

## REPORT TO CITY COUNCIL

**DATE: FEBRUARY 28, 2024**

**TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

**FROM: NATHAN HAMBURGER, CITY MANAGER**

**BY: JESSICA FORTE, DIRECTOR OF PUBLIC WORKS/CITY ENGINEER**

**SUBJECT: INTRODUCTION OF ORDINANCE 24-476 FOR CITY OF AGOURA HILLS TO ACHIEVE TREE CITY USA DESIGNATION**

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The City Council identified achieving Tree City USA designation as one of the goals for FY 2023-24. There are four criteria for completing the application, including 1) designation of a City department responsible for tree care, 2) adopting a tree care ordinance, 3) maintaining an annual tree related budget of \$2 per capita or greater, and 4) proclaiming Arbor Day and observance of Arbor Day.

The Public Works Department currently manages the Tree Trimming contract for all City parkways and medians, and works in conjunction with the Community Services Department to provide tree maintenance services for City-owned trees in City Parks. Therefore, staff recommends designation of the Public Works Department as the department responsible for tree care for the City.

This report presents Ordinance No. 24-476 in order to meet the second of these requirements.

The City currently appropriates an annual budget of \$75,000 for street tree maintenance, which is nearly twice the minimum requirement set by the Arbor Day Foundation. Other tree maintenance and planting investments are made by the City through improvement projects like the implementation of the Arterial Streetscape Master Plan, Oak Mitigation for the Agoura Road Widening Project, the Ladyface Greenway, among others.

At its February 14 meeting, City Council proclaimed Arbor Day as April 26, 2024.

Should this Ordinance be adopted, the final step to completing the City's Tree City USA application is the celebration of Arbor Day, which is currently planned for April 26, 2024, with the 4<sup>th</sup> grade students at Sumac Elementary, planting a native California Sycamore at Sumac Park.

## **FISCAL IMPACT**

The Street Tree Maintenance Account appropriates adequate funding to meet the Tree City USA standards. Through the adoption of the Ordinance, the City commits to appropriating funding for tree care in an amount of \$2 per capita annually into the future in order to maintain the Tree City USA designation.

## **RECOMMENDATION**

Staff respectfully recommends the City Council waive full reading and introduce Ordinance No. 24-476; Community Tree Management.

Attachment: Ordinance No. 24-476

**ORDINANCE NO. 24-476**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, ADDING CHAPTER 8 (COMMUNITY TREE MANAGEMENT) TO ARTICLE VII (STREETS) OF THE AGOURA HILLS MUNICIPAL CODE, AND FINDING THAT THIS ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15378(B)(5) AND 15061(B)(3)**

**WHEREAS**, community tree ordinances are adopted by communities striving to attain a healthy, vigorous and well-managed urban forest; and

**WHEREAS**, the community tree ordinance shall include the authorizations, regulations, and policies necessary to consistently and objectively manage the urban forest.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AGOURA HILLS DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** Article VII (Streets) of the Agoura Hills Municipal Code is hereby amended to add a new Chapter 8 (Community Tree Management) to read as follows:

**“Chapter 8. COMMUNITY TREE MANAGEMENT.**

Sections:

- 7801. Purpose.
- 7802. Definitions.
- 7803. Authority and Power.
- 7804. Duties of Authorized Department.
- 7805. Prohibition against harming public trees.

**7801. Purpose.**

To enhance the quality of life, and the present and future health, safety, and welfare of all residents, to enhance property values, and to ensure proper planting and care of trees on public property, the City Council herein delegates the authority and responsibility for managing trees on public property, establishes practices governing the planting and care of trees on public property, and makes provision for the removal of trees under certain conditions.

**7802. Definitions.**

As used in this Article, the following words and phrases shall have the meanings indicated:

**Damage** – any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part of the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

**Director** – the Director of Public Works/City Engineer and/or their designee.

**Nuisance** – any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety, and welfare.

**Parkway** – the area along a public street between the curb and the sidewalk; or if there is no curb or sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.

