

**Draft MEETING MINUTES  
CITY OF MILPITAS**

**Minutes of:** Regular Meeting of Milpitas City Council  
**Date:** Tuesday, August 19, 2014  
**Time:** 6:00 PM Closed Session / 7:00 PM Open  
**Location:** Council Chambers, Milpitas City Hall,  
455 East Calaveras Blvd., Milpitas

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**CALL TO ORDER** Mayor Esteves called the meeting to order at 6:00 PM. The City Clerk noted the roll.  
**PRESENT:** Mayor Esteves, Vice Mayor Polanski, Councilmember Giordano  
**ABSENT:** Councilmember Gomez was absent at roll call and arrived at 7:20 PM.  
Councilmember Montano was absent at roll call and arrived at 6:35 PM in Closed Session.

**CLOSED SESSION** City Council convened in Closed Session to discuss litigation and labor negotiations.  
City Council then convened in Open Session at 7:02 PM.

**ANNOUNCEMENT** None out of Closed Session.

**PLEDGE** Boy Scouts Troop No. 92 presented the flags and led the pledge of allegiance.

**INVOCATION** Councilmember Giordano read a quote from Theodore Roosevelt to start the meeting.

**MEETING MINUTES** Motion: to approve the minutes of the August 5, 2014 City Council meeting  
Motion/Second: Councilmember Giordano/Vice Mayor Polanski  
Motion carried by a vote of: AYES: 4  
NOES: 0  
ABSENT: 1 (Gomez)

**SCHEDULE OF MEETINGS** Motion: to approve Council Calendars/Schedules of Meetings for August and September 2014  
Motion/Second: Vice Mayor Polanski/Councilmember Giordano  
Motion carried by a vote of: AYES: 4  
NOES: 0  
ABSENT: 1 (Gomez)

**PRESENTATION** Mayor Esteves commended local business Summers & Sons Electric Inc. for providing a generator to the City on July 4<sup>th</sup> with a commendation accepted by Wayne Summers Jr.

**PUBLIC FORUM** Robert Marini, Milpitas resident, referred to costs for a consultant study on supplementing water supply and expansion of housing in the city. He commented on a recent vote by the City Council to place a ballot measure related to a gambling casino in the City. He asked, what was the benefit to the residents of this proposal with an estimated \$8 million revenue to City.

**ANNOUNCEMENT** Vice Mayor Polanski noted last Saturday's recognition of former Library Commission Ad Hoc Committee and City Council Subcommittee on the efforts toward building the new library. In the Fire Department, there was a SAFE graduation class last Saturday. Two Emergency Preparedness Commissioners took the class. Former Councilmember Pat Amoroso - in the

audience - was welcomed, and former Councilmember Skip Skyrud was in town over the weekend for his class reunion.

Mayor Esteves noted two Independence Day celebrations held here at City Hall last week, for India Day and a Pakistan flag event. He presented two commendations to Milpitas students: Ivy and Alan Pham. Ivy was a recent high school graduate headed to Harvard University, who started a math leadership program.

**ANNOUNCEMENT OF  
CONFLICT OF INTEREST  
AND CAMPAIGN  
CONTRIBUTIONS**

City Attorney Ogaz asked City Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. No conflicts or contributions were reported.

**APPROVAL OF AGENDA**

Motion: to approve the agenda, as amended

City Manager Williams stated that staff requested to remove Item No. 7 (recycle funds grant) to be placed on a future agenda.

Vice Mayor Polanski noticed there were quite a few people present for No. 2 Public Hearing (on thrift store issue) so she asked to move it to be heard first on the agenda.

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 5  
NOES: 0

**CONSENT CALENDAR**

Motion: to approve the Consent Calendar (items noted with \*asterisk)

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 5  
NOES: 0

\* 3. Commission Appointments Approved the following, as recommended by the Mayor:

Bicycle Pedestrian Advisory Commission

Re-appointed Kristal Caidoy as Alternate No. 1 to a term that will expire in August 2016.

Emergency Preparedness Commission

Re-appointed Tim Howard as a member to a term that will expire in June 2017.

Library Advisory Commission

Re-appointed Margie Stephens as a member to a term that will expire in June 2016.

Parks, Recreation and Cultural Resources Commission

Re-appointed Naomi Matau as a member to a term that will expire in June 2017.

Recycling and Source Reduction Advisory Commission

Re-appointed Madan Arora as a member to a term that will expire in October 2016.

Telecommunications Commission

Re-appointed Sukhi Singh as a member to a term that will expire in January 2016.

\* 4. Fee Waiver St. Elizabeth Per request from St. Elizabeth Catholic Church, waived fees for the Fire Department and Planning permit fees of \$609.77, related to the Parish Festival at the Church on Sunday, August 24, 2014. Specifically, those fees waived were Fire Marshal inspection permit fees of \$359.77 and Planning Department minor event permit fee of \$250.00.

\* 5. Fee Waiver St. John Per request from St. John the Baptist Catholic Church, waived select fees for Fire and Building inspection up to \$1,500 in total, for fees related to the Church's annual Autumn

Festival on September 5-7, 2014. Specifically, those fees waived were Fire Marshal's inspection permit fee of \$1,343.77 and Electrical Permit from building inspector \$167.05. The difference of \$10.82 (\$1,510.82 fees total - \$1,500 maximum amount waived) is due from St. John, in addition to payment for Planning special event permit.

- \* 6. Associate Civil Engineer Authorized the City Manager to fill a full time Associate Civil Engineer position, defunded a temporary Assistant Civil Engineer position, and approved a budget appropriation in the amount of \$20,000.
- \* 7. Recycling Grant Funds Removed from the agenda, to be heard at a meeting in the future.
- \*10. Adopt Ordinance 288 Waived the second reading beyond the title and adopted Ordinance No. 288, adding a new Section 6 to Chapter 1 of Title I of the Milpitas Municipal Code, regarding installation of "In God We Trust" motto.
- \*11. Resolution - Sewer Plan Adopted Resolution No. 8403 re-certifying the City of Milpitas' 2014 Sewer System Management Plan (SSMP).
- \*12. Resolution – VTA project Adopted Resolution No. 8404 granting final acceptance of the Santa Clara Valley Transportation Authority (VTA) Water, Storm, and Sewer Utility Relocation at Piper Drive, VTA Project No. C610.
- \*13. Resolution- Improvements at Apex Adopted Resolution No. 8405 granting initial acceptance of public improvements for Apex Apartments, Tract 9773, Project No. 2583, subject to a one-year warranty period and reduction of the faithful performance security to \$100,000.
- \*14. Agreement with HMH Approved a consultant agreement with HMH Inc. for a term from August 19, 2014 to August 19, 2015, in the amount of \$152,100 for the Montague Expressway Widening Project No. 4179.

## PUBLIC HEARINGS

- 1. Ordinance No. 38.815 Senior Planner Scott Ruhland explained four amendments proposed to parking regulations related to: drive aisle width reductions (25 to 24 feet), flexibility of newly constructed parking structures, residential uses may not include public street parking, and on-street parking could count toward requirements for residential parking in the Transit Area Specific Plan and MidTown plan areas.

Mayor Esteves asked staff why on-street parking had not been not clearly identified as disallowed to be counted toward residential projects in the current municipal code. City Manager Tom Williams and Planning Director Steve McHarris replied to the Mayor, and both emphasized the action this evening would correct that point.

Mayor Esteves opened the public hearing.

Robert Marini, Milpitas resident, wanted to know how the Council would assure the public about on-street parking regulations. He noted some examples of past problems with parking in residential neighborhoods.

(1) Motion: to close the public hearing

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 5  
NOES: 0

City Attorney Mike Ogaz read aloud the title of Ordinance No. 38.815, "An Ordinance of the City Council of the City of Milpitas Amending Section 53 of Chapter 10 of Title XI of the Milpitas Municipal Code Relating to Reducing Parking Aisle Width Requirements for

Commercial and Industrial Uses, Design Standards for Parking Structures, Clarifying Parking Requirements for Residential Uses, and Clarifying when Retail/Commercial Development Projects May Meet their Parking Requirements with On-Street Parking.”

