



**CITY COUNCIL  
and  
COMMUNITY DEVELOPMENT AGENCY  
MINUTES**

**Tuesday, November 4, 2003  
7:00 p.m.  
801 Laurel Street, Menlo Park, CA 94025  
Menlo Park City Council Chamber**

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**7:00 p.m. REGULAR MEETING** (Menlo Park City Council Chamber)

**ROLL CALL** - Jellins, Duboc, Collacchi, Kinney, Winkler

**PLEDGE OF ALLEGIANCE**

**STAFF PRESENT** - David Boesch, City Manager; William McClure, City Attorney; Audrey Seymour, Assistant City Manager; Nicole Acker, Acting City Clerk. Various department heads and other City staff were present.

**A. PRESENTATIONS AND PROCLAMATIONS**

1. Presentation of Proclamations honoring the Friends of the Menlo Park Library on their 50<sup>th</sup> Anniversary and honoring the Menlo Park Library Commission.

Mayor Jellins presented proclamations to the Friends of the Menlo Park Library and the Menlo Park Library Commission. Tim Goode accepted the proclamations on behalf of the Friends of the Menlo Park Library. Arthur Trum, on behalf of the members of the Menlo Park Library Commission said that he shared the honor of being part of this proud tradition, and advocated the libraries' efforts in having a shared vision of the future of the library with a strategic plan.

2. Presentation of Proclamations for Law Enforcement Records Officers' Day.

Mayor Jellins presented proclamations to Record's Supervisor Susie Eldred, Record's Officers Deborah Calvillo, Kimi Miller, Claudio Ruiz, and Isabel Guzman. Mayor Jellins thanked them for their hard work and recognized them for being the first point of contact at the police department.

**B. COMMISSION VACANCIES AND REPORTS**

1. There is one vacancy on the Environmental Quality Commission to fill an un-expired term ending August 2004. Application deadline is Tuesday, November 4, 2003 at 5:30 pm.

Mayor Jellins reported that five applications had been received. The appointment is scheduled for the meeting of November 18, 2003.

2. Council Member Reports.

None.

**C. PUBLIC COMMENT #1 (*Limited to 30 minutes*)**

Barbara Kaet, Director of Peninsula Volunteers Rosener House, thanked the Council for past support of this program and for the understanding of the needs of older citizens of Menlo Park. Because of the financially challenging time for everyone, on behalf of the staff she thanked Council for the support that makes a difference and makes a big impact on peoples lives. They

are celebrating their 25<sup>th</sup> anniversary and have a new facility on 500 Arbor Road. There has been an increased capacity from 60 to 80 adults a day of which 35% are Menlo Park residents.

Patrick Brandin, inquired about wood burning fireplaces and the ability to seek a variance to install a wood-burning fireplace. He is remodeling his home and removed 3 wood burning fireplaces, he was told by building inspectors that he could not install, however he would have to appeal to the Council.

Mayor Jellins directed Mr. Brandin to the City Manager's Office.

Hope Nakamura, from the Legal Aid Society of San Mateo County, thanked the Council for the long time support of civil and legal services to low income, disadvantaged, and vulnerable populations in San Mateo County. They appreciate the work of the City Council subcommittee to provide money in these tough financial times.

Russ Lawrence, with the Service League of San Mateo County, thanks the Council for continuing support, without such support this organization would have a difficult time helping a group of people who are unpopular and need assistance.

David Howard wished to speak on the fire sprinkler ordinance however this item has been rescheduled to a later date.

Mr. Boesch, City Manager state that this item will be heard on December 9<sup>th</sup> 2003, and Mr. Howard will be notified.

Mr. Howard inquired about the movie theater project and Mayor Jellins referred him to the City Manager's Office.

#### **D. CONSENT CALENDAR**

Consent Agenda items are considered to be routine and will be enacted by one motion. There will be no separate discussion on these items unless members of the Council, staff or public request specific items to be removed for separate action.

1. Adoption of a Resolution No. 5478 approving the City Council Subcommittee recommendations regarding the allocation of 2003-2004 Community Funding in the amount of \$84,941.
2. Approval of modifications to the Design Guidelines for Signs.
3. Approval of the City Council Minutes for the Meetings of October 7, 2003
4. Approval of an amended Resolution 5477 authorizing the City of Menlo Park to apply for grant funds from the Roberti-Z'Berg-Harris Urban Open Space and Recreation Program under Proposition 40 – California Clean Water, Clean Air, Safe Neighborhood Park and Coastal Protection Act of 2002.

Council pulled items D1 (Mayor Pro Tem Duboc), D2 (Council Member Winkler) and D3 (City Manager Boesch) for discussion.

