Placentia City Council
AGENDA REPORT

TO: CITY COUNCIL
VIA: CITY ADMINISTRATOR
FROM: DIRECTOR OF PUBLIC WORKS
DATE: JULY 23, 2019

SUBJECT: ORDINANCE ADDING ARTICLE VI TO CHAPTER 14.04 OF TITLE 14 OF THE PLACENTIA MUNICIPAL CODE TO ESTABLISH A PAVEMENT CUT MORATORIUM ON NEWLY PAVED AND SEALED STREETS

FISCAL IMPACT: There is no direct fiscal impact associated with the recommended action.

SUMMARY:

In November 2018, Placentia voters approved Measure U that is estimated to generate approximately $5 million in new annual General Fund revenues. The City Council also adopted a new Reserve Policy that outlines how new General Fund revenues the City receives, such as Measure U funds, are allocated and spent. Fifty-percent (50%) of annual Measure U funds will be allocated to infrastructure to assist the City in addressing long-standing maintenance and repair backlogs for its public streets and rights-of-way as well as parks and facilities and vehicle and equipment replacement. In addition, the City receives an annual allocation of SB-1 Gas Tax and Measure M funds to fund street repair and preventative maintenance projects. For Fiscal Year 2019-2020, the City Council has allocated a total of $3.2 million in Measure U, SB 1 Gas Tax, and Measure M funds to continue funding street repairs and maintenance. With these planned and future pavement rehabilitation projects, Staff is presenting the proposed ordinance (Attachment 1) for City Council’s consideration to preserve the integrity of newly paved and slurry sealed streets from excavation and trenching by utility companies.

RECOMMENDATION:

It is recommended that the City Council take the following action:

Waive full reading, by title only, and introduce for first reading Ordinance No. 2019-XX, An Ordinance of the City Council of the City of Placentia, California, amending Title 14 of the Placentia Municipal Code by adding Article VI to Chapter 14.04 establishing a pavement cut moratorium on newly paved and sealed streets.

DISCUSSION:

The City of Placentia maintains over 131 miles of local streets and roads. Pavement deteriorates over time from environmental conditions and traffic loading, but the useful life of a street can be significantly impacted by cutting into the pavement for excavations and trenches
associated with utility company improvements or repairs. Studies have shown that the damage from cutting and excavating in a street is more than cosmetic even after a competent repaving of the excavated area. To reduce the negative pavement impacts of trenching and excavating in public streets while preserving a public agency’s investment into its new roads, many agencies adopt policies requiring more stringent trench restorations for newly paved streets. Several local agencies including the cities of Buena Park, La Habra Heights, Orange, and Santa Ana have pavement cutting moratorium ordinances that restrict or limit such excavations in newly paved and sealed streets and require more substantial pavement restoration if exceptions to the restrictions are authorized to reduce the impacts of the cut. These conditions often include paving over a larger area or an in-lieu fee that can be used to offset the reduced pavement life due to the cut. In addition, local agencies work closely with utility agencies to coordinate projects and road improvement projects such that utilities have opportunity to excavate and repair/replace underground facilities prior to City road rehabilitation or maintenance work.

On May 18, 2010, the City Council adopted Resolution No. R-2010-05, which prohibits excavation or cuts on newly paved streets for a period of twenty-four (24) months for slurry sealed streets, and thirty-six (36) months for paved/overlaid streets. Since adoption of this resolution, Staff has had some difficulty in enforcing these restrictions since they are not codified in the City’s Municipal Code. Given that the City recently completed pavement rehabilitation and slurry seal work along with additional projects planned for the near future, Staff is recommending the adoption of the proposed ordinance (Attachment 1) to protect these investments and minimize the damage from premature pavement cuts as well as encourage all utility companies to coordinate their efforts with the City’s planned road rehabilitation program.

The proposed ordinance that has been developed for City Council consideration seeks to protect the City’s street infrastructure by increasing the moratorium period for newly paved and sealed streets, adopting requirements for restoration of street surfaces and ensuring that any cuts are repaired to the satisfaction of the City. If approved, the Ordinance would be establishing the following regulations:

- For streets that have been paved or reconstructed, no cuts will be permitted for a period of five (5) years.
- For streets that have been sealed or coated, no cuts will be allowed for a period of three (3) years.

While a moratorium is in place, a street cannot be cut, potholed, trenched, or otherwise opened in any way, unless the Director of Public Works approves an exception. As detailed in the proposed ordinance, the Director of Public Works would be authorized to approve exceptions for limited situations, including emergency work and work necessary to provide or prevent interruption of a utility service. When approving an exception, the Director of Public Works would be authorized under the ordinance to place various conditions on the permit to ensure that the street is restored to its pre-work condition. Such conditions may address the type of resurfacing, extent area to be resurfaced, and other factors as may be deemed necessary to minimize pavement degradation, maintain the integrity of the street, maintain a smooth riding surface, and limit the visual impact of the work. The proposed ordinance includes standard
requirements for pavement restoration based on the type of cut and location of the work performed by a utility company or contractor.

Prepared by:  
Elsa Y. Robinson  
Management Analyst

Reviewed and approved:  
Luis Estevez  
Director of Public Works

Reviewed and approved:  
Damien R. Arrula  
City Administrator

Attachment:  
Ordinance No. O-2019-XX