



# CITY OF MILPITAS

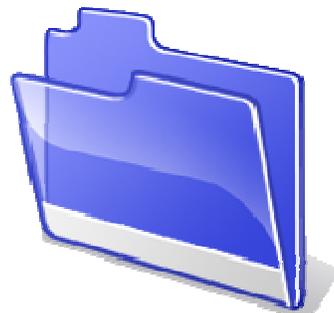
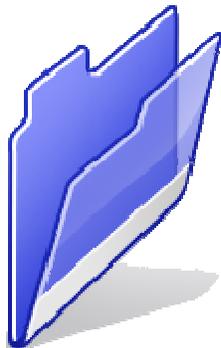
455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479  
GENERAL INFORMATION: 408-586-3000, [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov)

11/14/2016

Special Meeting – Additional Attachment H



## ATTACHMENT RELATED TO AGENDA ITEM AFTER AGENDA PACKET DISTRIBUTION





*Office of the City Attorney*

RICHARD DOYLE, CITY ATTORNEY

VERA M. I. TODOROV  
Senior Deputy City Attorney  
Direct Line: (408) 535-1956

November 14, 2016

City of Milpitas City Council  
455 East Calaveras  
Milpitas, CA 95035

Transmitted by e-mail to Milpitas  
City Clerk (mlavelle@ci.milpitas.ca.gov)

**Re: November 14, 2016 Council Agenda Item VI --  
Solid Waste Collection and Processing Franchise Agreement**

Dear Mayor Esteves and Council Members:

The City of San José reiterates its objections to the above-referenced project that were conveyed to the Milpitas City Council on September 20, 2016 and October 17, 2016. San José requests that the Milpitas City Council ("Council") delay further consideration of the proposed trash hauling contract until such time as a legally adequate Environmental Impact Report ("EIR") is prepared that complies with the California Environmental Quality Act ("CEQA").

The City of San José reiterates its strong opposition to the proposed project because in both of the solid waste franchise agreements that you are considering for approval this evening -- Republic Services and Garden City Sanitation (dba Milpitas Sanitation) -- the "Approved Disposal Facility" is defined as Guadalupe Mines landfill in San José (See Exhibit A of both proposed agreements). The use of the Guadalupe Mines landfill by the City of Milpitas will create a significant amount of vehicle trips and associated noise from trash trucks over a much longer haul route than is currently used by Milpitas, which impacts have not been adequately evaluated in accordance with the requirements of CEQA as explained in our prior communications to you.

The proposed contract with Milpitas Disposal includes an alternative that is not available in the proposed Republic Services contract. The proposed Milpitas Disposal contract provides that the City may direct the contractor to another waste disposal facility if a future agreement is achieved between the City of Milpitas and the City of

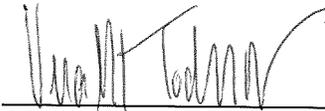
Sunnyvale for use of the SMaRT alternative disposal facility. The proposed Milpitas Disposal agreement provides that the agreement to use the Sunnyvale disposal facility and the 90-day notice to the contractor must occur by February 3, 2017 or the City of Milpitas will be precluded from directing the contractor to a disposal facility other than Guadalupe Mines for a period of five years from the commencement date of the agreement (See Section 4.8.B.4. on p. 31 of the proposed Milpitas Disposal Franchise Agreement). The City of San José encourages Milpitas's negotiations for the use of the SMaRT disposal facility in a timely manner in order to avoid the impacts associated with the use of the Guadalupe Mines facility. However, we are also concerned that the City of Milpitas would be unable to direct this contractor to an alternative facility for a five-year period if it does not meet the February 3, 2017 deadline.

The City of San José continues to urge the Milpitas City Council to direct its staff to prepare an EIR in order to rectify the severe deficiencies previously identified by San José. San José looks forward to working with the City of Milpitas to ensure each of its concerns are sufficiently addressed in an appropriate environmental document.

Very truly yours,

RICHARD DOYLE, City Attorney

By:



VERA M. I. TODOROV  
Senior Deputy City Attorney

cc: Thomas Williams, City Manager (twilliams@ci.milpitas.ca.gov)  
Christopher Diaz, City Attorney (cdiaz@ci.milpitas.ca.gov)  
Mary Lavelle, City Clerk (mlavelle@ci.milpitas.ca.gov)