



City Manager's Weekly Update

Week ending August 19, 2011

UPCOMING MEETINGS

- 9/6** Shoreline-Marina
Committee Meeting,
4:00 p.m.,
Sister Cities Gallery
- 9/6** City Council Meeting,
7:00 p.m.,
Council Chambers
- 9/8** Business and Housing
Committee Meeting,
4:00 p.m.,
Sister Cities Gallery
- 9/9** Finance Committee
Meeting,
8:15 a.m.,
South Offices
Conference Room
- 9/9** Airport Committee
Meeting, 9:00 a.m.,
Sister Cities Gallery
- 9/12** City Council/SLUSD
Joint Work Session,
7:00 p.m.,
Main Library
- 9/13** Facilities and
Transportation
Committee Meeting,
4:00 p.m.,
Sister Cities Gallery
- 9/19** City Council Meeting,
7:00 p.m.,
Council Chambers
- 9/22** Rules and
Communications
Committee Meeting,
4:30 p.m.,
Sister Cities Gallery
- 9/26** City Council Work
Session, 7:00 p.m.,
Location TBD

To: City Council
From: Lianne Marshall, Interim City Manager

As you can see from the calendar, September is filling up with meetings. I hope you enjoy the remaining days of August recess.

Mark Your Calendar

Coffee with the Cops (flyer attached)

- Tuesday, **September 13, 8:00 a.m. – 9:00 a.m.**, Main Street Bagel, 1099 MacArthur Boulevard
- Tuesday, **October 11, 8:00 a.m. – 9:00 a.m.**, Dick's Restaurant, 3188 Alvarado Street
- "Coffee with the Cops" is a pilot program implemented by the San Leandro Police Department in an effort to enhance communication between community members and the police department. These monthly presentations, which will take place at various locations around the community, will have an informal format designed to be informative regarding public safety and quality of life issues that impact neighborhoods.

Council Follow-Up

MacArthur Boulevard Street Lights

- The Public Works Department is completing replacement of the wiring for the street lights on MacArthur Boulevard today.
- The cost for replacing the wiring was \$16,000.

San Leandro City Junior Golf Championship (staff report attached)

- This year, the San Leandro City Junior Golf Championship was held on both courses at Monarch Bay on August 11. Over 220 entries were received this year, again making the San Leandro City Junior Championship the largest junior golf tournament in Northern California and one of the largest on the West Coast. The overall boy's champion was Jonathan Lin from Fremont, with a score of 68, and the overall girl's champion was Nina Fairbain from Orinda, with a score of 71.

Council Information

RFI Received from the Port of Oakland

- The City received a Request for Information (RFI) from the Port of Oakland, seeking identification of property suitable to provide compensatory mitigation for loss of approximately 22 acres of wetlands associated with two proposed Oakland Airport construction projects.

- Staff determined that the Dredged Materials Management Site (DMMS) could be a potential candidate for this project, which would involve the Port paying for the restoration process.
- The DMMS was determined to be a potential candidate because it met all of the Port's requirements, including:
 - Within jurisdiction of the San Francisco Bay Regional Water Quality Control Board;
 - Potential to provide foraging habitat for the California clapper rail;
 - Capable of being restored to tidal and/or seasonal wetlands within a 5-10 year time frame;
 - Close proximity to OAK Airport.
- Public Works Staff prepared the response to the RFI. The response stated that the City Council had not made a final decision on a potential alternative use for the Harbor or DMMS, and that the City had not held any conversations with regulatory agencies regarding possible restoration of the DMMS. It was noted that, given the configuration of the DMMS, a portion of it could be restored to tidal marshlands and still have adequate capacity for smaller dredging events.
- The Port will be making a recommendation on a short list of potential mitigation sites to the Board of Port Commissioners in the fall. Issuance by the Port of a Notice of Intent to negotiate with the property owner and development of conceptual mitigation plans is planned for December 2011. Conduct of due diligence and negotiation of terms is scheduled throughout 2012, with execution of an agreement in December 2012.
- Should the Port identify the DMMS as a potential mitigation site, staff will bring the matter before the Council for consideration.

