

File ID: 2026-01156

6/23/2026

Staff Response Regarding Councilmember Proposal for Consideration - Pilot Program for Homeowner Encroachments within City-Owned Recreational Easements to Engage in Restricted Landscape Improvements

File ID: 2026-01156

Location: District 3

Recommendation: Receive and file.

Contact: Shawn Aylesworth, Park Maintenance Manager, (916) 808-4070, scaylesworth@cityofsacramento.org, Department of Youth, Parks, and Community Enrichment

Attachments:

1-Description/Analysis

2-Participant Program Guide

3-Law and Legislation Committee Report: 2025-01295 and Councilmember Proposal Request Submission: 2025-006

Description/Analysis

Issue Detail: On June 24, 2025, the Law and Legislation Committee reviewed a proposal introduced by Vice Mayor Karina Talamantes regarding a pilot program for homeowner encroachments within Ninos Parkway. The initiative aimed to provide residents with the opportunity to engage in restricted landscape beautification projects along the parkway. Staff were tasked with preparing a preliminary program guide, which was subsequently shared with the public for review and input during a community meeting hosted by Vice Mayor Karina Talamantes on March 18, 2026. Enclosed is a final program guide providing detailed program information that reflects input from the community. The pilot program will be implemented over a two-year period during which it will be evaluated. Staff will report back to the Law and Legislation Committee on the outcomes of the pilot program after the two-year implementation period.

Policy Considerations: Not applicable.

Economic Impacts: Not applicable.

Environmental Considerations: This report provides information regarding a proposed pilot

program for community-initiated restricted landscape projects. This activity does not constitute a project under the California Environmental Quality Act (CEQA), in accordance with CEQA Guidelines Section 15378(b)(5).

Sustainability: Not applicable.

Commission/Committee Action: None.

Rationale for Recommendation: Response to committee direction.

Financial Considerations: Not applicable.

Local Business Enterprise (LBE): Not applicable.

NINOS PARKWAY – VOLUNTEER LANDSCAPE IMPROVEMENT APPLICATION

City of Sacramento – Department of Youth, Parks & Community Enrichment (YPCE)

1. Applicant Information

Full Name

Adjacent Property Address

Mailing Address (if different)

Phone

Email

2. Improvement Area

Estimated Dimensions of Improvement Area

3. Proposed Improvements

(Check all that apply and attach plant list or sketch if available)

Improvement Type	Check
Edible Garden	<input type="checkbox"/>
Ornamental Garden	<input type="checkbox"/>
Shrubs / Flowers / Groundcover	<input type="checkbox"/>
Raised Beds (max 12" high)	<input type="checkbox"/>
Drip Irrigation (≤1" diameter lines only)	<input type="checkbox"/>
Other (describe):	

4. Utilities & Access Acknowledgment

By initialing each line, I acknowledge:

Requirement	Initial
I will maintain all required utility and access clearances as listed in the guidelines.	_____
I understand the City or utility providers may remove improvements if required for maintenance or emergency work.	_____
Improvements will not impede stormwater flow, fire hydrant access, or roadway visibility.	_____

5. Prohibited Items Confirmation

I confirm that my proposal **does NOT include** any of the following (see full guidelines for details):

Prohibited Feature	Initial
Fencing, walls, or permanent structures	_____
Plants over 3' at maturity (unless approved)	_____
Thorny, invasive, poisonous, or restricted plant species	_____
Irrigation lines larger than 1" running longitudinally	_____

6. Maintenance Responsibility

I agree to maintain the improvement area at my sole expense, including weeding, fuel reduction setback (36"), and irrigation upkeep. | Initial: _____ |

7. Signature

I hereby apply for permission to install and maintain low-impact landscaping within the Ninos Parkway right-of-way adjacent to my property and agree to comply with all conditions stated in the attached program guidelines

| Signature |

| Date |

Please submit the completed application to:

Shawn C. Aylesworth, Manager, Park Maintenance Division
5730 24th Street, Bldg. 3, Sacramento, CA 95822 – (916) 808-4070 scaylesworth@cityofsacramento.org

