



ENVIRONMENTAL QUALITY COMMISSION MEETING MINUTES

Wednesday, May 2, 2012 at 6:30 p.m.
Arrillaga Family Gymnasium
600 Alma Street, Menlo Park

The meeting was called to order by Chair Slomiak at 6:33 p.m.

ROLL CALL:

Present: Chris DeCardy, Kristin Kuntz-Duriseti, Adina Levin, Scott Marshall, Douglas Scott, Mitchel Slomiak (Chair), Christina Smolke (Vice Chair)

Public: Elizabeth Houck

A. PUBLIC COMMENT

- Elizabeth Houck stated that she has been a bee keeper for 4 years in Menlo Park and indicated that the City defaults to San Mateo County's ordinance which restricts to one hive per backyard. Ms. Houck asked EQC to investigate what it might take to come up with a bee ordinance for the city or work with San Mateo County to come up with a better bee ordinance that is more up to date. Ms. Houck also indicated the current policies are not sufficient and that the ordinance should reflect: 1) loss of places for pollinators to live with development; 2) diseases and pesticides; and 3) decline and age of average bee keeper.

B. REGULAR BUSINESS

B1. Approve April 4, 2012 Minutes

Douglas Scott indicated he was absent and the minutes should be changed to reflect this.

Adina Levin indicated the text at the top of page 3 should be changed to "believes that if the EQC cannot take this approach."

Scott Marshall indicated that 'are' on second to last line of the third paragraph on page 2 should be changed to 'should be'.

ACTION: Motion and Second (Kuntz-Duriseti/Slomiak) to approve April 2012 minutes with indicated changes. The motion passes 6-0-1 (Abstain: Scott).

B5. Designate a Commissioner to Present EQC's Decision Process and Action to City Council Regarding Potential Irrigation Well Project

Action: Motion and Second (Slomiak/Kuntz-Duriseti) to move item B5 after item B1 passes unanimously.

Rebecca Fotu introduced that 1) a public meeting was held at Jack Lyle Park with many comments; 2) Staff is researching options and is not clear that this will come before Council; 3) project is several months away from coming to City Council, if at all; and 4) This item is on

tonight's agenda so that EQC can directly explain its prior dialogue and position on this issue should it come before Council.

Public Comment

- Elizabeth Houck is a Menlo Park resident that has attended 5 meetings on the proposed irrigation well project and believes best practices should be taken into consideration in considering substitution of ground water for surface water, whereas the Public Works Department is using older numbers from 2005. Ms. Houck urged the EQC to present a decision process to the City Council regardless of when the project comes up from Public Works Department and she expressed concern over how the Public Works Department is presenting views of residents.

Commissioner Comments

- Chris DeCardy indicated support for having a commissioner from the EQC present the commission's decision to the Council. Expressed concern over a postcard that was sent out by the Public Works Department on this issue that misrepresented the position of the EQC and the primary points of concern raised in our previous discussion. Indicated that the presentation should clearly present to Council the discussion and position of the EQC, the multiple concerns that we had, and that we saw it as a multi-part process. Also, indicated that this presentation should be made to the City Council regardless of when and if the irrigation well project goes back in front of the Council.
- Adina Levin indicated that by having a presentation time for the Council, the EQC would be able to present its process, reasoning, concerns about water supply and management in the City, and highlight that a policy plan is needed. Also, indicated a preference for scheduling the presentation when the project comes up as part of the discussion, since the City Council has a number of significant issues coming before it.
- Mitch Slomiak indicated that the presentation would allow the Council to have a question and answer period with the commissioner. Also, indicated that the specific well project may never come up before the Council; however, the EQC's presentation should be independent of a specific project and the presentation should be directed to expressing an overall policy concern independent of any one project.
- Doug Scott indicated that the EQC might approach this as a two-tiered process by presenting a memo to the Council sooner (on our position and concerns) and then follow up at a later date with a presentation. Also, indicated that the presentation should not specifically discuss issues of public support.
- Kristen Kuntz-Duriseti indicated that it might be more effective to get ahead of any discussion at the City Council level to influence process along the way versus waiting for it to come up on their agenda.
- Scott Marshall indicated that the concerns and position of the EQC on this issue are not being well represented by Public Works Department, and thus the EQC should be active in saying we do not believe that this is the way to go about doing this, and suggested being proactive in presenting our views on water management to the City Council.
- Mitch Slomiak indicated that the EQC needs to identify a commissioner who will take the lead on preparing a report that summarizes the discussion and opinion the commission took during that meeting. Also, indicated that this report is an opportunity to engage in a dialogue of what we would like staff to do.

