City Council
Jose Esteves, Mayor
Carmen Montano, Vice Mayor
Garry Barbadillo, Councilmember
Debbie Indihar Giordano, Councilmember
Marsha Grilli, Councilmember

CITY OF MILPITAS - NOTICE OF SPECIAL MEETING

NOTICE IS HEREBY GIVEN that a Special Meeting of the Milpitas City Council will be held at 11:00 a.m. on Saturday, February 7, 2015 at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA in the Committee Room on the first floor. The agenda for the meeting is as follows:

SPECIAL MEETING AGENDA

SATURDAY, FEBRUARY 7, 2015
11:00 AM
Milpitas City Hall
Committee Room, 1st floor
455 E. Calaveras Boulevard, Milpitas, CA

I. CALL TO ORDER

II. APPROVAL OF AGENDA

III. PUBLIC FORUM

Public comments may be made regarding any subject not on the agenda, limited to three minutes.

IV. DISCUSSION WITH ASSEMBLYMEMBER KANSEN CHU – regarding regional issues of mutual interest

V. ADJOURNMENT

KNOW YOUR RIGHTS UNDER THE **OPEN GOVERNMENT ORDINANCE**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review.

Materials related to an item on this agenda submitted to the City Council after distribution of the agenda would be available for public inspection at the City Clerk's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas during normal business hours.

For more information on your rights under the Open Government Ordinance or to report a violation of the ordinance, contact the City Attorney at Milpitas City Hall, 455 E. Calaveras Blvd, Milpitas, CA
E-mail: mogaz@ci.milpitas.ca.gov / Phone 408/586-3040

The Open Government Ordinance is codified in Milpitas Municipal Code as Title I Chapter 310 and is available at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

Meeting Minutes of the Special Meeting of the Milpitas City Council

SATURDAY, FEBRUARY 7, 2015
11:00 AM
Milpitas City Hall – Council Chambers
455 E. Calaveras Boulevard, Milpitas, CA

CALL TO ORDER - 11:15 AM. Due to a large number of visitors in the audience, the Mayor moved the location of the meeting from the scheduled Committee Room on the first floor to the Council Chambers on the second floor of Milpitas City Hall.

ROLL CALL: Mayor Esteves, Vice Mayor Montano, Councilmembers Barbadillo and Grilli. Assemblymember Kansen Chu was present along with City officials City Manager Tom Williams, City Attorney Mike Ogaz and City Clerk Mary Lavelle.

APPROVAL OF AGENDA – approved by unanimous vote.

PUBLIC FORUM
Mayor Esteves limited public comment to two minutes for each speaker and the City Council agreed. He then welcomed the many residents in attendance.

Assemblymember Kansen Chu thanked the City of Milpitas for having him on this date. He was interested in learning legislative priorities for all cities in his Assembly District. Mr. Chu planned to move his district office from Fremont to Milpitas in 2015 and introduced two of his staff.

Over the next one and one half hour's time, 40 speakers of all ages, nearly all residents of Milpitas with a few from Fremont and San Jose, addressed the Mayor, Council and Assemblyman with comments and complaints about odor in Milpitas. Most expressed opposition to the proposed expansion of the Newby Island Landfill in San Jose.

DISCUSSION
Following these comments by the public, Mayor Esteves noted that City staff had attended some meetings of the local citizens' group formed against the continuing bad odor in the city. The Mayor wanted to update the group on city actions on the odor issue to date, and expressed that the City Council was in the same boat, saying that city government and residents were in the same "battalion" to work together to combat odor.

Mayor Esteves asked City Attorney Mike Ogaz to update the audience members. The solid waste permit was at issue at a meeting at the Embassy Suites Hotel held in November, two meetings in Sacramento at the CalRecycle offices. The City vigorously opposed the permit to increase the landfill by 95 feet. The City heard the previous Thursday that the state agency would in fact issue the permit. Another permit was before the City of San Jose, with an upcoming meeting in the nearby city on February 11 where City of Milpitas representatives would be present. Then further action in the courts was possible. A CEQA lawsuit was ongoing which occurred after the City of San Jose approved an Environmental Impact Report, as certified in the past. That matter was on appeal in the courts.

