



City of Arts & Innovation

City Council Memorandum

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TO: HONORABLE MAYOR AND CITY COUNCIL DATE: AUGUST 20, 2024

FROM: COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT WARD: OUTSIDE CITY LIMITS

SUBJECT: STORMWATER TREATMENT DEVICE AND CONTROL MEASURE ACCESS AND MAINTENANCE AGREEMENT AND WATER QUALITY MANAGEMENT PLAN WITH THE CITY OF SAN BERNARDINO FOR PROPERTY LOCATED AT 1388 SOUTH E. STREET, SAN BERNARDINO

ISSUE:

That the City Council approve the Stormwater Treatment Device and Control Measure Access and Maintenance Agreement and the Water Quality Management Plan with the City of San Bernardino for City owned property located at 1388 South E. Street, San Bernardino, California.

RECOMMENDATIONS:

That the City Council:

1. Approve the Stormwater Treatment Device and Control Measure Access and Maintenance Agreement with the City of San Bernardino for City owned property located at 1388 South E. Street, San Bernardino, California;
2. Approve the Water Quality Management Plan with the City of San Bernardino for City owned property located at 1388 South E. Street, San Bernardino, California; and
3. Authorize the City Manager, or designee, to execute the Stormwater Treatment Device and Control Measure Access and Maintenance Agreement and Water Quality Management Plan, including making minor, non-substantive changes, and to sign all documents and instruments necessary to complete the transaction.

BOARD RECOMMENDATION:

On July 8, 2024, the Board of Public Utilities voted unanimously to recommend the City Council approve the Stormwater Treatment Device and Control Measure Access and Maintenance Agreement and the Water Quality Management Plan with the City of San Bernardino for City owned property located at 1388 South E. Street, San Bernardino, California

BACKGROUND:

Riverside Public Utilities (RPU) controls the City-owned vacant land located at 1388 South E Street, San Bernardino, adjacent to the 215 Freeway south of Orange Show Road (“Property”). For approximately 37 years, the Property was leased from RPU to auto dealerships, first to Holiday Oldsmobile and later to Center Chevrolet. The Property was vacant from 2008 until 2010 when the vacant buildings were demolished to reduce the City's liability.

October 12, 2021, City Council approved a Commercial Lease Agreement with WattEV, SB1, Inc., (WattEV) for an initial 15-year term plus three optional five-year extensions for the establishment of an electrical truck leasing and charging facility.

On June 20, 2023, City Council approved a First Amendment to Commercial Lease Agreement with WattEV, amending the Rent Commencement Date from February 12, 2023, to October 1, 2023 and amending the expiration date from February 11, 2038 to September 30, 2038.

On February 13, 2024, City Council approved a Grant of Easement with Southern California Edison for high voltage electrical services needed to power vehicle charging stations on the Property.

DISCUSSION:

As part of the entitlement process, WattEV was required to obtain all required permits and comply with the City of San Bernardino’s Conditions of Approval (COA). The implementation of the Water Quality Management Plan (WQMP) and execution of the Stormwater Treatment Device and Control Measure Access and Maintenance Agreement (Agreement) were required to satisfy the COA. The installation of on-site stormwater treatment devices, as part of a WQMP, is required to satisfy California State requirements on most new commercial development projects.

WattEV sent a request to City staff to execute the Agreement and WQMP with the City of San Bernardino. The Agreement establishes the owner’s responsibility to maintain the stormwater treatment devices. WattEV is responsible for all maintenance and fees for the entirety of the Lease Agreement and any extensions thereof.

STRATEGIC PLAN ALIGNMENT:

The Agreement with the City of San Bernardino aligns with Strategic Priority 5. - High Performing Government Goal 5.4. Achieve and maintain financial health by addressing gaps between revenues and expenditures and aligning resources with strategic priorities to yield the greatest impact.

The Agreement and Plan with the City of San Bernardino, also aligns with each of the five Cross-Cutting Threads as follows:

1. **Community Trust** – The City is transparent and makes decisions based on sound policy, inclusive community engagement, involvement of City Boards & Commissions, and timely and reliable information. By approving the Agreement and WQMP, it shows that the activities and actions by the City serve the public interest, benefit the City’s diverse populations, and result in greater public good.

2. **Equity** – The Agreement and WQMP demonstrates that City is equitable in distribution of services, which ensures that every member of the community has equal access to share the benefits of community progress.
3. **Fiscal Responsibility** – The Agreement and WQMP demonstrates that the City is a prudent steward of public funds and ensures responsible management of the City’s financial and property resources.
4. **Innovation** – The City is innovative by partnering with WattEV and City of San Bernardino to offer charging stations for medium and heavy-duty electric vehicles, which will reduce the carbon footprint in a neighboring city and demonstrates that the City is on the forefront of innovative strategies for clean businesses.
5. **Sustainability & Resiliency** – The Agreement and WQMP will ensure present and future reliability, resiliency, and sustainability for the City-owned property.

FISCAL IMPACT:

There is no fiscal impact associated with this report. The costs associated Stormwater Treatment Device and Control Measure Agreement and the Water Quality Management Plan have been funded by the tenant of the City owned property at 1388 South E. Street, San Bernardino, California.

Prepared by: Benjamin Morales, Real Property Services Manager
Approved by: David A. Garcia, Interim Utilities General Manager

Certified as to
availability of funds: Kristie Thomas, Finance Director/Assistant Chief Financial Officer
Approved by: Rafael Guzman, Assistant City Manager
Approved as to form: Phaedra A. Norton, City Attorney

Attachments:

1. Stormwater Treatment Device and Control Measure Access and Maintenance Agreement
2. Water Quality Management Plan
3. Presentation