



APPROVED
BY THE CITY COUNCIL

AUG 26 1997

OFFICE OF THE
CITY CLERK

1.13

NEIGHBORHOODS, PLANNING
AND DEVELOPMENT SERVICES

**CITY OF SACRAMENTO
CALIFORNIA**

1231 I STREET, #400
SACRAMENTO, CA
95814

916-264-5200
FAX: 264-7643

August 14, 1997

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: ORDINANCE ADDING SECTION 26.01.079 TO CHAPTER 26.01 OF THE SACRAMENTO CITY CODE, RELATING TO THE WITHDRAWAL OF THE NORTH LAGUNA CREEK WILDLIFE AREA FROM ACCESS AND USE BY UNAUTHORIZED MEMBERS OF THE PUBLIC

LOCATION AND COUNCIL DISTRICT: District 8, North Laguna Creek Wildlife Area

RECOMMENDATION:

This report recommends that the Sacramento City Council review and approve the attached ordinance adding Section 26.01.079 to Chapter 26.01 of the Sacramento City Code which would institute a no trespassing ordinance for the North Laguna Creek Wildlife area.

CONTACT PERSON: Gary Little, Area 2 Director, 264-8220
Patricia Mendoza, Associate Planner, 264-8268

FOR COUNCIL MEETING OF: August 26, 1997

SUMMARY:

Developed at the request of the North Laguna Creek Neighborhood Association, the proposed ordinance would prohibit unauthorized access to the North Laguna Creek Wildlife Area. The purpose is to protect this wetland habitat restoration along Laguna Creek which contains vernal pools, seasonal wetlands, freshwater marsh and riparian habitat. The wetland restoration project is an official mitigation area and is not intended for intensive human use.

COMMITTEE ACTION:

The Law and Legislation Committee heard the report on the proposed ordinance on August 7, 1997. The Committee recommended clarifying who would have authorized access to the wildlife area (Section 2(b) of the proposed ordinance) and forwarding it to the City Council for approval.

BACKGROUND INFORMATION:

In 1988, the U. S. Army Corps of Engineers issued a permit (pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344)) to the City of Sacramento for floodway improvements in the Laguna Creek area. The permit stipulated that the City implement wetland habitat restoration along with the floodway improvements. As a result, the City restored the wetland which is now known as the North Laguna Creek Wildlife Area. The 117-acre wildlife/wetland area is located adjacent to Laguna Creek, North Laguna Creek Park and residential development. Exhibits 1 and 2 show the project site.

A three-foot high post and cable network currently separating the wildlife area from an off-street bikeway and linear parkway has not been an effective barrier in restraining people from entering the wildlife area. Members of the public routinely enter the area to fish, hunt, raft, hike, swim, off-road bike and run their dogs. Such activity has resulted in makeshift trails, trampled native grasses, erosion, broken sprinkler heads and damaged trees and shrubs. This activity has disturbed the habitat and may cause a long term reduction in fish, mammal and bird populations. In addition, it jeopardizes the City's ability to monitor and maintain the wildlife area as required under the 404 Permit.

Given the North Laguna Creek Neighborhood Association's concern that the habitat is slowly being destroyed and the City's obligations under the 404 Permit, the City developed the proposed ordinance in order to preserve the wildlife habitat and wetland. The ordinance would create a no trespassing zone upon the North Laguna Creek Wildlife Area. It would therefore be unlawful and a misdemeanor for any member of the public to enter the area. The ordinance would permit entry to the area to members of the public for educational activities if they are given permission by the City Manager or the Manager's designee. City employees and other designated individuals would also be granted permission to enter the area for maintenance and monitoring activities. Attachment A to this staff report is a letter of support from the neighborhood association.

Community representatives from the North Laguna Creek Neighborhood Association will work with City staff to inform the community of the ordinance through public education outreach. Part of that outreach will include the installation of descriptive signs stating that no trespassing is allowed in the area. Enforcement of this ordinance will be handled by the Sacramento City Police Department as needed.

FINANCIAL CONSIDERATIONS:

Funding for the implementation of the ordinance will come from the Laguna Creek Maintenance District. Anticipated expenditures include production and installation of the signs prohibiting entry and enforcement.

POLICY CONSIDERATIONS:

This ordinance supports goals under the City's General Plan "Conservation and Open Space Element" to

retain riparian woodlands and grassland vegetation along the waterways and floodways in South Sacramento and to explore ways to conserve a modified floodplain environment along Laguna Creek. The recommendations in this report are also in accordance with the general goal to retain the habitat areas where known endangered wildlife exists to the extent feasible and to explore ways to preserve the undeveloped open space areas and wildlife habitats along Laguna Creek. This ordinance also supports policies in the South Sacramento Community Plan to "preserve open space and enhance the natural features of Laguna Creek."

