

CITY OF DANA POINT

MEMORANDUM

Reviewed By:	
DH	X
CM	X
CA	X

DATE: FEBRUARY 19, 2008

TO: CITY COUNCIL

FROM: BRAD FOWLER, DIRECTOR OF PUBLIC WORKS AND ENGINEERING SERVICES AND THE CITY ATTORNEY'S OFFICE

SUBJECT: SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADDING CHAPTER 14.20 AND SECTION 14.20.010 TO THE MUNICIPAL CODE REGARDING AUTHORIZATION TO APPROVE CITY PROJECT PLANS, STREET SIGNING AND STRIPING PLANS INCLUDING PAVEMENT MARKINGS, TRAFFIC WORK ORDER REQUESTS, TRAFFIC CONTROL PLANS, AND OTHER IMPROVEMENT PLANS

RECOMMENDED ACTION:

That the City Council 1) adopt an Ordinance of the City of Dana Point (Action Document A) entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING CHAPTER 14.20 AND SECTION 14.20.010 TO TITLE 14 (STREETS AND SIDEWALKS) OF THE DANA POINT MUNICIPAL CODE CONCERNING AUTHORIZATION TO APPROVE CITY PROJECT PLANS, STREET SIGNING AND STRIPING PLANS INCLUDING PAVEMENT MARKINGS, TRAFFIC WORK ORDER REQUESTS, TRAFFIC CONTROL PLANS, AND OTHER IMPROVEMENT PLANS

BACKGROUND:

The City's Director of Public Works, City Engineer and/or City Traffic Engineer or their designees have the required technical knowledge, skill and expertise to review and approve City project plans, signing and striping plans including pavement markings, traffic work order requests, traffic control plans, other improvement plans, and related or similar plans for the City in order to ensure that such plans are safe and protect residents and visitors to the City. Therefore, the City has previously authorized and historically relied on the Director of Public Works, the City Engineer and City Traffic Engineer to perform these services for the City.

DISCUSSION:

The currently proposed ordinance reiterates that the Director of Public Works, City Engineer, and City Traffic Engineer and their designees have the authority to review and approve City project plans, signing and striping plans including pavement markings, traffic work order requests, traffic control plans, other improvement plans, and related or similar plans for the City. (This does not alter or replace existing procurement regulations dictating where City Council approval is required to award contracts.)

The proposed ordinance does three things:

1) Specifically delegates to the Director of Public Works, City Engineer and/or City Traffic Engineer or their designees the authority to review and approve City project plans, signing and striping plans including pavement markings, traffic work order requests, traffic control plans, other improvement plans, and related or similar plans for the City.

2) States that it is the existing law in the City that the Director of Public Works, City Engineer and/or City Traffic Engineer or their designees have the authority to review and approve City project plans, signing and striping plans including pavement markings, traffic work order requests, traffic control plans, other improvement plans, and related or similar plans for the City.

3) States that City project plans, signing and striping plans including pavement markings, traffic work order requests, traffic control plans, other improvement plans, and related or similar plans for the City previously reviewed or approved in the City by the Director of Public Works, City Engineer and/or City Traffic Engineer or their designees were reviewed or approved pursuant to authority delegated to them for such purposes by the City. If and to the extent necessary, the delegation of authority in the ordinance operates retroactively to authorize the past reviews and approvals by the Director of Public Works, City Engineer and/or City Traffic Engineer or their designees.

The ordinance was introduced at the City Council Meeting on February 5, 2008. City staff recommends that the City Council hold the second reading of the ordinance and adopt it as law.

ACTION DOCUMENT:

PAGE#:

A. [Ordinance](#)3

SUPPORTING DOCUMENTS:

None

Action Document A: Ordinance**ORDINANCE NO. 08-XX****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING CHAPTER 14.20 AND SECTION 14.20.010 TO TITLE 14 (STREETS AND SIDEWALKS) OF THE DANA POINT MUNICIPAL CODE CONCERNING AUTHORIZATION TO APPROVE CITY PROJECT PLANS, STREET SIGNING AND STRIPING PLANS INCLUDING PAVEMENT MARKINGS, TRAFFIC WORK ORDER REQUESTS, TRAFFIC CONTROL PLANS, AND OTHER IMPROVEMENT PLANS**

WHEREAS, the City of Dana Point ("City") is empowered by California Constitution Article XI, Section VII to "make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws"; and

WHEREAS, the Director of Public Works, City Engineer and City Traffic Engineer have the required technical knowledge, skill and expertise to review and approve City project plans, signing and striping plans including pavement markings, traffic work order requests, traffic control plans, other improvement plans, and related or similar plans for the City in order to ensure that such plans are safe and protect resident and visitors to the City; and

WHEREAS, the City has previously authorized the Director of Public Works, City Engineer and/or City Traffic Engineer or their designees to review and approve City project plans, signing and striping plans including pavement markings, traffic work order requests, traffic control plans, other improvement plans, and related or similar plans for the City; and

WHEREAS, the City desires to state that such previously approved plans by the Director of Public Works, City Engineer and/or City Traffic Engineer or their designees were approved by the Director of Public Works, City Engineer and/or the City Traffic Engineer or their designees pursuant to their authority to do so as delegated by the City; and

WHEREAS, the approval of the Director of Public Works, City Engineer and/or City Traffic Engineer or their designees can be expressed in multiple forms, including but not limited to, for example, the review of a signed plan or set of plans prepared by a licensed engineer in the State of California, or an informal work order request written by the Director of Public Works, City Engineer or City Traffic Engineer or their designees pertaining to particular work; and

WHEREAS, the City desires to add an additional section to the Municipal Code that reiterates existing law that the Director of Public Works, City Engineer and/or City Traffic Engineer or their designees are delegated the authority to review and approve

City project plans, signing and striping plans including pavement markings, traffic work order requests, traffic control plans, other improvement plans, and related or similar plans for the City.

THE CITY COUNCIL FOR THE CITY OF DANA POINT DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: The above recitals are incorporated herein by reference.

Section 2: Chapter 14.20 and Section 14.20.010 are hereby added to the Dana Point Municipal Code to read, in their entirety, as follows:

Chapter 14.20 DELEGATION OF AUTHORITY TO REVIEW AND APPROVE PLANS

14.20.010 Delegation of Authority To Review and Approve Plans.

(a) The City delegates to the Director of Public Works, City Engineer and/or City Traffic Engineer or their designees the authority to review and approve City project plans, signing and striping plans including pavement markings, traffic work order requests, traffic control plans, other improvement plans, and related or similar plans for the City.

(b) This section is meant to reiterate the existing law states that the Director of Public Works, City Engineer and/or City Traffic Engineer or their designees have the authority to review and approve City project plans, signing and striping plans including pavement markings, traffic work order requests, traffic control plans, other improvement plans, and related or similar plans for the City.

(c) City project plans, signing and striping plans including pavement markings, traffic work order requests, traffic control plans, other improvement plans, and related or similar plans for the City previously reviewed or approved by the Director of Public Works, City Engineer and/or City Traffic Engineer or their designees were reviewed or approved pursuant to authority delegated to them for such purposes by the City. If and to the extent necessary, the delegation of authority within subsection (a) above shall operate retroactively to authorize the past reviews and approvals by the Director of Public Works, City Engineer and/or City Traffic Engineer or their designees of City project plans, signing and striping plans including pavement markings, traffic work order requests, traffic control plans, other improvement plans, and related or similar plans for the City.

Section 3: If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declared that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or

more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 4: The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2008.

Mayor Joel Bishop

ATTEST:

Kathy Ward,
City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF DANA POINT)

I, Kathy Ward, City Clerk of the City of Dana Point, California, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 08-_____, introduced at a regular meeting of the City Council held on the 5th day of February, 2008, and passed and adopted at a regular meeting held the _____ day of _____, 2008, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Kathy M. Ward
City Clerk