Storm Water Inlet Trash Capture Devices – Installation Completed (staff report and pictures attached)

- In October 2009, the San Francisco Estuary Partnership was awarded \$5 million in federal stimulus funds to support the Bay Area-Wide Trash Capture Demonstration Project. The project allows municipalities to try out different types of devices to obtain compliance with new storm water permit requirements.
- San Leandro chose to be a part of this grant and was awarded over \$110,000 based on the amount of commercial and retail acreage within the City.
- The San Leandro Trash Capture (TCD) device installation project started on June 7, 2011 and the last of 250 units were installed on August 12 in most of the commercial retail areas in the city.
- San Leandro has installed more trash capture device units than any other municipality in the Bay Area-Wide Trash Capture Demonstration Project. The City has installed all the units well ahead of the November 1, 2012 deadline.

San Leandro Family Aquatic Center – New Hours

- Please note that the San Leandro Family Aquatic Center (SLFAC) located at Washington Manor Park hours will change next week.
- The SLFAC will be closed during the week as of Tuesday, August 23, yet will be open on weekends through Labor Day, September 5. Check the [Center's webpage](#) for hours and more information.

BCDC Releases Revised Proposal to Amend the Bay Plan, Schedules Public Hearing for September 1

- The Bay Conversation and Development Commission (BCDC) released a revised proposal on July 29 to amend the Bay Plan, adding a Climate Change section that deals most specifically with projected sea level rise. The amendment expands the scope of BCDC's permitting authority for projects near the San Francisco Bay.
- Although earlier versions of the proposed amendments caused significant concern among public agencies and the business community, many of those issues have been resolved in the current proposal. San Leandro staff was actively engaged in the process, both directly with BCDC and through the East Bay Economic Development Alliance, to ensure that BCDC staff recognized the potential impact of the amendments on development activity along San Leandro's shoreline.
- Under the most recent proposal, BCDC's review of development will remain limited to projects within a 100-foot shoreline band. For projects in San Leandro that fall into this territory, BCDC will only review the impacts of sea level rise as it relates the public access component of the project. Although this change

does result in a new regulatory hurdle for development projects, staff believes that it is significantly less burdensome than what was originally proposed by BCDC.

- The Commission will consider the proposal at a public hearing scheduled for Thursday, September 1, at 1:00 p.m. at the Ferry Building in San Francisco. Staff will provide Council with additional updates as new information becomes available.

Superior Court Judge's Decision in Qualified Patients Assn. v. City of Anaheim

- Orange County Superior Court Judge David Chaffee ruled on August 15, 2011 in favor of the City of Anaheim in the lawsuit filed by Qualified Patients Association and Lance Mowdy challenging the City's total prohibition on medical cannabis dispensaries. Anaheim had defined dispensaries as "any facility where medical [cannabis] is made available to and/or distributed by or to three or more of the following: a qualified patient, a person with an identification card, or a primary caregiver..."
- The decision noted that Anaheim's ordinance doesn't completely ban medical cannabis distribution, but rather prohibits mass distribution based on the negative secondary effects caused by such mass distribution.
- The court found that cities generally have the power to enact ordinances prohibiting specific public nuisances, and that such power was present in this case unless preempted by state law. The party that asserts preemption (in this case the dispensary and Mr. Mowdy) bears the burden of proof. The court analyzed all three categories of preemption (duplication, contradiction, and field) and determined that the ban was not preempted on any theory, with the exception of the provision of the ordinance criminalizing its violation--which was preempted and severed by the Court. So, the City was left with the remedy or power to declare that medical marijuana dispensaries constitute public nuisances per se.
- The court found a ban does not duplicate state law, as California's drug laws do not foreclose other remedies. The court found no direct contradiction because neither the Compassionate Use Act (CUA) nor the Medical Marijuana Program Act (MMPA) speak directly to mass distribution of medical marijuana. The MMPA does allow for communal cultivation of medical cannabis, but the Anaheim ordinance does not address communal cultivation and is limited to addressing mass distribution.
- Further, the court found neither the CUA preempts the field of medical cannabis distribution. It noted the legislative history of the MMPA "demonstrates the Legislature's intention to allow local legislation to 'fill in the gaps' that exist in state medical [cannabis] law."
- Judgment was therefore awarded in the City of Anaheim's favor.

