

Ordinance amending the Unified Development Code (“UDC”) by Amending Article 8, Section 8.1, subsection 8.1.6.A entitled “Acceptance of Improvements” of the UDC by revising the duration of the materials and workmanship warranty for streets from one to two years from the date of final (100%) acceptance; and providing for severance, penalties, and publication.

WHEREAS, the Planning Commission has forwarded to the City Council its report and recommendation regarding this amendment of the Unified Development Code (“UDC”);

WHEREAS, with proper notice to the public, public hearings were held on Wednesday’s, May 17, 2017, June 28, 2017 and August 23, 2017, Planning Commission meetings, and on Tuesday’s, September 26, 2017 and December 19, 2017, City Council meetings, during which all interested persons were allowed to appear and be heard;

WHEREAS, the City Council has determined that this amendment to the UDC would best serve the public’s health, necessity, and convenience and the general welfare of the City and its citizens.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. That UDC Section 8.1.6.A is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

8.1.6. Acceptance of Improvements

- A. During the course of installation and construction of the required public or private improvements, in addition to developer quality assurance, the City shall make periodic inspections of the work to insure that all improvements comply with City requirements. Upon satisfactory completion of installation and construction of all required improvements and submission of required quality assurance documentation, the developer may seek acceptance of all improvements by submitting the final plat in accordance with Subsection 8.1.11 for recordation.

In addition, the developer shall provide an engineer’s certificate of completion for the required improvements. Once documentation for all requirements necessary for final (100%) acceptance of infrastructure improvements have been submitted and approved, the Assistant City Manager of Development Services will issue written notification to the developer’s designated representative. The notification will specify the effective dates of the required materials and workmanship warranty for the improvements. The warranty covers:

1. materials supplied will be of good quality and free from all defects, even latent defects;

2. the construction will be done in a workmanlike manner and in accordance with good usage and accepted trade practice resulting in a merchantable structure—i.e., one that passes in the trade without objection;

3. the services of the developer and the developer's contractor will be fit or suitable for their intended purpose; and

4. the resulting construction will be in compliance with City regulations.

The duration of the warranty for streets, curbs, gutters, and sidewalks shall be two years unless otherwise specified by separate agreement. The duration of the warranty for all other improvements will be one year unless otherwise specified by separate agreement. The purpose of the materials and workmanship warranty is to ensure that the developer and the developer's contractor will be responsible for defects in materials or workmanship for all public and private infrastructure improvements required for platting and constructed as part of a development that become apparent within the effective dates specified by the Assistant City Manager of Development Services. Disputes for warranty claims shall be resolved by the Director of Development Services. When seeking reimbursement from a developer under an emergency City repair, the City will provide photographic documentation to support claim of defect in materials and workmanship.

SECTION 2. If for any reason any section, paragraph, subdivision, sentence, clause, phrase, word, or provision of this Ordinance shall be held to be invalid or unconstitutional by final judgment of a court of competent jurisdiction, such judgment shall not affect any other section, paragraph, subdivision, sentence, clause, phrase, word, or provision of this Ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, sentence, clause, phrase, word, or provision of this Ordinance be given full force and effect for its purpose. The City Council hereby declares that it would have passed this Ordinance, and each section, paragraph, subdivision, sentence, clause, phrase, word, or provision thereof, irrespective of the fact that any one or more sections, paragraphs, subdivisions, sentences, clauses, phrases, words, or provisions be declared invalid or unconstitutional.

SECTION 3. A violation of this ordinance, or requirements implemented under this ordinance, constitutes an offense punishable as provided in Article 1, Section 1.10.1, and Article 10 of the UDC.

SECTION 4. Publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

SECTION 5. This ordinance is effective immediately upon passage.

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2017, by the following vote:

Joe McComb	_____	Ben Molina	_____
Rudy Garza	_____	Lucy Rubio	_____
Paulette Guajardo	_____	Greg Smith	_____
Michael Hunter	_____	Carolyn Vaughn	_____
Debbie Lindsey-Opel	_____		

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, 2018, by the following vote:

Joe McComb	_____	Ben Molina	_____
Rudy Garza	_____	Lucy Rubio	_____
Paulette Guajardo	_____	Greg Smith	_____
Michael Hunter	_____	Carolyn Vaughn	_____
Debbie Lindsey-Opel	_____		

PASSED AND APPROVED on this the _____ day of _____, 2018.

ATTEST:

Rebecca Huerta
City Secretary

Joe McComb
Mayor