



*City of Arts & Innovation*

# City Council Memorandum

**TO: HONORABLE MAYOR AND CITY COUNCIL      DATE: DECEMBER 7, 2021**

**FROM: PUBLIC WORKS DEPARTMENT      WARD: 2**

**SUBJECT: APPROVE A COOPERATIVE AGREEMENT BETWEEN THE CITY OF RIVERSIDE, RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, AND MS215 LLC FOR WEST END MORENO MDP LINE GG-STAGE 1 (PARCEL MAP NO. 36981), PROJECT NO. 4-0-00788-01**

## **ISSUE:**

Approve a Cooperative Agreement between the City of Riverside, Riverside County Flood Control and Water Conservation District, and MS 215 LLC, for West End Moreno MDP Line GG – Stage 1 (Parcel Map No. 36981), Project No. 4-0-00788-01.

## **RECOMMENDATIONS:**

That the City Council:

1. Approve a Cooperative Agreement for Project No. 4-0-00788-01 between the City of Riverside, Riverside County Flood Control and Water Conservation District, and MS 215 LLC; and
2. Authorize the City Manager, or his designee, to execute the Cooperative Agreement, including making minor and non-substantive changes.

## **BACKGROUND**

On November 7, 2017, City Council approved Parcel Map 36981(PM 36981) to establish a six-parcel industrial subdivision. The project consists of eight industrial buildings on a 10.2 acre portion of the 23.6 acre project site.

The existing site takes on drainage from an existing culvert which drains westerly under Old 215 Frontage Road and outlets onto the project site into a soft bottom drainage course which continues to flow westerly through the site.

Under the project, the soft bottom drainage course that flows through Parcel 2 of the project will be covered and replaced with a 60-inch reinforced concrete pipe (West End Moreno MDP Line GG – Stage 1). A network of underground storm drains originating from catch basins throughout

the project site will convey water to the RCP. The RCP will receive all on-site drainage, as well as off-site runoff from the east of the project site that currently drains to the site under existing conditions. At the downstream terminus, West End Moreno MDP Line GG – Stage 1 will connect to a bubbler structure, which connects to an existing undersized storm drain pipe within the adjacent neighboring property located to the west of PM 36981. Associated with the construction of Riverside County Flood Control and Water Conservation District (District) and City of Riverside (City) Facilities includes the construction of a proposed bubbler structure at the westerly end of West End Moreno MDP Line GG – Stage 1, which will bubble out excess peak flow over the capacity of the existing pipe along the drainage corridor via surface flow over asphalt concrete parking lot facilities on the adjacent neighboring property, mimicking the historical drainage condition.

The adjacent neighboring property shall be responsible for maintaining the historical drainage course by entering into a separate legal instrument titled "Covenant and Agreement and Declaration of Restrictions for Acceptance of Drainage Waters" which shall be enforceable by the City.

### **DISCUSSION:**

In order to accommodate the proposed development and maintain proper drainage flow, the Cooperative Agreement (Agreement) identifies the terms and conditions by which certain flood control facilities are required to be constructed as a condition of approval for PM 36981. The agreement lists the responsibilities amongst the parties involved including the Developer, District, and City to oversee their construction and provide ongoing maintenance.

The Agreement is necessary to formalize the transfer of necessary rights of way and to provide for District construction inspection and subsequent operation and maintenance of the West End Moreno MDP Line GG, Stage 1 (Project) storm drain facilities.

Upon completion of construction, the District will assume ownership, operation and maintenance of the Project and associated safety devices. The City will assume ownership, operation and maintenance of the project's storm drain systems that are 36 inches or less in diameter, all inlets, connector pipes, curbs and gutters, and catch basins that are located with City held easements or rights of way. The Developer will assume ownership, operation and maintenance of the Project's proposed bubbler structure at the westerly end of the Project located within the Developer's property within the boundary of Parcel Map 36981.

### **STRATEGIC PLAN ALIGNMENT:**

This cooperative agreement resulting in the construction of additional stormwater facilities aligns with the Infrastructure, Mobility, and Connectivity strategic priority as detailed below:

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 effort directly supports Strategic Action 6.2.5, "Collaborate with Riverside County Flood Control to update master drainage plans within the City to align with projected development

patterns and construct necessary stormwater infrastructure to reduce flooding risk, prioritizing the Northside Specific Plan area / University MDP. Continue regional collaborative efforts to reduce the potential discharge of trash and other pollutants from the storm drain system.”

Furthermore, this item aligns with the Cross-Cutting Threads as outlined below:

1. **Community Trust** – The City’s Development Review Committee process prioritizes providing information up-front to the development community and assisting them in complying with infrastructure buildout & maintenance requirements such as Master Drainage Plan elements.
2. **Equity** – This item is neutral towards this cross-cutting thread.
3. **Fiscal Responsibility** – The cooperative agreement clearly defines construction, permitting, inspection and maintenance responsibilities to ensure all parties remain fiscally responsible as appropriate to their role in the project. The developer will be responsible for all construction and inspection costs.
4. **Innovation** – This item is neutral towards this cross-cutting thread.
5. **Sustainability & Resiliency** – The improvements required of the developer will directly enhance the resilience of the project site during storm events.

#### **FISCAL IMPACT:**

There is no fiscal impact to the City as the Developer is funding all construction and construction inspection costs.

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

#### **Attachments:**

1. RCFC Facilities Vicinity Map
2. Parcel Map 36981 Vicinity Map
3. Cooperative Agreements with District