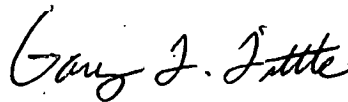
ENVIRONMENTAL CONSIDERATIONS:

The Planning Services Division, Environmental Section, has reviewed the proposed project and has determined that this project is exempt from the California Environmental Quality Act (CEQA) under Section 15308 of the CEQA Guidelines. Staff has determined that the proposed ordinance will not cause a significant effect on the environment.

MBE/WBE:

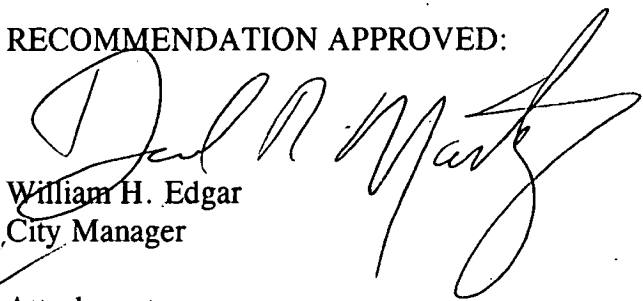
There are no MBE/WBE considerations associated with this report.

Respectfully submitted,



Gary L. Little
Director, Area 2

RECOMMENDATION APPROVED:

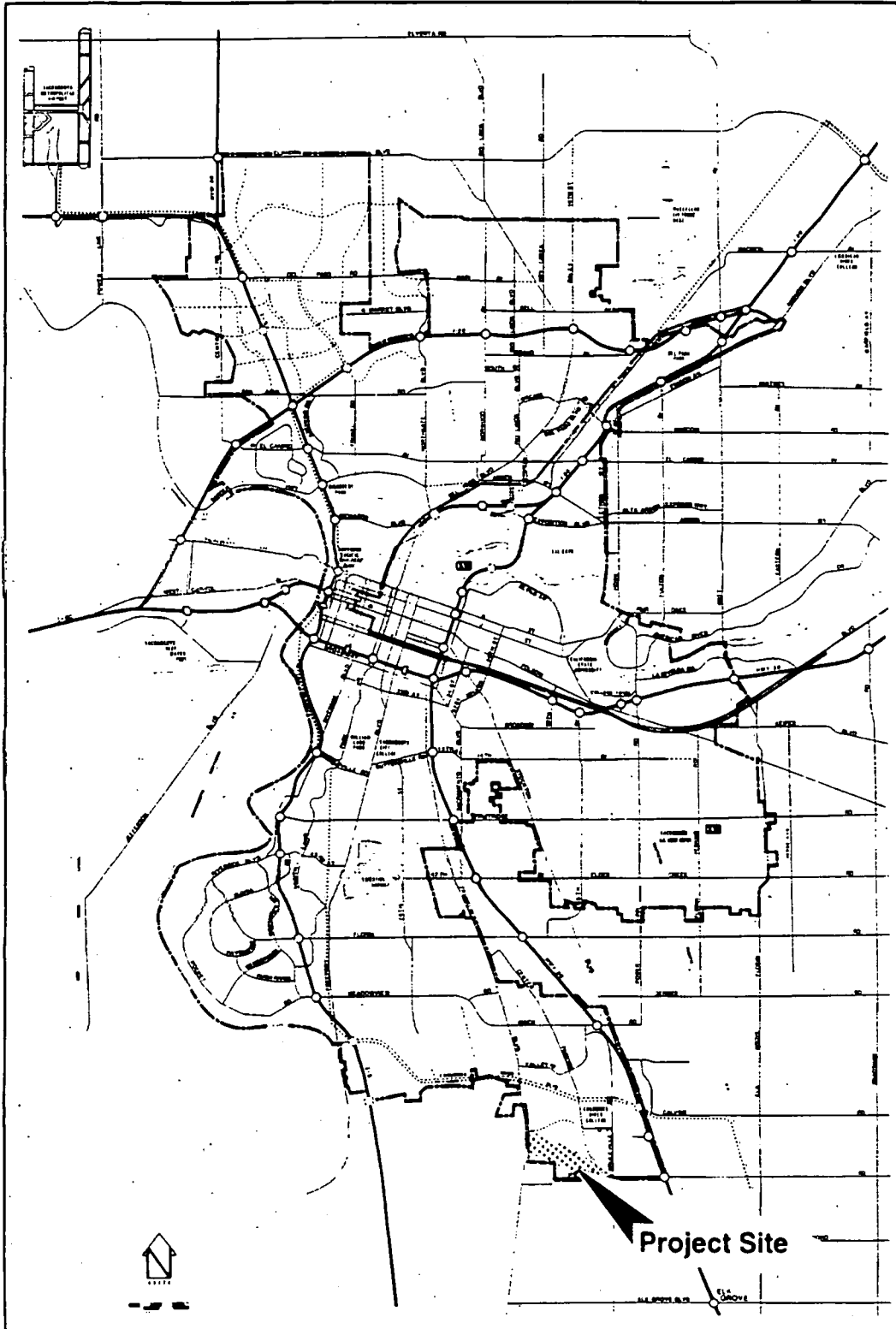


William H. Edgar
City Manager

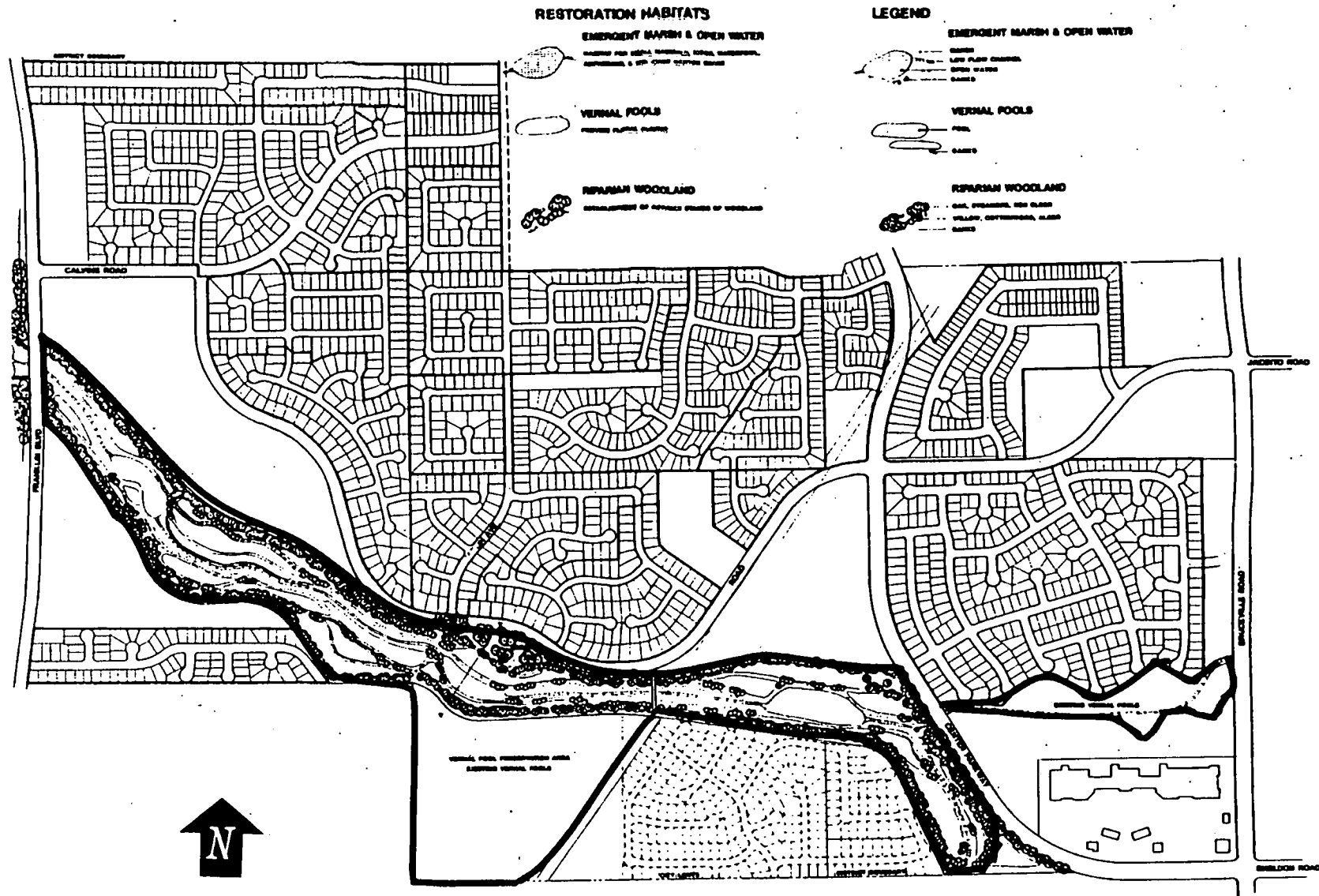
Attachments:

- Exhibits
- Letter of Support
- Ordinance

EXHIBIT 1
Project Location



NORTH LAGUNA CREEK WILDLIFE AREA



NORTH LAGUNA CREEK NEIGHBORHOOD ASSOCIATION

TRANSMITTED BY FACSIMILE MACHINE

July 22, 1997

Gary Little, Area 2 Manager
Neighborhood Services Department
City of Sacramento
1231 I Street, Room 400
Sacramento, CA 95814

Dear Gary,

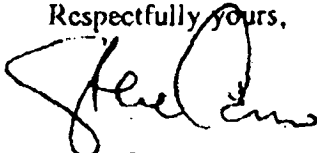
This letter serves to formally indicate that the North Laguna Creek Neighborhood Association heartily supports the creation of a city ordinance making it a misdemeanor to trespass in the North Laguna Creek Wildlife Area.

It is *my understanding* that the ordinance will be heard before the City Council's Law & Legislation Committee within the next two weeks. On behalf of the association's Board of Directors, I would strongly urge the committee to approve such an ordinance.

The wildlife area is one of our community's shining jewels, and it is an essential part of our efforts to create and maintain North Laguna Creek's status as a "desirable neighborhood." In order for the wildlife area to sustain its uniqueness, it is vital that trespassing in the area be severely limited. Most people understand that a true wildlife area cannot co-exist with an abundance of human "visitors," but there are others who believe -- however wrongly -- that their right to abuse the area exists unless told otherwise. Therefore, I believe an ordinance would send an appropriate message to those who are uneducated, as well as provide appropriate legal recourse should that become necessary.

Thank you in advance for your time and continued support of North Laguna Creek. Please don't hesitate to call me or Wildlife Committee Chairperson Susan Mohler if you have any questions or need any additional information.

Respectfully yours,



Steve Caruso
President



APPROVED
BY THE CITY COUNCIL
AUG 26 1997
OFFICE OF THE
CITY CLERK

ORDINANCE NO. 97-049

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE ADDING SECTION 26.01.079 TO CHAPTER 26.01 OF THE SACRAMENTO CITY CODE, RELATING TO THE WITHDRAWAL OF THE NORTH LAGUNA CREEK WILDLIFE AREA FROM ACCESS AND USE BY UNAUTHORIZED MEMBERS OF THE PUBLIC.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Findings

(a) The City property known as the North Laguna Creek Wildlife Area, which consists of approximately 117 acres, consists of an area that is bounded by Sheldon Road to the South, Jacinto Road to the North, Bruceville Road to the East and Franklin Boulevard to the West.

(b) In the mid-1980's the City of Sacramento proposed floodway modifications to Laguna Creek for the purposes of flood protection and urban development. It was estimated that the project would fill or excavate approximately 64.6 acres of wetlands within the Laguna Creek Area.

(c) In 1988 the City received a permit from the United States Army Corps of Engineers, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), for floodway improvements in the Laguna Creek area. Such permit was issued with the stipulation that the City implement wetland habitat restoration along with the floodway improvements. The wetland restoration project included the development of vernal pools/seasonal wetlands, freshwater marsh and riparian habitat within the modified flood channel. This area is now known as the North Laguna Creek Wildlife Area.

(d) Currently, the wildlife area is separated from an off-street bikeway and linear parkway by a three-foot high post and cable network. The wetland restoration project is

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

an official mitigation area and is not intended for intensive human use.

(e) Members of the public routinely use the wildlife area for fishing, hunting, rafting, hiking, swimming, off-road biking and running dogs. Such activity has resulted in make-shift trails, trampled native grasses, erosion, broken sprinkler heads and damaged trees and shrubs. The long term effects of such activities may be a reduction in fish, mammal and bird populations due to over-fishing and habitat disturbance.

(f) Pursuant to the terms of its 404 Permit, the City is required to monitor and maintain the North Laguna Creek Wildlife Area to ensure that the wetlands are restored and preserved.

(g) An ordinance creating a no-trespassing zone upon the North Laguna Creek Wildlife Area is needed to decrease the negative human impact on the wildlife habitat and increase the numbers of plant and animal species in the wildlife area. Such measures will assist the City in its efforts to maintain and preserve the wetlands within the wildlife area, and help to ensure the ultimate success of the mitigation program.

