



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 1.G

Meeting Date: August 6, 2019

Submitted to: Honorable Mayor and Members of the City Council

Department: Public Works Department

Staff Contact: Mike James, Assistant City Manager / Public Works Director

mjames@lemongrove.ca.gov

Item Title: Landscape Maintenance Agreement on State Route 94 at
Lemon Grove Avenue

Recommended Action: That the City Council adopt a resolution (Attachment A) approving the amendment to the Landscape Maintenance Agreement on State Route 94 at Lemon Grove Avenue.

Summary: In June 2019, while city staff was reviewing agreements related to Caltrans right-of-way (ROW) it was discovered that the landscape maintenance agreement (LMA) governing the maintenance activities at State Route 94 (SR-94) and Lemon Grove Avenue expired in 2018. Staff contacted Caltrans staff to inquire about the agreement and the responsibility for on-going maintenance and learned that a LMA expiring is highly unusual and likely an error because all of the Caltrans **LMA's** are typically perpetual agreements with the neighboring agencies maintaining the each area. With this new information city staff requested that Caltrans prepare a new agreement (Attachment A) **and update the maintenance area to only include the city's ROW (Attachment B).**

Background: In 1997, the City, in cooperation with the Soroptimist community group, initiated a beautification project for the interchange of SR 94 and Lemon Grove Avenue by which the landscaping and irrigation within the Caltrans right-of-way would be enhanced to create a more appealing entrance to Lemon Grove. The project became known as "**Plant Lemon Grove!**".

On April 14, 1998, the City was issued Caltrans Encroachment Permit No. 11-97-NLF0642 **for the "Plant Lemon Grove!" project.** A condition written by Caltrans into that encroachment permit was that upon completion of construction the City Council would approve a LMA committing the City to maintain the landscaping planted and irrigation installed as part of that project for a period of 20 years.

The "Plant Lemon Grove!" landscaping and irrigation was installed by a combination of City staff, volunteers, and Sheriff's Department community service teams. It was

completed on April 25, 1998. The City has been performing maintenance on the interchange ever since. Per the original agreement, Caltrans would assume maintenance of the landscaping and irrigation of the interchange after 2018.

Discussion: In June 2019, city staff, while reviewing all Caltrans related freeway maintenance agreements **(FMA) and LMA's discovered that the 20-year** LMA commitment had indeed expired in 2018. After contacting Caltrans staff to inquire about handing the area back to Caltrans to maintain, a more in depth discussion was held regarding this area. According to Caltrans staff, it is standard for the local governmental entity to maintain these areas into perpetuity and this is similar for all interchanges off Caltrans roadways in the county.

This response from Caltrans prompted City staff to review the benefits and drawbacks of amending the LMA and continuing to perform all maintenance activities in the Plant Lemon Grove area. The benefits of maintaining the area is that the City:

1. Has full control over what is to be maintained,
2. Determines what will be planted/removed,
3. Determines what frequency the maintenance activities will occur, and
4. Has the ability to aesthetically match the landscaping in the project area with the rest of the landscaping that was planted in the Lemon Grove Avenue Realignment project area.

Conversely, the drawbacks of maintaining the area includes:

1. **\$458 per month cost payable to the City's contacted landscaping company, and**
2. On-going liability for maintaining the area.

Three key factors that staff took into consideration when preparing the recommendation to amend the agreement was the City would continue to maintain and control the landscaping of the area to match the rest of the gateway entrance at Lemon Grove Avenue at SR-94 and the cost to maintain the area is already included in the Fiscal Year 2019-2020 budget. Lastly, the total amount of square footage is anticipated to decrease with this amendment. As it currently is contracted, there are 4.87 acres maintained (Attachment B). With the amendment, as shown in Attachment A, that total acreage will decrease to approximately 2.4 acres. The decrease in cost will, assumingly a proportionate decrease based on the reduction in acreage, decrease from \$458 per month to approximately \$230 per month.

For these reasons, staff is recommending that the City Council adopt a resolution that approves the amendment to the LMA at SR-94 and Lemon Grove Avenue.

Environmental Review:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration |
| <input type="checkbox"/> Categorical Exemption, Section | <input type="checkbox"/> Mitigated Negative Declaration |

Fiscal Impact: None.

Public Notification: None.

Staff Recommendation: That the City Council adopt a resolution (Attachment A) approving the amendment to the Landscape Maintenance Agreement on State Route 94 at Lemon Grove Avenue.

Attachments:

Attachment A – Resolution

Attachment B – Previous Maintenance Area Map

RESOLUTION NO. 2019 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA, AMENDING A LANDSCAPE MAINTENANCE AGREEMENT WITH CALTRANS FOR THE STATE ROUTE 94 AT LEMON GROVE AVENUE INTERCHANGE

WHEREAS, on April 14, 1998 the City was issued Caltrans encroachment permit for the installation of landscaping and irrigation at the State Route 94 / Lemon Grove Avenue interchange for a beautification project known as “Plant Lemon Grove!”; and

WHEREAS, a condition of that encroachment permit was that the City would maintain the landscaping and irrigation installed for a period of 20 years; and

WHEREAS, since 2018, the encroachment permit has expired; and

WHEREAS, Caltrans and City staff discussed extending the encroachment permit into perpetuity and updating the maintenance areas to better reflect maintenance responsibilities based on City/Caltrans right-of-way; and

WHEREAS, the benefits of the City continuing to maintain the landscaped area outweigh the drawbacks; and

WHEREAS, the proposed amendment to the landscape maintenance agreement (Exhibit 1) **is in accord with the City’s** long term vision to maintain a major entrance into the City via this interchange.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California hereby:

1. Amends a landscape maintenance agreement with Caltrans for the State Route 94 at Lemon Grove Avenue interchange, and
2. Requests the Mayor or her designee execute said agreement.

PASSED AND ADOPTED on _____, 2019, the City Council of the City of Lemon Grove, California, adopted Resolution No. _____, passed by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Racquel Vasquez, Mayor

Attest: Shelley Chapel, MMC, City Clerk

Approved as to Form: Kristen Steinke, City Attorney

**LANDSCAPE MAINTENANCE AGREEMENT
EXHIBIT "A"
SHEET 1 OF 1 SHEETS**

DIST.	CO	RTE.	POST MILE
11	SD	94	~ 9.0
LMA 11-8460		7/11/19	



 **AREA WITHIN FREEWAY LIMITS
TO BE MAINTAINED BY CITY**