(2) Motion: to waive the first reading of Ordinance No. 38.815 beyond the title

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 5  
NOES: 0

(3) Motion: to introduce Ordinance No. 38.815 for an update to parking regulations as identified

Mayor Esteves wanted to ensure the language in the ordinance was explicitly clear on the fact that new residential developments around the City would not be able to count street parking spaces toward the number required for new residential developments.

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 5  
NOES: 0

**2. Ordinance No. 38.816 –  
thrift store use in Neighborhood  
Commercial Zone**

This matter was heard prior to Public Hearing agenda item no. 1.

Senior Planner Scott Ruhland provided background and recent actions to bring this proposal to permit a Goodwill Store in the shopping plaza located at Calaveras Blvd. and Abbott Ave. The action requested is to include thrift store as a permitted use in the C-1 Neighborhood Commercial Zoning District. Mr. Ruhland reviewed project plans including much discussion and planning for the necessary parking at this site. Six special conditions were identified.

Councilmember Gomez asked questions about parking and what the current status in that plaza was at lunchtime due to a popular restaurant. He felt it was not right that Goodwill should be required to have a parking attendant when the parking challenges were due to restaurants at that location.

Councilmember Montano concurred with Mr. Gomez. Goodwill was not in business to control parking, she stated. Additionally, Ms. Montano asked about loading and why it was only in the front entrance. Staff replied that there was no vehicle access in the back.

Vice Mayor Polanski asked about additional signs for those who enter the shopping center to direct customers to the proper parking spaces for the store. Staff answered that this was necessary for both parking spaces and loading/unloading directions for Goodwill.

Mayor Esteves asked about the parking study and Goodwill’s view of the need for a parking attendant. He inquired about the condition for a six month’s review at the Planning Commission and if that could come to the City Council as well. Also, the Mayor thought that perhaps 500 feet was not enough space required between thrift stores.

Councilmember Gomez asked about the 500 feet requirement and why that was necessary. He commented on the parking study, who conducted it and its conclusions.

Next, Mayor Esteves invited the project applicant to the podium.

Michael Fox, President of Goodwill of Silicon Valley, came up along with two other Goodwill officials. He read aloud what the parking consultant’s report said. Then he provided an overview about Goodwill as a community service provider, funded significantly by its stores like the one in Milpitas. Jim Cuneen, Vice President of the

Board of Directors for Goodwill of Silicon Valley introduced himself. Architect Reid Lerner described store features and details to the City Council.

Vice Mayor Polanski clarified how long Goodwill had been in the Milpitas community, and it was since 1965.

Next, Mayor Esteves opened the public hearing for comments.

Christopher Schumb, San Jose resident along with Brian Shetler, past Chairman of Goodwill Board of Directors and a current Board member, both wished to consider improving the existing store, knowing that Milpitas needed an improved, modern store.

Jacqueline Rip, Hollister resident, thanked Goodwill for how it helped her and other veterans, who were homeless and jobless, and seeking improvement.

Ryan Gleason, Director of Operations for Goodwill of Silicon Valley, emphasized that the organization was a major recycler and sorted its own trash for commodities for resale.

Christy Dewitt, worked at Goodwill's Palo Alto store and reported employees would work on customer service, work with neighbors on parking and other issues.

Laconya Gilbert, a US Army veteran with a young daughter and son, had become homeless, and Goodwill helped her with immediate needs, so Goodwill changed lives.

Josh Altieri, Walnut Creek resident who worked in San Jose, worked for Goodwill in Silicon Valley helping those who were incarcerated. Retail stores funded programs that Goodwill delivered to the community, including here in Milpitas.

John Torres, Newark resident, a case manager for Goodwill with a criminal justice background, talked about the "broken window" theory and the impact on a community.

David Macias, a San Jose resident, had been homeless, went to Goodwill for veterans assistance where he gained a place to live, bus pass, and a full time job through Goodwill.