StopWaste.org Draft Environmental Impact Report

- StopWaste.org has prepared a Draft Environmental Impact Report (DEIR) for Mandatory Recycling and Single Use Bag Reduction Ordinances. The Mandatory Recycling Ordinance would require all Alameda County single-family, multi-family, and commercial generators to segregate recyclable and organic materials for recovery. The Single Use Bag Reduction Ordinance would prohibit the free distribution of single use carryout paper and plastic bags for all retail establishments in Alameda County.
- The DEIR has been released for public comment and can be found at www.stopwaste.org/drafter. The public comment period is open until September 16, at 5:00 p.m. Staff will review the DEIR and will provide comment as needed.
- StopWaste.org staff is planning on bringing a Single Use Bag Reduction Ordinance to the Alameda County Waste Management Authority as early as its November 16 meeting. Cities will have the opportunity to consider the ordinance at that time also.

Correspondence from Other Agencies

Pacific Gas & Electric Gas Pipeline Testing Work in San Leandro (letter attached)

League of California Cities – CRA and League Release General Guidance for Agencies: What the CA Supreme Court Stay Means for Agencies over the Next 4 Months (article attached)



San Leandro Police Department

COFFEE WITH THE COPS

*Meet members of the San Leandro
Police Department*

The San Leandro Police Department invites
community members to join them at:

Main Street Bagel
Tuesday, September 13, 2011
8:00 am – 9:00 am



Police Officers, Detectives and the Police Chief will be discussing crime trends in your neighborhood. They will be available to answer your questions, offer tips and provide information on topics of interest. Members of the Police Department's Crime Prevention Unit and Code Enforcement Section will be on hand to speak with residents about enhancing Neighborhood Watch Programs and other strategies to reduce crime.

"Coffee with the Cops" is a pilot program implemented by the San Leandro Police Department in an effort to enhance communication between community members and the Police Department. Meetings will have an informal format, designed to be informative regarding public safety and quality of life issues that impact your neighborhood. This will be a monthly presentation at locations throughout the community.

TUESDAY, SEPTEMBER 13, 2011

Main Street Bagel
1099 MacArthur Blvd.

TUESDAY, OCTOBER 11, 2011

Dick's Restaurant
3188 Alvarado Street

This is a publication of the Crime Prevention Unit,
San Leandro Police Department
901 East 14th Street, San Leandro CA 94577

Please contact Officer Kerri Kovach if you have questions:

510-577-3252 or kkovach@sanleandro.org

CITY OF SAN LEANDRO

STAFF REPORT

Date: August 18, 2011
To: Lianne Marshall, Interim City Manager
From: Michael Bakaldin, Public Works Director
Subject: SAN LEANDRO CITY JUNIOR GOLF CHAMPIONSHIP

SUMMARY AND RECOMMENDATION

This report is for information only, and no action is required.

BACKGROUND

Each summer, since 1963, the San Leandro City Junior Golf Championship has been played at Monarch Bay (formerly the San Leandro Golf Complex). Originally, this event had 30 to 40 participants, ages 7 to 17, from San Leandro and surrounding communities competing in this one-day event.

DISCUSSION

This year, the San Leandro City Junior Golf Championship was held on both courses at Monarch Bay on August 11th. Over 220 entries were received this year, again making the San Leandro City Junior Championship the largest junior golf tournament in Northern California and one of the largest on the West Coast. The overall boy's champion was Jonathan Lin from Fremont with a score of 68 and the overall girl's champion was Nina Fairbain from Orinda with a score of 71.

The success of the tournament is due largely to the volunteers from American Golf and the San Leandro Golf Club at Monarch Bay. The Public Works Department has managed this event since 1996. Under Public Works administration, this tournament has grown from 55 participants in 1995 to well over 300 participants in 2007. Due to the difficult economic times as well as competing junior golf events, participation at all junior golf tournaments is down from the peak year in 2007. However, even with the drop in participation this year, San Leandro City Junior Golf Championship remains the largest junior golf tournament in Northern California.

CONCLUSION

The San Leandro City Junior Golf Championship has grown to be one of the largest single-day City Junior Golf Championships in California. The Public Works Department and American Golf continue to grow the game of golf by hosting various junior golf competitions at Monarch Bay. Other junior events include the High School Girls Spring Invitational and the High School Boys Fall Invitational.

