



**CITY OF SOUTH PASADENA  
NATURAL RESOURCES AND ENVIRONMENTAL COMMISSION  
MINUTES – November 22, 2016**

**Roll Call** – The meeting was called to order at 7:02p.m. Present were Commissioners: Chair William Kelly, Vice-Chair Scott Kuhn, Al Benzoni, and Kay Findley. Absent were Commissioners Stephen Leider, Noah Puni, and Nancy Wilms, as well as Student Commissioner Hailey Bugg. Also present were Council Liaison Robert Joe, and Staff Liaison Jenna Shimmin.

**Minutes** –Minutes from September 27, 2016 were approved (Kuhn, Benzoni 4-0; Absent: Leider, Puni, and Wilms).

**Public Comments and Suggestions** – None.

**BUSINESS ITEMS**

1. **Use of pesticides and fertilizers at City parks (Shimmin)** – This item was tabled until the January, 2017 meeting, as the position of Park Supervisor is currently vacant. Public Works is suggesting any changes that come from this discussion be taken to Council during future contract negotiations. The current contract is set to expire in July, 2017.
2. **Gray Water (Benzoni)** – Craig Melicher, from Building and Planning, provided draft language that was more aggressive than what the NREC initially proposed. Commissioner Benzoni reviewed his emailed response to Craig, in which he expressed that while the NREC initially took the less aggressive stance, he fully supports the proposed language. There were just a few exceptions that he had:
  - a. Add language regarding an “Undue hardship” exemption, that requires a Building official to make the determination
  - b. Exclude bathroom sinks from the connection requirement because of the contents of the water that goes down drain (e.g. toothpaste, hair from shaving, etc.)
  - c. Consider making this applicable to complete remodels, where a home is “guttled”

Not including commercial properties, at this time. But there was discussion over whether or not multi-family should be included in this, and at what size is a multi-unit property is considered commercial. The NREC would like this item to go before the Planning Commission for its input on the multi-family/commercial issue, as well as the requirement for complete remodels to comply.

Commissioner Benzoni suggested supporting the draft language with the following changes (Motion: Chair Kelly, Second: Kuhn, Favor: All [4], Against: 0):

- Add language for “Undue hardship”
- Look at the applicability to complete remodels

- Exclude bathroom sinks from the connection requirement
  - Keep to residential dwellings of 2 units or less
3. **Tree Ordinance review (Kelly)** – Discussed the importance of proper tree care, especially in regards to proper tree trimming practices, and proper tree planting (right tree, right place). The commissioners feel that there should be language in the Tree Ordinance regarding mandatory property maintenance (watering, trimming, etc.). They also feel that the City needs to maintain a focus on trees, especially with the LLMD ballots going out soon, and the potential increase of funds available for tree maintenance, replacement, and improved irrigation systems. The commission wants to look at the necessity of altering the ordinance language to cover private property trees, and what is currently available as far as enforcement. Also, some of the code is contradictory and should be updated to be consistent.

Commissioner Benzoni will continue to look into this to get answers to all their questions, so that the NREC can move forward with recommending changes to the ordinance.

The commission asked staff to look into the possibility of Tree Removal Permit requests being added to the online request portal. Also, are the tree removal permit requests public records? They would like to see the process be more transparent. Possibly allow public access to a tree removal permit database (spreadsheet, etc.) so that residents can know about a removal request in their area.

The commission discussed the possibility of tree issues brought to the NREC, instead of the building commission, to ensure that the correct species and care are being approved. Perhaps the Planning Commission shouldn't be the sole purveyor of all things tree related when it comes to developments. Staff, either Public Works or Environmental Programs, should review. Site plans with tree issues should be subject to approval by a designated person, similar to the Landscape Plan Check process. Need to look into what other cities do in regards to this issue.

Commissioner Benzoni to email staff a modified tree questionnaire that will be sent out.

