

CITY OF DANA POINT

AGENDA REPORT

Reviewed By:	
DH	X
CM	X
CA	X

DATE: NOVEMBER 20, 2006

TO: CITY MANAGER/CITY COUNCIL

FROM BRAD FOWLER, DIRECTOR OF PUBLIC WORKS AND ENGINEERING SERVICES

SUBJECT: INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTIONS 14.01.220 AND 14.01.500 OF THE MUNICIPAL CODE TO ADDRESS RECENT UPDATES TO STATE AND FEDERAL STANDARDS APPLYING TO WORK IN PUBLIC STREETS

RECOMMENDED ACTION:

That the City Council (1) introduce and hold the first reading of an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTIONS 14.01.220 AND 14.01.500 OF THE MUNICIPAL CODE TO ADDRESS RECENT UPDATES TO STATE AND FEDERAL STANDARDS APPLYING TO WORK IN PUBLIC STREETS

ISSUES:

Whether to approve the ordinance amendments included in Action Document A designed to update and improve existing City code sections.

BACKGROUND:

Section 14.01.220 of the Dana Point Municipal Code addresses the placement of traffic control and warning devices in public streets when work is occurring, while Section 14.01.500 provides a list of adopted standard plans and specifications for the construction, improvement and repair of public facilities including highways, bridges, flood control and recreation facilities.

Over time, State and Federal Standards are updated to address changes in the industry. Several referenced standards have been updated, and City staff would like to update the Code sections to reflect the latest versions of these universally used traffic control and construction standards.

DISCUSSION:

The proposed ordinance sections are as follows (changes are in bold):

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 **of Public Works or City Engineer**, conforming to the ~~State of California Division of Highway Uniform Sign Chart~~ Manual of Uniform Traffic Control Devices for Streets and Highways, Latest Edition, including all applicable State of California Supplements, and one of the latest versions of the following publications:

- (a) **Work Area Protection and Traffic Control Manual, Latest Edition**~~Work Area Traffic Control Handbook (WATCH) latest edition~~; or
- (b) ~~Work Area Protection and Traffic Control Manual, 2nd Edition, dated August 1996~~ **Work Area Traffic Control Handbook (WATCH) Latest Edition**; or
- (c) Manual of Traffic Controls for Construction and Maintenance Work Zones, ~~dated 1996 (revision 2, issued January 2000)~~ Latest Edition, issued by the State of California ~~Business Transportation and Housing Agency~~, Department of Transportation; or
- (d) Manual ~~on~~ **of** Uniform of Traffic Control Devices, ~~Millennium Edition, Parts 5 and 6,~~ **Latest Edition**, 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 **of Public Works or City Engineer** 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 **of Public Works or City Engineer** to so specify the signs, devices, or measures shall not relieve the permittee of his or 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 City Engineer** ~~of Public Works or his or her designee~~ prior to implementation. At the discretion of the Director of Public Works **or City Engineer**, a permittee may be required to generate traffic control plans signed by a licensed traffic or civil engineer prior to work being allowed. (Added by Ord. 98-04, 6/23/98; amended by Ord. 03-13, 8/27/03, **amended by Ord. _____**)

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," **Latest Edition unless otherwise specified by the City Engineer or Director of Public Works** ~~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~~ **May, 2006 or Latest Edition** : 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~~ **May, 2006 or Latest Edition** , 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. (Added by Ord. 98-04, 6/23/98; amended by Ord. 03-13, 8/27/03, **amended by Ord. _____**)

City staff recommends that the City Council consider adopting the new ordinance sections to allow staff to utilize current standards for work in the public rights-of-way.

NOTIFICATION/FOLLOW-UP:

None

FISCAL IMPACT:

None

ALTERNATIVE ACTIONS:

- 1. Other City Council directed actions.

ACTION DOCUMENTS:

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A. Ordinance	4
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SUPPORTING DOCUMENTS:

None

Action Document A – Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTIONS 14.01.220 AND 14.01.500 OF THE MUNICIPAL CODE TO ADDRESS RECENT UPDATES TO STATE AND FEDERAL STANDARDS APPLYING TO WORK IN PUBLIC STREETS

WHEREAS, the City of Dana Point (“City”) has determined that Section 11.10.014 of the Dana Point Municipal Code, which is used to regulate noise in the City, needs to be modified;

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

SECTION 1. 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 of Public Works or City Engineer, conforming to the Manual of Uniform Traffic Control Devices for Streets and Highways, Latest Edition, including all applicable State of California Supplements, and one of the latest versions of the following publications:

- (a) Work Area Protection and Traffic Control Manual, Latest Edition; or
- (b) Work Area Traffic Control Handbook (WATCH) Latest Edition; or
- (c) Manual of Traffic Controls for Construction and Maintenance Work Zones, Latest Edition, issued by the State of California, Department of Transportation; or
- (d) Manual on Uniform of Traffic Control Devices, Latest Edition, 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 of Public Works or City Engineer 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 of Public Works or City Engineer to so specify the signs, devices, or measures shall not relieve the permittee of his or 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 City Engineer prior to implementation. At the discretion of the Director of Public Works or City Engineer, a permittee may be required to generate traffic control plans signed by a licensed traffic or civil engineer prior to work being allowed. (Added by Ord. 98-04, 6/23/98; amended by Ord. 03-13, 8/27/03, amended by Ord. _____)

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(c) The portion of the "Standard Plans, Department of Transportation, State of California," dated May, 2006 or Latest Edition, covering signs, signals and lighting and that portion covering bridges, and those supplements thereto as may be adopted by Resolution of the City Council. (Added by Ord. 98-04, 6/23/98; amended by Ord. 03-13, 8/27/03, amended by Ord. _____)

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 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 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 _____, 2006.

LARA ANDERSON, MAYOR

ATTEST:

KATHY M. WARD, ACTING CITY CLERK

STATE OF CALIFORNIA)

COUNTY OF ORANGE) ss

CITY OF DANA POINT)

I, Kathy M. Ward, Acting City Clerk of the City of Dana Point, California, do hereby certify that the foregoing is a true and correct copy of Ordinance No. _____ introduced at a regular meeting of the City Council held this _____ day of _____, 2006, and passed and adopted at a regular meeting held _____, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

KATHY M. WARD, ACTING CITY CLERK