CITY OF SAN LEANDRO

MEMORANDUM

DATE: August 16, 2011

TO: Lianne Marshall, Interim City Manager

FROM: Michael Bakaldin, Public Works Director

BY: Ray Busch, Assistant Water Pollution Control Plant Manager

SUBJECT: STORM WATER INLET TRASH CAPTURE DEVICES – INSTALLATION COMPLETED

In October 2009, the San Francisco Estuary Partnership was awarded \$5 million in federal stimulus funds to support the Bay Area-Wide Trash Capture Demonstration Project. The project allows municipalities to try out different types of devices to obtain compliance with new storm water permit requirements. San Leandro chose to be a part of this grant and was awarded over \$110,000 based on the amount of commercial and retail acreage within the City.

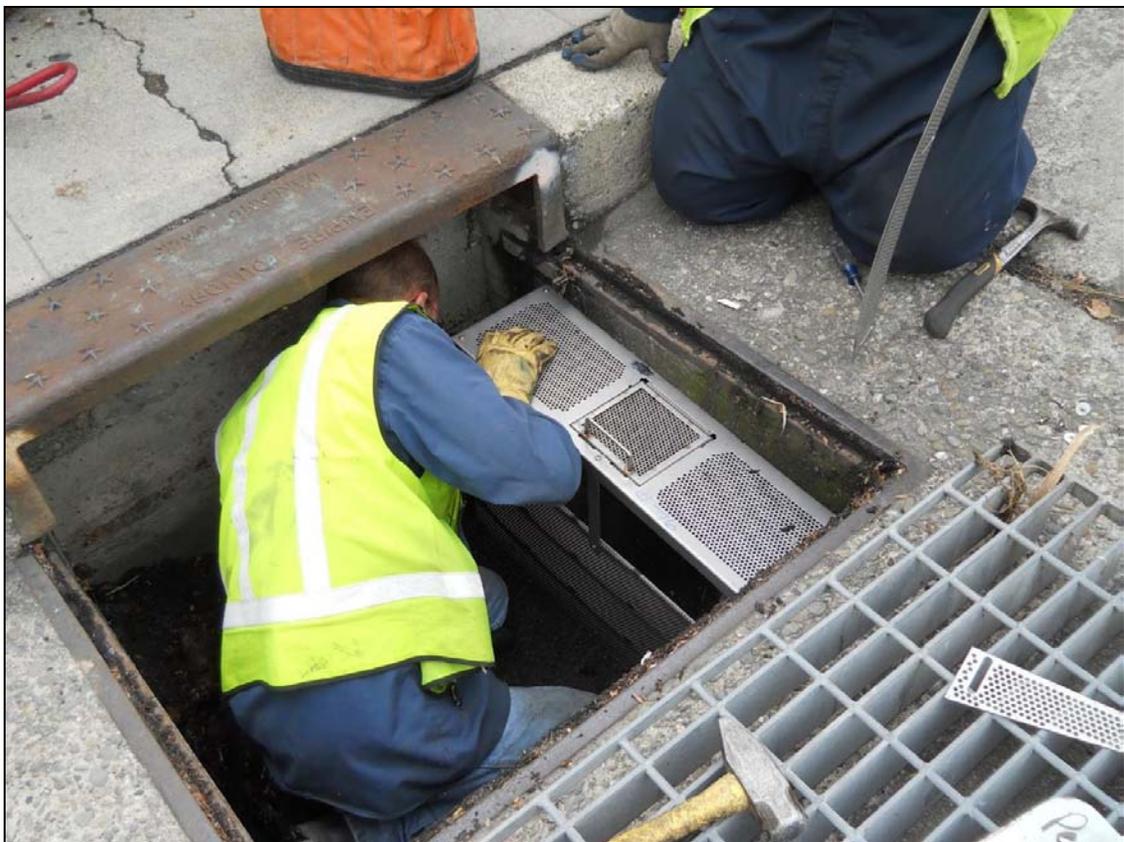
The San Leandro Trash Capture (TCD) device installation project started on June 7, 2011 and the last of two hundred and fifty units were installed on August 12, 2011. Trash capture devices were installed in most of the commercial retail areas in the City.

City staff inspected each unit after it was installed. A second round of inspections is being completed by the collection system crews, who are responsible for maintenance of the stormwater system and who will maintain these devices throughout their useful life. These second inspections include confirmation of flow direction as well as measurement and recording of stormwater inlet structure dimensions. All TCD locations will be added to the City's mapping system (SLAM).