Samantha of San Jose, worked for Goodwill health program that was geared especially for students. She emphasized the help Goodwill provided.

Wally Keen, from Pacifica, worked for Goodwill helping those in need find jobs.

Trish Dorsey, a director at Goodwill, explained that revenue from the retail stores allowed for funding the very good programs that served people here.

Arthur Tao, an operations lead for Goodwill, believed the new store would work. He'd been working for Goodwill for two years, and loved working for Goodwill.

Julie Flores of San Jose, a woman who worked for Goodwill in recycling was an example of a young person given a chance.

Debra Shalka of San Jose worked at Goodwill as a peer coordinator.

Christopher Anthony of San Jose, a single father of three sons, was homeless and jobless several years ago. Goodwill veterans program helped him and he's a peer mentor now.

Dr. Matt Metzgar of Saratoga, psychologist for Goodwill of Silicon Valley, was one of two doctors who helped those with mental health needs and substance abuse. Goodwill's services were free of charge for their consumers.

John Carr, director of loss prevention and safety for Goodwill and retired from San Jose Police Department, noted that the people were the reason he worked there.

A woman, from Palo Alto, was a director of a Goodwill wellness center for the past seven years.

Julie Burkhouse of San Jose, spoke of a staffing agency that placed young people in jobs, where she collaborated closely with Goodwill to place teens in jobs.

Katelyn Dalton, worked at Goodwill in the past and was thankful for Goodwill. She had been a store lead in Milpitas and worked for a new agency now.

Joseph Ysidro, lived in San Jose, worked at Goodwill for one year helping new clients.

Dennis Haisley, resident of Palo Alto, was a full time student at San Jose State though retired from full time work. He helped with counseling for addicted people and homeless veterans in Silicon Valley become housed.

Voltaire Montemayor, Milpitas resident, lived close by the area, noting it was really tight for parking in that area. His mother worked for Goodwill years ago.

Mr. Vo lived in the area for 23 years. He knew Goodwill as a good organization and was pleased about the store coming to Milpitas.

(1) Motion: to close the public hearing

Motion/Second: Councilmember Gomez/Councilmember Giordano

Motion carried by a vote of: AYES: 5  
NOES: 0

Vice Mayor Polanski thanked all those who came to speak about Goodwill. She had met with Mr. Fox and Mr. Cuneen last week to learn more about Goodwill services. Having Goodwill at this location would be a benefit for the community. She did not agree with the need for a parking attendant. A review in six to nine months was a good idea, to fix any problems that arise. She recommended deleting proposed conditions No. 23 and 24.

Councilmember Gomez agreed with most of Ms. Polanski's comments. He thanked Goodwill for investing in the community of Milpitas and was totally supportive of the new store. The adjacent restaurant needed to live up to its condition for a parking attendant for that business' purposes, even prior to Goodwill opening up.

Councilmember Giordano was fully in support. She liked to see the facelift of the industry. She remarked on the efforts of the Planning Commission trying to solve an issue with this project. As an economic issue, she did not want to burden Goodwill when it was trying to do good in the community with resources.

Councilmember Montano toured the main Goodwill headquarters and was amazed with the diverse opportunities for its clients. She saw the people there who had hope. She agreed with colleagues and remarks made earlier. She pointed out that she had shopped at Goodwill for her kids clothes in past years when that was necessary for her family, so she appreciated Goodwill being in Milpitas.

Mayor Esteves said he had worked on this project from the very beginning. A change in zoning was needed to permit thrift stores in this zoning district, for Goodwill and other stores in the future. He hoped to find more Goodwill employees to become residents of Milpitas, while the store would get more customers from Milpitas residents. He did not see why a parking attendant would be needed. He sought one other change conditions: to increase to more than 500 feet between any two thrift stores and asked staff to identify number of feet.

City Attorney Mike Ogaz read aloud the title of Ordinance No. 38.816, "An Ordinance of the City Council of the City of Milpitas Amending Chapter 10 of Title XI of the Milpitas Municipal Code Relating to Thrift Stores."

