

**CITY OF DANA POINT
AGENDA REPORT**

Reviewed By:	
DH	X
CM	X
CA	

DATE: AUGUST 27, 2003

TO: CITY MANAGER/CITY COUNCIL

FROM: LAWRENCE D. PIERCE, INTERIM DIRECTOR OF PUBLIC WORKS AND ENGINEERING SERVICES

SUBJECT: SECOND READING FOR ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTIONS 14.01.120, 14.01.220, AND 14.01.500 OF THE MUNICIPAL CODE

RECOMMENDED ACTION:

That the City Council hold second reading and adopt an ordinance approving revised sections of the Dana Point Municipal Code as follows:

- Section 14.01.120 Plans May Be Required
- Section 14.01.220 Safety and Warning Devices
- Section 14.01.500 Adoption of Plans and Specifications

to address necessary modifications relative to requirements for plans, City standards for placement of safety and warranty devices and adoption of standard plans and specifications for the construction, improvement and repair of highways, bridges, flood control and recreation facilities.

ISSUES:

The City of Dana Point has numerous standard documents that are utilized to control the placement of traffic control devices in public rights-of-way. In an effort to provide a more comprehensive program to control development in the public rights-of-way, staff recommends that the Council adopt an ordinance amending Sections 14.01.120, 14.01.220 and Section 14.01.500 of the Dana Point Municipal Code.

BACKGROUND:

Sections 14.01.120, 14.01.220 and 14.01.500 of the Dana Point Municipal Code

address plans that may be required, safety and warning devices required, and adoption of standard plans for construction. These three sections provide guidance to applicants interested in working in public right-of-way relative to requirements and standard plans. Staff identified the need to update the requirements and reference current standards for development. The Municipal Code Sections were revised and the City Council introduced and read the revised codes at their July 23, 2003 meeting.

DISCUSSION:

The City has modified Sections 14.01.120, 14.01.220 and 14.01.500 of the Dana Point Municipal Code. The revised sections that are included and recommended for approval as part of the ordinance are as follows:

14.01.120 Plans May Be Required.

If in the opinion of the Director, the work proposed to be done requires the making of plans or the setting of survey stakes, or both, the Director may require the application to be accompanied by the necessary plans, which plans shall be prepared, signed and sealed by a Registered Civil Engineer or Traffic Engineer licensed in the State of California. (Added by Ord. 98-04, 6/23/98)

14.01.220 Safety and Warning Devices Required.

A permittee shall place and maintain adequate warning signs, lights, and devices throughout the length of the work and at each end of the project until the work is completed to the satisfaction of the Director, conforming to the State of California Division of Highway Uniform Sign Chart and one of the latest versions of the following publications:

- *Work Area Traffic Control Handbook (WATCH) latest edition; or*
- *Work Area Protection and Traffic Control Manual, 2nd Edition, dated August 1996; or*
- *Manual of Traffic Controls for Construction and Maintenance Work Zones, dated 1996 (revision 2, issued January 2000) issued by the State of California, Business Transportation and Housing Agency, Department of Transportation; or*
- *Manual of Uniform of Traffic Control Devices, Millennium Edition, Parts 5 and 6, issued by the U.S Department of Transportation and Federal Highway Administration.*

The permittee shall take such other precautions as may be necessary for the protection of the traveling public. The Director may, as a condition of the issuance of a permit, specify such additional signs or warning devices or measures to be used by the permittee, but the failure of the Director to so specify the signs, devices, or measures shall not relieve the permittee of his/her obligation hereunder. All

proposed traffic control devices used for construction activities in any public right-of-way shall be approved by the Director of Public Works or his designee prior to implementation. At the discretion of the Director of Public Works, a permittee may be required to generate traffic control plans signed by a licensed traffic or civil engineer prior to work being allowed.

14.01.500 Adoption of Plans and Specifications.

The hereinafter listed documents, except such portions that are hereafter deleted, modified or amended by the City of Dana Point, are in the office of the City Clerk of the City of Dana Point for examination, are hereby adopted as the standard plans and specifications for the construction, improvement and repair of highways, bridges, flood control and recreation facilities:

- (a) "Standard Specifications for Public Works Construction," 2003 edition except Section 307, , as published by Building News, Inc., and those supplements or later editions thereto as may be adopted by resolution of the City Council;*
- (b) The following portions of "Standard Specifications, Department of Transportation, State of California," dated July,2002: Signals, Lighting and Electrical systems, Section 86, Pavement Markings, Section 85, Bridges, Sections 19, 49 thru 52, 55, 57, 58, 67, 75, 83, 89, 90 and 95, and those supplements or later editions thereto as may be adopted by resolution of the City Council;*
- (c) The portion of the "Standard Plans, Department of Transportation, State of California," dated July, 2002, covering signs, signals and lighting and that portion covering bridges, and those supplements or later editions thereto as may be adopted by resolution of the City Council;*

The sections have been revised to address necessary modifications relative to requirements for plans, City standards for placement of safety and warranty devices, and adoption of standard plans and specifications for the construction, improvement and repair of highways, bridges, flood control and recreation facilities. Staff recommends that Council adopt the ordinance enacting the revised sections.

NOTIFICATION/FOLLOW-UP:

None.

STRATEGIC PLAN IMPLEMENTATION

In compliance with the Strategic Plan Initiative to maintain, modernize and beautify the City's infrastructure and neighborhoods, this action implements the tactical element of upgrading and maintaining roads and bridges and providing

standards for completion.

FISCAL IMPACT:

No impact for the current action.

ALTERNATIVE ACTIONS:

Other action as determined by Council.

ACTION DOCUMENTS:

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A. An Ordinance Of The City Council Of The City Of Dana Point, California Amending Sections 14.01.120, 14.01.220 And 14.01.500 Of The Municipal Code.....	5
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SUPPORTING DOCUMENTS:

None.

ORDINANCE NO. 03-XX**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF DANA POINT, CALIFORNIA
AMENDING SECTIONS 14.01.120, 14.01.220 AND 14.01.500 OF THE
MUNICIPAL CODE**

WHEREAS, the City of Dana Point ("City") has numerous standard documents that are utilized to control the placement of traffic control devices in public rights-of-way; and

WHEREAS, the City desires to make necessary modifications to the requirements for plans, the City's standards for placement of safety and warranty devices, and the City's adoption of standard plans and specifications for the construction, improvement and repair of highways, bridges, flood control and recreation facilities; and

WHEREAS, the City desires to provide a more comprehensive program to control development in the public rights-of-way; and

WHEREAS, to facilitate the above stated goals, the City desires to amend Section 14.01.120, 14.01.220 and Section 14.01.500 of the Dana Point Municipal Code.

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

SECTION 1. Section 14.01.120 of the Dana Point Municipal Code is hereby amended to read in its entirety as follows:

14.01.120 Plans May Be Required.

If in the opinion of the Director, the work proposed to be done requires the making of plans or the setting of survey stakes, or both, the Director may require the application to be accompanied by the necessary plans, which plans shall be prepared, signed and sealed by a Registered Civil Engineer or Traffic Engineer licensed in the State of California.

SECTION 2. Section 14.01.220 of the Dana Point Municipal Code is hereby amended to read in its entirety as follows:

14.01.220 Safety and Warning Devices Required.

A permittee shall place and maintain adequate warning signs, lights, and

devices throughout the length of the work and at each end of the project until the work is completed to the satisfaction of the Director, conforming to the State of California Division of Highway Uniform Sign Chart and one of the latest versions of the following publications:

- *Work Area Traffic Control Handbook (WATCH)* latest edition; or
- *Work Area Protection and Traffic Control Manual, 2nd Edition*, dated August 1996; or
- *Manual of Traffic Controls for Construction and Maintenance Work Zones*, dated 1996 (revision 2, issued January 2000) issued by the State of California, Business Transportation and Housing Agency, Department of Transportation; or
- *Manual of Uniform of Traffic Control Devices, Millennium Edition*, Parts 5 and 6, issued by the U.S Department of Transportation and Federal Highway Administration.

The permittee shall take such other precautions as may be necessary for the protection of the traveling public. The Director may, as a condition of the issuance of a permit, specify such additional signs or warning devices or measures to be used by the permittee, but the failure of the Director to so specify the signs, devices, or measures shall not relieve the permittee of his/her obligation hereunder. All proposed traffic control devices used for construction activities in any public right-of-way shall be approved by the Director of Public Works or his designee prior to implementation. At the discretion of the Director of Public Works, a permittee may be required to generate traffic control plans signed by a licensed traffic or civil engineer prior to work being allowed.

SECTION 3. Section 14.01.500 of the Dana Point Municipal Code is hereby amended to read in its entirety as follows:

14.01.500 Adoption of Plans and Specifications.

The hereinafter listed documents, except such portions that are hereafter deleted, modified or amended by the City of Dana Point, are in the office of the City Clerk of the City of Dana Point for examination, are hereby adopted as the standard plans and specifications for the construction, improvement and repair of highways, bridges, flood control and recreation facilities:

- (a) "Standard Specifications for Public Works Construction," 2003 edition, except Section 307, as published by Building News, Inc., and those supplements or later editions thereto as may be adopted by resolution of the City Council;
- (b) The following portions of "Standard Specifications, Department of

Transportation, State of California," dated July,2002: Signals, Lighting and Electrical systems, Section 86, Pavement Markings, Section 85, Bridges, Sections 19, 49 thru 52, 55, 57, 58, 67, 75, 83, 89, 90 and 95, and those supplements or later editions thereto as may be adopted by resolution of the City Council;

- (c) The portion of the "Standard Plans, Department of Transportation, State of California," dated July, 2002, covering signs, signals and lighting and that portion covering bridges, and those supplements or later editions thereto as may be adopted by resolution of the City Council;

SECTION 4. 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 declares 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 5. 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 _____, 2003.

WILLIAM L. OSSENMACHER, MAYOR

ATTEST:

SUSAN A. RAMOS, CITY CLERK

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

I, Susan Ramos, City Clerk of the City of Dana Point, California, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 03-_____ introduced at a regular meeting of the City Council held this _____ day of _____, 2003, and passed and adopted at a regular meeting held _____, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

SUSAN A. RAMOS, CITY CLERK