ACTION: Motion and Second (Slomiak/Kuntz-Duriseti) to designate Chris DeCardy to present the EQC's decision process and action regarding the proposed irrigation well project and

provide recommendation(s) to discuss ground water management policies to the City Council passes unanimously.

B2. Discuss Funding Mechanisms for Potential Communitywide Greenhouse Gas Reduction Target

Rebecca Fotu introduced that the EQC discussed a couple funding sources for a potential GHG reduction target, including 1) grants; 2) utility user tax; and 3) public-private partnerships. The third option the EQC wanted to discuss with Chris DeCardy present.

Commissioner Comments

- Chris DeCardy indicated that public entities use of private entities to deliver services is common; however, it takes time to make this happen (several months to a year) and ultimately involves a legal agreement between the two entities. Explained that there are two types of capital that a private entity can put in place and both could be useful here: 1) program- or mission-related investment; and 2) direct grants to achieve philanthropy mission. Suggested that since the City is less familiar with navigating these relationships, it might make sense to approach it in stages; for example, start with staff having conversations with agencies/philanthropies to get a sense of interests and matches based on priorities of local government (where focus should be on things that are already policy and issue more with implementation). Suggested that the City needs to start with very open conversations (and not come to the agencies with specific ideas initially) to identify what the agencies might be interested in funding as there can be different matches, including: 1) broad support of geography and thus execution; 2) support directed to specific issues and development of best practices to see success; and 3) support directed to part of the community (e.g., equity issues).
- Mitch Slomiak indicated that it would be useful to come back to City Council with concrete examples of best practices the EQC has identified, a few cities doing climate action reduction activities with public-private partnerships, and agencies/foundations through which funding might be available. Also, proposed that if City Council selects 27% GHG reduction target, EQC and staff can then prioritize identifying funding sources that address energy and transportation by approaching appropriate agencies and indicating the policy is in place and we are searching for support.
- Adina Levin indicated that there could be opportunities on the transportation side (in addition to energy and waste) for public-private partnerships and might be useful to explore these as new policies/strategies emerge through the general plan process. Also, mentioned that funding sources might be pursued with just support in place (rather than an ordinance or full policy in place). Adina Levin indicated that the City might consider funding sources from both non-profit organizations and for-profit entities in considering transportation and energy ordinances. Also, indicated that there will be a study section on alternative transportation modes within the next few months that will likely generate additional ideas around programs and policy directed to GHG reduction.
- Scott Marshall indicated that we might consider what incentives agencies have in making decisions on support and consider how to make our programs desirable to them and their mission.
- Chris DeCardy suggested that the EQC request to City Council that they approve time for Rebecca to explore what is allowable in terms of private-public partnerships from the side of the City and what it is set up to do and what options/ opportunities are out there; if this can be driven by staff the EQC can assist. Believed this might require less than 15% time and should be approached in stages.

- Mitch Slomiak indicated that members of the EQC can also contribute time towards this, so that it is not only staff time.
- Douglas Scott indicated that with an election coming up the EQC might consider how this impacts the City Councils approach to these issues. D. Scott suggested that the EQC might come back to the Council with 1-3 specific recommendations of best options for being implemented and having impact. Also, indicated that the EQC might need to be specific with the City Council in terms of x number of weeks of staff time and support needed to explore these funding opportunities.
- Kristin Kuntz-Duriseti indicated that it might be important to clearly indicate to the City Council that there needs to be some allotment of staff time in order to explore funding for the GHG reduction target.
- Rebecca Fotu indicated that she has been authorized to spend time on Climate Action Plan (CAP) and these activities fall into that initial authorization. Suggests that she conduct an initial exploration of private-public partnership opportunities over the next few months, and then if there are opportunities to follow up on at that stage go back to Council for report on options and approval of more time.
- Mitch Slomiak requested that Rebecca ask either the CAP subcommittee or Chris DeCardy for help to identify appropriate foundations or projects as needed, and further indicated that the CAP subcommittee should check in on this in July and bring ideas for a report to Council to the EQC in August.