Volunteer Waiver and Release

Participant Name(s):		Age* (if minor):	
Address:	City:	Zip:	
Home/Work Phone:	Cell Phone:		
Email Address:			
Emergency Contact for Participant:		Relationship to Participant:	
*Parent/Legal Guardian Name (if Participant is under age 18 or a senior relative):			

I, Participant, hereby waive, release, and discharge the City of Sacramento from any and all claims, demands, and causes of action for damages for personal injury, illness, death, or property damage which I, my heirs, representatives, executors, administrators, or any other persons acting on my behalf or on behalf of my estate have or may have may have, or which may hereafter accrue to me, as a result of volunteering at the City of Sacramento.

In exchange for being permitted to participate in volunteer activities, I acknowledge, agree, and represent that I voluntarily chosen to participate in said activities, and that I understand the nature of activities and am qualified, in good health, and in proper physical condition to participate in such activities. I further agree and warrant that if at any time I believe conditions to be unsafe, I will immediately discontinue further participation.

This release is intended to discharge in advance the City of Sacramento (including its officers, employees, volunteers, and agents) from any and all liability arising out of or connected in any way with my participation in said activity, even though that liability may arise out of active or passive negligence or carelessness on the part of the persons or entities mentioned above. It is further agreed that this waiver, release, and assumption of risk is to be binding on my heirs, administrators, executors, and assigns and that I shall indemnify and hold the City of Sacramento (including its officers, employees, volunteers, and agents) free and harmless from any loss, liability, damage, cost, or expense which may arise out of or connected in any way with my participation in said activity.

Additionally, I fully understand that my participation in volunteer activities may expose me to inherently dangerous conditions and the risk of personal injury, death, communicable diseases, illnesses, viruses, and/or property damage. I hereby acknowledge that I am voluntarily participating in this activity and agree to assume any such risks.

I HAVE CAREFULLY READ THIS WAIVER AND RELEASE AND FULLY UNDERSTAND ITS CONTENTS. I AM AWARE THAT THIS IS AN UNCONDITIONAL RELEASE OF LIABILITY AND A CONTRACT BETWEEN MYSELF AND THE CITY OF SACRAMENTO AND THAT BY SIGNING THIS

WAIVER AND RELEASE, I AM GIVING UP CONSIDERABLE FUTURE LEGAL RIGHTS. I UNDERSTAND THAT THIS WAIVER AND RELEASE EXTENDS TO KNOWN AND UNKNOWN CLAIMS. I KNOWINGLY, VOLUNTARILY, AND EXPRESSLY WAIVE ANY AND ALL RIGHTS AND BENEFITS OTHERWISE COVERED BY THE PROVISIONS OF SECTION 1542 OF THE CALIFORNIA CIVIL CODE, WHICH STATES AS FOLLOWS:

"A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS THAT THE CREDITOR OR RELEASING PARTY DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE AND THAT, IF KNOWN BY HIM OR HER, WOULD HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR RELEASED PARTY."

I UNDERSTAND AND ACKNOWLEDGE THE SIGNIFICANCE AND CONSEQUENCE OF THE SPECIFIC WAIVER OF SECTION 1542.

This Waiver and Release contains the entire agreement between the City of Sacramento and the Participant, and supersedes any prior written or oral agreements.

Electronic Signatures: The parties agree that this Agreement may be electronically signed. The parties agree that the electronic signatures appearing on this Agreement, Waiver, and Release are the same as handwritten signatures for the purposes of validity, enforceability, and admissibility.

I HAVE SIGNED THIS WAIVER AND RELEASE FREELY, VOLUNTARILY, UNDER NO DURESS OR THREAT OF DURESS, WITHOUT INDUCEMENT, PROMISE OR GUARANTEE BEING COMMUNICATED TO ME. MY SIGNATURE IS PROOF OF MY INTENTION TO EXECUTE A COMPLETE AND UNCONDITIONAL WAIVER AND RELEASE OF ALL LIABILITY TO THE FULL EXTENT OF THE LAW.

