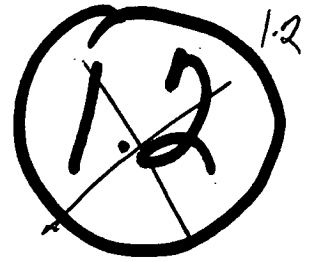




PASSED FOR
PUBLICATION
& CONTINUED
TO 2/23/99



DEPARTMENT OF
PUBLIC WORKS

CITY OF SACRAMENTO
CALIFORNIA

DEVELOPMENT SERVICES
1231 I STREET
ROOM 200
SACRAMENTO, CA
95814

TECHNICAL SERVICES DIVISION

January 12, 1999

PH 916-264-7995
FAX 916-448-8450

City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT: ORDINANCE AMENDING CHAPTER 38.15 OF THE SACRAMENTO CITY CODE
RELATING TO TEMPORARY STREET CLOSURES**

LOCATION AND COUNCIL DISTRICT: Citywide

RECOMMENDATION:

This report recommends the item be passed for publication of title and continued to February 23, 1999.

CONTACT PERSONS:

Ron Perry, Engineering Technician III, 264-8298
Theresa Arnold, Associate Engineer, 264-5514

FOR COUNCIL MEETING: February 9, 1999

SUMMARY: This item is presented at this time for approval of publication of title, pursuant to City Charter, Section 32.

BACKGROUND: 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,

Marty Hanneman
City Traffic Engineer

Approved:

Duane Wray
Manager, Technical Services Division

RECOMMENDATION APPROVED:

WILLIAM H. EDGAR
City Manager

Approved:

Michael Kashiwagi
Director of Public Works

S:\TECHSVC\Project Delivery\Dev Svs\Council\CC-Ord Chapter 38-15 (PFP).wpd

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING CHAPTER 38.15 OF THE SACRAMENTO CITY CODE, RELATING TO TEMPORARY STREET CLOSING

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

SECTION 1.

Chapter 38.15 of the Sacramento City Code is hereby amended to read as follows:

38.15.200 Purpose.

Pursuant to the authority of Vehicle Code Section 21101.4, the provisions of this chapter shall apply to and control the temporary closing of a street to through traffic.

38.15.201 Public hearing and findings required.

(a) Initial Closure: The city council may temporarily close a street to through traffic ~~when all of the following conditions are~~, after a public hearing, and upon adoption of a resolution finding that all of the following conditions ~~found to~~ exist:

~~(a)~~(1) ~~The city council find and determines t~~There is serious and continual criminal activity in the portion of the street recommended for temporary closure. This finding ~~and determination~~ shall be based upon the recommendation of the police department.

~~(b)~~(2) The street is under the City of Sacramento's jurisdiction and has not been designated as a through highway or arterial street.

~~(c)~~(3) Vehicular or pedestrian traffic on the street contributes to the criminal activity.

~~(d)~~(4) The closure will not substantially adversely affect traffic flow, safety on the adjacent streets or in the surrounding neighborhoods, the operation of

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

emergency vehicles, the performance of municipal or public utility services, or the delivery of freight by commercial vehicles in the area of the street proposed to be temporarily closed.

- (b) Extension of Closure: The city council may extend a temporary street closure previously approved in accordance with this chapter after a public hearing, and upon adoption of a resolution finding that all of the following conditions exist:
- (1) Continuation of the temporary closure will assist in preventing the occurrence or reoccurrence of the serious and continual criminal activity found to exist when the immediately preceding temporary closure was authorized. This finding shall be based upon the recommendation of the police department.
 - (2) The street has not been designated as a through highway or arterial street.
 - (3) Vehicular or pedestrian traffic on the street contributes to the criminal activity.
 - (4) The immediately preceding closure has not substantially adversely affected traffic flow, safety on the adjacent streets or in the surrounding neighborhoods, the operation of emergency vehicles, the performance of municipal or public utility services, or the delivery of freight by commercial vehicles in the area of the street that was temporarily closed.

38.15.202 Definitions applicable to this chapter.

Arterial street: A street designated as an arterial or minor arterial street in the circulation element of the City's general plan or applicable community plan.

Street: A street, alley, way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Street includes highway, as that term is defined in the California Vehicle Code.

