



## Legislation Text

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**File #:** 15-1300, **Version:** 1

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Recommendation to authorize City Manager to execute all documents necessary to accept a non-monetary donation of planning, labor, materials and equipment valued at up to \$10,000, for the removal of certain trees and plants, and the installation of drought tolerant plants and mulch to the parkway, planter and roundabout at the end of Appian Way; and execute a Right-of-Entry permit and any related documents with the Naples Island Garden Club, a non-profit organization, and/or its agents, for a term of three years, for the installation of the aforementioned improvements and provision of ongoing maintenance. (District 3)

The parkway, planter and roundabout located at the southeastern end of Appian Way, between the Long Beach Yacht Club and the houses located at 6090 Appian Way and 6098 Lido Lane (Proposed Improvement Areas), contain several trees that are diseased, as well as some plants that are non-drought tolerant or, in some cases, nearing the end of their life span. The Naples Island Garden Club (Garden Club) is a non-profit organization, whose members coordinate various plant-related maintenance, beautification and improvement projects throughout Naples Island. The various projects conducted by the Garden Club are in addition to maintenance provided by the City of Long Beach (City) landscape and grounds contractor. The Garden Club would like to donate planning, labor and materials, valued at up to \$10,000, to remove the dead trees and plants, and replace them with mulch and new drought-tolerant plants in the Proposed Improvement Areas.

When improvements to City property are made, it is appropriate for the City Council to accept the gift of the improvements, and execute a Right of Entry Permit for the actual installation of the improvements. The Garden Club is not seeking any signage or other recognition for the donation of the various improvements.

The Right of Entry Permit would contain the following major provisions:

- Permit Area. The parkway, planter and roundabout in front of the houses located at 6090 Appian Way and 6098 Lido lane.
- Improvements. Removal of dead trees, and existing plants. Installation of mulch and drought tolerant plants. Once the various improvements are completed, they will become the property of the City.
- Term. One, three-year term, beginning December 9, 2015.
- Funding. All necessary funding to complete the various improvements shall be the responsibility of the Garden Club.

- Maintenance. The Garden Club will be allowed to assist with ongoing maintenance to the Proposed Improvement Areas in an acceptable manner, as approved in advance by the Director of the Department of Parks, Recreation and Marine.
- Utilities: Any and all utility costs shall be the responsibility of the City.
- Other Fees, Permits and Approvals: The Garden Club shall be responsible to acquire all necessary building permits and approvals, and pay any and all fees.
- Insurance. The Garden Club, and/or its agents shall provide proof of insurance coverage as defined and accepted to sufficiency by the City's Risk Manager.

This matter was reviewed by Deputy City Attorney Linda T. Vu on November 24, 2015, and by Budget Management Officer Victoria Bell on November 24, 2015.

City Council action is requested on December 8, 2015, in order to enable the execution of the Right of Entry Permit in a timely fashion.

The purchase and installation of the various improvements will be the responsibility of the Garden Club. Ongoing irrigation and maintenance costs should not be different than the current ongoing maintenance costs that are budgeted in the Department of Parks, Recreation and Marine. There is no local job impact associated with this recommendation.

Approve recommendation.

STEPHEN P. SCOTT  
INTERIM DIRECTOR OF PARKS, RECREATION AND MARINE

APPROVED:

PATRICK H. WEST  
CITY MANAGER