



ENVIRONMENTAL QUALITY COMMISSION MEETING MINUTES

Wednesday, November 3, 2010 at 6:30 p.m.
Burgess Recreation Center
700 Alma Street, Menlo Park

CALL TO ORDER: The meeting was called to order at 6:35 PM.

Commissioners Present: Lawrence Byers (acting chair), Daniel Kocher, Doug Scott, Kathy Schrenk and Mitch Slomiak.

Absent: Kristin Kuntz-Duriseti (Chairperson).

Staff Present: Regina Wheeler, Environmental Programs Specialist and Rebecca Fotu, Environmental Programs Manager.

Public Present: Maureen Teter, Kent Fields, Helen Spiegel. (Ms. Spiegel arrived ~ 7:00 PM; she is co-owner of 580 Cotton residence).

A. PUBLIC COMMENTS: None.

B. BUSINESS ITEMS

1. Approval of October 6, 2010 Minutes

Commissioner Slomiak motioned to approve minutes, seconded by Commissioner Scott. Minutes approved unanimously.

2. Heritage Tree Appeal – 580 Cotton Street

As courtesy, consideration of item delayed until Ms. Spiegel (property co-owner) arrived to participate.

3. Appoint Environmental Quality Commission Vice-Chair

Commissioner Byers indicated that while the location of his professional employment for the latter part of 2011 was still uncertain, he would certainly be able to fulfill Vice Chair duties in November and December, and possibly EQC Chair Duties in 2011 at least through March or April. Discussion among Commission members centered on whether this would be sufficient time for adjustment of newer Commission members (Ms. Schrenk and future member to be determined) to be ready to be appointed Vice Chair / Chair. Commissioner Scott motioned to nominate Commissioner Byers to Vice Chair, seconded by Commissioner Kocher. Motion approved.

On a related topic (Commission structure/service period), Commissioners Scott and Kocher, who are the senior members of the Commission, having served 7 years each, then asked Ms. Fotu to determine whether they will be “termed out” of the Commission on April 2011 (as recent communication from the City Clerk seemed to suggest), or at the end of their current terms (at later dates in 2011).

4. Determine Environmental Quality Award Winners

A total of 6 nominations have been received: (1) Sharon Heights Homeowner's Association (2) VanIngen Residence at 1830 Oakdell (3) the Dailey Method at 3528 Alameda de las Pulgas, (4) Philipp Kopisch for Orienteering Course at Bedwell Bayfront Park (5) Daniel Kopisch for Great Spirit Path Refurbishment at Bedwell Bayfront Park and (6) Carcione Residence at 1817 Oakdell.

Commissioner Byers handed out additional backup on the Carcione property at 1817 Oakdell Drive and provided an overview, having spoken with the property owner just prior to the meeting.

Ms. Fotu clarified that even though the Dailey Method was technically outside the city limits, in unincorporated West Menlo Park, that if the Commissioners made a finding that the business had a positive and beneficial impact on the citizens of the City, they could still select the Dailey Method as an award recipient. Commissioner Schrenk stated that since she was a part-time employee of the Dailey Method, she would reclude herself from any of the discussions regarding the worthiness of this nominee.

Questions were asked by the Commissioners about the Kopisch brothers' projects at Bedwell Bayfront Park. Commissioner Scott asked whether the entire scout troop (Troop 109) had been involved with these projects and Commissioner Byers stated that he was sure they had, at least for the Great Spirit Path refurbishment, as pictures of the work parties were available on the web. Commissioner Scott suggested that rather than award the brothers' projects individually, that the award be presented to the entire Scout Troop. "While individually their contributions may be modest, collectively the Troop has made significant contributions to the natural environment in the City of Menlo Park". Special acknowledgement was to be reserved to Daniel and Philipp for providing leadership among their peers. The Commissioners unanimously agreed that this was an appropriate and valuable suggestion.

Each Commissioner was then given 2 minutes to speak on behalf of any or all nominations. Commissioner Slomiak spoke in favor of the Dailey Method's nomination. Commissioner Kocher spoke in favor of the Sharon Park Homeowners' Association nomination and provided historical context. Commissioner Scott spoke in favor of the Scout Troop's nomination. Commissioner Schrenk spoke in favor of the VanIngen Residence nomination.