Temporary: No longer than eighteen (18) months, except that period may, pursuant to ~~Section 38.15.201~~, be extended for an not more than five (5) additional consecutive periods ~~not to exceed~~ of not more than eighteen (18) months each as provided in this chapter.

Through highway: A through highway, as that term is defined in Vehicle Code Section 600.

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

38.15.203 Procedure.

Any person may request the city manager to study temporary closure or the extension of a temporary closure of a street or streets, and make his/her recommendation to the city council for action under this ordinance.

38.15.204 Information and documentation required.

(a) Initial Closure: The following information and documentation shall be included in the request to the city manager:

(a)(1) An exact description of the limits of the street(s) to be closed and the proposed method of closure.

(b)(2) (i) Documentation from the Sacramento police department indicating that the area of the proposed street closure suffers from serious and continual criminal activity that is contributed to by vehicular or pedestrian traffic, and (ii) a recommendation from the police department that the proposed temporary street closure be implemented because that action would substantially alleviate the serious and continual criminal activity in the area.

(c)(3) Verification from the public works ~~transportation division~~ department that the street closure proposed does not include a through highway or an arterial ~~or a through~~ street, and that the proposed street closure allows adequate and safe traffic circulation on adjacent streets.

(d)(4) Verification from the fire department that the proposed closure will not adversely impact their operations or safety in the surrounding neighborhoods.

(e)(5) Any other information and documentation requested by the city manager in his or her sole discretion.

(b) Extension of Closure: The following information and documentation shall be included in the request to the city manager:

(1) An exact description of the limits of the street(s) where extension of the temporary closure is requested.

(2) (i) Documentation from the Sacramento police department indicating that the area where extension of the temporary closure is requested suffers from serious and continual criminal activity that is contributed to by vehicular or pedestrian traffic, and (ii) a recommendation from the police department that the temporary street closure be continued to assist in

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ORDINANCE NO. _____

DATE ADOPTED: _____

preventing the occurrence or reoccurrence of the serious and continual criminal activity in the area found to exist when the immediately preceding temporary closure was authorized.

- (3) Verification from the public works department that the street where extension of the temporary closure is requested is not a through highway or an arterial street, and that the immediately preceding closure allowed for adequate and safe traffic circulation on adjacent streets.
- (4) Verification from the fire department that the immediately preceding closure did not adversely impact their operations or safety in the surrounding neighborhoods.
- (5) Any other information and documentation requested by the city manager in his or her sole discretion.

38.15.205 Permits required for closure improvements in the public right-of-way.

If the proposed street closure requires construction of temporary closure improvements such as fencing, gates, guard booth, or lighting, in the public right-of-way by a private entity, a revocable encroachment permit and an excavation permit must be obtained from the public works department. The revocable encroachment permit must be issued simultaneously with the approval of the street closure by the city council. The excavation permit, if required, may be issued subsequent to city council approval of the temporary closure, but must be obtained prior to actual closure of the street(s). The city manager, in his or her discretion, may waive the fees required for these permits.

38.15.206 Notice of public hearing.

At least ten (10) calendar days before the public hearing required under Section 38.15.201, ~~A~~ notice shall be given of the time, date and place of the hearing, including a general description of the area affected, ~~at least ten (10) calendar days before the public hearing~~ shall be mailed to all residents and owners, as shown on the last equalized assessment roll, of property adjacent to the portion of street where a temporary closure or extension of a temporary closure is proposed. This notice shall also be published in both of the following ways:

- (1) at least once in a newspaper of general circulation, published and circulated in the city, and
- (2) conspicuously posted along the line of the streets to be temporarily closed. The notices shall be posted not more than 300 feet apart, but at least three notices shall be posted.

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

Substantial compliance with these provisions for notice shall be sufficient, and a technical failure to comply shall not affect the validity of any action taken according to the procedures in this chapter.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

6

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING CHAPTER 38.15 OF THE SACRAMENTO CITY CODE, RELATING TO TEMPORARY STREET CLOSING

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38.15.200 Purpose.

Pursuant to the authority of Vehicle Code Section 21101.4, the provisions of this chapter shall apply to and control the temporary closing of a street to through traffic.