(h) This ordinance is enacted pursuant to the rights, power and authority enjoyed by the City pursuant to Section 10 of the City Charter and the authority provided in Section 37359 of the Government Code.

SECTION 2.

Section 26.01.079 is hereby added to Chapter 26.01 of the Sacramento City Code, to read as follows:

26.01.079. Withdrawal of North Laguna Creek Wildlife Area from public use.

(a) The North Laguna Creek Wildlife Area is hereby withdrawn from the personal access and use of members of the public. Except as provided below, it shall be unlawful and a misdemeanor for any member of the public to stand, loiter, or stay within the North Laguna Creek Wildlife Area, and anyone found therein is hereby deemed to be a trespasser and shall be punished pursuant to the provisions of the California Penal Code.

Definition: The "North Laguna Creek Wildlife Area" is the area that is bounded by Sheldon Road to the South, Jacinto Road to the North, Bruceville Road to the East and Franklin Boulevard to the West, which is enclosed by a post and cable network or fence.

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

(b) Subsection (a) above shall not apply to (1) Federal, State, County or City employees acting within the course and scope of their employment or; (2) any other person granted permission to enter the North Laguna Creek Wildlife Area for scientific, environmental, educational or maintenance purposes by the City Manager or the City Manager's designee; provided, however, that no person shall be granted entry for any purpose which is inconsistent with the terms and conditions of the permit received by the City from the United States Army Corps of Engineers, pursuant to Section 404 of the Clean Water Act.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____



PASSED FOR
PUBLICATION
& CONTINUED
TO 8.26.97

1.9

1.13

NEIGHBORHOODS, PLANNING
AND DEVELOPMENT SERVICES

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET, #400
SACRAMENTO, CA
95814

916-264-5200
FAX: 264-7643

August 13, 1997

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: ORDINANCE ADDING SECTION 26.01.079 TO CHAPTER 26.01 OF THE SACRAMENTO CITY CODE, RELATING TO THE WITHDRAWAL OF THE NORTH LAGUNA CREEK WILDLIFE AREA FROM ACCESS AND USE BY UNAUTHORIZED MEMBERS OF THE PUBLIC

LOCATION AND COUNCIL DISTRICT: District 8, North Laguna Creek Wildlife Area

RECOMMENDATION:

This report recommends that the item be passed for publication of title, pursuant to City Charter Section 32 and continued to August 26, 1997.

CONTACT PERSON: Gary Little, Area 2 Director, 264-8220
Patricia Mendoza, Associate Planner, 264-8268

FOR COUNCIL MEETING OF: August 19, 1997

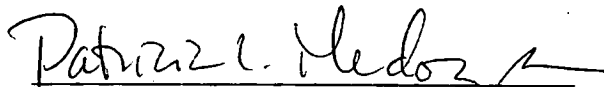
SUMMARY:

Prior to publication of an item in a local paper to meet legal advertising requirements, the City Council must first pass the item for publication. The City Clerk then transmits the title of the item to the paper for publication and for advertising the meeting date.

Respectfully submitted,



Gary L. Little, Area 2 Director



Patricia L. Mendoza, Associate Planner

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

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- 1 -

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

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DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

- 3 -

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

From: Virginia Henry

To:

Lynne Halsted, Mary Lou Silva, Nancy
Allen

Subject: item for the consent calendar

===NOTE=====8/13/97=11:14am==

Patricia Mendoza from Neighborhoods will be walking down a report for this week's consent calendar. It's a PFP

TITLE:

Ordinance adding Section 26.01.179 to Chapter 26.01 of the Sacramento City Code, relating to the withdrawal of the North Laguna Creek Wildlife Area from access and use by unauthorized members of the public.

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REVISED

AUGUST 18, 1997

APPROVED
BY THE CITY COMMISSION

AUG 26 1997

OFFICE OF THE
CITY CLERK

MEMORANDUM

TO: OPERATIONS STAFF
FROM: KATHY HOWARD, BOARD/COMMISSION CLERK
SUBJECT: COUNCIL AGENDA - 08-26-97 - CONSENT ITEM

Request to open an application period for the **Sacramento Heritage, Inc., Board of Directors** for three openings due to the 11-16-97 term expirations scheduled for K. Pressey, C. Roland-Nawi and G. Bramson. (D-All)

RECOMMENDATION OF STAFF: OPEN APPLICATION PERIOD
APPLICATIONS DUE: SEPTEMBER 26, 1997

cc: Roberta Deering

(OPENREQ\033)