

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS IN SUPPORT OF AUTHORIZING THE IMPLEMENTATION OF THE UPPER BERRYESSA CREEK FLOOD RISK MANAGEMENT PROJECT WITHOUT THE PROPOSED WASTE DISCHARGE REQUIREMENTS

WHEREAS, a critical purpose of the Santa Clara Valley Water District is to provide for the management and conservation of flood and storm waters and the protection of watercourses, watersheds, public infrastructure, life and property from damage or destruction from such waters; and

WHEREAS, the Berryessa Creek Flood Risk Management Project encompasses approximately 2.2 miles of Berryessa Creek from Calaveras Boulevard to Interstate 680; and

WHEREAS, the Berryessa Creek Flood Risk Management Project offers a tremendous opportunity to increase flood protection and stabilize the channel banks, while enhancing habitat and the natural environment; and

WHEREAS, the Upper Berryessa Creek has a history of flooding, having experienced major events within the project area in 1982, 1983, and 1998; and

WHEREAS, in 1982, the bank at Berryessa Creek overflowed south of Calaveras Boulevard, and in 1983, flooding occurred at Montague Expressway, at the confluences with Piedmont and Los Coches creeks, and again along Calaveras Boulevard---which was the largest flood on record since the records began in 1970; and

WHEREAS, in 1998, the creek overflowed at the confluence with Piedmont Creek and to date, the creek has a 25 percent chance of flooding each year; and

WHEREAS, the Berryessa Creek Flood Risk Management Project will, once constructed, ensure flood protection not just for hundreds of homes, schools, and businesses, but also for vital transportation infrastructure, including the new BART Silicon Valley Milpitas Station and rail lines; and

WHEREAS, the Berryessa Creek Flood Risk Management Project will protect 650 parcels from a 100-year flood event; and

WHEREAS, flooding can result in millions of dollars in damage to homes, businesses, schools, and other infrastructure and the Berryessa Creek Flood Risk Management Project would avoid utility and transportation shutdowns and prevent potential damages exceeding \$528 million per event; and

WHEREAS, the Berryessa Creek Flood Risk Management Project will provide long-term benefits to stream ecology and environmental habitat; and

WHEREAS, the Berryessa Creek Flood Risk Management Project will reduce erosion, sedimentation, maintenance requirements, and improve water quality, and provide increased opportunities for recreation; and

WHEREAS, the City of Milpitas supports the Santa Clara Valley Water District's mission to provide Silicon Valley safe, clean water for a healthy life, environment, and economy, including its critical responsibility to provide flood protection for life, property, and businesses, while guided by its ongoing commitment to a balanced consideration of community preservation, environment, economy, and equity, for this major regionally significant project; and

WHEREAS, the City of Milpitas is deeply committed to the protection of its residents, property, businesses, vital transportation infrastructure, and sustainability, and would like to make known its position concerning the Berryessa Creek Flood Risk Management Project.

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

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. Upon completion of the Berryessa Creek Flood Risk Management Project, there will be flood protection not just for hundreds of homes, schools, and businesses, but also for vital transportation infrastructure, including the new BART Silicon Valley Milpitas Station and rail lines.
3. The Santa Clara Valley Water District will continue to work with the community and cities to provide critical flood protection needs for Milpitas.
4. The San Francisco Regional Water Quality Control Board authorizing the implementation of Berryessa Creek Flood Risk Management Project with the tentative order for waste discharge requirements could, at a minimum, result in significant delays for the Project and the flood protection it would provide, leading to long-term waste of public funds and fundamental delays in transit operations.
5. Adoption of the tentative order with the proposed waste discharge requirements can jeopardize congressional authorization for the project, potentially affecting flood protection for the new Milpitas BART station and rail lines.
6. The San Francisco Regional Water Quality Control Board should authorize the implementation of the Berryessa Creek Flood Risk Management Project without the waste discharge requirements, and allow the Berryessa Project to proceed, which will benefit not just Silicon Valley, but the region as a whole.

PASSED AND ADOPTED this _____ day of _____ 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney