, ALL WE HAVE
TO DO IS READ THEM.

I DISAGREED WITH THAT RESPONSE THEN
AS I DO NOW FOR THE FOLLOWING REASONS.

memo

FROM

Mel Harris

To

Date 4-22-85

Subject PROCEDURES

1. EVERY ORGANIZATION THAT HAS A RESPONSIBILITY TO THE PUBLIC SHOULD HAVE A SET OF PROCEDURES OR BYLAWS TO OPERATE BY INCLUDING ROBERTS RULES OF ORDER.

2. PROCEDURES SHOULD BE ESTABLISHED TO ADDRESS THE FOLLOWING ITEMS BUT NOT LIMITED TO THOSE ITEM AS THE COMMISSIONERS SO CHOOSE.

A. SEATING ALTERNATE.

B. PLACING ITEMS ON THE AGENDA (BY COMMISSIONER).

C. CONSECUTIVE TERMS AS CHAIRPERSON / VICE CHAIR.

D. REMOVAL OF COMMISSIONER SECTION 4 OF ORDINANCE

E. REPLACING MEMBERS (WHAT HAPPENS TO ALTERNATE).

F. RE-APPOINTMENT OF MEMBERS.

AS THE ORDINANCE READS NOW WHENEVER THERE IS A NEW MAJORITY ELECTED TO THE CITY COUNCIL THE COUNCIL CAN ARBITRARILY APPOINT A NEW COMMISSIONER. I DO NOT BELIEVE THIS WOULD BE IN THE BEST INTEREST OF OUR NEW CITY.

ORDINANCE NO. 28-83

ORDINANCE ESTABLISHING CITY PLANNING COMMISSION

The City Council of the City of EAST PALO ALTO does ordain as follows:

Section 1. Creation/Membership

There is hereby created a Planning Commission for the city which shall consist of five members. The members of said commission shall be appointed by the Council from among the list of qualified applicants who have submitted applications to the city clerk. The council shall make the appointments at a public hearing after interviewing the applicants.

Section 2. Qualifications

Each member of the planning commission shall be a full-time resident of East Palo Alto.

Section 3. Term of Office

Of the five appointed members one (1) shall serve for a period of one year, two (2) for a period of two years, and the remaining two (2) for a period of three years. Thereafter, appointed members shall serve for a period of three years.

Section 4. Removal or Vacancy

A member of the commission may be removed by a majority vote of the council. A vacancy is filled in the same manner as the original appointment. A person appointed to fill a vacancy serves for the remainder of the unexpired term.

Section 5. Rules and Procedures

- A. The commission shall elect one of its members president and one of its members vice-president, who shall hold office for one year and until their terms as members of the commission expire sooner. An officer or employee of the city designated by the city manager shall serve as secretary of the commission.
- B. The commission shall establish a regular time and place of meeting and shall hold at least one regular meeting each month. Special meetings may be called by the president, or by a majority of the members of the commission upon written notice delivered personally or by mail to each member at least twenty-four hours prior to such meeting.
- C. The commission may make and alter rules

governing its organization and procedures which are not inconsistent with any applicable ordinance of the city.

- D. A majority of the members appointed to the commission shall constitute a quorum and the affirmative vote of a majority of the members appointed is required to take any action.
- E. The commission shall keep an accurate record of its proceedings and transactions and shall submit an annual report to the City Council with a copy to the City Manager.

Section 6. Liaison Representatives To City Entities-Functions

Subject to the approval of the council in each case, the commission may designate one of its members to act as a liaison representative to any other board, commission or committee of the city. The functions of such liaison representatives are:

- A. To attend meetings of such other board, commission or committee;
- B. Advise this commission of the background, attitudes and reasons behind the actions of such other board, commission or committee; and
- C. On request of any member of such other board, commission or committee, to advise such other board, commission or committee of policy, procedures and decisions of this commission that may bear upon matters under discussion by such other board, commission or committee.

Such liaison representative shall have no power to vote.

Section 7. Relations With Planning Department

The Director of the Department of Planning and Development, or some person of his office regularly delegated by him, shall attend all meetings of the commission, function as secretary to said commission and shall keep a true and correct record of all proceedings of the commission. He/She shall have custody of all reports, books, papers and records of the commission. And he/she shall be given notice of all special meetings thereof.

