

# San Diego Documenters

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## Environment Committee

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Agency: San Diego City Council

Date: July 18, 2024

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### Summary

In the July 18, 2024 City of San Diego Environment Committee meeting, during the non-agenda public comment period, over a dozen speakers, composed of concerned residents, conservation groups, and community members, urged the Committee to take immediate action on issues concerning 1) a string of sea lion pup deaths at La Jolla Cove and 2) the negative impact of SeaWorld's fireworks show on surrounding nesting bird populations. Environment Committee Chair, City Councilmember Joe LaCava responded that both issues are under investigation and review. Following non-agenda public comment and the approval of the consent agenda, the Committee voted unanimously to recommend the authorization of contracts to Atlas Environmental Services and West Coast Arborist for street tree maintenance, planting, and watering. Lastly, the committee heard updates on several customer equity programs offered by SDG&E.

### Here's what you need to know

- Environmental Committee Chair, Council Member Joe LaCava has acknowledged the issues of sea lion pup deaths at La Jolla Cove and SeaWorld fireworks disturbing nesting birds, stating that both are under investigation by city staff,

working with outside experts.

- The committee voted to recommend for full council approval contracts for tree maintenance, planting, and water awarding contracts to Atlas Environmental Services for City Council Districts 1, 5, 6, and 7, and West Coast Arborist for Districts 2, 3, 4, 8, and 9.
- SDG&E is offering several customer equity programs that provide discounts and payment assistance with monthly utility bills to single- and multifamily low-income households.

### **Immediate Actions**

- The consent agenda was approved in a 3-0-1 (yes-absent-no) vote, with Vice-Chair Council Member Marni von Wilpert voting against because she opposed granting contract extensions for work that city staff processed payment for even though the firms' contracts were expired.
- Agenda item 3 (Award Two Contracts in Response to Request for Proposal (RFP) 10090034-24-C, As-Needed Tree Maintenance and Tree Planting Services for Street Rights of Way) was unanimously approved in a 4-0-0 vote.

### **Accessibility Issues**

- No accessibility issues were encountered while on assignment.

### **Follow-Up Questions**

- Why was SeaWorld's fireworks permit grandfathered in without a review into the theme park's environmental impact?

## **Notes**

### **Meeting Call to Order:**

- The meeting was called to order at 1:03 p.m. by Chair Joe LaCava.
- The agenda for this meeting may be viewed by clicking [here](#), while a video and/or audio recording of the meeting may be found by clicking [here](#) and [here](#), respectively.
  - **All timestamps below were taken from the video recording.**

### **Committee Members in Attendance:**

- Chair Joe LaCava: Present
- Vice-Chair Marni von Wilpert: Present
- Committee Member Jennifer Campbell: Present
- Committee Member Sean Elo-Rivera: Present

