

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Department of the City Manager
AGENDA DATE: July 10, 2007
CONTACT PERSON/PHONE: Patricia D. Adauto, Deputy City Manager
Development & Infrastructure Services
(915) 541-4853
DISTRICT(S) AFFECTED: All

CITY CLERK DEPT.
07 JUN 26 AM 9:41

SUBJECT:

Discussion and Action to direct that the City Manager modify Title 9 (Health & Safety), Chapter 9.10 (Mulberry Trees), by revising the regulations to remove the prohibition on the planting of mulberry trees; as submitted by the Planning and Development Services Legislative Review Committee.

BACKGROUND / DISCUSSION:

As part of the discussion held by the El Paso City Council on June 4 and 5, 2007 relative to the substantive code revisions presented by the Building & Zoning Advisory Committee and the City Plan Commission, a request from City Representative Eddie Holguin Jr. was made that the prohibition of mulberry trees within the City be lifted. Discussion of the request was referred to the Planning & Development Services Legislative Review Committee (LRC) for a recommendation, as were other code provisions.

Provided below is information provided by the City Arborist relative to mulberry trees:
"The Mulberry was a highly successful shade tree here in the desert southwest and for a time the trees were seen as ideal: they grow fast, provide good shade and bind the soil well. Unfortunately it is one of the most allergenic and anytime you have a high concentration of any one tree (especially a mulberry), you are going to have tremendous pollen counts. Although the mulberry trees were adapted to the area's desert-like conditions, many residents found they were not adapted to the mulberry. Unlike a lot of our native vegetation, which has sticky grains of pollen that are carried plant to plant by birds, insects and bats, mulberries and other introduced trees produce the kind of pollen that is easily detached and carried by the wind. The desert is a wonderful place for wind pollination because the wind blows most of the year and the growing season last most of the year. Consequently our air can be laden with pollen pollution depending on what is blooming during different times of the year. For the City of Albuquerque, the primary tree pollen producers and there typical pollen season are listed below.

<u>Rank</u>	<u>Tree</u>	<u>Pollen Production Period</u>	<u>Highest Daily Pollen Count Range</u>
1.	<u>Mulberry</u>	<u>March – April</u>	<u>395 – 10,205</u>
2.	<u>Juniper</u>	<u>September – April</u>	<u>726 – 2,480</u>
3.	<u>Elm</u>	<u>January – April</u>	<u>69 – 1,065</u>
4.	<u>Ash</u>	<u>February – May</u>	<u>76 – 959</u>
5.	<u>Cottonwood</u>	<u>February – May</u>	<u>52 – 730</u>

Pollen counts 14 years of data

To put these numbers in perspective, pollen counts from 0 to 49 are considered light. When the count jumps above 1,000 hay fever sufferers start sneezing and a pollen count of 1,500 can be considered dangerous. Mulberries with their wide canopies do provide excellent food and shelter for birds and urban wildlife and when planted strategically can reduce building cooling cost by as much as 50%. The large surface area on their leaf improves air quality by trapping dust, absorbing air pollutants such as nitrogen dioxide, sulfur dioxide and ozone and they slow the rate that storm water runs off, reducing the size and number of concrete drains and other structures needed. Root systems on mulberries tend to be fairly shallow and are classified as moderate water users, They need some balanced tree fertilizer each spring to do their best – or if in a lawn, they can do well on the lawn

fertilizer. Mulberries don't often live past 50 years in our arid desert, no matter how well taken care of. Many other tree species are much longer lived and stay healthier in our stressful climate.

Dr. Ray Bader, Director of the Texas Cooperative Extension Service, El Paso County does not support a ban on any tree, he would rather see these trees being sold and planted provided that they are identified as high pollen/high allergen potential by means of individual labels (education).

Dr. John York from York Allergy Clinic sent the following e-mail – As per our conversation regarding the ban on mulberry trees, my professional opinion is that the ban should NOT be lifted. While many people are mildly to moderately allergic to mulberry pollen, just as they are to other pollens, mulberry pollen is, to some people, a dramatic allergen, setting off severe asthmatic reactions, and basically "ruining their weekend" or however long it may take them to get in to see their allergist after an exposure as minor as walking under a pollenating mulberry tree. This level of allergenicity is not seen in nearly as many people to other trees, in my experience. On a more general note, my understanding is that one of the reasons that allergy is rising in the US is that cities have, understandably, demonstrated a proclivity toward planting "non-messy" trees and plants. Unfortunately, those plants typically are the pollen generators. My impression is that El Paso has not been exempt from that pattern, and I feel that perhaps *more* control should be exerted along those lines. For instance, I believe juniper (cedar) species, which are commonly used in El Paso front yards as streetside groundcover, should be included in the ban. [John C. York, MDPA, FACAAAI Board Certified by the American Board of Allergy & Immunology; a conjoint board of the American Board of Internal Medicine and the American Board of Pediatrics]

I inquired from the following sources, but received no response:

- Dr. Galvan from the City/County Health Department
- Dr. Roger Menendez - Allergy & Asthma Center
- Dr. Luis Antonio Gonzalez
- Dr. Morton Blumenfeld – ENT Allergy
- Dr. Joe Venzor – Southwest Allergy & Asthma
- Dr. Lyndon Mansfield – Allergy Immunology & Asthma”

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

As of September 1, 1992, it has been unlawful to plant or sell any mulberry tree within the City. This provision was codified into Chapter 9.10 of the City Code by the El Paso City Council.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

BOARD / COMMISSION ACTION:

The Planning & Development Services LRC, at their meeting on June 25, 2007, took no action on the request to lift the ban on mulberry trees, and forwarded the item for discussion of the City Council as a whole.

*******REQUIRED AUTHORIZATION*******

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA: _____

CITY MANAGER: _____

DATE: _____

07 JUN 26 11 09 AM '07