**M/S Duboc/Collacchi to approve Consent Calendar item D4 as presented. Motion carries unanimously.**

#### **Item pulled D1**

Mayor Pro Tem Duboc suggested that the topic of nonprofit funding be addressed at a study session to go over the criteria and parameters used in making these selections. Mayor Jellins thinks it would be appropriate and helpful to clarify the City's policy and ways to approach community based funding in future years. Mayor Jellins agreed with this approach. Mayor Pro

Tem Duboc and Council Member Winkler thanked the subcommittee for all its work, and Finance Director Uma Chokkalingam.

**M/S Duboc/Winkler to approve the recommendations from the subcommittee. Motion carries unanimously.**

**Item pulled D2**

Council Member Winkler requested to pull this item and change an item (section B10) on page B3. She suggests striking it because it adds confusion, and her suggestion is to eliminate it completely. That section reads:

*“Signs should use correct spelling and grammar, except when the name of the business uses colloquialisms, a play on words, or when the name of the business is a newly-created word. As examples, “Anything Fur You” for a pet store or “Xyla Enterprises” are acceptable, whereas “Blended Berrys” for smoothie store is not encouraged”.*

Mayor Jellins concurs with Council Member Winkler to delete the language out of section B10.

City Manager Boesch stated that he would have to go to the Planning Commission minutes to ascertain why it chose to change the language and substitute the idea.

Mayor Pro Tem Duboc would like more specificity in the language.

City Attorney McClure states that on page D2 on the third change of the language it mentions the deletion and he believes this is where it came from. The Planning Commission recommended the deletion as a suggested change.

**M/S Winkler/Jellins motion to approve the recommendation and adopt the revised sign guidelines as recommended by staff with exception of the deletion in its entirety of guideline B10 as it appears on page B3 on the staff report, attachment B.**

Council Member Collacchi asked for clarification on the impact of this change.

City Manager Boesch stated that some sign guidelines are there for script styles as a set of guidelines, and he doesn't see a problem with this change.

**Motion carries unanimously.**

**Item pulled D3**

City Manager Boesch requested to pull these minutes and to bring them back for approval at a later date.

**E. PUBLIC HEARING - None**

**F. REGULAR BUSINESS**

1. Consideration of state and federal legislative items or items referred to in Written Communications or Information Items, including decisions to support or oppose any such legislative, written communication or information item.

**G. WRITTEN COMMUNICATION**

1. Request by Council Member Kinney for the Council to consider the appeal of the Planning Commission decision granting a Use Permit for a fence and hedge at 1080 Lemon, a Council appeal.

Council Member Kinney referred to an Ordinance governing landscaping and corner properties. He believes the complaints with this residence relate to a safety issue. Thirty-two or so complaint notices were sent to various residences to come into compliance with the

ordinance, however he doesn't see anything in the ordinance to say that the landscaping is not in conformance.

Mayor Jellins stated that the decision before Council tonight is whether to accept the Council appeal, not a decision on the merits.

Joshua Sommer, owner of the residence at 1080 Lemon Street, gave background information and talked about the appeal and what has happened to him and his wife. Mr. Sommer stated that the complaints come from one complainant, who was present at the Council meeting. Mr. Sommer request that the appeal be withdrawn.

City Attorney McClure interjected in the discussion for clarity of what the ordinance says. The ordinance has a provision that gives the Planning Commission the discretion to approve a use permit for fences and vegetation in excess of the height limit, whether it is the corner or front property line. He stated it is all the same ordinance and the same mechanism. The issue is not on the merits on whether the use permit should have been approved or not. The issue tonight is whether or not this should be treated as a Council appeal and the appeal fee be waived or if it should be treated as an individual appeal and the appeal fee be paid.

**M/S Kinney/Collacchi to allow a Council appeal and waive the fee.**

**Motion fails 4-1 with Council Members Duboc, Collacchi, Jellins and Winkler opposing.**

#### **H. INFORMATION ITEM**

1. Review of the City's Investment Portfolio as of September 30, 2003.

City Manager Boesch reported that there are two items being tracked: Assembly Bill 1160 by Darryl Steinberg, which pertains to secondary dwelling units, density bonus, and housing on school sites, and a ballot initiative that would provide protection of City and County revenue. This is planned to be on the ballot on November 2004.

#### **I. PUBLIC COMMENT #2 (Limited to 30 minutes)**

None

#### **J. ADJOURNMENT – 8:23pm**

Respectfully submitted

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Nicole Acker  
Acting City Clerk

Approved at the Council Meeting of January 13, 2004 and resubmitted at the January 27, 2004 with one correction. Approved at the Council Meeting of January 27, 2004.