### **Non-Agenda Public Comments: (9:12)**

- Joy Sunyata commented on the ongoing situation at La Jolla Cove where tourism has led to an increase in sea lion pup deaths. “Sea lions ... are a gift to us from nature. Please respect, protect and enjoy this beautiful gift. Please give them their space,” she said. **(10:53)**
- Purita Javier expressed concern over the toxicity being emitted by a local ceramics manufacturer that she says left members of her community ill.
- Nathan Brenner, a [Sierra Club Seal Society](#) member, expressed concern about the lack of management and oversight at La Jolla Cove, which has resulted in conflicts between sea lions and tourists and led to the deaths of sea lion pups. “There’s absolutely no management. The problem we have is we need to protect the wildlife and protect public safety,” he said. **(17:33)**
- Carol Toye, a Sierra Club Seal Society member, commented on how three sea lion pups have been found dead within the span of six days (July 5-11, 2024) due to overcrowding from tourism. “The crowds petting, throwing sand and food, taking selfies too close, regularly separating moms and pups ... people are literally loving these animals to death,” she said. **(20:23)**
- Robyn Davidoff, chair of the Sierra Club Seal Society, urged the committee to take immediate action at La Jolla Cove to protect the sea lions by staffing rangers on the beach, implementing visual cones (normally used for traffic safety) for tourists to show area that is off limits, and temporarily closing gate by one set of stairs while the adjacent sand is in use by wildlife. She quoted NOAA the National Oceanic Atmospheric Administration opinion, “The problem isn’t wildlife management, it’s managing human behavior around wildlife,” she said. **(23:00)**
- Vi Nguyen, Co-Founder of [San Diego Pediatricians for Clean Air](#), expressed support for the [San Diego Audubon Society’s call](#) for SeaWorld to end its fireworks show due to the danger that fireworks pose to both wildlife and public health.
- Terri-Ann Skelly commented on the environmental damage caused by waste runoff from illegal cannabis growth sites. “It would be important for our City and Staff to stay vigilant regarding how devious marijuana cultivators can actually be,” she said. **(25:50)**
- Jim Peugh, a San Diego Audubon Society member, discussed the risks that fireworks and the upcoming Thunderboat races pose to nesting bird populations at Mission Bay. He urged the committee to ban fireworks in the east party of Mission Bay and delay the races until the nesting season is over.
- Padma Jagannathan echoed Peugh’s concerns about the risk fireworks and recreational boating pose to nesting bird populations at Mission Bay. She urged the committee to halt nightly fireworks and delay boating events until an updated

environmental impact review is conducted.

- Peggy Walker, a public health educator, urged the committee to assess the fiscal, health and environmental impact of discarded e-cigarettes and single-use vapes on soil and water.
- Savannah Stallings advocated for a 500-foot buffer zone to safeguard elegant terns and other nesting birds at Mission Bay in response to the increased bird fatalities resulting from boating and fireworks. “Please consider placing these further protections for the nesting seabirds and protecting our unique biodiversity,” she said. **(40:00)**
- Christina Santamaria, Conservation Manager at the San Diego Audubon Society, spoke about her experience in monitoring various bird species and safeguarding them from human-related impacts, including community events held too close to multiple nesting sites on city property and fireworks that disrupt circadian rhythms.
- Angela Noble expressed support for the San Diego Audubon Society’s request to amend SeaWorld’s fireworks permit, aiming to revoke their ability to set off fireworks nightly to protect wild and domestic animals even nine miles away. “It’s time to take action to prevent further deaths of wild birds, disruption of domestic animals, and negative effects to humans,” she said. **(49:58)**
- Muriel Spooner, a San Diego Audubon Society member, expressed support for the comments made by other members. She added that SeaWorld’s current fireworks license relies heavily on outdated water and air quality data, so therefore there should be an updated environmental review.
- Tenisha-Jean Martin expressed that visual cones aren’t sufficient enough to deter sea lion harassers. Instead, a harder stance must be taken such as closing the stairs leading to the sand where sea lions are at La Jolla Cove to ensure their safety. “Protect our wildlife. We are the voice they need. They are a community in need and their deaths fall on this committee’s shoulders,” she said.

**Committee Members, Mayor, Independent Budget Analyst, City Attorney Comment:  
(54:30)**

- San Diego mayoral staff provided updates on San Diego Environmental Service Department’s [Bye Bye Mattress program](#), which celebrated its first anniversary. Since the program’s inception, over 14,000 mattresses and box springs have been collected and recycled, reducing illegal dumping of mattresses and box springs by 30%.
- Chair Joe LaCava acknowledged the issues of sea lion pup deaths at La Jolla Cove and SeaWorld’s fireworks disturbing nesting birds. “Conversations about La Jolla Cove continue with city departments ... We’ll look into the issue with the fireworks at SeaWorld and talk with subject matter experts to understand what’s going on