B3. Review and Approve Final Two Year Work Plan

Public Comment

- Elizabeth Houck called out ground water / aquifer management as an important task for the EQC, specifically including water management into building policies, and expressed concern that Menlo Park is allotted a certain amount of water for all future development.

Commissioner Comments

- Chris DeCardy requested a change to priority No. 1 “can be used to advance environmental sustainability” – and throughput work plan.
- Adina Levin requested that within step 4 the following change be made to “enable policy choices taken as part of the planning process to have better environmental outcomes.”
- Mitch Slomiak confirmed that the title of the subcommittee was changed to Sustainable Transportation Subcommittee as captured in the April minutes. Also, indicated that although integrated pest management was removed from the work plan and thus not a priority of the committee, it can still come before the EQC.
- Scott Marshall indicated the EQC might want to incorporate ground water management more directly into the two year work plan.
- Douglas Scott indicated that the audience was the City Council and tended to keep the plan broad and then say items are under this broader canopy. Also, requested that the first bullet point be changed to “engage with city staff”.
- Adina Levin indicated that specifically calling out ground water and grey water might be useful in terms of clarifying for the public what our focus is. Proposed adding to the end of priority No. 5: “including ground water and grey water.” DeCardy agreed with this statement.
- Kristin Kuntz-Duriseti indicated that it might be better to keep this more general to avoid it being associated with any one controversial project as there are bigger issues that need to be addressed.

ACTION: Motion and second (Scott/Levin) to approve the work plan with the changes discussed in the staff report and the EQC discussion passes unanimously.

B4. Discuss and Approve Quarterly Chair Report to City Council

Mitch Slomiak summarized his report to the City Council (focused on walking through changes to the work plan and updating on quarterly activities as a commission) and asked for feedback from the commissioners.

Improving Urban Canopy

Based on prior EQC recommendations, the City Arborist is now issuing quarterly reports on heritage tree plantings, removals, and other key metrics. The Heritage Tree Subcommittee is now collaborating with City Staff to

- Review approval process for heritage tree removal during development projects to improve sequencing of decisions, and harmonize the process with the Heritage Tree Ordinance. This is intended to result in greater time efficiency for the process and minimizing costs for all parties, and resources.
- Determine whether enforcement mechanisms can be implemented for heritage tree replacement requirements
- Other improvements to Heritage Tree Ordinance include identifying a replacement species list, overall urban forest health, etc.

Climate Action

The EQC is collaborating with staff to research funding sources for GHG-reduction initiatives and related staff resources. A new Sustainable Transportation Subcommittee was formed to focus on researching and strategically adopting best practices that enable municipalities to significantly reduce transportation-related GHG emissions through general and specific planning initiatives. This is important both because transportation emissions comprise 2/3 of Menlo Park's GHG footprint and by leveraging initiatives that are already funded, significant change is possible while building on existing City planning investments with the goals of supporting the City's economic development and quality of life.

Green Building Subcommittee

The Green Building Subcommittee will collaborate with staff on Green Building Codes phase II implementation by researching best practices in other communities. This Subcommittee will also research funding sources for other green initiatives, with a goal of capturing short- and long-term economic savings for residents in the community.

Review Discussion on Irrigation Well Project

There was significant public comment at the EQC regarding the currently proposed irrigation project being reviewed by staff that would result in groundwater being drawn from the unregulated San Francisquito Creek aquifer as an alternative to drawing on City resources. As a result of these comments, the EQC has expressed concern about the lack of integrated water management policies for this community resource and will be prepared to address comments to Council should staff have a proposed solution. Further, we would encourage the City Council to address these issues, regardless of any specific project, but in anticipation of proposals of a similar nature. At our next meeting we will be preparing a report for you on the water management policy issues that were raised during this process.