Each EQA nominee was then voted on in turn, with all being unanimously approved as recipients of 2010 City of Menlo Park Environmental Quality Award Winners

5. Heritage Tree Appeal – 580 Cotton Street

Ms. Wheeler provided an overview of the appeal from the City's perspective. On August 24, Dan Spiegel (Ms. Spiegel's husband and co-owner of property in question) applied for a heritage tree removal permit for a Deodar Cedar at 580 Cotton Street. City staff found against granting the removal permit. The Spiegels had in turn filed an appeal to the EQC, asking that City staff's decision be overturned and the permit be granted.

Ms. Spiegel then spoke. The property has 29 trees on it, of which 15 are heritage trees. She and her husband have lived there for ~ 30 years. They have tried a variety of means to address the sap dropping issue without success. The tree is ~ 54' high. PGE has had to trim the tree back on three separate occasions since 2002 because of interference with power lines running along front of property. Ms. Spiegel and husband were willing to plant two trees as mitigation and had included this in their landscape plan. (Siegel's arborist, Kevin Kielty, had found tree was in fair vigor.

All five Commissioners present asked questions of Ms. Spiegel and City Staff. Commissioner Slomiak observed that based on the information presented, he believed the tree was in 'fair' condition, and recognized that the neighbors were in consensus that the tree should be removed and mitigated. Commissioner Scott observed that the tree was causing year-round damage, was nearing the end of its useful life, and that none of the neighbors were in favor of it staying. Commissioner Byers asked Ms. Spiegel to clarify her arborist's condition assessment (it being variously described as 'good' 'fair' and 'poor' in various materials from Mr. Kielty in the backup package)... result was 'fair'. Commissioner Byers then asked Ms. Wheeler to clarify the city arborist's condition assessment (it being variously described as 'good' in the staff report, but 'fair' in the consulting arborist's report included as an attachment)... results was 'fair'. Commissioner Byers then observed that he felt all parties were thus in agreement that tree condition was only fair. Other information that came out during the rounds of question and discussion: (1) sap damage was year-round (not seasonal); (2) the homeowner had tried unsuccessfully to mitigate the sap damage; (3) landscaping plan had been submitted and included the mitigation trees; (4) PGE has told the homeowner that they would prefer to remove the tree in question.

Commissioner Scott motioned that the EQC "move to uphold the appeal to remove the tree, subject to the homeowner's offer to replace it with two trees that will mature into heritage trees". Commissioner Slomiak amended this motion, that the EQC "move to uphold the appeal to remove the tree subject to the homeowner's offer to replace it with two 'low to moderate' water consuming species that would be selected by the homeowner in conjunction with City staff." Ms. Spiegel indicated that this would be acceptable. Commissioner Scott then seconded Mr. Slomiak's amended motion. Motion passed unanimously 5-0.

6. Environmental Quality Commission Work Plan

Ms. Fotu briefly reviewed the "Sample Sustainability Policies" Memorandum she had distributed to Commissioners. Ms. Fotu stated that she was looking for the Commission to identify up to 5 programs that they were particularly interested in that could be the subject of an agenda item at a future monthly meeting to discuss goals and metrics. Wide-ranging discussion ensued. In general, the Commissioners felt the first four priorities (in no particular order) were

- a. Heritage Tree Program
- b. Street Tree Program
- c. Climate Action Plan
- d. Water Use

Other topics listed included waste minimization (includes new solid waste opportunities and metrics with new waste contract going into effect Jan 2011), energy usage, green building design, and transportation. Ms. Fotu to consider Commission's input at this meeting and bring back ideas for structuring future discussion.

C. REPORTS AND ANNOUNCEMENTS:

1. Climate Action Plan

Ms. Fotu announced that City staff was nearing completion of its revised Climate Action Plan. She expressed interest in viewpoints as to how the Commission wanted to review. Consensus was that the Commission's CAP subcommittee (Commissioners Slomiak, Kuntz-Duriseti, and Byers) should meet with Ms. Fotu to discuss first, following which it should be brought before entire Commission. Ms. Fotu will try to arrange the necessary meeting with the CAP subcommittee in early December.

MEETING ADJOURNED APPROXIMATELY 08:50 PM

Meeting minutes prepared by Commissioner Byers.