there,” he said. **(55:44)**

**Consent Agenda: (56:25)**

- The consent agenda included items dealing with extension of contracts for the city’s wastewater reclamation plants. Payments were made to contractors after contracts expired and these actions, suggested by an audit/”clean up” of contracts, are recommending the retroactive extension of the expiration of the contracts: **(1) [Third Amendment to the Contract with Veolia WTS Services USA, Inc. to Provide Electrodialysis Reversal System Maintenance](#)**; and **(2) [Second Amendment to the Contract with Patriot Environmental Services to Provide As-needed Removal and Transport of Grit, Sludge, Scum, Vivianite, and Stormwater from Wastewater Facilities](#)**.
- Public comment:
  - Blair Beekman wished the Committee good luck in its efforts with the [Pure Water San Diego project](#), a separate issue that would purify water and deliver it back to water customers, and overall water quality issues.
  - A speaker who called themselves The Original expressed concern about how the Committee plans to address issues of waste runoff containing various contaminants entering water supplies because The Original said that water won’t be able to be totally purified for human consumption .
- Committee comments:
  - Committee Member von Wilpert asked why money was spent without authorization.
    - Craig Boyd, Deputy Director of the Public Utilities Department, replied that staff received a purchase order with available funds, but payments were made after the contract expiration date.
  - Committee Member von Wilpert asked if the Public Utilities Department expects to unearth more contracts while searching for contracts out of compliance.
    - Katie Keach, representing the Public Utilities Department, replied that while they can’t guarantee that no more contracts will be discovered during the cleanup, she can confirm these two contracts are among the very last.
    - Marni von Wilpert said she would not support the amendments to the contracts in which payments were made after the expiration date of contracts.
  - Committee Member Sean Elo-Rivera asked for clarification on whether the issue is spending above the do-not-exceed amount or spending beyond the contract expiration date.

- Boyd replied that the issue is spending beyond the contract expiration date as neither of the two contracts exceeded the \$3 million limit.
  - Elo-Rivera said while he will vote in support of the contract extension, he wants staff to report on how the expiring contract issues will be avoided in the future.
- Committee action:
  - Committee Member Campbell, seconded by Chair LaCava, motioned to approve the consent agenda. The motion was carried by a 3-0-1 vote. Vice-Chair von Wilpert voted no.

**Agenda Item #3 – [Award Two Contracts in Response to Request for Proposal \(RFP\) 10090034-24-C, As-Needed Tree Maintenance and Tree Planting Services for Street Rights of Way: \(1:15:28\)](#) Committee recommendation to full City Council.**

- Presentation by Chelsea Klaseus, Deputy Director, Transportation Department:
  - The contracts will cover tree maintenance, planting and watering, along with occasional emergency services. The current contract is set to expire on September 30, 2024.
  - Contract 1 is proposed to be awarded to Atlas Environmental Services for San Diego City Council districts 1, 5, 6, and 7, while contract 2 is proposed for West Coast Arborist for districts 2, 3, 4, 8, and 9.
  - By FY25, 35,000 street trees are scheduled for maintenance, and 4,000 new trees are set to be planted and watered weekly. Up to 500 street trees may need removal if they cannot be saved.
  - The contract would also cover emergency services to remove trees damaged by storm events.
- Public comments:
  - Cesar Javier commented that while he supports the two contracts, he is concerned about the limited number of companies considered and the allegations that Atlas Environmental Services was awarded the contract without proper licensing.
  - Joy Sunyata expressed support and excitement for the two contracts proposed for tree maintenance and planting, but urged the Committee to be aware of the issue of metal grates that surround some city tree trunks on sidewalks. “I can’t get my mind around (the city managing) 250,000 (street) trees. I just can’t do it. I’m thrilled that we have that many ... to maintain and plant, it’s amazing,” she said. **(1:25:26)**
  - Kelvin Barrios, Director of Government Affairs at [Local 89](#), expressed support for the two contracts, particularly the one awarded to West Coast Arborists,

citing the union benefits they provide their employees and their affiliation with Local 89.

