

CITY OF MILPITAS
COMMUNITY ADVISORY COMMISSION
MILPITAS CITY HALL COMMITTEE MEETING ROOM
APPROVED MINUTES
September 5, 2007

**I.
Call to Order
and Roll Call**

Chair Lee called the meeting to order at 7:00 p.m. Present were Commissioners Choudhury, Fang (7:05 pm), Lind, Mohsin, Queenan, and Ranker. Alternates present were Commissioners Madnawat, Meharu, Nwobi, and Pham. Absent: Commissioners Abelardo and Villegas.

**II.
Seating of
Alternates**

Alternates seated: Nwobi, Pham, and Meharu

**III.
Pledge of
Allegiance**

Chair Lee led the Pledge of Allegiance.

**IV.
Approval of
Agenda**

MOTION to approve the Agenda as submitted.

M/S: Mohsin, Ranker

Ayes: 9

**V.
Approval of
Minutes**

MOTION to approve the minutes of August 1, 2007 with the correction on Page 2, Item X-a. to include Commissioner Lind's question "Could anyone come after the closing date".

M/S: Lind, Mohsin

Ayes: 9

**VI.
Announcements**

Staff had no announcements. Chair Lee stated that he had the Neighborhood Night Out event in his neighborhood and wanted to thank the Police Department, Fire Department, and City Staff for making this a special event. Commissioner Mohsin thanked the Commissioners for being the block captains in their area.

**VII.
Public Forum**

Chair Lee invited members of the audience to address the Commission on any item not on the agenda. There were no requests.

**VIII.
Liaison Reports**

a. City Council

Councilmember Polanski introduced herself to the Commission and gave a brief summary of the most recent City Council items. She stated that the City Council handbook would include the process of how a Commissioner can resign from a Commission. The Council reviewed the progress on the library and the parking garage and they are moving along quite well. The project is still on track and within budget and scheduled to be completed November 2008. There were a number of write-offs that

were discussed regarding non-payment of issues totaling about \$74,000. The City will still try to collect these fees but for one-time services needed the City will no longer accept checks. She stated Patriot Day would be September 11th at 9 a.m. The City will honor the first responders not only in Milpitas but also throughout the United States. The Council approved the salary increases for the executive management team and unrepresentative employees. The City Attorney will be in-house probably by the end of October.

IX. Unfinished Business

a. Street Tree Planting Ordinance.

Carol Randisi, Tree and Landscape Section Senior Supervisor, gave an overview of the changes to the street tree ordinance. They changed the reference to the City Manager over seeing the tree program and changed it to the Public Works Director. She asked the Commission to review the ordinance changes and give input on any modifications needed and then forward to the City Council for approval of the first reading at the City Council meeting on September 18th. She stated that on May 15th she presented the tree ordinance at the City Council and the Council directed staff to revise the ordinance to include a requirement for one street tree per residential property with an appeal process and to include a reasonable cost recovery for tree topping and illegal tree removal. The ordinance included a maintenance definition and an owner/occupant definition. It also included a street tree planting definition, a definition for tree removal and tree topping.

Commissioner Mohsin asked the definition of Section X-2-2.12 where it states, “ No more than 25% of the tree canopy should be removed at any one time”. Ms. Randisi stated that “any one time” would be modified to say “per year” or “per cycle”. In Section X-2-2.15 Tree Topping “Tree Topping is not an approved tree pruning practice for City street trees or protected trees” Commissioner Mohsin asked how would this apply to trees on private property. Staff stated that trees of a certain size are protected whether or not they are on private property or the public right of way.

Councilmember Polanski asked the difference between tree topping and pollarding. Ms. Randisi stated that pollarding is considered a pruning practice but not every tree can withstand it. Pollarding is taking off large branches of a tree.

Ms. Randisi stated that one of the criteria the Council wanted them to look at is tree planting on residential properties. She stated that instead of saying it is mandatory for each residential property to have a residential street tree. Staff has to look at the existing conditions and in some cases there cannot be a tree in every residential property. The ordinance would then state suitable vacant planting site. Vice-Chair Queenan asked if someone already has a tree on his or her property why is there a need to plant another tree. Staff stated that there would be an appeal process regarding City street tree planting in tree planting easements on residential property shall be made to the PW Director within two weeks of planting notification. Ms. Randisi stated the City would have neighborhood community meetings to describe the ordinance.

Section X-2-5.01-1 Tree Planting – Commissioner Madnawat suggested that the last sentence should read “The owner occupant or current resident shall be responsible for reasonable watering and protection of city street trees in tree planting easements in residential neighborhoods. Staff to provide what is required”.

Commissioner Pham asked how could the City help if the tree damages the yard. Staff stated the City has a claim process.

Vice-Chair Queenan wanted to know what happens if the property owner does not maintain the tree on their property. Staff stated that the City would respond to issues of this kind. Commissioner Madnawat asked who would recover the costs. Staff stated that the homeowner is responsible for cost recovery.

X-2-5.06 Abuse and Mutilation – Commissioner Mohsin felt that the entire paragraph was too lengthy and to make the wording easier to understand. His recommendation is to shorten the paragraph to two to three sentences. Also, the ordinance needs to be clearer as to what the compensation would be. Staff stated that compensation would be on a case-by-case basis. Commissioner Madnawat asked if not watering a tree is considered abuse. Staff stated that would be considered abuse. Commissioner Madnawat also asked if a person becomes disabled how can they maintain the trees. Staff stated that the City maintains City street trees.

Ms. Randisi stated that the rest of the ordinance was taken from the NBO ordinance. Staff and the City Attorney worked together to make sure that if there was a fine involved that there was a process to follow (i.e. notification, administrative hearing, and appeal). The City Attorney felt that it was important to have the abatement process in the ordinance.

Vice-Chair Queenan stated that it is very costly to trim a tree. He felt the ordinance should state the amount it would cost to maintain these trees. Staff stated that the City is not talking about maintenance of the trees the City maintains the trees. They are talking about abuse to the trees. Staff also stated that the first step is to educate the community and to protect the City street trees.

Ms. Randisi stated that the summary of the changes is: 1) title changed to “Tree Maintenance and Protection Ordinance”, 2) tree planting in suitable areas, 3) appeal process, and 4) cost recovery.

Commissioner Madnawat asked if a person is in the process of cutting down a tree do you contact the Police Department. Staff stated that you would call the Public Works Department or Code Enforcement.

MOTION to accept the changes to the ordinance and forward to City Council for approval.

M/S: Mohsin, Ranker

Ayes: 9

**X.
New Business**

a. Neighborhood Beautification Awards.

Staff stated that the deadline for awards was August 31st. Staff stated they received a total of 16 applications. The West side area was not being represented they did not receive any nominations. Staff suggested that the subcommittee could tour the west side and pick some nominations. The tour will take place sometime next week.

b. Subcommittee/Task Force Status Reports.

Community Outreach (Lee and Queenan)
No new information to report.

**XI.
Adjournment**

Chair Lee adjourned the meeting at 8:13 p.m. to the October 3, 2007 meeting.

Respectfully submitted,

Yvonne Andrade, Recording Secretary