City of Hesperia
STAFF REPORT

DATE: August 3, 2021

TO: Mayor and Council Members

FROM: Nils Bentsen, City Manager **SECOND READING AND ADOPTION**

BY: Rachel Molina, Assistant City Manager
Bethany Hudson, Administrative Analyst

SUBJECT: Introduce Ordinance No. 2021- 06 modifying Title 12, Chapter 12.12, Section 12.12.180 related to a Trench Moratorium

---

RECOMMENDED ACTION

It is recommended that the City Council introduce and place on first reading Ordinance No. 2021-06: Title 12, Chapter 12.12 adding Section 12.12.180 of the Hesperia Municipal Code regarding implementation of a Trench Moratorium.

BACKGROUND

The City has limited funding sources that fund various road repairs, rehabilitation and the construction of roadways. These funding sources include Measure I tax revenue, Senate Bill 1 (SB-1) Road Repair and Accountability Act of 2017, and the Community Development Block Grant (CDBG). The City also maintains a Capital Improvement Program that identifies projects and their funding sources, to rehabilitate and construct roadways in the City. During Fiscal Year 2020-21 a total of approximately 3.6 million dollars was spent on street improvement projects identified in the Capital Improvement Program.

During calendar year 2020 the City issued over four hundred (400) utility permits. This number does not include other permits issued for trenching, street cuts or potholing for development projects. Utility trenches, street cuts and potholing degrades the improvements and reduces the longevity of the City's investment in street infrastructure. Additionally, allowing for street cutting, trenching or potholing on a newly rehabilitated roadway undermines the integrity of the street section and can lead to trench failures. Currently, the City does not have regulations in place to monitor, or mitigate utility cuts, trenches and potholing on the City's roadways, including newly constructed, reconstructed, and rehabilitated streets.

ISSUES/ANALYSIS

Staff is proposing a trench moratorium that would curtail trenching, street cutting or potholing for a period of five (5) years from the date of City Council acceptance and/or Certificate of Final Occupancy of a project having new construction, reconstruction, rehabilitation, overlay and/or slurry seal on any City street, alley or public place within the City right-of-way. Should an emergency arise or new development be approved, as defined in the municipal code, the City will issue an encroachment permit with the provision that the contractor be required to perform appropriate reconstruction of the roadway, per the City's Standard Detail Drawing for Moratorium Streets.

Managing the ability to trench, street cut and pothole along newly constructed or improved roadways will preserve the City's investment, and ensure that newly constructed roadway improvements are not cut, trenched or potholed within weeks or months of construction being completed.

FISCAL IMPACT

None.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Ordinance 2021-06
2. Exhibit A – Municipal Code Section 12.12.180