As part of this demonstration project, the City will share trash volumes collected from each of these units with the San Francisco Estuary Partnership and other grant participants. The data will also be used to comply with various trash capture and trash reduction requirements in the storm water permit.

San Leandro has installed more trash capture device units than any other municipality in the Bay Area-Wide Trash Capture Demonstration Project. The City has all of the units installed well ahead of the November 1, 2012 deadline.

INSTALLATION OF STORM WATER INLET TRASH CAPTURE DEVICES





**This letter provides
information about recent
gas pipeline work
conducted in your
neighborhood.**

August 9, 2011

CITY OF SAN LEANDRO Or Current Resident
835 E 14th St
San Leandro, CA 94577-3767

Dear Customer:

Pacific Gas and Electric Company's (PG&E) highest responsibility is the safety of our operations, which includes rigorous and ongoing inspections of our natural gas system. We are pleased to report that the gas pipeline testing work in San Leandro that we recently informed you about was successful. Thank you for your patience.

We conducted a hydrostatic pressure test on an underground section of the natural gas transmission pipeline system. This involved pressurizing the section with water to a much higher level than the pipe will ever operate at with natural gas. The pressure test successfully verified the capability of the pipeline to operate safely.

For additional information about hydrostatic pressure testing or our natural gas pipeline safety efforts, please visit www.pge.com/gassystem, or call Customer Care representatives at 1-888-743-7431 from 7 a.m. to 6 p.m. Monday through Friday.

Thank you.

Sincerely,

Daina Charland
Executive Manager, Customer Care
East Bay Region

Para ayuda en español por favor llame al **1-800-660-6789**.

要用粵語/國語請求協助, 請致電 **1-800-893-9555**.

Kung kailangang makipag-usap sa nakakasalita ng Tagalog, tumawag sa **1-888-743-7431**.

Để được giúp đỡ bằng tiếng Việt, xin gọi **1-800-298-8438**.



CRA and League Release General Guidance for Agencies: What the CA Supreme Court Stay Means for Agencies over the Next 4 Months

League of California Cities

Local government and redevelopment agencies achieved a victory when the California Supreme Court decided to hear the case and stayed the effectiveness of these unconstitutional laws until they make a decision. (Note: the court did not grant the request to stay provisions in HSC Sections 34161-34167.)

A joint paper from the CRA and League of California Cities was [posted on the CRA website](#) this morning. It provides general guidance to questions raised when the California Supreme Court issued its order on August 11. The paper indicates where the legal team will seek clarification from the court and how agencies should proceed in the meantime. [Click here for that outline.](#)

California Supreme Court Sets a Fast Pace to Meet January 15 2012 Deadline

The court established an expedited briefing schedule designed to facilitate oral argument as early as possible in 2011, and a decision before January 15, 2012, the date when redevelopment agencies are required to make their first payment.

Here are the key deadlines as laid out in the court's order, which was one page including signatures of the justices.

- **September 9, 2011:** If the State wishes to challenge the stays of AB 1X 26-27, they must file a "return" showing "cause" to the Court.
- **September 24, 2011:** CRA and the League must file their response to the State's filing.
- **September 30, 2011:** Amicus curiae briefs must be filed with the Court.
- **October 7, 2011:** Replies to individual amicus briefs must be filed.

The Court states it does not anticipate extending any of these deadlines and intends to set a hearing for oral arguments before the end of the year. [A link to the Court's news release and the accompanying order is included here.](#)

This Message is from the California Redevelopment Association, 1400 K Street, Suite #204, Sacramento, CA 95825; (916) 448-8760; <http://www.calredevelop.org/>

Questions and concerns can be directed to Lillian Henegar, lhengar@calredevelop.org

A number of questions have arisen concerning the Supreme Court's August 11, 2011, partial stay of AB1X 26-27. In particular, redevelopment agencies and cities have inquired about what actions an agency or city can or should take under the terms of the stay. This joint communication of the League of California Cities ("LOCC") and the California Redevelopment Association ("CRA") is intended to provide general guidance on those questions. Answers to some of the questions are not free from doubt. As always, individual cities and agencies should consult with their own attorneys concerning application of the stay to their particular circumstances.

1. What cities/counties/agencies are subject to the stay?

The State and its officers are clearly subject to the stay. Some have suggested that cities/counties/agencies that are not parties to the action pending before the Supreme Court are not subject to the stay. CRA and LOCC believe that all cities/counties/agencies are subject to the stay, whether or not they are parties to the action. The stay suspends, in part, the effectiveness of a statute. It therefore applies to any city/county/agency acting under the terms of the statute.