Participant/Guardian Signature

Participant/Guardian Name (Print) Date

Please submit the completed Volunteer Waiver and Release to:

Shawn C. Aylesworth, Manager, Park Maintenance Division
5730 24th Street, Bldg. 3, Sacramento, CA 95822 – (916) 808-4070 scaylesworth@cityofsacramento.org

Volunteer Code of Conduct

I agree and understand any work I perform within the scope of this agreement will be provided on a voluntary basis, and I do not expect payment or other compensation for performing such work, I also understand a volunteer position does not constitute an employee-employer relationship with the City of Sacramento, and I service at the discretion of the City Manager or designee.

If I am currently a city employee, I know any volunteer work to be performed is outside of my regular job classification and is separate from any paid work responsibility.

I agree not to divulge any information regarding persons who are receiving services or other assistance from the city or otherwise involved in my volunteer services, I recognize unauthorized release of confidential information may make me subject to criminal action.

I understand I am fully responsible for maintaining my own personal records of time volunteered to the city for the purposes of internships, community service, etc., subject to my supervisor's verification. At the end of my volunteer service can have my supervisor sign a letter documenting hour donated and understand the city will maintain no permanent record of this time.

I understand the City has a zero-tolerance policy against any type of harassment or discrimination. I agree to comply with this policy and recognize I will also be protected by it.

I understand the City has a zero-tolerance policy against any type of violence, threat, or intimidation, implied or actual, in the volunteer activities (workplace). I agree to comply with this policy and recognize I will also be protected by it.

I understand the City has a zero-tolerance policy against any use of or being under the influence of, illegal drugs or alcohol in the workplace, I agree to comply with this policy.

I understand the city is not responsible for loss or damage to my personal belongings.

I understand volunteers are not allowed to perform cleanup work in a pond or lake and volunteers must stay ten (10) feet away from any water's edge.

| Signature |

| Date | |

Please submit the completed Volunteer Code of Conduct to:

Shawn C. Aylesworth, Manager, Park Maintenance Division
5730 24th Street, Bldg. 3, Sacramento, CA 95822 – (916) 808-4070 scaylesworth@cityofsacramento.org

Program Guidelines for Volunteer Maintained Landscape Improvements

Ninos Parkway – Adjacent Property Owner Volunteer Program

1. Purpose

To allow adjacent property owners to install and/or maintain low-impact landscaping within Ninos Parkway while ensuring protection of public infrastructure, utilities, and the City's operational needs.

These guidelines define allowed improvements, restrictions, and conditions to prevent conflicts with current or future public use. **The absence of visible utilities does not indicate an unrestricted area.**

There are currently numerous areas in Ninos Parkway where adjacent landowners are maintaining landscaping and other improvements on public property. To the extent such improvements are consistent with the guidelines for this program, landowners who wish to continue maintaining such landscaping would have the opportunity to do so by registering as volunteers for this program. Landowners who have unauthorized encroachments on the Parkway who do not register to participate in this program and/or who have improvements that do not meet these program guidelines, will be contacted by the City regarding removal.

2. General Conditions

All Program Participants must complete the attached volunteer waiver and release, agree to the City's Volunteer Code of Conduct, and receive City approval of the proposed improvements to be maintained using the attached forms.

All improvements must:

- Maintain full access to City and utility rights-of-way, both above and below ground.
- Be removed at if required for City or utility work.
- Avoid impairing inspection, maintenance, repair, or upgrades of public systems.
- Avoid blocking stormwater flow, inlets, fire/emergency access, or roadway sightlines.

- Comply with City sight-triangle standards at intersections and driveways.
- Comply with the public utility easements held by SMUD and Western Area Power Administration

No fencing, walls, or permanent structures of any kind are allowed.

3. Allowed Improvements

(If not prohibited by another agency)

Improvement Type	Conditions
Gardens (edible or ornamental)	Plants under 3' at maturity; raised beds max 12" high; irrigation lines max 1" diameter.
Shrubs / Flowers / Groundcover	Must comply with City drought-tolerant standards; no invasive species; root systems must not interfere with utilities. Water must be supplied by volunteer.