38.15.201 Public hearing and findings required.

(a) Initial Closure: The city council may temporarily close a street to through traffic after a public hearing, and upon adoption of a resolution finding that all of the following conditions exist:

- (1) There is serious and continual criminal activity in the portion of the street recommended for temporary closure. This finding shall be based upon the recommendation of the police department.
- (2) The street is under the City of Sacramento's jurisdiction and has not been designated as a through highway or arterial street.
- (3) Vehicular or pedestrian traffic on the street contributes to the criminal activity.
- (4) The closure will not substantially adversely affect traffic flow, safety on the adjacent streets or in the surrounding neighborhoods, the operation of emergency vehicles, the performance of municipal or public utility services, or the delivery of freight by commercial vehicles in the area of the street proposed to be temporarily closed.

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

(b) Extension of Closure: The city council may extend a temporary street closure previously approved in accordance with this chapter after a public hearing, and upon adoption of a resolution finding that all of the following conditions exist:

- (1) Continuation of the temporary closure will assist in preventing the occurrence or reoccurrence of the serious and continual criminal activity found to exist when the immediately preceding temporary closure was authorized. This finding shall be based upon the recommendation of the police department.
- (2) The street has not been designated as a through highway or arterial street.
- (3) Vehicular or pedestrian traffic on the street contributes to the criminal activity.
- (4) The immediately preceding closure has not substantially adversely affected traffic flow, safety on the adjacent streets or in the surrounding neighborhoods, the operation of emergency vehicles, the performance of municipal or public utility services, or the delivery of freight by commercial vehicles in the area of the street that was temporarily closed.

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Temporary: No longer than eighteen (18) months, except that period may be extended for not more than five (5) additional consecutive periods of not more than eighteen (18) months each as provided in this chapter.

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38.15.203 Procedure.

Any person may request the city manager to study temporary closure or the extension of a temporary closure of a street or streets, and make his/her recommendation to the city council for action under this ordinance.

38.15.204 Information and documentation required.

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

(a) Initial Closure: The following information and documentation shall be included in the request to the city manager:

- (1) An exact description of the limits of the street(s) to be closed and the proposed method of closure.
- (2) (i) Documentation from the Sacramento police department indicating that the area of the proposed street closure suffers from serious and continual criminal activity that is contributed to by vehicular or pedestrian traffic, and (ii) a recommendation from the police department that the proposed temporary street closure be implemented because that action would substantially alleviate the serious and continual criminal activity in the area.
- (3) Verification from the public works department that the street closure proposed does not include a through highway or an arterial street, and that the proposed street closure allows adequate and safe traffic circulation on adjacent streets.
- (4) Verification from the fire department that the proposed closure will not adversely impact their operations or safety in the surrounding neighborhoods.
- (5) Any other information and documentation requested by the city manager in his or her sole discretion.

(b) Extension of Closure: The following information and documentation shall be included in the request to the city manager:

- (1) An exact description of the limits of the street(s) where extension of the temporary closure is requested.
- (2) (i) Documentation from the Sacramento police department indicating that the area where extension of the temporary closure is requested suffers from serious and continual criminal activity that is contributed to by vehicular or pedestrian traffic, and (ii) a recommendation from the police department that the temporary street closure be continued to assist in preventing the occurrence or reoccurrence of the serious and continual criminal activity in the area found to exist when the immediately preceding temporary closure was authorized.
- (3) Verification from the public works department that the street where extension of the temporary closure is requested is not a through highway or an arterial street, and that the immediately preceding closure allowed for adequate and safe traffic circulation on adjacent streets.

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

- (4) Verification from the fire department that the immediately preceding closure did not adversely impact their operations or safety in the surrounding neighborhoods.
- (5) Any other information and documentation requested by the city manager in his or her sole discretion.

38.15.205 Permits required for closure improvements in the public right-of-way.

If the proposed street closure requires construction of temporary closure improvements such as fencing, gates, guard booth, or lighting, in the public right-of-way by a private entity, a revocable encroachment permit and an excavation permit must be obtained from the public works department. The revocable encroachment permit must be issued simultaneously with the approval of the street closure by the city council. The excavation permit, if required, may be issued subsequent to city council approval of the temporary closure, but must be obtained prior to actual closure of the street(s). The city manager, in his or her discretion, may waive the fees required for these permits.

