



CITY OF MENIFEE

SUBJECT: Introduction and First Reading of an Ordinance Amending Title 14, to include Chapter 14.02 – Public Street Excavation Moratorium

MEETING DATE: December 7, 2022

TO: Mayor and City Council

PREPARED BY: Kristen Jensen, Financial Analyst

REVIEWED BY: Nick Fidler, Public Works Director

APPROVED BY: Armando G. Villa, City Manager

RECOMMENDED ACTION

1. Introduce an ordinance amending Title 14 of the City of Meniffee Municipal code to include Chapter 14.02 entitled "Public Street Excavation Moratorium" implementing a public street excavation moratorium for all newly reconstructed and resurfaced streets.

DISCUSSION

Annually, the City invests significant resources towards the maintenance and reconstruction of public infrastructure as part of its annual Capital Improvement Program. Improvement projects consisting of roadway resurfacing or reconstruction are implemented to prolong the life of local streets and roads in an effort to enhance the quality of life for residents and visitors of the City.

From time to time, trenching work is completed on streets that were recently improved by recent City CIP projects or through new development projects. Trenching on these recently improved streets not only damages the road, but also makes the roadway surface more susceptible to further degradation beyond the area that was trenched, negatively impacting the City's investment in street preservation.

To avoid damaging newly reconstructed and resurfaced streets, the implementation of a street excavation moratorium ("street moratorium") is necessary to avoid further impacts to the City's recent improvements on local streets. The street moratorium would prohibit any excavations on newly reconstructed or resurfaced streets for a specific period of time following the completion of roadway improvements.

The period of the moratorium is dependent on the type of street improvement. For example, a newly constructed or reconstructed street would have a moratorium period of five years following its completion. A newly resurfaced street would have a moratorium period of three years following its completion. The moratorium period would begin upon adoption of the Notice of Completion or City Council acceptance of public improvements for a project. The proposed street moratorium would also be retroactive, prohibiting any trenching on improved streets completed prior to the implementation of the street moratorium from the date of recordation of the Notice of Completion.

In an effort to proactively coordinate City improvements with external agency improvements, the City will require all public utilities to provide, at minimum, a two year plan outlining all planned work within the City. This enables all necessary excavations to occur prior to any planned City improvements to minimize and eliminate the possibility of excavations following completion of a City initiated project. In 2021 the City began hosting monthly utility coordination meetings with all utility owners operating within the City. These coordination meetings aid in initiating discussions on all planned improvements occurring in the City.

In the event an excavation is necessary, the entity requesting to excavate on a street, or streets, under moratorium must receive approval from the Public Works Director, or designee. If approved, excavation would be conducted in accordance with the procedures outlined in the proposed public street excavation moratorium and in a manner acceptable to the Public Works Director or designee. Any approved excavations would also be subject to pavement degradation fees and encroachment permit fees.

The proposed ordinance has been reviewed and discussed at multiple City of Menifee Utility Coordination meetings and was also presented at the Developer Stakeholders Meeting held on November 17, 2022.

Implementation of a street moratorium would require an amendment under Title 14, Streets and Sidewalks, of the Menifee Municipal Code to establish chapter 14.02 entitled "Public Street Excavation Moratorium." This is the required first reading of the ordinance.

STRATEGIC PLAN OBJECTIVE

Safe and Attractive Community

FISCAL IMPACT

There is no fiscal impact associated with the recommended action.

ATTACHMENTS

1. Ordinance Draft