



CITY OF  
**HAYWARD**  
HEART OF THE BAY

# **CITY COUNCIL AGENDA**

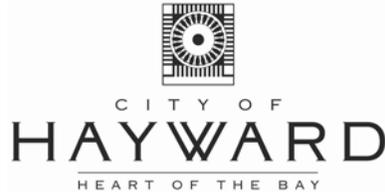
**AUGUST 2, 2011**

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**MAYOR MICHAEL SWEENEY  
MAYOR PRO TEMPORE FRANCISCO ZERMEÑO  
COUNCIL MEMBER BARBARA HALLIDAY  
COUNCIL MEMBER OLDEN HENSON  
COUNCIL MEMBER BILL QUIRK  
COUNCIL MEMBER MARVIN PEIXOTO  
COUNCIL MEMBER MARK SALINAS**

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CITY COUNCIL MEETING FOR TUESDAY, AUGUST 02, 2011

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**SPECIAL JOINT CITY COUNCIL/REDEVELOPMENT AGENCY/  
HOUSING AUTHORITY MEETING  
Council Chambers - 3:00 PM**

**CALL TO ORDER Pledge of Allegiance** Council Member Henson

**ROLL CALL**

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**PUBLIC COMMENTS:** *(The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Work Session, or Informational Staff Presentation items. The Council welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Council is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.)*

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**ACTION ITEMS:** *(The Council will permit comment as each item is called for the Consent Calendar, Public Hearings, and Legislative Business. In the case of the Consent Calendar, a specific item will need to be pulled by a Council member in order for the Council to discuss the item or to permit public comment on the item. Please notify the City Clerk anytime before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.)*

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***The following order of business applies to items considered as part of Public Hearings and Legislative Business:***

- *Disclosures*
  - *Staff Presentation*
  - *City Council Questions*
  - *Public Input*
  - *Council Discussion and Action*
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**LEGISLATIVE BUSINESS**

1. An Ordinance of the City Council of the City of Hayward Enacted Pursuant to Health and Safety Code Section 34193 to Elect and Implement Participation by the City of Hayward and Redevelopment Agency of the City of Hayward in the Alternative Voluntary Redevelopment Program Pursuant to Part 1.9 of the California Community Redevelopment Law

[Staff Report](#)  
[Attachment I](#)

## COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Oral reports from Council Members on their activities, referrals to staff, and suggestions for future agenda items

### ADJOURN TO A CLOSED SESSION

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#### CLOSED SESSION Closed Session Room 2B

1. Conference with Legal Counsel  
Pursuant to Government Code 54956.9  
➤ Pending Litigation  
Eden Township Healthcare District v. Sutter Health, et al, Court of Appeal No. A131616
  2. Reconvene to Special Meeting
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#### SPECIAL JOINT CITY COUNCIL/REDEVELOPMENT AGENCY/ HOUSING AUTHORITY MEETING Council Chambers

### CLOSED SESSION ANNOUNCEMENT

#### ADJOURNMENT

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*PUBLIC COMMENT RULES: The Mayor may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens or organization. Speakers will be asked for their name and their address before speaking and are expected to honor the allotted time. A Speaker's Card must be completed by each speaker and is available from the City Clerk at the meeting.*

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*PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing or legislative business item listed in this agenda, the issues in the lawsuit may be limited to the issues that were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that the City Council has adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.*

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*\*\*\*Materials related to an item on the agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4<sup>th</sup> Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. All Council Meetings are broadcast simultaneously on the website and on Cable Channel 15, KHRT. \*\*\**

### CITY COUNCIL WILL RECESS FOR THE MONTH OF AUGUST

#### NEXT REGULAR MEETING – 7:00 PM, TUESDAY, SEPTEMBER 13, 2011

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*Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or TDD (510) 247-3340.*

AUGUST 2, 2011





CITY OF  
**HAYWARD**  
HEART OF THE BAY

**DATE:** August 2, 2011

**TO:** Mayor and City Council/ Chair and Agency Board

**FROM:** City Clerk/Agency Secretary

**SUBJECT:** An Ordinance of the City Council of the City of Hayward Enacted Pursuant to Health and Safety Code Section 34193 to Elect and Implement Participation by the City of Hayward and Redevelopment Agency of the City of Hayward in the Alternative Voluntary Redevelopment Program Pursuant to Part 1.9 of the California Community Redevelopment Law

**RECOMMENDATION**

That the City Council/Agency Board adopts the Ordinance introduced on July 26, 2011. The Ordinance was introduced by Council/RA/HA Member Quirk with an amendment by Council/RA/HA Member Halliday that the City Council/Agency/Authority Boards do not consider participation in the “opt-in” alternative to be voluntary.

**BACKGROUND**

The ordinance was introduced by Council/RA/HA Member Quirk at the July 26, 2011, meeting of the City Council with the following vote:

<b>AYES:</b>	Council/RA/HA Members:	Quirk, Halliday, Peixoto, Salinas, Henson
<b>NOES:</b>	Council/RA/HA Members:	None
	Mayor/Chair	Sweeney
<b>ABSENT:</b>	Council/RA/HA Members:	Zermeño
<b>ABSTAIN:</b>	Council/RA/HA Members:	None

The ordinance was published in the Hayward Daily Review on Saturday, July 30, 2011. Adoption at this time is therefore appropriate.

*Recommended and Prepared by:* Miriam Lens, City Clerk

Approved by:

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Fran David, City Manager/Executive Director

Attachment: Draft Ordinance Published on July 30, 2011

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE  
BY THE CITY COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAYWARD ENACTED PURSUANT TO HEALTH AND SAFETY CODE SECTION 34193 TO ELECT AND IMPLEMENT PARTICIPATION BY THE CITY OF HAYWARD AND THE REDEVELOPMENT AGENCY OF THE CITY OF HAYWARD IN THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM PURSUANT TO PART 1.9 OF THE CALIFORNIA COMMUNITY REDEVELOPMENT LAW

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

SECTION 1. RECITALS AND BACKGROUND INFORMATION

SECTION 2. ENACTMENT OF ORDINANCE PURSUANT TO REDEVELOPMENT LAW SECTION 34193(a)

SECTION 3. ADDITIONAL UNDERSTANDINGS AND INTENT

SECTION 4. AUTHORIZATION OF IMPLEMENTING ACTIONS

SECTION 5. CEQA

SECTION 6. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, clauses or phrases be declared unconstitutional or invalid.

SECTION 7. ENACTMENT AND EFFECTIVE DATES

This Ordinance is deemed enacted as of August 2, 2011 for purposes of Section 34193(a) of the Redevelopment Law, and shall take effect and will be enforced thirty (30) days after its adoption.

SECTION 8. PUBLICATION AND POSTING

The City Clerk is directed to post and/or publish this Ordinance (or summary thereof) as required by law.

Introduced at a meeting of the Hayward City Council held July 26, 2011, the above-entitled Ordinance was introduced by Council Member Quirk.

This ordinance will be considered for adoption at the special meeting of the Hayward City Council, to be held on August 2, 2011, at 3:00 p.m., in the Council Chamber, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the Office of the City Clerk.

Dated: July 30, 2011  
Miriam Lens, City Clerk  
City of Hayward