38.15.206 Notice of public hearing.

At least ten (10) calendar days before the public hearing required under Section 38.15.201, a notice of the time, date and place of the hearing, including a general description of the area affected, shall be mailed to all residents and owners, as shown on the last equalized assessment roll, of property adjacent to the portion of street where a temporary closure or extension of a temporary closure is proposed. This notice shall also be published in both of the following ways:

- (1) at least once in a newspaper of general circulation, published and circulated in the city, and
- (2) conspicuously posted along the line of the streets to be temporarily closed. The notices shall be posted not more than 300 feet apart, but at least three notices shall be posted.

Substantial compliance with these provisions for notice shall be sufficient, and a technical failure to comply shall not affect the validity of any action taken according to the procedures in this chapter.

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

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**CITY OF SACRAMENTO
ORDINANCES**

On February 9, 1999, the following ordinance(s) were considered by the Sacramento City Council and will be considered for final adoption at the regular meeting of February 23, 1999. In accordance with Sacramento City Charter Section 32, the titles are herein published:

**AN ORDINANCE AMENDING CHAPTER 38.15 OF THE SACRAMENTO CITY CODE,
RELATING TO TEMPORARY STREET CLOSING**

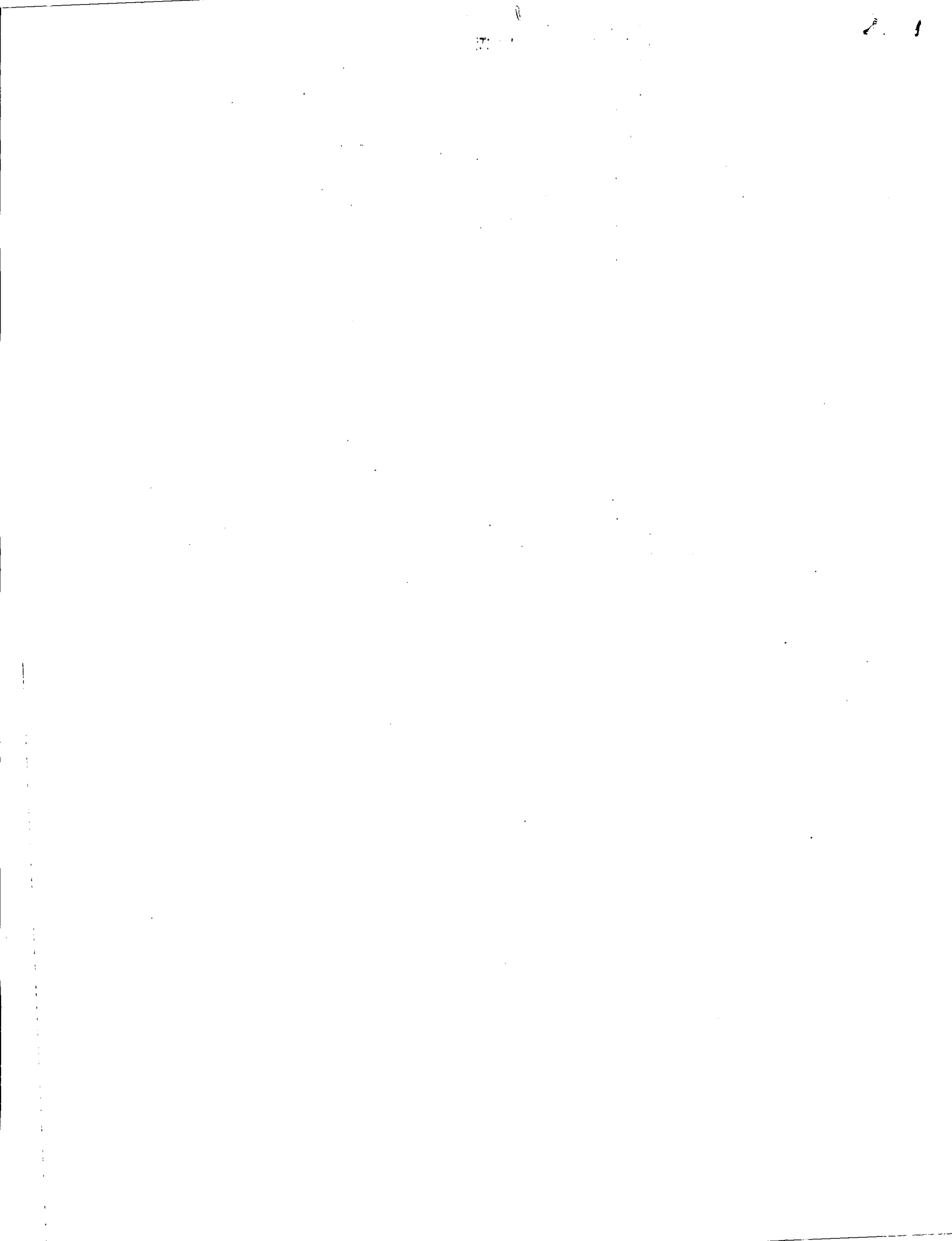
Anyone interested in the full text of the above ordinance(s) may contact the Office of the City Clerk, City Hall, 915 "I" Street, Room 304, phone (916) 264-5427.

