



Agenda Report

19-1153

Agenda Date: 11/19/2019

REPORT TO COUNCIL

SUBJECT

Authorize the City Manager to Approve the sale of approximately 1,744 square feet of land at the San José-Santa Clara Regional Wastewater Facility Site from the City of San José to the Valley Transportation Authority

BACKGROUND

The City is a co-owner of the San José-Santa Clara Regional Wastewater Facility (RWF) and its land. The RWF treats an average of 100 million gallons per day (mgd) of wastewater from seven jurisdictions that serve 1.4 million area residents. The facility sits on approximately 175 acres of operational area, surrounded by over 2,700 acres of bufferland, lagoons, ponds, and designated wildlife habitat.

Santa Clara is a member of the Treatment Plant Advisory Committee (TPAC), an advisory group comprised of elected officials from the jurisdictions served by the RWF, which advises the San José and Santa Clara Councils regarding the administration of the facility. Councilmembers Debi Davis and Kathy Watanabe are Santa Clara's representatives on TPAC.

DISCUSSION

The Santa Clara Valley Transportation Agency (VTA) is managing the State Route (SR) 237 Express Lanes Project by installing or improving express lanes along SR 237 from N. Mathilda Avenue in Sunnyvale to the west to Interstate 880 to the east. Phase 1 of this project became operational in 2012. Phase 2 of this project, which proposes to extend the express lanes from N. 1st Street to Mathilda Avenue, passes by the southern part of the RWF property. There is a small parcel of RWF land (approximately 1,744 square feet) that lies within the Phase 2 project area.

VTA is proposing to purchase this small parcel of land from the RWF. In addition to its relatively small size, it is also encumbered with a PG&E pole line easement, which extends the entire parcel. The land is, therefore, undevelopable and VTA's traffic improvement project can be achieved through this sale without any detrimental effect on any future development opportunities at the site. San José began negotiations with VTA regarding the possible sale of this parcel. Through negotiations, an agreement was reached on a proposed purchase price of \$5,000. This price was based upon fair market analysis appraisal conducted by San José in 2018.

The sale of RWF property is governed by the 1959 Sewage Treatment Plant Agreement between the cities. Under that agreement, both cities must consent to the sale of RWF real property, after receiving input from the TPAC. The proposed sale was considered by TPAC at its October 10, 2019 meeting and was approved unanimously. The City of San José's procurement rules allow for their

City Manager to sign the Purchase and Sale Agreement for sale and transfer of real property. The Santa Clara Charter requires that City property exceeding \$500 in value be offered for sale by publication in an official newspaper; however the subject property was acquired jointly with the City of San Jose under the 1959 Sewage Treatment Plant Agreement and can be sold by the City of San Jose with the consent of the Santa Clara City Council.

ENVIRONMENTAL REVIEW

The action being considered is a component of the SR 237 Express Lanes Phase 2 Project. On June 25, 2015, the State of California Department of Transportation (Caltrans), as lead agency for the SR 237 Express Lanes Phase 2 Project, made a determination under the California Environmental Quality Act ("CEQA") that the project was categorically exempt from formal review under CEQA Guidelines section 15301 (Class 1 - Existing Facilities) in that the work will be undertaken within the existing Caltrans and intersecting local streets rights-of-way, and avoidance and minimization measures incorporated into the project design reduced construction related impacts to negligible levels. (State Clearinghouse #2015068447.)

FISCAL IMPACT

If the proposed sale is completed, the \$5,000 would be deposited in the San José-Santa Clara Treatment Plant Capital Fund, as part of the City of San Jose's capital budget, pursuant to the terms of the Sewage Treatment Plant Agreement between the cities. There is no fiscal impact to the City of Santa Clara in this report.

COORDINATION

This report has been coordinated with the City Attorney's Office and the City of San Jose.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Staff recommends Council authorize the City Manager to enter into an agreement, in substantially the same form as the attached, with the City of San José and the Santa Clara Valley Transportation Authority (VTA), for the sale of a approximately 1,744 square feet of land at the RWF.

Reviewed by: Gary Welling, Director of Water & Sewer Utilities

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. TPAC Action Request (includes site map)
2. Agreement for Purchase and Sale of Real Property