



## **AGENDA MEMORANDUM**

First Reading Ordinance for the City Council Meeting of January 9, 2024  
Second Reading Ordinance for the City Council Meeting of February 13, 2024

**DATE:** February 13, 2024

**TO:** Peter Zaroni, City Manager

**FROM:** Ernesto De La Garza, Director of Public Works  
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**Ordinance to Amend Chapter 49 of the City Code of Ordinances by  
Adopting New Right-of-Way Regulations for Excavation and  
Placement of Utilities**

**CAPTION:**

Ordinance amending the Corpus Christi Code to amend Chapter 49 Streets and Sidewalks and Chapter 53 Traffic regarding requirements for performing work in the public right of way and placement of utilities; providing for properly restoring street surfaces that have been cut for utilities or other tie-ins and providing for penalty; providing for publication.

**SUMMARY:**

Sections 49-39-1 through 49-59 of the City Code provides regulations for the management of street cuts. These regulations were originally adopted in December 2013 and administered by the Development Services Department. The article provided requirements for permits, street cuts, restoration, work warranty and street cut recovery fees. A re-evaluation of current processes and the establishment of a Right-of-Way Division, within the Department of Public Works, mandated amendments to the article.

**BACKGROUND AND FINDINGS:**

In 2013, the City of Corpus Christi adopted an ordinance to govern and provide requirements for pavement cuts, excavation, and pavement repair for utility construction within in the public right-of-way. This update amends several of the existing provisions found under Chapter 49 of the City's Code of Ordinances (Sections 49-39-1 thru 49-58) to ensure that street closures are effectively managed, disruptions to traffic flow are minimized, and that proper repair to the street pavement are performed to current practices due to utility construction and maintenance.

Street excavations may significantly degrade and shorten the life of the surface of the street. Excavations may also significantly increase the frequency of resurfacing, maintenance, and repair regardless of the quality of the restoration. As part of the ordinance update, the Department of Public Works compared practices, requirements, and rules governing

excavation in public right-of-way in nine other top cities in Texas (i.e. Houston, San Antonio, Dallas, Austin, Fort Worth, El Paso, Arlington, Plano, Lubbock). Through the comparison of these top cities in Texas the following was determined:

- The Director was responsible for promulgating rules and regulations regarding for street cuts and excavations which included, but was not limited to drawings and specifications, methods by which excavations will be performed, traffic control procedures, application processing and hearing procedures, debarment procedures, construction management procedures, and inspection procedures.
- Six of the nine other cities compared incorporated a “curb to curb” repair restoration for the width.

As part of a FY23 Budget Initiative, a Right-of-Way Division was created within Traffic Engineering/Operations to specifically manage right-of-way construction permits. Updates to the ordinance were required to promulgate right-of-way management policies related to street cuts and other construction activities that impact city transportation systems. Revisions to the requested amendments to the article are listed below:

- Maintains the Director as the official to promulgate rules. However, the “Director of Public Works” will be responsible for the administration of right-of-way permits, regulations, criteria and standards that manage cuts and excavations in city right-of-way (existing ordinance states Director of Development Services).
- Consolidated right-of-way permitting activities into Chapter 49.
- Revised the definition of a new street (Any street improved within 6 years and PCI  $\geq 80$ ).
- Maintain variance requirement to excavate a new street.
- Ordinance updated to standardize “curb to curb” restoration requirements to excavate a “new” street if a variance is granted. Current ordinance allows Director to specify restoration requirements for any variance.
- Removal of pavement cost recovery fees in lieu of restoration requirements.
- Applicant will be required to maintain repairs for the “life of the street” (PCI drops below 80 or repaved by the City or other entity).
- Driveway, Sidewalk, and Curb and Gutter Permits will be issued by Public Works. The following exceptions and exemptions will apply:
  - If the request is a part of an approved Building Permit, the Driveway permit will be issued concurrently.
  - No additional fees will be assessed; however, the applicant is subject to non-compliance fees if operating without a permit.
  - Random inspections will be conducted. Violators are subject to a non-compliance fee.

### **ALTERNATIVES:**

1. Approve the proposed ordinance as presented.
2. Deny or motion to amend to make certain changes to the proposed ordinance.

### **FISCAL IMPACT:**

None.

**Funding Detail:**

None.

**RECOMMENDATION:**

Staff recommends approval of this ordinance.

**LIST OF SUPPORTING DOCUMENTS:**

Ordinance

Presentation