Section 8. Powers And Functions

The powers and functions of the City Planning Commission

shall be as follows:

- A. To hold hearings on all zoning matters as prescribed in the zoning ordinance;
- B. To conduct such other hearings as are provided by law and in accordance with its own rules and regulations;
- C. To report its decisions and recommendations in writing to the city council;
- D. To consider, formulate and propose surveys, maps and plans designed to provide for, regulate and direct the future growth, development and beautification of the city in order to secure to the city and its inhabitants better environment, adequate and suitable parks and open spaces, harbor development, better transportation facilities, improved public service of all kinds, proper location of public buildings, and to secure a permanent and comprehensive plan for the most economic, healthful and harmonious growth of the city;
- E. To prepare and recommend the adoption of a comprehensive long-term general master plan for the physical development of the city, to include among other things, land use plan, a streets and highways plan, a recreation plan, a transportation plan, a transit plan, a public services and facilities plan, and a community design plan as said plans are defined in the Planning Act of the state of California; and
- F. To make, in its advisory capacity, any and all recommendations to the city council relating to the above matters, including changes or amendments to the master plan or any portion thereof;

Section 9. Compensation

The members of such commission shall receive no compensation but shall be allowed necessary actual traveling and other expenses when the interests of the city shall require, but in each case only if and when the city council shall have first specifically authorized the purpose and expenditure involved.

PASSED, APPROVED AND ADOPTED this 3rd day of January, 1984,
by the following vote:

AYES: ABRICA, BLAKEY, MOUTON AND SATTERWHITE

NOES: NONE.

ABSENT: WILKS

Barbara A. Minton

Mayor

ATTEST:

Russell V. Goulet

City Clerk

ORDINANCE NO. 050

AN ORDINANCE SUPERCEDING ORDINANCE NO. 5-83
AND AMENDING ORDINANCE NO. 28-83, AS AMENDED,
PERTAINING TO THE PLANNING COMMISSION

The City Council of the City of East Palo Alto does ordain
as follows:

Section 1. Amendments to Ordinance No. 28-83, as amended

- (A) Section 1, Creation/Membership, of Ordinance No. 28-83, as amended, is hereby amended to read as follows:

"There is hereby created a Planning Commission for the City which shall consist of seven members and an alternate. The members of said commission shall be appointed by the Council from among the list of qualified applicants who have submitted applications to the City Clerk. The Council shall make appointments at a public hearing after interviewing the applicants."

- (B) Section 3, Term of Office, of Ordinance No. 28-83, as amended, is hereby amended to read as follows:

"Of the seven appointed regular members, two (2) shall serve for a period of one year, two (2) for a period of two years, and the remaining three (3) for a period of three years. Thereafter, appointed regular members shall serve for a period of three years and the alternate member shall serve for a period of one year."

Section 2. Supercedure of Ordinance No. 5-83

This ordinance shall supercede Ordinance No. 5-83, establishing a Planning Agency and fixing the time and place of Planning Agency meetings.

PASSED AND ADOPTED by the City Council of the City of East Palo Alto on this 3rd day of December, 1984, by the following vote:


AYES: BLAKEY, MOUTON, SATTERWHITE

NOES: NONE

ABSENT: ABRICA, WILKS


Barbara A. Mouton
Mayor

ATTEST:


Russell V. Averhart
Interim City Clerk

memo

FROM

Mel Harris

To PLANNING COMMISSIONERS Date 6-6-86

Subject PROPOSED BYLAWS REF MEMO DATED 4-22-85

ATTACHED IS A DRAFT COPY OF PROPOSED BYLAWS

FOR THE PLANNING COMMISSION WHICH I FEEL

IS LONG OVERDUE AS STATED IN MY MEMO

TO COMMISSIONERS, DATED 4-22-85.

PLEASE WRITE DOWN ANY COMMENT, ADDITIONS

OR DELETIONS SO WE WILL BE ABLE TO EXPEDITE

THE FINAL DRAFT OF OUR BYLAWS.

THANKING YOU IN ADVANCE FOR YOUR COOPERATION.

CC: T. ANDERSON



D. BAY

O. BASHIR

J. CHAVEZ

M. DORN

J. GOODWILL

M. ROACH



League of California Cities

1400 K STREET • SACRAMENTO, CA 95814 • (916) 444-5790

HARRIS

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Sacramento, California
November 1984

TO: Users of the Planning Commission Handbook

We are pleased to provide this Planning Commission Handbook to local officials both as an aid in orienting new commissioners and staff to planning in California and as a handy reference for experienced practitioners.

Planning law, procedures and issues in our state are complex and demanding. Certainly the viability of our communities and the very lives of our citizens are directly affected every day by the decisions we make as local planners. It clearly behooves us to be as knowledgeable and careful as we can in our planning deliberations and decisions. This Handbook is intended to make this job of ours easier.

Toward this end, we have designed this publication to be both comprehensive and practical. But it is intended to be a "living" document as well. You are encouraged to modify and add to it with your own notes, references, procedures, etc. to make it even more useable to you. And we also request you to give us your suggestions of what might be added or changed in future editions to make it more useable for you.

Additional copies of the Handbook may be purchased from the League's Sacramento office at a cost of \$25.00, plus the appropriate sales tax - non-city officials, \$40.00, plus tax.

Sincerely,



Don Benninghoven
Executive Director

DB:ln