2. Are redevelopment agencies required to adopt an enforceable obligations payment schedule?

The stay is ambiguous as to this question. LOCC and CRA have requested a clarification as to whether the State intends to review enforceable obligations schedules pursuant to Section 34169(i) notwithstanding the stay. We may also request clarification from the Supreme Court with respect to this issue and will notify members if we hear from the State and/or the Court.

Section 34167 prohibits agencies from making payments for anything other than "enforceable obligations" (as defined by Section 34167(d)) beginning August 28, 2011. Therefore, in the meantime, agencies should continue the process of determining which of their obligations are "enforceable obligations" as defined by the statute.

3. May an agency enter into an agreement to reimburse the city/county for any community remittance payments made pursuant to AB1X27?

These agreements are authorized under AB1X 27, which is stayed. They would also constitute new agreements that are forbidden under the provisions of AB1X 26 that have not been stayed.

Some agencies are concerned that if they do not adopt a reimbursement agreement prior to October 1, 2011, they will not be able to include it in their 2011 Statement of Indebtedness. LOCC and CRA will call this predicament to the attention of the Supreme Court and request additional time for agencies and their legislative bodies to enter into reimbursement agreements and for the agency to enter into other agreements without triggering additional community remittance payments if the statutes are held constitutional. However, it is extremely unlikely that the Court will clarify this issue prior to October 1, 2011. If agencies wish to enter into such agreements while the stay is in effect, they should do so conditionally, to be operative only if AB1X 26-27 are upheld and the stay lifted.

4. May cities/counties adopt continuation ordinances under AB1X 27?

The stay suspends the effectiveness of AB1X 27 which authorizes the adoption of continuation ordinances. If AB1X 26-27 are ultimately held to be constitutional, LOCC and CRA believe that agencies and cities will not be punished for having complied with the stay. Moreover, Supreme Court decisions are not final for thirty days, which should allow time for most communities to pass continuation ordinances. CRA and LOCC will also ask the Court to provide additional time for cities/counties to consider and adopt such ordinances if the statutes are eventually upheld. As with remittance agreements, if agencies nevertheless wish to enact such ordinances in the interim, they should do so conditionally, to be operative only if AB1X 26-27 are upheld and the stay lifted.

Some communities have introduced a continuation ordinance but not given it a second reading when the stay was granted. In that case, LOCC and CRA recommend the second reading of the ordinance be continued to a date certain.

5. Are redevelopment agencies in cities/counties that adopted continuation ordinances prior to issuance of the stay subject to the same limitations as agencies in cities/counties that had not yet done so?

LOCC and CRA will request a clarification of this issue from the Supreme Court and will notify members of the Court's response as soon as we receive it. While awaiting the Court's response, agencies in cities or counties that previously adopted a continuation ordinance should seek the guidance of their attorneys as to what actions they can safely take without violating the stay.

6. What actions can an agency take while the stay is in effect?

Whether or not the legislative body has previously adopted a continuation ordinance, agencies can continue to carry out "enforceable obligations." "Enforceable obligations" are defined by Section 34167(d). Enforceable obligations include obligations under bond indentures, disposition and development agreements, owner participation agreements, exclusive negotiating agreements, cooperation agreements and other enforceable contracts. (See Health and Safety Code Section 34167(d) for a complete definition of the term "enforceable obligation.") Enforceable obligations may include new contracts necessary to carry out the agency's duties under an enforceable obligation. For example, if a disposition and development agreement qualifies as an enforceable obligation, the agency may enter into contracts for the purchase of land or construction of public improvements, as called for in the agreement. Agencies may continue to pay for staff and consultant services, as needed to carry out enforceable obligations.

7. What actions is an agency prohibited from taking while the stay is in effect?

Subject to clarification of question 5 by the Supreme Court as to communities that have previously adopted a continuation ordinance, agencies are prohibited from a wide range of activities that are listed in Sections 34162-34165. For example, agencies may not adopt or amend redevelopment plans, enter into new agreements, amend or modify existing agreements, issue or restructure bonds (with limited exceptions) or dispose of its assets, except as necessary to carry out enforceable obligations.