

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS DEFINING GUIDING PRINCIPLES FOR THE SAN JOSE/SANTA CLARA WATER POLLUTION CONTROL PLANT MASTER PLAN RECONSTRUCTION AND LAND USE ALTERNATIVES

WHEREAS, the City of San Jose is the operator and co-owner of the San Jose/Santa Clara Water Pollution Control Plant, hereinafter known as the “Plant,” constructed in 1956 at 700 Los Esteros Road, San Jose, and currently serving the sewage treatment needs of the 1,500,000 people and businesses of the South Bay; and

WHEREAS, the City of San Jose is completing a Plant Master Plan to rebuild this aging wastewater facility and define beneficial uses for the 2,600 acres of Plant lands; and

WHEREAS, the Plant Master Plan is evaluating \$1 billion to \$1.5 billion of improvements to modernize the treatment and waste handling processes; produce energy from waste conversion, solar, and wind facilities; and produce other usable products from waste conversion; and

WHEREAS, the Master Plan is evaluating opportunities to use sections of the 2,600 acres of Plant lands, including designated bufferlands, for economic development including retail, light industrial, office, and research and development; environmental restoration, owl habitat, wetlands, ponds, riparian habitat, and salt marsh habitat; and social uses including trails, parks and ballfields, and an education center or museum; and

WHEREAS, the City of Milpitas is a Tributary Agency to the San Jose/Santa Clara Water Pollution Control Plant, by the “Master Agreement for Wastewater Treatment between City of San Jose, City of Santa Clara, and City of Milpitas,” dated March 1, 1983 and subsequently amended on December 17, 1985, November 21, 1995, July 14, 2006, and August 9, 2009; and

WHEREAS, as a Tributary Agency, the City of Milpitas participates in Plant land ownership in proportion to its purchased sewage treatment capacity rights and has interest in the beneficial uses developed for this land; and

WHEREAS, as a Tributary Agency, the City of Milpitas is responsible for Plant capital improvement and operations and maintenance expenses in proportion to its purchased sewage treatment capacity rights and, therefore, has interest in the economic feasibility of the Master Plan, development of Plant lands to provide Plant revenue, and implementation of efficient waste handling processes and energy production; and

WHEREAS, as the Plant is located at the City’s western boundary, its waste treatment processes, storage ponds, and sludge drying beds can, and do, directly impact the quality of life of Milpitas residents and can restrict their enjoyment and use of their property; and

WHEREAS, the City of Milpitas supports San Jose’s decision to be guided by the concept of sustainability, as defined as a balanced consideration of environment, economy, and equity, for this major regional public works project; and

WHEREAS, as a Tributary Agency sharing a boundary with the Plant, the City of Milpitas desires to define and make known its position concerning the Plant Master Plan by further defining sustainability principles relating to environment, economy, and equity.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. Decisions regarding Plant improvements, land use, environmental requirements, economic opportunities, and new Plant business opportunities shall always be based upon the premise that wastewater treatment is the primary business of the Plant and all other activities are secondary.

2. Decisions regarding Plant improvements, land use, environmental requirements, economic opportunities and new Plant business opportunities shall always be based on the philosophy of serving and benefiting the sewer customers throughout the Plant tributary area.
3. Upon completion of the Plant Master Plan, new agreements with the Plant Tributary Agencies will be needed to reflect the new realities and revenue centers conceived by the Plant Master Plan, including financing and financial benefits to the tributary agencies.
4. The outdated infrastructure and open air drying systems for the solids are public nuisances inappropriate to an urban area. These outdated systems should be replaced or retrofitted to incorporate the most current available technologies, to significantly reduce or eliminate environmental impacts such as odor, visual and energy consumption within the first phases of the Master Plan.
5. The Financial Plan for the Plant Master Plan should include the following:
 - a. Revenue from economic land uses should be reinvested into fulfilling and expediting the goals of the Master Plan and minimizing/eliminating debt financing for Plant improvements; and
 - b. Ongoing revenues from energy production should be used to help offset ongoing maintenance and operations costs, thereby reducing rate increases to all tributary agencies.
6. Economic land uses should be clustered along the north side of Highway 237 to maximize revenue for the Plant.
7. Social land uses should be clustered along the western side of Coyote Creek to improve performance of bufferlands and maximize environmental and recreational benefits.
8. Secondary access from the northeast of the project area should not be precluded.
9. City of San Jose social policies including, but not limited to, public art, should not be incorporated into the costs of the Master Plan improvements shared by the Tributary Agencies.

PASSED AND ADOPTED this _____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Robert Livengood, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney