

**CITY OF TEMECULA
AGENDA REPORT**

TO: City Manager/City Council

FROM: Patrick Thomas, Director of Public Works/City Engineer

DATE: February 11, 2020

SUBJECT: Approve Master License Agreement with Riverside County Flood Control and Water Conservation District for Bicycle and Pedestrian Trails and Authorize the Director of Public Works to Execute Site Specific License Exhibits

PREPARED BY: Avlin R. Odviar, Senior Civil Engineer
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RECOMMENDATIONS: That the City Council:

1. Approve a Master License Agreement with Riverside County Flood Control and Water Conservation District for bicycle and pedestrian trails in district-owned facilities;
2. Authorize the Director of Public Works to execute site specific facility license exhibits to the Master License Agreement.

BACKGROUND: On March 21, 1995 the City of Temecula entered into an Agreement with Riverside County Flood Control and Water Conservation District (RCFC&WCD) that gave the City license to use and maintain pedestrian and bicycle trail facilities in Santa Gertrudis Creek constructed by RCFC&WCD under Assessment District 161. That segment of trail, approximately 2.8 miles long, is located along the southern bank of the Santa Gertrudis Creek between Joseph Road and Ynez Road. Similar agreements exist for a variety of existing pedestrian and bike trails in RCFC&WCD facilities across the City.

The City currently has two (2) grant funded Capital Improvement Projects to construct the remaining portions of trail in Santa Gertrudis Creek in conformance with the Multi-Use Trails and Bicycle Master Plan. Project PW08-04 will construct approximately 5,500 linear feet of the Santa Gertrudis Creek Trail from Ynez Road to Winchester Road and is expected to bid in Spring/Summer 2020. Project PW19-04 will construct an undercrossing at Margarita Road and is currently beginning the design process.

While discussing specific license agreements for the above mentioned projects, RCFC&WCD requested that all trail segments in any creek, channel, or similar facility under their jurisdiction be placed under a single Master License Agreement (MLA) per current practice. City staff has worked with the City Attorney's office to review the MLA and recommends approval by City Council.

The MLA describes broadly the allowable usage and maintenance responsibilities and other terms applicable to trails in RCFC&WCD drainage facilities. Existing trail access and use is not changed by the MLA. In order to address unique features of the different segments of the trail, Specific Facility License Exhibits (SFLE) will be attached to the MLA when needed.

Executing the MLA will terminate the existing March 21, 1995 agreement for Santa Gertrudis Creek to accommodate three (3) SFLEs for existing and upcoming improvements planned within the creek as follows:

1. SFLE1 – Existing segment from Joseph Road to Ynez Road.
2. SFLE2 – CIP Project No. PW08-04 for future segment between Ynez Road and Winchester Road.
3. SFLE3 – CIP Project No. PW19-04 for future undercrossing at Margarita Road.

Executing the MLA will not terminate any other existing agreement for similar trails in RCFC&WCD facilities until a specific SFLE is later approved to accommodate new trail segments or modification to existing ones.

In order to expedite approval of the SFLEs and assist the City in meeting various grant funding deadlines, staff recommends that the City Council delegate the authority to execute the SFLEs to the Director of Public Works. RCFC&WCD will be making a similar request to their Board, for the General Manager to execute the SFLEs, so that they can be approved administratively by both parties following execution of the MLA.

FISCAL IMPACT: Approval of the Master License Agreement and execution of Specific Facility License Exhibits thereto does not have an immediate fiscal impact; however, there will be an ongoing increase to the Public Works Maintenance budget in future years.

ATTACHMENTS:

1. Master License Agreement (includes sample Specific License Exhibit)