4. **Organic Waste Ordinance (Shimmin)** – Jenna Shimmin discussed the requirements of AB 1826, which requires generators of organic waste to separate it for pick up, and diversion to a source other than a landfill. Staff will be taking an item to Council on December 21<sup>st</sup> to approve an ordinance governing this requirement. There will be 17 businesses affected in total as of January 1, 2017, per the requirements of AB 1826. The commission requested to know who these affected businesses are.
5. **Water Conservation Programs and Drought Actions (Shimmin)** – The City had a total water reduction of 24% for October 2016 versus the same month in 2013. This gives the City a cumulative reduction of 27% since June 2015.
6. **December's meeting (Shimmin)** – Would like to have a joint meeting of the NREC and Renewable Energy Council (REC) for a presentation from a company called Climatech,

regarding the next step for recommendations in the REC's report. To be held December 8<sup>th</sup> at 7 pm, and the regular meeting on December 27<sup>th</sup> will be canceled.

#### **INFORMATION ONLY**

7. **Urban Forest Update** – Jenna Shimmin provided an update that trimming is near completion in the following grids: Grid 9 (90% complete) south east side of City, Grid 8B (78% complete) eastern side of the City. Staff is currently in the process of planning the remaining grid pruning, tree removals and replacements.  
Trimming has been completed in the Arroyo Park and along Arroyo Drive. It was recently discovered that numerous trees in the Arroyo are infested with the polyphagous shot hole borer, a beetle, and will need to be removed or treated.
8. **Upcoming Events** – LLMD Community Meeting on November 29<sup>th</sup> at 6:30pm; Mayor's State of the City Address on December 14<sup>th</sup>.

**Chair Communications-** None at this time.

#### **Commissioner Communications-**

Commissioner Benzoni: No updates at this time.

Commissioner Findley: Gave an update from the Stable Committee – the committee has recommended hiring ICG, which is an independent consulting group. It will cost \$15,000, or less, to have ICG assist with an assessment of what is needed at the stables. The commission is having a hard time getting commissioners to attend the meetings, which is slowing things slightly.

Commissioner Kuhn: He is terming out next month, leaving a vacancy on the NREC. He expressed his gratitude to his fellow commissioners, and stated that he enjoyed his time on the NREC.

**Council Liaison Communications-** None at this time.

**Staff Liaison Communications-** None at this time.

**Adjournment** – Vice-Chair Kuhn motioned to adjourn the meeting at 8:35 p.m., Commissioner Benzoni seconded. Ayes: All (Absent – Leider, Puni and Wilms), Nays: None.

**NEXT MEETING** – The next meeting of the Natural Resources and Environmental Commission will be held on December 8, 2016 at 7:00 p.m.

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William Kelly, Chair

**CITY OF SOUTH PASADENA  
NATURAL RESOURCES AND ENVIRONMENTAL COMMISSION  
MINUTES – December 8, 2016**

**Roll Call** – The meeting was called to order at 7:06p.m. Present were NREC Commissioners: Chair William Kelly, Al Benzoni, Kay Findley, Stephen Leider, and Nancy Wilms, as well as Student Commission Hailey Bugg; and REC members: Andy Eaton, Bill Glauz, and Dan Snowden-Ifft. Absent were Vice-Chair Scott Kuhn and Commissioner Noah Puni. Also present was Staff Liaison Jenna Shimmin. NREC Council Liaison Robert Joe was not present, but Councilmember Michael Cacciotti was.

**Minutes** –Approval of the minutes from November 22 , 2016 were tabled until the January meeting.

**Public Comments and Suggestions** – None.

**BUSINESS ITEMS**

1. **Lighting and Landscape Maintenance District Assessment Update (Courdy)** – Paul Toor, the Public Works Director, reviewed the presentation that is given at community meetings. It includes the history of the Lighting and Landscape Maintenance District Assessment (LLMD), the benefits of trees in South Pasadena, and challenges our urban forest faces. Mr. Toor also went on to discuss what the LLMD update funds will go towards, the timelines for the measure, and reviewed a cost comparison of the current assessment versus the proposed changes. Ballots have been mailed out and are due back by January 18, 2017. Of the ballots mailed, 50% went to local property owners and the other 50% went to owners of multi-family units or property owners who reside outside of South Pasadena.