**Public property** – all grounds and rights-of-way (ROWs) owned or maintained by the City.

**Public tree** – any tree or woody vegetation on city-owned or city-maintained property or rights-of-way.

**Top** – the non-standard practice of cutting back of limbs to stubs within a tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

### **7803. Authority and Power.**

(a) **Delegation of authority and responsibility.** The Director shall have full authority and responsibility to regulate and conduct the planting, pruning, maintenance and removal of trees and woody plants growing in or upon all municipal streets, rights-of-ways, city parks, and other public property. With the exception of any Oak Tree (as defined in Appendix A (Oak Tree Preservation Guidelines) of Article IX of this code), this shall include the emergency removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease, on publicly owned properties.

(b) **Coordination among city departments.** All city departments will coordinate as necessary with the Director and will provide services as required to ensure compliance with this ordinance as it relates to streets, alleys, rights-of-way, drainage, easements, and other public properties not under direct jurisdiction of the Director.

(c) **Interference.** No person shall hinder, prevent, delay, or interfere with the Director or his or her agents while engaged in carrying out the execution or enforcement of this ordinance.

#### **7804. Duties of Authorized Department.**

The City Council hereby delegates tree care decisions, with the exception of decisions related to any Oak Tree (as defined in Appendix A (Oak Tree Preservation Guidelines) of Article IX of this code), to the Public Works Department, hereinafter referred to as the "PW Department." The Director shall continue to make Oak Tree determinations consistent with section 9657 of this Code.

(a) **Duties.** The PW Department shall:

- (1) Coordinate and promote Arbor Day activities;
- (2) Support public awareness and education programs relating to trees;
- (3) Review city department concerns relating to tree planting, care and removal;
- (4) Assist with the initial application and any subsequent renewal or recertification applications to maintain the city's Tree City USA designation;
- (5) Maintain a list of tree species for planting on city property; and
- (6) Other duties that may be assigned by City Council.

#### **7805. Prohibition against harming public trees.**

(a) It shall be unlawful for any person, firm, partnership, association, corporation or joint venture to damage, remove, or cause the damage or removal of a tree on public property without prior written permission from the Director.

(b) It shall be unlawful for any person, firm, partnership, association, corporation or joint venture to attach any cable, wire, sign, or any other object to any public tree without prior written permission from the Director.

(c) It shall be unlawful for any person, firm, partnership, association, corporation or joint venture to "top" any public tree. Trees severely damaged by storms, fires or other causes, where best pruning practices are impractical, may be exempted from this provision at the determination of the Director.

(d) Any person, firm, partnership, association, corporation, joint venture or city department performing construction near any public tree(s) shall, prior to the commencement of construction, consult with the Director and shall employ appropriate measures to protect the tree(s), according to procedures contained in the American National Standards Institute (ANSI) A300 Tree Care standards, as may be amended from time to time.

**SECTION 2. SEVERABILITY.**

The City Council declares that should any word, sentence, clause, paragraph, or provision of this Ordinance be held to be invalid or unconstitutional the remaining provisions of this Ordinance shall remain in full force and effect.

**SECTION 3. CEQA FINDINGS.**

This Ordinance is exempt from the requirements of CEQA pursuant to Title 14 of the California Code of Regulations, Section 15378(b)(5) and Section 15061 (b) (3) because it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment. The proposed Municipal Code amendments are minor policy changes, reorganization of existing ordinance provisions, changes required by state law or revisions that reflect the City's standard practice and patterns with respect to preservation, protection, management, and maintenance of trees. The City Council of the City of Agoura Hills hereby adopts a Notice of Exemption for the Ordinance and directs staff to file it as required by law.

**SECTION 4. EFFECTIVE DATE.**

This Ordinance shall take effect thirty (30) days after its adoption.

**SECTION 5. CERTIFICATION.**

The City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published at least once in the local newspaper of general circulation within the City of Agoura Hills.

**PASSED, APPROVED, AND ADOPTED**, this    day of        2024, by the following vote to wit:

- AYES:        ( )
- NOES:       ( )
- ABSENT:    ( )
- ABSTAIN:   ( )

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Illece Buckley Weber, Mayor

ATTEST:

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Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

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Candice K. Lee, City Attorney