SACRAMENTO CITY COUNCIL

BY: VALERIE A. BURROWES
CITY CLERK

AD NO.: 8796
RUN ONE TIME: FEBRUARY 12, 1999
2 PUB PROOFS

Post-it® Fax Note	7671	Date	2-10-99	# of pages	2
To	Barbara	From	Caralyn		
Co./Dept.	Daily Recorder	Co.	City Clerk's Office		
Phone #	444-2355	Phone #	264-5427		
Fax #		Fax #			



ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**AN ORDINANCE LEVYING A SPECIAL TAX FOR THE
PROPERTY TAX YEAR 1999-2000 AND FOLLOWING TAX YEARS
SOLELY WITHIN AND RELATING TO THE CITY OF SACRAMENTO
WILLOWCREEK LANDSCAPING COMMUNITY
FACILITIES DISTRICT NO. 98-04 FOR LANDSCAPE MAINTENANCE**

**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SACRAMENTO, AS
FOLLOWS:**

Pursuant to Government Code Sections 53328 and 53340, and in accordance with the Rate and Method of Apportionment of Special Tax as shown on Exhibit B to the Resolution Establishing the City of Sacramento Willowcreek Landscaping Community Facilities District No. 98-04 ("District") (Resolution 98-637 adopted by this Council on December 15, 1998), a special tax is hereby levied on all taxable parcels within the City of Sacramento Willowcreek Landscaping Community Facilities District No. 98-04 for the 1999-2000 tax year and for all subsequent years in the amount of the maximum authorized tax, provided that this amount may be adjusted annually, subject to the maximum authorized special tax limit, by resolution of this Council.

The Director of the Department of Public Works ("Director") or his/her designee, of the City of Sacramento ("City"), is authorized and directed, with the aid of the appropriate officers and agents of the City, to determine each year, without further action of this Council, the Special Tax Requirement (as that term is defined in Exhibit B of Resolution No. 98-637 Establishing the District), to prepare the annual special tax roll in the amount of the Special Tax Requirement in accordance with said Exhibit B and, without further action of this Council, to provide all necessary and appropriate information to the Sacramento County Auditor in proper form, and in proper time, necessary to effect the correct and timely billing and collection of the special tax on the secured property tax roll of the County; provided that, as provided in said Resolution No. 98-637 Establishing the District and Section 53340 of the California Government Code, this Council has reserved the right to utilize any method of collecting the special tax which it shall, from time to time, determine to be in the best interests of the City, including but not limited to, direct billing by the City to the property owners and supplemental billing.