For more information, residents are encouraged to visit the Public Work’s section of the website. Here they will find a map of the various LLMD assessment zones on the City’s website, along with the engineers report.

2. **Renewable Energy Council Report Feasibility Presentation (Shimmin)** – Jennifer Shimmin introduced Frank Mann, Account Manager with Climatec, LLC. Mr. Mann introduced the rest of his team, Jeff Bartel and Matthias Grauer. Frank gave a presentation on “Energy & Water Feasibility Assessment”, based on the Renewable Energy Council’s report. This presentation outlined the program goals, the City’s needs, the benefit of self-funding improvements, the RFP procurement path, and an analysis of the City’s utility usage. It then went out to cover the various identified efficiency measures: street light acquisition from Edison, and LED bulb replacement, which would include wireless management; lighting upgrades to the interior and exterior of City facilities, including field and park lighting; building automation; mechanical upgrades to the HVAC units, as well as to the water pumps; solar systems at various City facilities; EV charging stations; and smart water meters with smart meter communication abilities. Next he went over the financial highlights of

implementing this program, which included the total projected costs, anticipated lifecycle savings, general fund relief, and the capital required to fund the project. He discusses the several funding sources available, including SCE partnerships, on-bill financing, grants, guaranteed savings, capital budgets, municipal financing, and bonds. And lastly he recapped all of the benefits the City would see if it implemented this program.

A needs matrix was provided that highlighted which facilities would benefit from which aspect of the proposed program. There were six main categories: Street Lighting, Building Automation Systems, Lighting, Mechanical, Renewables, and Water Infrastructure.

- Street Lighting: The City would acquire the remaining street lights from SCE. The new lights would be dimmable, with wireless management. Parking lot lights would be dimmable with a motion sensor to increase the light when someone walks through.
- Building Automation Systems: Would provide better temperature control.
- Mechanical Upgrades: HVAC system upgrades or replacement. Installation of hybrid gas driven water pumps.
- Solar: Proposed at City Hall and adjacent parking areas, the Senior Center, Wilson Reservoir, Westside Reservoir, and the golf course driving range.
- EV Charging: Could be connected to the solar systems.
- Smart Water Meters: AMI meters could be installed that provide wireless access to meter data, more accurate and timely data, as well as customer access to their data.
- Financial Highlights: 15 year lifecycle for more equipment, and 25 year for the solar systems.
- Funding Sources: To look for the possibility of low interest or zero interest financing; general fund relief; grants; Clean Renewable Energy bonds; or municipal funding.
- Benefits: Four main benefits, energy savings, financial savings, positive environmental impact, and improved public safety.

Next steps after the presentation would be for staff to generate a RFP for a detailed audit. Once the audit has been completed to determine actual needs and feasibility, a RFP would be generated for the measures the City wishes to move forward with. Lastly, staff would choose a company based on responses, which would design, build and implement the desired projects.

Public Comment – Daniel Snowden-Ifft (REC): Asked what priority each item in the matrix has. -Frank answered that a detailed audit would help identify the “low hanging fruit”, and the long term capital needs. The audit would identify the best project portfolio for the City.

Commissioner Comments: Commissioner Wilms – Asked about the total anticipated lifecycle savings, and whether it would be for energy and water or just one of those. – Frank answered that there would be savings in both categories, but that most of the measures are energy related. He mentioned that the savings from street lights is easy to calculate because it's a set rate. Their rough analysis didn't go in depth on building and lighting, it simply used historical trends that they are confident the actual figures will follow.

Chair Kelly – Asked what the actual benefits of smart meters are. – Frank answered that there is an increased accuracy because the meters are brand new, that they can be remotely read (reducing the need for meter readers), and that customers can access their data to check their real time usage. – Bill then mentioned that the REC looked at all utility bills and zeroed in on the Wilson Reservoir because of high usage. He then asked what load would be offset at the library and golf course, and why the Garfield Reservoir wasn't included. – Frank answered that they would be marginal, and that a final analysis would determine feasibility. He then said that the Garfield Reservoir was removed at staff's request because it is under construction. – Bill asked about fleet upgrades and Frank answered that those aren't in the company's purview.

Commissioner Leider – Asked what makes the new meters better. – Frank explained his is because the mechanisms inside are new, they are more reliable, and also they can collect more data in real time.

Commissioner Benzoni – Expressed a desire to see solar at the Garfield Reservoir. He also asked about the feasibility of installing solar street lights, and what portion of the street light would be replaced in the upgrade. He also inquired about the mesh network, and what would happen to the lights if the network went out, and also what happens if one of the LED bulbs goes out. – Frank responded that solar powered street aren't cost efficient on the grid, and that just the lamp portion of the street light would be replaced. He also explained that if the network went out the lights would lose the customized functionality, but would remain on; and if a bulb or two went out, the light should still function as well. –

Commissioner Benzoni then asked about the accuracy of the improved efficiency that the HVAC system replacement would have at Eddie Park. – Frank answered that main focus for this measure would be City Hall, but that Eddie Park was included because of the age of the system. – Benzoni then asked about the slide regarding finance options and the interest rate percent for CREBs. – Frank explained that the interest rates change every day and so the actual rate the City would get would depend on the day the loan was finalized.

Public Comment: Andy Eaton (REC) – Noted that the net amount of the maintenance cost or general fund relief is inclusive of the interest rate, etc.

Daniel Snowden-Ifft (REC) – Is interested in seeing more of a break out of the cumulative figures. – Frank responded that with a detailed audit that would be provided, and that this presentation is more of a feasibility level presentation.

Commissioner Comments: Commissioner Wilms – Asked for clarification on the general fund financing line item. – Frank explained that the City could fund a measure and it would be offset by the amount of expense the General Fund would no longer have to cover.

Chair Kelly – Asked if most of the energy savings comes from solar, and for an explanation on the gas driven water pumps. – Frank explained that yes they would be, but that street lights provide a good amount of savings, as well. He also went on to explain that the gas driven pumps are a hybrid that can use natural gas during peak hours and electricity during off peak hours, thus saving not only energy, but money as well. AQMD would approve a permit to install. These weren't included in the cost savings analysis. If solar were installed at these facilities, the gas driven pumps wouldn't be necessary. – Chair Kelly mentioned that due to an over excess of energy on the grid, generated by solar, regulators are considering switching peak hours/times. He asked how this would affect things if solar were installed. – Frank answered that as long as enough energy is generated to stay behind the meter, the energy purchased during peak hours would be minimal in comparison to now.

#### **INFORMATION ONLY**

3. **Urban Forest Update** – Kristine Courdy provided an update that trimming has been completed in the following grids: Grid south east side of City, Grid 8B eastern side of the City. Staff is currently in the process of planning the remaining grid pruning, tree removals and replacements.
4. **Upcoming Events** – South Pasadena Beautiful hosted LLMD Community meeting on December 13<sup>th</sup> at 6:30pm; Mayor's State of the City Address on December 14<sup>th</sup>.

**Chair Communications-** Wished everyone happy and safe holidays.

#### **Commissioner Communications-**

Commissioner Benzoni: Talked about a ZEV vehicle company that is making clean diesel engines for GM will emit air that is cleaner than the air taken in.

Commissioner Findley: Gave an update from the Stable Committee – the committee has met with Ron Hagan, and the RFP was approved at the December 7<sup>th</sup> Council meeting. They are working with Sheila in Community Services to get things started with ICG.