4. Prohibited Improvements

- Fencing, walls, buildings, sheds, or structures of any type.
 - Irrigation lines larger than 1" running longitudinally along the easement.
 - Visual obstructions within required sight triangles.
 - Any obstruction limiting fire hydrant access (4' clear radius required).
 - Irrigation tied into the City's irrigation system.
-

5. Prohibited Plants & Materials

- **All tree species**
- **Controlled-substance crops** (marijuana, hemp, tobacco, etc.)
- **Cacti or succulents with needles**
- **Thorny vining plants** (except roses)
- **Plants extending beyond improvement area**
- **Aggressive spreaders** (rhizome or stolon-based propagation)
- **Plants with offensive odor**
- **Species posing safety hazards or infrastructure risks**
- **Genetically modified or growth-enhanced seed stock**
- **License-restricted seeds**
- **Poisonous fruits or berries**
- **Invasive or noxious weeds** as listed by UC Davis:
 - <https://calinvasives.ucdavis.edu/>
 - https://wric.ucdavis.edu/information/info_spec_weed.htm

6. Utility & Maintenance Access Requirements

Minimum clearances unless otherwise specified:

Utility Feature	Required Clearance
Buried utility lines	5' horizontal
Electrical poles w/ guy wires	10'
Overhead utility lines	12' vertical
Vaults, valves, hydrants	3' radius

Improvements must not impede access to:

- Utility boxes, vaults, transformers, switches
- Manholes, valves, or shut-offs
- Electrical, water, sewer, or storm system operations

7. Volunteer Responsibilities

- Full care, cleanliness, and maintenance of the improvement area.
- Maintain a **36" fuel reduction setback** around the entire perimeter.
- Mark all four corners of the improvement zone with **wooden survey stakes**.
- Volunteers must complete a volunteer waiver and release, agree to the City's Volunteer Code of Conduct, and receive City approval of the proposed improvements to be maintained.

File ID: 2025-01295

6/24/2025

Councilmember Proposal Request for Committee Consideration - Pilot Program for Homeowner Encroachments

File ID: 2025-01295

Location: Citywide

Recommendation: Review and provide direction on the attached councilmember proposal regarding a Pilot Program for Homeowner Encroachments and take one of the following actions: 1) Pass a **Motion** directing the appropriate council appointive officer to commence work on the proposal and bring it back to the committee for review and consideration; 2) Pass a **Motion** directing the appropriate council appointive officer to commence work on the proposal with committee members and forwarding the item to the city council for consideration without further review by the committee; 3) Pass a **Motion** sending the matter back to the sponsoring councilmember for additional information; 4) Pass a **Motion** deferring the request and directing the appropriate council appointive officer to bring the proposal back to the committee at a later date; or 5) Pass a **Motion** denying the proposal request.

Contact: Vice Mayor Karina Talamantes, Monika Lee, Chief of Staff, (916) 808-7003, district 3@cityofsacramento.org, Office of Vice Mayor Karina Talamantes, District 3

Presenter: None

Attachments:

- 1-Description/Analysis
- 2-Councilmember Proposal Request Submission
- 3-Council Rules of Procedure

Description/Analysis

Issue Detail: Councilmembers may propose an item, ordinance, program, research, or initiative for council action by submitting a written request to the City Clerk. The process modulates the agenda requests of individual councilmembers by referring those requests to the relevant city council standing committee for review, as appropriate, and in so doing provides clear guidance to the council appointees that their work demands are serving the council as a whole. It also ensures councilmember requests are duly tracked and assigned, thus promoting transparency and accountability.

The attached proposal number 2025-006 was submitted by Vice Mayor Karina Talamantes, was reviewed by the mayor, in consultation with the interim city manager, city attorney, and city clerk on June 11, 2025 and is being referred to this city council standing committee for consideration.

Policy Considerations: Council Rules of Procedure, Chapter 12.

Economic Impacts: See proposal.

Environmental Considerations: This action is not a project that is subject to California Environmental Quality Act (CEQA) because it is an administrative activity and relates to government fiscal activities that do not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. (CEQA Guidelines § 15378(b)(2) and (b)(4)).