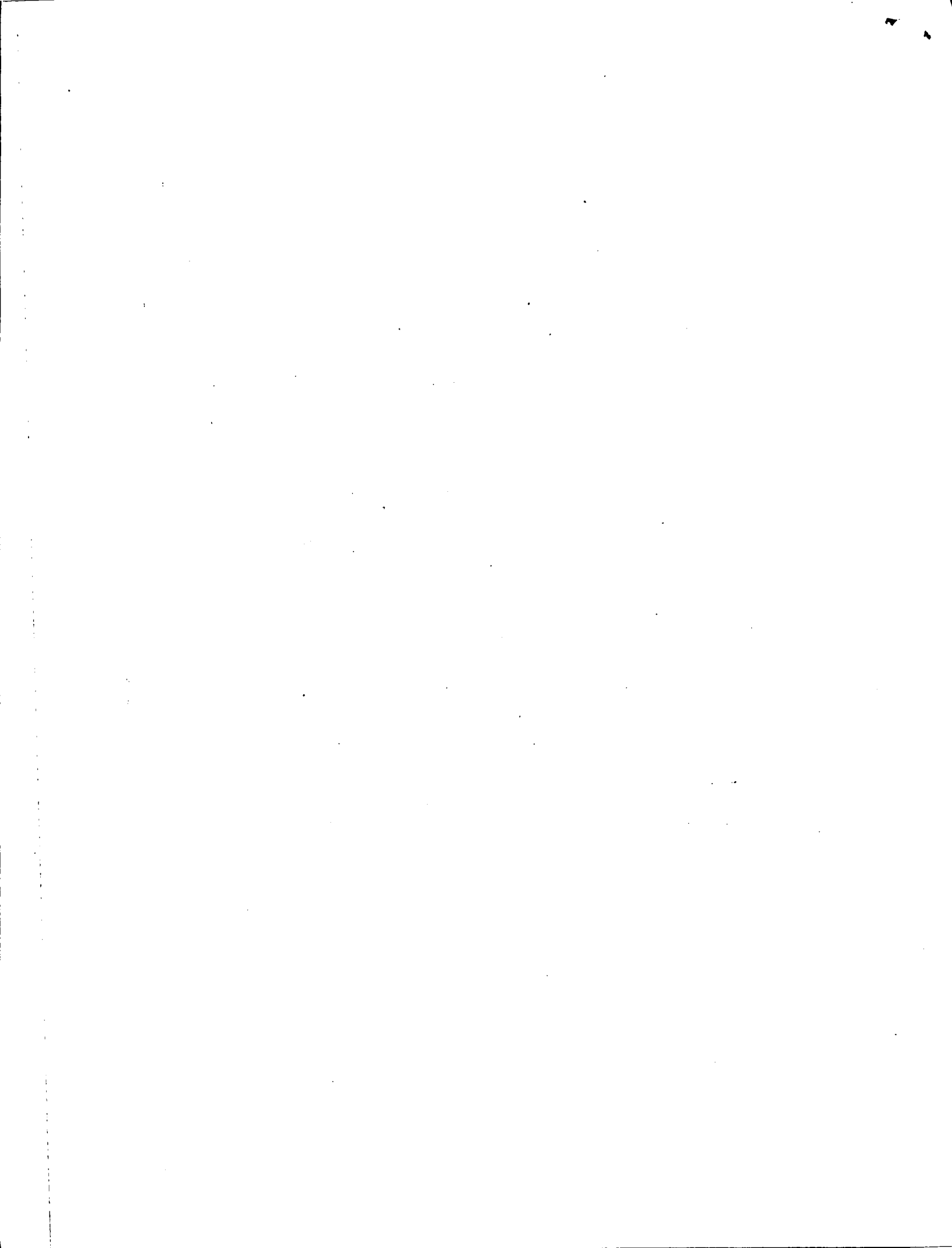
The appropriate officers and agents of the City are authorized to make adjustments to the special tax roll prior to the final posting of the special taxes to the County tax roll

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FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____



each year, as may be necessary to achieve a correct match of the special tax levy with the assessor's parcel numbers finally utilized by the County in sending out property tax bills.

The City agrees that, in the event the special tax is collected on the secured tax roll of the County, the County may deduct its reasonable and agreed charges for collecting the special tax from the amounts collected, prior to remitting the special tax collections to the City.

Taxpayers who have requested changes or corrections of the special tax pursuant to Section 7 of the Rate and Method of Apportionment of the Special Tax and who are not satisfied with the decision of the Director (whether the Director simply disagrees with the taxpayer or feels the Department of Public Works is not authorized to consider the change requested) may appeal to the Council. The appeal must be in writing and fully explain the grounds of appeal. Appeals must be based solely on the correction of mistakes in the levy based upon the status of the property. No other appeals will be allowed. The Director shall schedule the appeal for consideration within a reasonable time at a Council meeting.

If for any cause any portion of this ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel by a court of competent jurisdiction, the balance of this ordinance and the application of the special tax to the remaining parcels shall not be affected.

This ordinance shall take effect and be in force immediately as a tax measure.

The title of this ordinance shall be published at least once in a newspaper of general circulation, published in the City of Sacramento after being passed for publication of title by the Council, at least three days before the adoption of this ordinance by the Council, pursuant to Section 32(c) of the Sacramento City Charter. It is hereby found that the title of this ordinance was published in _____, a newspaper of general circulation published in the City of Sacramento on _____, 1999.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

ATTEST:

MAYOR

CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

Special
Returns
3131