



CITY OF POMONA COUNCIL REPORT

November 16, 2020

To: Honorable Mayor and Members of the City Council

From: James W. Makshanoff, City Manager

Submitted By: Rene Guerrero, Public Works Director

**SUBJECT: APPROVE AGREEMENTS WITH PLANNED PARENTHOOD AND
CALTRANS FOR DECORATIVE BLOCK WALL MAINTENANCE
AND MANAGEMENT**

RECOMMENDATION: It is recommended that the City Council authorize the City Manager to execute the following Agreements:

- 1) A Maintenance Agreement between Planned Parenthood Los Angeles (PPLA), located at 1550 North Garey Avenue, and the City of Pomona (City) for the maintenance responsibilities of a proposed decorative block wall to be located along PPLA's north parking lot; and
- 2) A Maintenance Agreement between the California Department of Transportation (Caltrans) and the City of Pomona for the City's overall maintenance management of the decorative block wall as required by Caltrans.

EXECUTIVE SUMMARY: Approval of these Agreements with PPLA and Caltrans will: 1) allow PPLA to obtain a building permit from Caltrans to construct a decorative block wall along their northern parking lot within Caltrans right-of-way; 2) initiate maintenance responsibilities of the decorative block wall between PPLA and the City; and 3) require PPLA's reimbursement of the City's time and material costs for the maintenance of the decorative block wall.

FISCAL IMPACT: No fiscal impact associated with this item.

DISCUSSION: PPLA has been working with the City to provide improvements to their north parking lot located on 1550 N. Garey Avenue. PPLA's building plans were approved by the City on December 7, 2018, and included the construction of a new decorative block wall along the northerly property line. Upon PPLA's continued efforts to begin the construction of the proposed improvements, it was realized that the northerly property line, along with the proposed decorative block wall, lies within Caltrans right-of-way. As such, construction of the decorative block wall requires the issuance of a Caltrans permit.

PPLA submitted plans to Caltrans to obtain the necessary permit to build. While reviewing the plans, Caltrans determined that they require a Maintenance Agreement between the City and the State for the maintenance of the proposed wall. Caltrans does not enter into any Agreements with private property owners, such as PPLA. The Maintenance Agreement will hold the City responsible for the maintenance and management of the decorative block wall. The execution of this Maintenance Agreement between Caltrans and the City will release the building permit to PPLA so that they may begin construction of the proposed decorative wall.

Concurrently, the City will enter into a separate Maintenance Agreement with the property owner, PPLA. This Maintenance Agreement between PPLA and the City will establish distinct responsibilities for the City's overall maintenance management of the decorative block wall. City Staff time and contractor(s) costs incurred by the City to mitigate any damage or changes in condition to the appearance of the decorative block wall, including, but not limited to, keeping the wall free of dirt, graffiti, and/or vine overgrowth, will be fully reimbursable by PPLA. The City will submit an invoice to PPLA for all charges the City incurs.

Prepared by:

Jizelle M. Campos,
Senior Management Analyst