



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: SEPTEMBER 20, 2022

FROM: PUBLIC WORKS DEPARTMENT WARD: 1

SUBJECT: LONG-TERM ROUTINE MAINTENANCE STREAMBED ALTERATION AGREEMENT WITH CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (NOTIFICATION NO. 1600-2015-0109-R6) FOR MAINTENANCE OF THE TEQUESQUITE CREEK WITH THE OPTION FOR ONE EXTENSION IN ACCORDANCE WITH THE TERMS OF THE AGREEMENT, AND AGREEMENT FOR SALE OF CREDITS WITH EIP III CREDIT CO., LLC TO PURCHASE 1.32 RE-ESTABLISHMENT MITIGATION CREDITS FROM THE RIVERPARK MITIGATION BANK IN THE AMOUNT OF \$481,800 - SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$481,800 FROM THE NPDES FUND

ISSUES:

Approve the Long-term Routine Maintenance Streambed Alteration Agreement with California Department of Fish and Wildlife (Notification No. 1600-2015-0109-R6) for maintenance of the Tequesquite Creek with the option for one extension in accordance with the terms of the Agreement, and approve the Agreement for Sale of Credits with EIP III Credit Co., LLC to purchase 1.32 re-establishment mitigation credits from the Riverpark Mitigation Bank in the amount of \$481,800, and authorize a supplemental appropriation from NPDES Fund in the amount of \$481,800.

RECOMMENDATIONS:

That the City Council:

1. Approve the Long-term Routine Maintenance Streambed Alteration Agreement between the City of Riverside and the California Department of Fish and Wildlife (Notification No. 1600-2015-0109-R6) for maintenance of Tequesquite Creek;
2. Authorize the City Manager, or designee, to execute the Long-term Routine Maintenance Streambed Alteration Agreement on behalf of the City, including making minor and non-substantive changes and the option for one extension in accordance with the terms of the Agreement;
3. Approve the Agreement for Sale of Credits between the City of Riverside and EIP III Credit Co., LLC for the purchase of 1.32 re-establishment CDFW mitigation credits from the Riverpark Mitigation Bank in the amount of \$481,800;
4. Authorize the City Manager, or designee, to execute the Agreement for Sale of Credits on

behalf of the City, including making minor and non-substantive changes; and

5. With at least five affirmative votes, authorize a supplemental appropriation in the amount of \$481,800 in the NPDES Storm Drain Fund, Tequesquite Channel Mitigation expenditure account and record an equal amount in revenue in the NPDES Storm Drain, Special Assessments revenue account.

BACKGROUND:

Tequesquite Creek is a tributary to the Santa Ana River located at the end of Tequesquite Avenue between Ryan Bonaminio Park and the Tequesquite Landfill (Attachment 1). The creek is part of a storm drain conveyance for a major part of the City and experiences significant flows during rain events. The creek is also located across from the Tequesquite Community Garden which has flooded during at least two prior storm events.

Tequesquite Creek requires long-term routine maintenance to help ensure proper drainage and flow of the upstream area. This maintenance would consist of an initial clearing of all vegetation within and along the storm channel, banks, and access roads followed by routine upkeep in subsequent years. Because the creek is in a riparian area and within jurisdictional waters, the City is required to obtain permits from environmental agencies to perform the work.

On December 15, 2015, the City Council approved a Streambed Alteration Agreement with the California Department of Fish and Wildlife (CDFW) for the long-term routine maintenance of a 500 linear foot section of Tequesquite Creek. Following the City Council's approval of the agreement, staff was informed by CDFW that they would not sign the agreement until a full California Environmental Quality Act (CEQA) analysis was performed. Since that time, staff has taken many steps to complete the CEQA analysis and has worked with multiple regulatory agencies and other organizations throughout the process. On July 7, 2020, the City Council adopted a Mitigated Negative Declaration for the project which identified 0.66 acres of riparian impacts for which mitigation of 1.32 acres would be required.

DISCUSSION:

Since the approval of the Mitigated Negative Declaration, staff has worked with CDFW on an updated Long-term Routine Maintenance Streambed Alteration Agreement (Attachment 2). This agreement permits the City to perform maintenance on Tequesquite Creek and requires the City to purchase 1.32 acres of streambed and riparian habitat re-establishment credits through a CDFW-approved mitigation bank within the San Jacinto Watershed.

The Riverpark Mitigation Bank is located in the valley below the Perris Reservoir and is the only approved mitigation bank that meets CDFW's criteria. Staff initiated discussions with their bank sponsor to purchase the requisite 1.32 credits for project mitigation. The Agreement for Sale of Credits (Attachment 3) details the purchase in the amount of \$481,800.

STRATEGIC PLAN ALIGNMENT:

This project contributes to **Strategic Priority 6 - Infrastructure, Mobility, and Connectivity** and **Goal 6.2** – Maintain, protect, and improve assets and infrastructure within the City's built environment to ensure and enhance reliability, resiliency, sustainability, and facilitate connectivity.

This project aligns with each of the five Cross-Cutting Threads:

1. **Community Trust** – The project provides long term routine maintenance to an area of concern for the community. It reduces risk of flooding at the Tequesquite Community Garden and Ryan Bonaminio Park.
2. **Equity** – The project helps ensure proper drainage and flow of a storm drain system that serves a major portion of the City. It protects property available to all members of the community.
3. **Fiscal Responsibility** – The project reduces the risk of flooding that can affect infrastructure, community gardens, and parks. The costs related to flooding can be substantial and this project provides a pathway to safeguard against that.
4. **Innovation** – Routine maintenance of Tequesquite Creek protects upstream facilities like the Tequesquite Community Garden and other areas that support the innovation efforts of the community.
5. **Sustainability & Resiliency** – The project allows for the long-term maintenance of a major storm conveyance and reestablishes habitat in another area to ensure sustainability is achieved.

FISCAL IMPACT:

The total fiscal impact of the action is \$481,800. Upon Council approval, an appropriation will be made in the amount of \$481,800 in the NPDES Storm Drain Fund, Tequesquite Channel Mitigation Program expenditure account number 4140200-450382 and an equal amount in revenue will be recorded in the NPDES Storm Drain, Special Assessments revenue account number 0000260-369001.

Prepared by: Gilbert Hernandez, Public Works Director
Certified as to
availability of funds: Edward Enriquez, Interim Assistant City Manager/Chief Financial Officer/City Treasurer
Approved by: Kris Martinez, Assistant City Manager
Approved as to form: Phaedra A. Norton, City Attorney

Attachments:

1. Site Map
2. Long-term Routine Maintenance Streambed Alteration Agreement
3. Agreement for Sale of Credits