(2) Motion: to waive the first reading of Ordinance No. 38.816 beyond the title

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 5  
NOES: 0

(3) Motion: to introduce Ordinance No. 38.816 with one change in the distance between thrift stores, increasing the number in the proposed ordinance from 500 to 1,000 feet

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 5  
NOES: 0

(4) Motion: to adopt Resolution No. 8402 approving Site Development Permit No. SD14-0008 and Conditional Use Permit No. UP14-0010 for a Goodwill Thrift Store located at 311 W. Calaveras Blvd. The motion included deletion of proposed conditions of approval No. 23 and No. 24 so no parking attendant would be required.

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 5  
NOES: 0

Mayor Esteves announced City Council would take a short break at 8:54 PM and the meeting resumed at 9:06 PM.

## NEW BUSINESS

### 8. International Park proposal

City Manager Tom Williams introduced the concept of considering an International Park in Milpitas, based on requests from several organizations in the City. This might occur at a portion of the existing narrow Tom Evatt Park in Milpitas. Four ethnic groups (Indian, Korean, Filipino and Vietnamese) had reached out to the Mayor, Councilmembers and the City Manager. More formal planning would need to be done, consider putting in native plants to those countries and look at displays to represent the countries. At this meeting, the City Manager sought direction from the City Council on this work program.

Councilmember Giordano asked if there was a timeline necessary. She thought it was a terrific idea, with her only concern to perhaps table it right now until the new Economic Development Manager comes on board. This would be a great project for that new person to weigh in on.

Councilmember Gomez asked if this concept had been to the Sister Cities Commission for discussion or comments. Staff replied no. Mr. Gomez was concerned about expectations being set, with lots of needs out there, and to determine what benefits there were, first.

Vice Mayor Polanski thought this concept may have merit. She thought it was something to take to Sister Cities and the Parks Commissions in order to seek recommendations. Perhaps the new Economic Development Manager could give feedback too.

Councilmember Montano felt the concept was good for underutilized park land. Only four groups were mentioned. She was concerned for all the others, like Greeks, Chinese, Latinos, and all who would not fit in that small area. She agreed the concept should go to Commissions for review and input.

Mayor Esteves felt this was an excellent idea, as it had been implemented in many other cities. Milpitas was no different, with a very diverse society today. The idea had to be properly controlled, and look at it long term with ways of addressing more participation. What to place in there must be determined, so he wanted to pursue this idea in a well-planned manner.

Next, the Mayor asked for comments from the audience.

Robert Marini, Milpitas resident, agreed it was an underutilized space in the City. He wondered how many groups would participate and was concerned the park would be idle after a few days use.

Garry Barbadillo, Milpitas resident, participated in a meeting on this concept. He supported the idea of this park, noting heritage and culture was behind this concept. The economics of the idea must be studied. At least, consider the idea and have staff study it.

Rajeev Madnawat, Milpitas resident, commended the City for coming up with a great idea for celebrating diversity at the underutilized park. The issues within the community were difficult and to decide what to do that everybody would enjoy. Do not shortcut the process as this could be a mini-landmark in Milpitas.

Johnny Lee of San Jose, spoke on behalf of the Vietnamese community with many members in the audience. He would like to have a place to show off culture and heritage, after many years living in the South Bay. This would be unique.

Mr. Bui, a Milpitas resident since 1984, lived in the same house in the same neighborhood. He escaped from Vietnam in 1970s and mentioned that the Vietnamese community in Milpitas had increased in recent years.

Ms. HG Nguyen, founder of the Vietnamese Chamber of Commerce of Santa Clara County, felt this was a great opportunity for City of Milpitas to become well-known in the world. Many ethnic communities could be represented in one park, so she urged support.

A man, came here to support the project of International Park in Milpitas, though he lived nearby in San Jose. He was a member of Northern California Vietnamese American community. It would be nice to have a place to garden in.

A man, a Milpitas resident, said this was a good project that would bring a lot of benefit to the City. He asked for support for the Vietnamese community.