Sustainability: See proposal.

Commission/Committee Action: Committee action is required to initiate staff work on any councilmember proposal request.

Rationale for Recommendation: Committee direction will provide clear guidance to the council appointees that their work demands are serving the council as a whole and are in alignment with council priorities.

Financial Considerations: See proposal.

Local Business Enterprise (LBE): See proposal.



COUNCILMEMBER PROPOSAL REQUEST SUBMISSION

Process as outlined in the Council Rules of Procedure, Chapter 12.

Submission Date: June 5, 2025

SUBJECT (brief summary): Pilot Program for Homeowner Encroachments

Councilmember Sponsor: Vice Mayor Karina Talamantes

Assigned Council Staff Member: Chief of Staff Monika Lee

Proposal Summary/Recommendation (*Provide a brief description of the proposal*):

Directs City of Sacramento staff to create and operate a 3-year pilot program to allow homeowners with encroachments along the Niños Parkway to pay the City of Sacramento a permit fee of \$25 annually.

Rationale for Recommendation (*Identify the issue(s) that this proposal will address*):

There are currently several dozen homes along the Niños Parkway that have encroachments on City owned land. City code explicitly states these are illegal and must be removed or homeowners are at risk of litigation. Encroachment permits can already be obtained for signage, light posts, fencing, billboards and other structures.

Many of these encroachments have been there for decades and the neighbors want to work with the City of Sacramento staff on finding a solution to address community concerns.

The Pilot Program sets these parameters:

- Homeowners can either choose to remove their encroachment or pay an annual fee to keep it.
- Encroachments cannot be permanent structures; they must be removable.
- Must have public access and visibility.
- Promotes and encourages neighbors to continue propagating milkweed in the Niños Parkway to create the Monarch Butterfly flyway that started during former Councilmember Jeff Harris' tenure.
- Work with the local Twin Rivers School District to promote education and hands on learning.

Recommended Priority Level:

- 0-30 days
- 30-60 days
- Greater than 60 days

City Council Committee Review Recommended:

- Budget and Audit Committee (B&A)
- Law and Legislation Committee (L&L)
- Personnel and Public Employees Committee (P&PE)
- Racial Equity Committee (RE)
- City Board, Commission, or Committee Review Recommended (*list advisory body(ies)*):

Do any of the following Council Policy Considerations apply? If so, give a brief explanation:

- DEI:
- Climate Action:

Financial Considerations:

The City of Sacramento stands to generate a nominal amount of revenue from a pilot program on encroachments. City staff would likely need to create a contract and process for homeowners to pay the annual fee.

Attachments to Support Summary/Recommendation:

(Please attach and explain council staff research that has been done on this proposal; Include all information received from outside careholders, drafts or examples compiled).

1. City of Sacramento Engineering Services Permits

A permit is required to perform work within the public right-of-way (usually a sidewalk, street, alley or easement) or to use portions of a street for exclusive purposes per the City Code.

https://www.cityofsacramento.gov/public-works/engineering/engineering_services_permits

Mayor’s Review:

Date Reviewed:

Committee Review Required:

- Budget and Audit Committee (B&A)
- Law and Legislation Committee (L&L)
- Personnel and Public Employees Committee (P&PE)
- Racial Equity Committee
- City Board, Commission, or Committee Review (*list advisory body(ies)*):

Committee Review Exception Applies:

- Urgent matter that requires quick council action.
- A matter related to a pending council matter.
- A matter that on its face falls fully outside the jurisdiction of the City.
- A matter within the City Manager’s executive function that does not need council authorization.

Department(s) Collaboration Needed:

Mayor’s Additional Direction:

City Council Standing Committee Scheduling:

Transmitted for addition to the following agenda(s) for committee review to initiate staff work on the proposal:

Standing Committee	Tentative Agenda Date
Budget and Audit Committee (B&A)	
Law and Legislation Committee (L&L)	
Personnel and Public Employees Committee (P&PE)	
Racial Equity Committee (RE)	

Proposal will also be made part of the Councilmember Proposal Tracking Log.

City Clerk’s Additional Comments: