



## **AGENDA MEMORANDUM**

Public Hearing and First Reading for the City Council Meeting of December 19, 2017  
Second Reading for the City Council Meeting of January 9, 2018

**DATE:** December 6, 2017

**TO:** Margie C. Rose, City Manager

**FROM:** William J. Green, P.E., Interim Director,  
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<p><b>Amending the Unified Development Code to revise the duration of the materials and workmanship warranty for all private and public infrastructure improvements</b></p>
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### **CAPTION:**

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.

### **PURPOSE:**

The purpose of this item is to update the requirements of the Unified Development Code (UDC) to ensure that the developer and the developer's contractor will be responsible for defects in materials or workmanship.

### **BACKGROUND FINDINGS:**

At the April 27, 2017 City Council Workshop on New Residential Street Construction, the City Council gave a motion of direction to revise the "duration of the materials and workmanship warranty for all private and public infrastructure improvements from one to two years from the date of final (100%) acceptance".

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. The proposed UDC text amendments have been approved by the Planning Commission on May 17, 2017 and was again discussed at Planning Commission meeting on June 28, 2017 for additional public input. On August 23, 2017 Planning Commission passed a motion to retain 1-year warranty and evaluate an alternate consideration of 1 year warranty with a maintenance bond of 50% surety value of the public infrastructure contract price.

On September 26, 2017, a presentation was given to the City Council with Staff recommendation

to change the existing 1-year warranty for public and private infrastructure to 2 years. At the direction of City Council, Staff met with representatives of the Development Community on December 1, 2017 and agreed to revise the existing 1-year warranty for public and private infrastructure to 2 years for streets, curbs, gutters, and sidewalks and maintain a 1-year warranty for all other public and private improvements, unless otherwise specified by separate agreement.

**ALTERNATIVES:**

Denial or alteration of the proposed text amendments.

**OTHER CONSIDERATIONS:**

Not Applicable

**CONFORMITY TO POLICY:**

The proposed text amendments conform to City policy.

**EMERGENCY /NON-EMERGENCY:**

Non-emergency

**DEPARTMENTAL CLEARANCES:**

Legal and Planning Commission

**FINANCIAL IMPACT:**

☐ Operating      ☐ Revenue      ☐ Capital      ☒ Not applicable

<b>Fiscal Year: 2017-2018</b>	<b>Project to Date Expenditures (CIP only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Line Item Budget				
Encumbered / Expended Amount				
This item				
BALANCE				

Fund(s):

**Comments:** None

**RECOMMENDATION:**

Staff recommends revising the existing 1-year warranty for public and private infrastructure to 2 years for streets, curbs, gutters, and sidewalks and maintain a 1-year warranty for all other public and private improvements, unless otherwise specified by separate agreement.

**LIST OF SUPPORTING DOCUMENTS:**

Ordinance

Presentation-Warranty Period