Commissioners Comments

- Christina Smolke indicated that the use of 'awkward' should be modified to something more clear and descriptive.
- Scott Marshall indicated that one of the major issues with the Heritage Tree Ordinance was one of order in the approval and appeal process that can result in it being a more drawn out process.
- Doug Scott indicated that time efficiency and minimization of cost should be emphasized for the Heritage Tree Ordinance process.
- Kristen Kuntz-Durseti indicated that the recommended activities should be phrased in a positive way and highlight that the process should be harmonized with the criteria of the Heritage Tree Ordinance.
- Adina Levin requested text be changed to 'while building on existing city planning investments'. In addition, requested 'with the goals of supporting the city's economic development and quality of life' be added to the end of the Sustainable Transportation Subcommittee.
- Chris DeCardy requested that 'with a goal of capturing short and long term economic savings to community' be added. In addition, suggested that the report encourage City Council to address water management issues regardless of a specific project, but in anticipation of future proposals of a similar nature.

ACTION: Motion and second (Slomiak/Scott) accepting the report and that the report will given by Mitch Slomiak to the City Council passes unanimously.

B6. Ratification of the Creation of a Transportation Ad Hoc Subcommittee

Mitch Slomiak indicated that there was initially some concern that this subcommittee might duplicate efforts of the transportation and bicycle commissions; however, Mitch Slomiak and staff was able to clarify that by focusing on reducing GHG through transportation is within the purview of the EQC.

Rebecca Fotu indicated that in the last meeting the description did not include the creation of an ad hoc transportation subcommittee.

ACTION: Motion and Second (Scott/Slomiak) to ratify the formation of the Sustainable Transportation Subcommittee passes unanimously.

C. REPORTS AND ANNOUNCEMENTS**C1. Staff Update on Environmental Policies to be Considered by City Council**

Rebecca Fotu indicated that surveys regarding polystyrene ban were sent out in April, including information on where to purchase alternatives. Of 25 responses received, 7 indicate they did not want the ordinance citing cost as a reason and quality of alternative products. No interest was expressed towards attending a community meeting on the topic. However, staff will host one stakeholder meeting in May, which will provide public opportunity to make comments. EQC will provide recommendation to Council in June. Inventory generally lasts 3-6 months, so generally a 3 month window would be sufficient for compliance if ordinance is adopted, and extensions can be granted by a county authority. Rebecca Fotu also indicated that the county is working on the EIR for a single use bag policy. Staff is performing outreach to community, asking value questions, and officially launching the campaign on June 20.

C2. Report on Tarleton Properties Earth Day Event

Rebecca Fotu and Mitch Slomiak attended Menlo Business Park on Earth Day, celebrating Tarleton Properties green retrofit of their business park. A number of control systems were put in to save on water and lighting, resulting in ~1 million lbs of GHG reductions (~1% of city's GHG reduction target). Suggested considering them for an EQC award next year.

C3. Announce Drive Less Challenge and Invite Individual Commissioners to Participate

Adina Levin indicated that Drive Less Challenge was underway, which is a friendly social competition to reduce driving alone and in car. Approximately 9 cities are participating this year.

Announcements

Adina Levin indicated that the EQC can look into larger opportunities for addressing General Plan in terms of work flow starting in 2013.

Rebecca indicated that changes in green building requirement in downtown specific plan have been made. For example, took out requirement that buildings be LEED-certified through certification by U.S. Green Building Council due to costs. Rebecca Fotu will let planners know that the EQC has a Green Building Subcommittee in place and working on these issues. If the City adopts a more stringent policy, this would apply to the downtown.

Adina Levine suggested that might want to recommend there be an auditor hired to do a review that is not LEED certification. Also, indicated that the City Council may want to refine this and should look at Planning Commission recommendations to better understand.

Mitch Slomiak requested that changes be circulated so that the EQC can look it over.

The El Camino Real tree plan and mission was to have more than one kind of tree on El Camino Real.

Doug Scott indicated that this project was almost complete and that there is more than one kind of London tree in place.

C4. Discuss Future Agenda Items

Future items for next meeting:

- Polystyrene Food Ware ordinance
- report on water management policy and discussion
- El Camino Real and downtown green building measures
- GHG target setting
- Heritage Tree subcommittee report
- Timing of July meeting and/or summer schedule

The meeting was adjourned at 8:56 p.m.

Meeting minutes prepared by Vice Chair Commissioner Smolke