Councilmember Giordano agreed this was a terrific idea. The City did own the park land, so time was not of the essence for a decision to be made at this meeting. The goal was clear to get there and to decide about committing resources to the concept. She wanted to have it vetted through Commissions and bring it back to City Council.

Councilmember Montano agreed with comments from her colleague. Another park was one on South Main Street that in the future could be a rose park like San Jose had and could be one that the Milpitas Garden Club might lead.

Mayor Esteves agreed a rose park could be good if recycled water was available for it. The international park was a great idea, a great project for all communities in Milpitas. He agreed it may take some time to consider how it would best work.

Motion: to direct staff to take the concept of an International Park at the Tom Evatt Park location to various City Commissions for review and input, and return back to City Council with recommendations in approximately the next 90 days

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 5  
NOES: 0

## ORDINANCE

### 9. Ordinance No. 240.2 Add Water Use Restrictions

Utility Engineer Steven Machida introduced the request for City Council to adopt an urgent ordinance requiring supplemental water use restrictions in the City, due to current dry conditions and ongoing mandatory reductions in water use by customers of Santa Clara Valley Water District and San Francisco Public Utilities Commission (the City's two water suppliers). Four Stages were in the existing Water Shortage Contingency Plan. Staff was urging implementation of Stage 2 of the plan, including a 20% water cut back.

Mr. Machida displayed three newly established recycled water fill stations in the City. These locations could be used by construction crews to fill up and use recycled water to clear dust on sites, rather than using potable water for that purpose.

Councilmember Giordano felt it was good to adopt an ordinance like the proposed one, as a precursor to mandatory water rationing, if needed. She inquired about enforcement of water use reductions and the "honor system" intent. She asked for clarification of the specific restriction on filling new swimming pools, and asked about those already permitted or in process.

Councilmember Gomez asked about swimming pool limits and whether adjustment in the ordinance language was needed, and staff replied that could be done. Mr. Gomez also spoke of a number of days watering limit versus having a total number of hours allowed, like other cities do. He questioned the wisdom of two days per week and how that could be monitored.

Councilmember Montano asked if door hangers were already distributed. She had not received one, while staff explained that door hangers have only been left at properties in Milpitas where staff noticed water being wasted or a leak. Staff planned to send an educational piece in the utility bills in the mail to all customers.

Vice Mayor Polanski responded about the recycled water outlets and those were a wonderful idea, stating that all construction projects should use that source to keep dust down. Two days a week water limit was for education purposes, but it should be two days a week at specific optimal hours. She encouraged use of the "My Milpitas" mobile application to educate water customers, including use of drought resistant-plants.

Mayor Esteves said these were great ways to save water. The volume of water per household (per capita) consumption needed to be determined and then reduced. Customers needed specific guidelines on how much they were saving. Mr. Moneda replied that each billing cycle for the customers the City could do this and display water use on bills. The Mayor thanked Milpitas residents for doing their best to conserve water.

Next, the Mayor invited speaker from the audience.

Robert Marini, Milpitas resident, complained about new housing projects approved by the City Council. Too much new development was being approved, adding more residents using too much water and adding to traffic around the city.

City Manager Williams responded to some comments by the speaker, and noted the lowest use of water by residents, ever. He asked residents with questions about City activity and/or facts given at the Council meeting to contact City staff who was always available to provide correct information to the public.

Councilmember Giordano thanked the City Manager for his comment. She confirmed that she had no conflict of interest when voting on housing developments, based on her profession as a realtor in Milpitas.

Jim Sullivan of SCS Development/Citation Homes referred to a letter sent to the City Council from Steve Schott. His company was constructing Montague Village in the Transit Area and had put in a reclaimed water line there, to help during construction and future public park and landscaping at the new community. However, it is not yet connected to a City-sourced line for the recycled water supply. So, he sought consideration to allow a 30-days reprieve from the new requirement in this ordinance in order to be able to finish apartment construction.

Voltaire Montemayor, Milpitas resident, said “now is the time” he felt. Water levels were down, so he was in favor of water savings as described.