Commissioner Leider: No updates at this time.

Commissioner Wilms: No updates at this time.

**Staff Liaison Communications-** Gave an update on the EPS ban outreach efforts, which literature and a website are in development for; advised the commission that there is a grant available from CalFire that would assist in developing an Urban Forestry Management Plan, not able to apply this time around, but will be prepared for the next grant cycle; and advised the commission that an item is going to Council on December 21<sup>st</sup> to approve an Organic Waste program.

**Adjournment** – Commissioner Leider motioned to adjourn the meeting at 8:40 p.m., Commissioner Benzoni seconded. Ayes: All (Absent – Kuhn, and Puni), Nays: None.

**NEXT MEETING** – The next meeting of the Natural Resources and Environmental Commission will be held on January 24, 2017 at 7:00 p.m.

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William Kelly, Chair

Item No. 5

# City of South Pasadena Agenda Report

Michael A. Cacciotti, Mayor  
Richard D. Schneider, M.D., Mayor Pro Tem  
Robert S. Joe, Councilmember  
Marina Khubessian, M.D., Councilmember  
Diana Mahmud, Councilmember

Evelyn G. Zneimer, City Clerk  
Gary E. Pla, City Treasurer

COUNCIL AGENDA: January 18, 2017  
TO: Honorable Mayor and City Council  
VIA: Sergio Gonzalez, City Manager SA  
FROM: Paul Toor, Public Works Director  
Kristine Courdy, Public Works Operations Manager KC  
SUBJECT: **First Reading and Introduction of Ordinance to Amend Subsection (d) of Section 34.3 (Violations) of Chapter 34 (Trees and Shrubs) and Amending Subsection 21.7 (Harming or Removal of Trees, Turf, Etc.) of Chapter 21 (Parks) of the South Pasadena Municipal Code**

### Recommendation

It is recommended that the City Council introduce an ordinance entitled "An Ordinance of the City Council of the City of South Pasadena, California, amending Subsection (d) of Section 34.3 (Violations) of Chapter 34 (Trees and Shrubs) and amending Subsection 21.7 (Harming or Removal of Trees, Turf, Etc.) of Chapter 21 (Parks) of the South Pasadena Municipal Code," and waive further reading.

### Fiscal Impact

South Pasadena Municipal Code (SPMC) amendments to Subsection (d) of Section 34.3 of Chapter 34 and Subsection 21.7 of Chapter 21 are expected to have less than significant financial impact overall.

### Commission Review and Recommendation

This matter was not reviewed by a Commission.

### Background

The City of South Pasadena (City) has been a Tree City USA for over 17 years. One of the requirements in achieving that status is that the City must have a Tree Care Ordinance. Adopted on February 20, 1991, Ordinance No. 1991 enacted SPMC Sections 34.1 through 34.10, referred to as the Tree Ordinance. The Tree Ordinance has been modified several times, most recently on October 17, 2012, under Ordinance No. 2237.

The City Council established the rules and regulations for Public Parks within the City under Ordinance No. 729 on November 13, 1929, currently SPMC Chapter 21. On June 6, 1990 under Ordinance No. 1983, Subsection 21.7 (Removal of trees, turf, etc.) was amended to read "It is

unlawful for any person to cut or remove any, tree, wood, turf, rock, sand, gravel or earth, or to pick flowers in any park.”

The City Tree Ordinance, SPMC Chapter 34, and Park Rules, SPMC Chapter 21, aims to protect all trees within the City. There have been reports of hanging piñatas, objects, signs and swings from trees on public property. In order to preserve public trees it is being proposed to amend the SPMC Section 34.3 and Subsection 21.7 to clearly state that it is unlawful for any person to harm City trees.

