



City of Sacramento City Council

16

915 I Street, Sacramento, CA, 95814
www.CityofSacramento.org

Meeting Date: 4/5/2011

Report Type: Consent

Title: Administrative Matter: Amendment of Resolution 2010-283: Temporary Street Closure of the Alleyway Bounded by Folsom Boulevard, 36th, 37th and M Streets, Temporary Closure of Traffic Proceeding No. TSC10-02

Report ID: 2011-00315

Location: District 3

Recommendation: Adopt a Resolution amending Resolution 2010-283 to delete subsection 4(c).

Contact: Thomas Adams, Engineering Technician (916) 808-7929; Nicholas Theocharides, Engineering Division Manager (916) 808-5065, Department of Transportation

Presenter:

Department: Transportation Department

Division: Development Engineering

Dept ID: 15001151

Attachments:

- 1- Description/Analysis
- 2 - Background Information
- 3 - Resolution 2010-283
- 4 - Resolution Amendment

City Attorney Review

Approved as to Form
Paul Gale
3/17/2011 9:18:09 AM

City Treasurer Review

Prior Council Financial Policy Approval or
Outside City Treasurer Scope
Russell Fehr
3/16/2011 11:24:03 AM

Approvals/Acknowledgements

Department Director or Designee: Jerry Way - 3/16/2011 12:20:56 PM

Assistant City Manager: John Dangberg - 3/16/2011 5:58:07 PM



Description/Analysis

Issue: On May 25, 2010, the Council adopted Resolution 2010-283 granting the temporary closure of the alley located between Folsom Boulevard, 36th Street, 37th Street and M Streets pursuant to Sacramento City Code Chapter 12.16 and California Vehicle Code Section 21101.4 which provide authorization to close a street or alley to through traffic. A copy of Resolution 2010-283 is included. The staff recommendation should not have included subsection 4(c) which required access for all vehicles and pedestrians as opposed to only those who either live at the adjacent properties or are invited to the adjacent properties.

Policy Considerations: It is in the best interest of the City to preserve and ensure a clear and concise legislative history.

Environmental Considerations:

California Environmental Quality Act (CEQA): None

Sustainability Considerations: None.

Committee/Commission Action: None.

Rationale for Recommendation: Resolution 2010-283 was approved pursuant to California Vehicle Code Section 21101.4 and Sacramento City Code Chapter 12.16 which provide for alley closure to through traffic, but not the residents of the alley or their invitees. Subsection 4(c) of the resolution which requires access for all vehicles and pedestrians, was inadvertently included in the resolution. In order to clarify and confirm the intent of Council, City staff recommends amending Resolution 2010-283 to delete subsection 4(c).

Financial Considerations: None

Emerging Small Business Development (ESBD): None.

Background

On May 25, 2010, pursuant to California Vehicle Code Section 21101.4 and Sacramento City Code Chapter 12.16, the City Council adopted Resolution No. 2010-283 “The Temporary Closure of the Alleyway Bounded by Folsom Boulevard, 36th, 37th and M Streets.” The purpose of California Vehicle Code Section 21101.4 and Sacramento City Code Chapter 12.16 is to allow the City to close an alley to “through” traffic while allowing access to local traffic (vehicles and pedestrians associated with the properties adjacent to the alley). Subsection 4(c) of the resolution which requires access for all vehicles and pedestrians, was inadvertently included in the resolution. Subsection 4(c) should be deleted so that it is clear that the alley is only closed to through traffic, not local traffic.

