



## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Melissa Walker, Public Works Director/City Engineer

**AGENDA DATE:** March 4, 2025

**TITLE:** APPROVAL OF A WATER QUALITY BASIN MAINTENANCE AGREEMENT FOR PEN20-0063 (TRACT 37909) (REPORT OF: PUBLIC WORKS)

**TITLE SUMMARY:** Approval of a Water Quality Basin Maintenance Agreement by and Between the City of Moreno Valley and Iris Park Owners Association for PEN20-0063 (Tract 37909) Located on the Southside of Iris Avenue at Wedow Drive

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### **Recommendation(s)**

That the City Council:

1. Approve the Maintenance Agreement by and between the City of Moreno Valley and Iris Park Owners Association, a California nonprofit mutual benefit corporation, authorizing the City to maintain the Water Quality Basin located within PEN20-0063 (Tract 37909) on the southside of Iris Avenue at Wedow Drive; and
2. Authorize the City Manager to execute the Maintenance Agreement by and between the City of Moreno Valley and Iris Park Owners Association, a California nonprofit mutual benefit corporation subject to the approval of the City Attorney; and
3. Authorize the City Clerk to transmit the executed Maintenance Agreement by and between the City of Moreno Valley and Iris Park Owners Association, a California nonprofit mutual benefit corporation to the Riverside County Recorder's Office for recordation.

### **SUMMARY**

This report recommends approval of a maintenance agreement by and between the City of Moreno Valley and Iris Park Owners Association for residential Tract 37909, which is

located on the southside of Iris Avenue at Wedow Drive. The developer, Beazer Homes Holdings, LLC., is required to enter into a maintenance agreement with the City so that the City may maintain the water quality basin within the development to reduce pollutants in storm water and non-storm water discharges associated with the development. The proposed maintenance agreement between Iris Park Owners Association and the City is necessary to ensure long-term access, maintenance, and to provide funding. There is no impact to the General Fund. Property owners will be assessed NPDES fees via the Annual Levy, which fund the cost of maintenance of the water quality basin.

## **DISCUSSION**

Beazer Homes Holdings, LLC is the developer and owner of Tract Map 37909, which is located on the southside of Iris Avenue at Wedow Drive. The developer is required to construct a water quality basin to mitigate certain environmental impacts. Beazer Homes Holdings, LLC will install Best Management Practices (BMPs) to mitigate the development's impact on water quality. These BMPs are included in the water quality basin in which the City will maintain the landscaping and irrigation. The developer will retain ownership of the water quality basin. Upon the first conveyance of a home to an individual property owner, Iris Park Owners Association will assume the obligations stipulated in the maintenance agreement. A maintenance agreement is required since the water quality basin is privately owned.

The water quality basin not only provides mitigation for water quality impacts but also acts as an extension of the City's storm drain system. Under the requirements of the 2010 National Pollutant Discharge Elimination System (NPDES) MS-4 Permit, it is essential that the City monitors and ensures continued maintenance of the water quality basin that will accept storm water and non-storm water discharges from the development.

Authorizing the City to maintain the landscaping within the water quality basin will assist the City in the following ways:

1. Assure continued maintenance of the required landscaping within the water quality basin, and
2. Comply with State and Federal regulations for monitoring storm water and non-storm water discharges to the City storm drains.

The maintenance agreement is necessary to guarantee long-term funding for public maintenance of the landscaping and to ensure continued access to the water quality basin. Some of the key components of the agreement include:

1. Provides a thirty (30) year term with provisions for extension(s).
2. Identifies specific areas to be maintained by the City.
3. Identifies schedules for maintenance.
4. Establishes minimum insurance requirements to be carried by the Homeowners Association.

5. Provides a Judicial Reference provision, which resolves any disputes regarding the Agreement through an agreed upon or judicially appointed referee. This simplifies the litigation process but waives a right to a jury trial.

## **ALTERNATIVES**

1. Approve and authorize the recommended actions as presented in this staff report. *This alternative ensures the water quality basins will be maintained by a public agency and ensures the City remains in compliance with NPDES requirements.*
2. Do not approve and do not authorize the recommended actions as presented in this staff report. *This alternative leaves maintenance of the water quality basins with Beazer Homes Holdings, LLC, or Iris Parks Owners Association. Additionally, this alternative may cause the City to be in non-compliance with NPDES requirements.*

## **FISCAL IMPACT**

There is no impact to the General Fund. The Developer has balloted for the NPDES Regulatory Rate. Property owners will be assessed NPDES fees via the Annual Levy, which will fund the cost of maintenance of the water quality basin.

## **NOTIFICATION**

Publication of agenda.

## **PREPARATION OF STAFF REPORT**

Prepared by:  
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Department Head Approval:  
Melissa Walker, P.E.  
Public Works Director/City Engineer

Concurred By:  
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Concurred By:  
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Engineering Division Manager/Assistant City Engineer

## **CITY COUNCIL GOALS**

Public Facilities and Capital Projects: Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

## **CITY COUNCIL STRATEGIC PRIORITIES**

1. Economic Development
2. Public Safety
3. Library
4. Infrastructure
5. Beautification, Community Engagement, and Quality of Life

## **6. Youth Programs**

Objective 4.2: Develop and maintain a comprehensive Infrastructure Plan to invest in and deliver City infrastructure.

## Report Approval Details

Document Title:	STAFFREPORT_PW_LD_PEN20-0063_TR37909_MAINT_AGRMT.docx
Attachments:	- Vicinity map.pdf - Maintenance Agreement - LGL21-0059.pdf
Final Approval Date:	Feb 26, 2025

This report and all of its attachments were approved and signed as outlined below:

Melissa Walker

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