#### **Analysis**

The proposed ordinance would modify SPMC Subsection (d) of Section 34.3 (Violation) of Chapter 34 (Trees and Shrubs) to clearly state that it is a violation to harm by any means, damage or cause to be damaged to any tree including but not limited to any significant, mature, heritage or native species tree located within the City.

The proposed ordinance would also modify SPMC Subsection 21.7 (Harming or Removal of Trees, Turf, Etc.) of Chapter 21 (Parks) to clearly state that it is a violation to harm by any means, damage or cause to be damaged to any park tree or any tree located on public property.

#### **Legal Review**

The City Attorney has reviewed this item.

#### **Public Notification of Agenda Item**

The public was made aware that this item was to be considered this evening by virtue of its inclusion on the legally publicly noticed agenda, posting of the same agenda and reports on the City's website and/or notice in the *South Pasadena Review* and/or the *Pasadena Star-News*.

Attachments: Ordinance

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF SOUTH PASADENA, CALIFORNIA,  
AMENDING SUBSECTION (d) OF SECTION 34.3 (VIOLATIONS)  
OF CHAPTER 34 (TREES AND SHRUBS) AND AMENDING  
SUBSECTION 21.7 (HARMING OR REMOVAL OF TREES,  
TURF, ETC.) OF CHAPTER 21 (PARKS) OF THE  
SOUTH PASADENA MUNICIPAL CODE

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH  
PASADENA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1.** Subsection (d) of Section 34.4 Violations of Chapter 34 (Trees and Shrubs) is amended to read as follows: *(new words or phrases are underlined; deletions are indicated by being stricken through)*

**34.4 Violations.**

(d) It is unlawful for any person to harm by any means, damage or cause to be damaged any significant or mature heritage tree, significant or mature Oak tree, or significant or mature tree, mature tree, heritage tree or native species tree located within the city.

**SECTION 2.** Section 21.7 (Removal of trees, turf, etc.) of Chapter 21 (Parks) is amended to read as follows: *(new words or phrases are underlined; deletions are indicated by being stricken through)*

**21.7 Harming of trees, turf, etc.**

- (a) It is unlawful for any persons to cut or remove any tree, wood, turf, rock, sand, gravel or earth or to pick any flowers in any park
- (b) It is unlawful for any person to harm any park tree or any tree located on public property by cutting, exposing to deleterious substances, burning, allowing wire to constrict the bark, disfiguring by any means of graffiti, nailing or tacking of a sign or other construction material or structure into the bark or branches of a tree, hanging of piñatas or striking a tree with any object, hanging of swings, lanterns or other ornamentation or devices; or otherwise climbing upon any tree for purposes other than authorized maintenance.

**SECTION 3. SEVERABILITY.** If any provision, section, paragraph, sentence or word of this ordinance, or the application thereof to any person or circumstance, is rendered or declared invalid by any court of competent jurisdiction, the remaining

provisions, sections, paragraphs, sentences or words of this ordinance, and their application to other persons or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this ordinance are severable.

**SECTION 4. CEQA.** This ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to 14 Cal. Code Regs. Section 15378 (b)(5) as an agency organizational or administrative active that produces no physical changes to the environment.

**SECTION 5. EFFECTIVE DATE.** This ordinance shall take effect thirty (30) days after its passage and adoption pursuant to California Government Code Section 36937.

**SECTION 6.** This ordinance shall take effect thirty (30) days after its final passage, and within fifteen (15) days after its passage, the City Clerk of the City of South Pasadena shall certify to the passage and adoption of this ordinance and to its approval by the Mayor and City Council and shall cause the same to be published in a newspaper in the manner required by law.

**PASSED, APPROVED, AND ADOPTED ON this \_\_\_ day of \_\_\_, 2017.**

\_\_\_\_\_  
Michael A. Cacciotti, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Evelyn G. Zneimer, City Clerk  
(seal)

\_\_\_\_\_  
Teresa L. Highsmith, City Attorney

Date: \_\_\_\_\_