Vice Mayor Polanski asked staff, on the foundation of new buildings with concrete mix, whether builders could use reclaimed water and staff replied yes.

Councilmember Gomez asked the City Manager for comments on the request from SCS. Mr. Williams pointed out that accessibility to water was the issue for continuing the construction. The company would need relief to use potable water.

City Attorney Mike Ogaz offered possible language to allow for the exception (for SCS/Citation project).

Councilmember Giordano was ready to move this subject forward and she wanted three changes:

- 1) eliminate construction of new swimming pools: add Unpermitted
- 2) add the time of day to the two days for restricted for watering landscaping, to be after 8:00 PM and before 8:00 AM
- 3) an exemption from required use of recycled water could be granted by City Council, as requested by SCS/Citation

The City Attorney read aloud new language he proposed, while Councilmember Giordano wanted broader possibility for exemptions possible, if those were granted by City Council (not specific to the one project) as a broad policy.

City Manager Williams commented about making time of day adjustable for Daylight Savings Time, in the change recommended by Councilmember Giordano.

City Attorney Mike Ogaz read aloud the title of Ordinance No. 240.2, “An Urgency Ordinance of the City Council of the City of Milpitas Amending Chapter 6 of Title VIII of the Milpitas Municipal Code Relating to Supplemental Water Use Restrictions as Required by State Law.”

(1) Motion: to waive the reading beyond the title of Ordinance No. 240.2

Motion/Second: Councilmember Giordano/Councilmember Gomez

Motion carried by a vote of: AYES: 5  
NOES: 0

(2) Motion: to adopt Urgency Ordinance No. 240.2 effective immediately for supplemental water use restrictions, with three specific changes to the text of the ordinance (swimming pools not yet permitted may not be filled, limit landscape watering to specific hours adjustable per Daylight Savings Time, and exemptions could be granted by City Council). Motion also included, as requested by the developer, a specific 30 days exemption from requirement to water construction sites only with recycled water for SCS/Citation Homes for the residential project Montague Village already under construction

Motion/Second: Councilmember Giordano/Councilmember Gomez

Motion carried by a vote of: AYES: 5  
NOES: 0

**ADJOURNMENT**

Mayor Esteves adjourned the City Council meeting at 11:00 PM.

*Meeting minutes respectfully submitted by  
Mary Lavelle, City Clerk*

**Draft MEETING MINUTES  
CITY OF MILPITAS**

**Minutes of:** Special Meeting of the Milpitas City Council  
**Date:** Monday, August 25, 2014  
**Time:** 4:00 PM  
**Location:** Milpitas City Hall, 4<sup>th</sup> Floor Conference Room  
455 East Calaveras Blvd., Milpitas

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**ROLL CALL**

Mayor Esteves called the meeting to order at 4:05 PM.

**PRESENT:** Mayor Esteves, Vice Mayor Polanski, Councilmembers Giordano and Montano

**ABSENT:** Councilmember Gomez

City Attorney Mike Ogaz and City Clerk Mary Lavelle were present.

**APPROVAL OF AGENDA**

Motion: to approve the agenda

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of:           AYES: 4  
  NOES: 0  
  ABSENT: 1 (Gomez)

**PUBLIC FORUM**

Ms. Catherine Percy, a 40 year resident of Milpitas, expressed her opposition to the recent action by the City Council to require "In God We Trust" installed on government buildings in the city. She reported that many residents have other religions that may not honor God, and she listed some examples. She did not want any tax money spent on installing that particular phrase, even if the City Attorney deemed it to be legal.

**CLOSED SESSION**

City Council convened to Closed Session to discuss one item:

Conference with Real Property Negotiator  
Property: McCandless Property APN 086-41-016 and APN 086-41-017  
Negotiating with: Milpitas Unified School District  
Under Negotiation: Potential Sale of Property

There was no announcement at the end of the Closed Session.

**ADJOURNMENT**

Mayor Esteves adjourned the special meeting at 4:35 PM.

*Minutes prepared and submitted by  
Mary Lavelle, City Clerk*