The City Attorney continued, explaining that the City of Milpitas recently started a process calling for Requests For Qualifications (RFQs) to seek a law firm with experience in environmental issues. A committee then selected Burke, Williams & Sorenson to represent the City on these issues and to come up with possible options for action by the City Council. A companion class action lawsuit was underway with some effort collaborating on that one also.

Finally, the City was willing to participate in a regional odor study, although Newby Island/Republic representatives had said that odor came from any other source but their facility. A study could then conclude where the odor really was generated. The City would like to talk to Assemblymember Chu about legislative options. The permitting process did not allow for consideration of odor as an item to

make decisions on landfill permits. Further talks with the Bay Area Air Quality Management District were necessary, along with possible legislative solutions.

Mr. Ogaz stated that resident participation was so important, he emphasized, by raising dialogue. Public Records Act requests could be made to those other agencies for the information people sought. This would be more than requests by the City to other government agencies.

Mayor Esteves emphasized that the Council was staking taxpayers' money on these legal and other efforts to combat the odor and health issues, in addition to related economic development. He urged residents not to give up and was proud that the citizens remained active.

Vice Mayor Montano knew that odor was a regional issue, with the odor getting worse since she had lived here from the 1960s. Everyone should ask where the data was, and send it to the agencies. She recommended that there needed to be better communication between agencies, since each had its own agenda. Collaboration was necessary. Better monitoring of CalRecycle and BAAQMD was needed.

Councilmember Barbadillo shared the experience that folks spoke about. There were many issues surrounding the odors and all created leverage to create pressure. Regarding the BAAQMD, it was necessary to give more resources to that agency, to allow more enforcement of odor problems. Regarding CalRecycle, considering a public nuisance was one item for permit issuance, to re-define that possibly to strongly include any odor. State legislation that focused on landfills and composting may be needed. Ensuring these regulatory agencies had necessary funds for enforcement was also needed.

Vice Mayor Montano addressed re-zoning, and was uncertain what the City Council had authority to do since the landfill was in San Jose.

Councilmember Grilli commended the Mayor, Council, and staff on steps taken trying to do something on odor issues. Legislative options were slow though while she fully supported a regional odor study. Try to stop or slow the permit process, she urged, with the need to mitigate odors being suffered and dealt with it now.

Besides odor, Mayor Esteves wanted Mr. Chu to pay attention to the soundwall issue along the I-680 freeway where only one side had a soundwall. Of course, the matter of traffic which was a regional issue was another focus. He asked for attention to Highway 237 carpool lane with no entry yet in Milpitas.

Assembly man Chu thanked the residents and City Council for all the great input. He referred to his past work on San Jose City Council dealing with issues at the Water Pollution Control Plant, and the drying beds getting covered to reduce odor versus open air drying beds. There were multiple sources of the odors, so he liked the idea of a regional study and then to deal with the sources. Also the Zanker Landfill was not far away. He would like to see neighboring cities to all affect the permitting of facilities that have impact on residents regionally. He planned to talk to operators of both Newby Island and Zanker landfills to seek mitigation of the odors. Even if a permit was not issued to expand, both would still continue to operate for next 30 years, and odors could continue.

Lastly, Vice Mayor Montano asked the Assemblyman about Interstate 880's exit at Great Mall parkway, which was a dangerous exit with the need for new improved signs.

Mayor Esteves called for the conclusion of the meeting, in order to respect Mr. Chu's time whose next function would be held at Milpitas Library immediately following. The special meeting was adjourned at 1:15 PM.

The foregoing minutes were approved by the Milpitas City Council on March 3, 2015.

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Mary Lavelle, Milpitas City Clerk