

City Council

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



NOTICE OF SPECIAL MEETING

NOTICE IS HEREBY GIVEN that a Special Meeting of the Milpitas City Council will be held at 7:00 P.M. on Tuesday, May 17, 2016 at Milpitas City Hall, 455 East Calaveras Boulevard., Milpitas, CA in the City Council Chambers on the second floor. The agenda for the meeting is as follows:

SPECIAL MEETING AGENDA

TUESDAY, MAY 17, 2016

7:00 P.M.

Milpitas City Hall

City Council Chambers, 2nd Floor

455 East Calaveras Boulevard, Milpitas, CA 95035

I. CALL TO ORDER / ROLL CALL

II. APPROVAL OF AGENDA

III. ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

IV. CONSENT CALENDAR

***A) Convey Six Permanent Easements and Two Temporary Easements to the Santa Clara Valley Water District for Flood Protection Facilities, and Authorize City Manager to Execute Associated Easement Deeds (Staff Contact: Steven Machida, 408-586-3355)**

***B) Convey a Pole Line Easement to Pacific Gas & Electric and Authorize the City Manager to Execute the Easement Deed (Staff Contact: Steven Machida, 408-586-3355)**

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 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. For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035. e-mail: cdiaz@ci.milpitas.ca.gov / Phone: 408-586-3040

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on the City website.

All City Council agendas and related materials can be viewed online here:

www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, call the City Clerk at 408-586-3001 or send an e-mail to mlavelle@ci.milpitas.ca.gov prior to the meeting. Larger font agenda available or arrange for mobility assistance. Headsets are available in the City Council Chambers for all meetings.

AGENDA REPORTS

***A) Convey Six Permanent Easements and Two Temporary Easements to the Santa Clara Valley Water District for Flood Protection Facilities, and Authorize City Manager to Execute Associated Easement Deeds (Staff Contact: Steven Machida, 408-586-3355)**

Background: The Santa Clara Valley Water District (SCVWD) is implementing its Lower Berryessa Creek Flood Protection Project to protect the Milpitas community from the 100-year flood (see agenda packet Attachment 1 – Lower Berryessa Creek Project). As an integral part of the SCVWD’s project design, certain portions of the floodwalls, levees and ramps would be located on City properties adjacent to the SCVWD’s right-of-way at six locations (see Attachment 2 – Easement Locations and Exhibits).

The SCVWD is requesting the City to convey six permanent easements to allow those above-mentioned SCVWD facilities be located on City properties (see Attachment 3 –Letter of Request from SCVWD). The SCVWD is also requesting the City to convey two temporary construction easements to facilitate safe and convenient construction zones. City’s conveyance of those eight easements will allow the SCVWD to prosecute and complete their project in a timely manner. The SCVWD is also requesting the City to convey a pole line easement to the Pacific Gas and Electric Company (next agenda item below).

Current use of those easement areas are mostly landscaping. The sizes of those permanent easements vary from approximately 0.37 acres, 0.16 acres, 666 square feet, 634 square feet, 633 square feet, to 390 square feet, respectively. The City does not have any short-term or long-term future usage plan for those easement areas. The Easement Deeds have been reviewed by the City Attorney and the City Engineer for appropriateness and accuracy (see Attachment 4 – Draft Easement Deeds).

In consideration of City’s conveyance to the SCVWD of those eight easements, the City requested SCVWD to convey an approximately 200-foot long and 10-foot wide public water line easement to the City for an existing 14 inch potable water line located on the SCVWD property. SCVWD’s easement conveyance to the City would be presented to the City Council at a later date in accordance with the SCVWD’s letter of intent to the City dated May 4, 2016 (see Attachment 5).

California Environmental Quality Act: Conveyance of easements is exempt from CEQA as it does not cause any physical change to the environment.

Fiscal Impact: None. There is no fiscal impact to the proposed easement conveyance.

Recommendation: Convey six permanent easements and two temporary easements to the Santa Clara Valley Water District for flood protection facilities and authorize the City Manager to execute associated easement deeds.

***B) Convey a Pole Line Easement to Pacific Gas & Electric and Authorize the City Manager to Execute the Easement Deed (Staff Contact: Steven Machida, 408-586-3355)**

Background: The Santa Clara Valley Water District (SCVWD) is implementing its Lower Berryessa Creek Flood Protection Project to protect the Milpitas community from the 100-year flood (see agenda packet Attachment 1 – Lower Berryessa Creek Project). There are existing Pacific Gas & Electric (PG&E) facilities that would need to be relocated due to conflict with the SCVWD’s new flood protection facilities.

SCVWD, on behalf of the PG&E, is requesting the City to convey a pole line easement to allow a portion of the relocated PG&E facilities be located on City property (see Attachment 2 – SCVWD’s Letter of Request). PG&E would also need similar easements from other agencies, such as Union Pacific Railroad and Santa Clara Valley Transportation Authority to complete its facility relocation. The PG&E facilities on City property would include a new pole and overhead lines. The easement would be approximately

100' long and 10' wide with a total area of 1,000 square feet (see Attachment 3 – Exhibit of Proposed PG&E Facilities). The SCVWD also requested the City to convey eight easements to the SCVWD (see prior agenda item above).

Current use of the easement area is for an aerial power line across Berryessa Creek. The City does not have any short-term or long-term future usage plan for the easement area. The draft Easement Deed has been reviewed by the City Attorney and the City Engineer for appropriateness and accuracy (see Attachment 4 – Draft Easement Deed).

California Environmental Quality Act: Conveyance of easement is exempt from CEQA as it does not cause any physical change to the environment.

Fiscal Impact: None. There is no fiscal impact to the proposed easement conveyance.

Recommendation: Convey a pole line easement to PG&E and authorize the City Manager to execute the easement deed.