

**RESOLUTION NO. 2021-07**

**A RESOLUTION OF THE CITY OF OLMOS PARK ADOPTING A POLICY RELATING TO USE OF TREE MITIGATION FUNDS COLLECTED BY THE CITY AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 32-277 of the Code of Ordinances (“City Code) of the City of Olmos Park, Texas (“City”), authorizes the collection of fees in lieu of mitigation for removal of certain heritage trees within the City; and

**WHEREAS**, Section 32-277(a)(4)(c) of the City Code requires that all fees collected pursuant to that section shall be used for one or more purposes enumerated therein; and

**WHEREAS**, the City Council of the City of Olmos Park has determined that the policy adopted by this Resolution is necessary to provide City staff with clear guidelines governing expenditures of the City’s tree mitigation fund; and

**WHEREAS**, the City Council hereby adopts the following policy relating to proper use of the City’s tree mitigation fund.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF OLMOS PARK, TEXAS THAT:**

**SECTION 1.** The City of Olmos Park hereby approves of and adopts the Tree Mitigation Fund Policy, attached hereto and incorporated herein as Attachment A, as the official policy of the City regarding use of fees collected in lieu of other tree mitigation measures, which fees are collectively known as the City’s Tree Mitigation Fund.

**SECTION 2.** City Staff shall from time to time, as deemed appropriate by the City Manager, rely upon the policy adopted herein to expend funds from the Tree Mitigation Fund.

**SECTION 3.** This Resolution shall take effect upon passage by the City Council.

**PASSED AND APPROVED** by the City Council of Olmos Park, Texas this the 17<sup>th</sup> day of November 2021.

**APPROVED:**

\_\_\_\_\_  
RONALD HORNBERGER  
Mayor

**ATTEST:**

\_\_\_\_\_  
KYNDRA MUNOZ  
City Secretary

**ATTACHMENT A**

**TO 2021 RESOLUTION ADOPTING TREE MITIGATION FUND POLICY**

**TREE MITIGATION FUND POLICY**  
**City of Olmos Park, Texas**

**Tree Mitigation Fund.** Fees collected in lieu of mitigation resulting from removal of certain heritage trees under Article X – Tree Preservation of the City Code are deposited within a Tree Mitigation Fund, which shall only be used in accordance with this policy and applicable local law.

**Authorized Uses.** The Tree Mitigation Fund may be used for any of the following:

- (1) the planting and maintenance of trees in publicly owned property or public rights-of-way;
- (2) to assist with the elimination of oak wilt anywhere within the City;
- (3) to fund tree preservation and planting programs within the City; and/or
- (4) to support supplemental landscape plantings in public areas of the City, including replacing a dead or diseased tree that is owned by the City, beautification of the business district or other public area, and/or planting of a shade tree

**Authorized Tree Species:** Any of the following species of tree may be purchased using the Tree Mitigation Fund:

<b><u>Common Name</u></b>	<b><u>Botanical Name</u></b>
Anaqua	Ehretia annacua
Black Chery, Escarpment	Prunus serotina var. eximia
Black Walnut	Juglans nigra
Cedar, Deodora	Cedrus deodara
Crepe Myrtle	Lagerstroemia indica
Cypress, Arizona	Cupressus arizonica
Cypress, Montezuma	Taxodium mucronatum
Elm, Cedar	Ulmus crassifolia
Maple, Uvalde Bigtooth	Acer grandidentatum
Mesquite	Prosopis glandulosa
Oak, Blackjack	Quercus marilandica
Oak, Bur	Quercus macrocarpa
Oak, Chinkapin	Quercus muhlenbergii
Oak, Lacy	Quercus laceyi
Oak, Live	Quercus spp.
Oak, Mexican White	Quercus polymorpha
Oak, Texas Red	Quercus buckleyi
Oak, Shumard Red	Quercus shumardii
Olive, Mexican	Cordia boissieri
Palm, Sabinal	Sabal texana

Pecan	<i>Carya illinoensis</i>
Persimmon, Texas	<i>Diospyros texana</i>
Magnolia, Southern	<i>Magnolia grandiflora</i>
Sycamore, Mexican	<i>Platanus mexicana</i>
Texas Mountain Laurel	<i>Sophora secundiflora</i>

**Application for Use of Funds.** Any resident of the City of Olmos Park or the City Council, on its own initiative, may submit a request in writing to the City Secretary to propose an expenditure from the Tree Mitigation Fund. If the proposed expenditure complies with this policy and related provisions of local law, the proposed expenditure shall be placed on the agenda for consideration at the next regular meeting of City Council.

Before any action is taken by City Council, City staff shall advise City Council members regarding the maintenance efforts (i.e. watering, pruning, etc.) required by the proposed expenditure, and confirm that implementation of the proposal will not adversely affect the operation of any City department.

If a motion in favor of the proposed expenditure is approved by City Council, City staff shall be authorized to take appropriate action(s) to implement the proposed expenditure in accordance with this policy.

**Public Notice Required.** Before planting or relocating a tree pursuant to this policy, a written sign shall be placed at the proposed location for at least seven (7) days to provide notice to the public of the proposed location for the new or relocated tree. Such notice must include the size and species of the proposed tree, and be prominently displayed.



# THE CITY OF OLMOS PARK

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*City Manager*

Kyndra Munoz  
*City Secretary*

Rene Valenciano  
*Chief of Police*

Michael Goodreau  
*Fire Chief*

Gilbert DeLeon  
*Director of Public Works*

## APPLICATION FOR USE OF TREE MITIGATION FUNDS

Applicant Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email address: \_\_\_\_\_

Tree Location: \_\_\_\_\_

Date of planting: \_\_\_\_\_

Cost of Tree/Installation: \_\_\_\_\_

Other details, as needed: \_\_\_\_\_

### Please mark what type of authorized use below:

- (1) the planting and maintenance of trees in publicly owned property or public rights-of-way;
- (2) to assist with the elimination of oak wilt anywhere within the City;
- (3) to fund tree preservation and planting programs within the City; and/or
- (4) to support supplemental landscape plantings in public areas of the City, including replacing a dead or diseased tree that is owned by the City, beautification of the business district or other public area, and/or planting of a shade tree or a memorial tree

### Please circle the tree species to be used below:

<u>Common Name</u>	<u>Botanical Name</u>
Anaqua	Ehretia annacua
Black Chery, Escarpment	Prunus serotina var. eximia
Black Walnut	Juglans nigra
Cedar, Deodora	Cedrus deodara

Crepe Myrtle	Lagerstroemia indica
Cypress, Arizona	Cupressus arizonica
Cypress, Montezuma	Taxodium mucronatum
Elm, Cedar	Ulmus crassifolia
Maple, Uvalde Bigtooth	Acer grandidentatum
Mesquite	Prosopis glandulosa
Oak, Blackjack	Quercus marilandica
Oak, Bur	Quercus macrocarpa
Oak, Chinkapin	Quercus muhlenbergii
Oak, Lacy	Quercus laceyi
Oak, Live	Quercus spp.
Oak, Mexican White	Quercus polymorpha
Oak, Texas Red	Quercus buckleyi
Oak, Shumard Red	Quercus shumardii
Olive, Mexican	Cordia boissieri
Palm, Sabinal	Sabal texana
Pecan	Carya illinoensis
Persimmon, Texas	Diospyros texana
Magnolia, Southern	Magnolia grandiflora
Sycamore, Mexican	Platanus mexicana
Texas Mountain Laurel	Sophora secundiflora

\_\_\_\_\_

Applicant signature/ date

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**OFFICE USE:**

Date of City Council meeting: \_\_\_\_\_

Amount approved: \_\_\_\_\_

Date of Public Notice at Location: \_\_\_\_\_

Other: \_\_\_\_\_