



CITY OF COMMERCE AGENDA REPORT

TO: Honorable City Council **Item No.** _____

FROM: City Manager

SUBJECT: **PUBLIC HEARING** – Consideration and Approval of a Resolution of Ordinance of the City Council of the City of Commerce Adopting Amendments to Title 12 (Streets and Sidewalks) of the Commerce Municipal Code by Adding Chapter 12.05, Establishing Regulations of Street Cuts on Newly Paved Streets.

MEETING DATE: April 7, 2020

RECOMMENDATION:

1. Upon conclusion of the Public Hearing, waive full reading, and Introduce for First Reading, by reading title only, an Ordinance of the City Council Amending Title 12 of the City Municipal Code by adding Chapter 12.05, "Establishing Regulations of Street Cuts on Newly Paved Streets"
2. Schedule the matter for Second Reading and Adoption for the April 21, 2020 City Council Meeting.

BACKGROUND AND ANALYSIS:

PURPOSE AND JUSTIFICATION OF RECOMMENDED ACTION

Public Works staff is currently in the process of integrating the Pavement Management System (PMS) to properly evaluate the City's pavement network utilizing the Pavement Condition Index (PCI) as a numerical index between 0 and 100 that indicates the general condition of the City's roadways. Widely used in civil engineering, it is a statistical measure requiring the survey of the pavement condition.

In an effort to minimize and mitigate pavement degradation from the consequences of utility cuts to newly reconstructed or resurfaced streets, staff recommends adoption of the proposed ordinance regulating the establishment of time periods in which to prohibit pavement excavations and utility cuts of newly paved streets in the public right-of-ways. This prohibition will include and apply to overlays, resurfacing, reconstruction, slurry seal and new construction of city streets qualified under the Capital Improvement and maintenance projects. The proposed regulation will apply to newly reconstructed or

resurfaced streets with Asphalt-Concrete (A.C.) or Portland Concrete Cement (P.C.C.). The proposed Ordinance will establish regulations prohibiting cuts for five (5) years on the newly paved streets, and two (2) years for slurry sealed streets.

The City's Public Works Department has concluded that street cuts and excavations, including utility cuts, significantly alter and degrade pavement surfaces. It is the City's responsibility to ensure that the public's interest with respect to the integrity, appearance, ride-ability, and structural integrity of all newly paved surfaces, as well as slurry sealed streets, stay intact. State law permits municipalities to regulate utilities that operate under the California Public Utilities Commission (PUC) authority with respect to the use and repair of public streets. In this regard, cities have the ability to plan maintenance programs, protect public safety, minimize public inconvenience and ensure adherence to sound construction practices. Indicators of street degradation point to streets with multiple cuts caused by uncoordinated construction, shortening the life of the streets and therefore causing increased taxpayer costs.

The proposed Ordinance provides the Public Works Director, or City Engineer, the discretion to grant exemptions to the proposed regulations based on limited circumstance. When granting exemptions, the Public Works Director or City Engineer may impose conditions determined appropriate to ensure the rapid and complete restoration of the street and the surface paving to protect the City's investment. Emergency street cuts of the city streets are an example of exemptions to the proposed regulations and are usually granted where there is some condition that places the public's health and safety at risk. In the event of an emergency repair of subsurface facilities, for example, a gas or water main leak, it will occasionally be necessary to cut or trench into a newly paved street that has been paved within the past five (5) years or slurry sealed within the past two (2) years. In summary, exemptions to the proposed street cut regulations as delineated in the proposed Ordinance include as follows:

1. Emergency that threatens life or serious property damage.
2. Work that is mandated by a federal, state, or local law.
3. No other reasonable means of providing service exists.
4. Other situation deemed to be in the public interest.

TRENCH CUT REPAIR STANDARDS

When trench cuts do take place, the extent of the pavement restoration width will depend on the location of the trench and its placement (horizontal or vertical) in relation to the parking, bike and travel lanes. A single lane that is impacted will have full pavement restoration for the width of the lane to the edge of the curb. If multiple lanes are impacted, the full width of those lanes to the nearest curb is required. Given the location and the extent of the trench repair, consideration may be given for restoration only to the center of a lane(s). Impacted bike lanes will be restored in their entirety. Work in the public right of way will be by permit pursuant to requirements of Ordinance No. 3597 of the County of Los Angeles, as adopted by reference by the City of Commerce Municipal Code.

NOTICING

Notice of Public Hearing was published at least ten (10) calendar days prior to today's date.

ENVIRONMENTAL IMPACT:

None. The proposed Ordinance is exempt from the requirement of CEQA.

FISCAL IMPACT:

Approval of the recommended action will have no adverse fiscal impact to the General Fund. Some cost savings may be realized from this Ordinance as street integrity will be maintained and preserved.

RELATIONSHIP TO STRATEGIC GOALS:

This item relates to Council's 2016 Strategic Action Plan's:

Community Quality of Life

- Guiding Principle 4 to "support and evaluate community services, programs and events that promote healthy and quality lifestyles for our residents. Enhance public safety and social services through innovative programs that meet the needs of the residential and business communities."

Recommended by:	Daniel Hernandez, Director of Public Works
Prepared by:	Belgin Cuhadaroglu, Associate Civil Engineer
Reviewed by:	Daniel Hernandez, Director of Public Works
Approved as to form by:	Norma Copado, Assistant City Attorney
Respectfully submitted:	Edgar P. Cisneros, City Manager

ATTACHMENTS:

1. Ordinance
2. Public Hearing Notice