- The Original expressed confusion about the new licensing process that grandfathered in Atlas Environmental Services but ultimately supports having two contracts to address the massive undertaking of maintaining, planting, and watering hundreds of thousands of trees and asked if the two companies together have adequate staffing to maintain city trees.
- Blair Beekman commented on the communal good provided by tree canopies and urged the committee to consider preserving and maintaining important shade trees.
- Tenisha-Jean Martin expressed support for the two contracts but urged the committee to ensure their commitment to equity by requiring that 25% of employees providing tree maintenance and planting services be contracted from the community in which the trees will be planted and that important shade trees be preserved for the homeless.
- Lori Saldaña brought attention to the committee emails sent to the city's real estate manager requesting and receiving permission more than a year ago to remove healthy shade trees from a city property in the Midway/Sports Arena area, "not because they were damaged or causing a problem, but because they were struggling with removing homeless and trespassers from the property." **(1:34:47)**
- Committee comments:
  - Chair Joe LaCava acknowledged allegations that Atlas Environmental Services was awarded the contract without the required license and asked staff for clarification.
    - Klaseus replied that as part of a new licensing process initiated in January this year, the city received documentation from the State and Atlas Environmental Services confirming that firms with a previously approved license are grandfathered in.
  - Vice-Chair von Wilpert asked how the contracts will address the issue of rising tree roots causing sidewalk damage, an issue on which the County Grand Jury recently criticized the city, she said.
    - Klaseus replied that the RFP contains language implemented specifically to address sidewalk maintenance by allowing for assistance with the [Safe Sidewalk program](#) and collaboration between the city's urban forestry staff arborists and the city Transportation Department's sidewalk crews.
  - Vice-Chair von Wilpert asked what protocol is in place in the event an arborist comes across a tree root lifting the sidewalk.

- Klaseus replied that the Transportation Department has adopted a new protocol where sidewalk crews and arborists will notify each other of potential tree-induced sidewalk damage and collaborate together to fix it.
  - Chair LaCava asked for clarification on how the City takes advantage of outside contracts as opposed to city staff.
    - Klaseus replied that the large number of trees needing maintenance and the flexibility required to manage them is too much for the five city arborists and eight tree trimmers especially during storm season, prompting the need for outside assistance and additional, more specialized equipment. The city has two tree trimming positions open, she advertised.
  - Chair LaCava asked if there are plans in place to help integrate neighborhoods and communities interested in maintaining street trees.
    - Klasesus replied that the Transportation Department has historically hosted large tree-planting community events annually on Arbor Day and has recently added a new planting event called “Kate Sessions Day.”
- Committee action:
  - Vice-Chair von Wilpert, seconded by Chair LaCava, motioned to approve of item 3, the two tree contracts. The motion was carried by a unanimous 4-0-0 vote.

**Agenda Item #4 – [SDG&E Presentation on Customer Equity Programs: \(1:48:56\)](#)**

- Presentation by Hollie Bierman, Director of Customer Programs, SDG&E:
  - SDG&E currently offers the following three main customer assistance programs: **(1)** the California Alternate Rates for Energy (CARE) program, which provides a 30 percent discount on a customer’s monthly bill; **(2)** the Family Electric Rate Assistance (FERA) program, which provides an 18 percent discount on a customer’s monthly bill electric bill; and **(3)** the Medical Baseline (MBL) program, which provides more energy at a lower cost for those with medical and medical device issues.
  - SDG&E also offers the Energy Savings Assistance (ESA) program and the Low Income Home Energy Assistance Program (LIHEAP) that provide no-cost home upgrades and bill assistance to low-income households, respectively.
  - The Energy Saving Assistance (ESA) programs are divided into ESA Main and ESA multifamily program. ESA Main provides no-cost home upgrades to single family and mobile homes, while ESA multifamily offers upgrades for multifamily properties including common areas.

- SDG&E's newest program is the Pilot Plus/Deep program that targets high energy usage homes in the hottest climate zones and provides them with a 5 to 50 percent discount to their energy bill.

**2-hour notetaking limit reached.**

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