RESOLUTION NO. 2010-283

Adopted by the Sacramento City Council

May 25, 2010

**RESOLUTION AUTHORIZING THE TEMPORARY STREET CLOSURE OF THE
ALLEYWAY BOUNDED BY FOLSOM BOULEVARD, 36TH, 37TH AND M STREETS
PROCEEDING NO. TSC10-02**

BACKGROUND

- A. The City received a request from the adjacent property owners for a temporary closure of the subject alleyway bounded by Folsom Boulevard, 36th Street, 37th Street and "M" Street.
- B. In accordance with Section 21101.4 of the Vehicle Code of the State of California and with Chapter 12.16 of the Sacramento City Code, the City Council hereby considers approval of the temporary street closure of traffic on the following subject alley to help prevent occurrences of crime related activities.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL
RESOLVES AS FOLLOWS:**

- Section 1. Based upon substantial evidence present in the record of the proceedings regarding this matter, City Council hereby makes the following findings:
 - a) There is criminal activity in the area of the subject alleyway recommended for closure. This finding is based upon a recommendation of the Police Department.
 - b) The alleyways recommended for closure is under the City's jurisdiction and has not been designated as a through highway or arterial street.
 - c) Vehicle or pedestrian traffic in the alleyways recommended for closure contributes to the criminal activity that is occurring there.
 - d) The alleyway closure will not substantially adversely affect traffic flow, safety on the 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 recommended for closure.
- Section 2. The temporary closure of vehicular traffic through the subject alleyway listed is necessary for the protection or preservation of the public peace, Safety, health or welfare of the neighborhood.

Section 3. The Council finds and determines that the subject alley closure will substantially alleviate the existing criminal activity in that alley.

Section 4. City Council grants the temporary closure of the alleyway located between Folsom Boulevard, 36th, 37th and M Streets with the following conditions:

- a) A locking security device approved by the Sacramento Fire Department will be installed on each gate.
- b) City departments and utility companies will have twenty-four (24) hour access to their facilities within the alley.
- c) The locking security device shall not be operated in a selective manner that restricts the access of some vehicles and/or pedestrians to the subject alley, while permitting other vehicles and pedestrians unrestricted access to the alley.
- d) In the event that the security device requires construction by a private entity for improvements in the public right-of-way, a revocable encroachment permit and an excavation permit must be obtained from the Department of Transportation. The revocable encroachment permit is to be issued simultaneously with this Resolution. The excavation permit, if required, may be issued subsequent to this Resolution, but must be obtained prior to the construction of improvements in the public right-of-way. Staff recommends that the City Manager waive the fee for the revocable encroachment permit.

Adopted by the City of Sacramento City Council on May 25, 2010 by the following vote:

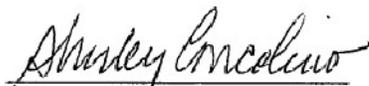
Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, and Mayor Johnson.

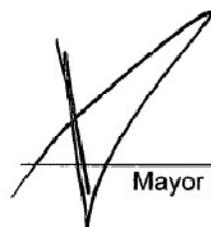
Noes: None.

Abstain: None.

Absent: Councilmember Waters.

Attest:


Shirley Concolino, City Clerk



Mayor Kevin Johnson



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RESOLUTION NO.

Adopted by the Sacramento City Council

RESOLUTION AMENDING RESOLUTION 2010-283 AUTHORIZING THE TEMPORARY STREET CLOSURE OF THE ALLEYWAY BOUNDED BY FOLSOM BOULEVARD, 36TH, 37TH AND M STREETS PROCEEDING NO. TSC10-02

BACKGROUND

- A. California Vehicle Code Section 21101.4 and Sacramento City Code Chapter 12.16 authorize the City to close a street or alley to “through” traffic.
- B. Pursuant to the authority granted to the city pursuant to California Vehicle Code Section 21101.4 and City Code Chapter 12.16, on May 25, 2010, the City Council adopted Resolution 2010-283 temporarily closing the alleyway bounded by Folsom Boulevard, 36th, 37th and M Streets.
- C. Through inadvertence, subsection 4(c), which requires access to all pedestrians and vehicles, not only local pedestrians and vehicles, was inadvertently included by staff in Resolution 2010-283. Subsection 4(c) should not be included in the resolution.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. Subsection 4(c) is deleted from Resolution 2010-283.